Eden Cole, Timothy Donais & Philipp H. Fluri (Editors)

Geneva Centre for the Democratic Control of Armed Forces

Defence and Security Sector Governance and Reform in South East Europe Self-Assessment Studies:
Regional Perspectives

Nomos Verlagsgesellschaft
Baden-Baden

Militär und Sozialwissenschaften

Herausgegeben vom Arbeitkreis
Militär und Sozialwissenschaften (AMS)
Und von Chance Schweiz – Arbeitkreis für
Sicherheit Fragen

Band

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Nomos Publication Information
Nomos ISBN

Contents

Acknowledgements

The editors would like to thank all the authors of this edited volume for their diligent research and excellent contributions. We would also like to thank Ms. Heather Fabrikant for initially reviewing the texts and Dr. Gerhard Kümmel at SOWI in Strausberg, Germany, and editor of the Military and Social Sciences Series of the NOMOS publishing house.

The views and opinions expressed (unless otherwise declared) are those of the authors and do not necessarily reflect those of the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Geneva, March 2004 *Eden Cole, Timothy Donais and Philipp H. Fluri*

Preface

Self-Assessment and Security Sector Reform

Dr. Jean-Jacques de Dardel[*]

Remembering that reform is a process with different velocities, Switzerland, along with others, believes that the Stability Pact for South-Eastern Europe plays an important role in the region, especially for those countries that will not join the EU in the short term. However important it is to focus on political and economic reform, the inherent potential for similar reform of the different components of the security sectors – ranging from the armed forces to border guards, police forces and intelligence services – still somehow remains underestimated. Wrongly so, especially if one considers the historical achievements of the transition processes in the Baltic countries, Central and Eastern Europe, and, most remarkably of all, in Slovenia, which was the first South East European country to join both the EU and NATO.

Security Sector Reform should be acknowledged as a central element for the further political stabilisation of South Eastern Europe. Being at the interface between so-called "hard security" (military and police) and "soft security" (democratisation and rule of law), Security Sector Reform has a pivotal role to play. It not only makes the security apparatus more efficient, but also more accountable to democratic standards and rule of law. These, in turn, are essential factors for stability; indeed, they represent the true measure of overall societal development of a country.

Concrete activities are important to further cooperation across the whole of South Eastern Europe. Trans-border cooperation on a local and sub-regional level appear particularly useful in this respect. Border security and management – as particular aspects of Security Sector Reform – are therefore important practical and operational tools to strengthen cooperation between nations and increase stability in the region. We must thus welcome the successful convening of the Ohrid Border Management Conference in May 2003. As a contribution to the follow up of this conference, Switzerland – together with the NATO International Staff, Albania and the United Kingdom – organised an EAPC/SEEGROUP workshop on "Integrated Border Management" from 21st to 23rd January 2004 in Tirana, Albania. More than 100 experts from over thirty countries and ten international organisations, NGOs and think tanks attended this conference and engaged in fruitful discussions. Further meetings are planned for the near future. More generally, Switzerland also presses for the establishment of a particular focus of PfP activities on the specifics of Security Sector Reform.

These are clear indications that Switzerland has put Security Sector Reform high on its EAPC and Stability Pact agenda and actively promotes this topic as a main Swiss contribution to them. The establishment of the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) in 2000 has been a clear symbol of our

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commitment. The pooling of resources and expertise and the diffusion of that expertise is an important task for DCAF. Its unique position in the 'peace capital' of Geneva provides for close co-operation with other relevant actors and institutions active in the broader international security context.

This publication provides an analysis of the self-assessment papers published in the original volumes one and two of this far-reaching project. It assesses their findings for the benefit of local, national, regional and international decision-makers. This assessment is an important step in a comprehensive reform process. It is critical to analyse the current state of the security sector and to evaluate its weaknesses, strengths and requirements for change. Only by carefully examining the current state of the sector and understanding its underpinnings is it possible to tackle specific problems and design specific projects. This publication is an important contribution to this endeavour.

Switzerland believes that by continuing this process of active support of these transformation processes it can contribute to the further stabilisation and sustainable development of regions that are of paramount importance to Europe's future.

Introduction

Eden Cole & Philipp H. Fluri

The Stability Pact Stock-Taking Self-Assessment Programme

From January to December 2002 the Geneva Centre for the Democratic Control of Armed Forces (DCAF) conducted a special programme on the progress of security sector reform in South East Europe. The project was executed on the Mandate of the Swiss Department of Foreign Affairs as an overall contribution to the Table III programmes of the Stability Pact.[1]

The countries invited to participate in this self-assessment programme are signatories of the Stability Pact: Albania, Bulgaria, Croatia, Macedonia, Moldova, and Romania. Over the last twelve years their governments have both made considerable efforts to reform their defence and security according to democratic requirements and to adjust to the changing security environment. The overall objective of the programme was to assess the progress to date, review lessons learned, and identify requirements for reform programmes implemented in each country as well as those leading to enhanced regional cooperation. Opportunities provided by the Stability Pact were a guiding theme.

The method of the programme was stock-taking and self-assessment. Policy makers in the target countries would assess the stages of reform so far attained, prioritise the immediate requirements and, working with external experts, define both the feasibility and implementation of consequent reform activities.

DCAF selected a Programme Leader, Senior Fellow Dr. Jan Arveds Trapans, who worked with policy makers, engaged local and external non-governmental experts, established liaison with and provided information to supporting governments and institutions, managed the conduct of workshops, guided the consolidation, production, and dissemination of project reports or special studies.

Project Preparation and Organisation

In the first stage of the project, during January and February 2002, DCAF staff prepared background analyses of the situation in each target country, surveys of their 'political and reform landscape', organised working relations with their policy-makers as partners in a joint effort and identified local institutes and outside expertise. DCAF invited the earmarked governments of Albania, Bulgaria, Croatia, Macedonia (FYROM), Moldova and Romania to participate, provide lists of experts, governmental and non-governmental, and helped establish an administrative infrastructure for conducting activities. The response was very positive in every country.

DCAF representatives Dr. Fluri and Dr. Trapans conducted meetings in each participating country with government officials, parliamentarians, presidential offices,

[1] For information on the objectives that shaped the project, see Philipp H. Fluri, 'The Swiss Commitment to Transparency – Building in South East Europe', *DCAF Working Papers*, No. 21, June 2002 available at: http://www.dcaf.ch/publications/Working_Papers/21.pdf. The findings of the self-assessment studies are available at http://www.dcaf.ch/spst/contents.html.

and research institutes. There were meetings of the respective countries' ambassadors at Brussels (NATO).

From March to July 2002, DCAF convened workshops in every participating country. The participants included policy-makers, non-governmental experts, and government representatives. In most cases, the Defence and Foreign Ministers participated (in Macedonia, the President did so), senior policy makers, and the military, ambassadors of Western states and international organisations, and non-governmental organisations and the media.

The objective of the workshops was to identify clearly the present state of defence and security sector reform, success and lessons learned, and the areas where external expertise is required and how it can be best provided. The overall framework was:

- Security sector reform objectives and the sequence of their implementation
- An analysis of requirements and external support needed, provided by external experts experienced in security reform in post socialist countries, matching requirements with resources, to reach the objectives
- A review of policy: 'findings and recommendations'

The specific topics dealt with in the workshops were:

Constitutional, Legal, and Procedural Provisions and Adequacy of Democratic Control

- The role of Parliaments in their legal, institutional and procedural aspects
- Democratic control of armed forces: Parliament, Executive and General Staff
- Democratic control and reform of intelligence, police and border management
- Transparency and Accountability

National Security Development

- National security strategies and defence and security policy
- Reform and reduction of armed forces
- Regional cooperation to meet new threats and conflicts
- Preparation for crisis management, and peace support operations

Capacity Building

- Approach used until present, areas of success or failure
- Identification of external assistance and experience ('lessons learned') in other new democracies,
- The role of civil society: non-governmental organisations and the media
- Institutions and individual experts, capable of dealing with the problems of reform
- The role of external institutions and programmes active in the participating countries (EU, Stability Pact, NATO, Partnership for Peace, MAP, OSCE.)

As a follow-up for the workshops, special studies, written by non-governmental experts, with support from governmental civilian and military staff, were the concluding part of this programme.

The South East Europe Self-Assessment Studies: Volumes One & Two

From August to December 2002, under DCAF guidance and coordinated by a local trustee – as a rule an internationally renowned scholar with a long-standing working relationship with one of the programme leaders and/or DCAF – security experts in the participating countries wrote special studies based on their critiqued workshop presentations. For each country, there were ten papers (listed below) as well as an overall introductory-summary paper for the country as a whole; sixty-six studies in all. The studies were published in two volumes. The first included Albania, Bulgaria, and Croatia,[2] the second Macedonia (FYROM), Moldova, Romania.[3] The topics of the study papers were:

Democratic Oversight and Control over Defence: Constitutional and procedural provisions on the responsibilities, and functions of the Head of State, the Cabinet, the Defence Minister, the Chief of Staff and special institutions (National Security Council).

The Parliament: Constitutional, legal, and practical provisions, the role and authority of the committees, budget approval process, powers of inquiry, hearings, and questions to cabinet members. Working relations between parliament and the defence community.

Transparency and Accountability: Democratic oversight of security and defence. Relations between executive, legislative, and civil society. Reports by the Cabinet to the Parliament. Dissemination of information to media and society.

Democratic Oversight and Control over Intelligence, Police and Border Guards: Laws on duties and responsibilities, and legal powers and governmental oversight. Reorganisation and response to changing South East European security environment.

Civilians and the Military in Defence Planning: Defence planning process, national security concepts, and defence policy. The roles and functions of civilians and the military. Introduction of best practices in resource management and long-term planning, and information to the Parliament.

Good Governance in Security and Defence Reform: Reform of the civil service, parliamentary staff, and the military. The emergence of a 'defence community'.

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2 Published as Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003).

3 Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003). The texts of both volumes are available at http://www.dcaf.ch/spst/contents.html

Recruiting. Civilians and the military. The use of non-governmental organisations and experts.

Civil Society: Legal provisions on non-governmental organisations, the media, and freedom of information. The relationship of non-governmental experts, as policy advisers, to policy makers in the government and to the parliament. The role and capability of the media.

Crisis Management: Legal and organisational provisions for managing domestic crisis situations and emergencies. Responsibilities and cooperation of civilian and military authorities. Structures and procedures for crisis management.

Peace-keeping and Regional Security: Formation of peacekeeping units for contingency operations, particularly in region. Participation in multi-national, regional peacekeeping formations (e.g. SEEBRIG)

International Requirements and Influence: Standards and requirements observed by the participating country concerning democracy and market economy in security and defence sector. External inventory of international actors and initiatives in security sector reform.

Policy makers in every target country expressed great interest in the findings of the project and that it be continued.[4] Results were made available to the SEEGROUP SEESTUDY project leader upon special requests from participating countries.

The proposals for continued work included an international advisory board, to be organised and guided by DCAF, the development of national security concepts, risks and threat analysis, enhancing the work of parliamentarians and parliamentary staffers, crisis management, and other issues.[5]

The South East Europe Self-Assessment Studies: Volume Three

This third volume in the series analyses the self-assessment papers published in the original volumes with the three-fold of aim of enhancing the relevance of the original

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4 The findings of the national contributors provided primary source material for research on security sector reform in South East Europe. See, for example, Marina Caparini, 'Security Sector Reform in the Western Balkans', *SIPRI Yearbook 2004: Armaments, Disarmaments and International Security*, (Oxford: Oxford University Press, forthcoming 2004); and Philipp H. Fluri & Eden Cole, 'Security Sector Reform in South East Europe – A Study in Norms Transfer', in Heiner Hänggi & Theodor H. Winkler (eds.), *Challenges of Security Sector Governance*, (Münster: LIT, 2003).

5 DCAF has set up an International Security Advisory Board (ISAB) for South East Europe (SEE), and actively supports both the Demobilisation and Retraining effort in Bosnia and Herzegovina, Border Management Reform in Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia & Montenegro. In the field of parliamentary oversight and security sector reform, DCAF has made the Handbook on Parliamentary Oversight of the Security Sector (jointly edited with the Inter-Parliamentary Union and published in 2003) available in Albanian, Bosnian, Bulgarian, Croatian, Macedonian, Romanian, Serbian and Slovenian. This handbook, together with other foundation materials prepared by DCAF, will be used in DCAF-organised seminars for parliamentarians and committee staffers (see the appendices to this volume for further details).

papers, analysing their findings for the benefit of local, national, regional and international decision-makers, and preparing the ground for a possible second phase of the Stock-Taking Programme.

Western and regional contributors were asked to assess the quality of the papers, address any omissions, add contextual information they perceived to be relevant, and, on the basis of those findings, make constructive suggestions and recommendations for enhanced international institutional engagement in the region.

Three types of analysis were commissioned: analyses of the self-assessment papers by country; region-wide analyses of the topical papers; and a conclusive chapter surveying not only the self-assessment papers in the original volumes but also the thematic and national analyses in this volume, data from the Expert Formation study and the findings of the Transparency in Defence Programmes study.

The book follows the structured detailed above. Section Two contains the country analyses of Albania, Bulgaria, Croatia, Macedonia, Moldova and Romania which collectively analyse the contribution of the national authors with recommendations for each country. Section Three contains the thematic analyses, following as far as possible the same order used for the themes in the original self-assessment studies, of the topical issues by region-wide with notes on each country's security sector reform progress. The analyses provide the basis for recommendations by each author for relevant international involvements in the region. The topical issues covered are:

Civilian and Democratic Control of Armed Forces: Assessment of the progress made in affecting substantive democratised the control of security sector agencies

Parliamentary Oversight: Assessment of the status of parliamentary mechanisms for affecting substantive parliamentary oversight of the security sector.

Transparency and Accountability: Assessment of the status of progress in good governance in each country and external perceptions of reforms to date.

Civilians and the Military in Defence Planning: Assessment of the involvement of the role of civilians in affecting the distinction of political and military decision-making.

Democratic Oversight of Intelligence: Assessment of progress made in opening up intelligence gathering organisations to democratic reforms

Police Reform: Assessment of the status of policing in SEE in the context of human security needs at the heart of security sector reform.

Civil Society and the Media: Assessment of the role of civil society and the media in monitoring, facilitating and affecting ongoing security sector reform programmes

International Requirements and National Security Policy: Assessment of the current status of SEE in an international relations context

Crisis Management: Assessment of the status of crisis management programmes involving elements of the security sector, the executive and local government actors.

Section Four contains the final conclusive chapter by Timothy Donais examining, in the time slice provided by the studies against the broader context of security sector governance initiatives in SEE and other regional security sector reform programmes, the status of security sector reform in South East Europe. The appendices contains information about the contributors, and relevant DCAF programmes in and texts on SEE.

Conclusion

It is intended that by commenting on the implications for coordination and assistance programmes and action plans by the international community that regional and international discourses, capacities and strategies in the security sector governance field will be profitably enhanced.

The present study is a conclusion to four extensive programmes funded by the Department of Foreign Affairs of Switzerland on behalf of the Stability Pact and executed by DCAF between 2001 and 2003. All four programmes reflect a profound concern with transparency-building, democratic oversight and reform of the security sector:

- ***The South East Europe Documentation Network*** (http://www.seedon.org) aims at creating on the internet a comprehensive virtual library of crucial information for decision-makers from the field of civil-military relations and democratic oversight of the security sector in South East Europe

- ***The Transparency in Defence Procurements Programme*** seeks to establish data on existing and planned practices in SEE and to make them available in the SEEDON framework on the internet[6]

- ***The Stock-Taking Programme*** on needs and demands for technical assistance in civil-military relations and security sector reform in South East European countries led to papers presented here[7]

- ***The Needs Assessment in Expert Formation*** sought to establish demands and needs for future expert formation programmes in the security field[8]

The findings and conclusions of all these programmes were published and made available during 2003.

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6 See http://www.dcaf.ch/publications/e-publications/Transparency_defence/contents.html

7 Further information available at http://www.dcaf.ch/spst/about.html

8 Further information available at http://www.dcaf.ch/naef/about.html

Part I

Self-Assessment Studies: A Country-by-Country Analysis

Chapter 1

Albania:
Analysis of the Stability Pact Self-Assessment Studies

Timothy Donais

Long considered the odd little brother within the European family of states, Albania has made considerable strides over the past decade towards integrating itself into European political, security, and economic structures. Progress has been neither consistent nor comprehensive, as seen by the country's descent into chaos in 1997 and its ongoing struggle with poverty, corruption, and organised crime. However, the fact that Albania has a decent chance of being invited to join NATO as early as 2006, and has also begun the process of negotiating a Stabilisation and Association Agreement with the European Union, indicates just how far Albania has come since the collapse of its repressive and isolationist communist regime. Like many of its regional neighbours, Albania now appears to be firmly on the path towards Euro-Atlantic integration, even if serious questions remain as to the length of this path and the number of pitfalls to be encountered and overcome along the way.

As the papers commissioned for the Stability Pact Self-Assessment Study demonstrate, Albania's reform efforts in the areas of defence reform, civil-military relations, and democratic control of the armed forces have also borne considerable fruit. In fact, in comparison not only with the softer side of the security sector reform agenda but also with broader processes of democratisation and the development of a market economy, defence-related reforms are undoubtedly the bright spots of Albania's reform agenda.[1] Albania now possesses a relatively comprehensive legal and constitutional framework regulating civil-military relations, the military is well on its way to becoming professionalized and is firmly under the control of democratically-elected civilian authorities, and the country is playing an increasingly constructive role in the provision of regional security. To be sure, serious deficiencies remain, many arising from Albania's polarized political environment, its continuing status as one of Europe's poorest countries, and the challenges of developing the resources and the expertise required to manage the state's monopoly over the legitimate use of force in a democratic and accountable manner. While these challenges will take years and considerable international assistance to overcome, there are good reasons to believe that Albania's medium-term future will be dominated more by concerns about human security than by issues of military or state security.

Reforming Albania's security sector: progress and problems

The broader context in which Albania's security sector reform efforts are set is dominated by a regional security situation which is increasingly stable and a domestic

[1] As discussed in greater detail below, for the purposes of this paper I adopt an expansive definition of 'security sector' which encompasses not only military-related institutions but also those related to the justice and home affairs sector, such as the police and the judiciary.

situation in which the state remains weak and underdeveloped. From the perspective of Albania's external security, the situation appears brighter than at any time over the past decade, with the country facing few significant military threats. Of course, given that the political situations in both Kosovo and Macedonia remain unsettled, there remains a risk that Albania will be drawn into a broader regional conflict should the situation in its near-abroad rapidly deteriorate. However, it seems not unreasonable to expect peace to hold both in Kosovo and in Macedonia, and to expect that Albania could remain insulated even if renewed armed conflict erupts. On the one hand, the heavy presence of NATO and other international actors in the region is a stabilising factor that should prevent the rapid deterioration of the security situation. On the other, Albania successfully navigated the storm of previous crises in its immediate neighbourhood, and there appears to be little desire on the part of most Albanians or their government for cross-border military adventures on behalf of their ethnic brethren.

At the same time, Albania's relations with its regional neighbours are steadily improving, and the notion of a 'greater Albania' emerging from the chaos of the wars of Yugoslav succession appears all but dead. Relations with Greece, arguably Albania's most important neighbour, have improved markedly in recent years, while in the aftermath of NATO's Prague Summit in November 2002 Albania has joined forces with Croatia and Macedonia to collectively work towards NATO membership by 2006.[2] Albania has also played a leading role in the Stability Pact for South Eastern Europe, has been an active contributor to the development of a South Eastern European peacekeeping force (SEEBRIG), and has even dispatched peacekeepers to Bosnia, and, more recently, Afghanistan. Thus, as Gjergji Gace notes, Albania in recent years has sought to become not only a consumer of security but also a net contributor to security in South Eastern Europe and beyond.[3]

Domestically, however, considerably less optimism is called for. Despite a certain measure of stability that has been regained with the re-emergence of Fatos Nano as Prime Minister and the elevation last year of Alfred Moisiu to the Presidency, Albania remains politically dysfunctional. Politics continues to play out on a largely zero-sum basis, while organised crime and corruption permeate the country's political life and its institutions, including the police, the judiciary and the customs and border services. Considerable amounts of international donor resources remain unspent in Albania because the country's weak institutions are unable to absorb them effectively, while the state of the economy drives ever more Albanians either abroad or into the underground economy.

To a certain degree, therefore, Albania's security sector reform *problematique* can be read through this dual context of a weak state with weak institutions situated in a turbulent but gradually stabilising region. As it struggles to consolidate its democracy, Albania can ill afford renewed regional instability of the type that drove hundreds of thousands of ethnic Albanian Kosovars across its borders in 1999, nor is it even now in a position to defend itself against external aggression. As a result, Albania's national

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2 On Albanian-Greek relations, see *Albania: The State of the Nation 2001*, (Brussels: International Crisis Group), 25 May 2001. Available at: http://www.crisisweb.org//library/documents/report_archive/A400299_25052001.pdf

3 Gjergji Gace, 'Peacekeeping and Regional Security,' in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), p. 149.

security strategy in recent years has consisted largely of efforts to bind itself as closely as possible to the broader international community. As with virtually every state in South Eastern Europe, therefore, the engine pushing Albania's security sector reform agenda forward is the widespread desire to join both NATO and the European Union. This goal can also been seen in that fact that Albania has also become an active partner in the Stability Pact, since at the Pact's core is the promise that good regional citizenship will lead to more rapid integration into Euro-Atlantic institutions.

Regarding defence reform specifically, there appears to be a genuine political consensus within Albania on the desirability of closer ties with NATO, and NATO membership is in many ways the holy grail of Albania's security sector reform agenda. It comes as no surprise, therefore, that defence sector reform is proceeding faster than reforms elsewhere, as reforms in this sector are geared towards meeting NATO standards and achieving interoperability by 2006.[4] The restructuring of the Albanian military is also being aided considerably by a multi-year and multi-million dollar commitment from the United States Department of Defence, which is helping Albania implement a comprehensive military reform and modernisation programme.[5] The military sector is also somewhat less subject to domestic political interference and to the corrupt practices that have plagued reform efforts in other areas of Albania's security sector. Combined with the significant progress that has been made in recent years towards depoliticising and professionalizing the Albanian military, these factors suggest that the remaining obstacles to Albania's bid to join the Alliance will lie less with the state of the military than with broader political and economic factors.

The other domain of Albania's security sector reform agenda where considerable reform efforts have been directed lies in the area of ensuring democratic control of the armed forces, although progress in this area has been undermined by a serious gap between formal process and actual practice. On the one hand, as Mentor Nazarko notes, Albania now possesses 'a complete and modern constitutional framework concerning the democratic control of armed forces', with the requisite parliamentary oversight committees and a more or less clear chain of responsibility from civilian to military authorities.[6] On the other hand, as numerous contributors to this study have noted, generating effective parliamentary oversight over the security sector is not simply a matter of constitutional engineering, and multiple factors have conspired to prevent adequate democratic oversight over the security sector.

First, while Albania's 1998 constitution invests Parliament with considerable oversight authority, the exercise of this authority has been impeded by a lack of institutional resources and expertise. Parliament – and specifically the parliamentary committees on defence and on public order and security, as well as the sub-committee on intelligence – has little access to outside expertise, information, and analysis on defence and security issues. Few parliamentarians are experts in these areas, and even the most important committees have no more than one staff specialist assigned to them.[7] Consequently, as Viktor Gumi has noted, 'parliamentarians have to rely on the

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4 Igli Totozani, 'Civilians and Military in Defence Planning: From a National Security Concept to a Force Development Plan,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 76-76.

5 This programme is being implemented by the US-based Science Applications International Corporation (SAIC).

6 Mentor Nazarko, 'Civilian and Democratic Control of the Armed Forces,' in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 55.

7 Viktor Gumi, 'The Parliament and the Security Sector,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 57-66 .

information emerging from the government and the military, the very institutions they are expected to oversee.'[8]

This imbalance between responsibilities and resources is compounded by the traditionally closed nature of the security sector, where all too often crucial information is withheld for reasons of state security. Albania is of course hardly unique in grappling with this tension between secrecy in the interests of national security and transparency in the interests of democratic accountability, but failing to find the right balance between the two can seriously compromise democratic oversight. In Albania's case at present, it seems clear that the advantage lies with the executive and relevant security ministries rather than with their parliamentary overseers, and this is even more the case in the area of intelligence oversight. While it may be true that the 'secrecy psychosis' that dominated Hoxha-era Albania has begun to dissipate, the country 'still has to go a long road to ensure that transparency becomes part of culture and the behaviour in institutional practice.'[9]

At the same time, as Hans Born has rightly pointed out, 'unless elected representatives have a commitment or the political will to hold the government to account, no amount of constitutional authority, resources, or best practices will make them effective.'[10] In Albania's case, the absence of effective parliamentary oversight in the security and defence sectors may be a reflection of a general public disinterest in such issues, as least in comparison to more urgent issues such as economic development. Even more important in this regard may be Albania's highly-polarized political environment, in which the interests of the state often take a back seat to the interests of the ruling party. Indeed, despite a decade of formal electoral democracy, Albania's still resembles in important ways a party-state, where 'political elites, once in power, identify their party with the state, behaving as if they own the latter.'[11] The members of the ruling party who dominate parliamentary committees therefore have little interest in strongly critiquing or questioning government policy. Typically, as Albania's experience with an ad hoc investigative commission on the intelligence service indicates, the cleavages within oversight procedures run not between the government and its parliamentary overseers, but between the Democratic and Socialist parties.

As a consequence of these various factors and their interactions, parliamentary oversight of the security sector in the Albanian context is relatively perfunctory, with oversight committees incapable of effectively scrutinizing government budgets or policies, and having a tendency to rubber-stamp decisions emerging from the executive or the bureaucracy. Particularly telling in this regard is the fact that both Albania's national security strategy and its more recent military strategy passed with little parliamentary debate.

The task of exerting effective democratic oversight over the security sector in Albania is further complicated by the fact that defence and security issues appear to have little resonance within Albanian society at large. In general, writes Blendi Kajsiu,

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8 Ibid., p. 64.

9 Sokol Berberi, 'Democratic Control of the Intelligence Service' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 88.

10 Hans Born, 'Learning from Best Practices of Parliamentary Oversight of the Security Sector', *DCAF Working Papers*, No. 1, Geneva Centre for the Democratic Control of Armed Forces, p. 4. Available at http://www.dcaf.ch/publications/Working_Papers/01(E).pdf.

11 Victor Gumi, 'The Parliament and the Security Sector', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 58.

'it is safe to conclude that there is little debate within the so-called civil society on defence and military matters since it is not perceived as a problematic or priority area.'[12] Much of this indifference can be attributed to the absence of pressing external threats and to negative memories of the military's role in the repression, isolationism, and nationalist paranoia of communist-era Albania. Public inertia regarding questions of national security can also be traced to donor-driven civil society agendas which tend to under-emphasise security issues as well as to a general preoccupation with individual and economic insecurity in the face of economic stagnation.[13] Nor has the conservatism of the Albanian Ministry of Defence regarding the provision of public information on matters of national security helped, as the Ministry appears to lack both the will and the means to effectively engage Albanian civil society on the role and importance of the military in a democratic society.

It is also worth noting, although none of the authors address this issue specifically, that the international community itself has not been particularly proactive in promoting parliamentary or democratic control over, or even engagement with, the security sector in Albania. Again, this is a region-wide issue rather than one which is specific to Albania. Particularly with regard to the military sphere, the emphasis on NATO membership has meant that the reform of military structures and goals has had less to do with the political questions of the relations between state and society in the post-communist era, and has instead focused more on technical questions of matching domestic institutional arrangements and assets to international requirements. Since these issues are framed in technical rather than political terms, it's hardly surprising that there appears to be little scope for, or interest in, broad-based public or parliamentary debate on the role of the military in Albanian society.

This lack of input from civil society, while in some ways facilitating the security sector reform process by allowing decision-makers to avoid the lengthy and often cumbersome processes of democratic consensus-building, is ultimately to be lamented because of the very real social implications of security sector reform. Regarding military reform specifically, perhaps the most significant implication from a social perspective is the fact that force restructuring and downsizing will require the demobilisation and social reintegration of as many as 14,500 Albanian military personnel.[14] In fact, the challenge of reintegrating these personnel, whose skills are a poor match for the needs of a market economy, in a context of high unemployment is one of the underemphasised elements of the papers under review here. While plans to revise Albania's military training and education system, as detailed in the paper by Sander Lleshi and Aldo Bumçi, may help address this question for the next generation of demobilised personnel, those currently facing the prospect of a return to civilian life currently have few sources of support.[15] And as has become clear from other contexts,

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12 Blendi Kajsiu, 'Transparency and Accountability in Governance,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p 115.

13 Aldo Bumçi, 'A General Overview of Security Sector Reform,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp.23-39.

14 Igli Totozani, 'Civilians and Military', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 73; Totozani notes that the Albanian military will be reduced to 16,500 from its current size of 31,000.

15 Sander Lleshi and Aldo Bumçi, 'Good Governance in Civil Military Relations,' Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 91-103. The Albanian Atlantic Association has proposed a four-year project aimed at retraining demobilised military personnel as a means of

the failure to successfully reintegrate demobilised soldiers in an unstable political and inhospitable economic environment can itself have serious security implications, not in the least by driving ex-soldiers into the illegal economy or into the hands of organised criminals.

More generally, the self-assessment papers presented here are unbalanced in two important ways. First, despite the fact that many of the authors note the existence of a serious gap between legal framework and actual practice, the papers display a tendency to focus excessively on constitutional structures and legal frameworks. While such structures are undoubtedly essential to the broader security sector reform process, in the current Albanian context a greater emphasis on security sector reform practices, as opposed to formal constitutional procedures, may have been warranted. Over-emphasising formal structures and procedures risks replicating a mistake made by some international organisations involved in security sector reform in South Eastern Europe, which is to consider the mere passage of relevant and acceptable legislation, rather than the manner in which such legislation is subsequently implemented, to be the benchmark by which progress on the security sector reform agenda is measured.

The second major imbalance of the self-assessment papers is the fact that they focus almost exclusively on civil-military relations, and largely ignore non-military aspects of the security sector reform agenda. Part of this may be due to the rather amorphous nature of the term 'security sector reform,' which is often taken to refer to traditional, military-based understandings of security. Recent usage of the term, however, incorporates a broader understanding of security, addressing not only the reform of judicial, police, and penal systems but also measures to address non-traditional security threats such as corruption, organised crime, and trafficking in human beings. The Stability Pact's own definition of security sector reform neatly encompasses all of these aspects, as well as the more traditional military elements, by defining the security sector as 'those governmental organisations which have authority to use, or order the use of, force, detention, and arrest, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight.'[16]

Regardless of definitional ambiguities, the most important reason for adopting a broader definition of security sector in the Albanian context is that it is precisely these 'softer' areas where the most pressing security challenges to contemporary Albania can be found. Today, the stability and security of the Albanian state and Albanian society is threatened far less by the prospect of military aggression from abroad than by endemic corruption, powerful organised criminal networks, and ineffectual and compromised judicial systems and police forces. Igli Totozani, whose paper is the only one to touch on these issues in any detail, rightly notes that non-traditional security concerns are now high on the Albanian agenda, and even the country's National Security Strategy identifies organised crime, trafficking and terrorism as increasingly important security threats.[17]

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successfully reintegrating them back into Albanian society, but at the time of writing funding was still being sought for this project.

16 See 'Report of the Ad Hoc Working Group on Security Sector Reform,' Stability Pact for South Eastern Europe, 27 November 2001. Available at: http://www.stabilitypact.org/stabilitypactcgi/catalog/cat_descr.cgi?prod_id=41

17 Igli Totozani, 'Civilians and Military', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 69.

Making a distinction between 'hard' and 'soft' security concerns by no means implies that the latter are somehow more benign or easier to deal with, and in Albania's case the opposite might in fact be the case. Beyond the issues mentioned above, one particularly pertinent example in their regard is Albania's struggle to come to terms with the challenge of small arms and light weapons. During the country's 1997 crisis, more than half a million small arms and tens of millions of pieces of munitions and explosives were looted from army depots, creating almost overnight a heavily armed citizenry and an active illegal weapons trafficking network. This proliferation of privately-held arms has had serious security implications not only within Albania but also in Kosovo and Macedonia, where weapons trafficked across the Albanian border have helped fuel ethnic Albanian insurgencies. For the past several years, the United Nations Development Programme (UNDP) has been implementing measures for development projects which, in conjunction with a long-standing government amnesty for those voluntarily returning weapons, has resulted in the retrieval of approximately one-third of the looted weapons. The number of weapons that remain in circulation, however, continues to represent a serious security issue, contributing to high levels of armed violence and criminal activity.

The role of the international community

The international community has maintained a strong presence in Albania throughout the country's transition process, and international involvement was if anything stepped up in the aftermath of the 1997 crisis. Key international organisations active in Albania's security sector include NATO, the European Union, the Organisation for Security and Co-operation in Europe (OSCE), and UNDP, while important bilateral support programmes are run through the embassies of the United States, Italy, and Greece.

While an overall lack of coordination among international organisations has meant that international assistance to Albania's security sector has not been as effective as it might have been, it must be acknowledged that the international community has been a positive force for security sector reform. Primarily, international influence has taken the form of both normative goal-setting and material assistance.

As noted above, international organisations – and more importantly Albania's strong desire to join key international organisations such as NATO and the European Union – have provided Albania with a relatively comprehensive roadmap for reform.[18] NATO has played this role with regard to military reform, and Albania's early membership in the Partnership for Peace and the North Atlantic Co-operation Council established parameters of the military reform process from an early stage. To facilitate Albania's military reform process, a NATO Partnership for Peace Cell was established in Tirana in mid-1998, and was initially tasked with coordinating activities related to Albania's specially-tailored Individual Partnership Programme. In much the same way, the European Union has provided the reform template for Albania's justice and home affairs sector.

Materially, the international community has offered Albania an impressive array of multilateral and bilateral assistance programmes covering most aspects of the

[18] Aldo Bumçi, 'General Overview,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 23-39.

security sector reform agenda. In some areas, in fact, the extent of international engagement has strained the abilities of Albania's relatively underdeveloped institutions to act as effective partners in the implementation of such reforms. The European Union is by far the largest international donor in Albania, with total commitments between 1991 and 2000 of more than 1 billion Euros, with an additional 140 million Euros devoted to the justice and home affairs sector under the EU's CARDS programme (half of which is devoted to 'soft' security sector areas such as judicial and police reform, organised crime, and border management). On the defence reform side, as noted above, the United States has recently taken a prominent role in helping to restructure Albania's armed forces, and has also contributed in recent years, along with Germany, Norway, and NATO, to the destruction of surplus munitions and light weapons. Other notable security sector reform initiatives in which the international community is involved in Albania include UNDP on small arms collection and management (noted above), the World Bank, the Council of Europe and the United States Agency for International Development on judicial reform and anti-corruption, and the International Organisation for Migration on trafficking in humans.[19]

Systematic aspects of the self-assessment studies

One of the most consistent themes of the self-assessment papers is the absence of domestic expertise on security sector reform issues, and, more broadly, the persistence of mindsets incompatible with contemporary liberal democratic norms. From the lack of parliamentary expertise to civil society ignorance and indifference, and from the need to upgrade Albania's military education system to the imperative of improving the skills and knowledge of civilians working within formal security sector institutions, there is little doubt that human resource development remains one of the most pressing issues on Albania's security sector reform agenda. As Aldo Bumçi has suggested:

> in the end it all comes down to people. If people's attitudes, values, and skills have not changed in the same way as the formal and institutional structures, then the reform of the defence sector still has a long way to go.[20]

The fact that the development of human resources in the security sector has lagged behind institutional and structural developments is perhaps unsurprising, considering that human factors are deeply rooted in cultural and social practices, and cannot simply be changed overnight. This is also an issue of some sensitivity in relations between Albania and the broader international community. International representatives in Albania regularly lament what they perceive as a deeply-ingrained domestic culture of corruption and clientelism that systematically undermines progress on the reform agenda. Many Albanians, on the other hand, are understandably sensitive to the often paternalistic attitudes of the international community, and somewhat uncomfortable

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19 Information on specific security sector reform projects in which the international community is involved in Albania can be found on the website of the Stability Pact's Security Sector Reform in South Eastern Europe project, at http://ssr.yciss.yorku.ca/

20 Aldo Bumçi, 'General Overview,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 37.

with the notion that the overall process of democratic transition demands that they be less 'Albanian' and more 'European' or 'Western'.

Clearly, finding the right balance between respect for Albanian culture and values and promoting best practices and Western-style 'professionalism' within the security sector will be a long-term process. One way to achieve this is by promoting extensive contacts and dialogue between Albanian security sector organisations (and the personnel within them) with international and regional organisations. Active Albanian participation in regional initiatives such as South Eastern Defence Ministerial process and the SECI Regional Centre for Combating Trans-Border Crime are clearly helpful in this regard, as is Albanian involvement in broader initiatives such as NATO's Partnership for Peace. Twinning programmes, in which experts from donor countries are placed on relatively long-term assignments within host country ministries, can also contribute to adjusting institutional cultures, and European Union aid programmes regularly incorporate twinning elements as part of broader assistance packages. Experience with twinning projects, however, indicates quite clearly that individuals need not only to be carefully chosen but also carefully placed in order for this type of assistance to make a strong impact.

While there are clearly links between the reform of mindsets and the upgrading of skillsets, in the sense that skills are less valuable in the absence of the will and the opportunity to use them effectively, the current Albanian context does suggest that there are substantial unmet training needs in the security sector. Given the widespread acknowledgement of the gaps in this area, it is somewhat surprising, for example, that the Stability Pact's security sector reform database indicates that only about one-quarter of all Albania-specific international initiatives include a significant training component.[21] Beyond this, training is widely considered to be one of the weaker elements of international community assistance in the security sector. Across South Eastern Europe, internationally-funded training projects tend to be short-term, relatively uncoordinated with related initiatives, with trainers regularly brought in from abroad with little knowledge or understanding of the domestic context. Similarly, many training programmes, particularly those carried out on a bilateral basis, involve little or no post-training follow-up to ensure that the benefits of the training are passed on to, and into, the trainees' host institution, and success tends to be measured more in terms of numbers trained than in terms of the long-term impact of the training.[22]

It is in this area, perhaps more than in any other, the formation of additional cooperation programmes and international advisory boards could be most useful. The development of best practice guidelines regarding international training programmes, for example, could help overcome some of the weaknesses in current training initiatives and lay the foundation for more effective projects in the future. Similarly useful would be the development of a broad-based international programme focusing on training parliamentarians and parliamentary staff on security sector oversight, building on work currently being done through the 'Modernising the Capacity of the Assembly of the Republic of Albania' initiative of the OSCE Presence in Albania. Such a programme could also draw on similar activities being conducted through NATO's Partnership

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[21] Specifically, a total of 16 out of 68 projects contain a significant training component. As the database is still a work in progress, this figure should be taken as indicative rather than definitive. See footnote 18.

[22] These conclusions are based on extensive interviews conducted by the author across South Eastern Europe over the past two years.

Work Programme, by the DEMCON-SEE project of the Dutch-based Centre for European Security Studies, and on existing expertise housed in organisations such as Switzerland's Centre for the Democratic Control of Armed Forces and within European parliamentarians themselves. Given this inventory, it is clear that what is lacking is not international resources, but the will to bring such resources together in a meaningful and constructive manner.

While dealing with discrete gaps within the security sector reform agenda such as training in parliamentary oversight should be relatively unproblematic given a modicum of international coordination, addressing Albania's broader challenges with institutional capacity-building will be more difficult. In this respect it is rather difficult to see how the formation of additional advisory boards or co-operation programmes could match, either in resources or expertise, those currently being devoted to these problems by NATO in Albania's defence sector and the European Union in the country's justice and home affairs sector. The one exception to this might be in the area of capacity building in the fight against organised crime. For despite the prevalence of this problem in Albania, which not only has serious domestic implications but implications regionally as well, there are surprisingly few international initiatives aimed specifically at bolstering Albania's capacity to confront organised crime. While it is true that to a certain extent organised crime is a problem that must be confronted at a regional level, there is little doubt that Albania could benefit tremendously from the formation of an international consortium of experts – drawing international expertise in intelligence, counter-trafficking, policing, and border management – with a specific mandate to build up Albania's organised-crime fighting capacity and to help coordinate and strengthen the work of various domestic institutions in this area.

Regarding the coordination of international assistance and advice more generally, the international community's experiment with a broad-based coordination mechanism in Albania ended rather abruptly in 2002. Established in 1998 under the joint chairmanship of the European Union Presidency and the OSCE, the so-called Friends of Albania group acted as an informal forum aimed at better coordinating the assistance of bilateral and multilateral actors in Albania. The group was dissolved last year, reportedly over disputes regarding coordination responsibilities. This development underlines a broader point that while international actors recognise the importance of greater coordination, and often lament its absence, in practice most are decidedly unwilling to be coordinated, or to adjust planned initiatives in order to fit a broader international approach.

The fate of the Friends of Albania group suggests that international assistance may in fact be better coordinated at the sub-sectoral level. Indeed, within the security sector such initiatives are already underway through groups such as the International Consortium on Law Enforcement Assistance, which brings together some twenty-five donors and international organisations active in police reform issues in Albania. The formation of similar sub-sectoral coordination bodies involved in areas as diverse as anti-corruption, trafficking in humans, border management, and judicial reform might therefore be a more effective approach to international coordination than efforts to resuscitate an international community-wide coordination body.

While information sharing and coordination among international actors is one area where substantial improvements could still be made in Albania, international monitoring of security sector reform process appears to be relatively comprehensive. Albania's efforts to ultimately join both NATO and the European Union have given

both these institutions a strong interest in the country's security sector reform efforts, and have led to considerable scrutiny of the state of Albania's security sector. Over the past year, for example, Doris Pack, the rapporteur on Albania for the European Parliament (not always considered the most effective or proactive European institution), has been particularly active in Albania's justice and home affairs sector, warning that judicial dysfunction, widespread corruption and organised crime, and a low level of administrative capacity threatened to derail the country's progress towards closer European integration.[23] Similarly, until its dissolution last year, the Friends of Albania group played a particularly effective monitoring and lobbying role on all aspects of the country's reform process, including the security sector. However, while considerable monitoring does take place, more work could be done to translate the results of such monitoring into systematic and publicly accessible analyses of the state of Albania's security sector.

Conclusion

Given its strategic location and its willingness to be a constructive partner in both regional and international fora, Albania does indeed have the capacity to be a net contributor to increased security in its own region and beyond. The regional context is also increasingly favourable, as is Albania's gradual movement towards closer relations both with NATO and the European Union. Clearly, however, much remains to be done, and the international community still has an important role to play in assisting in the reform of Albania's security sector. While donor fatigue may prove to be just as much an issue in terms of external security sector support as in other areas of international assistance, maintaining international support for security sector reform may still be South Eastern Europe's best bet for preventing a return to the chaos, upheaval, and misery prevalent in the 1990s.

Recommendations for international institutions

While the previous section looked more broadly at security sector reform priorities in Albania, by way of conclusion this section will examine roles and recommendations for particular international institutions within Albania.

EU

Domestic corruption has also been the bane of EU programming in Albanian over the past decade, and anti-corruption is a key focus of current EU institutional development initiatives in the areas of judicial, penal, and police reform, as well as in border management sub-sector. As part of broader institutional capacity-building efforts, such efforts appear to be the right direction for ongoing EU programming, and as Albania heads further down the path towards a Stabilisation and Association Agreement, the EU should gain even greater leverage in this area.

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[23] 'EU/Albania: European Parliament's Rapporteur Bangs Heads Together in Albania,' *European Report*, 18th May 2002, p. 511.

NATO & PfP

While NATO has taken a prominent role in the restructuring of Albania's Armed Forces, it could also be playing a more direct role in the demobilisation and reintegration question. Together with the World Bank, NATO has developed some expertise on this issue from related programmes in Bosnia, Romania, and Bulgaria. In fact, given the broader regional needs concerning the reintegration of demobilised military personnel, the development of a regional network on this issue, involving the World Bank, NATO, and other interested international organisations, might be a useful means of matching resources with needs and elaborating best practices in this sub-sector.

OSCE

As noted above, the OSCE Presence in Albania has begun to develop a particular expertise in the area of parliamentary capacity-building. Given the fact that Albania's political system has the structure but not the expertise to exercise adequate democratic and parliamentary oversight over the security sector, this is one area where the OSCE presence could build on existing strength, either through the expansion of current training activities or through facilitating the work of other relevant international actors in this area.

Stability Pact for South Eastern Europe

Since its inception in 1999, the Stability Pact has aspired to act as a coordination and facilitation mechanism aimed at making international efforts to promote peace, stability, and prosperity across South Eastern Europe more focused, more coherent, and ultimately more effective. While the Stability Pact has gradually grown into this role at a regional level over the past several years, it has been unable to perform a similar function at an individual state level because of its somewhat amorphous nature and its lack of personnel on the ground within the region, which undermines the organisation's credibility among other international organisations with substantial field presence.

Nevertheless, the Stability Pact can usefully play two roles with regard to security sector reform in Albania and elsewhere in the region. First, the Pact is uniquely positioned to match host country needs with donor community resources. In Albania, therefore, it could usefully do more to encourage Albanian civil society organisations to become more engaged in security sector reform activities, and promote security-related civil society projects to the international donor community. Second, the Pact – and particularly its Working Table III on Security Issues – could also usefully establish itself as a clearing house for information on security sector reform and related activities in Albania and elsewhere in the region. A useful first step in this regard is the ongoing development of a regional database of international security sector reform initiatives.

UNDP

Over the past several years, UNDP has established itself as a key institutional player in the small arms and light weapons sub-sector in Albania. The agency is currently broadening its efforts to include other elements of a human security agenda, such as

anti-personnel mine clearance, the development of an national early warning system for crisis management, and national capacity-building in the area of disaster management, preparedness, and reduction. While these are useful and much-needed initiatives, greater UNDP involvement in the social reintegration of de-mobilised military personnel might complement the agency's evolving human security approach.

World Bank

Beyond its more conventional economic programmes, the World Bank's involvement in the security sector in Albania has emphasised border and customs management, anti-corruption, and legal and judicial reform. Given the scope of Albania's corruption problem, and the World Bank's growing expertise in this area, the Bank could usefully play a stronger role in coordinating and contributing to anti-corruption initiatives within the Albanian public sector.

Chapter 2

Bulgaria:
Analysis of the Stability Pact Self-Assessment Studies

Velizar Shalamanov

Security sector reform (SSR) plays an essential role in transforming totalitarian states into democratic ones. Security was a motive, tool and excuse for Communist parties to exercise a monopoly of control over the state, economy and society. As a result, the security sector, namely armed forces which were traditionally extremely large, powerful, and exercised under a blanket of secrecy, beneath which the Communist party remained in full control and completely separate from society.

With respect to the economy, the transition from state ownership to private ownership is a difficult process. However, for the security sector (armed forces) transition from Communist party ownership to societal ownership, the process is even more difficult. For in this domain it is not only ownership transfer, but missions, structure, equipment, culture and rules (ethos) as well as reintegration with the other sectors of the country which must take place. One of the biggest problems is connected with the unmanaged disintegration of the sector, 'privatisation' of some elements of the security sector in transition period, and the direct or indirect retention of the habits of party control.

In Bulgaria many positive and successful steps were taken in the last twelve to thirteen years – especially the last four to five years, but SSR is far from complete. It is most advanced with respect to defence (especially in terms of MoD reforms). Effective finalisation of the reform of different elements of the security sector is only possible by remembering that an integrated security sector must be the ultimate goal for 'integral' security. There is need for a new result-oriented 'business model' of the security sector adapted to the current state of the society and most of all current risks and security threats (such as organised crime, terrorism, proliferation of weapons, trafficking, instability and failing statehood in certain regions, ethnic and religious clashes or other types of long-time confrontations, and the disintegration of 'artificial' state structures). The security sector must cope with the aforementioned threats, prevent threats by neutralising them, or if that proves impossible, have the capacity to restore normality after the conflict/or repair the damages caused by threats.

Reforming Bulgaria's security sector: progress and problems

In practice, even now after very serious public debate, various defence, police, special services', civil protection, security related elements in different ministries, government administration, parliament and presidential offices' reforms have all been separated. Of course defence reform in the framework of PfP, PARP and MAP processes is the most transparent and westernised. Defence reform is the most systematic via the legal and conceptual frameworks provided by the Constitution (1991), Defence and Armed Forces Law (1995), National Security Concept (1998), Military Doctrine (1999), Defence Reform Plan 2004 (1999) and [NATO] Membership Action Plan 2004 (1999).

Programmes were set up to implement the plans to rigorously enforce PPBS, the White Paper on Defence (2002), and to formulate Annual Reports on Defence and Armed Forces (since 1999).

Nevertheless, transferring the defence reform model to other elements of the security sector and implementation of the integrated security sector concept remains a challenge. In the absence of a clear and streamlined approach for the reform of all the elements of the security sector leads to lack of co-ordination, ineffective use of resources, lack of transparency and civil control.

It became clear that a transformation was needed in the country and to this end formal started in late 1989 when the Communist party decided that it is time to take the lead the reform process in order to maintain for as long as possible political control with the goal of transforming the Party (and thus the state) into an economic power. The security sector was the object of and to a great extent the subject of the transformation planned by the Communist party and later by other political players.

The disintegration of the Warsaw Pact armed forces-type began with attempts by the presidency to privatise elements of the former State Security Committee, to hide others under conservative old military leadership of the General Staff (including military intelligence and counterintelligence), to disperse former security sector structures among newly established national services in the Ministry of Interior (MoI), and lastly, to transform some elements of services into trade companies and even media institutions. Any new risk or threat was arbitrarily used to establish a new service with neither sound coordination among them nor a clear legal base for their existence.

The new 1991 constitution distributed security matters among the Parliament, president, government, judiciary, armed forces and citizens. There is no definition of the security sector as such and, partly through this inertia, the armed forces are considered as a security sector in themselves. The previously communist framework of armed forces management was substantively transformed through the laws on Defence and Armed Forces (LDAF) (1995), on the Ministry of Interior (LMoI) (1991), on the establishment of state companies to replace transportation troops, construction troops and telecommunications troops (1999, 2000); and also by presidential and governmental decrees establishing the National Intelligence Service (1990), National Protection Service (1992), State Agency Civil Protection (2001), the statutory registration in courts of new defence companies separated from MoD and MoI, the privatisation of defence companies previously part of the Ministry of Economy, and the restructuring of many commissions and committee on military industrial complex and mobilisation readiness, arms trade control and others.

In the past, the phrase armed forces covered all security/defence related services up to the Central Committee of the Bulgarian Communist Party (BCP) and its Politburo, including State Security Committee, Ministry of Interior services, Ministry of Defence, troops and services in Ministry of Regional Development and Construction, Ministry of Transport and Telecommunication, Ministry of Justice and even officers in the Ministry of Education (Basic/Initial Military Training) as well as in the Defence Industry, Defence S&T/R&D establishment and Defence Support Organisation (training of future conscripts and training of volunteers).

The most recent legal reforms reduced the Armed Forces to the Bulgarian Army (General Staff, Land Forces, AF, and Navy) and subordinated military services directly to the Minister (Military Information Service, Military Policy and Counterintelligence Service, Defence Staff College, Military Medical Institute). Provisions of the NSC to

establish a System for National Security and to have laws on various elements of this system (elements of the security sector) have not been fully implemented.

The Law on National Security defines security as an integral service, under the structure of the security sector, and delegates and recognises its management and civil control. It was proposed by the Chairmen of the both Commissions (on foreign policy defence and security and on internal security and public order) in the Parliament that multiparty working groups with external experts develop such a law to clarify Constitutional provisions in the area of National Security and to define the environment for all other functional and institutional laws on different aspects of security and elements of the security sector. Such a law is expected in Spring 2003.

The National Intelligence Service, the National Protection Service and the State Agency for Civil Protection are not covered by special legislation, but, according to the experts, all other elements of the sector and several important functional areas of security are not satisfactorily regulated.

Factors furthering security sector reform in Bulgaria

- Long periods of imitating reform without any serious results and the exhausting of 'internal reserves' of the Warsaw Pact era
- real pressure from the political side – both internal and international after clear Government decision to apply for NATO membership in 1997
- in the period from 1999-2001, and particularly in 1999, the Prime Minister and the President were personally involved with Defence reform, great support was received from the Parliament, NATO, US/UK (joint studies and consultants)
- NATO integration process that is with high public support and practically based on political consensus is shaping the reform process
- new threats and international/regional cooperation to cope with threats motivates and facilitates certain reforms
- a high level of competence in the NGO/academic sector as a result of political rotation and as a result of several practitioners entered NGO/academic sector is giving real alternatives to push the reforms
- initial positive indicators of the reforms started in 1999 prove that reforms are possible and not dangerous
- scandals with the special services (arms trade control, protection of classified information, eavesdropping of journalists and politicians, aspirations of former 'state security service' persons taking leadership positions in the new security services.) provoke actions that lead to the furthering of reforms

Factors impeding security sector reform in Bulgaria

- Lack of understanding in the current government and parliament of the importance of political leadership and will, especially to formulate and do something that is more than simply direct requirements of NATO and NATO member partners
- distorted civil-military relations and dominance of 'professionals' over politicians and civil society experts in the security sector reform process

- media behaviour influenced by paid interests not to have a strong security sector which can motivate stronger independent foreign policy and prevent further dominance of the 'grey' economy
- lack of expertise and motivation in the current administration to propose needed steps;
- conflicts between president and government, general staff and MoD, secretary-general of MoI and the minister (political cabinet), which postpones important decisions or leads to unprincipled compromises
- intrigues of former 'state security service' personnel to stop the process of building a modern and accountable security sector
- hidden economic interests surrounding modernisation and logistics of the security sector

NATO requirements in the light of PARP and later MAP are looked at narrowly and defence reform dominated public debate on security sector reform at large. The security sector is still considered to be closed, an area in which only professionals are involved; the sector is not perceived as an integrated one, but instead as primarily separated and isolated, with foreign policy, defence, public order, civil protection, intelligence and counter-intelligence being seen as separate areas.

Factors furthering or impeding SSR can be compared and contrasted along several lines:

- new security and defence concepts and world order understanding – Warsaw Pact thinking about security and defence
- a new generation of open minded people with long term public goals – traditional status quo conservatives with hidden personal goals
- sincere pro-Western thinking with a high level of integrity– camouflaged with anti-western thinking lacking integrity, conspiracies
- broad visions about the security sector as integrated system to address a large spectrum of soft risks – a narrow vision of service interests as divided and even privatised security sector elements
- SSR focused on participation in operations and allied presence in Bulgaria – SSR focused on creating a closed national system that participates only symbolically in multinational operations and doesn't accept foreign presence domestically
- Modernisation, based on a long-term public programme - using case by case procedures without vision and transparency to secure private interests
- Radical professionalisation and restructuring of the personnel pyramid to build a new generation of officers, NCO and soldiers ready for combat/operational units – sustaining a large number of senior officers and hollow force structures

In a certain sense these lines are theoretical and cannot be used to clearly identify people involved, but do serve as a useful analysis of certain actions and decisions. It is positive that in many cases there is a dialogue and an opportunity for compromises, but as a rule people with a new vision are generally more cooperative and old-style practitioners, even after negotiated decisions, tend to take revenge when the opportunity arises.

Official institutions are in the process of overcoming these divisions in order to achieve a consolidated Bulgarian vision, to motivate public support and to generate enough will and capabilities to implement this vision.

Parliamentary commissions (foreign policy, defence and security; internal security and public order) are essential, because they give an opportunity to discuss and consult security and defence matters on a multiparty basis. Consensus building on a political level is extremely important in this area, and has resulted in the Bulgarian Parliament's National Security Concept (NSC), Military Doctrine (MD), laws for the MoI and Defence, ratification of agreements with NATO, main NATO countries and on regional cooperation to establish a positive environment for SSR, but the challenge to develop a National Security (NS) Law still lies ahead.

The main tools of the president are: his constitutional authority to represent the state in international relations; his constitutional position as supreme commander-in-chief of the armed forces; his chairmanship of the Consultative Council of National Security (established under a separate law according to the Constitution); his authority to sign all laws approved by the parliament before their publication in the state newspaper for implementation. Additionally, the president has under his authority, by decree, national intelligence services and national VIP protection services, can establish consultative (advisory) bodies (both as part of presidential administration or on a volunteer basis - as he did when he had four secretaries for foreign policy), national security, defence and armed forces with their staff as well; as a public council on Euro-Atlantic integration. He participates along with his representative in meetings of the Security Council of the Prime Minister and can address the parliament (in plenary sessions) and society (through the national media). However the first President, Petar Mladenov, failed to fulfil his responsibility in controlling crisis situations and ultimately resigned because of that shortcoming.

On the other hand the second President Jelyu Jelev was very supportive of Euro-Atlantic integration and even during the socialist government motivated Bulgarian participation in the PfP Programme. President Stoyanov was the first to put NATO integration as a key element of his election campaign in 1996, and as a result won elections and during the transition government assigned by him (according to the constitution) Bulgaria applied for NATO membership, established an Inter-Ministerial Committee on NATO Integration and created the first NATO Integration Programme. Stoyanov was very successful in managing the crisis of 1997 when the transition from a failed socialist government through free elections to the UDF Government was accomplished. Another positive example was leadership during the Kosovo crisis, but vis-à-vis defence reform and intelligence reform a lack of mutual understanding with the Prime Minister Kostov and manoeuvres by generals postponed some important steps.

The current President has been judged as maintaining a good balance. He began on a very positive note with a public lecture on foreign policy priorities, but was not 'productive' enough as previous leaders in promulgating new initiatives and maintaining a strong vision. In the upcoming phase of SSR relations with the general staff and intelligence services will be a big test for the President. In the same vein, the Iraq crisis is a key foreign policy test.

The Council of Ministers has the foremost responsibility in the area of National Security. For the first time ever, Prime Minister Philip Dimitrov (UDF) introduced a civilian minister of defence and civilian minister of interior. A serious attempt at

defence and security sector reform was made, but there were many other priorities for the country and period in office about one year was not sufficient to carry out the desired reforms. The next two defence ministers were not civilians and reforms remained cosmetic with a monopoly of power in the general staff and a lack of civilian defence expertise in administration. The prime ministers were completely uninterested in defence and SSR, demonstrating no genuine reform efforts. The crucial point for SSR came with the election of the UDF Government of Prime Minister Kostov and Defence Minister Ananiev. In the context they evinced good cooperation with the Parliament and President, a clear Euro-Atlantic integration priority and improved civilian capacity as well as effective international cooperation. However, a step back was made with the appointment of Ambassador Noev (former deputy minister in the highly criticised Government of Prime Minister Berov, and transition government Minister of Defence before elections won by Socialist Party, and head of Bulgaria's NATO mission under Socialist Prime Minister Videnov). The current government's capacity for SSR is limited because of a lack of vision and experience, restored the dominance of the military and 'professionals' in MoD and MoI, a lack of involvement of the Prime Minister Saxcoburgotski and new cycle of the "generals' game" with the Socialist President Parvanov.

It is important to mention that while reforms were undertaken with good intentions in MoD and MoI, some scandals erupted such as issues involving missile destruction, MiG-29 modernisation, force structure review, defence laws, TEREM arms deals, changes of key deputy ministers and directors, phone tapping of politicians and journalists, the advance of organised crime and 'grey' economy bosses and others which did not create positive expectations. A high level of reliance on NATO guidance and a passive attitude towards the national responsibility to develop the Bulgarian security sector to the highest possible standards so as to benefit society and affect NATO membership and EU membership, as well as substantiating contributions to OSCE, UN and other regional memberships, is another concern expressed by experts.

Even in this situation, an active foreign policy initiated by the Prime Minister, Foreign Minister Passy and the positive role of the Chairman of the Foreign Policy, Defence and Security Commission Ilchev (as well as internal security and public order commission chairman Donchev) and the strong base established by the team of Prime Minister Kostov (Foreign Minister Mihailova and Defence Minister Ananiev) and supported by the President Stoyanov in 1999, Bulgaria was invited for accession talks with NATO in Prague (November 2002).

One way of overcoming some of the embedded shortcomings of the current situation in governance of the security sector is to strengthen the role of joint committees and to increase cooperation with academic/NGO sector and business on the basis of transparency, accountability and clear chain of responsibility. The current challenge in the area of administration is establishing an integrated MoD and integrated MoI.

Planning further security sector reform

For defence reform, the priority was the downsizing and restructuring of the armed forces (including the issue of resettlement), utilising extra equipment and infrastructure, separating the armed forces from everything that is not pure military and economic

activity and even outsourcing to other state/private organisations. The long term vision is to have a new type of armed forces; modernised, professional and an integrated security sector including the former concept of the armed forces, but with a new type of security organisation.

The main problem is that when one thinks of downsizing and restructuring the focus is not on what we want to have at the end of the process, but how to preserve as much as possible of the existing framework – personnel, equipment, infrastructure. This is not an entirely incorrect approach, but it can not be a dominant one. If we do not have the right answer to how we want see our security sector in five years from now it will be very difficult to select the right people, equipment, infrastructure. In this sense, introduction of PPBS across the whole security sector is a very important task – concerning priorities, resources and good governance. The Strategic Defence Review started on 1st March 2003 and will last until April 2004. This review should be a very good tool if well organised and could effectively embrace all other elements of the security sector if well utilised.

At a national level, the Government-led strategic security sector review will guarantee (with adequate parliamentary oversight) that developments are balanced and current asymmetrical problems addressed and resolved. Initially, the MoI, including the former State Security Committee, was more rapidly transformed, but later it become clear that this transformation prevented real reform that was based on a clear concept, open public debate and under public documents guaranteeing civilian control and parliamentary oversight. As a result, there are too many services with poor coordination. The security services (intelligence and counter intelligence, groups to fight terrorism and organised crime) are out of civilian democratic control. Border Police (MoI) and Customs Services (Ministry of Finance) have been considerably developed with strong international support (including resources). The special role of linking MoI and MoD activities is played by the Gendarmerie.

At the same time defence reform was postponed because of the conservatism of the military and a lack of competence and interest in civilians. When started in 1999, defence reform was very effective and fast, based on military doctrine, reform plans, membership action plans, programme approaches (PPBS) and was placed under serious civilian control with significant international participation. The defence industry did not receive enough attention and changes were mostly 'natural', and not based on clear policy and government/parliament involvement. Civil protection as a separate state agency still awaits legislation for its activity and in the meantime acts under decrees of the government.

Subsequent to the NATO invitation and spurred on by developments in the new security environment, a deeper understanding of the security sector review and approval of the National Security Law to redefine security, security sector and its management/civil control has come about. Such a law will generate guidance for review of all other legislation in the area of security, plans and programmes for the development of the security sector as a balanced integrated system. Even some changes in the constitution concerning the role of the president, government (prime minister), parliament and armed forces/security sector are being discussed.

The role of the international community

It is important to mention that the international element of the security environment is secondary to internal elements. Regardless of international influence, if there is not enough domestic power positive results cannot be generated. This means one must build internal capacity and shape the domestic environment through with internal elements powerful enough to produce progress with local ownership.

Well planned and prepared studies are powerful tools to build integrated teams (civilian and military, national representatives with foreign experts) in key priority areas and to prepare deep analyses and strategies/plans. Some good examples are the defence reform study, C4 Study, AD Study, modernisation study, and the study on organisation of MoD/democratic control of armed forces. These studies for Bulgaria were used, for example, to develop MD, to form Defence Planning Directorate (DPD), Armament Policy Directorate, to establish CIO institution and to start many other initiatives, including the development of the Reform Plan 2004, the establishment of the National Military University and the Advanced Defence Research Institute, Situation Centre, and the Transparency Building Centre.

If well integrated into national structures and bodies, in many cases foreign consultants can facilitate implementation of good practices, build teams and facilitate team training as well as enrich transparency and accountability. At the same time, this type of external cooperation can enhance the quality and quantity of resources for priority areas. An excellent example is the work of the British, German, French, Italian and Greek consultants in Bulgarian MoD as well US MLT (plus PfP coordinating and FMF coordinating officers - US embassy employed personnel). Coordination among them on the basis of interoperability and DPD produced very encouraging results. At the same time, for countries that will be invited to join NATO in Prague, the next challenge is to provide such consultants to other PfP nations and step by step to relay more on domestic expertise for internal reforms. Experience with private military companies (PMC), such as MPRI, for example has not been the best, especially in comparison with other forms of international cooperation, be they government- or NGO supported.

Involvement in international activity through UN, OSCE, NATO, EU, Stability Pact and other organisations as well intensive regional cooperation can lead to the creation of working groups and other bodies for planning and coordination that strengthen civil-military relations, cooperation with other ministries and improves administrative capacity based on experiences of the international organisations. The special role played by international NGOs facilitates organisation and implementation of initiatives in the area of defence and security management.

Regional implications of security sector reform

For Bulgaria, the regional dimension is manifold – surrounded in the South, North and West by Balkan states and on the Eastern border part of the Black Sea region. It can be said that as future NATO country, Bulgaria will geographically be a NATO centre for the Balkan and Black Sea region, and as a result can play a main role in 'transmission' or nexus between the two vitally important regions to European security If one adds to the Balkans a new Adriatic dimension (and of course a Mediterranean dialogue states) and to the Black Sea region – the Caucasus and Central Asia states. Of course, taking

into consideration the recent Iraq crisis and the ongoing Middle East crises, it is easy to see out how many cross regional influences Bulgaria is touched by, and how important the 'transmission' role of the country is in the security area.

The most positive influence in SEE (Balkans) is that of SEDM (with a unique US contribution) and Stability Pact (with a great EU role). Some perceptions of Bulgaria's instability were based on Russia influence. However, based on numbers, US, EU, NATO, Russia and SEE states (in our case Bulgaria) actually demonstrate increasing stability. SSR is one of the areas extending this stability and promoting improved cooperation and even motivating the integration processes.

The process of building SEEBRIG, an interaction between air sovereignty centres, based on the idea of having a network of naval sovereignty centres for the Black Sea states, efforts to establish a civil-military emergency management centre for SEE and Black Sea, ongoing cooperation in education and training (that hopefully will lead to regional virtual distributed defence /security colleges for the SEE and Black Sea) are examples of knowledge based, network centred approaches designed to promote regional stability.

External factors, connected to arms trafficking, narcotics, transfer of people from Middle East/Asia/Africa through region to Europe, related to organised crime are all serious negative sides of the picture. SSR and security sector cooperation are seeking the most practical ways to best cope with these threats.

Social implications of security sector reform

The social implications of SSR includes firstly the resettlement of released people form the armed forces. The social element is secondly connected with social integration in the armed forces (and security sector in large sense) of minorities. The dissolution of the transport and construction troops from where they were concentrated and then solving the new challenge of the low education and literacy level of for certain categories of conscripts comes next. Fourthly, the issue of closing some production lines of the defence industry and related with this unemployment has to be addressed. Fifthly, the new process of professionalisation of not only armed forces but all of the elements of the security sector – border police and gendarmerie – needs addressing. Sixthly, a problem, especially in Bulgaria, related to SSR is the issue of access to the archives of the former 'state security services': uncovering former agents of these services and preventing their influence on political life of the country. Seventhly, the housing, recreation and health care for people in the security sector after serious changes in their status in society. Finally, public support and understanding can be mentioned, especially in the sense of preparedness for civil mobilisation in emergency situations and practical involvement in security related activities in support of the security sector.

All of the above problems are interrelated in a certain sense and can be addressed only through complex programmes addressing social aspects of SSR, something still lacking in the case of Bulgaria. Different problems are addressed, more or less effectively, by governmental or non-governmental organisations (including businesses for resettlement, for example), with the participation of foreign/international organisations, but the level of coordination and synergy is insufficient.

Civil society and NGOs

Civil society plays great role as an external pillar for SSR and a main element of the SSR environment. Many aspects of the role of civil society are connected to NGO's, media, and the academic sector.

Much experience has already been gained in NGO-MoD cooperation in the area of organising public discussion and debate on defence policy, defence reform, modernisation as well as practical participation of NGO's in resettlement of released military members and information campaigns. What is very interesting is the role of unions of retired military, veterans, alumni associations, youth organisations. A good example is the step taken in MoD and MFA to coordinate all of these relations by special cells established in public relations directorates. With the approval of the charter for cooperation between public powers and NGO's scheduled for confirmation by the Bulgarian Parliament there will be even more space for enlargement of the role of NGO's.

Currently there are two main projects being developed by the 'SSR Coalition' of NGOs: a Readiness Report for Joining NATO (this will be transformed into a capabilities contribution report); and the NATO Integration Programme (NIP, this will be used to develop a set of action plans on different aspects of the integration process). Many round tables were organised on different issues of security and defence policy, modernisation, the role of C4ISR projects, including participation in international operations.

The SSR coalition sent a Memorandum to the President, Prime Minister, Parliamentarian Commissions Chairmen and both ministers (MoD and MFA) organising a hearing for the ratification and integration process. A special meeting of the National Security Consultative Council of the President was scheduled as well. In a parallel project on transparency of defence policy and budgeting and procurement, the Budget Transparency Initiative (BTI) and another project about challenges after Prague, have started to support public awareness on SSR and NATO integration issues.

Media

Some security sector-specialised media exist: MoD newspapers, MoI, a Military Journal and there is even an effort to establish a type of military television network. In addition, there are special blocks in the national media (radio and TV) and specialised journalists in practically all printed and electronic media devoted to security issues. In addition to professional journalists there is an increased number of publications and other contributions made by the academic sector and NGO representatives.

Normally, SSR related events are very present in the news. One such active and professional organisation in this area is the Mediapool.bg web news agency. The executive agency 'Military Clubs and Information' provides good analysis of all printed media coverage on defence issues in MoD, that if made public could improve the general reform environment. Last year, in expectation of a NATO invitation, some serious attempts were made to produce video advertisements primarily for defence reform and SSR. Journalists are regularly invited to press-conferences, exercises, demonstrations and other events of the security sector. According to the Administration

Law every Minister/Chairman of the Agency has a speaker and a press office, a website, and annual reports are to be prepared.

Most of the media is private (Bulgarian National Radio and National TV do exist however, and are considered public media), and there are some party newspapers, a well developed regional press and cable television. The general feeling in society is that the main newspapers and some electronic media are free but not democratic instead exhibiting a monopolistic presence promulgating certain private economic and political interests and presenting manipulative articles/commentaries. However, there is still not enough coverage of Bulgarian SSR in the international media nor a potentially effective exchange of news between countries in the region.

A way to potentially improve the situation is envisioned through the monthly presentation NGO/academic projects and in when necessary through express publications both printed and electronic versions of 'Security Watch' and 'Security Sector Reform Focus' under the SSR-Coalition's project umbrella.

Academia

With the reduction of R&D capacity of MoD and Defence Industry a natural way to involve the outsourced academic sector in technical areas is through supporting acquisition, modernisation and utilisation plans and with different studies (including the Strategic Defence Review and White Papers). Issues of education and training of security area specialists and dual use areas requires more humanitarian and technical academic institutions to be involved. Framework agreements and joint committees established between MoD and many academic institutions and between academic institutions and defence industry companies are successfully examples in Bulgaria. The Bulgarian Academy of Sciences (BAS) as a leading academic institution established the Centre for National Security and Defence Research (CNSDR-BAS) in order to coordinate these efforts in cooperation with the Parliament, President Office, Government, security sector ministries and agencies, industry and other academic institutions.

Issues not covered by the self-assessment studies

It is important to mention defence industry reorientation, restructuring and modernisation as well as academic and mostly research and development/science and technology community in Bulgaria as relevant aspects that support modernisation of the security sector and defence industry in particular.

Specialisation of the country in the area of security will greatly influence SSR, so this is an important issue to be debated and a decision to be made on the highest possible level. Specialisation is only one element of the new allied approach to security and defence – in addition to issues of peacekeeping and crisis management, the overall concept of participation in multinational operations of different type is very important. On the other side, the currently debated issue of foreign (allied) military presence (for operations or on permanent basis) is of prime importance – it relates to economic and other kinds of presences, connected to modernisation programmes and offsetting strategic partnerships in this context.

Systematic aspects of the self-assessment studies

Expert formation is a process with many tracks in Bulgaria, but is generally appreciated as the most important one because of its connection to the human resources of SSR. The issues of education, selection, and promotion of experts – both civilian and military as well as special attention to the staffers in the Parliament is well understood in Bulgaria. In particular, the issue of expert formation is connected with:

- studies: UK-MoD Study on Parliamentarian Oversight, Defence Reform Study with US-DoD, UK-MoD Study on Defence Management (Integrated MoD), US-MPRI study on Force Development System
- seminars: civil-military relations, transparency building, parliamentarian oversight, SSR status (DCAF was the initiator for most of them)
- external courses: in the Naval Postgraduate Institute - Monterey on Civil-Military Relations, George Marshall Centre - Garmisch and many other courses as part of training programmes in Western countries
- publications: the 'Military Journal' in Bulgarian and 'Security Policy' in Bulgarian and English, the Internet site of MoD
- NGO Projects: including the NATO Office of Information and Press, PfP Consortium of Defence Academies and Security Study Institutes (special WG on SSR, but CM in SEE as well) - books and training tutorials are published and a bimonthly report on the readiness to join NATO is prepared with special criteria for the political dimension (democratic control) and CMR, a special project on teaching security (NATO) matters in secondary school
- Bulgarian Courses in interoperability - Defence Staff College (national and international for junior officers and civilians) and National Security and Defence Faculty - Defence Staff College for senior officers and civilians (a special Centre for CMR was established to the faculty and Centre for Transparency in Military Budgeting to the Advanced Defence Research Institute as well), there are some courses in Sofia University, New Bulgarian University and University of World and National Economy focused on security issues which can be expanded
- consultants: in MoD from NATO countries with mature democracies (UK, France, Germany, Italy, Greece, Military liaison team of US);
- participation in international projects and with organisations

Needs and demands as brought forward by official representatives include:

- development of formal and certified (internationally recognised) courses for different educational institutions –a process has been started for a certified National Security Master Course in the Defence Staff College and in parallel many civilian universities have already included security courses in their programmes on international relations, public administration, globalisation, European studies, in Sofia University, the New Bulgarian University, the oldest programme in the University of the National and World Economy and currently even in some universities outside the capital (Varna, Shoumen)
- support of internal studies assessing the maturity of CMR and democratic oversight - legislation, structures, practices
- training media representatives and civil society commentators

- exchange of experience with neighbours and mature democratic countries
- international recognition of Bulgarian experience through participation in training programmes in other countries
- introducing specialised information sources for security sector reform and democratic oversight of the security sector
- programmes involving university students in security sector studies and attract talented students in administration and civilian expert positions
- redefinition of the security sector as integral community of elements responsible for providing security for citizens everywhere, anytime and in any situation at a lower price and under strict civilian control based on the twin requirements of transparency and accountability

To make training more effective there are some practical steps to be taken:

- training in joint teams (civilians - parliamentarian staff, President administration staff, MoD/MoI/MoFA administration, media representatives, Defence Staff College/National Military University trainers, military, representatives from 'uniformed staff' of other elements of the security sector
- in addition to the aforementioned joint training, to introduce and support special short 'interactive' courses: 'civilians to civilians', 'military to military', 'civilians to military' and 'military to civilians'
- to include in training courses hypothetical 'situation games' based on real scenarios solved in democratic countries in the past and recently, and similar to current situations in the country
- to further develop a culture of transparency, based on sound legislation, modern IT systems and adequate education of all players
- to promote case studies, media representation and civil society involvement in public debates
- to promote certification of NGO/academic sector trainers and to facilitate their participation in formal training courses in civilian and military education institutions
- to enlarge training from defence institutions to state-wide security sector
- to focus not only on administration and parliamentarians, but on the larger society and especially opposition politicians (will be more motivated)
- to introduce formal training in the area of security in secondary and higher education institutions with an accent on democratic oversight

There is also need for:

- more national content in training activities, based on mixing the most qualified practitioners and academics (this was tested during a SSR Stock taking Seminar by asking that every topic have one representative from the administrative and one from the NGO/academic sector);
- more local transfer of experience - country to country in SEE, Black Sea Region, and that facilitated by DCAF;
- more case studies of practical value and training based on real scenarios;

- development and distribution of ADL courses for keeping a certain standard level (the issue is very sensitive and there are many attempts for local interpretation and private interest interpretation);
- specialised media on these issues who utilise sociological surveys (as Mediapool.bg is doing in larger area of state governance);
- more effort on security sector reform at large and security sector integration based on more transparency and accountability;
- efforts to link security sector reform and security sector integration and oversight in the best interests of both business and citizens;
- stronger introduction to the idea of good governance as linked with security sector reform and security sector integration.

The impact of expert formation efforts on security sector reform and the society include:

- first and foremost - at a minimum defence reform was initiated (it was for about 9 years blocked by the military);
- defence reform activated society interest in the defence and security area;
- defence reform step by step influences thinking about reform of other elements of the security sector (troop transportation, troop construction and troop telecommunication outside MoD was transformed, State Agency Civil Protection was established, utilisation of extra infrastructure activated local power and population, outsourcing of activated local business, Special Services were considered as candidates for more civilian control and legislation regulation.)
- courses on security were introduced in some universities (New Bulgarian University, University for National and World Economy, Sofia University) – we could share the syllabus with other educational institutes and DCAF could propose courses to be taught in Bulgarian universities with initial sponsorship (including books, journals, syllabi and other course materials);
- the Centre for National Security and Defence Research in Bulgarian Academy of Sciences was established;
- some new NGO's were established - George C. Marshall Association, Institute for Euro-Atlantic Security, the Alumni Association of George Marshall Centre and the NATO Defence College were established. as well as the Business Executives for National Security in Bulgaria was established and many organisations of retired officers and NCOs, including those from the Special Services;
- there is already public debate - more and more informed on Armed Forces modernisation projects, participation in operations, utilisation of infrastructure and equipment (including SS-23 missiles);
- step by step society has begun to inquire into the defence budget, the purposes and details of military activities in different areas of the country, about foreign troops on our territory;
- in many cases a decision of the Government and the Parliament was seriously influenced by public opinion and NGO activity (SS-23, Afghanistan operation, Naval Academy, National Military University, and professionalisation).

Monitoring security sector reform

- parliamentary (two main commissions – Foreign Policy, Defence and Security; Internal Security and Public Order);
- governmental (Security Council of the Prime Minister);
- presidential (NS advisor, Defence Advisor, Consultative Council on National Security);
- civil society (SSR-Coalition and some other specialised organisations in the resettlement or human rights domains);
- NATO (IS and IMS – PfP/PARP/MAP teams);
- strategic partners (US – Reform Implementation Working Group, and many not so formalised steering groups, political-military groups within the UK, Spain).

Successful monitoring can be based only on further development of the culture of transparency and accountability. This will permit better coordination among elements of the security sector as well.

In Bulgaria, the real start of transparency culture development in the security sector began with the public debate on Military Doctrine, Defence Reform Plan 2004 and Membership Action Plan 2004, the White Paper on Defence and Annual Reports on National Security, Defence and Armed Forces and various web sites of MoD and MoI. NGO involvement and that of the academic and business sectors, as well as our foreign partners has also evoked impressive results. Educated and responsible civilians, from the top political level down to middle/low level of administration, play a key role for transparency in the security sector.

This approach poses a big challenge primarily for civilians. They must enter a specific area requiring special education and training. Civil servants are motivated to succeed this in process if stability exists in administration structures and good career opportunities are thus attainable. For experts in the policy development arena, stability surrounding elected civilians can be achieved through NGO, academic and business sectors, as well as development of solid capacities for political parties internally.

A real test for civil-military relations and civilian 'monitoring' is the level of implementation of the PPBSS in the security sector and the role of civilians - including administration and Parliament-in this system. The role of civilians in the professional security sector education system is another important test and currently subordination of the Defence Staff College to Minister is a powerful tool if used properly. Direct subordination of the security services to civilians, which is the most politically responsible dynamic, is something achieved in MoD, but not the case in MoI, and in certain aspects can be seen in the President's office.

However, building structures around results, or processes, is only the first step. Coordination between different departments in a 'network centric' administration is another challenge for the successful monitoring of the security sector. Coordination cannot be successful unless it is regulated legally with clear responsibilities of all elements of the security sector vis-à-vis security needs of the state (country) and an equitable distribution of power among elected (politically responsible) civilians for decision making and direction of these security sector elements.

The former practice of having internal classified instructions be signed by both ministers is not very efficient. Also, if coordination is envisioned only to be based orders from uniformed professionals the advent of security sector disintegration and the

eruption of hidden competition among the services is a recipe for failure in a critical situation.

In addition to the Government, that according to the Constitution is the main executive (collective, it means coordination body) element of the power (or central coordination body) is the Security Council of the Prime Minister, established by government decree under provisions of the National Security Concept. It was one of the biggest achievements of the Government of Prime Minister Kostov in the area of security. Presently the council is not used in an effective way, but many experts believe that the National Security Law introduces clear provisions for the Prime Minister and its Security Council in the area of coordination.

The Consultative Council on National Security under the President plays a positive role in the area of political consultations on issues of security, but cannot take on an operational role and additionally lacks direct power to change the situation.

Many inter-ministerial councils (on NATO Integration, on the Military Industrial Complex and on Mobilisation) are playing a good coordinating role, but without a sound legislative basis. NGO experts propose to establish a clear set of commissions around the Security Council of the Prime Minister and to play a constitutional role in government coordination and management of the national security system.

Good basis for coordination and monitoring of the SSR is the process of establishing a national body to coordinate R&D, S&T (CNSDR-BAS) and the SSR-Coalition in the NGO/academic sector to coordinate studies and informal education programmes in the E&T institutions. Participation in RTO, NC3A, NIAG and other NATO (in future EU) security related structures is considered as a tool for better coordination to see whether these structures can sustain both the SSI concept and a growing multi-national base, much larger than its present figure.

Cooperation programmes

In addition to advisory activities mentioned above several other important programmes deserve to be mentioned:

- with respect to the US is important to mention IMET under which more than 500 officers and civilians are trained; FMF – visible projects include systems like Air Sovereignty Operation Centre (ASOC), support to Field Integrated Communication and Information System (FICIS) for land forces and SOF, engineers equipment, navigation equipment for AF, Navy and Army.; exchange programme of the state partnership and Military Liaison Team (MLT); Warsaw Initiative to support PfP activity
- with UK and Netherlands – training, computer equipment, resettlement
- special exchange programmes with neighbours – Turkey and Greece and very intensive cooperation with Romania, including large joint exercises (Blue Danube)
- training and equipment provided by Germany needs special attention, because of their experience with the former GDR
- intensive training support from France, Spain, Italy, Sweden and Norway is a serious dimension of the cooperation programs

- finally, Bulgarian support to Macedonia and Georgia is a good precursor of future development of cooperation programmes in which Bulgaria will play a donor role

Cooperation programmes of the MoI, civil protection and especially security services are very important for the SSR, but up to now not very visible. There are no official advisory boards, but foreign and domestic consultancy is well developed. In MoD there are consultants from UK (defence planning), Germany (NCO training), France (logistics), Italy (Navy), Greece, as well as Military Liaison Teams from the US. Some joint studies with the US, UK and NATO teams can be considered as advisory work as well. Currently, teams from MPRI (PMC) and IDA (a Government agency) from the US are working on a consultant basis for certain projects. Less presence is visible in MoI, but in the Ministry of Finance a team from Crown Agents is working in the Customs Service (Agency).

There are framework agreements between the Bulgarian Academy of Sciences and the MoD as well as with some other security related institutions for scientific/expert support. Security sector reform coalitions of NGO's serve as a kind of 'advisory board' to the Parliament under contract to prepare regular reports on SSR progress. Upcoming Strategic Defence Reviews will be based on a large network of advisory groups with the participation of experts from NGO's, academic and business sectors.

Conclusion

SSR in Bulgaria has achieved its first goal - to start a well planned restructuring and downsizing based on publicly approved documents, to generate set of real combat ready units for national defence, to participate in PKO and to receive an invitation to join NATO. The second phase is to finalise all that was postponed because the military leadership and a conservative part of population proceeded with the attitude: 'we know what and how to do, but let them first to invite us'. Other positive signs include the initiation of an integrated security sector strategic review that will bring us a NATO Integration Programme harmonised with national particularities and the overall NATO transformation process.

The SSR Handbook facilitating development of an SSR Action Plan on a larger scale - nationally, regionally and in the NATO/PfP context will be an excellent tool for this. An SSR assessment methodology that can produce an SSR progress report is the other key to successful reform management.

SSR ultimately benefits society and if society is not involved SSR will never be appropriately suited to its needs. There are two main competitive advantages of the security sector vis-à-vis organised crime/terrorism and other security threats – a monopoly to develop/use force and public/international support. The first element is questionable with modern technologies and control regimes; the second is a challenge to the leadership of the security sector. Civil society is one of the key elements in strengthening the two advantages of the security sector if involved in action plan development and assessment/progress reporting processes.

To harmonise the interests of the society, business and security sector professionals with the capabilities of the administrative and academic sector is the challenge for good governance models implemented in Bulgaria. The fact that this was accomplished in the period 1998-2002 and the key year of 1999 is the source of many

positive lessons, but it is not enough. Even NATO/NATO allied advice is not enough – again, most important is national vision, will, faith and capabilities for planning, programming, budgeting, acquiring, training and employing a force in the modern security environment. Only national/regional ownership can transform efforts, resources and programmes of the various organisations such as the Stability Pact, EU, NATO, OSCE, UN, IMF, WB and others so as to ultimately achieve security and stability.

Recommendations for international institutions

The set of stock-taking seminars on SSR provide a structured debate, analysis and a deeper understanding of the issues both in the country and hopefully in respective international organisations operating in the area. What can be mentioned is that SSR is both a complex process and problematic area. Different international organisations consider this issue from their respective point of view based on their interests. It is a national responsibility to integrate agendas and capacities of different organisations in comprehensive locally owned strategies and implementation plans. At the same time, feedback to interested organisations can help to attune their role and contribution in order to optimise the implementation of the national (regional) plan. Of course, the best way to elicit successful feedback is to have transparent management of the process and a well developed progress reporting system.

At the same time SSR is never an isolated problem. It relates directly to assessment of the security environment, which within SEECAP for SEE countries has been undertaken with much effort. Important aspects of the process of assessment of real performance of the security sector include: crisis management, peacekeeping, new types of international operations and everyday work to provide civilian security. Finally, resource management is key to accomplishing SSR and promoting effective action of the sector to cope with security threats.

In the above context, in the case of Bulgaria the following recommendations can be made with respect to the role of different international institutions.

EU

The EU is mostly involved in judicial and police reform (especially border police) in Bulgaria. Unfortunately, there is not enough coordination between EU sponsored programmes in the area of border police and those within the NATO framework (the Navy is an example that creates tension in Black Sea projects). Bulgaria contributed units from the Armed Forces to EU defence forces, which are part of the military units earmarked for NATO-led operations, so that if confusion arises in planning between NATO and the EU it will influence the Bulgarian contribution as well. Better cooperation between the EU and NATO in the area of security, defence and especially crisis management will help in the coordination of efforts on the national level as well. Special attention is given to the harmonisation of DPPI (Disaster Preparedness and Prevention Initiative - EU) and the CMEP (Civil Military Emergency Planning – NATO/US) initiatives. Establishing a regional centre for emergency management and developing a planning system in this area will radically improve Bulgaria's prevention and reaction capacity in the area of emergency management.

The EU can play better role in restructuring the defence industry, through integrating Bulgarian companies in the EU complex after successful consolidation is accomplished with the 'big three' (BAE, EADS, Thales). The same is true for consolidation of the research and development, science, and technology potential through the EU's sixth framework program.

The process of developing a common foreign and security policy as well as a common security and defence policy of the EU can be more inclusive in order to improve SSR in Bulgaria, especially in the areas of crisis management, fighting money laundering, corruption, organised crime, export control, trafficking in drugs, arms and human beings.

NATO & PfP

In November 2001 Bulgaria achieved its strategic goal to receive an accession talk invitation from NATO. For this reason the focus is now on the ratification process and the timetable of reforms. The special NATO Integration Programme is developed by the NGO as a part of the Security Sector Reform Coalition to promote the successful completion of the main steps required, to present the legislation programme and to develop a network diagram for overall SSR. Bulgaria is very active in the area of PfP Consortium, hosting the second Annual conference and participating in practically every working group and leading many SSR related projects in cooperation with the Geneva Centre for the Democratic Control of Armed Forces.

Priority is to extend the Bulgarian experience through NATO/PfP and the Consortium to the SEE (Western Balkans/Adriatic states) and Black Sea countries. It is considered that the facilities of the SEEBRIG in Plovdiv can be used for Regional SSR Training/C4 Interoperability Centre. The idea to establish Virtual Distributed SEE and Black Sea Defence Colleges has been promoted through the Consortium as well, based on PIMS and in cooperation with the Geneva Centre for Democratic Control of Armed Forces.

OSCE

Bulgaria is already a member of the 'OSCE troika' and next year will take over chairmanship of the organisation with clear priorities in the SSR area, especially in SEE, Black Sea/Caucasus/Central Asia regions. Knowledge transfer and supporting the development of the strategic SSR community will help promote transparency, accountability and result in visible progress in SSR reported through OSCE network. The main focus is in the area of transparency and reporting, and different types of year books, developed in cooperation between OSCE and local/international NGO will strengthen the capacity of civil society to influence SSR. The steps from early warning systems to strategy development and influence through OSCE network and NGO network is important in order to move the process of SSR forward.

Stability Pact for South Eastern Europe

Bulgaria was able to play the role of contributor to the Working Table III of the Stability Pact on the basis of its achievements in defence and domestic reform (especially defence) and experience in the SEDM process. Programmes connected with

the resettlement of released personnel from armed forces include transparency building, emergency management, small arms and light weapons control/destruction. Seminars and studies in the SSR are an important element as well.

However, priority remains in strengthening the understanding of the SSR as a process of building an integrated security sector, in motivating knowledge transfer from one element to another in the security sector and from country to country as well, and to support regional training, development of a type of SSR Handbook as well as an SSR yearbook similar to the 'Defence Spending Yearbook'. A regional training centre in the area of SSR could be established around such projects as a joint venture with other organisations – a SEE Centre for SSR.

More progress in the area of Working Table I and II could positively impact SSR efforts, especially cross border cooperation in this sphere. Opportunity also rests in utilising programmes for the military infrastructure in the economic context as well as improving regional transport infrastructure in tandem with the resettlement of released military personnel.

Other International Institutions: IMF, WB, and NGOs

Other institutions are worth mentioning, such as the International Monetary Fund and the World Bank, which have influenced the introduction of certain limitations on security spending and the utilisation of better practices for resource management through long term policies (programmes).

International parliamentary dimension (including NATO, EU, OSCE) is the main tool to involve MP as principal decision making actors in the modern SSR environment. Deeper involvement of the staffers in the network supporting the process of active MP participation in SSR can also be very useful.

With its non-permanent membership in the Security Council of the UN, the upcoming chairmanship of OSCE (a member of troika since 1st January 2003), pending NATO membership and more or less negotiated date for EU membership (2007), experience with the IMF and WB and serious progress in SSR, Bulgaria can play significant role in streamlining and deepening SSR in the SEE and Black Sea region in partnership with the EU (Stability Pact), NATO, US and even with Russia as an important player in these regions.

In order to use such an opportunity, serious efforts to document SSR are needed with special focus on lessons learned analysis and formulation of methodologies for SSR action plan preparation and management. On this basis intensive training is needed through which the network centric, knowledge based SSR community will establish an environment for successful reforms. Serious The establishment of a centre(s) and a well functioning Internet based network (similar to PIMS for Partnership for Peace) could aid the process immensely.

The role of studies, trainings and information technologies cannot be overestimated. An additionally important dimension is cooperation between the Parliaments in order to set up compatible legislative frameworks and establish common standards for SSR.

Currently synergy among different institutions is best achieved through international NGOs, is the best example being the Geneva Centre for the Democratic Control of Armed Forces, the Centre for European Security Studies and of course the

Marshall Centre based PfP Consortium as a mixed organisation (NATO, governments, academic/NGO organisations).

Regional focus in the context connecting networks between regions is a very good approach, so that large organisations such as NATO, EU, OSCE, respective parliamentarian assemblies, IMF, WB, and even the UN programmes and NGO programmes can be involved through a local ownership approach which promises to bring about visible results in the security area.

Chapter 3

Croatia:
Analysis of the Stability Pact Self-Assessment Studies

Scott Vesel

Since attaining independence in 1991, Croatia has built its security sector in two phases. During the first phase, marked by war and one-party rule, the country built its armed forces and intelligence services largely from scratch. During the second phase, beginning with the change of government in 2000, Croatia embarked on an ambitious programme of security sector reform aimed at adapting the security sector to the country's new security situation and—most importantly at this stage—building the legal, conceptual and institutional foundations for democratic control and oversight.

Reforming Croatia's security sector: progress and problems

Although the country studies focus on the reform process begun in 2000, they also provide valuable insights into the challenges left by the preceding period. The establishment of Croatia as an independent state was accompanied by war. In order to meet the challenges of this war, the country needed to quickly establish its armed forces using whatever human and material resources were available. This meant a heavy reliance on former JNA officers and on a rapid mobilisation of a large army of poorly trained and educated soldiers. The success of this army in defending and maintaining the country's independence has earned it strong support in public opinion. However, the legacy of this history for would-be reformers is an army which is much too large and whose officer corps is deeply rooted in outdated doctrines.

Similarly, the new state needed to establish intelligence services. The primary source of personnel for the new services were members of the old Yugoslav intelligence services who were loyal to the new Croat state. Several intelligence services were created, with undefined and hence overlapping zones of authority and few legal constraints on their activity.

The 1990 Constitution concentrated power in the hands of the President of the Republic. This had several implications for the security sector. First, the parliament was completely marginalised from any role in policy making or providing oversight over the security sector. Secondly, the power of the president over promotions within the armed forces led to a high degree of politicisation of the officer corps, with loyalty to the president and his party being the most important criterion for advancement. This politicisation within the armed forces was exacerbated by the political role played by military officers, several of whom served in parliament as members of the HDZ party. Thirdly, the intelligence services were in the hands of the president and used largely, perhaps primarily, for domestic political purposes against opponents of the HDZ. Lastly, the concentration of power in the hands of the president and his party extended also to the media. It could perhaps go without saying that there was no role whatsoever for civil society in the security sector prior to 2000.

The change of government in early 2000 opened the door for security sector reform. Since that time, reform has occurred primarily at the level of law and policy. The Constitution was amended to reduce the power of the president and to enhance the role of parliament, and a series of laws and policy documents were adopted in the spring of 2002, including the Law on Defence, Law on Security Services, the National Security Strategy and National Defence Strategy. On paper at least, these new enactments established a legal and conceptual basis on which security sector reform could proceed. However, these documents have left many questions unanswered, and the months since their passage suggest that much of the political will for reform was exhausted in the flurry of legislative activity of spring 2002.

The internal transformation of Croatia since 2000 corresponded to a parallel transformation of Croatia's international position. The departure from power of Slobodan Milosevic put an end to the regional threat to Croatia. Meanwhile, Croatia's rapprochement with NATO and the EU provided material support as well as powerful incentives to reform the country's security sector.

The country studies analyse the achievements and failings of Croatia's security sector reform processes against the backdrop of this history outlined above. The studies focus much more on issues related to democratic control and oversight than on the practical and material aspects of reform, and this summary follows their lead.

Unclear and overlapping allocation of decision-making powers

The changes to the Croatian constitution dramatically reduced the powers of the President while enhancing those of the parliament and the government. However, the result of these changes was not to create a parliamentary system of government but a semi-presidential system in which the allocation of powers among the president the government, and the parliament still remains unclear. The country studies identify several problems with this new allocation of powers over the security sector.

First, in the areas clearly within the president's discretion, he retains too much operational authority over details which would be better left to the defence minister. Second, the creation of overlapping authorities, and in particular the institution of the 'counter-signature' by which the president may act in certain areas only if the prime minister agrees, reflect the overarching desire to provide powerful checks on the powers retained by the president as commander in chief of the armed forces. However, this new system could be better described as one of shared power rather than one of checks and balances, and it is unclear how—or even if—such a system could function in the case of a contentious cohabitation.

There appears to be a significant risk that cohabitation could incapacitate the system or force either the president or the government to circumvent the Constitution in order to act; neither of which is an acceptable outcome. The country studies note that the debates accompanying these changes focused less on the merits of various proposals than on the power struggle over who would control what. The implication is that the current allocation of powers is an interim solution rooted in political compromise rather than any inherent logic and one which will need to be modified in the medium to long term. In addition to the practical problems associated with these unclear divisions of authority, they render accountability and oversight virtually impossible by making it extremely difficult for parliament or the public to understand who is responsible for a given bad decision.

One manifestation of the problem of shared power is within the ministry of defence itself. Under the present scheme, the chief of staff is appointed by and reports to the president, thereby cutting the minister out of the chain of command. The law on defence meanwhile assigns long lists of tasks to the ministry and to the general staff, respectively. Not only do these tasks overlap, leaving it unclear who is to do what, but the treatment of the ministry and the general staff as separate institutions reinforces the old division of the defence establishment into military and civilian components. Reinforcing this division does not advance civil-military relations, in fact the studies noted the frustration of many uniformed members of the ministry at being completely excluded from the policy process which produced the new security and defence strategies. Moreover, institutionalising the divisions in this way leaves open the possibility that a cohabitation could fracture the ministry with the civilian half under the minister and the general staff under the president.

Ineffective exercise of parliamentary control

Although the Constitution assigns responsibility for democratic oversight of the armed forces to parliament, parliament has not yet begun to effectively exercise that responsibility. As a legal matter, it appears that parliament possesses the necessary powers, for example, to call ministers, ministry officials or private experts to testify before committees as well as to require the production of documents from the relevant ministries. As a practical matter, however, these powers have not been exercised and the major pieces of legislation passed in 2002 were drafted by the government and endured largely perfunctory scrutiny in parliament.

In seeking to explain this lack of parliamentary oversight, the first place to look is the committee structure, since in most democracies, the primary locus of parliamentary oversight is in the relevant committees. In Croatia, a single committee is responsible for all issues related to domestic policy and national security. This committee does include a sub-committee on the armed forces, however that sub-committee has not met in the last ten years. The problem, therefore, is not only that the committee's mandate is much too broad, but that the committee does not function as an oversight mechanism.[1] The studies suggest a number of factors contributing to the failure of the committee to exercise effective oversight.

First, they point to a lack of competence. The members of the committee lack personal expertise in security issues and lack the time to acquire such expertise. Without an expert staff at their disposal, therefore, it is not feasible to expect MPs to be able to effectively oversee the security sector. Up to the spring of 2002, this problem was exacerbated by the lack of policy documents against which the performance of the security sector could be measured. A second factor has to do with strong party loyalties, which make MPs very reluctant to criticise the actions of their party colleagues exercising ministerial powers.

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[1] It is not clear from the set of Croatian contribution to the self-assessment studies whether this is true for other committees or for other policy areas within the mandate of the Domestic Policy and National Security Committee. See Vlatko Cvirtila, 'The Parliament and the Security Sector', in Jan A. Trapans and Philipp H. Fluri (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives; Volume 1; Albania; Bulgaria; Croatia; A Self Assessment Study*, (Belgrade: CCMR, 2003), pp. 370.

A third factor, although perhaps less immediate, relates to information sharing between the ministry and the committee and especially the handling of confidential materials. While the ministry and the general staff may rightly be criticised for a tendency to classify materials which are public information in other countries, the parliament must also take measures to ensure the security of genuinely classified materials. This means that members of any committee handling classified materials must undergo security clearance procedures and their offices must be equipped to handle classified information in both paper and electronic forms. Such measures are essential to facilitate the cooperation between the ministry and the parliament and to ensure that MPs are provided with the information they need in order to effectively exercise oversight.

Lack of civilian expertise and weak civil society

Perhaps the most obvious barrier to the development of democratic oversight and healthy civil-military relations in Croatia is the lack of civilian expertise on security issues. This is a problem not only for the parliament itself, but also for the media and civil society. An informed public discussion of security issues requires media which are not only free of government control but whose journalists possess the expertise necessary to report and analyse the issues at stake. In the absence of security expertise, the media tends to focus only on the political dimension of debates over security issues, leaving the public with little insight into the substance of the debate.

The meagre influence of civil society on policy in Croatia is by no means limited to the security sector. The recent, belated passage of laws regulating the registration of non-governmental organisations and establishing tax advantages for philanthropy were essential in setting the long-term foundation for a healthy civil society in Croatia. In the security sector, however, the general lack of influence of NGOs is exacerbated by the lack of expertise. A further obstacle to a role for civil society stems from the failure of the relevant parliamentary committees to exercise their oversight function. Committees often commission external studies and their hearings can provide a forum in which voices from civil society can be heard. Before parliamentary committees can function as a link between civil society and the government, however, two elements must be present: first, the committees must meet; and second, there must be civil society experts whom they can invite to testify. At present, neither of these elements is satisfied for the security sector. In addition, the current dependence of the domestic NGO sector on foreign sources of funding poses serious problems for their sustainability and legitimacy—a particular problem in the sensitive area of security.

The studies note that gaps remain in the course offerings of the university and military educational system. If new programmes are not established, it will be a difficult and lengthy process to establish both a civilian security and defence policy community as well as a military whose officers and soldiers are well-trained in the proper functioning of civil-military relations in a democratic system.

The role of the international community

Currently, the main external factors tend to support security sector reform in Croatia. The change of regime in Belgrade has eliminated the main external threat to Croatia and enables Croatia to dramatically reduce the size of its armed forces and adapt their force structures and doctrines to the new security environment. The disappearance of existential threats from the region, however, does not mean that the region does not continue to pose risks for the country. The authors identify the risks associated with managing potential crises in the region as well as the security risks posed by organised crime and the trafficking of human beings, weapons, drugs and other contraband through the region. From the studies it does not appear that sufficient attention has been devoted to adapting Croatia's security sector to deal with these challenges.

In terms of broader international engagement, Croatia's relationships with international institutions all appear to support security sector reform by providing incentives, expertise, and to a limited extent, resources to advance reform. The one caveat to this general statement is that it is not always clear to what extent these external actors may tend to distort the country's priorities and resource allocations.

On the military side, Croatia's push for NATO membership has provided a powerful incentive for a broad range of reforms while enabling substantial numbers of Croatia's armed forces to participate in training programmes and other practical experiences. Political leaders appear to welcome the discipline that NATO accession imposes on them, yet rely perhaps too much on the magic hand of the accession process to resolve the difficult political issues involved in security sector reform. The political decision to join NATO has not yet translated into political will to implement the tough and complicated reforms necessary. The result, as the authors amply point out, is a significant gap between law and policy on the one hand, which have been drafted with NATO accession in mind, and practice on the other, which lags significantly behind the aspirations expressed in the legal and policy documents.

Naturally, the EU accession process is at least equally important and has particular relevance for broader issues related to the stabilisation and consolidation of democratic governance in Croatia. While the various elements of EU conditionality do not usually bear directly on the security sector, programmes targeted at areas like public administration reform, judicial reform, civil society development, independent media, minority rights and so on will have substantial positive effects on the security sector. In addition, the growing emphasis by the EU on regional cooperation has helped to push Croatia and other countries in the region to see regional cooperation as a means to the end of EU accession rather than merely seeing EU accession as the magic bullet that would solve the region's problems. In this context, the studies noted that Croatia does not yet have a legal framework in place which would enable it to participate in a potential regional bi-national or multinational force along the lines of BaltBat, hence military to military cooperation with neighbouring countries outside the PfP context is not yet on the table.

The Stability Pact, the OSCE, the World Bank and other international institutions have also been providing expertise, resources and other incentives to support the security sector reform process in Croatia.

Social dimensions of security sector reform

The most significant social dimension of security sector reform is associated with the urgent need to reduce the size of Croatia's armed forces and ministry of defence. Downsizing the military always has profound social consequences, however several elements of Croatia's situation make matters even more difficult. Programmes to reintegrate demobilised soldiers into the civilian economy are inevitably expensive and difficult to manage in the best of circumstances. Indeed the paradox of defence reform, as most European countries have discovered, is that in the short term, reducing the size of the armed forces costs more than maintaining the bloated old force structures.

Reintegration poses a particular problem for Croatia, not only because unemployment is high, but especially because many of Croatia's officers and soldiers have no civilian training or education on which they can rely. Since Croatia's armed forces were built up under the duress of war, the ranks are filled with officers who do not meet the educational standards which would otherwise be required of members of the armed forces. Indeed, even the standards in place for promotions have often been ignored through the procedures for 'extraordinary promotions'. The use of extraordinary promotions was initially justified by the needs of war, but the extraordinary mechanism became the norm, and political loyalties were often a decisive factor in determining who was promoted. Apart from the negative effect on morale for those soldiers trying to make a career playing by the rules, this system has saddled the armed forces with large numbers of officers without a civilian education.

Another socio-cultural element noted by the authors has to do with information management. One of the legacies of the communist and Tudjman eras has been to enshrine the notion that knowledge is power and to show little sensitivity to the public's right to information. Within government bureaucracies, information tends to be highly compartmentalised and to flow only through narrow vertical channels. There are no habits of horizontal communication; thus not only do different parts of the government not communicate with one another, different departments of the same ministry do not share information. While it is self-evident that neither parliament nor civil society can play a role in democratic oversight without access to information generated by the relevant ministries and agencies, it is far from obvious how a culture of information sharing can be created.

Timing and balancing security sector reform

Croatia has had remarkable success since 2000 in dealing with the most urgent task of establishing the legal and conceptual framework for a comprehensive security sector reform. The country is now facing the longer term task of translating theory into practice by implementing the new laws and policies and making the institutions of democratic control work.

The country studies roundly criticise the lack of follow-up to the adoption of new laws and policies in early 2002. This failure is perhaps most glaring with regard to the Security Services Act. The Act established a National Security Council as the official body to coordinate and oversee the activities of the various intelligence services. This Council has never been convened, and the studies suggest that this suits the interests of the relevant ministers who, in the absence of the NSC, otherwise enjoy

unfettered control over the intelligence agencies. The Act also envisioned the creation of a council of experts to exercise an ombudsman-like function and report to the parliament. The members of this council have not yet been appointed. Moreover, the authors criticise this Act for doing little more than to change the names of the security services while doing little to reform the actual operations of these services.

With regard to the military itself, the authors commended the progress which has been made in terms of de-politicisation of the officer corps, reporting that the president has been unflinching in dismissing officers who meddle in politics. Qualified success was also noted in bringing transparency to the defence budget and procurement, which had been a serious locus of corruption. The studies emphasise personnel issues as perhaps the highest priority for the armed forces. Issues related to downsizing and reintegration have already been mentioned, but the authors also point to a number of problems in the military's training and educational programmes as well as its personnel management system. Perhaps most importantly, the authors recognise that personnel are the key to the transformation of the armed forces and that promotions and other personnel management tools must be utilised to advance rather than retard the progress of reform.

As has been noted, there has to date been limited progress in the establishment of effective parliamentary oversight nor in carving out a role for civil society in the oversight of the security sector. In this context and in others, the authors cite the lack of expertise and competence in security issues as one of the linchpins of security sector reform. Educational institutions and programmes are not yet in place to help remedy this situation.

The studies were also highly critical of the limited progress made with regard to reform and oversight of the intelligence services. Not only has the National Security Council created for oversight never been convened, but there has not been a serious attempt at internally reforming the services, nor has there been a lustration process or other attempt to assess the compatibility of existing personnel with intelligence in a democratic Croatia.

Issues not covered by the self-assessment studies

The studies focus primarily on the military dimension of security sector reform and on the establishment of democratic control and oversight. The studies do not address matters related to police reform or judicial reform, both of which are fundamental to the everyday security concerns of citizens. While the studies noted that insufficient attention is being paid to crisis management and dealing with new threats from organised crime, terrorism and various forms of trafficking, the studies did not address the related issues of border guards, cross-border cooperation, or measures to fight organised crime and corruption.

Key issues for security sector reform in Croatia

Legal framework

While Croatia has made admirable progress in creating a new constitutional, legal and policy framework for security sector reform, some concerns remain in this area. In particular, the unclear and overlapping allocation of powers between the president and the government raises concerns about whether cohabitation would paralyze the state. Similarly, the structure of the relationships among the president, defence minister and chief of staff appear to create potential for conflict at the very core of the security sector.

Capacity building and expert formation

Whatever factors might otherwise contribute to the poor state of democratic oversight, it is clear that such oversight will not be possible until expertise in security issues becomes more widely disseminated among members of parliament, journalists, academics and civil society groups. Education programmes are vital, but the studies also suggest that, for example, educating MPs is unlikely to be successful since they cannot devote sufficient time to studying security issues. A better solution may be the establishment of expert committee staffs to provide an independent source of analysis to the committee members. Naturally, this requires resources, but it also requires civilian experts to serve on the staff. Perhaps the creation of such positions as well as attractive positions for civilians within the ministry of defence could also serve as an incentive to students to pursue courses of studies which would prepare them for such careers.

Monitoring/advisory boards

Croatia does not yet have in place a mechanism for monitoring progress in security sector reform. Normally the civil society could provide at least one such mechanism, but as has been noted, Croatian civil society is not yet able to fulfil this role. On the other hand, the failure of parliament to establish the council to oversee the security services as envisioned by the Security Services Act is a cautionary tale as to the likely effectiveness of an official effort to monitor progress. Perhaps the most effective monitoring will take place through the NATO MAP and PaRP processes as well as the European Commission's evaluations of Croatia's progress in a full range of areas. The problem with these mechanisms is they evaluate Croatia's progress in terms of the priorities of external actors rather than the priorities of the country's own political leadership. There would nevertheless appear to be potential value in the establishment of some form of advisory board, with both Croatian and international members, who could, for example, submit regular reports to parliament on the progress in security sector reform against a set of pre-identified criteria and goals. Some mechanism of this sort could be particularly useful in focusing the attention of parliament on the gaps in reform at regular intervals to help ensure follow-up.

Cooperation programmes

Croatia's cooperation with NATO appears to be well-suited to the country's current needs. As the next section indicates, there would seem to be room for expanded roles for other international institutions. There is also room for expanded bilateral cooperation in specific areas, ideally following the twinning model in which a long term training and cooperation partnership is established between the local institution and its counterpart in a more established democracy. Such programmes could be particularly useful in various branches of the public administration, including the defence ministry, as well as in dealing with specific areas of capacity building, such as crisis management.

Recommendations for international institutions

EU

There is little discussion of the EU's role in the country studies on Croatia, which is perhaps also a reflection of the fact that there is little discussion of those policy areas in which the EU plays a dominant role, such as customs, border guards, and justice and home affairs as well as refugee returns and other democracy stabilisation measures. A closer analysis of these areas would be necessary in order to identify gaps or areas for improvement in the EU's existing activities in Croatia. At a minimum, however, it would seem that a higher priority on the security sector, both in its assistance programmes and in its conditionality, could provide a needed incentive for progress in this area. In particular, a case could be made for an intensified engagement of the EU focusing on those areas of most direct interest to the EU, such as fighting terrorism, organised crime, and human trafficking. Existing efforts in the areas of judicial reform and education could also incorporate a stronger security focus.

NATO & PfP

Current cooperation programmes between Croatia and NATO seem to be both effective and well-tailored to Croatia's needs and NATO's comparative advantages. In addition to continuing these programs, it will be helpful if NATO and its member states communicate coherent messages about what is expected of Croatia. In particular, it is important to avoid a situation in which Croatia's efforts to please NATO and demonstrate its capacity to be a provider of security lead to unnecessary and unaffordable procurement efforts or otherwise distort the country's security sector reform priorities.

OSCE

There is comparatively little mention of the OSCE in the Croatian country studies. As with the EU, this is at least in part due to the neglect of many of the issues under the OSCE's purview, such as policing, judicial reform, and media freedom as well as minority rights. As a result, the studies provide little basis on which to assess the OSCE's contribution. It may nevertheless be worth noting that one of the real missed opportunities in the region stems from the relative isolation in which the OSCE field

missions tend to operate. Each mission possesses a wealth of experience and lessons which could be valuable in other countries facing similar problems, but such information sharing and cooperation as exists between the missions appears to take place only on an ad hoc and unsystematic basis. Similarly, there may be a number of issues which could be most effectively addressed through joint projects among the missions in more than one country in the region, yet such projects are extremely rare.

Stability Pact for South Eastern Europe

Many other countries in the region are facing the same challenges as Croatia, thus there may be room for a more active role for the Stability Pact in establishing region-wide initiatives. The problem of expert formation is crying out for a major initiative, and the small countries of the region may not all be able to sustain the range of educational institutions necessary. The Croatian authors cite the Balkan Defence College as an example of the kind of institution their country lacks, and perhaps the Stability Pact could lead an effort to create a South East European Defence College following a similar model. In addition to its primary function, such an institution would have the added advantage of providing opportunities for networking among the region's future security policy communities.

The inventory and gaps analysis has provided a useful survey of the field, and the present studies will provide a rich source of additional information about the state of reforms in the various countries. As noted above, there is a lack of monitoring of reforms in Croatia, and perhaps something along the lines of an annual yearbook on all the Stability Pact countries could both serve a monitoring function as well as providing valuable incentives to the countries in the region to make progress.

Recommendations for other international actors

A serious effort of demobilisation and reintegration will not be possible in Croatia without significant financial assistance, whether this assistance comes from the World Bank in the form of loans or from another source. There also remains a strong need for the engagement of international civil society organisations, whose funding and cooperation can play a particular role in building a more effective and sustainable civil society within Croatia. Bilateral relationships can also be very useful in advancing security sector reform. Partnerships with neighbouring countries can help contribute to a more stable and secure environment, while partnerships with EU member countries, particularly in targeted areas through twinning programs, can be one of the most effective, practical means of supporting security sector reform in Croatia.

Chapter 4

Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies

Márton Krasznai

Two of the self-assessment papers[1] provide a fairly accurate description of the present legal and political framework of democratic control of the military, and to some extent the police. They highlight the constitutional, legal and institutional problems that hamper effective parliamentary control of the security sector, the legally unregulated and unclear relationship between the President and the Government and the weak mandate of the Security Council. Particularly useful is the introductory part of the second study, providing a short historical review of establishment and development of the security sector in Macedonia: the role of the Yugoslav heritage, the primacy of state and nation building versus democracy-building, the reasons explaining the present weakness of democratic structures, the 'lack of habits for conflict resolution,'[2] the uneasy balance of actors on the political scene and the 'compromise solutions in the legal system.'[3]

The studies point out rightly that extreme polarization of political forces is one of the major factors preventing effective functioning of the parliamentary system (the recent hundred day boycott of the work of the Parliament by the opposition coalition reconfirmed the continued existence of this problem). They make the harsh conclusion that 'the gap between norms and reality is getting deeper and…the Parliament has been on the margins of political developments.'[4] They speak about the 'non-existing legally defined relationship between the Government and the President'…which 'became more than evident when the International Community dealt with the Government during the crisis.'[5] The second study concludes that 'lack of democratic experience' should be 'fixed through legal reforms' and 'own experience.'[6]

Reforming Macedonia's security sector: progress and problems

While informative and useful, the description of the specific security sector reform (SSR) problematic facing Macedonia in the self-assessment studies seems to be a bit too narrow and one-sided: it concentrates primarily on military issues. The crisis of 2001 highlighted the importance of a truly comprehensive approach to this problem: the role

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1 Radica Gareva, 'The Parliament, Defence Development and Security Sector Reform' and Biljana Vankovska, 'Democratic Control over Defence and Security: Between Principles and Reality' in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 49-61 and pp. 39-48.

2 Biljana Vankovska, 'Democratic Control', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 40.

3 Ibid., p. 40.

4 Ibid.

5 Ibid., pp. 39-48.

6 Ibid., p. 44.

of the police, the intelligence services, the paramilitary forces, as well as other institutions of law enforcement no less important than the army. The thorough confusion in the early phases of the crisis, resulting from the unclear legal relationship between the President and the Security Council on the one hand, and the Government and particularly the Ministry of Interior on the other, which dramatically reduced the effectiveness of early responses to the evolving crisis could have been mentioned more explicitly to demonstrate the vital importance of overcoming or at least alleviating these problems. 'When the conflict broke out in February 2001, Macedonian leadership tried to merge the army and police units but that attempt failed since we lacked legal grounds and clear political will for such a move.'[7]

> The basic dilemma which appeared at the very beginning was: whose operational field and competencies were touched and which structure – army or police – have to be in charge having in mind that many of problematic villages were located in the very border zones.[8]

SSR in all post-Yugoslav countries (with the exception of Slovenia) is being carried out in a post-conflict environment, as part of post-conflict stabilisation. Macedonia is not an exception, of course. The slightly higher than average danger of the recurrence of the conflict, in one form or other could have been mentioned more explicitly – since this is a key factor influencing the timing and priorities of the reform. Full stabilisation of the country, establishment of harmonious inter-ethnic relations and vitally needed reforms in the political system will take relatively long time. During this period, SSR should be seen also as part of a broader effort by the international community designed to solidify the present relative stability and prevent unravelling hard-won results.

The studies frequently mention new challenges (organised crime, terrorism, proliferation of small arms and light weapons, arms and drug smuggling, trafficking in human beings, illegal migration.) that Macedonia faces in the 21st century. The crime-wave engulfing the country after the end of the violent stage of the conflict underlines the seriousness of these challenges. Not enough emphasis is put, however, on the necessity to thoroughly reform the agencies that play a crucial role in the fight against these new scourges: the police, the border police (being formed), the intelligence services and the judiciary.

Mention is made of the weak (or often nonexistent) information exchange, consultation and co-ordination among key government agencies in the security sector, which seriously aggravated operational problems during the crisis. More could have been said about the recently published plan of the new Government to improve the situation in this respect and the setting up of a commission (with the involvement of non-governmental experts!) to work out concrete proposals for better inter-ministerial information exchange and co-ordination (outside assistance to SSR is much more effective if it is tied to local initiatives and programmes).

The shortage of well-trained civilian experts as an impediment to effective civilian control and speedy SSR is frequently mentioned in the studies. The lack of early warning by professional security policy experts from within and outside the

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7 The National Security Adviser to the Macedonian President has written on the issue. See Stevo Pendarovski, 'Conflict – 2001: Lessons Learned?', *Macedonian Affairs*, Vol. 4, No. 6/7.

8 Ibid.

Government was one of the reasons why the leadership was caught by surprise by the crisis, and responded to it slowly and ineffectively.

The marginal role of the Parliament is mentioned on several occasions, but few things are said about the concrete consequences of this lopsided situation. Weak and unprofessional parliamentary oversight of the budget of the military, the police and paramilitary units made possible the heavy overspending by the MoD and particularly the MoI during the crisis: it was caused mostly by unauthorised recruitment of large numbers of untrained reservists and the acquisition of expensive weapon systems (ground support aircraft for the military, heavy armour and artillery for the police) which did not contribute much to the ability of the armed forces to fight armed ethnic Albanians, who used classical guerrilla tactics. At the same time, badly needed improvement of training and C3 were mostly neglected.[9]

The studies implicitly suggest that in recent years democratic control of the military has been more effective than that of the police. This has mostly been the result of the relative balance among the President, the Security Council, the Government (particularly the MoD) and the Parliament, which all have a role in controlling and supervising the military. The police – on the other hand – has been run almost exclusively by the MoI; the lack of serious parliamentary control of the forces contributed to a situation where the uniformed police often received unclear political messages during the crisis, and large numbers of untrained reservists – in most cases on the basis of their political affiliation or party membership – were included into the forces, undermining discipline and professionalism (it is suspected that these anomalies led to the resignation of the Macedonia's highest-ranking professional policeman in early 2002.)

The studies point out – rightly – the vital necessity of further reforms, creation of a sound legal basis for the work and co-ordination of key agencies responsible for civilian control of the security sector. More could have been said about ongoing efforts of the government, assisted by the international community (Council of Europe, OSCE, EU) to improve the situation in this field. This concerns not only the Defence Law of 2002 and other legal acts directly related to the security sector: it should always be kept in mind that the effectiveness of the democratic control of the armed forces is a direct function of the effective functioning of the whole political system.

Social implications of security sector reform

The studies deal relatively briefly with the social implications of SSR. In fact, these implications are quite serious in Macedonia. The present social and economic problems of the country are – to a large extent – results of a vicious cycle in recent years. The quickly spreading crisis, high military spending, and the mobilisation of large number of reservists significantly contributed to the economic downturn of 2001-2002. Rising unemployment (aggravated by the demobilisation of reservists and paramilitary forces), falling living standards, slow economic rehabilitation of crisis stricken areas in turn

[9] According to various Macedonian sources, when the conflict began, the number of military and police personnel properly trained for anti-guerrilla warfare did not exceed 300-350. The exceptionally high number of casualties of the army and the police caused by friendly fire demonstrated nor only the poor planning and execution of operations by government forces but also the serious lack of training.

fuelled discontent, social and ethnic tension and undermined efforts to stabilise the country, strengthen security and created a favourable climate for foreign investment and economic development. SSR could contribute in the most direct manner to the breaking of this vicious circle.

The studies implicitly mention that proper handling of relations between the armed forces and the population has been hampered by the fact that due to the crisis 'society-military relations' turned into relations between the security forces (including the army, the police, border guards, intelligence services.) and various ethnic groups of the population. It should also be added, that the phasing out of (mostly ethnic Macedonian) police reservists and members of the paramilitary groups (in particular the infamous 'Lions'), continuation of the training of police cadets from minority groups, a healthier ethnic balance in the border brigades deployed in areas populated by ethnic Albanians will – no doubt – positively influence the relationship between various parts of the population and the armed forces. This, in turn, will help to change the state of mind of the whole society.

SSR, e.g. command and control decentralisation of the police, development of and training in community policing (the establishment of Citizen Advisory Groups, complaint mechanisms against the police.) could greatly facilitate better handling by the Government of civil-military relations and to ultimately improving the image of the police: in the eyes of ordinary people. It should turn from a tool of state power (typical for the former communist countries) into a service, provided for the benefit of all citizens.

It should be repeated at this point that security sector reform produces only partial results if it is not accompanied by broader reforms of the legal and political system. These broader reforms include decentralisation of the police and direct control of the local police by the local government (including appointment of the local police commander), and require a thorough reform of the legal status (including budget related issues) of local governments (presently carried out in Macedonia with the help of the Council of Europe and the European Union). This, in turn, would facilitate the overall decentralisation of the political system, based on the principle of subsidiary – an important element of preparation for EU-membership. Strengthening the institution of the Ombudsman is another good example: it provides citizens with an extra possibility to receive help if the police or internal security services do not respect their human or civil rights.

The role of the international community

The two studies mentioned extensively dwell upon the assistance provided by the International Community to SSR. In reality, even more is happening in this area than suggested by the papers. A key contribution to SSR is indeed provided by the NATO/PfP Consortium: the very useful role of MAP, AMP, the contribution of the SEE Initiative, the advisory role of the NATO-mission 'Allied Harmony' to the reform of the army and the MoD. At the same time, programmes run by the IC cover not only the defence sector but also the police, the MoI, the border brigades and a number of other, security-related fields. Among these include a very successful police development programme that has been run by the OSCE and EU improving the ethnic composition of the police by training more than 500 cadets from minority ethnic groups and training

the whole force in community policing. The EU – in the framework of the Stabilisation and Association Agreement signed with Macedonia on 9. April 2001 – provides assistance in the field of rule of law, justice and home affairs, including the long-term structural reform of the police. The CARDS programme combines much needed incentives to the Government with other forms of assistance in the field of police reform and integrated border management. The Stability Pact's assistance to demining and preventing the proliferation of SALW facilitate SSR in an indirect way. The highly professional assistance by the Council of Europe towards legal reform addresses a key area of SSR. Other smaller regional and sub-regional organisations and initiatives complement the major ones.

A special mention should be made of the border security initiative of the Stability Pact. This has so far been a relatively neglected area of SSR. Marking the border and strengthening border control is rightfully considered as one of the most politically explosive issues: disrupting regular contacts between ethnic Albanian communities living on both sides of the border – a tension that has existed for centuries and that is indeed a delicate and complicated issue. However, strengthening border control, putting an end to smuggling, illegal migration and trafficking in human beings in the border areas is a *sine qua non* precondition of the successful fight against organised crime and terrorism. The SP initiative, put on the backburner last year, has been revitalized, and a seminar with the participation of key organisations (NATO, EU, OSCE) is planned to take place in May this year in Ohrid. This seminar will no doubt contribute to the intensification of SSR and better sub-regional co-operation in this particularly important field.

Programmes and projects run by the international community play a double role: on the one hand they help maintain and strengthen the political will of the authorities to carry on SSR (accession to NATO and the European Union are declared as the two key foreign policy goals of the country, so it would be difficult to overestimate their influence in Macedonia). In a post-crisis situation this has great importance. The armed conflict left deep scars on the country, inter-ethnic relations are strained, social and economic problems mount: under these circumstances SSR could easily be pushed to the margins in favour of other, seemingly more pressing issues. On the other hand, these programmes and projects provide invaluable assistance to the training, restructuring, modernisation of the armed forces, improving their democratic control and the creation of a pool of well-trained civilian experts and NGO activists. Regular monitoring and assessment by these organisations is a guarantee that old habits, fatigue and selfish political considerations can't unravel the results of SSR over time.

Training programmes carried out so far have created a solid basis for further, more extensive programmes. As Macedonian experts often remark: most of the senior military and civil experts who can contribute to SSR have been trained in NATO member States and other friendly countries through PfP cooperation programmes.

Security sector reform priorities in Macedonia

As the papers implicitly suggest, the most important factor in determining the timing of various elements of SSR is the absolute priority of post-conflict rehabilitation: the need to stabilise further the country and reduce to the minimum the danger of recurrence of violent conflict. The crisis clearly revealed the problems of the security sector: weak –

or in the case of the paramilitary forces almost nonexistent – democratic control of the armed forces, lack of co-ordination among government agencies, over-politicisation of the whole sector, insufficient representation of ethnic Albanians in the armed forces, poor handling of civil-military relations. Priorities of the reform should be determined on the basis of the lessons learned.

Priority should be given to local capacity building. As a first step, government agencies responsible for early warning, analysis, strategic planning and command and control of the security forces should be strengthened by rapidly training more civilian experts to participate in such initiatives. This would increase the ability of the leadership to fend off any future attempt to push the country on the slippery slope of violent ethnic conflict, and handle the most difficult challenge of distinguishing between reasonable demands by minority groups for political and human rights on the one hand and attempts by structures of organised crime to pose as 'freedom fighters' on the other.

It would be an illusion to expect rapid improvement of parliamentary control of the security sector in Macedonia, that is, the strengthening of the supervisory role of the legislative branch vis-à-vis the Government. This does not mean, however, that this important area of SSR should be neglected. As a first step, though a series of programmes and projects, an effort could be made to train a pool of highly competent civilian experts both for the parliamentary commissions and for political parties. The highly irresponsible behaviour of some politicians and political groupings during the crisis revealed a serious lack of understanding of the possible consequences of the actions proposed by them for the stability and security of the country. Not only the ethnic Albanian parties (and their representatives in the Parliament) but all the other political parties and groups could profit from advice provided by their own teams of properly trained civilian security policy experts. Increasing the professionalism of the Parliament concerning security and defence issues and in particular improving the work of the committees would facilitate the gradual implementation of legislative reforms required to create a more solid basis for parliamentary oversight of the security sector.

There is also the need to recover the time lost by the country due first to an unrealistic assessment of the results of state building and the transition process (democratisation, market economy, good governance, inter-ethnic relations) and later the crisis.

> Although it was widely believed that in most of post communist countries at the end of 1990s, the process of institutional and structural reforms were over, the Republic of Macedonia was in the middle of nowhere in this regard.[10]

No less important is the need to take into account the rather dramatic increase of new challenges, like organised crime in the post-conflict period. Therefore priority should be given to programmes and projects relating to policing, other aspects of law enforcement, including border security.

It is important to continue the training and reform of the military by the NATO/PfP Consortium, as the desired date for the accession of the country to NATO draws closer, in order to avoid the problems of the first round of enlargement (that is, inability of a new member State to meet the requirements posed by membership and to effectively contribute to the common efforts and capabilities of the Alliance, due to slow and poorly managed military reform.

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[10] Stevo Pendarovski, 'Conflict – 2001: Lessons Learned?', *Macedonian Affairs*, Vol. IV. No. 6/7.

Balanced vs. asymmetric reform developments

While the crisis slowed down SSR in all areas the reforms are now picking up speed, especially in the defence field. Training and reorganisation of the police as well as legislative reforms are proceeding in an encouraging way as well. There is a realistic hope that border security too will receive more attention in the near future. Very little time has passed since the end of the conflict and it would be premature to make far-reaching conclusions as to the speed or asymmetrical or balanced nature of recent developments.

On the other hand, it is increasingly clear that those initiatives, programmes and projects can be expected to proceed faster and bring about deeper ongoing changes, which are directly connected with major organisations and institutions (first of all NATO and EU). (The role of resources and their ability to generate political will have been mentioned already.) To re-balance this situation and avoid asymmetrical development of key sectors, which could undermine the overall success of SSR, smaller international and local actors should increasingly concentrate on those areas which are left untouched by the major programmes or where these programmes are not comprehensive enough and do not cover all key areas necessary for the 'critical mass of change' (e.g. police training by the OSCE which do not cover the important area of parliamentary control of the MoI).

More regular information exchange, monitoring and joint assessment by all relevant players, as well as strategic advice by senior advisory boards could help ensure that SSR proceeds in a balanced and coherent way in the long run.

The role of civil society

Civil society is relatively underdeveloped in Macedonia (e.g. compared to Serbia). A well-developed network of relevant NGOs is an important precondition of the success of SSR. NGOs could participate in and complement SSR in many ways. These include monitoring the behaviour of security forces and advising them, developing grass-roots mechanisms for conflict resolution, training local activists, providing advocacy, informing other actors on developments of the security situation in former crisis areas and proposing solutions. Therefore, support to local NGOs is an indispensable part of SSR. While designing support schemes, the highly specific situation in Macedonia should always be kept in mind.

Firstly, that only ethnically mixed NGOs should receive international assistance. Most Macedonian NGOs are presently composed of the representatives of only one ethnic group. This seriously hampers the ability of these groups to contribute to a key aim of SSR which is increasing the ability of the government and other key actors to deal effectively with one of the most serious security challenges facing the country, the ethnic problem.

Secondly, that the level of ambitions of NGOs (sometimes motivated by the perceived availability of funding for SSR) should be carefully checked. Especially in the early phases of the reform, there is still much to desire in terms of the transparency of defence issues and other security related matters. This situation (as in most other former communist countries) limits the ability of non-governmental actors to collect the information and hard data necessary for serious analysis of problems at the upper end of

the hierarchy or at the country-level. NGOs, on the other hand have direct access to local communities, therefore they can assess and influence the situation at that level most effectively.

Regional implications of security sector reform

The self-assessment papers speak very little (if at all) about regional implications, although this is a very important aspect of SSR in Macedonia for a variety of reasons.

Firstly, as a result of a long common past with other countries of the region (especially with the successor states of the former Yugoslavia) Macedonia - to a great extent – faces the same problems and difficulties as the other states. This, on the one hand, facilitates the analysis of problems and working out solutions: e.g. the findings, conclusions and proposals of the 'Monk-report' (Study on Policing in the Federal Republic of Yugoslavia) concerning the police culture, corruption, human resources, uniform policing could also be used in Macedonia, at least as background material.

Secondly, addressing these problems on a regional basis (as it is being done by a number of organisations and institutions through regional and sub-regional training programmes, workshops, databases.) is an important way of increasing cost-effectiveness (however, a marker should be placed here: such regional and/or sub-regional approaches should always be based on a proper analysis of the problems that SSR needs to address: there should be a clear understanding of which programmes can be dealt with most effectively at the regional or sub-regional level, and which – highly country-specific – problems require the development of individual approaches and programmes).

Thirdly, regional or sub-regional approaches to SSR offer an important advantage: it facilitates better information exchange, co-ordination and co-operation of the countries of the region and their relevant agencies. When it comes to border security, the fight against organised crime or illegal migration, the regional or sub-regional approach becomes crucial.

Issues not covered by the self-assessment studies

The self-assessment studies omit the broader international legal framework relevant for SSR. In this context, mentioning a few key documents and treaties supporting or influencing SSR would have been appropriate. For example, when speaking about weak parliamentary control of the armed forces in Macedonia, the obligations stemming from the OSCE Code of Conduct could have been evoked: 'The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security.'[11]

While Macedonia generally respects its obligations, stemming from various documents relating to confidence and security building measures, better training of civilian and military experts working on their implementation would have a synergetic effect vis-à-vis other areas of SSR.

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[11] *OSCE Code of Conduct on Politico-Military Aspects of Security*, Section VII, Article 20. Available online at http://www.osce.org/docs/english/pia/epia93-4.pdf

Conclusion

Security sector reform in Macedonia must meet two seemingly irreconcilable requirements. On the one hand, it should rapidly improve the ability of the country to avoid recurrence of violent crisis, foster long-term stability and fight new challenges. On the other, vital reforms have to be carried out during a serious economic and social crisis, which drastically reduces the resources available for them. The way out from this difficult situation is knowledge-based reform of the security sector: focusing on local capacity building and local ownership through training

Recommendations for international institutions

SSR in Macedonia has to meet two seemingly irreconcilable requirements. On the one hand, it should help the country avoid the recurrence of violent conflict, solidify the results of stabilisation and increase its ability to fight new security challenges. On the other hand, it has to be implemented during the post-conflict economic and social crisis. This means a serious depletion of already scarce resources.

SSR under these circumstances should take advantage of the lack of external military threat to the independence and territorial integrity of the country as well as the ongoing efforts of the international community to further stabilise the whole region. Instead of investing too much in new hardware, SSR should be knowledge-based in that it should focus on local capacity building through training. The following recommendations would address Macedonia's current reform needs:

- stronger parliamentary control to be achieved through training parliamentarians on security issues as well as the provision and training of civilian experts to assist them
- the training a pool of civilian security policy and defence experts for all (including Albanian) political parties, to underpin their work in the parliament
- to continue training cadets belonging to minority ethnic groups for the army and the police
- to further improve training of the army and the police; emphasis should be put on their de-politicisation through training in professional ethics, human rights and basic democratic principles concerning the use of the armed forces
- improving civil-military relations through offering training to both government agencies and NGOs
- improving inter-ministerial co-ordination through offering training in management and IT among other cutting edge disciplines
- facilitating legal reform by offering advice and training to the Parliament and concerned ministries

Emphasis should be on areas which have a synergetic or multiplier effect, and would have a beneficial influence on other related areas of political reform. Reforms should be future-oriented: while not neglecting the military, even greater efforts should be made to improve the ability of the government to fight new challenges to security by stepping up police reform (including the full take-over of border security) and other law-enforcement agencies.

Expectations as to the speed with which these reforms produce visible results should be realistic: vested interest of some political forces in maintaining the status quo, underdeveloped political culture, lack of readiness for compromise and co-operation among political forces, and other factors will undoubtedly hamper progress. Rebalancing the relationship among the main players (President, Security Council, Government, Parliament), necessary for more effective parliamentary control can be expected only over a relatively long period of time.

The main international organisations and agencies have regularly co-ordinated their activities throughout the crisis in Macedonia, as well as during the period of stabilisation that followed. This co-ordination, however, has been fairly general in nature. Genuine SSR requires a more systematic and long-term approach. A matrix of most pressing needs, as well as medium and long term tasks of SSR on the one hand, and activities, programmes and projects carried out by the Government, international organisations, bilateral donors, as well as NGOs could be relatively easily created and updated (preferably in electronic format, freely available on the website of the organisation or agency that volunteers to take on this task). Such a matrix would help increase the comprehensiveness, coherence and synergy of efforts. It would be particularly useful for smaller actors (e.g. NGOs, bilateral donors) active in various fields of SSR: they could engage themselves more effectively in niche-development: finding the areas where their activity may 'piggyback' or complement existing programmes by the government and the major players, so it can produce a maximum effect.

Independent research institutions (like the Institute for Security Studies), relevant institutions of higher education (such as Macedonian participation in the PfP Consortium of Defence Academies), groups of civilian experts associated with the Parliament or the political parties should be further strengthened (or created). Macedonia is a small country, presently coping with serious economic difficulties. The ability of the Government to support independent research is limited. Training programmes for civilian experts are useful but they should be complemented with other forms of assistance to the institutions that employ them (grants, in-kind donations, exchange programmes).

Key programmes of a comprehensive SSR are already being implemented or are presently taking shape. The new government has recognised the importance of this issue and made a number of important initiatives in addition to the programmes being implemented by the international community. While closer co-ordination of these programmes would further improve their effectiveness, it is not realistic to expect the major organisations and institutions presently engaged in Macedonia to go beyond the present level and pattern of information exchange and co-ordination. Collecting, analysing and making available information on these major programmes to smaller international players, as well as local NGOs, civilian experts and researchers would help avoided duplication.

Knowledge-based reform focusing on capacity building would be the best way of facilitating local ownership of SSR. In light of the complex - at times even tense - relationship between the Macedonian public and the political elite on the one hand and the international community on the other hand, it is difficult to overestimate the importance of this approach for the sustainability and long-term effectiveness of the reforms.

Chapter 5

Moldova:
Analysis of the Stability Pact Self-Assessment Studies

Svetlana Djurdjevic-Lukic

The Moldovan self-assessment studies offer a detailed overview of the existing legal framework and responsibilities of the main players in the security field: the President, Parliament, Government, as well as different phases and the Moldovan leadership's approaches to the security and foreign policy issues over the last ten years.[1] Different authors have implemented different approaches: from critical analysis of current practices to more general findings concerning legislation.

The importance of these studies is in their systematic explanation of several important aspects of security related issues, such as military and intelligence oversight, crisis management, defence education, training and planning, the role of international actors and Moldova's position towards peacekeeping. Critical analyses of the findings provides a solid ground for the next stage of security sector reform: steps toward transparent implementation of passed laws and broadening the scope of experts involvement and civil society in general.

Reforming Moldova's security sector: progress and problems

The Republic of Moldova is in a peculiar state of transition from the communist past towards creation of a national army from scratch. The security situation is determined by the Trans-Dniestr conflict - the Moldovan state does not control some 12% of its territory, that is, almost 425 km of the state border. The state's constitutionally proclaimed neutrality has resulted in an absence of any clear priorities in the fields of state security and foreign policy. The economic security of the state is not assured. The armed forces have no clear social guarantees and face political demands to deploy defence budget resources to meet increasing social demands.

Obviously, many factors hinder security sector reform beginning with prolonged polarisation of the society along ethnic and linguistic lines and the existence of a separatist regime army that is on the same footing as that of the Republic of Moldova. Along with the ambiguous attitude towards Euro-Atlantic integration, a lack of resources and limited civilian expertise, other obstacles are present such as a strong

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[1] See Nicolae Chirtoaca, 'Security Sector Reform in Moldova'; Gheorghe Cojocaru, 'Democratic Oversight and Control over Defence'; Ion Culeac, 'The Parliament'; Oleg Gaur, 'Civilians and Military in Defence Planning'; Serghei Fevraliov, 'State and Social Control over Intelligence and Security Agencies'; Arcadie Barbarosi, Oleg Gaur and Viorel Cibotaru, 'Good Governance: Civilians and the Military'; Viorel Cibotaru, 'Transparency and Accountability'; Sergiu Botan, 'Civil Society and Non-Governmental Organisations'; Oazu Nantoi, 'International Requirements and Influence'; Stefan Gorda, 'The Participation of the Republic of Moldova in Peacekeeping Operations'; Sergiu Gutu, 'Crisis Management', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 165-302.

international network of organised crime, the fact that security sector reform is not seen as a priority, and the weak position of the civil society in this area. However, Moldovan membership in international organisations and programmes, such as OSCE, Stability Pact and Partnership for Peace (PfP), contributes to security sector reform and to a solid legal framework introduced over the last few years.

Security sector reform priorities in Moldova

Both society in general and political elite of Moldova have reached no consensus concerning further reform priorities. The authors of the self-assessment studies have found a distinct tradition from the Soviet totalitarian past, with legislation providing the essentials for democratic oversight, transparency and accountability, and an appropriate curriculum for armed forces' training. One of the main priorities has been the establishment of a legal basis for monitoring activities of the armed forces, ruling out any possibility of using them in the country's internal affairs, and de-polarising military structures. A legal division of authority between the state institutions responsible for national security has been gradually established.

However, it can be concluded that the achievements are still modest and major gaps still exist. In terms of civil-military relations the principle of democratic control over the armed forces has been partly institutionalised. Priority should be given to enhancing substantial the implementation of legal stipulations, instead of formal or even artificial ones; preventing the reduction of monitoring activities of legislative bodies and involving them in the process of planning and policy-making and ensuring provisions for sufficient information. This includes the creation of a stable civilian core and the accumulation and improvement of civilian expert knowledge, preventing re-militarisation of a number of positions within MoD and elsewhere, and overcoming shortcomings in the training of civilian officials.

There have been no long-term plans for military construction in Moldova nor concrete strategies for military building in the country based on specific timelines, checkpoints or plans of action. However, the recently developed 'Military Reform Concept' envisages many programmes which must be developed. These programmes include scientific maintenance of national defence, development and perfection of legal basis of the national security system and perfection of defence's control system. It includes short, medium and long-term defence planning including armed forces' reform by 2014, with a simultaneous increase of financing up to 2.5% of GDP in 2014.

Development of political structures

Development of the armed forces in Moldova moved has faster than that of political structures. However, the first steps, such as the drafting and approval of new constitutional and legislative norms and structures and establishment of clear lines of responsibilities have been introduced in a very short period of time but can be considered successful. Moldova has recognisable democratic structures in place and even the return of the Communists to power did not derail this process.

However, issues concerning effective operation of institutions and procedures and acquisition of shared norms and values of civilians and military are emerging as central to the ongoing reform process. While institutional structures have changed

rapidly, the change in attitudes appears to take a longer period of time and is never certain. For example, the information officially provided by Moldova via international channels like the OSCE, is accessible to legislators only if they require access to such data. The general public is told virtually nothing about the content of such information.

Defence and strategic analysis

Moldova does not have an independent institute for defence and strategic studies, nor does it have a departmental analytical centre dealing with military and defence policy issues to help the government and the parliament in the decision-making process. Individual researchers periodically publish articles on the subject, but their research is not systematic in nature and therefore cannot produce the desired results. Leading media outlets have specialist journalists, but their coverage is mostly limited to leadership reshuffles in the 'power ministries' and subordinated armed units, visits by official foreign military delegations and Moldovan military commanders' foreign trips, purchases and sales of arms and hardware, reports from PfP exercises and peace-keeping forces in the security zone on the Dniestr. Although the eradication of censorship (in its former form) facilitated the access to military information, creating an important social segment, journalists offer no in-depth commentary on basic aspects of defence policy, national military doctrine or military budget making.

Non-parliamentary interest and pressure groups could play very important roles in ensuring that the government pays proper attention to public scrutiny and accountability. According to recent poll research, Moldovan NGOs are able to provide services in the following areas: health care, psychological assistance, family planning, human rights, agricultural and small business development support, but not in the issues related to security.

Obviously, until a fully developed and efficient civil society is restored and truly responsible and free media comes into play, it is premature to speak of any full-scale democratic control over the military. So, while immediate efforts should be concentrated on ensuring effective political control on the part of democratically elected legislative authorities over the military sphere, the long-term task in this field is gradual expansion of the role played by the civil society institutions and organisations.

The security situation in Moldova

The security situation and security sector reforms in Moldova are also relevant to the broader region, especially keeping in mind Moldova's participation in many regional initiatives, including the Commonwealth of the Independent States, the PfP Programme and the South Eastern Europe security framework under the Stability Pact.

The most sensitive issue, the Trans-Dniestr region's position, involves external factors, as well as growing international organised crime, a black economy and human trafficking. The assessments imply that a more pro-active and consistent foreign and security policy would contribute to the stability of both Moldova and the region, while further support from the external factors will be necessary to ensure such stability.

Parliamentary control of the security sector

The authors of the self-assessments underlined that the creation of the armed forces and of the national defence system unfolded without a well-defined conception of the national security and of the long-term politico-military strategies, which should have been based on systemised, grounded and multilateral analysis, connected inalienably with other fundamental interests of the Moldovan state, with a possibility of their evaluation and monitoring in the future. Such a critical approach towards the reality of civil-military relations and democratic control over the security sector has been based on the conclusion that decisions on military structure have been elaborated from the beginning and practically until now within the framework of the Ministry of Defence, on the bases of those conceptions formulated by this Ministry but without much reference to Parliamentary processes.

The arguments in favour of this statement are that the first basic military laws (five of them), that formed the basis of the state military structure, were prepared in the Military Department before the formal adoption of the Declaration of Independence on August 27th, 1991 and before the Constitution, in an emergency regime and without any considerable discussion or evaluation by the Parliament afterwards.

Although the Ministry of Defence has been under the control of civilian ministers during the last five years, it remains largely a military institution. The frequent change of government and the subsequent removal of the senior MoD officials, predominantly political appointees, have prevented the creation of a stable civilian core and the accumulation and improvement of civilian expert knowledge. The shortcomings in the training of civilian officials and the absence of career opportunities have led to further deterioration of the situation. According to the self-assessment, the Moldovan Army and its General Staff still need to be integrated into the structure of the Defence Ministry, since the current situation hampers the establishment of an improved division of responsibilities between the General Staff and the Civilian Minister. Concerns have been raised regarding possible re-militarisation of a number of positions at the high and lower level, paralleled with general disrespect for the expertise of civilian officials, after the drawback of the appointment of a military officer as Minister of Defence.

Also, the 1994 Constitution does not contain a detailed list of rights and powers held by legislative and executive authorities in national security and defence policy and decision making, in the formulation and implementation of a military doctrine, and in defence budgeting. The Constitution of the country does not contain special articles regarding the financial accountability of the government to the parliament. There are only clearly stipulated obligations of the executive to reveal, explain and justify its expenditures for defence purposes in cases when required by legislature.

The defence part of the budget is only a short summary in the overall budget document. Parliament routinely approves the overall budget after perfunctory discussion, so the assessment is that in practice, the Ministry of Defence and other security sector ministries possess too little transparency and virtually no accountability because they do not provide much information on fund expenditures. The Parliament has no possibilities verifying execution of the military budget or thus estimating to which degree the allocated funds are being distributed in accordance with the approved budge items.

It is not standard practice in Moldova for the president, head of government, or ‘power ministers’ to regularly report back to legislative authorities on military and

defence issues or on specific aspects of ensuring national security. There are no clearly stipulated obligations of the executive bodies to inform or to consult the elected representatives of the state power in the course of policy-making or planning process. When the executive is not willing to share information with the legislative branch, the need for state secrecy is invoked. In the majority of such cases only two institutions are involved – the presidency and the government, the parliament being informed *ex post facto*. The executive power at the governmental and presidential level must report the results of their analyses and legislative drafts to parliament. The respective parliamentary commissions and committees have the right to interfere in the process of planning and policy-making. However, due to the lack of qualified professionals in the field of security and defence these legislative bodies usually reduce their activities to monitoring.

However, Moldovan society has gained some experience in military 'democratisation' through efforts to ensure transparency and public openness about national defence planning, military budget making, oversight of the military, security services and law enforcement agencies by democratically elected authorities. The studies include assessments that even at the initial stage of state building, the awareness of the need for democratically elected representatives to monitor the activities of executive authorities in the military sphere contributed to the issuing of appropriate legislative acts and the establishment of corresponding structures and mechanisms.

The Military Doctrine stipulates democratic control over the defence sphere, control over leading military bodies and over the responsible actors of the armed forces, by supreme political authorities. Organisationally, the higher military command structure consists of three distinct parts – political, administrative, and military – with respective limits on the authority and responsibilities defined for each of them, according to the principle of separation of functions and co-operation in implementing the common tasks.

On the political side, the President is the Commander-in-Chief of the armed forces whose primary duty is to exercise general governance over the armed forces. On the administrative side it is important that he assist the Supreme Security Council and the Supreme Military Council. Military-administrative guidance over the armed forces is a prerogative for the Defence Ministry whose responsibilities include organising, directing, and co-ordinating all activities aimed to ensure national defence. Military leadership over the armed forces is within the competence of the main headquarters of the armed forces and their Chief of Staff who is directly accountable to the Defence Minister.

The powers of the President are considerable, particularly because he plans the formation of the armed forces and 'analyses the activity' of the Ministries of Defence, of Foreign Affairs, Internal Affairs, and the Intelligence and Security Service. The President has the right to submit fundamental documents dealing with the military doctrine, guidelines for armed forces and development and defence budgeting to the parliament for consideration.

The Presidential office relies mostly on the expertise of the Supreme Security Council (SSC) that has a consultative role within the presidential structure. As an advisory agency under the President, its primary mission is to provide assistance in ensuring national security as well as in the development and practical realisation of guidelines for armed force development. Not having any real executive powers and ways to exercise the direct influence on the army, nor the other force structures of the

state like the Interior Ministry or the Security and Information Service, the SSC secretariat, through monitoring and verifying the state of affairs in the given field on behalf of the head of state, has a direct impact on the decision making process at the highest level. The Council also prepares various reports and recommendations for the President, including promotion of high-ranking officers and MoD personnel. Altogether these Councils' prerogatives and competencies have a direct impact on the nature and the content of decisions in the security and military spheres, and often directly influence the functioning of the 'power ministries' and armed units subordinated to them.

However, the submitted studies did not offer particular assessment on this formation expertise, except to note that the structure and staffing of the Supreme Security Council and its procedures are adopted by the President. It is important to mention that all required documents that determine general directions in military construction and measures for maintaining the country's defensive capabilities are developed within the framework of the Ministry of Defence, and only by military personnel. Parallel to statements about the government as the real protagonist in the decision-making process, the assessments underline that the government must discuss and decide on security issues theoretically, while in practice it usually routinely approves policies examined and formulated at the level of the political leadership.

The government has clearly stipulated responsibilities and obligations in the field of national security and defence. The main instruments the government uses to monitor and manage these issues are the consolidated budget that obligatorily passes through the executive structure of state power before being approved by the parliament, amendments to military organisation, and modernisation plans, and the periodical hearings of the heads of ministries and state departments at the government's weekly meetings. The Government is competent to decide, for the most part, issues pertaining to logistical support for the Armed Forces, and to the provision of conditions for the normal functioning of the army and armed units, for the accumulation of mobilised resources, and for the preparation of reserves. Executive authorities are involved in the manufacture and procurement of military equipment and armaments, in the training of professionals and specialists for army needs, in the drawing up of contingency plans to shunt the national economy to wartime production, and in the provision of social safety nets for military servicemen, their family members, and individuals undergoing military training and retraining. The Government is also responsible for the discharge of obligations emanating from Moldova's international treaties and agreements on collective security and joint defence.

Within the studies, attention was paid to the parliament, keeping in mind its specific role in civil-military relations and democratic control. The question of how far parliament actually performs its constitutional and legal role in practice is among the key topics. Factors such as lack of experience and expertise among parliamentarians, as well as of supporting expert staff and information resources, lead to the conclusion that parliamentary control over military is still rather weak in Moldova. Data reveals that about seventy-one bills have been passed in less then two years. This, along with the periodical consideration of the plans and work of the Defence Ministry, the Ministry of Internal Affairs, Information and Security Services, State Department of Carabinieri, of Frontier Guard and the Department of Exceptional Situations implies a proliferation of laws and reports with questionable substantive contribution of the Committee for National Security.

Parliament should provide scrutiny not only of the military, but also of the executive and of defence policy as a whole. According to the relevant laws its invested powers were enlisted with under the assessment that its role has been important in the establishment of the constitutional and legal framework, but that its role in controlling and correcting the national security policy and strategy and the budgeting process had only been exercised so far with modest success.

The Standing Parliamentary Commission for Military Issues and State Security (Security Committee) has a potentially very important role because its responsibilities include powers to monitor and oversee national security and defence policies, defence budgeting, and the procurement and sales of armament and military hardware. Parliament also can use the 'Government Hour' hearing, held every week before full-scale sessions to question cabinet members. The official queries and appropriate follow-up actions are a fairly effective tool to control the activities of the armed forces and its management structures.

In decision-making processes parliamentarians use assistance of the experts from ministries involved in defence and security matters, and sometimes the opinion of experts from NGOs. However, the Parliament and Security Committee do not have special staff devoted to the state's defence and security issues. One assessment includes the statement that the contribution of Service of Information and Security could be more substantial if there were experts who could assist in the development of projects and make recommendations for the President. It is important to mention that, like other countries in the region, there is no possibility to educate civilians to be high level officers in the country. Even the long awaited 'Military Reform Concept' (prepared between 1997-2002) was developed tightly within the framework outlined by the Ministry of Defence and did not clearly and decisively define the degree of participation of civilian bodies and state officials in defence planning.

It has been pointed out that the main problem is still the low quality of expertise and lack of qualified personnel to deal with current problems and the inadequate professional level of the majority of the decision-makers. Also, MPs do not have a clear interest in the armed forces or military reform, nor the real conditions in which the armed forces have to operate. Even if legislators' aides and support staff of specific parliamentary commissions include competent experts and military professionals which, per se, is a rarity, it is the MPs that have final say and the latter are not always sound.

Negative developments separate political legitimacy from expert knowledge. Regardless of the mechanisms and extent of participation by legislative authorities in the military sphere, the effectiveness of political control ultimately hinges on the extent to which legislators are informed and competent. For this reason Moldova still cannot be considered successful in 'good governance', defined loosely as the citizens' ability to obtain information on government initiatives and policy and to analyse the impact of these programmes. However, at least the increasing activity of the permanent committees must be acknowledged. Regular hearings and discussions have contributed to raising the degree of transparency in the decision-making process in this area of state responsibility. An important step forward is the submission of a more detailed draft of the state budget to the Parliament.

One of the basic conditions of effective democratic oversight over the army is co-operation between the legislative and executive branches, between parliament and the government, between the respective parliamentary commissions or committees and the Defence Ministry. There are opportunities and established mechanisms that ensure

efficient co-operation between the parliamentary commission and the respective ministry, state department or government itself. These relations between different branches of government and agencies representing the object of parliamentary control may, given the sides' competent attitudes, become a source of creative and responsible approaches.

The assessments offer an overview of state security agencies upon the premise that the procedures and conditions of interaction and cooperation among security services and with other institutions of public authority have been previously established. Considerable attention was devoted to the structure of crisis management in different contexts: that of military crisis, exceptional situations and the context of combating terrorism. The most recent law, on Combating Terrorism, provides the highest authority of the leader of the operative anti-terrorist group, when the interference of any other person in the management of the antiterrorist operations is not permitted, irrespective of his/her position. Moldova is a part of relevant European conventions, but the use of the armed forces in the resolution of conflicts arising within the state remains a problematic issue.

More than internal cooperation, the studies elaborate international cooperation. The Information and Security Service takes part in joint meetings of security services of the Commonwealth of Independent States, and professional training is undertaken in the Russian Federation and Ukraine.

Legislation on the use of armed forces abroad is also well developed. Moldova excludes its direct participation in international peace-making operations, admitting its participation in such operations only after the cease fire armistice and under the aegis of the UN or OSCE.

External factors affecting security sector reform

The studies acknowledge the extreme sensitivity of the Republic of Moldova to external factors and, in contrast to other Eastern European countries, identify the ambiguous attitude towards EU integration and NATO membership. This self-assessment publication might contribute to the ongoing discussion in Moldova about the necessity to reach consensus regarding the idea of Euro-Atlantic integration.

The concept of permanent neutrality of Moldova, imposed by the Constitution, has been regarded as permanent obstacle to NATO membership although Moldova joined the PfP programme in 1994, and its armed forces are involved in more that 70 activities within PfP annually.

The problem of Moldovan EU accession was formulated clearly as a strategic priority only in 'The Programme of Government Activity' adopted in 1998, and then in the Draft Foreign Conception elaborated by MFA in Spring 2002. EU integration is described as a 'main strategic objective of the foreign policy', but it has remained such only in a declarative form. Moldova has no strategy for EU integration and its leadership presents participation in the Stability Pact for South Eastern Europe as an alternative to European integration.

Moldova joined the Stability Pact for South Eastern Europe in June 2001 and intends to sign free trade agreements with all member-states, as well as to participate in the projects included in the plan of activities for 2003. The role of the OSCE and the

UN is seen as important, and the leadership of these two organisations a precondition for possible Moldovan participation in peace-keeping forces.

Moldova joined the PfP programme in March 1994. In the Document of Presentation it was underlined that Moldova would make efforts to establish a closer collaboration with political and military bodies of NATO within the framework of the programme and that it would participate in all events within the Euro-Atlantic Partnership (meetings of the Foreign Affairs and Defence Ministers, Chiefs of General Staff, seminars, symposiums, visits of military experts, and military delegations). Also, the Moldova supports NATO's efforts to extend mutually advantageous cooperation in Europe; it assumes all responsibilities according to the Document of Presentation, and considers the PfP programme as a guarantor of security and stability on the continent and assumes that participation in the programme will create conditions for increased security and defence capacity of the country.

According to the assessments, the role of the Commonwealth of Independent States is very prominent. Since 1990 parties orientation towards CIS promotion have almost permanently dominated the political arena in Moldova. The Republic of Moldova has been adhered to the CIS since the end of 1991, however without participating in military activities within the CIS. Despite that, Moldova's security services co-operate within the CIS, and the Moldovan capital recently hosted a summit of CIS countries.

Issues not covered by the self-assessment studies

The self-assessment covers far more the institutional arrangements than the actual performance from the side of expert formation, advisory boards, monitoring and co-operation. The main topics are democratic oversight and transparency, legal and procedural aspects of civil-military relations, the role of the parliament and the executive, with additional overviews of defence planning, training, crisis management and peacekeeping.

However, the issues of border guard services and police, the role of the General Staff, military jurisdiction and soldier's rights were not adequately covered in these assessments. Also, one of the most painful dimensions of security sector reform, reduction of military personnel and of military equipment and armament, including all related social implications, has not been addressed.

When it comes to presenting the security sector reform factors in the self-assessments, they are mostly dedicated to explanations concerning political monitoring of the military, and less to elaboration of the complex issue of exercising democratic control over all armed forces and comments on practical implementation.

For example, there is a tendency to see the army as a relevant factor for resolution of internal problems. According to the Military Doctrine of the Republic Moldova, potential sources of military threats to sovereignty, independence and territorial integrity are enumerated dangers in connection with the existing conflict in Trans-Dniestr. These include: territorial pretensions of other countries; attempts to interference in domestic affairs and destabilisation of the internal political situation of the Republic; the presence of foreign troops in the territory of the Republic; activities of separatist organisations, orientation towards armed violation of territorial integrity of the Republic; and the creation of illegal military forces.

However, despite this, the majority of the studies fail to mention the conflict at all. An absolute focus on this conflict would have been counterproductive; however, ignoring the conflict contributes to a distortion of the actual picture of security sector problems in Moldova.

Permanent instability and economic and social crisis have greatly influenced attempts to effect security sector reform. The majority of the population is still primarily concerned with poverty and social hardship, while issues concerning security sector reform remain on the backburner. Leading political organisations prefer to pay more attention to social and economic problems, whilst military issues remain in the shadow of these more visible and tangible concerns. Military matters are only touched upon in the context of possible axing of army units or decreased budget allocations for military needs, with populist parties promising to use these funds to satisfy social needs and develop science and education. The military budget has been decreasing yearly despite its increasing needs. The share of military expenses in Gross National Product of Moldova has been decreasing annually by 0,4 - 0,7%. Furthermore, in real life the military budget was covered with only 40-60% of what was officially attributed.

Uncertainty over the future of the army does not contribute to long-term planning of security sector reform and its social implications. In spite of scandals, detailed by the press on a regular basis, about corruption in the armed forces and cases of non-statutory treatment of soldiers, the respondents of many public opinion polls only attribute conventional features to the army.

Recommendations for international institutions

The specific geopolitical position of Moldova, including its participation in many regional initiatives but without deep involvement in any of them, a fragile social situation with a high poverty rate and serious security concerns starting with lack of control over an eight of the state's territory, requires an active role and balanced approach of the international institutions.

Both in the society and in the political elite of Moldova there is no consensus concerning the priorities of the foreign and security policy. Civil society is still mostly powerless and needs external help and contributions to achieve sustainable development. Collaboration with the European structures and NATO is usually determined by the external initiative and that is the reason for first general priority: fostering local ownership of reforms.

Council of Europe

Among the other institutions mentioned, the Council of Europe's experts can also contribute in the area of legislative reform. Involvement of representatives of the Parliament in Council of Europe activities may contribute to human and minority rights promotion and broadening the regional concept of the state, which would be an important dimension of the situation in Trans-Dniestrian settlement.

EU

Recent official Moldovan proclamations about integration into the European Union as a goal for the future, albeit without a serious conception so far, is a starting point for proper information dissemination about core values and conditions for the admittance. Particular attention of the EU should be paid to the specific, most urgent Moldovan problems like immigration and human trafficking, i.e. to the promotion of a concept of citizenship and a gradual step-by-step approach. While discouraging illusions about integration in the near future, the local acceptance and authentic ownership of the European values should be seen as a priority and gradually fostered.

While focus on supporting civil society and fighting organised crime is a current priority, EU endeavours to establish good governance, together with World Bank and UNDP, and organisations mentioned in the assessment, could be crucial in the future.

NATO & PfP

The promotion of lessons learned and advice with regard to the forthcoming military sector reform is of crucial importance for efficiently using money and time. It is particularly important when it comes to the downsizing and demobilisation of armed forces. Along with the Stability Pact, NATO can offer such expertise through PfP.

Special attention within the Partnership is paid to studying of languages, military budget planning, formation of the legal ground for Military Forces functioning, execution of research activities, military industry conversion and environmental protection, the problem of modernising information systems, communication means, organisation of military ranks, civil protection and liquidation of environmental hazards and delivering humanitarian aid.

Current cooperation within PfP allows the military to emulate the military structures of the western democratic countries with the aim of training the staff, ensuring access to information and statistics by participation in activities within the PfP framework, the mode of organising peace maintenance and humanitarian operations with the forms and methods of work of servicemen and general staff in case of forced engagement as well as the sustainability of respective actions. During the last years, Moldova participated in at least seventy-five activities per year due to the financial support of the NATO countries. It is obvious that financial support should continue, at least to preserve the current level of cooperation within the programme.

Furthermore, priority attention should be paid to the involvement of civilians in appropriate PfP programmes, keeping in mind of the frequently mentioned lack of expertise within the parliament and other institutions.

OSCE

The current role of the Organisation for Security and Cooperation in Europe in Moldova is versatile. The most obvious involvement is the process of finding a solution for Trans-Dniestr problem: a clear priority, being the most important security concern for Moldova. However, the OSCE simultaneously might intensify its important initiatives focusing on human trafficking and corruption, performed in cooperation with other international actors.

Moldova has participated in international exchanges of information through OSCE channels, and has been visited in accordance with the agreement on conventional armament and armed forces in Europe. The international inspection teams found that Moldova honours its relevant obligations.

The practices of exchange of military information according to the OSCE documents contribute to some extent to civilian involvement in this area. It would hopefully influence the local authorities in the long run by gradually enhancing transparency and accountability. Intensifying training of Moldovans in confidence building measures and support for media freedom within the OSCE existing framework might also be recommended.

Stability Pact for South Eastern Europe

The role of Stability Pact, vaguely presented in the studies, might be enhanced in several ways, particularly by keeping in mind the Pact's broader scope and relative neutrality.

Firstly, within Working Table I capacity building of civil society organisations would be of great importance. Non-governmental organisations and media have a crucial role in substantial implementation of the democratic control over the security sector, and their weakness in Moldova is one of the most obvious conclusions of the assessments.

Secondly, within Working Table II, the regional free trade agreement policy should be conducted carefully when it comes to Moldova, keeping in mind its lack of resources and weak border control toward regions that do not participate in the Stability Pact.

Finally, Working Table III, the most relevant for security sector issues, offers closer co-operation in fighting organised crime and small arms proliferation. Serious involvement of Moldova in the operational work of the Centre for Organised Crime based in Bucharest (joint project with SECI), as well as Operation Ploughshares, initiated by Albania, and the use of technical support of the SEE Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) can contribute to the downsizing of the networks of organised crime in the long run.

Chapter 6

Romania:
Analysis of the Stability Pact Self-Assessment Studies

Marian Zulean

The concept of Security Sector Reform (SSR) has become prominent in the last couple of years both for local decision-makers in SEE countries and the international community. Although the academic community has tried to define the term, the concept is still fuzzy when it comes to the development community or the practical world of policy advisors related with assistance for security. The endeavours of defining the SSR concept were mostly theoretic, deductive and normative. Thus, this study aims to contribute to the clarification of an SSR concept by drawing conclusions from the 'bottom up'. It does so by answering both empirically and inductively the questions of what the findings of the ten self-assessment papers written by the local experts mean for Romania and for the international community.

Reforming Romania's security sector: progress and problems

The main challenges specific to SSR in Romania come from its immediate historical legacy. Romanians fought for centuries against the Tsarist, Ottoman and Austro-Hungarian Empires to unite their territory and to preserve their identity. This struggle cultivated a public very sensitive to external threats and relatively supportive of the military. Also, Ceausescu's dictatorship - the fiercest among East European states - exercised subjective civilian control of the military through Party and 'Securitate' channels. That partially explains the violent revolution of 1989, where the Army, instead of defending the dictatorial regime, defended the population against the Dictator, contributing to the overthrow of the Communist regime. Some Western experts expected that the military would seize power and institute a military dictatorship. However, in an unexpected turn of events, the Army decided to support the fragile civilian government and transformed its mission, structure and instituted objective civilian control. A special group of young officers - the Action Committee for Democratisation of the Army (CADA) - had an important role in igniting reform.

On the other hand, it is useful to mention that for about two decades during the Communist regime, from 1965 to 1980, Romania had very professional armed forces and intelligence services, a coherent doctrine of 'the struggle of the entire people', a developed national defence industry and all of these structures were integrated in a systematic way. So the challenge of SSR for Romania was how to build a democratic SSR from roots in an authoritarian type.

To sum up, there were four major elements in the process of reforming the security sector of Romania. First, the revolution of 1989 disrupted and dismantled the systemic structures of the authoritarian security sector and put the armed forces and defence in the spotlight of the reform process. A systematic approach to security captured the attention of policy-makers only in the late 1990s. Second, a tradition of politicisation of the security sector, mainly for the intelligence services and defence

industry, was established. Thirdly, very much related to the previous issue, the legacy of a powerful president who had centralised power and controlled the Military added to the popular expectation that one 'wise man' should be in charge with that. Fourthly, the a legacy of a strong army, based on mass conscription.

Once Romania became a member of the Partnership for Peace (PfP) and assumed the OSCE Code of Conduct on Political Military Aspects of Security (1994), the goals of reform became more clear and Western assistance to implement the reform became instrumental in assuring its success. However, the Planning and Review Process (PARP) of PfP and PfP itself did not provide close supervision of SSR; they were instead focused mostly on defence issues, most particularly on peacekeeping preparations.

NATO's Membership Action Plan (MAP) after 1999 that helped create a consistent, clear and comprehensive approach to SSR. The new government after 2000 focused reform on the other shortcomings: poor and weakening democratic control over the military, politicisation of the military, de-professionalisation of the officer corps and insufficient professionalisation of civilian experts.[1] The preparation for joining NATO and NATO's evaluation teams furthered the agenda of reform beyond the classical concept of security sector and comprised even issues like human rights, the situation of street children and human trafficking. The majority of the papers have an institutional approach presenting the norms and institutions involved in SSR as well as the new system of security and defence planning. From those papers one can draw the conclusion that the spotlight of SSR was human resource management, participation in peacekeeping operations and building a coherent system of planning in the security area.

The security sector reform problematic facing Romania

Historical legacy has played an important role as a contextual factor for reforming the security sector. Problems generated by the historical heritage have previously been presented in a systematic way. It is worth adding that the obsession with external threats is deeply rooted in history and inflated by Ceausescu's propaganda and was an important obstacle for initial SSR efforts. When policy-makers tried to adopt a strategic concept and coherent defence planning in early 1990s the experts and the public came up with a whole range of external threats that required 'circular' defence and would have required the whole budget of 1994. For that reason the project was rejected by Parliament. This historical legacy has acted not only as an obstacle but also as a stimulus. Deeply rooted trust in the military, corroborated with the Army's contribution to overthrowing Ceausescu's regime generated 'social capital' that allowed the leaders to pursue SSR.

Other factors that contributed to SSR could be grouped into international factors and internal factors. Among international factors the most important included threat perception and the actual international situation and the role of Western assistance. Since the Warsaw Pact and the bipolar world formally dissolved in 1991, the main external threats to Romania's security were those generated by regional conflicts such

[1] See Ioan M. Pascu, 'Romanian Military Reform and NATO Integration', in Larry Watts, (ed.), *Romanian Military Reform and NATO Integration*, (Bucharest: Center for Romanian Studies, 2002), p. 26

as that in Trans-Dniestr and the former Yugoslavia. Therefore, international requirements and assistance were essential in pursuing SSR.[2] NATO's open door policy particularly and its PfP acted as an incentive for reform. They offered advice, guidance and some resources to pursue a democratic transition. Later on, the Stability Pact was the main institution coordinated by the European Union supporting 'soft' security and regional cooperative security.

On the other hand reform started from the military's initiative and domestic factors was fundamental. It was General Spiroiu, nominated as Minister of Defence in 1991 who stated that his role was to prepare the civilian control framework and to hand the power to a civilian minister. Public opinion not only supported the reform but also the economic constraints and tight budget contributed to the ultimate successes or failures of SSR. Consequently, SSR in Romania has been influenced by its peculiar historical legacy, international influence and assistance and domestic factors. Among them, the role of internal factors has been too narrowly studied. It is presented more implicitly than explicitly and the role of economic development and public opinion support has not been addressed by the papers.

Social implications of security sector reform

In order to realise good governance, civilian control and economic development Romania had to implement tough reforms and such reforms were made at a cost to society. As argued earlier, before 1989 the security sector was very important, very large and integrated in a systematic way. But the revolution of 1989 required revolutionary changes. The first measures of de-communisation and controlling the 'Securitate' affected the intelligence sector. While before 1989 it was only the Securitate (with three branches) that represented intelligence (and that was taken under Military control later on), six smaller intelligence agencies were created. In 2002 the chief of SRI and SIE (internal and external intelligence agencies) stated that only 20% of their personnel worked under the communist regime.

Also, the defence industry was integrated within MoD and they began to handle procurement as well. Since the demands of the Romanian military dropped dramatically as much as exports, the defence industry almost collapsed. Now some factories have been privatised, and others integrated in the Ministry of Industry, but majority of the workers left the industry, either due to unemployment or in search of other jobs.

The military reduced its size from 320,000 in 1989 to 207,000 in 1999 and 140,000 in 2003 envisioning a further reduction to 90,000 military and civilians in 2007.[3] According to the same source the number of colonels will be reduced from 2300 to 630 and the number of lieutenant colonels from 5600 to 1800 by the end of 2003. After 1997 the Concept of Human Resource Management was adopted to deal with restructuring. The Military Career Guide was adopted in 2001 to implement a

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2 Marian Zulean, 'International Requirements and Assistance for Defense and Security Reform', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 405-415.

3 Marian Zulean, 'Professionalisation of Romanian Armed Forces', in Andrew Cottey, Timothy Edmunds and Anthony Forster, *The Challenge of Military Reform in Post-Communist Europe*, (New York: Palgrave, 2002), p. 121.

professional re-conversion system. Professional re-conversion comprises both pre-retirement services and active measures of social protection. They are developed with NATO's assistance and the World Bank's financial support.[4]

The role of the international community

The international community, particularly international organisations such as NATO, OSCE and EU, have acted as important factors in supporting, advising and directing Romania's SSR. Some bilateral assistance programmes of the US, UK, France, Germany and Italy have also played important roles. The requirements of NATO's PfP Framework, the OSCE's Code of Conduct (1994) and the Study on NATO Enlargement stated clear criteria on democratisation of civil-military relations and defence reform. They were focused mostly on 'first generation problematic' issues. Later on, the Membership Action Plan adopted in 1999 had a comprehensive and systematic approach and produced deeper change in the Romania's security sector.

Some bilateral programmes assured the training and education for both military and civilian leaders and younger experts. Also, independent think tanks and foundations such as RAND and CUBIC (USA) and DCAF (Switzerland) offered assistance, organised conferences, debates and delivered studies. Individual advisers from the UK, France and Germany attended the Defence Planning meetings and helped Romania prepare planning documents or reports for NATO. Lastly, civil society organisations prepared many programmes and projects, with assistance from, among others, the EU's PHARE, the Stability Pact, PfP Academic Consortium and OSCE. With respect to civil society, the Soros Foundation and other NGOs played important roles in training and helping Romanian civil society.

Security sector reform priorities in Romania

SSR is not an end itself but a long process comprised many stages along the way. The first stage of SSR (1989-1992) began with the de-communisation and downsizing the armed forces. In the aftermath of the revolution of 1989, some of the first 'revolutionary measures' involved the changing of commanders and the transfer of Securitate's (secret service) control to the Military and the withdrawal of the military from use as a free workforce in the national economy. The Action Committee for Democratisation of the Army (CADA) played a key role in initiating changes. The most notable contribution to the institutionalisation of democratic civilian control in this period was the establishment of the Country's Supreme Defence Council (CSAT). CSAT was established as an agency for coordinating the conception and executive actions in crises situations. The first stage was full of debates and social and political anxieties but resulted in, on the institutional field, the adoption of Romania's Constitution, which stated clearly the democratic principles of governing, citizens' rights and liberties, institutions of state power and regulated/formalised the relations between them. Another contribution to the launching of the army's restructuring and reform was the signing in

[4] George Maior, 'Personnel Management and Reconversion', in Watts, (ed.), *Romanian Military Reform*, p. 79.

1990 of the Conventional Forces in Europe Treaty (CFE) that set out to reduce armaments and military size.

The second stage from 1992-1997 saw the dismemberment of the Warsaw Treaty and Romania's desire to integrate into NATO. This, along with NATO's programmes of assistance and the conditionality – inherent to the criteria of joining NATO – acted as an important factor influencing the establishment of civilian control and the Army's professionalisation. During this time the National College of Defence (1992) was established aimed at preparing civilian experts in the security field, and a civilian deputy minister (Ioan Mircea Pasçu) was named in 1993. This was followed by the appointment of a civilian Minister of Defence (Ambassador Gheorghe Tinca), and the adoption of a legal framework for democratic control and the reorganisation of security institutions. Also in this period Romania became the first Eastern European country asked to become a member of Partnership for Peace (PfP) in 1994. With PfP, interoperability programmes and reforms were adopted (Planning and Review Process with its objectives of interoperability). Moreover, Romania assumed the OSCE's Code of Conduct, with a separate chapter dealing with the civilian control of armed forces (1994).

The third stage between 1997-2000 marks the period when the coalition government of Democratic Convention-Democrat Party-UDMR came to power. After the failure of Madrid, where Romania was not invited to become a NATO member, the process of reform did not stop; on the contrary, substantial improvements were made in the defence planning process and to the military education system with the adoption of the Emergency Decree on defence planning (1998) and the Concept of Human Resources (1997). Now also, the programmes of security assistance have been intensified and a serious diplomatic effort carried out. An important determinant at this stage was the Washington Summit, through which the preparation of NATO candidates on the basis of an annual plan (Membership Action Plan) was proposed. Unfortunately, at the internal level, divergences within the government coalition intensified and the electoral campaign was carried on, a fact that led to the allotment of fewer financial resources for army reforms. Up to this stage the agenda of reforms focused on the so called 'first generation problematic', reforms focused on armed forces, divesting means and troops, such as border guards or defence industry to other agencies. Intelligence agencies, the defence industry and the Ministry of Interior followed a parallel track of reforms, albeit at a slower pace.

The last stage began after the election of November 2000, when power was taken over by the Social Democrat Party. The approaching NATO Summit (Prague, 2002) and Romania's expectations of becoming member acted as important stimuli for a focused effort of continued reform. To achieve a consensus, President Iliesçu convened, on March 31, 2001 political parties, representatives of civil society and authorities in the city of Snagov to sign 'The Appeal-Declaration of NATO 2002 Forum'. Coherent measures to fulfil the Membership Action Plan, cycles II and III, were taken, including improvement of the framework of civilian democratic control of the army. In the field of diplomacy, the successful handling of the OSCE presidency and the organisation of the Summit V-10 'The Spring of New Allies' were important actions promoting Romania's regional role and for its image abroad. The Prague Summit, where Romania was invited to join NATO was a turning point for SSR. That invitation allowed decision-makers to pursue an accelerated path of reform with an agenda specific to the second generation problematic, meaning good governance, efficient institutions,

adoption of the 'Project Force-2007' (a force structure of 90,000 people and focusing on modernising reforms to and procurement of NATO compatible equipment).

Balanced vs. asymmetric reform developments

As presented earlier, the reform in the early stages was focused on the armed forces. A process of de-communisation, downsizing, changing the role, missions and training system and education were first on the agenda. Early Parliaments focused their attention on adopting norms, initiating constitutional changes that provided for democratic civilian control of the armed forces and Intelligence. In the mid and late-nineties the focus lay on restructuring the military organisation and human resource management. These reforms happened quickly, the number of people decreased from 230,000 in 1990 to 207,000 in 1999 and 140,000 in 2003. Now the focus of reform is on efficiency of those institutions. As Mihaela Matei wrote, Romania was a pioneer among CEE countries in adopting a defence system, starting in 1998.[5] However, an integrated system of security planning was workable after 2000.

On the other hand, the re-organisation of intelligence agencies started with the Revolution of 1989. The Parliament, CSAT and government monitored these changes. The legislative framework of the functioning and control of those agencies was put into place very early but how the mechanism by which control actually functions remains understudied. Later, after Romania began negotiations with the EU and the Stability Pact the spotlight moved towards other security sectors, such as the Ministry of the Interior (MI) (border control, de-militarization of MI, anti-corruption measures etc). The initial focus was on the armed forces because they started the 'revolutionary' measures on their own initiative. Moreover, the prospect of joining NATO with the related assistance programmes helped focus attention, resources and know-how on how to implement the reform. However, the declining economy was an obstacle to successful reform and the governments prioritized the goals, focusing on downsizing, restructuring of the organisation, adopting legal norms and human resources management first. The asymmetrical focus is explained also by the lack of knowledge and focus of the Western assistance (in fact the concept of SSR only showed up around the year 2000).

The role of civil society

A democratic society presupposes not only the separation of powers but also the existence of some informal mechanisms and non-governmental institutions, such as organisations in 'civil society', to affect indirect civilian control and. Institutions such as independent press or non-governmental organisations and independent institutes of research (think-tanks), contribute to information dispersal to civil society on security issues creating expertise among civilians. In the Communist era there was no independent movement or civil society in Romania. Movements, such as the 'Solidarity' in Poland or the Czech's 'Charter 77', could only have been created with great difficulty in Romania.

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[5] Mihaela Matei, 'Defense Planning: System Building, The Role of the Armed Forces and Civilian Control', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 343.

Michael Sheehan sees the role of NGOs and research institutes after the end of the Cold War as being that of contributing to the building of peace and stability, through recommendations to and lobbying of governments, playing the role of democratic 'watchdogs', informing the public about security issues and of building trans-national networks of cooperation and research on security issues.[6] There are some organisations and foundations very active in the field security policy, such as The 'Manfred Woerner' Euro-Atlantic Association, EURISC Foundation, George C. Marshall – Romania Association, and the recently created 'Casa NATO'. However, the expertise of these organisations seems to be limited to organising conferences and debates, their overall role in the elaboration of fundamental studies for security policy being limited.

An important aspect of democratic control related to civil society's activities in the security sector is the creation of transparency. Together with political institutions of control and NGOs, an independent press is an important factor preventing military abuses. Over the years, the press has acted as a genuine 'watchdog' of democracy, being considered as the fourth power within the state itself. The chapters written by Brigadier General Ionescu and Liviu Muresan both address those issues complementarily. The former focuses on transparency and accountability from the governmental institutions point of view while the latter focuses more on the role of civil society.[7] As Liviu Muresan puts it, the adoption of Law no. 544/2001 regarding the free access to the information of public interest is fundamental in helping civil society to address the transparency of decisions in the public administration field and its implementation is fundamental for the Euro-Atlantic integration of Romania.[8]

The role of the international community

In order to realise SSR, Romania benefited from many multilateral and bilateral assistance programmes, both for the military and civil society. At the bilateral level, one of the most important donors was the United States through its early Mil-to-Mil, International Military Education and Training and Foreign Military Funding (mostly for procurement). Among the most relevant for SSR was IMET (later E-IMET) that facilitated the attendance of Romanian officers and civilians in short-term and longer masters programmes in the US. Another important project that helped Romania and some other countries in the region prepare personnel for PSO was the British-sponsored Regional Centre for PfP Training in Bucharest, where courses were attended by more than 1,000 people.

At the multilateral level NATO's PfP programme has been a sort of school of preparation for joining NATO and is something the Romanians took very seriously. PfP helped prepare the Army for PSOs and its utility was demonstrated by actual Romanian participation in PSOs. PfP also filled the gap of expertise for civilians and contributed to the professionalisation of the military through conferences (organised under the PfP

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6 Michael Sheehan, 'The Role of NGOs in Building Security in South Eastern Europe', *Central European Issues*, Vol. 5, No. 2, 1999/2000, p. 44-49.

7 Mihail Ionescu, 'Transparency and Accountability', and Liviu Muresan, 'Security Sector Reform in Romania', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 379-391 and pp. 303-312.

8 Liviu Muresan, 'Security Sector Reform in Romania', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 310.

Academic Consortium aegis), seminars, courses and trainings at NATO's Defence College, the Marshall Centre for Security Studies, NATO's School (SHAPE), and through various military exercises and fellowships. By signing the 'Framework Document' in 1994 Romania received a roadmap of reform and additional resources.

The European Union (EU), initially under the aegis of the WEU and later under the Stability Pact, also provided resources to further facilitate SSR in Romania. The role of each institution will be described in detail bellow. The last point to be mentioned here is that many Western-sponsored institutions of regional cooperation have been established in SEE but still maintain regional ownership.

Among them is the South Eastern Europe Defence Ministerial Process (SEDM) aimed at contributing to regional security and stability and enhancing regional cooperation. SEDM process brings together, under the same cupola, NATO countries as well as PfP nations. SEDM provides participating nations with the necessary means to prove to the international community that they are evolving from the status of security consumers to one of security providers. The ten member nations are: Albania, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Greece, Italy, Romania, Slovenia, Turkey and the US. Since 2001, Ukraine has been an observer at the ministerial meetings. SEDM built its military structure, that is the Multinational Peace Force South Eastern Europe (MPFSEE) and the South East European Brigade (SEEBRIG), a multinational regional security structure in South East Europe. Croatia, Slovenia and USA can be counted as observers as well.

Another important cooperative programme is the South East European Cooperative Initiative (SECI). SECI is not an assistance programme in that it does not interfere with, but rather complements existing initiatives. SECI endeavours to promote closer cooperation among the governments of the region and to create new channels of communication among them. SECI was launched on the basis of 'Points of Common EU-US Understanding.' It attempts to emphasise and coordinate region-wide planning, identify needed follow-ups and missing links, provide for better involvement of the private sector in regional economic and environmental efforts, help to create a regional climate that encourages the transfer of know-how and greater investment in the private sector, and assist in harmonising trade laws and policies. Participating States in the SECI include: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Romania, Slovenia, the former Yugoslav Republic of Macedonia, Turkey and, as of December 2000, Serbia and Montenegro. It is based in Bucharest and has gained increasing importance and recognition after the 11th September 2001.

Regional implications of security sector reform

Romania defines itself as a bridge between Central Europe, the Balkans and Caucasus. In that strategic vision it has been taken upon the special task of building peacekeeping troops and participating in PSO both at the regional and at the global levels. Since the Balkans were seen as the powder-keg of Europe and the wars in former Yugoslavia could have spread instability in the region, the main measures taken by SEE countries supported by the international community were to take confidence building measures (CBM).

SSR is one of the most important CBMs, because downsizing the armed forces, restructuring and building common units contributes to an increased level of trust and

reduces the security dilemma. Several states in the region built special initiatives, such as the South East Europe Defence Ministerial (SEDM-1996) to intensify political military cooperation with its most important project of Multinational Peace Force in SEE (MPFSEE)-a brigade level unit. Black Sea Naval Cooperation Task Group (BLACKSEAFOR) and SECI Centre for Combating Trans-Border Crime were another initiatives.[9] The bilateral agreements and units, such as Romanian-Hungarian Battalion were very important too. The most recent big initiative was the Stability Pact, whose aim is to encourage and strengthen cooperation between the SEE members. All these sets of institutions and networks were created to foster trust and achieve the goal of regional security. What is important to realise is that the networks and initiatives were created at the suggestion and with the support of the international community; therefore one must be aware that their problem is their long- term sustainability. In the case of NATO and the EU's open door policy they might be successful endeavours and a focus on a coherent SSR would be very useful as well.

Issues not covered by the self-assessment studies

Basically the studies represent a huge effort to document and research and for that reason alone should be highly appreciated. For a country like Romania there is a severe shortage of studies on civil-military relations and SSR. However, there are without clear thesis statements or clearly drawn conclusions. Many papers present the laws and institutions of democratic control very descriptively but lacking further explanatory details. Moreover, the SSR is a process and each paper should have followed the reform as a process, not simply by presenting the status quo.

The most important shortcoming comes from the fact that the majority of the papers focus on defence and do not analyse the reform of the Interior Troops, Border Guards and Defence Industry. Moreover, further description of the mechanisms of oversight for intelligence agencies is needed.

Systematic aspects of the self-assessment studies

The SSR problematic is vast but this study presented in part one the specific situation of SSR in Romania. This next part will focus on important topics, such as expert formation, monitoring of SSR, cooperation programmes and the types of advisory boards and panels applicable for SSR.

Expert formation is one of the most important topics of SSR. By experts we mean professional actors involved in SSR, including the military and civilians. The chapter on military and civilian training on defence issues[10] presents in detail the changing pattern of education and training for military and civilians in defence and security issues. The problem of how to change the military education system has been posed since the early 1990s when the Department of Education, Science and Culture

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9 For a comprehensive presentation of those initiatives see Nicolae Cotoara and Marin Banica, 'Peacekeeping and Regional Security', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 417-430.

10 Julian Fota, 'From Democratic Reform to Good Governance: Military and Civil Training on Defence Issues', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 367-378.

was established. It contributed to the elimination of ideological elements from the curricula, reorganisation of military schools, and efforts to make military education compatible with civilian education.

In 1995, a 'Concept on the Reorganisation and Modernisation of Military Education' was adopted, triggering very fundamental educational reforms. Further measures were adopted with assistance from the US, UK, France and Holland, such as the adoption of the 'Concept on Human Resource Management'. The main goal of the Concept was to modernize the human resource management in accordance with NATO standards and restructure the personnel. Two important proposals should be noted: a project to create a Military Career Guide (adopted in 2001) and a project on Re-Conversion of Redundant Personnel.[11] The necessity of interoperability with NATO led to the creation of new institutions, such as the Regional Centre for the Management of Defence Resources (Brasov), the Regional Centre for PfP Training (Bucharest) and centres for foreign language education. The goal of joining NATO required the leadership and Human Resource Department to launch, most recently, the Concept on Military and Civilian Personnel's Training for Taking over Positions in NATO Structures (2002).

It can be assessed that the main problem for Eastern Europe on the whole, including Romania, concerns how to train and form the civilian experts taking high and middle level positions in the security sector, according with the principles of civilian control. The lack of security expertise among civilians was in general an important obstacle in building an efficient mechanism of civilian control and SSR. An important step was made in 1992 when MoD established the National Defence College in order to train both military and civilians in strategic and defence issues, two-thirds of the thirty students being civilians. Until last year, 266 out of 499 graduates of NDC were civilians who occupied leadership positions in the security sector or worked as journalists. Another way of training civilians in defence issues was through Western assistance in such programmes as IMET (US), George C. Marshall Centre in Garmisch-Partenkirchen, NATO's School at Oberammergau or many other schools in the US, UK, France and Germany. Last year some special programmes on security and defence (masters degrees) were introduced at the University of Bucharest and National School for Political and Administrative Studies.

Monitoring security sector reform

Monitoring the reform process is an important issue. A lot of plans and strategies have been designed and developed in the last thirteen years many ended up where they began, on paper. One advantage in Romania is that the reform initiated from inside the military was supported by the general population. The establishment of the Country's Supreme Council of Defence (CSCD) was an important step in creating an administrative agency responsible for the organisation and coordination of all activities

[11] See Marian Zulean, 'Professionalization of Romanian Armed Forces', in Cottey, Forster, and Edmunds, *Challenge of Military Reform*, pp. 123-124. See also Marian Zulean, 'Changing Civil-Military Relations in Eastern Europe: The Case of Romania', in Gerhard Kümmel and Wilfried von Bredow, *Civil Military Relations in an Age of Turbulence: Armed Forces and the Problem of Democratic Control*, (Strausberg, October 2000) available at http://www.sowi-bundeswehr.de/Forum_21.pdf

related to security and defence. Since Romania is a semi-presidential republic the ultimate word on oversight belongs not to the Parliament but the CSCD, presided over by the President, which has proposed, advised and supervised the majority of the reform measures in the security sector. Even if the MoD, intelligence agencies or MI presented reform projects, there were all equally debated within the CSCD. Likewise, the Parliament's committee's for defence, public order and national security has had important role in monitoring the reform measures.

However, a breakdown of communication among agencies and criticism of a competition between CSCD and the Government impeded coherent and smooth SSR implementation. After the Washington Summit (1999) adopted the Membership Action Plan and the issue of SSR was raised as such, the managing reform became more complex. Therefore, a special Inter-Departmental Commission for NATO Integration was created in 2000 tasked with co-ordinating, in a standardised format, domestic and overseas activities related to NATO integration, preparing evaluation reports on and submitting proposals for the implementation of the National Strategy to the Supreme Defence Council. In February 2001 a National Commission for Romania's NATO integration took the responsibility and provided new impetus to the reforms.

On the other hand, Western assistance grew over the years and the role of advice and assistance, both multilateral and bilateral became very important. Romania has a lot of programmes and foreign advisers but does not have a board or panel to coordinate them in an integrated and effective way.

Conclusion

Romania's SSR is now 'locally-owned' to an extent, but no important steps could have been achieved without the role of Western assistance. One should look at Latin American countries or the former Soviet countries to see the difference of outcomes in transitions. While many projects and programmes contributed to (the relative) success of SSR, including international NGOs such as the Soros Foundation (which supported civil society's right to control state institutions including the military), many ultimately proved marginally useful to SSR.

Romania's invitation to become a NATO member in November 2002 at Prague can be considered a major success not only for the Government but also for the society as a whole. In fact, in the last decade, integration into NATO and the EU have been the major goals of Romania's foreign policy. Romania's vision of these two goals does not conflict as they are considered to be parallel tracks toward the same goal; that is, modernisation of Romania and anchoring it definitively to the West. Therefore, those two organisations are the most important for SSR.

The EU initially contributed in supporting a broad approach the reform both under the PHARE and WEU programmes. The invitation to start accession negotiations in 1999 brought a new impetus and broader approach to SSR reform. Among the thirty-one chapters of the negotiations, some such as Justice and Internal Affairs and programmes such as PHARE are related with to the security realm. However, the most important project of EU remains the Stability Pact which was established after the Kosovo crisis in 1999 as a political initiative to encourage cooperation among SEE countries as well as to streamline assistance efforts. The three Working Tables, especially the third one on security sector with its two sub-tables on Defence and

Security and Justice and Home Affairs, are the most suitable to coordinate the efforts of SSR in SEE. SSR in SEE was also been assisted by projects such as the Stability Pact-ISN-DCAF South Eastern Europe Documentation Network (http://www.seedon.org), with its inventory of initiatives and documents, which have provided good informative steps towards a coherent policy in SEE. However, Romania is at a different stage of reform (one could say a 'second generation' agenda) and the majority of SSR projects involved the Western Balkans alone, with some on 'soft' security involving Romania.

NATO's open door policy and the PfP were the most important institutions for SSR in Romania. Although politicians claim that Romania does not comply with reforms for NATO, it was clear that the focus of reform as well as allocated resources were directed towards that end. Many things on the role of Partnership Work Programme (PWP), Planning and Review Process (PARP) or the Membership Action Plan in doing SSR in Romania have been said in the previous chapters.

Although the OSCE played an important role in the democratisation of Romania during the early 1990s, including establishing improved inter-ethnic relations, the most important achievement was the Code of Conduct on Political Military Aspects of Security. Nowadays, Romania has 'graduated' in implementing those conditions and legal frameworks and has a different set of problems than those confronted by other Balkan countries. Within the OSCE, Romania played an important leadership role as Chairman in Office of the Troika in 2001, contributing substantially to the peace process in FYROM.

Two other important international institutions that were marginally involved in SSR in Romania were the UN and the World Bank. Romania not only transformed its involvement in PSOs authorised coordinated by the UN Security Council, but also benefited from the establishment of a UNDP branch in Romania dedicated to achieving good governance. The later (WB) has been involved in the project of re-conversion of the redundant military both in Romania and Bulgaria.

A striking conclusion drawn by the Stability Pact's self-assessment papers is the overall lack of coordination among international actors within the area of security sector reform. Therefore, some policy recommendations coming from the shortcomings presented earlier should be drawn both for Romanian policy-makers and donors.

Recommendations for international institutions

Firstly, professionalisation of the armed forces according to NATO standards and further reform of the Interior Forces and Intelligence is a key priority. NATO should continue efforts to monitor and evaluate through its MAP process until Romania is fully integrated (most likely in 2004). Although NATO has extended its strategic concept and some Trans-Atlantic disagreements still exist, NATO should be in charge mostly with monitoring defence reform and coordinating and supervising of 'collateral' reforms in the area of counter-terrorism, drug trafficking and organised crime.

Secondly, there is a need to establish a SSR sub-table under the Stability Pact's WT III, instead of the two sub-tables. That will give more coherence to the reforms. The issues should be treated differently for Romania, Slovenia and Bulgaria, already invited into NATO and the rest of the countries, that are in a different stage of reform (first generation agenda); besides the Western assistance, the 'lessons learned' from the NATO invitees and expertise should be transferred to the other countries.

Thirdly, a Security Sector Reform Advisory Board should be established by Romania by transforming the National Commission for Integration in NATO. The experience and coordination gained during the MAP process would be useful. It can be under the prime-minister's supervision and the prime-minister should report to the CSCD. Within that commission a Working Group/Panel of Foreign Advisers should be established to avoid duplication and improve coordination of bilateral and multilateral assistance.

Finally, the analytical capacity of civil society should be strengthened. Romanian think-tanks lack the expertise to undertake research, write research papers and give policy advice. The Stability Pact could organise support and assistance to improve the analytic capacity of Romanian think tanks and/or universities. The UNDP and EU could contribute with some resources and well-established institutions, such as DCAF, could provide training and advice.

Part II

Self-Assessment Studies: Thematic Analyses

Chapter 7

Civilian and Democratic Control of Armed Forces in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Edwin R. Micewski

An external evaluation of the progress made in security sector reform as reflected in the Stability Pact self-assessment studies in six South Eastern European (SEE) countries is undertaken here on the basis of an *inclusive* understanding of civil-military relations. Not only personal experience, but also the general character of the self-assessments prove that efforts in implementing appropriate Western democratic standards of civil-military relations were mainly, if not entirely, focused on an *exclusive* conception of civil-military affairs. While the latter approach restricts itself to political questions concerning relations between the military and the civilian governmental authorities, by focusing primarily on legal aspects of democratic political control over the armed forces, a comprehensive idea of civil-military relations encompasses all components of political and societal relations between the military, state, and society.

Whereas, in the language of Samuel Huntington, past and ongoing processes of Security Sector Reform are mainly confined to the 'functional' imperatives of security, the experience of established democracies verifies that, once politically consolidated, the overall political relevance of civil-military interaction shifts from the formal legal aspects of civilian supremacy and control to the rather informal 'societal' imperatives. This includes imperatives such as mutual trust between civilian and military representatives, a positive civilian environment regarding issues of security, defence, and military affairs, a reliable, politically neutral (though not apolitical) professional military establishment, and an officer corps accepted in an intellectual as well as moral sense.

Given the openness of modern societies, the dynamic of change in all areas of political and social life and the comprehensive, intricate, and intertwined challenges to security and stability, the task of maintaining a nation's security cannot be accomplished by structural means alone. Rather, the constitutional and legal framework must be filled with the intellectual capacities of both civilian and military personnel engaged in the business of political-military cooperation. Ideally, they should refer to their shared horizon of cultural and social values as well as their loyalty and commitment toward the common good of the political community they are working for.

This analysis is comprised of three major parts. First, a general evaluation of the overall quality and substance of the self-assessment papers as well as commonly applying deficiencies to the countries' situations in Security Sector Reform (SSR) will be presented; second, each of the six national contributions will be looked at along the lines of the evaluation topics set out for this examination; and third, recommendations and proposals will be given as to future work of the international community in the light of the challenges the countries are facing and the goals set out by the Stability Pact.

General review of the self-assessments

The self-assessment studies give a diverse picture of the expert's approach to the topic as well as their understanding of the matter. This follows not only from the fact that they are departing from different theoretical assumptions about security sector reform and civil-military relations, but also from varying levels of scientific and academic rigour.

With the exception of the Macedonian and Moldovan contributions,[1] the studies are focused on listing and enumerating legal provisions of constitutions and defence acts rather than interpreting the legal framework based on the ten themes set forth in the projects original terms of reference. While a list of constitutional tasks of state institutions can be easily obtained from the internet or looked up in national brochures even by outsiders, an evaluation of the thematic issues of civil-military relations in the context of the national situation can only be given from the inside. Although the contributors' intentions were sincere, this goal has generally not been met. From this perspective, only the papers from Macedonia and Moldova appear to come close to the standards for the self-assessment studies that were in mind when creating this project.

In this context, any further re-iteration of the project should involve the respective experts being invited to a workshop in which not only the task of the self-assessment projects is outlined, but where also the basic principles of civil-military relations, security sector reform, and the democratic control of armed forces are discussed so that a common groundwork exists prior to commencing the assessment process. The various analytical approaches used in the self-assessment studies and the differing quality of the national civil-military papers prove that a standardization procedure is even more necessary especially considering that a broad variety of civil-military literature has been published in recent years. Moreover, several different Western institutions and organisations have carried out – in a rather uncoordinated manner and often driven by a struggle for resources – education and training efforts in the field of civil-military relations in Eastern and South Eastern Europe.

As long as no theoretical concept exists that is shared by the academic civil-military experts and educators, the intellectual explanation of national circumstances and needs will always represent rather disconnected and randomly selected facts which, in the end, tell us very little about the true subject of our inquiries.

Common features of security sector reform

A particular problem for all six nations lies in the admittedly intricate task of reconciling democratic civilian control over the armed forces with a clear decision-making structure and competence in security and defence affairs. This is absolutely critical in times of crisis when smooth and swift action becomes most important. The historical experience of established democracies of Western Europe teaches that after an

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[1] See Biljana Vankovska, 'Democratic Control over Defence and Security', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 39-61 and Gheorghe Cojocaru, 'Democratic Oversight and Control Over Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 179-188.

extended period of executive dominance in political affairs, the pendulum tends to swing to the other extreme. This is to say the panacea necessary to meet the requirements of political control is now seen in through a purely legislative remedy. Most of the SEE countries find themselves in the legal phase of democratic consolidation. However, this legislative cure-all not only hampers a nation's ability to efficiently meet critical developments and situations, it also distorts the basic purpose of any legislature, namely to proclaim general legal regulations rather than micromanage every single executive activity. It appears as if this dilemma could have been best solved by Bulgaria and Romania, while the other countries assessed still have some way to go in order to strike an appropriate balance in this regard. Since the resolution of this challenge is heavily burdened by the historical past of each country, reform will definitely require time and patience. However, this process could be accelerated by assistance from international actors. The core of this challenge rests in the operative functionality of advisory bodies that are both representative and sustainable. Instead of shifting executive power in times of crisis and emergency to the legislature, clear structures of accountability for supreme executive organs need to be defined.

Another issue that needs to be clarified for all six countries pertains to their military officer corps since the democratic control of armed forces must also come from within. The understanding of civilian democratic control in each self-assessment paper is merely formal, legal and instrumental and seems to be driven by a latent mistrust of high-ranking military personnel in the highest leadership echelons of the armed forces. Although this might also be a conceivable result of historical experience, it definitely needs to be overcome to obtain a more subjective analysis.

The second pillar of civil-military stability, namely creation of a democratically reliable officer corps that also maintains military professionalism, appears to be paramount. In this context, the common confusion about creating an apolitical military environment should be corrected. One does not necessarily need to resort to Aristotle's notion of the awakened and actively participating member of the polis who is, by virtue, a *zoon politicon*. It should be understood and accepted that a well educated military man or woman in an open democratic society will be political. Therefore the desire can only be to have politically neutral officers and soldiers in the sense that they remain independent from party politics, but not apolitical. Letting the military individual objectively focus on his task as an instrument of politics without suppressing or taking away his true political identity as a citizen, will help to strengthen democratic political control in the armed forces. Since, at this point, the need for appropriate education arises, the necessity to expand education and training efforts beyond operational borders becomes apparent. Despite numerous endeavours in this field undertaken by various actors within the Partnership for Peace initiative, or the Extended Military Education and Training Program, more needs to be done in this respect. Concerted international support could contribute greatly in this endeavour.

A third common deficiency relates to regional cooperation, which is hardly existent. The reasons for this might be due to historical experience, and the pronounced focus of all nations towards the West and Western institutions. This appears to be an issue where support from the outside could help fund more efficient structures of security and defence cooperation that would also contribute to civil-military stability and transparency.

A fourth specific feature pertains to the establishment of civilian expertise, and more specifically, the role of academia and universities. While all six countries have

established advisory bodies for both executive and legislative authorities, it appears as if there are not sufficient proficient personnel for manning these institutions. The fact that political decision-makers need well-educated advisors in this ever more intricate field of security necessitates urgent measures in this particular area of SSR.

Self-assessment evaluation: Albania

The self-assessment paper[2] introduces the legal as well as institutional aspects of democratic and civilian control over the armed forces, both of which the author considers to be satisfactory. Only briefly does the paper refer to the issues of civilian control and the media. However, it does not mention peacekeeping, regional security, and crisis management. There is also no reference to any regional or national initiative for educating experts who could facilitate the implementation of the security and defence sector reform.

Emerging from a dictatorial experience, Albania became a parliamentary republic in 1991 and has since then enjoyed assistance with regard to developing democratic civil-military relations from several international organisations and military missions of partner countries present in Albania. In particular, the Council of Europe has monitored the elaboration of Albania's constitutional framework.

The country's new constitution was adopted by public referendum in the face of a boycott carried out by the parliamentary opposition. When the paper mentions that with regard to a legal concept of democratic control of the armed forces 'Albania has not been able to come up with a fundamental (formal) agreement between the political actors in society (majority and opposition),'[3] it confuses society with state and state authorities. Since the referendum received a majority public vote, a basic societal consensus appears to exist. What is needed, however, is consent between the legislative majority and parliamentary opposition. In other words, a political agreement on the basic direction of civilian control of the military and national defence among the polity is necessary.[4]

Apart from marginal inconsistencies that the author recognises with regard to some formal constitutional stipulations (e.g., through whom the president exercise his power as a 'General Commander' of the armed forces during times of war and crises), the legal framework for civil-military relations and democratic civilian control seems to be properly established.[5]

Confusion arises, however, as to the constitutionally established National Security Council as an advisory organ to the federal President, and the National Security Committee as an advisory body to the Prime Minister. The latter structure is not specifically mentioned in the Constitution or any constitutional law. One has the impression that there is an institutional overloading hampering the efficient exercise of

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2 Mentor Nazarko, 'Civilian and Democratic Control of the Armed Forces', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 43-55.

3 Ibid., p. 43.

4 Polity is viewed here as a distinct sub-system of society oriented to the generation and allocation of power.

5 Mentor Nazarko, 'Democratic Control', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 45.

democratic civilian control and successful implementation of national security measures. Since Article 102 states, 'the prime minister is the one who represents the main direction of the general state politics', it appears to be more appropriate to attach the National Security Council to the prime minister rather than to the president, as the author rightly suggests.[6] However, in view of the fact that the president of the republic 'enjoys complete command authority of the armed forces'[7] in times of war, the attachment of the National Security Council might have to be different in times of peace and war. There should perhaps be only one advisory body of the format that the National Security Council represents at the disposal of both the President and the Prime Minister. This issue will definitely require future attention and adjustment.

Another institution, the Republican Guard, reveals itself to be an anachronistic reminiscence of the past. Apart from its designation, (which might stir unpleasant associations), there appears to be a constitutional collision as to the composition of this body, drawn from both the armed forces and the Ministry of Public Order. While the author suggests creating a structure similar to the French Gendarmerie or the Italian Carabinieri and integrating them into the framework of the armed forces, another alternative could be to build a non-military force within the Ministry of Public Order without using conscripts and under a name that does not suggest continuation of a certain cult from Albania's authoritarian past. In this context the it should be emphasised that SSR should also constitute organisational reform. As such it also implies the closing down of state organisations, bodies and structures that could block or impede rather than stimulate the democratic and civilian control over the armed forces.

Historical examples prior to the promulgation of the new Constitution are only partly useful in understanding current problems of institutional interrelations. Nevertheless, an important but often underestimated aspect of democratic political control over the armed forces, namely, 'objective civilian control'[8] appears to take hold in Albanian military establishments. Despite almost perpetual change in civilian leadership of the Ministry of Defence, a professional continuity among military personnel on the ministerial level and general staff level could be maintained.

Another common pattern to almost all new democracies is evident in Albania as well and stands in stark contrast to the ideal of objective civilian control. While earlier defence establishments appeared over-militarized, they are now rather over-civilianized. The author gives the example of an overabundance of ministerial orders reaching the point where even low-ranking military officers need ministerial approval for their leave of absence. While the defence establishment needs more civil experts in the ministry of defence, on the operational level some form of prejudice or resentment toward military personnel on the part of civilians develops, frequently resulting in unjustified and discriminating decisions and orders. Although a rather minor issue, it needs to be addressed in the internal ministerial educational processes.

While bringing a truly effective legal framework to fruition in practice takes time, Albania faces problems that are political, technical, and financial in nature. These problems are related to the need to downsize the military and the still far too meagre

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6 Ibid.

7 Ibid., p. 47.

8 I refer to Samuel Huntington's idea that maximizing military professionalism (instead of civilianizing the military establishment) is the best internal guarantor for efficient civilian control.

defence budget. These problems could and should be addressed by the Stability Pact for South Eastern Europe.

Self-assessment evaluation: Bulgaria

In contrast to Albania, in Bulgaria there appears to exist a broad formal agreement among the guiding forces of politics and society as to the direction that the national security and defence strategy should take, as well as the role the military should play under these new political conditions. Bulgaria's decision to seek integration into NATO in 1997 gave a boost to the country's systematic military reform. However, while the country certainly succeeded in establishing civilian guidance and control in terms of defence and security policies, much remains to be done to achieve full democratic civilian control over armed forces. This is mostly due to a lack of appropriate expertise among civilian leaders all along the reform process. Therefore, the armed forces could maintain a subtle but significant influence in the political practice on security and defence matters. However, the former monopoly of the Bulgarian Socialist Party over defence experts is now gone, and apparently all political parties are able to develop independent security expertise and use the proficiency of security and defence think tanks.

A specific problem in security sector governance might arise from the nature of the relationship between the president and the Council of Ministers, which is one of deference of the former to the latter. While the author states that as long as the relationship is cordial everything seems to work out fine, in times of distress a clash of competency might occur.[9] Although the presidential institution is relatively weak with the president's powers limited by the Council of Ministers, the president is given extraordinary powers in emergency situations.

Bulgaria demonstrates extraordinary information transparency with the Political Office of the Minister of Defence being assigned the precise function of informing the public about security and defence policy decisions. There is also remarkable openness and willingness to accept external expert assistance from international institutions and organisations. Moreover, both internal and external counselling on the part of nongovernmental organisations is highly welcomed and utilised in national security consultation.

The flood disasters of 2002 in Central Europe highlighted the need for efficient crisis management and emergency response. Yet, ever since the inception of the new Constitution there has been little political precedent regarding governance and guidance in emergency situations. As the functions and responsibilities of the two officials who are most powerful and most familiar in peacetime with the national administration and the armed forces, the Prime Minister and the Minister of Defence, are only vaguely described in the Constitution for the time of emergency and war, some further legislative work and executive alignment might lie ahead.

One other future task will have to be seen in regional security cooperation and crisis management. Bulgaria could easily play a leading role in a regional programme dedicated to the subject of communication, information, public relations, and media work.

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[9] Velizar Shalamanov and Blagovest Tashev, 'Democratic Oversight of Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 194-195.

Self-assessment evaluation: Croatia

Due to the history of Croatia in the last decade, including its 'Homeland War' where the Croatian Armed Forces emerged as both a professional army and a one-party army, SSR has only recently occurred in Croatia. Democratic control over the armed forces was virtually non-existent until the year 2000. In spite of the Constitution of 1990 that gave the country a semi-presidential democratic system, the military maintained considerable influence in domestic politics and maintained a privileged position in society. Moreover, with most military officers being party members and active-duty generals holding seats in the Parliament, the principle of the separation of powers was violated and the line of demarcation between executive and legislature significantly blurred.

Since drastic changes in SSR were not undertaken until the beginning of 2002 when a new Law on Defence and National Security of Croatia was adopted, the SSR in Croatia has been introduced in a quite inadvertent manner. As a result, Croatia finds itself still in a period of transition rather than consolidation regarding the implementation of democratic civil-military relations. Therefore, a lot of work in legislative as well as institutional regard remains to be done. While the revised Constitution of November 2002 has reduced the President's prerogatives and made him more accountable to the legislature, his function is still extensively multifaceted and operational, and penetrates far into the realm of responsibilities that the notion of checks and balances would normally confer on the government. Also, the fact that the Croatian Constitution does only use the wording 'civil control' but does not mention 'democratic control' might be misleading and could raise concerns when viewed with respect to internationally recognised standards of democratic control of armed forces.[10]

However, the assumption of the author of the self-assessment that a threat to democratic control exists simply because the National Security Authority is not regulated by a special legal act, is disputable. The composition of the body appears to be well balanced between the different governmental agencies. Since Croatia has adopted an Action Plan for Military Reform and is about to introduce a long-term planning and budgeting system, the necessity for pushing SSR further has obviously been recognised. Due to the recent past of the country, however, reform of the security sector could be endangered if both society and military personnel disagree as to reform standards and principles.

Croatia constitutes a particularly delicate case in which international security reform rules must not simply be forced upon the country. Rather, they should be implemented and applied in a manner fashioned to the needs of the nation. Although the author mostly lists the functions and authorisations of state institutions without referring to civilian control and media work, public relations, peacekeeping, crisis management and regional cooperation, the conclusion must be drawn from experience that a major requirement in establishing profound democratic civil-military relations has to be seen in professional military education. This education should cover specifically the major dimensions of the humanities and social sciences, and the building up of a well-instructed strategic community, consisting of defence and security experts in all major influential fields in state and society.

Due to the current transitional character of SSR in Croatia, a significant amount of international educational assistance in the main areas of civil-military relations

[10] Damir Grubisa, 'Democratic Control Of Armed Forces', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 352.

should be envisaged. This could perhaps take place within the SEE Education Reform Implementation Initiative of the Stability Pact for South Eastern Europe.

Self-assessment evaluation: Macedonia

Macedonia represents a case where the political system, including its armed forces, had to be virtually built from scratch. For this reason, as the author of the self-assessment study astutely elaborates, overall policy priorities were pursued in nation-building terms rather than in democracy-building terms. In the security sector the structures had to come first, followed only later by concerns about democratic oversight.

Since there was no social reality of political statehood in Macedonia in 1991, the Constitution turned out to be a list of intentions rather than a true reflection of political and social circumstances. The normative models of civil-military relations and democratic control of forces already existed. However, they were still a novelty for both the academic community and the public. To a significant degree they still are today with the gap between the normative ideal and the reality of the security sector further widening.

From a legal perspective, particular problems arise in the realm of security and defence because of an insufficiently defined relationship between the President and the government in the parliamentary Republic of Macedonia. This situation has evolved into one in which the executive domain is driven by personal interests of power holders rather than constitutional design. The situation is exacerbated by a Parliament – supposedly the focal political institution in a parliamentary system – that has accepted being reduced to mere voting machinery for policy decisions made in the executive sphere.

Even the new Law of 2001 could not manage to eradicate these inherent ambiguities. Although the Constitution is very clear about how to secure democratic civilian oversight over the defence and police forces, the inconsistency between the President and the government is also reflected in the position the Minister of Defence holds within the administration. The Constitution says nothing specific about the Ministry of Defence and its head other than the formal principles applying to all federal ministries. Nevertheless, the Defence Ministry is provided with specific competencies and must maintain a certain relationship with the President of the Republic as the Commander in Chief. Thus, the Minister of Defence finds himself in dual track accountability, namely to the government and to the President. This deserves particular attention due to the underdeveloped relationship between government and the President in the security and defence sphere.

The personality aspect of national security in Macedonia and the shortcomings of constitutional mechanisms, resulting in a clash of competency and contradictory policies and orders, became visible when at the beginning of the 1999 NATO intervention in Yugoslavia, the federal President was outvoted when proposing the introduction of a state of emergency. However, problems did not emerge only between the President, the Prime Minister, and the Minister of Defence, but also between the Ministry of Defence and the Ministry for the Interior. Although the latter problem is one to be found also in mature and long-standing democracies, it needs to be addressed right from the beginning in order to prevent inefficient overlaps and collisions of competence from manifesting in the system.

The democratic control of armed forces seems to be properly embedded in the political and legal system and existing minor deficiencies can be easily fixed through legal reform. However, making up for the lack of democratic political experience will take time and a concerted effort in civil-military relations.

It is for this reason that the author makes a very accurate point by hinting to the fact that in Macedonia society-military relations will matter more than political-military relations as the country goes along in its SSR.[11] In addition, due to the specific composition of society and the recent history of the young nation, society-military relations have to be viewed in the sense of ethnic-military relations.[12] This highlights exactly the point that has been made in the first section of this evaluation. That is, that on both the national and international levels the focus of SSR has hitherto lied and still lies in the formal and legal dimension. This legal bias has created a virtual reality that leaves society and state burdened with the potential for future tension and conflict.

Macedonia represents a case where the reform of the security and defence sector is not only unfinished, but where the international community finds a great deal of work and a great need for support ahead; especially considering the country's potential for internal conflict and the country's regional setting.

Self-assessment evaluation: Moldova

For a country emerging from a Soviet past and with very limited democratic experience, Moldova has gained an astounding level in democratising the military and raising public awareness about national defence and military spending. In spite of poverty and social difficulties still affecting the young nation, political and public debates features issues one might expect to find only in established democracies of Western Europe. Political forces as well as the mass media have openly questioned the necessity of armed forces in a new international order that offers very limited possibilities for small states to ensure their security and defence.

With the return of the Communist Party to power in 2001, the aforementioned trend has been reversed. As Moldova seeks closer ties with Russia and other CIS countries, the appointment of a former military career officer as Minister of Defence indicates a tendency toward a remilitarization of democratic civil-military relations. While the normative legal stipulations and regulations regarding political control over the armed forces remain in place, the recent developments demand a differentiation between civilian control and democratic control, as the two no longer necessarily coalesce.

In terms of political practice, the country still suffers from narrow corporate interests and parochial, self-centered, and biased partisan preoccupations on the part of politicians and political parties. Lack of interest in security and defence affairs led to a lack of expertise and a shortage of qualified personnel. While previous and incumbent governments formally observe their obligations regarding defence issues, they in fact rarely discuss questions of national security and defence. In large measure, the problem resides in the combination of a lack of political will and the factual incapacity of the majority of the civilian government in the area of civil-military relations and defence.

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[11] Biljana Vankovska, 'Democratic Control over Defence and Security: Between Principles and Reality', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 44.

[12] Ibid.

Security deficiencies are primarily due to the fact that the current political elite is still driven by a Soviet mentality and is thus mainly concerned with the maintenance of power and rigid executive governance. In spite of significant changes during the 1990's, civil society is still fairly devoid of any influence on governmental authorities and thus in need of sustained support and contributions from the outside. Media work should also be fostered since the mass media in Moldova does not normally report on military and defence affairs and hardly takes on the important task of conveying issues of security and defence to both state authorities and society.

Aside from endeavours carried out within the Partnership for Peace framework, the Stability Pact for South Eastern Europe should pay considerable attention to the area of one of its core objectives, namely Local Democracy and Cross-Border Cooperation.

Along these lines, assistance should be given as to the development of an appropriate educational environment not only for the military but also for civilian experts in security and defence. Moldova does not yet possess an independent institute for security studies nor does it have an analytical centre that provides military and defence expertise to the law-making and decision-making authorities at the state level. As long as political legitimacy in the realm of security and defence remains isolated from expert advice, the impact will not only be detrimental on national security but also on the democratic culture in general. Nevertheless, to build a reliable body of security and defence experts in academia depends not only on institutions that provide education, but perhaps even more on initiatives to attract scholars and scientists to pursue such careers.

It is important to note, however, that society considers the armed forces to be an important state institution that directly contributes to the education of the young generation in the spirit of patriotism and the need to defend the country. This underscores the fact that the armed forces – assuming a professional attitude of political neutrality and impartiality – can serve as a mechanism unifying society beyond party lines and the political power game.

The formal legal environment of civilian democratic control over the military and defence structures still requires some adaptations, particularly with respect to the interaction between the President and the government on the one hand and the legislative authority on the other. The biggest challenge for Moldova's future is shaping an appropriate mentality of political and societal actors that will help foster the emergence of a truly democratic political culture. This will make possible a genuine reform of the security sector in accordance with European Union norms and principles.

Self-assessment evaluation: Romania

Since the Romanian self-assessment paper[13] comprises almost exclusively a listing of constitutional tasks and authorisations attributed to executive and legislative institutions, the author must draw from his own experience when judging the practical performance of civil-military relations in Romania.

There is no doubt that Romania, as far as the legislative dimension of democratic and civilian control of defence in SSR is concerned, has reached the necessary standards demanded by the two Western institutions the country wants to join – NATO and the

[13] Nicolae Dolghin and Alina Macovei, 'Democratic and Civilian Control of Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 315-326.

European Union. Ever since the inception of the December 1991 Constitution, Romania has paid particular attention to international assistance with regard to establishing appropriate civil-military relations. This effort has been undoubtedly assisted by the fact that the military establishment is held in high esteem in the realms of politics and society and is in a most influential position in the politico-military interaction without violating the supremacy of policy.

A de-politicisation of the armed forces focusing on terminating old pre-democratic patterns of thought could be managed along with a demilitarisation of the internal security forces; the latter taking away a profound element of the former militarized structure from the Romanian society.

Today, twelve years after the inauguration of the new Constitution, and at the brink of NATO accession, all Romanian political forces represented in the Parliament have agreed on the need to revise the Constitution to adapt to changes that have taken place in Romanian society and to the alterations in the European and global security environment ever since. Modifications will certainly pertain only to accessory aspects and touch upon issues such as the integration of Euro-Atlantic defence obligations and a potential change in recruitment and military services.

In contrast to most other SEE countries, Romania has come to terms with one particularly important issue of SSR, namely the educational arrangement to provide a security and defence expertise at all political levels. With the Academy for Higher Military Studies and the establishment of the National Defence College in Bucharest, the Romanian defence community has at their disposal institutions that provide exemplary opportunities for stakeholders in state and society to study the phenomena of security and defence and to raise their expertise in this area. With a large number of current members of Parliament, senior military personnel, civilian officers and administrators, NGO and mass media representatives, and members of political parties having already attended a six-month National Defence and Security course that has run repeatedly since its initiation in 1992, Romania has managed to establish a strategic community unparalleled by many nations in Western Europe.

It cannot be expected that all the SEE countries - most of which represent tiny nation-state entities and are still struggling with everyday quality of life issues as well as economic and internal security stability - will find the resources to set up an equally efficient system. Regional efforts to assist each nation in a synergetic way to establish well-informed security and defence communities should be one focal point of international assistance to the region.

As Romania appears to be perhaps the most stable nation in terms of civil-military proficiency among the new democracies in Eastern and South Eastern Europe, the coordinating and supporting efforts of international players, especially in endeavours within the European Stability Pact, should take this fact into consideration in their future work.

Conclusion

When it comes to assessing and reforming civil-military relations, the author suggests that the following three levels should ideally guide Security Sector Reform in this regard:[14]

- the *political-strategic* level (overall constitutional and institutional picture of civil-military relations and political decision-making both national and international)
- the *operational* level (practice of civil-military and political-military interaction, domestic military support to civil authorities and international peace support)
- the *societal* level (education, public relations, how military and security can be embraced by society; questions of legitimacy and acceptance).

With minor deficiencies as outlined by the self-assessment authors and also in this evaluation effort, little work remains to be done on the constitutional and institutional level of SSR. Throughout the last decade all countries had to adjust their legal frameworks and lay open their constitutional designs of democratic civilian control of armed forces and defence structures in the political and military cooperative mechanisms of the Partnership for Peace and the Euro-Atlantic Partnership Council. As mentioned above, with the exception of Bulgaria and Romania, minor alignments will be necessary to clarify competency demarcation between executive organs and between the executive and legislature in general.

Strategic legal adaptations regarding international commitments and national contributions to the expanding region of collective security and collective defence in Europe must take hold in all countries as they become even more incorporated into the Western institutions. Nevertheless, this is clearly to come about in accordance with the principles of democratic civil-military relations. However, international support from the part of DCAF and NATO as well as the EU will have to be provided in this regard.

Two important issues remain which can be effectively addressed based on personal experience. First, due primarily to their recent history, most SEE countries struggle with regulations concerning the armed forces' engagement in internal affairs when non-military security forces are overwhelmed by a certain threat. A recent example in Germany revealed that there was no legal foundation for a fighter aircraft to intercept a small civilian plane when the pilot did not react to airspace control. This shows that such problems are not exclusively reserved to the new democracies in Eastern Europe. Given the security environment and the new nature of potential threats, this issue deserves specific attention. One recommendation is for further detailed self-assessment on this subject, which could serve as a basis for further concerted on the part of the organisation.

Second, the smaller countries in particular are struggling with their defence budgets and financial resources. Thus, not only is financial support required, but also concerted efforts in terms of defence spending, procurement, and military technology in a SEE regional setting might alleviate the nations' problems in this regard. Although this appears to be a problem that the European Union itself has not yet come to terms with, the still greater dependence of SEE countries on counselling and guidance from

[14] This structure used by the author in teaching and lecturing efforts (not yet published).

the outside might offer a chance for the region to tackle this challenge more efficiently from the beginning.

Recommendations

Firstly, it is recommended that further detailed assessments in the field of the use of military forces in domestic affairs are conducted. It is also perceived to be beneficial for an expert-level workshop to be held in which the individual country arrangements are presented, and following up with further expert assistance and coordination in this area, perhaps in alignment with activities provided within the Stability Pact.

Secondly, it is proposed that a research project be launched with regard to coordinated efforts in defence spending and procurement in the SEE region and explore ways of placing this dimension of Security Sector Reform in the Investment Compact of the Stability Pact for South East Europe.

As most of the authors have correctly mentioned, the practice of politico-military interface and its adjustment to the normative ideals outlined in Constitution and Defence Law, take time and experience. Moreover, it is hard to accurately judge this dimension from the outside and demands a longer period of exposure to the actual atmosphere of civil-military interaction. Although the authors of the self-assessment studies referred to this issue in varying degrees, the general conclusion can be drawn that perhaps only Macedonia presents a slight cause for concern in this respect and deserve future attention and support. The operational aspect of Military Support to Civil Authorities (MSCA) hinges directly upon the strategic level of how this issue has been resolved on the constitutional level. Nevertheless, once arranged there, a focus of international and regional cooperation should lie in training exercises that require the interaction of civil and military forces in national emergency and distress situations. Provided that efficient media work and public relations exist, practices of applied civil-military relations could foster mutual trust among representatives of all organisations involved and towards society at large. In this sense, interoperability criteria must not only to be applied in terms of international military cooperation in peace support, search and rescue, but also between domestic military and civilian organisations.

According to the Stability Pact Outline 2003, the second core objective dedicated to Local Democracy & Cross-Border Cooperation, is aimed at increasing the systematic cooperation of local government, civic and business actors, domestically and across national borders. In light of last year's natural disasters, particularly with regard to citizen safety and, most importantly, the protection of cultural property, national and regional programmes for operational cooperation should be initiated, planned, and conducted within the Stability Pact framework.

Perhaps the most work remains to be done at the societal level. At this point, in particular, the aspect of education enters the picture. Nations cannot begin to establish a well-educated strategic community of security and defence experts soon enough, and beyond that, ensure that an ever growing number of political representatives in both the legislative as well as executive bodies have a sufficient grasp of strategic thinking as well as of security and defence matters. This necessity radiates into all of the ten themes the self-assessment studies were supposed to analyse. It also addresses a demand deriving from the findings of the reports, and appears to be a prerequisite for successful practice in all areas.

As already suggested above, this would be best arranged in regional cooperation as a project within the Stability Pact through external assistance. There is no doubt that the effectiveness of civil governance and democratic control, in large measure, hinges upon the extent to which executive and legislative organs are competent and well informed with respect to security affairs. This dimension also plays a major role in the trust and confidence militaries develop towards their political leaders. Thus, strategic leadership courses could be organised and arranged by appropriate institutions beyond the linguistic, institutional, and budgetary constraints of single nations. The educational infrastructure already present in specific countries should be utilised in connection with international and regional funding and support.

Specific attention should be paid to the societal dimension of public relations and (Ministry of) Defence media work. Preserving the tradition of a socially accepted and well-anchored military is a difficult challenge. A continuously changing environment means that multiple challenges are presented to the armed forces in an ever more complex security atmosphere. This dynamic necessitates constant informing of the public and debate in politics and society about issues of security and defence. Only through this measure will an appreciation of most of elements of defence sector reform be achieved, the legitimacy of military efforts upheld, and acceptance in society and state realised.

Thirdly, it is recommended that workshops are held for SEE nations' academic civilian and military experts in the field of civil-military relations of Security Sector Reform. The purpose of such workshops should lie in a review of basic civil-military literature and principles, aiming at the creation of some common ground for future work and cooperation, and providing expertise for further and continuous self-assessment efforts. This should improve the quality of civil-military assessments and promote efficient regional cooperation in this field.

Fourthly, with respect to the Stability Pact SEE Education Reform Implementation Initiative, appropriate institutions should initiate and promote regional arrangements for education in security and defence. By utilising existing institutions and programs, assistance in both intellectual and financial terms should be provided for setting up regional education programs. Furthermore, incentives in terms of encouraging academic careers in security studies should be given, such as funding professorial chairs for security studies at public universities, subsidizing scholarships in an organised way that meet the needs of individual SEE countries, and financing rewards for academic works in relevant fields of civil-military relations and Security Sector Reform.

Finally, as a particular element in the line of the Stability Pact core objective 'Media', a regional programme for Ministry of Defence–Mass Media Relations should be established, providing insightful expertise in journalism and appropriately dealing with media representatives on the part of the military establishments. The project should also assist in establishing regular security and defence broadcasts and reports in independent media, as well as to initiate national Ministry of Defence public information media programs.

Chapter 8

Parliamentary Oversight of the Security Sector in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Theo van den Doel

This paper gives a general overview of the level of parliamentarian control of the armed forces and the security sector as a whole as based on the six SEE studies on this theme. The overview will be followed by sixteen recommendations aiming to support and facilitate democratic processes in the SEE countries and to stimulate their contribution to international organisations (e.g. NATO, EU). The governments and parliaments involved would benefit greatly from implementing the recommendations. International organisations should look for a more co-ordinated contribution to effectively support these processes. The countries involved require strong support from outside institutions (NATO, EU institutions) to progress in this democratic process. The report covers some countries in the Balkans and some Eastern European countries.

Self-assessment studies are a useful tool in keeping up to date, with a uniquely inside perspective, on internal developments. In order to effectively compare these studies, it is necessary that they be written along the same lines, covering analogous issues and concepts. Unfortunately, this is not always the case and oftentimes too much space is spent on lengthy historical introductions, while concise contemporary scholarly analysis would prove much more useful. There is a great need for objective assessments about the development and expectations for democratic control reforms. Generally speaking, the contributors gave an accurate view about the present situation. To improve the use of the concepts employed, it is helpful to elaborate a table of main questions which must be answered by the contributors. An appropriate list of relevant adopted laws by the parliament can be useful as well as between country comparisons.

However, in some cases it can be difficult for national researchers to write very critical papers about the situation in their home country. Another approach involves outsiders doing analysis and presenting their report to the government, research institutions and other appropriate organisations for commentary.

Evaluation of the self-assessments: general comments

In most of the papers the democratic process has been described in a broad and informative way. Some reports (e.g. Albania, Moldova) were written in an exceedingly critical tone, making clear that there is still much work to be done. Other reports (e.g. Croatia), give the impression that the democratic process and parliamentary control are moving forward: but unfortunately these opinions are not backed by reality. It is obvious that not all of the SEE-countries are on the same track. This is no surprise because from a historical standpoint big differences exist between the countries addressed. Not only do parliamentary systems differ among the countries, but the time period when reforms were initiated, and their expected duration additionally vary from one country to the next.

Self-assessment evaluation: Albania

The report on Albania[1] clearly states that this country has met some democratic criteria concerning legislation on the armed forces and security services, but in practice no real democratic control exists. The reason for this is a lack of debate among the parliamentarians and between parliament and the government. The military is regarded as an institution separate from the government, not as an integrated unit subordinated to the government. In addition, the constitution lacks a provision requiring the government to consult with parliament, either on its own initiative or upon request. In a country like the Netherlands such a provision is laid down in the Constitution and is one of the basic democratic tools characterising the relationship between the government and the parliament. A minister who informs the parliament in an insufficient or in an intentionally inappropriate way can expect a vote of confidence in the parliament.

It is clear then that there is much room for improving the democratic control of the parliament in Albania. Lack of democratic experience and expertise hampers both the government and parliament. In Albania a process of 'learning by doing' is prevalent. This means that the strongest party (i.e. the government) has already begun to build its experience on the wrong footing. Therefore, it is equally necessary that policymakers and high-ranking civil servants in the departments get support to enable them to effectively contribute to the development of democracy in Albania. Transparency in policymaking, as well as access to statistics concerning security service and armed forces are also needed as prerequisites for effective control.

The general situation in Albania still needs much improvement. Approximately 30 percent of the population live below the poverty line. Crime and corruption rates are still very high due to a lack of powerful and effective law enforcement institutions. Nevertheless, it should be mentioned that Albania has developed good relations with its neighbours and made a move in the right direction decision last November when they decided to work in conjunction with the 'Ohrid-Adriatic Group' in an effort to speed up the NATO integration process.[2]

Self-assessment evaluation: Bulgaria

Democratic control of the armed forces in Bulgaria is progress and developing in a positive direction.[3] Bulgaria has consistently contributed its armed forces to international organisations and educates its forces according to NATO standards. The Military Doctrine has been recently amended to include the combat against terrorism. However, Defence reforms plans were not debated in Parliament. During the implementation phase parliament became aware of the existence and consequences of such Defence reform plans and adopted them. In this way, Parliamentary control of the

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1 Viktor Gumi, 'The Parliament and the Security Sector', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 57-66.

2 Marco Minniti, 'Alliance Partnership: Projecting Stability Beyond NATO's Central and Eastern Borders', (draft report for the NATO Parliamentary Assembly (Political Committee), 23 April 2003; (summary available at http://www.nato-pa.int/default.asp?TAB=446).

3 Tsonko Kirov, 'The Role of the Bulgarian Parliament in Reforming the Security Sector', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 203-216.

armed forces was henceforth structured by annual reports. Nevertheless, transparency with respect to facts and figures of the armed forces and security services still shows room for improvement.

The Bulgarian government decided to abolish paramilitary forces which were attached to other ministries and state agencies. This makes control more transparent and accountability within the government concerning the use of military force more explicit. The arms export scandal that erupted at the end of 2002 demonstrated that the gathering and dissemination of intelligence in Bulgaria is still fragmented and ineffective.[4] It is encouraging that Bulgaria learned from it and adopted a law about the control of the export of arms and dual-use goods. However, adapting a law and ensuring that it is enforced are two distinct processes. It is my expectation that the implementation phase takes at least some years. For this reason, it is recommended that independent bodies make regular reviews of the effectiveness of the daily practice of the new adopted laws.

Self-assessment evaluation: Croatia

Croatia is well under way with its democratic process in controlling the Security Sector.[5] However, changes to the Constitution and laws regarding defence and security have rarely been fully implemented and there is no clear understanding as to how they work in daily practice. The twenty-four standing committees in Parliament are often victims of miscommunication and poor coordination. As is evident, the name of the committee of 'domestic policy and security' suggests that there is no distinction made between forces for the internal security like the police, customs organisations and the Armed Forces.

During the communist period, the armed and para-military forces were also used to maintain internal security. This principle is outdated. To deal with internal security is primarily a matter of the Minister of Justice and the Minister of Internal Affairs. Looking to the past it is not recommended to link this with defence matters including the armed forces. While the power of the parliament may look very impressive on paper, no actual results exist and it is not clear how international laws and regulations will be dealt with.

In the case that Croatia signs international agreements (e.g. the ban on anti-personnel mines or the Chemical Weapon Convention) what will the role of the parliament be? How are international laws to be implemented? From a strictly balance of power perspective it is very sensible to place members of parliament on the National Security Council, which is headed by the government. Authorisation by the parliament to send military troops abroad is not needed when the decision is in accordance with signed international treaties. The President has full authority to take this decision on his own. It is not clear what the scope is of these obligations are, but further exploration and clarification is needed.

Croatia, like other Balkan countries, faces corruption and organised crime. These 'diseases' have also visibly infected governmental bodies including the armed forces and secret services. Last autumn, a special office (USKOK) was established to

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4 Marco Minniti, 'Alliance Partnership', April 2003, p.12 & p. 23.

5 Vlatko Cvirtila, 'The Parliament and Security Sector', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 359-370.

combat crime and corruption. In this respect, the controlling role of the parliament must be made more clear.

Self-assessment evaluation: Macedonia

In the report on developments in Macedonia it has been made clear by the author that some important issues in controlling the government have yet to be resolved.[6] It also stated that there is a lack of efficiency and effectiveness in the work of the Macedonian Parliament. Although democracy in Macedonia is based on a parliamentarian system, most of the power regarding security issues is in the hands of the President. These contradictory tendencies make the division of competencies between the president and the minister of defence unclear. The extent to which the Chief of the Defence Staff is under the supervision and control of the Ministry of Defence is also unclear.

In Macedonia members from both the government and the president of the Parliament compose the National Security Council. This mix of executive power and control of the executive is not in the interest of the parliament and in general for democracy. It should be questioned whether parliament can effectively execute all of the competencies which are summed up in the Defence Law. In general there is no clear division between tasks which belong primarily to the executive power, i.e.. the government, and the controlling power, i.e. the parliament.

The Committee on Internal Policy and Defence was renamed the Defence and Security Committee (note that Croatia did not do likewise). It is not clear what the substantive changes mean as a result of the committee renaming. It is important that not only the Budget and Finance Committee review the defence budget but that primarily the Defence Committee is involved. These members can better judge the impact of the defence plans and the suitable budget needed for the implementation. Looking to the presented data in the paper, the Macedonian government contributes to improve the transparency of the security sector.

Self-assessment evaluation: Moldova

This paper gives a clear view of the current situation and is written with an open mind.[7] The development of parliamentary oversight of the armed forces in Moldova should be seen in the context of the country's difficult process of nation building. Compared with other East-European and Balkan countries, the progress made in Moldova is limited. Nevertheless, small steps toward improvement and further democratisation have been made. The state budget submitted to the parliament also contains information about the military component. However, the president remains very powerful regarding security matters. That means that competencies of the parliament are weak and that ultimately parliamentarian power in this field fails to meet western democratic standards. For example, it is not common practice that the President and/or ministers gives the

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6 Radica Gareva, 'The Parliament, Defence Development and the Security Sector Reform', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 49-62.

7 Ion Culeac, 'Parliament', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 189-198.

parliament on a regular basis information about defence and security issues. Since the elections of 2001 when the old communist party came in power again, there has been a kind of 'fallback' in the democratic process. Since that time, a military career officer has been appointed to minister of Defence instead of a civilian. Among parliamentarians there is a lack of experience and expertise making it very difficult to hold the government to account in an effective way.

Self-assessment evaluation: Romania

In Romania defence laws and parliamentary control is based on a western approach. So, in theory, prerequisites for effective democratic control have already been established.[8] However, while in every day practice the control of the parliament in the field of defence and security is progressing, some aspects can still be improved. In order to avoid extensive debates on the issues of defence and security Romanian culture needs to adapt many of its pre-established views to present conditions. Romanian parliamentarians also need to acquire new skills to perform their work.

The Romanian government has taken serious steps to contribute to international peace and security. In almost all of the former communist countries corruption is a serious problem impeding successful democratic reform. Last April (2003) the Romanian parliament adopted a law against corruption, but it will take many years before real progress can be seen.

Conclusion

Most of the laws related to defence and security matters are very recent (2001/2002). Consequently, it is difficult to judge both the laws and future plans. In practice, the implementation takes a couple of years presuming that all the preparations are well done and the necessary budget is available.

Most of the papers did not touch on parliament control of the export of arms and strategic goods. Referring to international agreements and the fight against terrorism, this subject and the control of the parliament need further attention. It is not made clear in the papers if the available defence budgets are sufficient to meet all the requirements of the new plans and the ambitions to reform and restructuring the armed forces.

Most of the studies focus heavily on the internal process, leaving aside the equally important international and regional aspects. It is not clear whether the countries enjoy contributing and to participating in international bodies. Although the viewpoints of the respective governments with respect to NATO and/or EU are well known, it seems that it has no impact on the reform and restructuring of the security sector and the 'political agenda' of the parliament.

The development of democracy is not a one-sided process. It is a two way street that means that also on the governmental side must be supported in developing the right democratic behaviour.

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[8] Teodora Fuior 'Parliamentary Oversight over National Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 327-342.

Recommendations for international institutions

There is a need for co-ordination of the efforts of the different international organisations which aim to prevent overlap, set correct priorities, and maximize results for the recipient country.

NATO & PfP

Some of the SEE-countries (Romania, Bulgaria) have already been invited by NATO to become members in 2004. In these two countries a lot remains to be done to meet criteria for NATO membership. In many ways democratic control must be further extended. To accomplish this, parliaments should keep an eye on the implementation phase of adopted laws. When these countries become members in 2004, it is my view that the integration and democratisation process will speed up as a consequence of the membership. Additionally, the quantity of bilateral and multilateral contacts with NATO-countries will equally increase. It is therefore to its advantage for the future that NATO focus more on non-member countries like Macedonia, Albania, Croatia and, moreover, those in special need like Moldova. The annual MAP-programmes should be less ambitious, less bureaucratic and more orientated to what is achievable. Due to their crucial geographical, political and economic situation, more attention should be given to Macedonia and Albania.

OSCE

The OSCE should support the further democratisation and parliamentarian control in the SEE-countries with a priority for Albania and Moldova. The efforts of the international community, moreover, should be more co-ordinated. It is not efficient if every organisation launches its own programme and such overlapping should be avoided. Most of the time it leads to waste of time and money and 'democratisation fatigue' on the receiving end. Every organisation should contribute to the process taking into account its own previous record and potential benefits.

Stability Pact for South Eastern Europe

Looking to the economic and social situation in the SEE-countries, commitment and investment from the supporting countries of the Stability Pact is still needed. Although all the SEE-countries have suffered from the worldwide economic fall back, the common people in Moldova and Albania and in some parts of Macedonia have suffered the most and poverty on the whole in these countries is increasing. If the international community fails to build up economically and socially the Balkan region they will suffer the consequences later on.

Nevertheless, some important items on the regional agenda must be addressed. The most important concerns the future status of Kosovo. As an independent, new state, Kosovo can negatively influence the situation in Macedonia and can adversely encourage some parties in Albania. Kosovo's welfare is also important for the further democratic development of Serbia. Secondly, corruption and organised crime have infected this region and have affected adjacent countries. So, a more wide international

agenda must take an interest in helping these countries overcome their present difficulties.

Recommendations for the region

Parliamentary oversight in each of the SEE countries can be improved. The following recommendations could be applied in each country:

- for parliamentarians and civil society groups to keep an eye on the way in which the parliamentarian competence in the SEE-countries is executed in daily practice (theory versus practice)
- to recommend that the government report to the parliament when laws have been fully implemented and become effective
- to link up police and armed forces monitoring in the same standing committee
- to review the requirement that the President of the Parliament also be a member of the National Security Council; to clarify the way in which international treaties and agreements regarding security are implemented in the national laws and how parliament is to be involved
- to review the defence budget not only in the Budget and Finance Committee but primarily in the Defence Committee, because there is a strong link between the budget and missions of the Armed Forces; to make a clear distinction between the tasks and competencies of the executive power, the legislative power and the parliamentarian control; to ask the government to clarify in the defence budget what part of it can be used to contribute to international organisations (NATO, EU, UN) and peace keeping and other missions
- to evaluate (e.g. in 2004 or 2005) the need and the use of the different parliamentarian committees and bodies in order to streamline the daily parliamentarian work to improve the transparency and to increase the effectiveness of parliamentarian control
- to take note of the role of the parliament in the control of arms export and strategic goods (dual use)
- to form a small panel of experts with parliamentarian experience to advise the several parliaments in the SEE countries to streamline and to enhance effectiveness of their work with the ultimate aim of strengthening democracy.

Recommendations for individual South East European countries

To begin with the final recommendation in the previous paragraph:

- Moldova has a priority need for the formation of a small panel of experts with parliamentary experience to advise the several parliaments in the SEE countries to streamline and to enhance effectiveness of their work with the ultimate aim of strengthening democracy is a priority
- More attention must be paid to Moldova in order support and to stimulate current activities. This will be prevent a fall backward in the democratic process and possible isolation of the country
- Looking to the situation on the Balkans, Macedonia and Albania should get priority due to their political, geographical and economic situation

- There is a need for co-ordination of the efforts of the different international organisations which aim to prevent overlap, set correct priorities, and maximize results for the recipient country
- In countries like Albania and Moldova, it is necessary that the civil servants and military policymakers in the government also get support in democratic principles and behaviour aiming to serve parliamentarian democracy.

Chapter 9

Civilians, The Military and Defence Planning in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Daniel N. Nelson

Why is it important to have civilians engaged in national security establishments? And, if such engagement is somehow essential, how can such a goal be achieved?

Democracy is often said to be the political system that requires heightened civilian presence in and authority over a national security apparatus, including uniformed militaries. But, *democracy is neither necessary nor sufficient to generate such momentum.*

Nobility, samurai or janissaries do not defend *any* modern state, authoritarian or democratic. Military forces drawn from the citizenry through a *levée en masse* or through volunteer enlistment have been, at least since the French and American revolutions, the raw material for enlisted ranks. No longer to defend a monarchy alone, *national* defence connoted a powerful identification of the masses with shared traits vis-à-vis 'others'.[1] With the industrialisation of societies came the industrialisation of war, requiring further broadening of who participated in the nation's defence preparations to include the owners of, and workers in, factories that produced military material.

Not democracy, but the metamorphosis of social organisation and economic production generated strong tendencies to rethink and remake the understanding of national defence. People outside military formations had to be drawn into matters of defence and preparations for war since military organisations themselves could not cope with the manpower or technological needs of modern, industrial war.

Another less obvious reason for civilian roles in national defence, however, lies beneath the surface – a reason that lies at the core of our understanding of *security*.

Security is not merely a calculus of one's capacities to use force but, rather, a dynamic balance between threats and capacities.[2] In the pursuit of security, abating threats can be just as important as building capacities.[3] Reducing the potential for threat emergence, or to diminish anticipated or extant threats without relying solely on overwhelming capacities in response, can be a smarter, cheaper and faster way to gain more security. Such an endeavour ought not be the job of those who possess coercive

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1 Regarding the link between 'otherising' and *national* defence, many studies provide strong discursive evidence. See, most notably, Michael Billig, *Banal Nationalism*, (London: Sage, 1995).

2 I have developed this formulation in a number of publications during the 1990s and early 2000s. See, for example, Daniel N. Nelson, 'Great Powers and Global Insecurity', in Heinz Gartner, et al., (eds.), *Europe's New Security Challenges*, (Boulder, CO: Lynne Rienner, 2002), pp. 353-378.

3 In the literature of international relations, the 'security dilemma' embodies the notion that attempts to create absolute security through unassailable strength will lead others to see one as a threat, fostering their own efforts to build countervailing capacities particularly in an alliance. Or, put another way, raising capacities to lessen the possibility of defeat in war simultaneously raises the probability of conflict. Although an age-old idea, an interesting presentation is Andrew Kydd, 'Sheep in Sheep's Clothing: Why Security Seekers Do Not Fight Each Other,' *Security Studies*, Vol. 7, No. 1, (Autumn 1997), pp. 114-154.

means, but rather is best undertaken by those whose intimate knowledge of potential adversaries – of *others* – enables them to understand and foresee 'their' real insecurities and needs as opposed to strategic deception and pretence.

Even when capacities to use force are required to *deter* or *defeat* threats, planning for such applications of force in the contemporary state is not typically confined to those who employ these capacities. In modern states, institutions with the means by which force can be applied (primarily police and military) are separate from institutions that decide about the allocation of public resources (parties, legislatures, presidencies).

The precepts noted above require that institutions and personnel from these two arenas collaborate. Yet, such collaboration is less a sign of democracy than an inevitable intersection of interests and responsibilities. Communist or corporatist authoritarianism, liberal or social democracy – *all* require that those in political office or their designates join with those who hold the means of coercion to plan how to achieve or implement leaders' decisions about national security. Even in cases where the political leadership originated from an armed insurrection, coup, or revolution, institutional metamorphoses eventually necessitate that civilian and military officials work with each other if security is at issue.

It follows that people in military or police uniform, or whose livelihoods are intimately related to the military and police, cannot 'control' a state's security. Were a General Staff to have the will control the state, they find that matters are too diverse and that running the state means almost certain failure. Militaries do not possess expertise across the wide spectrum of government activity, and lack means by which to gain broader forms of public legitimacy.

Although, in an abstract sense, democracy is neither necessary or sufficient for a transformation of national security establishments *per se*, a popular and elite commitment to a democratic transition *does* mean that *control* of coercive means *by civilians* becomes more important. No political system could be denoted as 'democratic' if the internal or external planning for the deployment of military force or other potentially lethal capacities were made without a decisive role played by constitutionally ordained elected officials.

Such observations do not identify, however, precisely *how* security in a democratic milieu is to be planned and affected. Neither do these general notions provide guidance regarding the exact mix of military and civilian personnel or institutions in the process, or how to define any of the terms involved. In the following section I turn to consider a 'defence planning continuum' – the array of choices among ways in which to organise for defence planning, there being within each a different role for civilians and the public.

A defence planning continuum[4]

Three characteristics or traits differentiate modern states' defence planning systems. First, national security planning varies in terms of the *locus of decision-making*. The locus may vary from highly public to decisively non-public and dominated by a party or clique. In the former, concerns for armed forces personnel, or their armaments and training, are all posed, aired and debated in public forums. Positions of decision-makers are evident and defined, and both the domestic and international audiences can know about decisions taken and policies made by a country's institutions regarding defence.

Security planning also varies by the *degree of accountability*, as manifested in the formally mandated scrutiny over defence decision-making. Legislative oversight, media investigation, non-governmental organisation access, and scholarly study are all essentials of transparency, without which open security planning is impossible.

Third, and most critical, is the issue of *who has policy input*. A broad representation of socioeconomic and political groups and interests means a plural security planning environment, while a closed system will accept only inputs via one channel without broad representation. (See Table 1, below)

Table 1: Types of Defence Planning Systems

Characteristics ↓	**Open Defence Planning**	**Semi-Open Defence Planning**	**Closed Defence Planning**
Decision Locus	Public	State	Party
Accountability/ Scrutiny	Transparent	Translucent	Opaque
Representation/ Inputs	Plural	Selected	Unitary

Decision locus

In mature representative democracies, we are painfully accustomed to the assumption that public policy is decided in public venues. Legislatures pass legislation with votes that can be known to all. Supreme courts render judgments in open pronouncements. Executive leaders are not immune from being asked, before the legislature and public, to explain or defend their actions.

Even in such longstanding democracies, with all the accoutrements that theory demands, authoritative decisions are usually shielded from the public sphere by several layers of press limitations, technological insulation, and plausible deniability. The decision to invade Iraq, for example, was not made after public excuses presented at the United Nations or presidential speeches to the nation. Instead, very soon after September 11, 2001, an opportunity to rid the Middle East of Saddam Hussein, redress wrongs that had festered since 1990-91, and strengthen the American strategic position

[4] Parts of this section are adapted from Daniel N. Nelson, 'Beyond Defense Planning', *Defence Studies*, Vol. 1, No. 3, (September 2002), pp. 23-43. An earlier version of the paper was prepared for a Workshop on Transparency in Defence Policy, Military Budgeting and Procurement (Stability Pact, Working Table III, Security and Defence) organised by the Ministry of Defence of the Republic of Bulgaria and the Geneva Centre for the Democratic Control of Armed Forces, Sofia, Bulgaria, 17-20 May 2001 and is available at http://www.dcaf.ch/publications/E-Packages/ws_transp/ws_transp_papers/nelson.pdf

throughout the region *propelled and predetermined* policy.[5] Absent a truly public debate, and a year before the Congress was able to express its views about an expanded war vis-à-vis Iraq, the Bush Administration had made up its mind.

An ideal of decision making 'in public', as it were, is thus unobtainable. Still, as a continuum, the degree to which public policy is non-public reflects a stark difference in defence planning environments. If all organisations outside formal state institutions can have no role whatsoever, the decision locus has shifted decisively away from the public arena. And, if only those denoted by their loyalty to a particular *party* and its ideology can participate meaningfully in decision-making, a rigid exclusionary system is in place.

As with all typologies, this three-fold classification of types of decision-making obscures conditions that overlap one category. Indeed, this is precisely the complexity evident in defence planning in post-communist states. In none of the former communist regime countries – including those now within NATO or soon to enter the Alliance – is there an unequivocally 'public' defence planning environment or purely 'party' dominated system. Yet, no one who knows the countries on which this collection focuses would assert that party loyalties are not a strong – even decisive – factor in determining who is a player in the national security establishment. The notion of a William Cohen (Republican) serving in the Clinton Administration, or a George Tenet (appointed by a Democratic president) serving George Bush (Republican), would be incompatible with most post-communist systems except insofar as coalition governments demand partners. Only when personalised political movements upset established party formations, as in Bulgaria with the Simeon II Movement, will control of the security agenda engage people who once were part of opposed political parties.

Accountability and scrutiny

If accountability is to be established in defence planning processes, transparency is a 'must have'.[6] To see into and through crucial deliberations that effect resource allocation for armed forces and all other security structures is essential — for nascent democracies and for long-in-the-tooth democracies. One does not need to see everything to be 'transparent'. Yet, to the degree that specific programmes or activities on which human and financial resources are being spent are concealed, the normative bases of democracy are violated — and the pragmatic needs of security planners (to know and have their constituencies know what they are doing and why) are ignored.

Transparency does not imply simply announcing and broadcasting everything. Rather, to be transparent suggests procedural visibility and clarity, both facilitated by media investigations, parliamentary oversight, and academic scrutiny. Absent this public portrait of security planning, the process quickly reverts to Byzantine rites and holy writ. National secrets militate against transparency. To lessen the iron grip of planners on planning, one often encounters push-back from those who say that sources

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5 A Bush Administration Department of Defense official, who had resided at a Washington, D.C. think-tank during the Clinton Administration, said privately in December 2001 that 'there is no way in hell that we will not use this opportunity to get rid of Saddam – too bad we're a decade late.'

6 Dr. Gordon Adams, lecture presented to the George C. Marshall Center, 30th April 2001.

and processes essential to 'national technical means' will be compromised. If played too often, however, this trump card loses its efficacy.

Translucent systems offer glimpses and shadows, but never details. *Opaque systems* hide most of the national security planning process. There are many points in-between, and these three points only illustrate a much larger phenomenon whereby open, limited and closed security planning systems are differentiated from each other in part by their degree of accountability and 'penetration'. Every system that sought to conceal activities, maintain 'black' programmes, and hide true intentions winds up with its own 'Iran-Contra' scandal, ministerial resignations for shady transactions, or massive investigations.

To ensure transparency requires proactive measures to provide and reveal information to the press, to discover errors, mistakes and malfeasance first, and to maintain regular and cooperative liaison with the national legislative bodies. Transparency does not simply happen. It must be assiduously pursued.

Academic study can be enhanced with scholar-in-residence programmes in ministries and agencies. Legislative oversight can be expanded by developing reciprocal civilian and military competencies regarding security issues – through joint educational opportunities, on-the-job exchanges (secondments), liaison offices, and frequent, regular and detailed briefings. Capacities for substantive media reporting can be improved with the provision of ample and accurate information about security issues, planning and policies and the joint education of journalists with legislators, bureaucrats and officers. Ideas such as these are easily listed and far more difficult to implement. Yet, the route to transparency is through these endeavours.

Representation and inputs

It is not true that thinking about national security, and the defence package within larger matters of security, will always benefit from adding people or institutions to the process. Equally, it is untrue that denying access, minimising input, and limiting debate will enhance the quality of national security products.

The notion of *pluralism* – which means not just abundant or many, but the contribution of ideas and opinions across a wide spectrum – is surely part of modern democratic thought. But, it is also a concept implicit to effective leadership and decision-making. Without alternatives, leaders have no options; and, without hearing debate and criticism, they cannot rationally choose among alternatives even if they are presented to them.

Pluralism is the presence, in decision-making, of representative diversity. Pluralism ought not be confused with cacophony. Institutionally, democracies typically include parliamentary elites (defence committees, for example) in security planning. Academic and think-tank experts are called upon to provide data and opinion. Business, ethnic and other 'interests' are solicited for their opinions concerning parts of the world or specific threats. Most vital, the General Staff, the Defence Ministry, and the intelligence agencies do not exclusively contribute views, positions and assessments. Indeed, the writing and editing of national security documents requires, for true pluralism to be implemented and maintained, a much wider vetting — among skilled, experienced and trusted individuals in business, academia, think tanks and other socioeconomic and political institutions. Critical views, alternative assessments, or

sharply divergent interpretations of data on which the Ministry may have drafted original documents or budgets must be sought.

Yet, merely including multiple institutions would offer little pluralism if all, for example, were dominated by one party, one class, or one cultural identity. Hence, the breadth and scope of socioeconomic, cultural and political diversity, as these may affect security, deserve solicitation and careful listening. These inputs cannot be *ad hoc* and random, but rather must be seen as appropriate and necessary to the nation's effort to balance threats and capacities, and thereby to derive security.

Pluralism in defence planning can be promoted, although not guaranteed, by a number of measures, none of which are confined to one political system or culture. In any country, ministries, agencies and branches of government must contact each other and interact to some degree on matters of national security. Formal and regular contact, referred to in the United States and most NATO countries as the 'interagency process', can be inaugurated with personnel exchanges across institutions — secondments from the foreign ministry to the defence ministry, from the intelligence services to a parliamentary committee staff, or from the general staff to the presidency.

Additional pluralism can be encouraged if top decision-makers (ministers, a prime minister or president) purposefully establish among key advisors a 'team B' that is charged with creating alternatives to prevailing thinking — forcing into the defence planning process some interpretations and findings that run counter to orthodoxy. Panels of 'outsiders' – from academia, business, NGOs, religious communities and others – can be named by the same top decision-makers and challenged to address the same national security issues as those inside the government, the product of their deliberations being policy recommendations that might depart substantially from governmental orthodoxies.

Defence planning after authoritarianism

How do such general and comparative observations reflect on the states examined in reports contained in this compendium?

Where authoritarian systems have ended, new democratic beginnings depend significantly on who allocates resources and on who controls the means of coercion. If post-authoritarian environments allocate resources substantially through extra-legal mechanisms (bakshish, bribes, kickbacks, extortion) while the national security agenda is set by the general staff with or without the endorsement of a political clique, democratic efforts will die a premature death.

It is thus no surprise that so much attention has been devoted in post-communist states of Central, South Eastern and post-Soviet Europe to achieving a truly democratic civil-military relationship in these regions. Agents of change have included, in every case, domestic reformers within and outside military organisations, and external actors – non-governmental organisations, NATO, and individual West European and North American governments and defence ministries.

A dozen years or more after the departure of communist rule *qua* one party dictatorship, South Eastern Europe has endured the rough road of transition. War, economic contraction, corruption – and the litany of ills might go on. Yet, amid all of the turmoil and sacrifice, the integration of defence establishments into the making of democracy was understood to be a paramount goal. Certain organisations and particular

individuals devoted enormous energies during the 1990s to military reform, remaking defence ministries, and infusing a civilian ethos within national security structures of post-communist states.

The ultimate goal of such internal and external efforts was so-called civilian control of national security agendas and coercive instruments, most notably the armed forces. Principal means by which to obtain such civilisation of national defence included:

- *Regulation* of the military and security organisations via laws and constitutions;
- *Limitation* by norms, values and beliefs exemplified by the public, academia, press, civil society and international actors, and
- *Constraint* due to transparency, disclosure and legislative oversight.

Evaluation of the self-assessments

In this compilation, the focus is on South Eastern Europe – with all studies written by individuals from the region. In these fascinating papers, each grapples with challenging issues germane to his or her country – but also issues of far greater import well beyond the confines of any boundary. Here, defence analysts from Albania, Bulgaria, Romania, Croatia, Macedonia and Moldova offer assessments of their own countries' achievements in bringing democratic norms and civilian control into the mainstream of defence planning and military command.

More than mere report cards, these essays offer provocative insights into the difficulties each has faced, while often illuminating what each country's military and defence ministry would hope others to see. In each article one can discern both some relatively objective evaluations of performance, *and* ample self-satisfaction. To the degree that some essays conspicuously omit empirical analyses of behaviour in defence planning and military command, and instead cite recent statutes enacted by parliaments and new structures, the distance that remains in the transition process is revealed. Yet, even essays herein that rely entirely on a descriptive approach, one can glean the fundamental dilemmas that confront defence establishments and national security planners in this corner of Europe.

One omnipresent dilemma is politicisation – when defence establishments either seek to extrude from their professional boundaries and affect political life *or*, more commonly in South Eastern Europe, when legitimacy-starved politicians try to manoeuvre themselves into an identity with the armed forces. In soon-to-be NATO members such as Romania, politicisation was rampant in the 1990s. Mihaela Matei correctly refers to some of this politicisation, although placing too little emphasis on the reciprocal nature of efforts to manipulate the army's popularity and its link to the presidency or to other leaders and misidentifies some of the first discussion of this phenomenon.[7]

Infighting between Bulgarian Defence Minister Boyko Noev and Deputy Defence Minister Velizar Shalamanov during the Kostov UDF government, and the

[7] See, in more depth, the discussion of Larry Watts, 'Romania', in *The Russian and East European Security Yearbook* (Washington, D.C.: Brassey's, 2000) and Daniel N. Nelson, 'Democracy and Security in Southeast Europe', *Armed Forces and Society*, Vol. 28, No. 3, pp. 421-448, based on lectures given at the George C. Marshall Center in 2000.

heels-dug-in resistance to reform by the Bulgarian General Staff in the early to mid 1990s, exemplified politicisation of a different sort – efforts by the armed forces to play within and through party politics. Unfortunately, Todor Tagarev and Dobromir Totev's chapter on Bulgaria[8] gives few details. Jozo Rados' tenure as Croatian Defence Minister likewise was one where every utterance had far more to do with his role in the Liberal Party than objective defence planning. To his credit, Igli Totozani *does* acknowledge the painful politicisation of Albanian defence planning in the 1990s through early 2000s. Confronted by unconventional threats with few resources, Albania (says Totozani) nevertheless adopted a national security strategy '…without any proper debate.'[9] That political considerations obscure rational thinking about extant threats is certainly not a phenomenon confined to post-communist states or a region such as South Eastern Europe. Yet, other than NATO integration, Totozani sees little hope for change.

Another defence planning dilemma is the contrast between external models and internal conditions. In the relative sophistication that Tagarev and Totev demonstrate regarding Bulgarian thinking about defence planning one sees ample influence of models and guidelines that have been taken as templates and implanted. The Institute for Defence Analyses (IDA) located in the Virginia suburbs of Washington, DC exerts influence that is readily evident in the Tagarev-Totev essay and acknowledged by the authors. That Bulgaria has adopted NATO-ist models of strategizing, planning, and deploying its military makes sense…but the derivation of models has far less to do with Bulgaria's place in the world than the institutions Sofia's political leadership has been dedicated to join. Indeed, Tagarev and Totev reflect little on a world outside, and instead report on how their country has (with some substantial success) effected a 180 degree turn in policy and defence planning behaviour in but a half dozen years.

Similarly, to those in Brussels or various institutions that interact with NATO's new invitees and who are familiar with principal documents (national security strategies, for example), Romania's legal, structural and doctrinal changes described by Matei are standard fare. Moreover, that defence policy and planning must be more flexible regarding risks, missions and resources in the current environment has been the mantra of most NATO military planning and Pentagon rhetoric for some time.

In these essays, then, there is a strong tendency to report the changes that fit comfortably within NATO and EU expectations, applying international models in broad strokes with very little analysis of one country's performance in changing the culture of the defence establishment vis-à-vis other countries. The role of some organisations in inculcating NATO-type defence planning templates and national security structures is, interestingly, often cited by these authors but is sometimes accompanied by unintentional misinformation. To say that organisations such as the George C. Marshall Center in Garmisch-Partenkirchen, Germany and the Geneva Center for Democratic Control of the Armed Forces (DCAF) in Switzerland are NGOs – when both are primarily funded by governments or multilateral organisations of governments – is an intriguing error. In the case of the Marshall Center, where leadership is *directly*

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[8] Todor Tagarev and Dobromir Totev, 'Civilians and the Military in Defence Planning', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 217-230.

[9] Igli Totozani, 'Civilians and Military in Defence Planning: From a National Security Concept to a Force Development Plan', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 67-76.

subordinated to the Supreme Allied Commander in Europe and the American and German defence ministries, it is very misleading to refer to it as an 'international NGO'.

Even in a case unlikely to soon become a viable NATO candidate, such as Croatia, description trumps analysis. Croatia's armed forces fought a lengthy war in the early to mid 1990s. Now almost a decade later, we might justifiably wonder if there are data regarding the civilians now within the Croatian defence community. Highly relevant data might include the backgrounds of civilians working in defence, their placement and responsibilities in national defence, evaluation of employment in the Defence ministry, and tangible behavioural or policy changes attributable to their presence (i.e., a 'before-after' comparison). In Zvonimir Mahecic's piece, one finds only a focus on constitutional and legal changes – which have been important in Croatia, but which miss the point. That President Mesic no longer holds the reigns of national defence, and that future Prime Ministers will be more assured of their responsibilities vis-à-vis the General Staff, tells some of the story.[10] That scores of Croatia's military officers have spent weeks or months at the Marshall Center (or other defence educational establishments) might be useful to know. But, for more probing and critical analysis, one must look elsewhere.[11]

About Moldova and Macedonia, defence establishments likewise are treated by Oleg Gaur[12] and Radica Gareva[13] in ways that suggest civilians are more involved in security matters. Yet, Gaur never truly discusses defence planning per se, and is of the opinion that civilians have roles primarily because their determination of resource distribution in the parliament and council of ministers gives the 'right' to be thus engaged.[14] This sounds compatible with Western expectations – but we never learn who the civilians are, what they contribute or how these innovations have changed policy or Chisenau's ability to meet security challenges. Radica Gareva likewise begins by recounting conditions that, to her and colleagues in Skopje, define Macedonia's security environment.[15] After a litany of problems confronting the country, she then reviews the development and deployment of Macedonia's military. Again, we see neither an analysis of defence planning or civilians' role in such processes; how the defence community's behaviour, attitudes or policy may have been affected by civilian engagement remains uncertain.

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10 Zvonimir Mahecic, 'Civilians and the Military in Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 371-379.

11 Regarding Croatia's defence reform, a very insightful and far more negative view is offered by Jed Snyder, 'Croatia: After Tudjman, Finally to the West?', in Daniel N. Nelson and Ustina Markus, (eds.), *Central and East European Security Yearbook*, (Washington, D.C.: Brassey's, 2002), pp. 299-324.

12 Oleg Gaur, 'Civilians and Military in Defence Planning', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp.199-211.

13 Radica Gareva, 'Democracy, Security and the Armed Forces in Macedonia', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, and pp. 63-78.

14 Oleg Gaur, 'Civilians and Military in Defence Planning', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 199-211.

15 Ms. Gareva did not, unfortunately, have access to the very revealing report by the International Crisis Group, *Macedonia: No Room for Complacency*, (Skopje: ICG, 23 October 2003). In this report, the real potential for the country to slide back into internal war, absent a continued international military presence, is discussed in stark terms.

Genuine advances are, however, evident in reports such as that by Bulgarian analysts Todor Tagarev and Dobromir Totev who exhibit the heightened sophistication of Sofia's defence establishment. They correctly note the vital link between civil/political control of defence policy and real defence reform.[16] That is, 'reform' without ensuring democratic civil-military relations first will be ephemeral. Consequently, defence planning that engages civilian expertise develops a much different type of strategy. Bulgaria's abrupt change from being NATO-indifferent to an eager (and ultimately successful) aspirant was *not* derived from new laws or structures, which had been enacted years earlier, and *not* merely from the ousting of a Socialist government. Instead, as the authors argue, it required a new civilian-controlled and integrated defence planning process that then produced meaningful reform. Interagency contacts, NGO input, and other innovations opened the process, and halted a practice whereby Bulgarian defence chiefs simply promulgated a national military strategy. Such change is far from over, but Tagarev and Totev are on the right mark as they stress a different causal path – behavioural change first, after which a new organisational culture emerges incrementally.

Romania, too, has slowly and with difficulty extracted itself from the miserable legacy of communism and the Ceausescu cult. Mihaela Matei's essay speaks to the considerable progress made, step by step, in remaking Romania's defence establishment.[17] Much in the way of tangible reform was not even begun until the late 1990s. Still, the urgency with which some single-minded individuals went about restructuring the Defence Ministry and General Staff, and then re-educating its officers and civilians, has been impressive.

Conclusion & Recommendations

Civilians in, and civilian control of, national security structures and processes are topics that permeate these essays. How we conceptualise such issues, and then try to gauge the presence, purpose and efficacy of 'civilians' in the security establishment, however, are matters incompletely addressed in these papers. Rather, most of these analysts (with Tagarev and Totov writing about Bulgaria a single exception) approach these issues *descriptively* – telling the reader about structural innovation, strategic documents or legal enactments, and not about behaviour, attitudes or policy. In microcosm, thinking about defence planning in the Balkans reflects many of larger theoretical and conceptual problems in the field of civil-military relations.[18]

The relationship between the civilian presence in defence (as gauged by their backgrounds, placement, responsibilities and self-assessments) and behavioural, attitudinal and policy *consequences* must be addressed in the Balkans or any other region undergoing transition. Put another way, what does it *mean* to have civilians and uniformed officers collaborate more often and more completely in defence planning? If most of the 'civilians' are retired officers, or are poorly trained civilians, one might

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16 Todor Tagarev and Dobromir Totev, 'Civilians and Military in Defence Planning', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 217-230.

17 Mihaela Matei, 'Defence Planning: System Building, the Role of the Armed Forces and Civilian Control', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 343-356.

18 See Daniel N. Nelson, 'Definition, Diagnosis, Therapy: A Civil-Military Critique', *Defense and Security Analysis*, Vol. 18, No. 2, June 2002.

expect very little change (notwithstanding laws, new structures, or even constitutional changes) in the armed forces' or defence ministry's behaviour towards civil society. Likewise, non-civilian or inadequately trained civilians might mean that attitudes within the national security establishment remain suspicious about open and plural tenets of democracy, and unaccountable regarding procurement, intelligence, or other sensitive matters.

If the formalities of democracy are neither necessary nor sufficient and do not directly generate or assure *real* civilian engagement in and control of defence planning, the tenets of democracy will remain distant from the national security arena. Indeed, democracy may be security-dependent, while democratic civilian control depends on norms and behaviour, not laws, institutions or procedure.

It is very difficult, however, for analysts from a still-transitioning region to stand aside and look objectively into their own environment. A strong and quite understandable tendency exists merely to list factors that affect defence planning – new global crises or threats, domestic economic constraints and more – and thereafter to describe recent changes in laws, concepts and doctrine. The latter are presumed to be correct and adequate responses to a 'changing strategic environment', particularly insofar as such formalities have been encouraged, facilitated and expected by the United States and NATO.

Far more accurate gauges of civil-military relations that comport with tenets of democracy can be found in behavioural indicators. Does the military or others in national security planning steal public monies, solicit bribes for procurement contracts, discriminate against minorities, kill or abuse conscripts, or produce national security documents without transparency or public scrutiny? Denoting 'democratic control' of the armed forces and defence planning in terms of legal-structural-procedural criteria ignores people and their competencies, behaviours and accountability.

'Public, transparent and plural' are characteristics of defence planning in an ideal democracy, not the products of democracy. Their presence is empirically verifiable, and would be implicit to civilian penetration and control of the national security agenda. Gauging these markers towards truly democratic defence planning could well be the focus of additional studies in South Eastern Europe or other transitional regions.

Chapter 10

Democratic Oversight and Control of Intelligence in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Fred Schreier

Introduction

Unreformed intelligence and security services have for many years been a major obstacle to the political and security development of the South Eastern European countries of Albania, Bulgaria, Croatia, Macedonia, Moldova and Romania. Of all the organisations in the security sector, intelligence and security services have not only the weakest governance and control and oversight structures; but they are more prone to misuse by politicians to hold on to power; their accountability is often delayed or put off for the sake of the 'protection' of national interests; and they are more easily able to hide their activities behind a strict maintenance of secrecy.

Given that these services are generally much less transparent than the organisations authorised to utilise force to protect the state and its citizens, their activities, and also their ineffectiveness and inefficiency in contributing to the public good security, are less apparent and less obvious. Moreover, democratic controls are still far from being strong enough to ensure that individual rights and freedoms are not infringed.

Weak governance, ineffectiveness and inefficiency lead to these services falling under the influence of corruption and organised crime. This, in turn, causes instability and insecurity which makes investments, both from within the country and from abroad, increasingly likely to be viewed as unsafe, thus leaving the door open for further corruption. Concomitantly, the importance of having intelligence and security services which function well to fight the new threats like international organised crime and terrorism has become ever more important. In particular, intelligence collection and sharing on terrorist activities will be attributed a higher priority at the regional and the international level. Hence, further reform of intelligence and security services is an urgent issue that needs more attention from the governments of the region as well as by international organisations such as NATO, the EU, the OSCE, and possibly also the Stability Pact for South East Europe.

The analysis of the current state of democratic control of the intelligence and security services of these countries comprises four parts. Firstly, a general review of the substance of the self-assessments will be presented. Secondly, the major common deficiencies in the reform of intelligence and security services will be addressed. Thirdly, the contributions will be examined along the lines of the evaluation topics set out for the papers; and fourthly, recommendations will be given as to the future work of the international community in light of the challenges that these countries are still facing.

Evaluation of the self-assessments

The studies provide some valuable insights into the state of reform of intelligence and security services. All outline some of the existing deficiencies in the particular countries, if not the major deficiencies existing in the practice of control and oversight, at least those that are due to some flaws and inconsistencies in the legal acts. The self-assessments vary, however, considerably in focus, quality and substantive content. Moreover, they provide a diverse picture of the expert's conceptual approach to the topic, and of their understanding of the matter. The latter follows on not only from the fact that some of the self-assessments depart from different theoretical assumptions about reform of intelligence and security services, but also from varying levels of knowledge about, and insight into, the issue, as well as from the differing levels of scientific and academic excellence which they represent in this field.

The self-assessments are essentially focused on parliamentary control and oversight, and on enumerating legal provisions rather than interpreting the framework considering the themes set forth for the assessment effort of intelligence and security services. Thus, in general, the papers contain the theory derivable from the content of the legal provisions. How democratic control and oversight of intelligence and security services really work in practice remains largely unknown. With the exception of the Croatian self-assessment, the contributions contain very little, if any at all, on the actual functioning of executive control and accountability, on judicial control and supervision,[1] and on the role of informal and indirect supervision by civil society organisations, the public, and the media.

From this results a rather limited view of the status of reform of intelligence and security services. Neither is the extent addressed to which civilian control, demilitarisation, and the elimination of old cadres of the communist past have been achieved, nor are the efficacy and the efficiency of the services – two of the best indicators for well functioning services and for the quality of their control and supervision. Too little by far is said on how the services are organised, directed, tasked, and operate in practice. Moreover, very little transpires on their interaction with the executive, the National Security Council, and the different ministries, on the coordination of intelligence, on cooperation, and on information exchange between the services, other governmental bodies, and with partners abroad. There is no reference on foreign contributions to, and assistance in, the reform of intelligence and security services.

Though all the services are affected by cronyism, corruption, and some are even actively involved in organised crime, only two authors find these issues worthwhile referencing, and even then it is done so on the sidelines. Few papers address the notorious abuses of the services and the frequent infringements of human rights and individual freedoms. While a list of laws and acts can be easily obtained, an evaluation of the thematic issues of reform can only really be made with sufficient knowledge of, and good information from, the inside. Though the intentions of the contributors were sincere, in essence, the goal of assessment of democratic control and oversight has overall not been met. From this perspective, only the paper from Croatia appears to come closer to the standards for self-assessment studies in mind when the project was instigated.

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[1] Judicial control is addressed, but only vaguely, in the contribution from Moldova.

Self-assessment evaluation: Albania

The contribution from Albania only addresses parliamentary oversight.[2] It lists the constitutional and legal provisions which apply to parliamentary oversight, briefly describes the composition and functioning of the permanent parliamentary sub-committee, and the various forms of oversight.[3] The paper then covers parliamentary investigation powers, assesses the practice of oversight, and elaborates on some recent changes, which, according to the author, have given rise to unusual public interest and have increased the transparency of the functioning of an intelligence service that has been veiled in mystery for decades.[4]

As to policy and financial accountability, the author argues that the constitution, laws, and government normative acts contain no clear provision according to which the administration is obliged to reveal, explain, and justify its policy and plans in the security domain and its expenditures for security purposes.[5] No provisions exist for elected representatives to be informed and/or consulted in the course of official programming and budgeting, and the budget of the Intelligence Service does not require explicit formal approval. Moreover, the parliamentarians, and especially those representatives who are affiliated to the party in power, are said to be pleased to play a 'rubber stamp' role.[6] The paper then concludes with the statement that Albania has definitely parted from the secrecy psychosis, but still has a long way to go in ensuring that transparency becomes part of the culture and the behaviour in institutional practice.[7]

Self-assessment evaluation: Bulgaria

The Bulgarian contribution, which is limited to three pages of very general comments and in nine pages suggesting an agenda for the gradual overcoming of the complexities of democratic oversight and control over intelligence and security agencies, is the weakest.[8] The few rudimentary comments on democratic control and oversight are not amenable to an assessment of the state of reform.

Citing the Bulgarian president, who warned ─ as late in the democratic transition as 2002, when Bulgaria was poised to receive an invitation to join NATO ─ that the secret services, including those under his authority, functioned in a legal vacuum as no law regulates their roles and functions,[9] the authors conclude, without

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2 Sokol Berberi, 'Democratic Control of the Intelligence Service', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 77-88.

3 Sokol Berberi, 'Democratic Control of the Intelligence Service', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 77-88.

4 Ibid., pp. 86-88.

5 Ibid., p. 78.

6 Ibid., pp. 78-79.

7 Ibid., p. 88.

8 Ivo Tsanev and Plamen Pantev, 'Democratic Oversight and Control Over Intelligence and Security Agencies', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 231-241.

9 A draft law on national intelligence was presented to the Parliament in 2001 by one of the parliamentary factions and is on the legislative agenda. In the spring of 2002, Bulgaria undertook an obligation to NATO that, by the time of the Prague Summit, the country would have prepared

more elaboration, that Bulgaria has yet to achieve a sufficient level of democratic and civilian control over intelligence, counterintelligence, the police, and other secret services.[10] In fact, the main services are regulated by the Ministry of Interior Act. But the authors do not mention the weaknesses and flaws: that there is extensive secondary legislation on these agencies, a substantial part of which was never made public; that the National Intelligence Service has never been regulated by parliamentary legislation and that no regulations on its activities have been published; and that the National Security Service has also been created by secondary legislation that was never promulgated.

While the country has made significant progress in establishing civilian control over the armed forces, the Ministry of Interior is assessed as having made little progress in the reform of the secret services. Establishing the position of Deputy Minister and the demilitarisation of the Ministry are said to be among the most significant changes so far in a mega-institution built up on the Soviet model of secret service management with great power and authority concentrated in the hands of the chief secretary.[11]

The authors claim that many of the members of the secret services, especially those in the National Service of Investigation, are former members of the Communist services, but any explanation of the reasons for this is lacking.[12] The authors then propose that the National Service of Investigation must be taken away from the Ministry of Interior: the Ministry should only include police services and thus become a Ministry of Police.[13] Though a relevant analysis is lacking, the authors see an urgent need for a complete and thorough reform of the secret services, and for the enactment of a Law on National Security which would clearly define the role and functions of the secret services, including the National Intelligence Service, the National Investigation Service, the National Security Service, and the Military Information Service. This law should also define the role of the Council of Ministers' Security Council as the main coordinating body – and, if need be, the main overseeing body – of the work of the secret services. The law must also contain the Parliament's oversight functions.[14]

Some additional insights transpire from the useful agenda that the authors propose as a road-map to invigorate the national debate on such a law and the reform of intelligence and security services. There, they point to the rather common temptation of many politicians to misuse the intelligence and security services for narrow political purposes and manipulation, while society, burdened with existential concerns, remains ignorant of the nature of intelligence and how it could better serve public interests.[15]

Another problem is, as is the case in Romania and Croatia, that the Prime Minister, who bears the responsibility for the country's domestic and foreign policy, is not the master of national intelligence, while the President is practically on stand-by to pay for any failure in the risky activities of the intelligence services. In the authors'

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and passed the Intelligence Services Act, the Crisis Management Act, and the Armed Forces Act. These undertakings have yet to be fully accomplished, and a vigorous parliamentary debate and a public discussion have yet to be initiated.

10 Ivo Tsanev and Plamen Pantev, 'Democratic Oversight and Control Over Intelligence and Security Agencies', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 231.

11 Ibid., p. 231.

12 Ibid., p. 232.

13 Ibid.

14 Ibid.

15 Ibid., p. 237.

judgment 'it is a fact that in the last eleven years the presidential leadership of national intelligence has contradicted the spirit and logic of the Constitution'.[16]

Self-assessment evaluation: Croatia

The Croatian contribution of nineteen pages, which is almost double the size of the other contributions, contains the best assessment of the state of reform of intelligence and security services.[17] It is the most useful analysis, and also provides better insights into the organisation of the services and their functioning.

The author introduces the issues of reform with a historical overview of the development of the intelligence and security services since the 'Homeland War' of 1991-1995, which engulfed the country after the first free and multiparty elections of 1990. However, due to the war and the history of Croatia during the last decade of the 20th century, democratic control over intelligence and security was virtually non-existent until the year 2000. As a result of numerous abuses of the services in the political interest of the ruling party continuing during the post-war years, democratic control of the services became a salient issue in the opposition election campaign as the elections of January 2000 approached. Yet, instead of the rapid and profound change in the organisation of the services and in control and oversight procedures which were promised and expected, other issues prevailed during the interim period of 2000-2002.

However, the major factor delaying reform was that concomitantly a turf war of top politicians over the services, clashes, and bitter debates developed, focused on the question of who would appoint whom, and whether the services would remain in the 'domain' of the President or answer to the Prime Minister and the Cabinet. The struggle for power not only had an adverse impact on reform of the sector, the many incidents involving the services which occurred during this period highlighted serious flaws in the outdated system and reflected the lack of will and competence to introduce changes. Thus, at the beginning of 2002, the law in force regulating the clandestine collection was still the Communist law of 1989, and the law in force regulating the functioning of the system was still the law, that the party of President Tudjman had passed in 1995. The services and the institutions of the system worked as before.

The author provides interesting insights into the entanglements of drawing up the Republic of Croatia Security Services Act which entered into force on 1st April 2002, the main provisions of which, however, have only recently been implemented. An overview over the constitutional and legal framework is then given, and the supreme management of the system is examined in detail.[18] The missions, activities, powers of the services, and the dissemination of their products are then presented. The issues of parliamentary and additional control and oversight are all explained in an informative manner. The author then concludes with a clear presentation of the reasons why the stalemate continued – which, as it seems, in the meantime has finally been overcome.[19]

The great strength of the author's very critical assessment is his ability to point out and substantiate the differences between theory and reality. In his words:

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16 Ibid., p. 239.

17 Ozren Žunec, 'Democratic Oversight and Control Over Intelligence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 381-399.

18 Ibid., pp. 389-391.

19 Ibid., pp. 391-397.

> If the laws and regulations were the only criteria for the effectiveness and accountability of the national security system, Croatia would have an almost perfect system. But the reality is very different and the discrepancies between the legal norms and reality are enormous.[20]

The system does not function in accordance with democratic principles. He sees the main reason for this in the lack of political will, knowledge, and experience to make the law and regulations work.

As is, in reality, the case in the other countries, the services and the whole security system are without proper directions and guidelines, and operate on their own. Their tasks and operations are not sufficiently coordinated, parallelism of activities and overlapping authorities still exist, leaving the intelligence and security system unaccountable. To the author, the passing of legislation seems to be nothing more than an entertainment for top-ranking officials who tried to outwit each other and grab more power for themselves. His only hope, fragile as hopes are, is that the professionalism of the services' personnel will prevent great abuses.[21]

Self-assessment evaluation: Macedonia

The contribution from Macedonia resembles a survey more than a self-assessment; in-depth analysis is lacking.[22] The author presents the constitutional provisions that guarantee the civil rights, indicate the general principles of democratic guidance over intelligence and security agencies, and establish the Security Council. Only a court decision may authorise the non-application of the principle of inviolability of the confidentiality of correspondence and other forms of communications in cases where it is indispensable to a criminal investigation or required in the interest of defence of the Republic.[23]

A rough overview of the normative acts establishing the legal basis for operations of the intelligence and security services is presented, and parliamentary supervision of the tasks of the executive and the activities of the Intelligence Agency are summarised.[24] The particular problems that arise in the security realm because of the insufficiently defined relationship between the President and the Government of Macedonia are not addressed, which leads to a situation where the executive domain is driven by personal components of power holders rather than constitutional design. The role that the Parliamentary Committee can play in control and oversight in practice remains inadequately analysed.

The author then quickly sketches the structure of the intelligence community, the responsibilities of the Intelligence Agency, and those of the intelligence and security organisations in the Ministry of Defence, and lists the subordinate legislation which had to be brought into line with the new Law on Defence that is guiding the latter's work.

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20 Ibid., p. 396.

21 Ibid., p. 397.

22 Mitko Kotovscevski, 'Structure, Functions and Democratic Control of the Intelligence Community', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Vol. 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 79-86.

23 Ibid., p. 80.

24 Ibid., pp. 80-83.

This is followed by a short description of the responsibilities of intelligence, counter-intelligence, and the military police of the armed forces.[25]

Between that chapter and a not very enlightening presentation on the protection of the secrecy of data, information and documents, regulated in some cases by the government, in other cases by the Minister of Defence, a brief glance is devoted to the Directorate for Security and Counterintelligence of the Ministry of Interior. There, the author refers to an obligation of citizens, institutions, and other organisations and authorities to provide the service and its employees with information enabling them to fulfil their tasks successfully.[26]

After ten years of constructing and revising its intelligence organisations, the Republic of Macedonia is continuing the process of reform. The author claims, although he does not elaborate on this, that reorganisation is required for structural reasons.[27] The Ministry of Defence is still in the process of realigning the organisation and operations within the Department of Intelligence and Counterintelligence Coordination, Classified Document Control, and the Military Police, because some existing provisions regarding their work are evaluated as being ambiguous and to have created parallel, inefficient structures. The author then mentions, without further explanations, that there is also a review of the Directorate for Security and Counterintelligence in the Ministry of Interior under way.[28]

Self-assessment evaluation: Moldova

The contribution from Moldova, a country emerging from a Soviet past with very little democratic experience and where the trend to democratisation has been reversed with the return of the Communist Party to power in 2001, is interesting because it mirrors a development which, in some ways, is the opposite of what the other South Eastern European nations aspire to achieve by democratisation and democratic control and supervision of intelligence and security services.[29] The title alone is indicative: 'State and Social Control over Intelligence and Security Agencies'. The opposite is also reflected by what is covered under the heading 'Political and Democratic Control'. Compared to the responsibilities of parliament, the manifold powers vested in the President are indicative of the major deficiencies in the domain of democratic control, which empower the top leadership to focus on the maintenance of power and rigid executive governance.

The advantage of this informative contribution lies in the care the author has taken in listing missions, tasks, functions, and particularly the rights of the services precisely. It is the latter which fully reveals that the system of state security in Moldova, and the agencies covered, are more a carbon copy of the state security system and the KGB of the Soviet past than reformed institutions befitting a modern democratic state. The author first presents the intelligence community and its mission. He then lists the responsibilities of Parliament, of the President, and the Government, and explains the

25 Ibid., pp. 84-85.
26 Ibid., p. 82.
27 Ibid., p. 86.
28 Ibid., p. 86.
29 Serghei Fevraliov, 'State and Social Control Over Intelligence and Security Agencies', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 213-222.

role of the Supreme Security Council.[30] Then a succinct overview of the development of the state security system and new missions is given before presenting the threats to state security under the misleading title 'The Service of Information and Security: Mission and Tasks'.[31] This is followed by a presentation of regional security concerns from which it transpires that Moldova is seeking closer ties and cooperation with the Russian Federation and other CIS countries rather than with Western democracies.[32]

Under the heading 'Cooperation among Security Services', the author lists the five laws which constitute the legal basis for the activities of the Information and Security Service, the State Protection Service, and the Border Guards Department – the agencies in the system of state security. Yet, instead of explaining how the cooperation among the services works, the author lists the fourteen functions of only one of the agencies: the most powerful Service of Information and Security.[33]

In the section entitled 'Legal Definition of the Activities of Intelligence and Security' the author lists the rights accruing to this Service of Information and Security in twenty-three points.[34] These not only document the tremendous powers of this service but reveal in very clear manner that, in the activities of this service, neither a distinction nor any separation is made between intelligence, security, crime prevention, infrastructure protection, military and civilian force application, law enforcement, or penitentiary functions. Hence, this service, having also a prison for preliminary detention, can carry out the administrative detention of persons who have committed offences. Under contract or verbal agreement the service can make use of the offices and other property of state enterprises, establishments and organisations, military formations, and also premises and other property of citizens. The service can use communication facilities belonging to enterprises, establishments, and organisations irrespective of the kind of ownership, and also those belonging to public associations and citizens, with their consent. In emergency cases, the service and its members can use vehicles belonging to enterprises, organisations, and establishments irrespective of the kind of ownership, and also those belonging to public organisations and citizens – except for those which belong to foreign establishments and persons having diplomatic immunity. Refunds for damage caused only occur on the demand of the owner. Moreover, it can receive gratis from bodies of public authority, enterprises, establishments, and organisations irrespective of their type of ownership the information necessary for the performance of functions assigned to this service. Hence – the Service has powers and activities unthinkable of in a Western democracy, and most probably inaccessible to, and impossible for, effective parliamentary control and oversight.

This notwithstanding, the contribution concludes with the section 'Control and Oversight' ─ functions claimed to be carried out by the Parliamentary Commission on State Security and Maintenance of Social Order and the standing and select committees of Parliament. Regrettably, there is no elaboration on their functioning. Interestingly, a judicial control is mentioned of the observance of the rights and freedom of the personnel of the special services which can be carried out in court trials and

30 Ibid., pp. 213-216.
31 Ibid., pp. 216-217.
32 Ibid., pp. 217-219.
33 Ibid., pp. 218-219.
34 Ibid., pp. 219-220.

investigations of the services. Moreover, judicial control is claimed to be observed through legal proceedings.[35]

Self-assessment evaluation: Romania

The contribution from Romania focuses on parliamentary control and oversight.[36] It begins with the claim that there are few institutions in Romania that enjoy greater public scrutiny than the intelligence and security agencies, the reason lying in the pre-1989 history, when the intelligence community was perceived to be acting abusively against Romanian society in the service of the dictatorial power of the Ceausescu regime.

The author provides a list of the most relevant legal provisions, which is followed by a short description of the five organisations forming the intelligence community.[37] Following that is a summary of the duties and responsibilities of the intelligence and security agencies. Parliamentary control is then explained before the contribution ends with a chapter on intelligence reorganisation where the role of the Supreme Council of National Defence is sketched, and the National Intelligence Academy is mentioned.[38]

As is the case in the defence sector with the establishment of the Academy for Higher Military Studies and the National Defence College, Romania has established the Intelligence Academy, a military school subordinated to the Romanian Intelligence Service that offers four-year courses of advanced studies relating to intelligence work. Its aim is to prepare highly-qualified specialists in intelligence issues, policy planning, risk management, and other domains relating to national security.[39] Thus, in contrast to the other countries, Romania has solved one important problem of security sector reform which remains unaddressed in the other papers: the creation of the educational prerequisites to provide a wider ranging intelligence and security expertise and thus a better educated and much more professional intelligence community.

Major deficiencies in the reform of intelligence and security services

Any generalisations that are deduced from the assessments of how the reform process has evolved in each country have clear limits. Since the papers provide a view of reform that is generally restricted to legislation and parliamentary control, other, equally relevant elements of reform also need to be considered. Other reasons being that the six countries covered have been subject to different circumstances and evolutions since the systemic changes of the late 1980s and early 1990s; moreover, they were not only confronted with widely differing problems of intelligence and security services, but have chosen to deal with their reform in a variety of ways.

Croatia and Macedonia have suffered in differing ways from the collapse of the former Socialist Federal Republic of Yugoslavia, ethnic violence, civil war, and

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35 Ibid., p. 222.

36 Valentina Farcas, 'Democratic Control of Intelligence and Security Services', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 357-364.

37 Ibid., pp. 357-359.

38 Ibid., pp. 360-364.

39 Ibid., p. 363.

regional conflicts, with their security sectors only recently undergoing transformation from organisations structured around the demands of conflict to those better suited to a peacetime environment. While Albania was confronted with internal unrest during the 1990s, and collapsed in 1997 as a result of political and criminal groups destroying its military and political structure, Moldova still suffers from occupation and political disputes between key stakeholders concerning the state's identity, sovereignty, orientation, and future. Though Romania and Bulgaria have been spared conflict and foreign occupation, years have been lost to security sector reform due to protracted political infighting. Moreover, all these countries and their reform efforts have suffered in one way or another from the effects of sanctions and regional conflicts, which helped to promote illegal commerce and corruption.

While Moldova has confronted few problems with a thorough reform that has yet to be made, Bulgaria, Romania, and to a lesser degree also Albania, were faced with the enormous problem of redirecting their huge secret services with greatly oversized workforces functioning outside the law from a repressive agenda to one that upholds new democratic principles and accepting democratic control and oversight. Macedonia, and to a certain extent also Croatia, however, represent cases where the security sector, and particularly intelligence and security services, virtually had to be built from scratch. Structures had to come first, followed only much later by concerns about democratic control and oversight.

If the six self-assessment studies on democratic control of intelligence and security services in the South Eastern European countries have one thing in common, it is that all show two major problem areas: on the one hand, they bear witness to the fact that democratic reform of formerly Communist secret services is the single most difficult feature to achieve in the process of transformation of the whole security sector, and that intelligence and security services present unique difficulties for control and for providing accountability.

On the other hand, all contributions clearly reveal that, legal provisions apart, information on, and insights into, the security systems, the intelligence and security services, and their functioning, are desperately lacking. Hence, less secrecy, more transparency, and much more knowledge and understanding are needed in order to provide assessments aimed at measuring whether the reforms are commensurate with democratic norms and standards ─ and also for knowing how to make intelligence smarter.

Common inconsistencies in the legal provisions, and some incoherencies between the constitution and the legal acts apart, there are at least six major deficiencies common to all countries of South Eastern Europe that can be pointed out.

One major deficiency is that protracted political struggles and constant attempts by political parties to gain control over the security sector, and intelligence and security services in particular, reinforce the trend in the states that the parties in power seek to dominate public life rather than to provide public services. More often than not, these services are used to consolidate power and to neutralize opposition to the government. Thus, security structures as well as civilian structures charged with overseeing the intelligence and security sector still show varying degrees of authoritarian patterns and politicisation. Moreover, although states are losing legitimacy due to under representation of minority groups, ethnic minorities are still not satisfactorily represented in the security structures. All these facts reveal that not enough has been done to articulate a new social contract, in which citizens are made aware of the rules

governing the behaviour of the state, and of their rights and obligations. In all of these countries, citizens lack confidence not only in the capacity of public institutions, but of intelligence and security services in particular, to protect individual rights, and minorities still feel that they suffer systemic discrimination by the state.

This leads to a more general deficiency common to all countries: the lack of trust. Building trust is a matter demanding much greater attention because trust of the public is crucial to any successful conception of functioning, accountable intelligence and security services in a democratic society. Legislation establishing mechanisms for oversight, no matter how well or comprehensive, are not alone sufficient. They must be accompanied by a concerted, long-term effort to develop public trust in the very essential, but previously repressive, organs of intelligence and state security. Only when a country's citizens feel that these institutions operate in a fair, legal, accountable, and transparent fashion, can the legacy of fear and arbitrariness be overcome.

A more dangerous deficiency that is common to all countries is corruption, organised crime, and systemic cronyism. These undermine public confidence, foster general cynicism, and a lack of respect for the law ─ which in turn subvert efforts to construct a functioning economy and deter investments. Too much political and economic power remains in the hands of corrupt politicians and officials linked to organised crime, who misuse intelligence and security services, and exploit ethnic tensions to hold on to power. And too many intelligence and security services are either directly or indirectly involved in corruption and organised crime. There are even cases where the services are used as instruments to cater for the economic interests of the political establishment.

Corruption, along with organised crime, has long been seen as one of the main problems in the Balkans. The global corruption watchdog Transparency International ranks the member countries of the Stability Pact among the most corrupt in Europe. According to its 'Corruption Perceptions Index 2003', released on 7 October 2003,[40] Macedonia shares the 106th place with Serbia-Montenegro, Sudan, Ukraine, and Zimbabwe, out of a total of 133. Moldova and Albania rank 100th and 92nd respectively, while Romania comes in at 83rd. Best-positioned in the Balkans are Bulgaria, in 50th place, and Croatia in 59th. Corruption stems from different causes, such as the transition from totalitarianism, the slow pace of democratic reforms, and conflict. While its underlying causes can be different, corruption can bring equal harm to the entire region. One of the roots is the transformation of society. Transformation, and lots of changes, is always a temptation for corruption. However, corruption has now reached such huge proportions that a regional approach is needed to fight it. For this purpose, an Anti-Corruption Office has recently been established.[41]

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40 See http://www.transparency.org/cpi/2003/cpi2003.en.html

41 The office, funded jointly by the Stability Pact, the US, Germany, and the Netherlands, opened on 27 October 2003 in Sarajevo. It is active within the Stability Pact's Anticorruption Initiative (SPAI), which coordinates national and regional efforts against corruption. Justice Ministers and officials from the Stability Pact member countries, who participated in the opening of the office, also issued a joint statement called the Sarajevo Declaration, committing governments to develop national and regional strategies against organised crime and to bring their anticrime mechanisms in line with the UN Convention Against Transnational Organised Crime. This UN Convention, also known as Palermo Convention, was signed in 2000 and entered into force in September 2003. It provides for governments to amend their national legislation to criminalize offences committed by organised crime groups, including corruption, obstruction of justice, and money laundering. In the declaration, the Balkan governments pledged to fight against money

Another common deficiency stems from the fact that the reforms have been hampered due to a lack of democratic experience and the weakness of the law. The latter is particularly visible in the security sector where the major institutions have all too long claimed primary responsibility for security from foreign enemies and from a largely undefined range of domestic challenges. In all of these countries, that claim was all too long bolstered by the absence of civilian knowledge of, and experience in, the military, intelligence, and national security domain. There is the lingering lack of expertise: on the one hand, amongst top politicians and civil servants in the executive and in the security system; on the other hand also in the intelligence and security sector bureaucracies.

While this lack seems to be a lesser problem in the case of Romania, it is more prominently evident in the countries where governments have been slower to enact reforms and where the authorities in power – mainly due to economic problems, shortcomings of privatisation, and other legacies of the past – see themselves confronted with mounting social unrest, and waning popular interest and support. Thus, assembling the most knowledgeable civilian brains is one of the prerequisites for reform, and for this a sufficient number of civilians need to be trained. And since there is not enough civilian understanding of, and interest for, intelligence and security issues, a massive educational effort is urgently needed. Such an educational effort can help to come more easily to terms with the burden of the past.

A further common deficiency is that the intelligence and security services generally function less well than they should. The majority are inefficient and ineffective, too wasteful and too expensive. Most services not only find themselves with a greatly oversized workforce that is not aligned with current needs, but also lack the ability to correct the situation. Since their processes for allocating resources are often flawed, the growing costs for personnel preclude needed investments in new technologies. The services remain reactive rather than proactive; lack a modern doctrine, and standards. They often seem unable or reluctant to implement modern management practices and policies. The situation is worse in countries like Bulgaria and Romania that have a larger number of intelligence and security services. There, the agencies are compromised by competing interests, rivalries, and protection of turf, or permanently plagued by inter- and intra-service quarrels and disputes. Furthermore, most of these agencies not only lack cooperation and information sharing within and among themselves, with other ministries and institution, and with partners abroad, but foremost a strong professional co-ordination. Hence, it becomes evident that ridding the intelligence community of these deficiencies necessitates a much stronger involvement of top politicians in the executive willing to reform and to provide clear guidelines of accountability for all the services and particularly for the security system controlling, directing, and coordinating the activities of these services.

Another major deficiency common to all countries lies in the need to redefine national security so that – with the support of intelligence and security services ─ it can serve as an improved counter against new threats. While new threats like terrorism, drug- and human trafficking, and organised crime are very real, the response to them is, at best, inappropriate. However, since in the not so distant past, perceived and imagined

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laundering, to sign bilateral extradition agreements, to initiate witness-protection programmes, and to ensure adequate data protection. For the Balkans, fighting organised crime and corruption is more than a judicial necessity: it is an image issue, directly linked to attracting much-needed foreign investment.

threats to national security provided the justification for the regular suppression of human and civil rights, the stifling of dissent, and worse, growing alarm is developing among the people, who fear that the new threats to national security might be used as a basis for a fresh assault on individual rights and freedoms. Thus, it will, to a very large extent, depend on the political resolve of the party political establishment in the countries of South Eastern Europe to rebuild the intelligence and security infrastructure in accordance with the threat assessment strategies both of NATO and of the EU. Moreover, this reform effort will have to include the society as a whole. Building solid intelligence and security institutions, rooting out corruption, and fostering accountability also require leadership from civil society and the media that has hitherto been lacking. With terrorist tactics becoming ever more sophisticated and increasingly designed to achieve mass casualties, intelligence collection and sharing on terrorist activities will undoubtedly attain a much higher priority at a regional as well as at the international level. And the hard reality is that international cooperation of intelligence and security services is the strongest driver of change.

The status of intelligence and security services reform

The resulting picture of the progress of reform in the countries of South Eastern Europe towards the goal of having intelligence and security services befitting a modern democratic state is mixed and rather disappointing. Though it is undeniable that new political realities have brought about a profound psychological transformation in the intelligence thinking, which in turn has led to a complete revision of the professional perceptions of new allies; new enemies; new threats, and new priorities; the extent and pace of reform clearly lags behind that achieved in the transformation of these states' armed forces. In particular, the intelligence and security services lag behind with respect to the promotion of transparency and the consolidation of accountability in the conduct of their affairs. In all these services, and even more so in the security system which is directing, guiding, controlling, and overseeing their work, authoritarian tendencies and politicisation persist, and a tightly controlled 'secrecy culture' prevails.

In all these countries, executive control of the services is rigorous to the point of frequent interference prejudicial to the agencies' political neutrality and operational independence. On the one hand, this may have marked the intelligence professionals with a certain amount of 'transition fatigue', on the other hand, it is still widely assumed that intelligence should be provided to cater for the corporate interests of political parties and factions, which have an insatiable appetite to control the services.

Judicial control and scrutiny, where it functions and is practiced at all, is generally inadequate or ambiguous. And legislative oversight, hampered by limited mandates, restricted powers, and lacking expertise, is everywhere weak and as a rule in passive acquiescence to the executive, especially so in Moldova and Albania. This seems to justify the conclusion that parliamentary control does not work in practice. The services can evade their obligations as long as they have the support of the executive. And they can to a large extent escape other forms of control.

Informal and indirect supervision by the public, civil society organisations, NGOs, and the media is more varied, but in all countries generally still underdeveloped, especially in Moldova. As with individual rights and their protection, political, media, and other civil actors have been delinquent in making the public aware of the scale of

the corruption problem in government and these services, and in proposing methods to address it. There are apparently no effective legal sanctions applied to public and security officials who are corrupt and misuse their authority. Enforcement of laws that do exist fall short, breeding contempt for the law and legal institutions. Indeed, few cases are known where intelligence and security services have held their members accountable for corruption, extortion or racketeering, even when faced with serious accusations.

Although clearly much too little is known about internal accountability mechanisms to assess their effectiveness or whether they work at all: the conclusion can be drawn that there is a general 'accountability deficit' and a largely insufficient transparency in the conduct of intelligence and security affairs in all these countries. Needless to say that these are unlikely to narrow in the countries covered, unless a reinvigorated effort to a rigorous renewal of reform is made.

The quality of local experts, knowledge, and future expert formation

Though exploratory in nature and restricted in scope mainly to legal acts and legislative oversight, the self-assessment papers yield some, albeit limited, insights into the reform of intelligence and security services in the six countries of South Eastern Europe. It is quite obvious that the quality of the contributions suffers from a lack of information on, and real insights into, the security systems, the intelligence and security services, and their functioning. It is important to note, however, that this lack of insights into, and knowledge about the secret services, their activities, and functioning is mainly due to the excessive 'culture of secrecy' prevalent in those services and condoned by the executive and political establishment in these countries. It is also due to the fact that the existing mechanisms of accountability lack transparency, which leads to a general doubt about their efficiency. The lack of information may, moreover, be combined with a still lingering fear of these services, the fear of asking and answering questions on both sides, and the eventuality of likely facing serious problems and possibly criminal charges for disclosing state secrets. Taken together, all these elements tend to perpetuate the lack of insights and of information.

As to the authors' self-knowledge of democratic control of intelligence and security services: there is a general knowledge of the subject, clearly influenced by the broad variety of existing western literature. However, this general knowledge seems to be merely formal, legal, and focused on questions of authority and powers. As the various analytical approaches and the different quality of the contributions prove, there seems to be neither a theoretical concept and nor a basic framework for the assessment of democratic control of intelligence and security services commonly shared by the authors.

As long as a common basis and shared understanding of democratic control are lacking, an evaluation of the state of intelligence reform in the individual countries will always contain explanations of more randomly selected and often disconnected facts of specific national circumstances that are not really amenable to a measurable comparison, and thus to the true subject of the intended inquiry. A particular problem seems to exist in the authors' uneasiness and uncertainty in knowing how best to reconcile democratic civilian control with a clear and lean decision-making structure, competence in intelligence and security affairs, and efficient coordination of the

activities of the different services which is particularly critical in times of crisis. Moreover, the authors' understanding seems to be driven by a clandestine mistrust of the secret services. While this might conceivably be a result of historical experience, it needs to be overcome.

Nonetheless, the local experts and their knowledge constitute a promising beginning in the building of a pool of experts in intelligence and security affairs. As to the process of future expert formation in the region: the need for assistance that should be given to the development of an appropriate educational environment for civilian experts in the field of intelligence and security services is all too obvious and evident. South Eastern European countries so far neither possess enough independent institutes for intelligence and security studies, nor do they have academic centres that provide such expertise to the law-, policy- and decision-making authorities at the state level. As long as political legitimacy remains separated from expert advice, the impact will not only be detrimental on national security but also on the democratic culture in general.

However, to build a reliable body of experts in the intelligence and security domain depends not only on academic institutions that provide for the education, but also on initiatives to attract scholars to pursue such a career and enough students. Such initiatives are instrumental since there is little general awareness of the intelligence and security functions. Most politicians, let alone the public at large, do not know enough about intelligence to be able to have an informed opinion about it. Open democratic processes, informed public debate about the terms of legislation, and a sense of shared decision-making, are more important and more promising forces for reform of this sector.

Exposing the relevant intelligence and security issues in public debates can create public demand for professionalism, which, in the final analysis, is much of the answer to the existing shortcomings. Professionalism can bring more public support, a belief in democratic values and service to the public, greater concern for efficacy and efficiency, an ethical code of conduct, pride and self-respect, and non involvement in ─ and independence of ─ politics, to the intelligence and security services and their activities.

The role of the international community

The reform of intelligence and security services seems to be the significant gap within international efforts at security sector reform in South Eastern Europe. None of the papers identified international projects aimed at the reform of intelligence and security services. While indications and rumours of multiple foreign assistance and projects abound, both the absence of quantitative data and qualitative information gleaned from sources within the region do indicate a possible gap. A list of international or Western European projects and activities aimed at the reform of intelligence and security services seems to be either nonexistent or very hard to come by.

Hence, not enough is known about the role of the international community and actors in the reform of intelligence and security services. From the very little that is known about reform projects and foreign activities, there seems to exist quite a degree of competition among international actors, stemming from varying reform models and approaches. This leads to the conclusion that there is also an overall lack of coordination among international actors within the area of reform of intelligence and

security services. The result is that international resources devoted to intelligence and security services' reform are by far not used as efficiently or as effectively as possible. While international actors may well be aware of this issue, different institutional priorities, and the reluctance of individual intelligence and security services to be coordinated, tend to prevent real progress towards more coherent and complementary international interventions in this domain within individual countries and in the region.

Since indications of foreign assistance abound, the lack of information may have more to do with the nature of this particular sector than with an absence of projects. However, it may also stem from the fact that governments within the region are more sensitive about international involvement in their national intelligence and security services than in other organisations of the security sector. Hence, more research is required in this area to determine not only whether and where there is an information gap, but the precise extent of international involvement in the reform of intelligence and security services. More research seems urgent since various sources in the region still identify not fully reformed intelligence and security services as an issue of concern.

Possible Roles for the Stability Pact, NATO and the EU

In view of the Stability Pact Policy Outline 2003 and its focus on regional development, there seems to be only a limited, indirect role for the Stability Pact in the reform *per se* of intelligence and security services of South Eastern European countries. Intelligence and security reform agendas can and will be affected most by the drive of these countries for accession to NATO and the EU. Hence, the major member states of these institutions should take the lead in a reinvigorated reform effort of intelligence and security services

The Stability Pact can help indirectly by focusing on the problems with, and by stressing the importance of the role played by, intelligence and security services in three of its programmes: to make the Regional Centre for Organised Crime operational; to enhance independent media and standards of journalism; and to increase systematic cooperation across national borders.

Finding ways to support the efforts of the countries of the region to effectively implement and enforce anti-crime and anti-corruption strategies and legislation may be the most critical contribution of the Stability Pact to combating organised crime and corruption across the region. And since very few international initiatives seek to develop local civil society capacities to either contribute to, or monitor the effectiveness of, reform processes, the Stability Pact's programme to enhance independent media and standards of journalism may be an important first step for creating the necessary preconditions. A known common deficiency relates to regional cooperation between the secret services, which seems hardly existent. The reasons for this might have to be sought in historical experience, and the pronounced focus of almost all nations directed toward the West and western institutions. Hence, to increase systematic cooperation appears to be an issue where guiding support from the Stability Pact could help to find more efficient ways and new incentives for cooperation that would also contribute to more transparency.

The utility of the self-assessments

Theoretically, self-assessments can be a most helpful and also powerful instrument in rendering the process of change and reform irreversible ─ with the help of a 'strategic community'. This, however, can only occur if the assessments compare the measurable elements and their differences with comparable theory, concepts, processes, and practices. Thus, the prerequisite for being useful to the building of a 'strategic community' is that the participants in the self-assessments depart from a *commonly shared knowledge and understanding* of the principles and concepts of democratic control of intelligence and security services, and of the purposes and aims of security sector reform, before self-assessments take place.

For this, the participants could be gathered for a workshop in which the bases for such knowledge and commonly shared understanding, and clear concepts as well as the framework for the assessment projects are firmly established. This will create the basis for intellectually stimulating and provocative critiques of, and enlightening professional discourses over, the assessments that will attract sufficient academics, civil and military intelligence and security experts, educators, and also experts in other domains of strategy, policy, defence and security, which then could form the core of a developing 'strategic community'.

Conclusion

The more the quality of the self-assessments can help to create a 'strategic community', the more useful such assessments will become as a vehicle for the acceleration of the process of change and reform of the whole security sector, and for rendering reform irreversible. In order to attain that place in the overall security sector reform, the self-assessments will have to focus on a programme which includes the following five elements to systematically and courageously replace all the unwanted aspects of the old system with new apparatuses: (1) clear guidance and coordination from the top of the executive of all security sector organisations; (2) control and supervision of, as well as oversight over, these organisations; (3) professionalisation of all organisations; (4) strengthening of the relationship between legislation and reform; and (5) practical measures to enforce the programme of change and reform.

Recommendations

Firstly, the South Eastern European countries should not wait for better conditions to vigorously renew the reform of the intelligence and security services and the security system controlling, directing and coordinating these services.

Secondly, a reinvigorated political and security effort from NATO and from the EU is required to prove, rather than merely proclaim, their commitment to draw the whole of South Eastern Europe into a zone of security and shared European prosperity. The following initiatives would assist the states, and the region as a whole:

- adherence of all NATO and EU members to anti-corruption standards in dealing with these states and the region as a whole, most importantly as concerns privatisation and foreign investment;
- a redoubled commitment to assist these states in reforming their intelligence and security structures and legal framework to reflect NATO and EU norms, and western standards of transparency and accountability in a modern democracy;
- greater assistance in the intelligence and security domain for combating regional organised crime and terrorism.

NATO and the EU have their own credibility at stake. If both do not request further reforms of all the intelligence and security services, then their seal of approval will mean less. Hence, it is desirable if the member states of these institutions made reform of the intelligence and security services of countries of South Eastern Europe, and the state security system controlling, directing, guiding and coordinating these services, an accession criterion for membership in NATO and EU, for acceptance into other regional bodies, and a condition of foreign aid. For this, the countries of South Eastern Europe will have to adhere to minimum standards. An international convention on the control and accountability of intelligence and security services would be in the spirit of the UN values. Time seems ripe for such a convention.

Thirdly, reform must be pursued on two levels. The first is the psychological level of reform: overcoming the culture of fear and secrecy by building trust and more transparency. Only when a country's citizens trust that these institutions are operating in a fair, legal, accountable, and transparent fashion, can the legacy of fear and arbitrariness be overcome. The second level of reform is improving the mechanisms of accountability and control of, as well as legislative and judicial oversight over, intelligence and security services working under the rule of law. Evidently, to achieve this, leadership must come from the top. Hence, a much stronger involvement of top politicians in the executive is necessary with clear guidelines of accountability for all the services and for the security system directing and coordinating these services. This reform effort will, however, also have to include society as a whole. Both aspects of reform will be promoted in a more coordinated effort if civil society, other actors, and the media play their role. Civil society organisations – NGOs, lobbyists, pressure and human rights groups, political parties, professional, cultural, and other advocacy or special interest associations – and the media can be a very powerful stimulator of this process, by pushing citizens to identify the sources of resistance to reform, and they can perform a useful informal and indirect supervisory function.

Finally, intelligence and security service reforms are heavily influenced by international structures. For the viability and sustainability, these reforms should not be imposed from above. While models of intelligence and security service organisation from other countries may be useful as reference points for particular reform programmes, it is unlikely that they will be successful if they are used as rigid blueprints for reform. Different historical, political, structural, and social legacies create environments, which require local, context-specific strategies for reform. Therefore, governments have to make efforts to establish the dialogue that will give way to further the reforms.

Chapter 11

Police Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Eirin Mobekk

This paper aims to briefly outline the international involvement in police assistance programmes, the current status of police reform and what more the Stability Pact, OSCE and EU can do to enhance police reform in six SEE countries. The countries that will be addressed in this paper are: Albania, Bulgaria, Croatia, Macedonia, Moldova and Romania.

There are numerous police assistance programmes in the different SEE countries. Not all will be mentioned here due to lack of space, however, the more important ones will be highlighted and/or others mentioned to give an indication of the scope, or in some cases underline the lack of sufficient scope of police assistance/reform projects. Numerous bilateral programmes are in place, but will not be discussed to any great degree. This is a simple overview of some of the policing assistance that has been and is being given to these six countries, whilst trying to determine what further can be done to achieve civilian, democratic police forces in the SEE.

Police reform in the below discussed countries must also be viewed in the context of potential EU membership. The assistance and also willingness to reform is often shadowed by this fact.

There is no scope in this paper to explain in any detail the history of the countries discussed or the background for the need for police reform. What will be ascertained is that there is and was a need for substantial reform in all cases and what the different governments and international community did and can do to establish democratic, accountable police forces.

Police reform in the self-assessment studies

The self-assessment studies do not to any significant extent address the issue of police reform in SEE, which is notable since police reform is essential to further stability and peace in any transition or post-conflict society. There may be a number of reasons for this. 'Security Sector Reform' seems to primarily be defined as military reform and reform of the intelligence agencies. For example, Pantev argues that Bulgaria has 'passed the most difficult tests of 'first generation' reform'.[1] However, as will be discussed below this cannot relate to the police service, where abuses of police power and ill-treatment continue to flourish. Moreover, police reform in general has tended to receive less attention than the military.

Police reform in the self-assessment studies is rarely mentioned directly. It tends to be mentioned either in connection with the intelligence services or in terms of the

[1] Plamen Pantev, 'Good Governance: Reform of the Civil Service, Parliamentary Staff and the Military', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), p. 245.

special police units dealing with corruption and organised crime. This might be because these units are of particular interest to the international community and many of the projects tend to focus attention and funding in this direction. One author states 'post-socialist officials have a tendency to view security and response to emergencies in terms of domestic police powers'.[2] If this is so it most certainly deserves more attention.

Only a few of the self-assessment studies have dealt with policing in detail, and these concerned the Macedonian police. They outline the problems that have been encountered and that continue to be obstacles for further reform, and underline that international potential solutions, such as the Stability Pact, have shown few results as yet.[3]

Considering the emphasis that governments, police services and civil society attach to reform it should be addressed to some extent even if the main aim of the studies is to tackle military and intelligence reform. This is particularly so in societies where the police, intelligence and military have in some instances been extremely close, and, to some extent, the repressive tools of authoritarian regimes.

Self-assessment evaluation: Albania

Prior to 1991 Albania had suffered under a regime, which used its security forces to instil fear and terror in the population. With the onset of democracy everything connected with the old regime, including senior police officers, was discarded since it was perceived as tainted. It was evident that the police force was in need of reform, however, the Albanian government did not view the police as a crucially important body in the new democratic era. Hence reform was not structured in clear terms. More importantly, the police service remained as a military structure and under political control. This laid one of the foundations for the crisis that erupted in 1997 when the pyramid schemes were exposed, people rioted, there was a complete breakdown of law and order and the police force disintegrated. This was the backdrop for international assistance and intervention in Albanian police reform.

International co-operation and participation

The first response of the international community to the crisis was to establish the Multinational Advisory Police Element (MAPE) by the Western European Union (WEU). MAPE was set up in 1997 and ended its mandate in 2001, the mission strength was more than 140 police officers. Their mandate was to improve the training of the Albanian police, assist in maintaining public order and implement state police law, which was drafted in co-operation with MAPE. They established training courses and curricula, and modernised the police academy. One of the key problems with MAPE was the mandate, which was limited to training and advising. However, the crisis demanded extensive reform, a wider mandate and funding and a longer time-frame.

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2 Tomo Radicevic, 'The New Security Strategy: International Cooperation, Crisis Management and National Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 470.

3 Mitko Kotovscevski, 'Democratic Oversight and Control over Security and Intelligence Agencies', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 84-86.

Moreover, local political will is key to reform. If it is non-existent or low in the recipient country then conditionality could be one option to ensure reform. However, this was not efficiently applied in Albania.

A European Commission Police Assistance to Albania (ECPA-A) followed MAPE. It was present from October 2001 to August 2002. It was a transition mission before the current EU mission to Albania: PAMECA. It provided short term assistance and advice, training and evaluation. One of its achievements was that it created a code of ethics for the Albanian police force.

PAMECA was established in 2002 and its aims include; increase public confidence in the police, help the Albanian police become more effective, particularly in relation to organised crime and public order, improve police co-operation with the judiciary and improve accountability. The mandate is advice, mentoring and specialist training; there are currently 15 staff members. PAMECA falls under the CARDS programme (Community Assistance for Reconstruction, Development and Stabilisation) in the Justice and Home Affairs sector, which aims to conduct long-term change and strengthening of law enforcement agencies and justice systems.

The International Criminal Investigative Training Assistance Programme (ICITAP) worked together with MAPE from 1998. ICITAP's role included planning to develop a democratic police organisation, training of the Albanian police, training of Albanian police executives and assisting with combating organised crime and human trafficking. It also provided training in election security and criminal investigations. One of the key problems identified by ICITAP is the security environment, with breakdowns in public security particularly between 1998 and 2000.

The UN Development Programme (UNDP) are also currently involved with police reform in Albania. They have established a Support to Security Sector Reform (SSSR) programme, which focuses on community policing, police transparency and accountability. This started in 2002 and will last until 2005. One key problem with all community policing project in transitional societies, and also in Albania, is that due to the continued widespread police abuse and the past political control of the police in conjunction with corruption and low effectiveness, the image of the police is severely tarnished and hence community policing faces numerous serious obstacles.

The OSCE plays a crucial part in police reform where it works in close co-operation with all the abovementioned actors regarding policing and, for example, develops courses and course materials for the Albanian police.

Status of police reform

There has been extensive international aid to police assistance and reform in Albania from the beginning of the crisis. However, the results have at best been mixed.

After four years of a substantial international effort in the area the end of mission report of MAPE concluded that corruption is widespread and organised crime is higher than ever, hence Albania needs long-term international assistance.[4] Moreover, torture and ill-treatment of detainees by the police continued to be prevalent, and few of the perpetrators of torture have been brought to justice.[5] There has been a severe lack of

[4] Multinational Advisory Police Element for Albania (MAPE), *End of Mission Report*, (Brussels: WEU, May 2001).

[5] 'Albania' in *Amnesty International Report 2001*, (London: 2001) available at: http://web.amnesty.org/web/ar2001.nsf/webeurcountries/ALBANIA?OpenDocument

accountability regardless of the international community's efforts. Throughout 2002-2003 human rights violations by the police continued to be reported despite training not only by the international community, but also by Albanian NGOs who have also provided human rights training to the police.[6] These violations have often amounted to torture, if police officers at all have been convicted of such offences they received only fines or suspended prison sentences.[7] This abuse has also been directed at children.

Albania has a very long way to go before a democratic, accountable police force is established. Not only does Albania suffer from the legacies of the communist era, but also from the way in which the police was used after 1991, when it continued to be politicised. This severely jeopardised the development of the police. The trust in the police deteriorated further as a result. Civil society expected reform, which did not come about. Without local political will or international pressure to obtain political will it is difficult to conduct reform. More importantly, in a society, which after the onset of democracy continued to have a highly politicised police force and use it as during the communist era – to instil fear in the opposition, a mindset shift is needed. Training of the police is not sufficient, but education of the political elite and civil society is needed.

Self-assessment evaluation: Bulgaria

Like all the countries addressed in this paper Bulgaria emerged from the communist era with a tainted police force, which was not trusted by the population at large. The secret police, in particular, were distrusted and the police force in need of considerable reform. They were viewed with hostility by the population, since they had abused their power of authority and used it to support the authoritarian regime. There was no civilian oversight or control. The police was a tool of the regime to keep the population under control. Hence the police officers were accustomed to a certain amount of power and to use it to their benefit once a perpetrator was arrested and detained.

International co-operation and participation

Bulgaria is one of the countries where the international community has been much less involved with policing, police assistance and police reform than in the other SEE countries discussed in this paper. Where as several of the other countries have seen large support operations this has not been the case in Bulgaria.

The Department for International Development (DFID) UK conducted a two-year programme to support the Bulgarian National Police from January 1996 to January 1998. The goal of this programme was to assist the Bulgarian National Police to become an effective community based and accountable policing service and restore trust and public confidence in the force. The programme wanted to strengthen the ability of the police to conduct community policing and have an impact on organised crime. To achieve these objectives they conducted numerous activities including exchange of

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6 'Albania: Alleged Ill-treatment of Detainees by Police', *Amnesty International Document*, EUR 11/006/2002, 1st May 2002; available at: http://web.amnesty.org/library/Index/ENGEUR110062002?open&of=ENG-ALB

7 'Albania' in *Amnesty International Report 2003*, (London: 2003) available at: http://web.amnesty.org/report2003/Alb-summary-eng

management expertise, training the trainers, developing a school programme, and giving UK experience on different issues including crime prevention.

However, at the end of this project there was no renewal from DFID and they have not been involved with policing projects in Bulgaria since, nor are any such initiatives planned.

In addition to this particular project there have been regional co-operation and exchanges and ICITAP has been providing police personnel management training to support and strengthen the Bulgarian National Police.

Status of police reform

There has been some progress in structural areas of reform. Generic laws on law enforcement have been passed including the Ministry of Interior Acts of 1991 and 1997; it was also included in the constitution. The police have been divided into four: civilian police, an organised crime unit, border police and gendarmerie. Accountability structures have been established with the support of the EU, however, the use of these structures is not effective.[8] In addition, the judicial system is ineffective, which has a detrimental effect upon police reform. Although structures have been established the problem lies in the implementation process.

Moreover, waves of police officers left during the 1990s because officers trained prior to 1989 felt the adjustment difficult.[9] This should also potentially have had a positive effect upon reform, however, this has not been the case.

The Bulgarian National Police has continued to abuse their powers. Amnesty International has from the transition from communism consistently recorded police brutality and ill-treatment of alleged perpetrators. There has in particular been recorded ill-treatment of the Roma minority including children and teenagers.[10]

Cases of ill-treatment by the police continued and in many cases these have amounted to torture. The police officers also use firearms extensively and often people are injured as a result. Moreover, due to a lack of control and oversight very few of the incidents of reported ill-treatment ever result in the suspected officers going to trial. Both oversight and use of firearms fail to comply with international standards.[11]

A survey conducted among police officers in Bulgaria by OMCT-Europe tried to uncover why and how police officers use force and whether they feel they have used excessive force. The result of this survey indicated that officers felt that they could use force as a crime prevention tool so as to control the population. Over one third of the officers interviewed admitted to committing acts in the last twelve months that would not constitute a legal or ethical use of force.[12] What is important to remember in this context is that they probably did not admit to all incidents since they knew this was to

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8 Ibid.

9 Vladimir Shopov, 'Democratic Government and Administrative Reform: the Transformation of Policing in Bulgaria', in Marina Caparini & Otwin Marenin (Eds.), *Transforming Police in Central and Eastern Europe: Process and Progress*, (Münster: LIT, forthcoming 2004), p. 133.

10 'Shooting and Burning: Rough Justice for Roma Teenagers', *Amnesty International News Release*, 16th August 2000, available at http://www.amnesty.org.uk/deliver/document/13867

11 'Bulgaria' in *Amnesty International Report 2002*, (London: 2002) available at: http://web.amnesty.org/web/ar2002.nsf/eur/bulgaria?Open

12 OMCT-Europe, 'Human Rights and Policing in Bulgaria: Trying to Answer Some Important Questions' (Executive Summary), (Sofia: OMCT & ACET, 2000) available at: http://www.bannet.org/7-2_2art.htm

be used by a European human rights organisation. It is, therefore, safe to assume that abuse is more widespread and common than acknowledged in this study.

The police in Bulgaria needs to develop much further to become a democratic civilian police force. The focus of the assistance programmes can often hamper the reform process if it deals more with issues such as community policing and organised crime rather than focusing on the core of the problem, namely the attitudes both of police officers and civil society. This needs to be addressed first, prior to assisting with, for example, community policing models. There needs to be a mind-set shift where the police force is no longer seen as a method of gaining power, control and potential money via corruption, but as a service to the community. There needs to be more training focusing on the issues relating to this both within the community and the police force. Then slowly community policing programmes can be applied, however, short term programmes cannot successfully assist with community policing.

Self-assessment evaluation: Croatia

Croatia has somewhat of a different background than the other countries discussed in this paper. Not only is it a transitional country trying to cope with the legacies of communism in its security forces, but it also had to deal with the effects of a full-scale war between 1991-1995 and the creation of a new independent state. The state security services, which existed pre-1991 was a tool of repression for the federal government. Consequently, there was a dire need to reform all the security services, however, due to the war this process could not be started until 1996. The acts that had been committed during the war complicated the reform process. Croatia received substantial international assistance to reform its police force.

International co-operation and participation

Due to the particular circumstances of the Croatian conflict, international presence has been extensive in Croatia. Police reform and assistance have been part of the wider post-conflict reconstruction process.

The first mission, which partly dealt with police reform, was the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), its mandate lasted from January 1996 to January 1998. It established a transitional police force and it had over 400 international civilian police officers tasked with monitoring the force. UNTAES was succeeded by UN civilian police support group (UNPSG), which in September 1998 had 114 police monitors, their mandate was for nine months and they were stationed throughout the Danube region. Their main task was monitoring police activities. During this period the ethnic composition of the police changed, Serbs were leaving and more Croats were taking their positions. The ethnic ratio was sliding. Moreover, trust in the police lessened due to a perception that harassment went unpunished. However, during the summer the UN stated that the Croatian police when 'measured against international standards for law enforcement agencies' in the presence of international monitors that standards were usually met.[13]

[13] United Nations Police Civilian Police Support Group (UNPSG), 'Core Issues to Rebuild Multi-Ethnic Communities Remain Unsolved', 11th June 1998, available at: http://www.un.org/Depts/DPKO/Missions/cropol.htm

Although it was acknowledged that the police was undermined by an inefficient judicial system.

In October 1998 118 OSCE police monitors took over the tasks of the UNPSG and expanded their mandate. The OSCE mission is still in place. The OSCE has ten core objectives with police reform in Croatia, including community policing, ethnic crime and cross border policing. The OSCE has worked closely with the Croatia Police Directorate during this process. A community policing programme was started in 2002.

CARDS is also undertaking police assistance in Croatia underpinning the rule of law, but is more focused than in Albania, and does work through twinning projects focusing specifically on issues such as money laundering.

Moreover, ICITAP has been involved with training police officers in Croatia since 1996. Since 2000 they have been involved with the Police Academy developing programmes and 'train the trainers' courses.

Status of police reform

Many positive steps have been taken during, in particular, the OSCE process of reform. Moreover, what has been essential is the existence of a Croatian willingness to reform and to change public perception of the police service. The Croatian government has strengthened rule of law and begun a judicial reform programme, which is key to the successful outcome of any police reform. However, reform of police administration has progressed somewhat slowly.

From 1996 there were consistent reports from a wide variety of sources of police brutality, abuse and violence, particularly against Roma and Serbs, or that the police turned a blind eye when such acts were perpetrated towards these two groups. This continued despite all reform efforts, however, since 2001 there have been markedly less such reports, and such problems seem to be abating.

Key problems still hampering progress is, on a broad level, the perception both by the population and some police officers of a force that is accountable. On a more narrow level, officers do not use initiative and they always await orders before taking action, both a legacy of the Yugoslav era. Moreover, the Serb minority, which still face harassment and discrimination, tend not to approach the police.[14]

Croatia has in many ways been more successful than several of the countries discussed in this paper, the chief reason for this being the strong willingness by the government to reform the police combined with the extent of international support. However, dealing with public perceptions regarding accountability may take a long time.

Self-assessment evaluation: Macedonia

When Yugoslavia disintegrated Macedonia managed to stay out of the inter-ethnic conflicts and wars that erupted. It became for a period of time a zone of peace.

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[14] For the full report see: http://ods-dds-ny.un.org/doc/UNDOC/GEN/N98/165/56/PDF/N9816556.pdf?OpenElement
Law Enforcement News Briefs, 'Policing the Peace', *Jane's Police Review*, 14th April 2003, referenced at: http://www.janes.com/security/law_enforcement/news_briefs/pr/article/pr030411_05.shtml

However, the reform of the police force was not necessarily made easier because of this. Macedonia still faced the problems of public hostility towards security forces and the regional spill-over effects of the conflicts in the neighbouring countries. Moreover, there had always been a troubled and conflict-laden relationship between the military and police and this continued in the 1990s. In addition, a crisis flared up where ethnic Albanians – National Liberation Army (NLA) – clashed with government forces. This crisis of 2001 threw police and security sector reform into further turmoil. The Ohrid Agreement, between the parties to the crisis, was signed in August 2001 and it is from there the international community derive their mandate to reform the Macedonian police.

International co-operation and participation

There has been extensive co-operation by the international community in Macedonia to assist and reform the police service. Several missions and agencies are partaking in this venture.

ICITAP began a law enforcement development programme in Macedonia in 2000, which included technical assistance and 'train the trainers' programmes. These initiatives continue particularly in the areas of technical assistance and also developing a professional standards unit. They also promote community policing.

The OSCE has established a Police Development Unit to assist in police training and police reform in accordance with the Ohrid agreement. They have community policing trainers and advisors assigned to field stations. Some Macedonian officers have also been sent to the Netherlands for further community policing training. As of July 2003 approximately 1,270 officers had been trained by the Ministry of Interior and the OSCE.

The European Union has a police mission to Macedonia, Proxima, and its operational phase started in December 2003. The mandate of this mission is to monitor, mentor and advise the police, and hence help fight organised crime. Approximately 150 police officers were mandated to the mission, however, the EU experienced serious difficulties in obtaining enough officers to the mission. CARDS allocated 42 million euros for the period 2001-2004 to strengthen the police, border police and organised crime fighting in Macedonia.

Status of police reform

The police institutions in Macedonia did not change significantly after independence. Corruption was low, however, the same level of human rights violations existed as before independence. More importantly, the police became politicised. This was exacerbated during the crisis of 2001, when special police units were created, which had strong political connections, in one sense they were political party security units. They had political protection and support, but were not under any control.[15] Vankovska argues that during 1998-2002 Macedonia was becoming a police state.[16] Paramilitary

[15] Biljana Vankovska, 'Security Sector Reform in Macedonia', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 26-28

[16] Ibid., p.35; and Biljana Vankovska, 'Democratic Control over Defence and Security: Between Principles and Reality', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 46-48.

groups also evolved and private security companies became commonplace. These factors had very negative effects upon reform.

The NLA claimed that one of the key reasons for the rebellion was that the government ignored the police abuse and discrimination towards ethnic Albanians. Police abuse of Albanians and Slavs where endemic throughout the 1990s in Macedonia.[17]

After the crisis extrajudicial killings, torture and ill-treatment by police continued. Often these had an ethnic or racial component. Moreover, due to the establishment of the armed groups/paramilitaries/political police unlawful killings of such groups were up.[18] These problems continued to flourish also in 2003. Torture and ill-treatment by police is endemic and it is often ethnically based. Despite this prosecutions of police officers are almost negligible, and a climate of impunity exists.[19]

Macedonia has a very long way to go before a democratic, accountable civilian police force is established. There are many challenges to police reform, including obtaining the local political will of the leadership and addressing police accountability. The ethnic tensions that exist must also be addressed in conjunction with the reform.

Self-assessment evaluation: Moldova

Moldova broke away from the Soviet Union in 1991, however, Russian troops have remained on Moldova's soil east of the Dniestr River supporting the Slavic population who proclaimed a 'Dnestr Moldavian Republic' (DMR). The security sector suffered from the legacies of communism and was in need of reform, however, the situation became somewhat more complicated when in 2001 a communist was elected president. Transition to democracy proved difficult with many officials wanting to maintain the status quo and the situation in the DMR.

International co-operation and participation

Several key international actors have been involved with police reform of the Moldovan police force, which is essential for further stability in the region and in particular due to the conflict involving DMR. Because of the situation in DMR, international actors have played a somewhat larger role than in countries like Bulgaria and Romania. However, due to the difficult situation even a more prominent role of the international community could perhaps have been an advantage.

ICITAP began its assistance to the police academy in 2001. The aims of ICITAP in Moldova are to establish a high-tech training facility and to provide training to academy staff. ICITAP has sponsored internships for the directors of the police academies and equipped the national police academy with equipment such as computers, television and videos.

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17 Human Rights Watch, 'Macedonian Police Abuses Documented: Ethnic Albanian Men Separated, Tortured at Police Stations', *Human Rights Watch Press Release*, Skopje, Macedonia, 31st May 2001, available at http://www.hrw.org/press/2001/05/macedonia0530.htm

18 'Macedonia' in *Amnesty International Report 2002*, (London: 2002) available at: http://web.amnesty.org/web/ar2002.nsf/eur/macedonia?Open

19 'Macedonia: Police Ill-Treatment and Torture of Detainees Continues', *Amnesty International Press Release*, EUR 65/002/2003, 22nd January 2003, available at: http://web.amnesty.org/library/Index/ENGEUR650022003?open&of=ENG-MKD

The International Organisation of Migration (IOM) has also been involved in the professional development of the police, alongside prosecutors and the judiciary, focusing on counter-human trafficking measures, which is a considerable problem in Moldova. IOM also contracted La Strada to develop a curriculum for the police academy, which is currently in use. Moreover, IOM developed, together with Moldovan law enforcement agencies, a counter-trafficking manual, which includes interview techniques and undercover investigations.

The Regional Facilitation and Negotiation Centre conducted a project, which aimed at promoting ECHR regulations and increasing public trust in the national police. One main method of doing so was training the trainers both from the police academy and college. This type of project focusing on increasing public trust is of immense importance in transitional societies. Unfortunately, it rarely gets sufficient attention or lacks proper funding.

The Council of Europe has a co-operation programme to strengthen the rule of law in Moldova and one of the results of this has been the creation of a Code of Police Ethics for Moldova. Some of the key principles are enshrined in Article IX 'Guiding Principles Regarding Police Action' paragraphs 32, 33, 34, 35 and 36. These deal with the right to life, ill-treatment, torture, use of force, corruption and discrimination. Drawing up such a code and creating a change in the system is very important, however, it is crucial that the means with which to enforce these rules, that is oversight and accountability mechanisms, are established along side such codes of conduct and give the power to be enforced. Moreover, teaching the police officers these codes of ethics, making sure that there is a profound understanding for their necessity in day-to-day policing is critical.

Status of police reform

Despite efforts by the international community there continued to be problems with the reform of the Moldovan police. Ill-treatment of suspects, arbitrary detention and failure to adopt a new criminal code were some of the issues in 2000. Reports of torture and ill-treatment continued in 2001 and 2002. Moreover, victims of such abuse rarely complained due to fear of reprisals, some who did were harassed as a result.[20]

Although a code of ethics has been established and a certain numbers of officers trained by the international community, the Moldovan police force still lacks oversight, control and accountability. It is not as yet an organisation that serves the community it operates in. Although a start has been made the Moldova police force needs continued international assistance for reform of the police to be successful.

Self-assessment evaluation: Romania

Romania suffered under a long and brutal dictatorship where the police force was feared and distrusted by the population. As in all the transitional post-communist countries the police was in need of reform on the eve of the adoption of the new constitution in 1991. It was particularly important to depoliticise the structures and to eradicate the political bureaus that existed within the police and security sector. Moreover, under the

[20] 'Moldova' in *Amnesty International Report 2002*, (London: 2002) available at: http://web.amnesty.org/web/ar2002.nsf/eur/moldova?Open

communist regime there was a total lack transparency, oversight and control, which needed to be established. All sides of Romanian society acknowledged this and there were both internal and external pressures to reform. In particular, during 1992 to 1996 the external pressures were significant to conduct police reform, however, there was quite substantial police opposition to do so. Post-1996 the police and civil society were the key actors pushing for reform, however the government was at this stage much more cautious due the substantial cost connected with profound reform of the police services.[21] There was, however, collaboration with local human rights organisations and NGOs to reform.

International co-operation and participation

Romania has seen much less assistance and support for police reform than many of the other SEE countries. Although, as part of preparing to obtain EU standards there have been numerous bilateral and EU efforts to help the Romanian police.

The Foreign and Commonwealth Office (FCO) UK have provided some of the police assistance. They have supplied training and equipment in specialised police work and accountability. The UK also organised courses for elite officers who tackles organised crime in Romania. The course was also aimed at helping demilitarise the Romanian national police. The Council of Europe has supplied expert assistance for community policing and in 2003 they conducted a police ethics course. The Swiss Agency for Development and Co-operation (SDC) promotes, as part of their programme on justice reform in Romania, community policing. They give training, seminars and workshops to officers, which has an emphasis on economic crime and prevention and money laundering.

These examples underline one of the key interests of the international community for police assistance in Romania, namely to curb organised crime. This is a hugely important area to support, however, reform must come at a systemic level before area specific courses can become relevant. A police service can have an excellent track record of dealing with, for example, organised crime or money laundering, however, that does not make it a democratic, civilian, accountable police force. If it has fundamental flaws, which includes absence of oversight, control and accountability, then reform has not taken place and short-term courses in organised crime or community policing for decision-making and/or elite officers will not change that.

Status of police reform

It is far from only international pressure that has driven police reform in Romania. Already in 1990 there was a first generic law towards police reform, a more substantial legislation on law enforcement was introduced in 1994. This law forbids police officers to hold membership of any political party or bodies. In 2002 a further two new laws were created on policing, one of which derives from the European Code of Police Ethics.

The police have also been split into civilian police, border police, gendarmerie and public guards. The police have with this separation become to some degree

[21] Pavel Abraham, 'Reform of the Romanian Police', in Caparini and Marenin (eds.), *Transforming Police,* p. 152.

demilitarised (apart from the gendarmerie), and is no longer based on a military model. Special brigades for dealing with organised crime have also been established.

Moreover, and what should have had a great impact upon the reformation of the police force, over 50% of the pre-1989 police officers left the service post-1989, many to join private security companies.[22] Despite the internal and external drives and legislative changes for reform police brutality, ill-treatment by detainees and perpetrators continued throughout the 1990s and after. Although some laws where put in place, as highlighted above, this has been argued to be far from sufficient and the lack of legal and institutional reforms by the authorities have been emphasised.[23]

In 2002 this trend continued with police applying excessive use of force, which in many cases amounted to torture. There were also several deaths in custody of the police, which were deemed suspicious. They were however, not adequately investigated by the authorities.[24] A further report in 2003 underlined that little had been done to rectify these problems and that ill-treatment and deaths in custody continued throughout the country.[25] There have also been continued reports of unlawful use of firearms by the national police, which often have resulted in deaths or serious injury.[26] As has been witnessed in other countries discussed in this paper, also in Romania excessive police brutality against the Roma have been noted.

The continued use of violence and abuse of human rights by the Romanian national police in conjunction with an absence of prosecutions towards officers committing such crimes indicate that the Romanian police service has a long way to go before it can be deemed a civilian, accountable force. The initiatives taken by both the international community and Romanian authorities has not yet been sufficient to provide a reformed police force. More effort is needed before results can start to show.

Conclusion: Stability Pact, OSCE, and EU frameworks for police reform

The Stability Pact has established police training courses covering drugs, illicit weapons, police management and crime investigation. In 2003 the courses were focused on stolen cars, police ethics, police training methods and document falsification, money

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22 Abraham, 'Reform', p. 157.

23 'Police Brutality Must be Stopped', *Amnesty International News Release*, EUR 39/02/2000, 9th August 2000, available at: http://web.amnesty.org/library/Index/ENGEUR390022000?open&of=ENG-ROM; see also 'Excessive Use of Firearms by Law Enforcement Officials and the Need for Legal Reform', *Amnesty International Report*, EUR 39/003/2000, available at http://web.amnesty.org/library/Index/ENGEUR390032000?open&of=ENG-ROM; and 'Alleged Ill Treatment of by Emergency Intervention Unit in Buzau County: Concerns and Recommendations', *Amnesty International Report*, EUR 39/004/2000, available at http://web.amnesty.org/library/Index/ENGEUR390042000?open&of=ENG-ROM

24 'Romania: Deaths in Custody in Suspicious Circumstances', *Amnesty International Report*, EUR 39/002/2002, 14th May 2002 available at http://web.amnesty.org/library/Index/ENGEUR390022002?open&of=ENG-ROM

25 'Romania: Further Deaths in Custody in Suspicious Circumstances', *Amnesty International Reports*, EUR 39/003/2003, AI, 7th April 2003, available at http://web.amnesty.org/library/Index/ENGEUR390032003?open&of=ENG-ROM

26 See for example, 'Romania: Further Reports of Unlawful Use of Firearms by Law Enforcement Officials', Amnesty International Reports, EUR 39/006/2003, 1st October 2003, available at http://web.amnesty.org/library/Index/ENGEUR390062003?open&of=ENG-ROM

laundering and cross-border co-operation. These courses seem more or less to assume a reformed functioning police force that is only in need for strengthening. It is not focusing upon reform, but strengthening already existing structures. However, in many of these cases what is needed is reform of existing structures. Moreover, the courses are pre-dominantly designed for officers at decision-making level. Abuse of force and power often happen at much lower levels, corruption can be a problem at all levels, hence change is necessary also from the bottom-up not only from the top-down in a reform process. This is often a variable ignored in assistance missions, simply because they are just that: assistance and not reform. They focus on 'train the trainers' programmes or strengthening the management of the police service due to restricted funding and/or mandate.

It is doubtful whether the Stability Pact in its present format can do more. It is too early to say what can be achieved, but it will be more successful in countries where only strengthening is needed, where structural reform has taken place, or reached a certain level and where local political will exists to create change.

This can also be said for the OSCE and the EU to an extent. However, potential membership of the EU is a strong driver both internally and from the EU to get the police force in line with EU standards.

The focus of the international organisations on reform is as mentioned above limited and hence its potential circumscribed. It seems that the international community in SEE is more interested in either organised crime and/or trans-border crime. The issue of internal crime is less focused upon. This is in particular evident by some of the donor support, where most of the funds are directed towards this. This leads to a situation where technical advice and training is focused upon, but attitudes and perceptions both of police officers and civil society is given less attention. Nevertheless, it is here the preliminary work needs to be done.

A key problem is that when a police service is in need of reform not only strengthening, then co-operation strategies are difficult to devise and make functioning properly when the actual system needs revising. Giving more courses regarding, for example, organised crime and how to tackle it is not sufficient if the police officers that are taking these courses are partially corrupt, abuse human rights and the system itself lacks oversight and accountability or an enforcement mechanism for such legislation if it has been put in place does not exist.

This is also true for community policing, which has been another central issue for the international community. Distrust of police forces is prevalent in all transition societies and it must be overcome. Applying community policing models is one method to do so. However, education by both society and the police must go hand in hand with this. Also if the structural problems within the force are not rectified then employing community policing methods will not aid the force or the population if, for example, there are abuses of force by the police service. Community policing takes a long time to be implemented moreover, it needs to be their own specific method of community policing not a 'model' suggested or taught by an international organisation.

Recommendations

What the different organisations can do to further police reform in SEE varies in the different countries. In Albania, Macedonia and Croatia there has been and is extensive

international involvement both in reform and assistance. In Moldova, Bulgaria and Romania there has been less of such initiatives. However, in all it is clear that it as yet to work at a satisfactory level, since reports on human rights violations and ill-treatment still occur with regular frequency, Croatia being more of an exception in this case.

In sum, the different frameworks working with policing assistance and reform in SEE has in some cases made significant progress. However, they could all be improved by a more holistic approach, rather than narrow programmes; further funding combined with a longer-time frame; an emphasis on altering perceptions of police services, which includes education of civil society, the political elite, as well as police officers; and working on improving local political willingness to reform.

Chapter 12

Transparency, Accountability and Security Sector Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

David M. Law

Transparency and accountability are the bread and butter of security sector reform. Unless they are adequately provided for, efforts undertaken to reform a national security sector can fall well short of the mark. Consider this (only partly) hypothetical situation. A country launches a major overhaul of its security sector. It adapts the structure and functions of its security sector jurisdictions to the strategic realities of the early 21st century. It tries to ensure that these jurisdictions work together seamlessly. It seeks to enhance the effectiveness of domestic agencies through effective cooperation on the regional and international level. At the same time, however, it keeps the public in the dark about the way resources are allocated. It conceals non-sensitive information about the activities of security sector actors with blanket references to 'need to know'. It treats discussion about security sector reform in regional and international bodies as its private fiefdom. It fails to provide for independent mechanisms, accountable to the electorate, whose responsibility it is to monitor and control the executive power in the exercise of its duties. Clearly, this country would have neglected to ensure that fundamental principles of transparency and accountability were being observed.

The studies on transparency and accountability that are contained in this volume provide valuable insights into the state of play of security sector reform in six transition countries. This article will review their findings from several vantage points. First, it will examine how the contributors approach the issues of transparency and accountability from a conceptual perspective. Then, these findings will be assessed against the situation on the ground in the six transition countries in question – and this in two steps. In the second section, the focus will be on the success stories of security sector reform. The third will be concerned with the critical areas where the reform effort has lagged behind and much more remains to be done. The final section will put forward some ideas on enhancing security sector transparency and accountability that may be useful in developing policy on the national, regional and international levels.

It goes almost without saying that the countries that are part of this study have been subject to very different circumstances since the systemic changes of the late 1980s and early 1990s. Two of the countries, Bulgaria and Romania, while facing very challenging transitions, have been spared civil war and foreign occupation; they possess, moreover, a nation-state history that stretches back uninterrupted to the 19th century. Their security sector reform effort has been underway for over a decade, notwithstanding the years lost to reform because of domestic infighting and stasis. They now stand poised to become NATO members in 2004 and perhaps EU members in 2007. Albania experienced a high degree of internal unrest during the 1990s that necessitated at one point the deployment of a contingent of international police. It shares with Romania the unenviable status of having been a kind of Eastern European Myanmar during the Cold War, with all the implications for the reform effort that has since ensued. Croatia and Macedonia have been marked in differing ways by the collapse of the erstwhile Socialist Federal Republic of Yugoslavia and its subsequent

descent into civil war and ethnic violence. By virtue of a decision taken at the June 2003 meeting of the EU Council of Ministers in Greece, these two former Yugoslav republics as well as Albania have been confirmed as potential members. Moldova, for its part, continues to suffer, a decade after the *Wende*, under the burden of occupation and disagreement among key stakeholders about this young state's identity and sovereignty. Clearly, the specific circumstances of each country have weighed heavily on national approaches to security sector reform, and there is only so much generalisation to which one can resort in assessing how the process has evolved from country to country. Still, there are common aspects, and it is on these that this article will concentrate, at the same time as every attempt is made to take national particularities into account.

Self-assessments evaluation: conceptual perspectives

The conceptual development evident in the six contributions is impressive, and the basic approaches are very much in conformity. Transparency and accountability are generally understood by the contributors as operating in two closely inter-related but still distinct spheres. As concerns transparency, there is, first, the broader relationship between civil society – the public, the press and NGOs - and government and, second, the narrower relationship between the executive and the various organs – parliament and its committees, ombudsman-like bodies and auditing commissions – whose purpose it is to exercise oversight over both the policies of government and the resources that are engaged in their execution. For accountability, there is a similar dichotomy: the Albanian contribution refers to the '…obligation of government to explain and assume responsibility for its actions…' as well as the '…financial accountability that pertains to budgeting and financial matters in general.'[1] But if there is an intimate interdependence between the two, notions of what constitutes transparency appear to be rather more developed than in the case of accountability. For example, the Bulgarian contributors provide a very useful synthesis of the reasons why security sector transparency is important, which are paraphrased below:

- transparency is a necessary (but not sufficient) condition for the informed and effective involvement of the public in security issues
- transparency is not a goal in itself but rather a vehicle for ensuring that a country's security sector works for the community it is supposed to serve
- transparency provides the best defence against corruption and the best guarantee against abuse of the popular interest
- transparency is of fundamental importance in ensuring effective civil-military relations and successful security sector reform
- transparency is a prime precondition for accession to NATO and the EU

[1] Blendi Kajsiu, 'Transparency and Accountability in Governance', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), p. 105.

- transparency is a key confidence-building instrument in the management of regional and international relations (an additional consideration - not mentioned explicitly in this contribution)[2]

The question of how to assess a country's level of political maturity is addressed in the Bulgarian contribution. Four areas for scrutiny are proposed:

- rule of law, or the existence of a system of generally respected laws and procedures
- judicial independence, or the existence of a system capable of impartially interpreting and adjudicating the law
- democratic responsibility, or the existence of a legislative branch of government that is capable of exercising effective oversight and control of the executive
- executive transparency and accountability, or the capacity of the executive to work transparently, accountably and effectively on behalf of the community that it has been elected to serve[3]

Another useful conceptual input is provided in the Macedonian contribution through its characterisation of civil society as having three critical roles in contributing to the accountability of the security sector:

> …demanding change, monitoring functions and providing technical input. In its monitoring functions, civil society actors can engage the government on topics such as defence policy, defence expenditure, acquisitions, doctrine. Independent analyses made by civil society…are not only a challenge for the government, but should represent the {basis} for public debate about the most important security questions and provide useful input into the decision-making process. The civil sector can fulfil these functions at all levels (local, regional, national and international).[4]

The author also distinguishes between standards, agents and means of accountability. While on standards there is little comment in this or any of the other contributions, the question of agents is dealt with expansively (although one would note here that there is a tendency common to most of the contributions to focus on issues of defence reform and the 'power ministries' rather than the broad range of jurisdictions that make up the security sector community). It follows that the related question of inter-agency interaction receives short shrift. Means are also dealt with at some length in the contributions, distinctions being made between formal mechanisms such as the work of committees and the practice of parliamentary questions, on the one hand, and informal

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2 Ralitza Mateeva, and Petya Dimitrova, 'Transparency and Accountability: The 'Necessary Evil' For Bulgarian Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 261.

3 Ibid.

4 Zoran Ivanovski, 'Transparency and Accountability', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 113-114.

aspects such as public debates, organisational culture, professional ethics and the like, on the other.[5]

This leads us to a further concept, namely the distinction between the formal organisation of the security sector and the dispositions for ensuring transparency and accountability, and how all this works in practice.[6] This is a key theme for the next section. But first a general comment is in order. While the individual contributions offer many useful insights into security sector transparency and accountability, they also point to the need for a unified framework for analysis and assessment, one which is comprehensive in its approach and can call upon shared definitions and a common language, regionally and throughout the Euro-Atlantic area. This is a theme that I will turn to when addressing policy matters in the final section.

Self-assessments evaluation: success stories

To paraphrase an observation made in one article, if we use as a yardstick the means of measuring accountability and transparency that are traditionally practised in Western parliaments, and examine what parliamentarians have at their disposal, the formal mechanisms of transparency and accountability are 'largely in place.' Appropriate committees do for the most part exist. In the words of the Croatian expert:

> the Committees can summon government officials and military officers and representatives of the security agencies to appear before them. Committee members and other parliament members can ask for relevant documents concerning defence and security affairs. The legislative instruments, executive means and judicial process … [have been established] as … constitutionally required.[7]

Descriptions of the situation in their respective countries by other contributors give similar grounds for confidence about the overall evolution of security sector reform. In the Macedonian contribution, for example, we can read of the considerable powers that have been given to parliament under the constitution.[8] In the Moldovan contribution, the description of the matters that come under the purview of the country's highest security forum, the Supreme Council of Security, is far reaching - in certain respects further reaching than the powers that a similar body in a western country might dispose of[9] (however it should be added that some Western countries lack altogether a body that gives overall direction and ensures the necessary coordination within the security sector). For the Bulgarian expert, '…there are well-established mechanisms that ensure accountability to the legislature and society in general as well as within the ministries…' Of particular interest here is the office of the Inspectorate General within

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5 Zoran Ivanovski, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 106.

6 Blendi Kajsiu, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 108.

7 Tatjana Čumpek, 'Transparency and Accountability in the Defence and Security Sectors', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 421.

8 Zoran Ivanovski, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 108.

9 Viorel Cibotaru, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 242-244

the Ministry of Defence which is dedicated to preventing expenditure abuses, rather than just '…registering and controlling them…',[10].and to this end enjoys far-reaching powers to monitor budgetary, procurement and contract procedures. The Romanian assessment is also positive:

> The adoption of key documents in the area of security and defence, the completion of the legal framework through the adoption of new laws, the preparation of periodic reports to the Parliament and the communication of information to the general public suggest a real impetus for increasing transparency and accountability.[11]

The Albanian contribution is particularly upbeat about the way that defence reform has progressed:

> ….the military has been one of the most, if not the most, successful sectors in the reform process. The military has [done] more, with [fewer] resources at their disposal. This is not to say that there has not been abuse or mismanagement in the defence and military sector. Certainly such abuses have occurred, but it is also very certain that they have not been larger or more frequent than in other areas of governance. One could even go a step further and claim that there has been less mismanagement and corruption in the defence sector, especially on the part of the military, but that would be the topic for another paper.[12]

The tendency in the countries under consideration to create websites where key national documents are published in both the national language and English has also been a positive development, a practice that is important in terms of confidence-building both at home and abroad.

Much of the impetus for countries to take steps to enhance transparency and accountability has been generated by the prospect, now confirmed for two of the six countries in this study and a seemingly promising prospect for three others, of their accession to NATO membership over the short- to medium term, with EU membership appearing likely to follow. The Bulgarian contributors note that there has been a tendency in their country – no doubt paralleled in other transition states – to argue that a particular reform should be undertaken because '…NATO wants this, and this should be done in such and such a manner…', an approach that has been very successful because no one wants to argue against 'what NATO wants'.[13]

Membership in NATO and the EU has indeed acted as a catalyst for reform, facilitating security sector restructuring efforts that in the absence of the two institutions' enlargement programmes would have been much more difficult to generate. But what happens to the reform effort when membership has been secured? And how do countries deal with the varying approaches to security sector reform of NATO and the

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10 Ralitza Mateeva, and Petya Dimitrova, 'Transparency and Accountability: The 'Necessary Evil' For Bulgarian Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 264-265.

11 Mihail E. Ionesçu, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 391.

12 Kajsiu Blendi, 'Transparency and Accountability in Governance', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 117.

13 Ralitza Mateeva, and Petya Dimitrova, 'Transparency and Accountability', p. 260.

EU? The next sections look at these and other issues on the more problematical side of the reform ledger.

Self-assessments evaluation: problem areas

As far as the contributing experts are concerned, notwithstanding the success stories of the last decade, progress has been disappointing in a number of areas and much more needs to be done. While the points of emphasis understandably differ from country to country, there are a number of concerns that would appear to be common to all countries participating in this survey. It would also seem that their preoccupations are largely representative of the post-communist transition countries as a whole.

A first problem area is constituted by the overall political environment conditioning transparency and accountability. First and foremost, there is the lingering Soviet legacy, which in the words of one contributor is one of '…conformity not initiative, control not delegation, compartmentalisation not cooperation, and secrecy not transparency'.[14] Another input stresses that '… there is a distinct tradition from the Soviet past that restricts access to the entire process of taking important policy decisions'.[15] The communist inheritance is indeed weighty and has left several security sector pathologies in its wake. One is the difficulty of mobilising social forces in a society that knew too much forced mobilisation under the *ancien régime* and underwent far-reaching fragmentation when it finally collapsed. Moreover, a populace that tends to be preoccupied with the challenges of economic survival will normally have little time and energy to worry about other issues. In a word, civil society remains chronically weak in these transition countries. Those on whose behalf transparency and accountability are supposed to be exercised are often too preoccupied with the economics of survival to embrace enthusiastically the politics of democratisation although much of the state of the economy ultimately depends on the integrity of the political system. The legacy has also left its imprint on the style of governance. Governments tend to be secretive, reluctant to divulge information, awkward in their dealings with the public and uncomfortable with public debate. Paternalistic governance and immature civil society tend to go hand in hand.

A related dilemma involves political parties in transition societies. While in the first part of the 1990s their numbers proliferated, the tendency in recent years has been one of consolidation. Yet their weakness as institutions remains. 'Many parliamentarians…' we are told 'comprehend 'exercising democracy' only as 'representing the interests of their political party rather than… those of 'the people.'[16] Another contribution observes that political parties are '… still in the process of developing organisational structures and democratic decision-making processes.'[17] It is no wonder, as a number of contributors point out, that under such circumstances political power tends to gravitate to the executive.

A further area of difficulty concerns the availability of qualified staff to support the security sector, whether this is for the executive, the various ministries with security

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14 Tatjana Čumpek, 'Transparency and Accountability', p. 425.
15 Viorel Cibotaru, 'Transparency and Accountability', p. 240.
16 Tatjana Čumpek, 'Transparency and Accountability', p. 420.
17 Zoran Ivanovski, 'Transparency and Accountability' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 110.

responsibilities, the relevant parliamentary committees, the media or non-governmental organisations. The problem is both qualitative and quantitative, with there being both too few civilians relative to uniformed personnel in the security sector and a general lack of expertise across professional backgrounds. One contribution recounts how when the defence committee of parliament '…reviews the budget or reports on the defence or security sector they rely on government expertise, the very expertise they have to pass judgment on.'[18]

Then there are a series of technical or practical problems in the operations of the security sector that detract from transparency and accountability. Here the reference is to such factors as a lack of definition of the roles of the executive, various ministries and parliament, or the absence of instruments to ensure that laws and decisions are effectively implemented.[19] Similarly, our contributors are worried that procedures governing the reporting responsibilities of various sectors of government are not rigorous enough. This tends to encourage the practice dominant under the communist regime whereby public information was provided if, when and how it suited the Party. The Croatian contribution refers to a phenomenon called 'administrative silence' which hampers both 'vertical' and 'horizontal' transparency.[20] The role of parliamentary committees is also seen as being problematic. They are generally not strong enough to hold the executive accountable and they tend not to cooperate with one another in the exercise of their duties.

A fifth area of concern for our contributors is the tendency of foreign donors not to see security sector reform as a priority in their programme and funding decisions. As the threat of inter-state war has receded in Central, Eastern and Southern Europe, so has interest in security sector reform on the part of donors. This may be a serious miscalculation. A security sector that is not transparent and accountable can reduce substantially a country's overall prospects for growth, development and stability.

Conclusion

This article will conclude with a few suggestions for the work of transition country experts on security sector reform as well as for those who support their efforts in developed countries.

To the experts from the six countries participating in this study, two observations would appear to be in order. The first is that the focus of their research on security sector transparency and accountability needs to be broadened. Although in some contributions, the security sector is defined in a suitably comprehensive way,[21] there is a tendency in others to concentrate on the armed forces and to neglect, for example, customs officials and intelligence services, not to mention the role of the media and civil society.

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18 Kajsiu Blendi, 'Transparency and Accountability in Governance', in Fluri and Trapans (eds.), *Defence and Sector*, Vol. 1, p. 111.

19 Tatjana Čumpek, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 422.

20 Ibid., pp. 424-425.

21 For example, see how the security sector is defined in Mihail Ionescu, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 379.

Another issue that receives short shrift is the role of political parties. These constitute the primary vehicle for not only mobilising the public for election day but also for developing and articulating policy. No democracy – whether it be of the transition or consolidated variety – can function effectively with ineffectual political parties. If parties are weak, the legislative branch will be weak, and as many of the contributions point out, the executive will end up dominating the political scene. A related issue is how party electoral platforms come to fruition, and how electoral platforms end up being implemented, or not, post-elections. These are issues that the fledgling democracies of post-communist Europe should address as a matter of some urgency. Civil society needs to know whether a state-of-the–art piece of military machinery has been purchased because of kick-backs provided to the governing party or as a result of the governing party's assessment of what is considered to constitute national interest. For a government to be accountable there needs to be party financing mechanisms that are themselves transparent and which encourage political parties to make policy as a function of their analysis of the national, as opposed to the particular, interest.

Also receiving little attention in the contributions is the issue of corruption, which of course prospers where indices of transparency and accountability are low. Transparency International (TI) provides figures comparing national perceptions of levels of corruption in the public sector on the part of 'business people, country analysts and ordinary citizens'.[22] The results for the five countries in this study that are covered by the TI report vary considerably: from a (low) score of 81 for Albania to a (high) score of 46 for Bulgaria. This is a substantial difference for a field that includes 102 countries. Moreover, it is not clear why there should be such a range of results. Could this be explained by the relative importance of the defence industry in different countries, an industry which TI asserts is one of the two areas (after that of public works and construction) most prone to corruption? Whatever the answer, this is a subject that drives to the heart of transparency and accountability, and more research needs to be done in this respect.

A second priority must be to use the opportunity for regional dialogue provided by the Stability Pact to develop a richer regional discourse on security sector reform issues and in particular their governance aspects. As pointed out above, the transition country studies reviewed in this article lack a common language and shared terms of reference. This is a matter of no little importance. For neighbours to have common concepts and vocabulary about security issues is stability enhancing; and transparency across all national security sectors has a confidence building effect at the regional and international levels. But more than that, regional dialogue can contribute to the cross-fertilisation of ideas. And here, the experts such as those who have contributed to this volume have much to offer.

For example, there is the idea of the Macedonian government to organise what one might call the Balkan equivalent of a 'town hall' meeting as way of enhancing public interest in security issues. 'Process 2002', organised just before NATO's Prague Summit, brought together all important stakeholders in the Macedonian security sector with the express purpose of not only reinforcing the dialogue among different

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[22] See http://www.transparency.org/about_ti/annual_rep/ar-2002/tiar2002.pdf, p. 18, for the country rankings and p. 19 for the listing of sectors where corruption tends to thrive.

jurisdictions but also encouraging greater interest on the part of Macedonian society as a whole.[23]

A second idea concerns the need to build on efforts undertaken in the 1990s to make available to government and civil society actors alike more information about what is going on in the security sector. As one contribution points out, there are ever increasing demands for more transparency.[24] One proposal put forward to deal with this is the creation of a central database for information about the security sector to facilitate the exchange of ideas and the development of policy.

However, while security sector transparency and accountability relies first and foremost on home-grown effort, western policy remains of crucial importance. As noted above, donor country priorities can play a large role in determining just how much attention is paid to security sector reform, and these priorities have changed to the disadvantage of the security sector as the threat of inter-state conflict has receded. If transition countries wish to correct this situation, they could help their cause by taking a common line in their discussions with donor countries. This is the kind of issue that might be addressed in the regional dialogue on security sector reform mentioned above.

Recommendations

Western policy will also be decisive in determining whether the training needs of Europe's fledgling democracies will be met. There remains an enormous requirement for training and educating security sector practitioners. More training needs to be offered, and it needs to be targeted to specific country and professional needs. There has to be a greater emphasis on building decision-making capacity in transition countries and to this end helping them restore their educational infrastructure and reconstitute their teaching capacity. This is fundamental to the prospects for greater security sector transparency and accountability.[25]

Beyond that, it is surely true, as one expert has observed, that the Western example counts a very great deal in transition countries. And in several developed democracies, the example is not always a very inspiring one. Many of the problems addressed in this overview are not particular to transition democracies. For example, they can currently be seen in several western countries due to a lack of public interest in security issues and a tendency on the part of national government to be less than transparent. 'The higher the stakes, the lower the levels of transparency in governance' is an assertion that seems to be of general applicability in this context. In developed democracies, there has also been a tendency for power to gravitate to the executive (and

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23 Zoran Ivanovski, 'Transparency and Accountability', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 114. For the proceedings of this conference see Stevo Pendarovski, Kiril Neikov, Islam Jusufi (eds.), *Process 2002: Security in the Republic of Macedonia [ПРОЦЕС 2002: БЕЗБЕДНОСТА НА РЕПУБЛИКА МАКЕДОНИЈА]*, (Skopje: List for Konrad Adenauer Stiftung and the Cabinet of the Republic of Macedonia, 2002) (In Macedonian).

24 Ralitza Mateeva, and Petya Dimitrova, 'Transparency and Accountability: The 'Necessary Evil' For Bulgarian Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 266.

25 On this subject, see David Law and Philipp Fluri (eds.), 'Security Sector Expert Formation. The Challenges after 9/11', Philipp H. Fluri and David M. Law (eds.), *Security Sector Expert Formation – Achievements and Needs in South East Europe*, (Vienna: National Defence Academy, 2003).

the judicial) branches at the expense of the legislative. Another parallel is found in the non-existence of key documents to orient the security sector. Some western countries lack a national security strategy. This is no longer the case of the countries participating in this survey, but the lack of such a document in one country until recently was found to undercut accountability, '…because without it parliament had no framework for monitoring the government's security sector activities.[26] Expertise in security sector issues has been on the decline in many consolidated democracies owing to the budget compressions that followed the end of the Cold War. In addition, many face major problems when it comes to ensuring that key security sector actors are all 'on the same page' when planning for and reacting to security contingencies. The problems are not dissimilar, then, from those encountered in transition countries, even if their extent can vary considerably.

As pointed out above, the functioning of the committee system is one of the weaker links in the overall framework of transparency and accountability in the transition countries. Greater use might be made of the various fora for inter-parliamentary cooperation in an effort to help build stronger legislative capacity. The North Atlantic Parliament (NAP), for example, has gathered considerable expertise in working with the parliamentary staff of transition countries, acquainting them with western best practice and improving their skills. Perhaps the time has come to build on this experience by expanding the training activities for committee staff that are now offered.[27]

Inter-parliamentary cooperation could also prove effective in strengthening transparency and accountability in another way. NAP member delegations could submit annual reports on security sector transparency and accountability for the critical review of its relevant committees, with their findings being officially and transparently communicated to the relevant national governments. A ranking system showing participating countries' strengths and weaknesses could act as a powerful incentive for making improvements.

There is also work to be done concerning the development of norms for transparency and accountability in the security sector. The OSCE made a major contribution in this regard in 1994 when it agreed to a Code of Conduct on Politico-Military Aspects of Security. Almost ten years on, the time may have now come to update this effort to take into account the new security challenges that have emerged. This is a task that might profit by being initially addressed task by a consortium of non-governmental organisations specialised in security sector issues.

Last but certainly not least, there is the question of EU and NATO enlargement. These processes should provide a new impetus for moving towards common concepts, standards and practices for enhancing security sector transparency and accountability in the Euro-Atlantic area. For this to happen, however, three things will have to change. First, the EU and NATO will have to move beyond their traditionally narrow perspectives on security sector reform. The EU, for example, has tended to focus on issues that for the most part directly pertain to securing its new borders, while NATO has concentrated on defence reform. In fact, however, these are highly complementary matters that need to be approached as an integrated whole. Second, the EU and NATO

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[26] Tatjana Čumpek, 'Transparency and Accountability in the Defence and Security Sectors', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 420.

[27] A description of the training activities of the North Atlantic Parliament is available at its website, http://www.naa.be.

will have to overcome the reluctance of some of their members to give non-members a *droit de regard* over issues sometimes considered as coming under the purview of one but not the other institution. Finally, developed democracies in their ranks will have to realise that security sector reform is no longer only about what they do on behalf of other countries' security sectors. At the latest, with the advent of 9/11, the question of security sector reform has moved on to their agendas as well.[28] A coordinated EU-NATO approach to security sector reform would then bring benefits to the security sector reform efforts of both transition and consolidated democracies.

[28] See, for example, David Law, 'Security Sector Reform Comes to Canada', *Connections*, Vol. 3, 2004, to be available at http://www.pfpconsortium.org/parser.cgi?file=/info-pages/pubs_en.htm (paper originally presented at the Centre for International Relations (CIR), Queen's University, Kingston, Ontario, Canada, 6th June 2003.

Chapter 13

Civil Society, the Media and Security Sector Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Dušan Reljić

Only a rudimentary impression emerges of the status of Security Sector Reform (SSR) after studying the six self-assessment papers. It surfaces that the examined countries each have different initial levels and achievements, but the studies provide little opportunity for comparison that would help the reader gain a reliable and thorough understanding of the concrete situation. Contrasting the conditions in the selected countries is difficult because of the different structures of the six analytical papers and substantial disparity in the type and amount of information provided by them.

The contributors have paid different amounts of attention to the description of the various segments of the interplay between civil society, media and the SSR. For instance, the paper from Romania touches little on SSR and the report from Moldova almost in no way whatsoever. However, the report from Croatia devotes little attention to the situation of the media, but much to the state of SSR, whereas the contribution from Bulgaria gives most space to media related issues.

An appropriate approach might have included a preliminary short explanation of the overall political and security situation in the countries. It could have been helpful to develop a comparative framework by establishing, for instance, that Macedonia and Moldova are burdened with unresolved ethno-political conflicts and Croatia still suffers under the legacy of a recent major war of similar nature. Albania has still not fully recovered from a severe collapse of social order. Bulgaria and Romania are on their way to EU accession, but still have to cope with legacies of the former regime. In general, state institutions and the economy in the region perform inadequately in comparison to the needs and expectations of the population. On the whole, the region seems to be lagging behind other countries in transition. If a framework of this type had been developed in a comprehensive way, it could have become clearer why, according to all six reports, the security sector in SEE countries remains one of the least reformed segments.

At the same time, the six studies offer ample evidence that international actors – both governmental and non-governmental - tend to put much weight on fostering SSR in their dealings with SEE countries. At the same time local civil society and media have difficulties in asserting their role in this field. Furthermore, there is still little insight by the public into the operations of the security sector and poor parliamentary control over it. Much of the improvement is a direct result of external 'soft coercion' through international co-operation programmes such as the NATO Partnership for Peace, OSCE activities or the Stability Pact for South East Europe projects. Also, external sponsors seem to be inducing and sometimes even micro-managing much of the SSR-related work of civil society organisations.

Evaluation of the self-assessments: general comments

The six self-assessment papers diverge much in structure, focus and quality. They do have one shared feature, namely that almost all authors seem to rely to a certain extent on external assessments of the situation in their own countries. Thus, foreign reports such as *Nations in Transit,* assessments by the US State Department and other external points of view are prominently mentioned, apparently to provide an 'objective' point of view. It is revealing that external mirrors should play an important role in self-assessment exercises.

In this respect, the paper on Albania[1] is a pleasing exception. It contains a generous amount of first-hand information derived from interviews of the author with local stake-holders. The other contributors did not go to such lengths in securing original material for analysis.

The differences between the papers make it doubtful whether all authors from the beginning interpreted theirs tasks in the same manner. For instance, the report on Moldova[2] consists mainly of uncommonly detailed explanations of the legal situation and offers little description of the factual situation. Broad generalisations appear in most of the presentations diminishing at some stages their credibility.

It is laudable that there is no apparent attempt by any of the authors to portray the situation better than it is. Nevertheless, with the notable exception of the paper from Albania that contains elements of research and even investigation, there is little attempt in most of the other papers to offer to the reader more than a sketchy and at times vague overview of the local situation. Some phrasing, such as in the paper from the FY Republic of Macedonia,[3] when the attitudes and actions of the minister of defence are highlighted, occasionally suggests a degree of proximity of the authors to public authorities that is not usual to research reports. For instance, while it is useful to learn from this paper that the defence minister has emphasised that he wants the plans for military reform to 'be made widely known to Macedonia's society,'[4] it would have been interesting, and more befitting a critical analysis, to learn how this promise is being fulfilled.

A comparative analysis of the situation in the six countries could have been facilitated through a firm common structure in the reports, e.g. a previously agreed order in the analysis and distribution of attention to the main sectors of analysis.

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1 Henri Cili, 'Security and Defence: Civil Society and the Media', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 119-129.

2 Sergiu Botan, 'Civil Society and Non-Governmental Organisations', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 249-261.

3 Radica Gareva and Lidija Georgieva, 'Civil Society', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 117-127.

4 Radica Gareva and Lidija Georgieva, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 125.

Self-assessment evaluation: local analytical capacity

All local experts involved in the project obviously possess information, insights and experience that would be difficult to glean from external contributors. Yet this advantage has not produced the optimum results in terms of the quality of the papers. For instance, for the purpose of comparative evaluation, the paper from Moldova is hardly useable, the report from FRY of Macedonia is on the verge of acceptability, and similar critical observations can be formulated for each of the papers. A better outcome might have been produced if strict methodological rules had been observed – of course under the condition that such a procedural code was developed in advance.

Fostering analytical capacity in the region could involve methodological work-shops to establish common criteria for analytical work in the field of SSR. Building a network of civil society organisations, public policy institutes, universities and similar institutions would certainly prove useful for the purposes of fostering analytical capacity.

Self-assessment evaluation: the role of international actors

International actors play a most important role in all aspects of transition in the former single-party systems in central and eastern Europe. 'Civil society in Croatia was largely established...and encouraged by foreign organisations and donors', says the author of the report on Croatia.[5] And the author of the text on Albania warns that the survival of civil society in his country is in doubt because 'Albania still lacks an internal mechanism to support civil society financially.'[6] There is little reason to assume that transition countries would be able, or even willing, to sustain civil society organisations without foreign assistance. Indeed, NGOs and independent media are often viewed as foreign implants that have to be tolerated for the benefit of maintaining external political and other support. But even the government with the best invention will find it difficult to set aside substantial sums to support the 'third sector'; public budgets are already over-strained in most transition countries and the tax-payer would find it difficult to understand why NGOs should receive public assistance while pension funds, public health and social insurance systems struggle for survival.

It appears inevitable that foreign donors will have to continue to support civil society and the independent media in transition countries if they wish to create a counter-weight to political parties and other powers that be. Ideally, it should be the NGOs from wealthy states twinning with partners in transition countries and not Western governments or intergovernmental organisations involving themselves without local civil society organisations or even media participation. Ideally, there should also be far more co-ordination between the donor organisation than there is now, not only in terms of dividing tasks in one countries, but also paying attention to the plight of countries such as Moldova that are often ignored by the West.

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5 Mladen Stanišić, 'Civil Society and the Security Sector', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 427.

6 Henri Cili, 'Security and Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 125.

Self-assessment evaluation: visibility of international actors

All six country reports confirm that the local public is aware of the activities of external actors in the field of nation-building and, especially, support to the civil society and independent media. But it is also a fact that not seldom there are attempts by local nationalists to gain political ground through spreading mistrust and conspiracy allegations against foreign donors. Nationalism became the dominant political paradigm in most of South Eastern Europe during the fall of communism. The end of the wars for Yugoslav succession and for that matter even the forthcoming accession of some countries of the region to the European Union does not mean an end to nationalism and other forms of anti-democratic populism. xenophobic, anti-Western and at times even anti-Semitic feelings are often fuelled by allegations from nationalists that foreign organisations are working against 'national interests' and that their aim is to discredit patriotism and dilute national identities.

In this context, SSR is a particularly sensitive issue. The impact of external players on SSR is, as a rule, not well known for reasons that have to do with the tendency of the security sector in the transition countries to continue to shield itself against public scrutiny. To avoid the spread of conspiracy theories about alleged foreign take-overs of the national security sector, international actors should pay attention to high visibility of their presence and maximum transparency of the projects in the field of SSR.

Self-assessment evaluation: self-assessment method as SSR tool

While in the self-assessment report from Croatia, there is a stern statement that the public authorities have not so far invited civil society organisations to become involved in public policy shaping,[7] and the Romanian reports ascribes to the authorities 'weak interest' for developing a sustainable partnership with NGOs,[8] some of the other reports, such as the Bulgarian, indicate a much stronger involvement of the 'third sector' in this field.[9]

It appears plausible that self-assessment reports could indeed contribute to SSR and, in particular, to an improvement of the public authorities' attitude towards the involvement of the civil society in SSR. This is because of the evident lack of transparency in the security sector in most transition countries, including all targeted states in this project. Such reports can even to a certain extent act as surrogates for parliamentary overview and control of the security sector which, in general, is still not satisfactory. In the Croatian paper it is reported that due to the sensitivity and significance of the problem and lack of experience in dealing with it, members of parliamentary committees are, at the moment, not very aware of how to do this job.[10] The author from Albania points out that the majority holding power drafts, adopts and

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7 Mladen Stanišić, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 433-434.

8 Liviu Muresan, 'Institutes, Media, Information Policy and Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 395.

9 Stoyana Georgieva and Avgustina Tzvetkova, 'Media, Civil Society, and Public Policy', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 269-280.

10 Mladen Stanišić, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 433.

implements the defence and security policies through its government neglecting both the opposition and civil society.[11] At the same time, as the Romanian report indicates, NGOs belong to the most credible institutions in the country so that they involvement could provide impetus and public acceptance to SSR.[12]

Self-assessment evaluation: contributors' capacity to assess reform

Only the reports from Albania and Croatia and partly the papers from Bulgaria and the FYR of Macedonia leave the impression that the authors have paid adequate attention to SSR and security sector governance, whereas the other reports focus on civil society and media issues.

The actual capability of the contributors to assess the topic can be hardly judged by the self-assessment reports. It is not clear whether they all started from the same point in terms of perceiving how the final result should look like. It is unusual that the author of the paper on Moldova would concentrate mostly on an in-depth explanation of the legal situation concerning the non-governmental sector in his country, while the contributor from Albania (rightly) judged that first-hand information from interviewees would be particularly interesting to the reader.

Self-assessment evaluation: suggestions from the contributors

None of the papers provide formal recommendations, in fact only the papers on Croatia and FYR of Macedonia end with a concluding section. It does not appear that the authors were asked to provide proposals. Nevertheless, some suggestions can be found scattered in the texts. Perhaps the most evident one is the demand to adapt externally sponsored NGO programmes to the needs of the local community and not to give precedence to the priorities foreign organisations established in far-away countries knowing often little about the situation on the ground. 'The problem is that these people speak of civil society using foreign concepts and terms that are not necessarily applicable to Croatian citizens', warns the contributor from Croatia.[13] Or, to quote from the Macedonian report: '..International agencies frequently fail to recognise the discrepancy between an ideal Western civil society and the political, economic, and social conditions in the target country'.[14] In other words, 'local ownership' is high on the priority list.

At the same time it is manifest that the contributors expect foreign organisations to continue their financial support for the local NGO community because there are little local funds for them: '...we need external US or EU partners to support our regional

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11 Henri Cili, 'Security and Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 125.

12 Liviu Muresan, 'Institutes, Media, Information Policy and Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 394-395.

13 Mladen Stanišić, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 427-428.

14 Radica Gareva and Lidija Georgieva, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 127.

programmes financially', concludes the contributors from Bulgaria.[15] Also, as the author of the paper on Moldova succinctly points out, 'the partnership between NGOs and public authorities is imposed by international financial organisations and donors'.[16] Nevertheless, all contributors wish this 'imposition' to continue otherwise the partnership would not last much longer.

As for SSR, the contributors apparently expect foreign partners to continue clearing the path for broader and braver reforms. The authors of the report on Bulgaria emphasise that 'at present the most serious issues related to security and defence are neither brought to prominence nor discussed'.[17] They give the example of the 'gravest problem related to the army reform, the problem of civil control', that has, according to them, 'never been subject to a public discussion'.[18] In this context, they speak of co-operation with foreign policy and defence institutions as 'a priority' for the Bulgarian civil society. It emerges from other comments in the paper that civil society and the media stand much better chances to push for faster and bolder reforms if there is external support and even pressure to accomplish this.

Self-assessment evaluation: utility of the studies

An often observed peculiarity in the dealings between international organisations and local partners in transition countries is that they have a lot of exchange, but apparently little common understanding, as if they were using the same idiom, but comprehending the terms differently. As quoted in the previous section, local partners often perceive their Western counterparts, among other things, as dominant and inflexible when it comes to adapting their goals and programmes to the local situation. Reciprocally, Western actors are repeatedly discouraged because of what they perceive as lack of coherence and efficiency in the operations of their local partners. Self-assessments, as planned in the six country reports, can help preclude mutual misunderstanding at an initial stage. Self-assessments offer first-hand insight into the state of things, both in terms of the local discourse and the self-reflection capability. External actors can rely on self-assessments as a useful tool to calibrate their approach to local needs and expectations and in this way avoid mutual disappointments.

For instance, if the contributor from Albania writes that 'few people believe that the activity of civil society can bring about change',[19] he certainly provides external actors with a most important warning that their plans, no matter how well-meant, might be met at the receiving end with scepticism and even irony. He indicates that the state has turned civil society into an 'obedient partner' and also provides an explanation why – 'because many current and former ministers of the socialist governments were previously active in civil society' which has enabled them, according to his opinion, to

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15 Stoyana Georgieva and Avgustina Tzvetkova, 'Media, Civil Society, and Public Policy', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 280.

16 Sergiu Botan, 'Civil Society and Non-Governmental Organisations', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 258.

17 Stoyana Georgieva and Avgustina Tzvetkova, 'Media, Civil Society, and Public Policy', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 275.

18 Ibid.

19 Henri Cili, 'Security and Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 121.

'abuse this close partnership'.[20] Even if this explanation might appear to a degree simplified, it provides an authentic clue about local political thinking. Bearing this in mind, foreign actors should carefully examine how close they want to be associated with particular NGOs, no matter how independent they appear.

Another example is the explanation of the authors of the Bulgarian paper for the reason why, in their opinion, 'the most important element of civil society – the informed citizen – is still missing':[21]

> Being linked with business cartels (which originated from the former secret services subsequently forming mafia-like structures) the media evolved to a great extent into an instrument for strengthening the influence of specific economic and political interest and not an instrument for the protection of public interest.[22]

Even though they seem to contradict themselves in the next paragraph by pointing out to the 'monopolistic position' of the German publishing group WAZ on the Bulgarian market (they obviously do not want to imply that WAZ could be an offspring of 'mafia-like structures' linked with former secret services), their statement is an indication of a deeply-rooted mode of thinking in many transition countries, but apparently particularly pronounced in Bulgaria: that somewhere far behind the scene, there are still the former powers polling the strings. This legacy – genuine or imaginary – is a fact that has to taken account of, especially when touching upon such sensitive subjects as SSR. Self-assessment exercises provide an indication about possible pit-falls that external observers might not be fully aware of.

Divergence between the assessments and regional realities

With the exception of the paper from Moldova, that mostly elaborates on the reality of norms (the state of laws), the other papers provide some insight into the factual situation. Admittedly, the subject (the triangular link between civil society, the media and SSR) is exceptionally complex. The ten-to fifteen- page papers can serve only as preliminary reports. Already because of this limitation, the reports can offer only a rough sketch of reality. Within this frame, most of the authors do attempt to provide critical observations such as the conclusion in the report from Croatia that the civil society in this country, at this moment, is not very likely to be in a position to support SSR.

Nonetheless, one would have, for instance, expected further elaboration in the paper from the FYR of Macedonia about the implications of the, as the authors write, 'development of non-governmental or civil society organisations and the media along ethnic lines'.[23] This division obviously has implications also on external relations, even very much so in the field of defence and security. At one place, the authors briefly touch upon this rift by noting that:

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20 Ibid., p. 125.

21 Stoyana Georgieva and Avgustina Tzvetkova, 'Media, Civil Society, and Public Policy', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 274.

22 Ibid.

23 Radica Gareva and Lidija Georgieva, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 119.

> Macedonians pointed out instances where Western broadcasting was biased and sensationalistic, with a definite tendency to favour Albanian claims as, previously, the Western media had supported the Albanians in Kosovo during the war of 1999 and continued to do so in Macedonia in 2001.[24]

Some clues about the position of the political representatives of ethnic Albanians in Macedonia on this and other points of content would have certainly given more balance to the paper.

Useful information contained in the assessments

A way to extract useful information and genuine insights from the six papers could be found by developing a set of precise inquiries about the civil society, the media and the SSR and exploring the texts for answers. A starting selection criteria would be to look only for original information, e.g. eliminating opinions and data in the reports coming from secondary sources such as briefs from *Reporters Sans Frontiers* or similar that are markedly represented in the six reports.

In this manner a greater distinction could be made between first-hand sources such as excerpts from interviews with local actors in the reports from Albania, or other original information such as the summary of investigative reporting by the newspaper *Ziua* in the paper from Romania on the application of the freedom of information legislation.

Also, personal opinions of the contributors could be highlighted more in the comparative summary of the six reports. If the analyst from Croatia concludes that in his country 'there are few journalists who are able to recognise the tiny distinction between information which should be considered confidential in the national interest, and information or problems that deserves public transparency',[25] then this opinion appears at first glance as far too generalised. Nevertheless, this estimate is important evidence as to how influential members of academia see the media. Such categorical opinions should be considered as a starting point for further research and eventual action, for instance in the form of joint training for SSR experts and journalists.

Overlapping elements of the assessments

Quite a few of the statements and conclusions in the six reports do overlap, a logical result of the similarities of the actual situations in the target countries. All six countries have departed from a long history of authoritarian rule and all of them, including Moldova, have integration into Euro-Atlantic trans-national communities as their fundamental political and socio-economic goal. In a similar manner, there has been a proliferation of civil society initiatives and media outlets in all of the six countries. Moreover, much of Western democracy building in south and east Europe since the end of communism has been under the auspices of the same organisations such as the Open

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[24] Ibid., p. 124.

[25] Mladen Stanišić, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 432.

Society Institute, or the Council of Europe, OSCE and others identifying similar goals for each country and often applying identical instruments.

If most of the contributors conclude that in the field of SSR there is a discrepancy between the political assurances of the governing parties both to the citizens and the international community, this is not a surprise, but an almost unavoidable fact-of-life. The difference between high expectations that are not fulfilled by the actual performance is also characteristic of the civil society organisations or the media:

> Currently, an abundance of independent media are available, but a repressive Penal Code, corruption, political and economic pressures, and low journalistic standards have all proven significant obstacles to establishing genuine press freedom in the country.[26]

This conclusion, in the report from Romania, can be found, formulated differently, in all the other papers. Such disappointment evident in most transition world/states.

Indeed, it could provide important insights to compare in depth why in some countries of south and east Europe, such as Moldova, the NGO community, as the report says, 'seems to have found a certain form of self-organisation and launched very good projects',[27] while in others, such as the FYR of Macedonia, according to the contributors of the self-assessment, there is only a 'fledgling NGO sector' that 'rather than promoting social cohesion...establish a relationship with powerful external supporters who have small local clients'.[28]

The information gap in regional security sector reform

Various approaches to the issue of SSR, as manifested in the six self-assessment reports, indicate foremost that the national debates in south and eastern Europe about this issue have not yet been structured in a manner comparable to the Western discourse in spite of the on-going interaction through governmental (OSCE, PFP, Stability Pact) and non-governmental channels (public policy institutes, NGOs).

Evidently, SSR is the part of the modernisation endeavour in most transition countries that is among the least known to the public and also least accessible to public scrutiny. There is, as pointed out in the report from Croatia, an inherited 'secrecy psychosis', but also an 'appreciation that 'knowledge is power' that clearly prevails over recognition of the people's 'right to know' about security and military 'business'.[29] Consequently, there is 'only gradual change towards more transparency and de-mystification of the defence and security issues', according to the contribution from Albania.[30]

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26 Liviu Muresan, 'Institutes, Media, Information Policy and Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 399.

27 Sergiu Botan, 'Civil Society and Non-Governmental Organisations', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2. p. 257.

28 Radica Gareva and Lidija Georgieva, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 121.

29 Mladen Stanišić, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 435.

30 Henri Cili, 'Security and Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 123.

Deficits in the legislation covering the protection of state secrets, inadequate training of media personal covering the topic, under-developed university and post-graduate studies of security and defence issues, little financing for civil society organisations and public policy institutes active in this field, aversion by state institutions to include public policy institutes and civil society organisations in the debate on SSR - these are only some in a long group of deficits that determine the scarcity of information and analytical standards on SSR in transition countries, including the six targeted in the self-assessment exercise.

Conclusion

The self-assessment exercises indicated that there are, to a certain extent, contradictory attitudes towards co-operation with foreign partners in this field. Most contributors viewed external interventions in the sphere of civil society, the media and SSR as benevolent, but often incongruent with the real needs, as they perceive them. At the same time, they pleaded for continuous involvement from outside pointing out that foreign funding is still essential for the survival of the civil society and the autonomous media. An equally important reason for further foreign activity is the wide-spread absence of interest of national governments to involve public policy institutes or other non-governmental actors in policy planning or monitoring, especially in sensitive issues such as SSR.

In this context, the Stability Pact for South East Europe offers advantages. It can be further adapted to act even more than now as an institution that enables both external involvement and local ownership. It can engage both governments and the non-governmental sector. It is not a strictly diplomatic organisation such as the OSCE and it does not have the same stringent rules as NATO or the EU in their realms.

What appears urgent is to develop more co-ordination at all levels. For instance, even a superficial examination of the activities in the media field of the OSCE, the Council of Europe, various non-governmental organisations such as the International Federation of Journalists, the European Institute for the Media and others will reveal many redundant actions. Ironically, many of the international actors compete for the same sources of funding such as the EU Human Rights and Democratisation Initiative, some Western Governments or public or private charities. There is no reason to assume that there is more co-ordination in other fields, including international activities fostering SSR in south and east Europe.

In this respect the Stability Pact could also play an important role if it would assume the role of a clearing-house about the many initiatives directed towards the civil society, the media and the security sector in south and east Europe. Admittedly, this is difficult to achieve because NGOs tend to nourish a culture of confidentiality about the project plans similar to the secrecy often still surrounding security issues, not only in south and east Europe. After all, NGOs are also competitors on a relatively narrow market. Funding sources are becoming scarce as more and more NGOs – and governmental organisations - enter the arena.

What appears essential is a clear division of labour. It is difficult to understand why international governmental organisations should carry out training programmes for journalists in transition countries. In Western countries journalists and other professionals receive mid-career training not from governments but from universities,

professional organisations, think-thanks or NGOs. The same applies for many other activities that belong to the same NGO 'turf', including the cooperation of public policy institutes dealing with security and defence issues.

On the other hand, it can be observed that in some countries of south and east Europe, Western sponsored NGOs are involved in training police officers in dealing with trafficking of women, sexual violence against children and other sensitive issues. This is a highly problematic practice because it is dubious whether NGO activists possess enough legal and other training to carry out such a difficult and responsible task. Also, some western-backed NGOs operating in the field of human rights regularly embark on detailed assessments of the overall political situation in their countries, including security and defence issues, that receive much attention in the public. They are seldom transparent about the background of their experts and whether they have ensured a peer-review of their findings and other instruments of quality control before going public with their often far-reaching critical conclusions.

There is abundant space for co-operation between international and national actors in the field of civil society, the media and SSR in south and east Europe. A basic recommendation to all involved in this area would be to find the means to establish a system of verification of on-going activities in the region, perhaps through the Stability Pact, before launching new programmes that could eventually prove redundant because they are already in progress under the sponsorship of other organisations

Recommendations

South East Europe is coping with serious deficits that retard the attempts of the countries of the region to catch up with the rest of the continent in terms of economic and social development and integration into European and transatlantic structures. Since the collapse of authoritarian rule more than a decade ago an extensive network of institutional co-operation was established, involving all major inter-governmental institutions such as the OSCE, EU, the Stability Pact, NATO and a plethora of non-governmental organisations. However, even those countries of the region such as Romania and Bulgaria that have the status of candidate countries for joining the EU still have modest indicators of economic and social development. Slow economic growth, unemployment, brain-drain, again population – these are some of the main socio-economic problems of South East Europe.

The real needs of the population in the countries concerned focus on the perspectives for a better standard of living in the near future. The link between the improvement in the standard of living and the acceleration of reforms, including the expensive and usually over-blown security sector is not necessarily evident to the population. Reforms and democracy building must go together with creating jobs and perspectives for coming generations, otherwise potentially dangerous frustrations are inevitable.

International actors should be careful to avoid a patronising attitude towards their local partners at all stages. Self-assessment exercises, such as this one, offer a practical opportunity to identify possibilities of co-operation. Fostering the local input in creating joint programmes and establishing joint steering committees for their execution offers a convenient way to avoid alienation between the partners.

Stability Pact for South Eastern Europe

The majority of the six reports touch only briefly upon the role of the Stability Pact for South East Europe. On the one hand, this might be related to the prevailing impression in the region that the Stability Pact may eventually be phased out. On the other hand, the Stability Pact galvanised immense expectations in the region when it was launched in 1999. Lately, the Stability Pact has adopted a lower profile and as a result expectations in the region have reciprocally diminished.

It would be risky to attempt an energetic revival of the role of the Stability Pact in the region if it were to be followed by a further down-sizing of its role compared to other regional initiatives. Especially after the European Union's summit in Thessaloniki in June 2003, it is manifest that the EU will rely on the Stabilisation and Association Process (SAP) and the European Partnerships (EP) as main interfaces in the communication with Western Balkan countries. Romania and Bulgaria are already candidate countries hoping for entry into the EU by 2007.

A proper role of the Stability Pact in the triangle of civil society – media – security sector reform could consist of fostering the dialogue of public authorities and local initiatives as well as further assisting regional networking and encouraging 'local ownership' of co-operation initiatives. This support could be especially valuable in the context of widening channels of communication in conflict areas such as between Kosovo Albanian organisations and Serbian governmental and non-governmental institutions. Actually, the authors of the report on the FY Republic of Macedonia conclude by calling upon international institutions to help bring together the small community of Macedonian NGOs, public policy institutes with the government and engage in SSR.[31]

Recommendations for the region: expert formation

Training academic experts for SSR related work appears most meaningful in the form of post-graduate studies at regional educational centres. There exist only a relatively limited number of such experts that countries of south and east Europe would need so that already the 'economy of scale' justifies setting up regional training centres to avoid expensive national endeavours for few participants. Also, the multinational character of joint regional educational centres is a value by itself as future national stakeholders in an important and sensitive area would get in touch at an early stage in their professional carriers.

What appears indispensable is to include in the curricula some training in the methodology of scientific work, including empirical research and statistical methods. There is a noticeable tendency in academic circles in former communist countries to rely on a hermeneutic approach in their work. This attitude can be to a degree explained by the lack of financing for empirical research, but it is also partly due to the legacy of ideological thinking in social sciences and a general rejection of 'positivism' during the previous regimes.

[31] Radica Gareva and Lidija Georgieva, 'Civil Society', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 126-127.

Recommendations for the region: creating a 'strategic community'

Self-assessments are effective both in terms of building additional expert capacities and assembling a strategic community in the region. A sustained effort appears necessary, so that self-assessments should occur at regular intervals and according to pre-established methodological rules that ensure mutual compatibility of the reports and enable comparative analysis.

Equally important is to intensify the outreach of the projects. It could prove useful to attract the attention of the media to the accomplishments of the self-assessment projects, possibly through involving journalists throughout the exercise until final press-conferences in the respective capitals. Placing reports on web-sites and organising expert rounds is certainly the starting point for outreach activities, but direct contact to the media is indeed the communication channel through which a broad audience can be approached.

Also, involving graduate and post-graduate university students in the self-assessment projects is a way to include prospective members of the regional strategic community even before they depart on their professional careers.

Chapter 14

The Inside-Outside Interface of National Security Policy and International Requirements in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Gerhard Kümmel

Security sector reform itself is a considerable feature of the democratic process. A country or society following the path of democratisation will, by necessity, also have to deal with reform and democratisation of the various branches of the security sector, including the armed forces, the police, and intelligence services. Indeed, it may even be argued that security sector reform is a prerequisite for successful democratisation.

Security sector reform and external effects on democratisation

Here, it is important to note that democracy, once decried as the despicable rule of the masses, has meanwhile become a buzz-word in international language and is successively used even by non-democracies as a crucial, or at least as a 'useful-to-have', framework of reference for political rhetoric, action and rule. Democracy has indeed become something like an international standard of civilisation.[1] In recent decades, democratic political rule has found increased attractiveness throughout the world as is evidenced by the democratic transformation of a whole bunch of formerly totalitarian or autocratic political systems and as documented in Freedom House's annual surveys. In particular, the transition of the formerly second world of the Soviet empire to democracy and the market-driven economic order of the West is to be cited in this regard. Here, one can observe 'the domino-like collapse of the countries'[2] which resonates with Samuel Huntington's concept of 'snow balling'.[3]

This, in turn, has met increased and forcefully renewed attention and interest by scholars and researchers of democratisation. Analysing the conditions, possibilities and paths of democratisation consisting of (a) the transition to and (b) the consolidation of democratic political systems has been en vogue in recent years. Contrary to earlier research, however, it is not so much the identification of general prerequisites for democracy or the search for the 'Holy Grail' or the 'iron law' of democracy; rather, given the empirical variety of democracy, 'conjunctural' and 'multiple' comparative

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1 Gerrit W. Gong, *The Standard of 'Civilisation' in International Society*, (Oxford: Clarendon Press, 1984).

2 Juan J. Linz and Stepan Alfred, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, (Baltimore - London: Johns Hopkins University Press, 1996), p.235. See also Harvey Starr, 'Democratic Dominoes: Diffusion Approaches to the Spread of Democracy,' *Journal of Conflict Resolution*, Vol. 35, No. 2, 1991, pp. 356-381.

3 Samuel P. Huntington, *The Third Wave: Democratisation in the Late Twentieth Century*, (Norman - London: University of Oklahoma Press, 1991), p.33. Resorting to a medical image, Geoffrey Pridham has even spoken of 'democracy by contagion'. See Geoffrey Pridham and Tatu Vanhanen (eds.), *Democratisation in Eastern Europe: Domestic and International Perspectives*, (London: Routledge, 1994), p. 19.

approaches[4] and 'path-dependent' analyses[5] are called for which are deemed capable of meeting the multidimensional factors of influence. Equally, it is increasingly recognised that approaches placing exclusive importance to either structure or actor and to either system or action respectively are one-way, even dead-end routes. By contrast, integrative approaches are attributed greater explanatory power.[6]

In this endeavour, what could be termed the international dimension of democratisation and processes of transition towards democracy remains an under-researched area, although literature and research has already been slowly growing since the mid-1980s.[7] This finding is indeed somewhat surprising given the salience of 'international factors'[8] within the process of Eastern and South Eastern European democratisation. But it is one thing to acknowledge that democracy does not happen in an international vacuum'[9] and quite another to translate this finding into concrete and comparative social research because the intrinsic complexity of international relations and the wide range of external factors make it difficult to assess the influence and importance of external factors in a neat manner and to establish unequivocal causal relationships.[10] Also, it is very difficult to translate the international dimension into hard empirical data and variables which is illustrated by the case of Tatu Vanhanen who, unable to identify a reliable empirical indicator for that purpose decided to leave out an analysis of the significance of external factors and power resources in his study on the perspective of democracy in more than 170 states.[11] If there is research in this area, then, it is usually research based on qualitative methods, an approach that is being followed here as well, although it is not without problems.

Increased attention has also been paid by the international community and international public opinion to 'the democratic peace theorem'. The literature on the democratic peace contends that democracies do not fight each other; the basic line of argument here is that the domestic conflict behaviour of democracies is translated to the international arena. Because of the generally constructive, peaceful and civilised manner in which democracies deal with conflicts in their domestic realm, democratic political systems are strongly induced to follow similar patterns of behaviour in international politics which eventually implies the disappearance of war in inter-democracy relations. As a consequence, international democratisation lies in the interest of the international

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4 Dirk Berg-Schlosser and Norbert Kersting, 'Warum Weltweit Demokratisierung? Zur Leistungsbilanz demokratischer und autoritärer Regime', in Rolf Hanisch, *Demokratieexport in die Länder des Südens?*, (Hamburg: 1996), p. 108 (Author's translation).

5 Terry Lynn Karl, 'Dilemmas of Democratisation in Latin America', *Comparative Politics*, Vol. 23, No. 1, 1990, p. 7.

6 Wolfgang Merkel, 'Struktur oder Akteur, System oder Handlung: Gibt es einen Königsweg in der sozialwissenschaftlichen Transformationsforschung?', in Wolfgang Merkel (ed.), *Systemwechsel 1. Theorien, Ansätze und Konzeptionen*, (Opladen: Leske & Budrich, 1994), pp. 303-331.

7 Jon C. Pevehouse, 'Democracy from the Outside In? International Organisations and Democratisation', *International Organisation*, Vol. 56, No. 3, Summer 2002, p. 515.

8 Pridham and Vanhanen, *Democratization*, p. 2.

9 Giuseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions*, (Berkeley, Los Angeles, Oxford: University of California Press, 1990), p. 183.

10 Pridham and Vanhanen, *Democratization*, p. 11.

11 Tatu Vanhanen, *Prospects of Democracy. A Study of 172 Countries*, (London: Routledge, 1997), p. 161.

community; the advocacy and promotion of democratisation is an interest-based peace strategy as it furthers one's own security.[12]

The recent US-dominated military campaign against Saddam Hussein's Iraq has spurred this debate even further. The American objective to make Iraq 'safe for democracy'[13] by military means employed by non-Iraqi, external actors has propelled the discussion of questions of the legitimacy and feasibility of democratisation from outside in view of the international norms of sovereignty and non-intervention; and, if so, what means are eligible and qualify for use and whether coercive democratisation is itself legitimate.

Hence, to deal with the issue here, the interface of national security policy and international requirements, it is advisable to include two perspectives in the formulation of theoretical terms: one international point of view centred on how to convince societies of the advantages of democracy and how to democratise them (the problem of socialisation); and one national viewpoint revolving around the problem of adjusting to external effects on a national level. The background against which both perspectives are to be seen is globalisation.

Globalisation, socialisation and adjustment in international politics

Globalisation is the prime mover in international relations and can be seen in the spheres of politics, economics, society, culture, science and technology. Globalisation has become even more intense after the end of the East-West-conflict and it confronts the various actors in international relations with the problem of how to respond to its challenges. And this is, in both perspectives just mentioned, the focus of our research here. The issue of South Eastern European countries wanting to (or feeling bound to) match their respective national security policy with international requirements, then, can be reframed in theoretical terms as the individual society's problem of adjustment to international developments and changes. And the issue of the international community and external actors to induce these countries and societies to actually adjust in this manner can be reframed in theoretical terms as the problem of the international socialisation of individual actors as a response to globalisation processes.

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12 See for example: Bruce M. Russett, et al, *Grasping the Democratic Peace: Principles for a Post-Cold War World*, (Princeton, N.J.: Princeton University Press, 1993); James Lee Ray, 'Democracy. On the Level(s), Does Democracy Correlate with Peace?' 2000, in John A. Vasquez, (ed.), *What Do We Know About War?*, (Lanham: Rowman & Littlefield, 2000), pp. 299-316; Bruce M. Russett and John R. Oneal, *Triangulating Peace: Democracy, Interdependence, and International Organisations*, (New York, London: W.W. Norton, 2001); Andreas Hasenclever, 'Sie bewegt sich doch. Neue Erkenntnisse und Trends in der quantitativen Kriegsursachenforschung,' *Zeitschrift für Internationale Beziehungen*, Vol. 9, No. 2, 2002, pp. 331-364; and Ulrich Teusch and Martin Kahl, 'Ein Theorem mit Verfallsdatum? Der ‚Demokratische Frieden' im Kontext der Globalisierung,' *Zeitschrift für Internationale Beziehungen*, Vol. 8, No. 2, 2001, pp. 287-320.

13 Tony Smith, 'Making the World Safe for Democracy,' *The Washington Quarterly*, Vol. 16, No. 4, 1993, pp. 197-221 and Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century*, (Princeton, N.J.: Princeton University Press, 1994); Gerhard Kümmel, 'Die Renaissance des Kreuzzuges? Amerikanische Zivilreligion und US-Weltordnungspolitik unter George W. Bush, Jr.', in Nina Leonhard and Ines-Jacqueline Werkner (eds.), *Aufschwung oder Niedergang? Religion und Glauben in Militär und Gesellschaft zu Beginn des 21. Jahrhunderts*, (Strausberg: SOWI, 2003).

Globalisation is driven by technological, economic, political, social, cultural and ecological forces and it implies a shrinking of the world and growing interconnections between states, societies and individuals - in their classic work, Keohane and Nye referred to this as the emergence of patterns of interdependence among the various actors.[14] The range of military weapons, for example, has become as global as the extent of economic and monetary relations. The same applies to the field of communication (internet, telecommunications.) where information is simultaneously available all over the world and where the knowledge of and the mutual influence of different cultures grows.[15] Equally, ecological problems and catastrophes increasingly have worldwide repercussions. In this perspective, the global context increasingly becomes the framework of social actions, because, more and more, the effects of events in the various parts of the world can no longer be confined to the local, regional or national level.[16] Instead, these events increasingly have ramifications on the trans-regional, trans-national, macro-regional and global levels. As such, and since they may be positive, negative or ambivalent in character, they may create problematic situations for the actors involved or affected.[17] Therefore, these actors have to respond and react to them and find ways and means of productively dealing with and adapting to them.

But this problem of adjustment looks differently depending on the individual actor. In general, each actor is influenced and affected by globalisation and by developments in international relations; yet, this proposition is to be qualified somewhat because interdependence susceptibility and interdependence vulnerability are unevenly distributed among the various actors and these actors are thus influenced and affected by globalisation to different extents.[18] Whereas one actor may rather be driven by events, another actor may be able to find a working arrangement, and still another actor may be able to manage and even shape globalisation processes, i.e. to influence the repercussions of globalisation and to direct globalisation. This, of course, is in no last consequence due to the differences in power resources these actors can command or resort to in a given context or issue area. And this, in particular, brings us to the state which is regarded as the crucial actor within the adjustment process.[19]

According to a vast literature, the state seems to lose its pre-eminence in international relations because international politics in modern times faces the growth of societal actors not only as international actors, but as politically relevant international actors, too. Thus, Arnold Wolfers' billiard model of international politics which interpreted the nation-state as a single coherent and closed unit, i.e. which treated nation-states as black boxes is no longer appropriate.[20] The 'hard shell' of the nation-

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14 Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, (Boston, Toronto: Little, Brown & Co, 1977).

15 See also Horst Reimann(ed.), *Transkulturelle Kommunikation und Weltgesellschaft: Zur Theorie und Pragmatik globaler Interaktion*, (Opladen: Westdeutscher, 1992).

16 Walter. L. Bühl, *Kulturwandel: Für eine dynamische Kultursoziologie*, (Darmstadt: Wiss. Buchges, 1987).

17 This proposition is valid for both state and non-state actors, although, in the following, we will focus on state actors.

18 Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition*, (Boston, Toronto: Little, Brown & Co, 1977).

19 John G. Ikenberry, 'The State and Strategies of International Adjustment', *World Politics*, Vol. 39, No. 1, 1986, p. 54.

20 Arnold Wolfers, *Discord and Collaboration. Essays on International Politics*, (Baltimore: Johns Hopkins University Press, 1962).

state has become permeable.[21] As a consequence, international politics has increasingly assumed a bifurcated character. Beside the world of states and the states-centric world there has emerged the societal world and the multi-centric world.[22]

Without any doubt, some of the non-state actors are very powerful and sometimes much stronger than state actors. Trans-national corporations such as Microsoft, General Motors, Daimler-Chrysler, Coca Cola, DuPont and quite a few others are a case in point as their budgets and their investment and their market power often surpass the budgets of a considerable number of states in the world.[23] NGOs like Amnesty International, Greenpeace, Human Rights Watch and others are also important actors in the non-state world which are able to alter the behaviour of states, even quite powerful ones since they may successfully mobilise international public opinion for their cause.[24] Thus, the state may indeed be regarded as being in 'retreat'.[25] Nevertheless, in my view the state remains crucial in international relations because the 'multi-centric'/'societal' world is still dependent on the 'state-centric' world.[26]

Indeed, these globalising processes mentioned above are monitored or filtered by the structure of the international system which is characterised by the persistence of conflicts of interests and the prevalence of the nation-state in many political matters. In a world governed by the logic of anarchy actors are subjected to the principle of self-help; even in an increasingly interdependent world the issue area *security* reigns supreme although the major characteristics have changed over the last decades.[27] As a consequence, states still shape the structure of the international constellation in the sense that *dominant* states determine the extent to which non-state actors, *all* non-state actors, may participate in international relations; state actors produce the framework within which non-state actors may operate. In other words, globalisation meets a kind of filter which is set by nation-states. This filter actually shapes the concrete pattern of

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21 John H. Herz, *Staatenwelt und Weltpolitik. Aufsätze zur internationalen Politik im Atomzeitalter*, (Hamburg: Hoffmann & Campe, 1974).

22 James N. Rosenau, *Turbulence in World Politics. A Theory of Change and Continuity*, (Princeton, N.J.: Princeton University Press, 1990); Ernst-Otto Czempiel, *Weltpolitik im Umbruch: Das internationale System nach dem Ende des Ost-West-Konflikts*, 2nd rev. ed, (Munich: Beck, 1993). Still others, such as Martin van Creveld, *The Rise and Fall of the State*, (Cambridge: Cambridge University Press, 1999) for example, have argued that the state is in decline and may very well even vanish quite soon.

23 See John M. Stopford, et al., *Rival States, Rival Firms: Competition for World Market Shares*, (Cambridge: Cambridge University Press, 1992).

24 See Jackie G. Smith, 'Organising Global Action: Transnational Social Movements and World Politics', Ph.D. Thesis (University of Notre Dame, Indiana, 1995); Anne Marie Clark, 'Non-Governmental Organisations and Their Influence on International Society', *Journal of International Affairs*, Vol. 48, No. 2, 1995, pp. 507-526 ; Thomas Risse-Kappen (ed.), *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*, (Cambridge, New York, Melbourne: Cambridge University Press, 1995); Daphné Josselin and William Wallace (eds.), *Non-State Actors in World Politics*, (Hampshire, New York: Palgrave, 2001).

25 Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy*, (Cambridge, New York, Melbourne: Cambridge University Press, 1996).

26 See also Janice E. Thomson and Stephen D. Krasner, 'Global Transactions and the Consolidation of Sovereignty', in Ernst-Otto Czempiel and James N. Rosenau, (eds.), *Global Changes and Theoretical Challenges: Approaches to World Politics for the 1990s*, (Lexington, Mass. - Toronto: Lexington Books, 1989), pp. 195-219; Robert H. Jackson and Alan James (eds.), *States in a Changing World. A Contemporary Analysis*, (Oxford: Clarendon, 1995).

27 Barry Buzan, Charles Jones and Richard Little, *The Logic of Anarchy. Neorealism to Structural Realism*, (New York: Columbia University Press, 1993).

interdependencies, the formation (or non-formation) of interdependent relations between and among state and non-state actors.

States have two options or strategies of adjustment to choose from in order to cope with the challenges of globalisation: integration and non-integration. This, in turn, implies that globalisation provides the basis for association and cooperation in inter-/trans-national politics, but also for dissociation and isolation. Integration policies are a positive response to these challenges and may be pursued in a number of fields such as politics, economy, technology and culture. Integration and cooperative engagements are always interest-driven and conditional implying that even in interdependent relationship patterns each state organises its influence in policy fields where it is strong and where others are dependent upon him.[28] Concern and attention to the problem of relative gains, then, remain basic policy issues for states.[29]

Nevertheless, spontaneous cooperation and institutionalised cooperation do frequently occur. For integration in systems of interdependencies it is usually argued along the lines of the comparative costs-hypothesis. More advantages are gained from integration than by isolation.[30] In a world characterised by complex interdependence it becomes increasingly difficult to unilaterally push through one's own national interests – even for the sole remaining 'hyperpower' (Hubert Vedrine), the United States of America.[31] Regional integration makes it possible to use this regional context as relays or catalysts for the realisation of one's own interests and for gaining international reputation and legitimacy. Without integration rooted in (self-interested) cooperative behaviour, world political influence is impossible to realise for the actors. Hence, influence results from the ability to steer, manage and shape interdependencies. Realising this leads actors to choose integration strategies.

The crucial question for an actor's commitment to cooperation and his scope of integration is the degree of the openness of his political and socio-economic system towards the outside world. States with a similar political and socio-economic order, i.e. states which more or less converge or can quite easily be made compatible with the conditions in neighbouring states, more easily join cooperative endeavours. Hence, it is no wonder, that integrative strategies are generally favoured by democracies and advanced, world market-oriented industrialised countries.[32] Integration takes place both in informal and quite loose forms of cooperation as well as in formalised and institutionalised forms in international regimes, institutions and organisations.

When it comes to the second option or strategy of adjustment, i.e. to non-integration, one may also employ the comparative costs-hypothesis. First of all, with non-integrated actors who may also be called 'outsiders', it is necessary to distinguish

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28 Charles L. Glaser, 'Realists as Optimists: Cooperation as Self-Help', *International Security*, Vol. 19, No. 3, 1994/95, pp. 50-90.

29 Joseph M. Grieco, 'Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism' in Charles W. Kegley Jr. (ed.), *Controversies in International Relations Theory: Realism and the Neoliberal Challenge*, (New York: St. Martin's Press, 1995), pp. 151-171.

30 However, for an opposite view see: Dieter Senghaas, *Weltwirtschaftsordnung und Entwicklungspolitik. Plädoyer für Dissoziation*, (Frankfurt am Main: Suhrkamp, 1977).

31 See Joseph S. Nye, Jr., *The Paradox of American Power. Why the World's Only Superpower Can't Go It Alone*, (Oxford: Oxford University Press, 2002).

32 See also Edward D. Mansfield, Helen V. Milner, and Peter B. Rosendorff, 'Why Democracies Cooperate More: Electoral Control and International Trade Agreements', *International Organisation*, Vol. 56, No. 3, 2002, pp. 477-514.

between isolation and dissociation as two distinct forms of non-integration. The difference between these two variants is one of intent: whereas, following the comparative costs-hypothesis, dissociated actors perceive the costs of interdependence as too high and, thus, choose non-integration by intent (or a strategy which could also be termed self-isolation), isolated actors are excluded from the benefits of patterns of interdependent relationships by their environment, i.e. by other actors. In the first case, non-integration is structurally laid down in an actor's interest profile and we may speak of non-integration as *dissociation*. In the second case, we may refer to non-integration as *isolation*. In this case, non-integration is a strategy of punishment for what is perceived as some sort of deviant behaviour implying that such an actor is often described as a pariah, outlaw, crazy or rogue state.[33] Again, as is the case with the option of integration, the decision for non-integration is a function of actor compatibility and actor-environment relevance, as is illustrated in the following graph.

Table 1: Actor compatibility and actor-environment relevance

Actor – Environment Relevance	**Compatibility of Political and Socio-Economic Systems**	
	High	**Low**
High	Integration	Antagonistic cooperation
Low	Cooperative disinterest	Non-integration (isolation/dissociation)

Furthermore, conceptually, once a state actor has decided to adjust to international change and to employ integrative strategies, the concrete adjustment policy or initiative may be directed towards international regimes and thus to the international level; or may be directed towards domestic structures and thus to the domestic level. In addition, adjustment may bear an offensive as well as a defensive character depending on whether something already existing is to be preserved or only slightly adapted or whether something new or at least fundamentally altered is to be created. The following graph neatly summarises what has just been said:

Table 2: Adjustment strategies[34]

Objective of the Adjustment Initiative	**Location of Adjustment**	
	International	**Domestic**
Offensive	Create new international regime	Change domestic structure
Defensive	Maintain or protect regime	Protect domestic structure

Adjustment requirements are put to the actors in international relations quite frequently. Indeed, adjusting to international developments and changes becomes a permanent feature of modern societies, but the adjustment pressure is different when a given actor,

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33 For a more detailed discussion of this phenomenon see Wilfried von Bredow, Thomas Jäger and Gerhard Kümmel, 'Menschenwürdig, effizient und zukunftsoffen? Die globale Politik im 'magischen Dreieck' von Demokratie, ökonomischer Entwicklung und Frieden', in Wilfried von Bredow and Thomas Jäger (eds.), *Demokratie und Entwicklung. Theorie und Praxis der Demokratisierung in der Dritten Welt*, (Opladen: Leske & Budrich, 1997), pp. 7-27.

34 John G. Ikenberry, 'The State and Strategies of International Adjustment', *World Politics*, Vol. 39, No. 1, 1986, p. 57.

in our case from Eastern and South Eastern Europe, does not yet, but wants to or, for lack of alternatives, feels bound to belong to the 'club' of democratic, market economic, Westernised societies that may be regarded – in Gramscian terms – as the hegemonic bloc in international relations.[35] Those actors who are already members of the club, in turn, are confronted with whether and how to integrate new club members and how to get them to adopt one's own norms, beliefs and codes of conduct and behaviour. Whereas the question of whether to integrate or not is already been responded to in an affirmative way because helping these countries to become truly democratic and to achieve some socio-economic modernisation lies in the genuine self-interest of the club members as it enhances their own security and stability, the second question of how to do this is much trickier.[36]

One could argue that integration might occur quite automatically and cite the trend that due to globalisation processes the world is actually shrinking thereby leading to the emergence of the 'global village' in the sense of McLuhan. Although globalisation definitely involves some degree of pressure towards homogenisation and mutual adjustment in the world and also towards a very slowly emerging global culture[37] as the sociological institutionalism approach contends,[38] globalisation does not mean global harmonisation; the various societies still live in quite different socio-political and socio-economic times. It does not come up to a cultural and societal homogenisation and to an ever increasing political integration of the international system perhaps eventually culminating in some kind of world state and eternal peace. By contrast, globalisation primarily means a growing interdependence because of problems and threats and it is by no means an even, but an asymmetrical process which distributes its consequences, i.e. advantages and disadvantages, in an equally asymmetrical way. Thus, in the process of globalisation there are actors which gain more from this process than others, there are winners and losers and this emergence of mostly asymmetrical interdependencies in the globalisation process poses a fundamental challenge to the actors because this process provides new sources of conflict.[39] Globalisation and complex interdependence, then, need management.

Such management could be provided by a hegemonic power and the obvious candidate for this is, of course, the United States of America. Washington could use its vast power resources for socialisation purposes, i.e. not only to find compliance, acquiescence and adherence to its belief system, but also to induce the would-be members by resorting to both material and non-material incentives (market access, investment, security guarantees, threat of intervention, economic sanctions) to adapt

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35 It should be mentioned explicitly that the relationship between the socialiser and the one to be socialised is a fundamentally asymmetrical one. There is a material asymmetry, an authority asymmetry and an information asymmetry combined with some attractiveness of what the socialiser represents (see Frank Schimmelfennig, 'Internationale Sozialisation neuer Staaten. Heuristische Überlegungen zu einem Forschungsdesiderat', *Zeitschrift für Internationale Beziehungen*, Vol. 1, No. 2, 1994, p. 346). This is where international demonstration, diffusion and learning effects come into play.

36 See also Gerhard Kümmel, 'Why Engage in Security Sector Reform Abroad? International Norms, External Democratisation and the Role of DCAF', *DCAF Working Papers*, No. 93, October 2002, available at http://www.dcaf.ch/publications/Working_Papers/93.pdf

37 Mike Featherstone (ed.), *Global Culture: Nationalism, Globalisation and Modernity*, (London: Sage, 1990).

38 See also Martha Finnemore, 'Norms, Culture, and World Politics: Insights from Sociology's Institutionalism', *International Organisation*, Vol. 50, No. 2, 1996, pp. 325-347.

39 As argued by Keohane and Nye in *Power and Interdependence*.

their national structures and policies along international requirements.[40] According to the hegemonic stability perspective, this may basically take place in three variants ranging from benevolence to coercion: (1) benign and exercised by persuasion; (2) benign, but exercised by coercion; (3) coercive and exploitative.[41] Needless to say, benevolent hegemony seems to be more promising in terms of successful and durable implementation and internalisation of the rules of the club than coercive hegemony which may provoke resistance. These socialisation efforts may, of course, be (and actually are) complemented to a certain degree by the work of trans-national actors and non-governmental organisations respectively which are engaged in civil society matters, democratic reform, market economic reform, human rights, and similar issue areas. Also, epistemic communities may play a crucial role.[42] But there is a point in the argument of Ikenberry and Kupchan that, in the end, socialisation efforts have to be backed by power in order to be successful, in particular that support is conditional (and as such to be withdrawn if necessary) and dependent upon proof of progress. And such power could also be provided by the organised international community as some sort of collective socialisation agency.

In the case of Eastern and South Eastern Europe, a number of international organisations and institutions have actually performed and still perform this function, most prominent among them NATO, OSCE, the EU and the Council of Europe. These regional organisations, in one way or another, provided and still provide financial, economic, technical, political, and military support. With regard to the dimension of security, NATO's Partnership for Peace Programme (PfP), its Membership Action Plan and thus the prospect of membership in NATO, e.g., has served as a socialisation agency in that, *inter alia*, it helped to reorient military officers away from their interest in domestic politics' and to socialise military leaders (...) as to the role of the military in domestic society.'[43] In a similar vein, the EU through its Stabilisation and Association Agreements has opened the prospect of membership in the Union, and in both international organisations the enlargement processes are well under way and combined with elements of conditionality that provide some sanctioning power in case of misbehaviour.

But, of course, the socialisation intentions of international actors and the international environment at large have to meet the willingness of those to be socialised in order to make international socialisation successful. Socialisation is a process that takes place between a given social actor and his systemic social environment, a a process characterised by the fact that within the socialisation process the social actor internalises the institutionalised ways of thinking and behaving of his social

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40 John G. Ikenberry and Charles Kupchan, 'Socialisation and Hegemonic Power', *International Organisation*, Vol. 44, No. 3, 1990, pp. 283-315.

41 Duncan Snidal, 'The Limits of Hegemonic Stability Theory', *International Organisation*, Vol. 39, No. 4, 1985, pp. 579-614.

42 Emanuel Adler and Peter M. Haas, 'Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program', *International Organisation*, Vol. 46, No. 1, 1992, pp. 367-390; Thomas Risse-Kappen, 'Friedensforschung als Friedensstiftung? Zum Verhältnis von Wissenschaft und Politik', in Berthold Meyer (ed.), *Eine Welt oder Chaos?*, (Frankfurt am Main: Suhrkamp, 1996), pp. 520-538.

43 Pevehouse, 'Democracy from the Outside In', pp. 527-528.

environment.[44] What is required of him is, sometimes profound and in-depth action, adjustment and change. This means that for democratisation to be successful, democracy-favourable external factors alone are by no means a sufficient prerequisite for substantial and successful democratic transition and consolidation and that favourable internal factors have to exist which support the democratising effects of external conditions. The question of how to respond to the new international situation needs to be answered by opting for strategies of integration. Here, it is of utmost importance to win the elites in a given country at an early stage since elite (as opposed to mass) receptivity to the norms articulated by the hegemon is essential to the socialisation process.[45]

As a set of structural factors, then, the international dimension defines - to a considerable extent - the actors´ *opportunity set* (Jon Elster). Given its character and composition, it may serve to enhance or to restrict the options at hand for political systems and the actors therein. Hence, it may be expected that, first the way in which external impulses are 'digested' domestically, and second the strategy of central actors in dealing with an opportunity set provided by the international dimension will be crucial in the analysis. In other words, 'the effects of the external factors will be determined by the actors' *virtú* and *fortuna* to identify and make use of the *occasione*.'[46] And that these capabilities and qualities are somewhat unevenly distributed can be seen when looking at the specific cases that are of interest here.

Self-assessment evaluation: general review of the studies

The case studies provide insightful accounts of the country studies on six members of the Stability Pact: Albania,[47] Bulgaria,[48] Croatia,[49] Macedonia,[50] Moldova,[51] and

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44 Frank Schimmelfennig, 'Internationale Sozialisation neuer Staaten. Heuristische Überlegungen zu einem Forschungsdesiderat', *Zeitschrift für Internationale Beziehungen*, Vol. 1, No. 2, 1994, p. 337.

45 Ikenberry and Kupchan, 'Socialisation', p. 284.

46 Wolfgang Merkel, 'Struktur oder Akteur, System oder Handlung: Gibt es einen Königsweg in der sozialwissenschaftlichen Transformationsforschung?' in Wolfgang Merkel (ed.), *Systemwechsel 1: Theorien, Ansätze und Konzeptionen*, (Opladen: Leske & Budrich, 1994), p. 324.

47 Enika Abazi, 'An Institutional Perspective on Security Issues', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 133-148.

48 Konstantin Dimitrov and Maria Atanassova, 'International Requirements and Influence. Standards and Requirements on Democracy and the Economy Relevant to Defence and Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 283-298.

49 Dario Cziráky, 'International Requirements and Influence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 439-454.

50 Nikola Kljusev, 'Security Sector Reform and International Influence', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 131-142.

51 Oazu Nantoi, 'International Requirements and Influence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 265-278.

Romania.[52] They show that the gist of the message so to speak, i.e. both the importance and the contents of security sector reform have been understood in the region and that national expert formation in security sector reform is advancing. In other words, the process of norm internalisation is under way. The self-assessment papers evidence that socio-economic and political reforms and security sector reform have made substantial progress within the last decade, but that the state of their implementation differs from country to country. This indicates that the responses of these six countries to the new international constellation differ somewhat although, basically and at large, all of them have opted for the adjustment strategy of integration. Yet, specifically with regard to Moldova, Nantoi critically recognises that integration with the West is not without reservations, particularly since there is, with the Russian Federation, an alternative point of reference and orientation.[53] All of the papers aim to prove that substantial progress towards democratisation at large and towards security sector reform in particular has been made. But again, differences can hardly be overlooked. This becomes obvious also when adding additional research sources.[54] These differences are well illustrated in the following table (overleaf) illustrating a 'Typology of Civil-Military Relations in the Post-Communist Region'.

The table shows Bulgaria, Croatia and Romania to be well ahead of Albania, Macedonia and Moldova in terms of the democratic governance of the security sector. Overall, this may be seen as indicating that, in the language of democratisation research, the former three countries have already advanced considerably in the consolidation of democracy whereas the latter three are still in the beginning of democratic consolidation. This, in turn, means that the latter three countries need particular attention in the near future. The main burden facing Albania, Moldova and, to a lesser extent, Macedonia is substantial internal political and ethnic conflict, and it is in this regard that external assistance and external incentives should be focused upon in the near future, a suggestion that is also to be found in the self-assessment papers.

And one of the major and very valuable instruments of the international community here is the Stability Pact and its priorities. Next, it seems advisable to shift some more resources into public relations. Although, as has been outlined above, it is a primary task to win the brains of the elites, democratisation will endure only if these elites receive the backing of their electorate. Thus, the national populations should be provided with more information about the idea of democracy in general and the democratic assistance from external actors in particular. In a similar vein, elites can only be successful if political rhetoric is translated into political practice. In this process of translation the intermediate level, so to speak, i.e. the bureaucratic-administrative level, is crucial as it may facilitate or protract the reform policies. What seems to be needed then is some renewed effort in socialising this intermediate level and pushing for bureaucratic reform.

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52 Marian Zulean, 'International Requirements and Assistance for Defence and Security Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 405-416.

53 Oazu Nantoi, 'Security Sector Reform and International Influence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, pp. 275-277.

54 Jürgen Kuhlmann and Jean Callaghan (eds.), *Military and Society in 21st Century Europe: A Comparative Analysis*, (Hamburg: Lit, 2000); Andrew Cottey, Timothy Edmunds and Anthony Forster, 'The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations', *Armed Forces & Society*, Vol. 29, No. 1, 2002, pp. 31-56. Andrew Cottey, Timothy Edmunds and Anthony Forster (eds.), *Democratic Control of the Military in Post-Communist Europe: Guarding the Guards*, (New York: Palgrave, 2002).

Table 3: Typology of Civil-Military Relations in the Post-Communist Region[55]

Groups of Countries	*Civil-Military Relations Characteristics*
Group I: **Bulgaria**, **Croatia (from 2000)**, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, **Romania**, Slovak Republic, Slovenia	*First generation issues of civil-military reform have largely been addressed:* - The armed forces are not a significant actor in domestic politics; - do not have any praetorian tendencies; - no longer have institutional or ideological connections with (communist or other) political parties. - Institutional arrangements for democratic control have been established. - Increasing parliamentary oversight of the military and the executive's control of the armed forces. - Emerging civil society engagement in defence and security issues. *In some cases, problems still exist in the following areas:* - Political divisions – particularly between centre-right and former communists – and new but contested political institutions have at times provoked disputes between presidents, governments, and parliaments over control of the military and defence politics. - In this context, civilian politicians have sometimes attempted to draw the military into politics in order to gain the perceived advantage of being supported by or associated with the armed forces - Second generation issues of democratic consolidation, effectiveness, and efficiency persist in areas such as defence planning, control of the defence budget and parliamentary oversight.
Group II: **Russia, Ukraine**	*First generation problems persist, despite some democratisation of civil-military relations and politics more widely:* - Strong presidential role with weak parliaments and wider political cultures. - Civilian, executive control of the military, but limited parliamentary oversight of the executive in this role. - Some institutional mechanisms for democratic control have been established. - Democratic control of the security sector more widely – including interior ministry forces, intelligence services etc. – remains problematic. - In Russia, the military remains a major force in domestic politics, as a partisan actor in support of elements in the civilian sector (the October 1993 parliamentary coup), as a large proportion of the electorate, as an important bloc in the Duma, and within foreign, security and defence policymaking structures.
Group III: Belarus, **Croatia (to 2000)**, Kazakhstan, Kyrgyzstan, Serbia-Montenegro, Turkmenistan, Uzbekistan	*First generation democratisation of civil-military relations has not yet occurred:* - Authoritarian or semi-authoritarian patterns of politics and civil-military relations, based on strong presidential political systems. - Civilian executive, usually presidential, control of the military exists based on the legacy of civilian communist control, but is itself an important feature of (semi-)authoritarian rule. - While the armed forces have not attempted to seize power and in general are not a key factor in domestic politics, they have been drawn into politics by civilian political leaders either as a force for legitimisation or in direct support of the regime, and the retain significant political autonomy and influence over the civilian leaderships. - New institutional mechanisms for democratic civilian control of armed forces have not been established or are weak and ineffective if they exist. - Mechanisms for civilian executive control of defence policy (overall defence strategy, force structure, defence spending, procurement) are nonexistent or weak and the military retains very considerable autonomy. - Parliamentary oversight of the armed forces and the executives control of them is limited or nonexistent. - Civil society is not engaged in defence and security issues. - Democratic control of the security sector more widely is also problematic.
Group IV: **Albania**, Armenia, Azerbaijan, Bosnia & Herzegovina, Georgia, **Macedonia**, **Moldova**, Tajikistan	*Both first and second generation civil-military reforms have been stalled by the weakness of the state:* - Serious internal political and/or ethnic conflicts. - Weak central state and government institutions. - Existence of multiple armed forces and/or weakness of state undermines or precludes effective central state/government control of the armed forces. - Control of military power is a key foci of core political/ethnic conflicts. - Absence of effective central state/government political control of armed forces prevents progress in addressing second generation issues of control of defence policy, parliamentary oversight, and civil society input.

[55] Adapted from Cottey, Edmunds and Forster (eds.), *Democratic Control of the Military*, pp. 49-51.

Conclusion

In these endeavours, it is of the utmost importance for the international community to proceed in an integrated and coordinated way. Since socialisation only works when it is backed by power (sanctioning power in particular) to sanction the behaviour of a given country itself (if necessary) should not be selective, i.e. should not be confined to the one party in whose external assistance programme some misbehaviour by some country occurred, but should be backed by other parties in the external democratisation business as well. On the side of the country under socialisation, this implies acknowledging the fact that socialisation and adjustment is not a one time event, but a permanent feature. This means that choices, hard choices, will have to be made again and again.

Recommendations

The following recommendations can be made. Firstly, as Albania, Moldova and, to a lesser extent, Macedonia face the continuing possibility of substantial internal political and ethnic conflict, and external assistance and external incentives should be focused upon in the near future, especially by the Stability Pact.

Secondly, more resources should be assigned to public relations initiatives popularising democracy, its benefits and responsibilities. Although it is a primary task to win the brains of the elites, democratisation will endure only if these elites receive the backing of their electorate. Thus, the national populations should be provided with more information about the idea of democracy in general and the democratic assistance from external actors in particular.

Thirdly, elites can only be successful if political rhetoric is translated into political practice. In this process of translation at the intermediate level, so to speak, i.e. the bureaucratic-administrative level, is crucial as it may facilitate or protract the reform policies. What seems to be needed then is renewed effort in socialising the intermediate level and pushing for bureaucratic reform.

Chapter 15

Crisis Management in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies

Otwin Marenin

This assessment of crisis management plans and policies in South East European states elaborated in the self-assessment studies is guided here by two general principles: a conception of crises and crisis management which serves as a model against which to compare existing plans and policies and evaluate gaps and weaknesses, and the general guidelines, questions, topic areas and criteria for this assessment of the self-assessment papers.

Crises and crisis management: the nature of crises

Crises are events which present a significant or massive threat to critical societal and state interests. Events are crises only if they threaten the very survival of the state and society as functioning entities (e.g., civil wars); if they undermine the ability of state and civil society to maintain minimal levels of social stability needed to ensure a reasonable level of safety and protection for all (e.g., massive corruption in governmental agencies) ; or if they, as is the case for SEE countries, have the potential to subvert the movement toward democratic forms of governance or favour a return to authoritarian and repressive rule (e.g., a coalitions of criminal groups and government personnel). Crises can be man-made or result from natural disasters.

Crises are completely predictable in general (if one lives in an earthquake prone zone, one can expect quakes) but unpredictable or unknown in the specific dynamics by which they originate, develop and die out. If crises were not predictable, no planning for management in crises would be possible. Crises and contingencies can be imagined, assessed by their probability of occurring, and a hierarchy of potential responses can be prepared and practiced.

In the post-Cold War/post-Soviet era the types of crises resulting from human agency, that are the sources of threats, risks, vulnerabilities and reactions by these countries, and the region, has changed significantly. Natural crises, such as floods or earthquakes, will occur as they always have, but the need and manner of responding to them will be very different in democratic compared to the former authoritarian systems.

Crises are events which develop over time and, accordingly, the management of crises requires different capabilities for different stages of a crisis. Normally, crises and their management are divided into three activities: prevention, dealing with the crisis as it occurs; and recovery. A national strategy must identify threats, vulnerabilities and criticality and link these to realistic and feasible goals, policies and available resources.

To quote from US evaluation documents, threat assessment is used ‘to evaluate

the likelihood of [aggressive actions] against a given asset or location.'[1] Vulnerability assessments identify weaknesses in physical structures, personnel protection systems, processes or other areas that may be 'threatened or exploited' by aggressive actors, for example terrorists.[2] Criticality systematically identifies and evaluates 'important assets and infrastructure in terms of various factors, such as the mission and significance of a target...' and categorises the values or losses which would be experienced along some range of impact, such as 'catastrophic, critical, marginal or negligible.'[3] A strategic approach to risk management must identify threats on a realistic basis rather than worst case scenarios 'which tend to focus on vulnerabilities, which are virtually unlimited and would require extraordinary resources to address.'[4] All elements of the risk assessment approach must be balanced against each other, to be able to assess the projected financial costs and benefits of proposed actions.[5] A similar calculus of risks, vulnerabilities and criticality applies to natural disasters.

The calculus should guide the planning process for all countries as they seek to prepare for crises. As the GAO reports note, likely risks or threats and domestic vulnerabilities have to be assessed precisely, accurately and without exaggeration. A simple listing of threats and vulnerabilities, without ranking their likelihood of happening, is insufficient for planning because there are too many threats, everything is vulnerable, and resources are always limited.

The basic requirement for planning and prevention is a good intelligence collection and analysis capacity. Good intelligence requires a process which removes the likely beneficiaries of a crisis (resource flows, status) from making the final determination of what real threats and vulnerabilities are likely to lead to crises. The evaluation of information - its conversion into intelligence - should be done without taking into account the interests of agencies or personnel.

For example, an assessment of threats by the military will be different from assessments of threats by the police. This is because the tasks of each agency are different but also because a threat for which the agency is the likely lead agency will result in a flow of authority and resources to that agency and not to others and thus will be seen as more critical. Removing likely beneficiaries from the ultimate decision-making process also helps improve the sharing and analysis of intelligence. In short, the final intelligence decisions must be made by democratically elected leaders overseeing a qualified staff. Creating a qualified civilian staff is an essential prerequisite for accurate intelligence assessment.

Assessing criticality is the most difficult task because that requires policy makers and politicians to rank in precise order and by objective criteria what is more important to the country and what is less so. Using such general terms as 'threat to national security' or the 'interests of civil society' does not lead to efficiency in planning nor the effective employment of scarce resources. The main problem is a political one. By ranking one likely target of threat or risk as more critical or important than another (e.g., a dam over a power grid distribution point; a religious, symbolic site

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1 GAO (General Accounting Office), *Homeland Security: Challenges and Strategies in Addressing Short- and Long-Term National Needs*, GAO-02-160T, (Washington, D.C.: GAO, 2001), 7th November 2001, p. 3.

2 GAO, *Homeland Security: Key Elements of a Risk Management Approach*, GAO-02-150T, (Washington, D.C.: GAO 2001), 12th October 12, 2001, p. 5.

3 GAO, *Homeland Security: Key Elements*, p. 6.

4 Ibid., p. 3.

5 GAO, *Homeland Security: Challenges and Strategies,* p. 16.

over a military facility or vice versa) the government conveys a political message to communities and localities that what some possess more important than others. In a democratic political system this type of behaviour is extremely delicate and normally not evident in a systematic fashion.

Not all crises are alike. Man-made crises differ from natural crises and require different responses. The self-assessment papers tend to treat crises as similar events distinguished largely on the basis of legal definitions (e.g., state of emergency, extraordinary conditions) rather than the specific nature of the event. However, it is important to note that a flood is a different event from the illegal trafficking of women by organised crime groups; organised drug smuggling along the 'Balkan route' is a different set of events than regional ethnic conflict. Reactions to them are accordingly varied. Some crises develop slowly and become crises only because nothing was done early. A medical epidemic starts slowly and some epidemics could have been prevented if detected early and counteracted quickly, should resources for counteraction and prevention exist. Other crises, such as terrorist attacks, are instantaneous and unless prevented from happening at all will, if they are of massive proportions, lead to an emergency and crisis. Certain types of crises are predictable events in the current conditions of SEE states, but how to prevent, deal with, and recover from them are completely different tasks. One can spell out contingencies, plans, legal authorities and activities which will be done should a particular type of crisis occur, but such plans clearly differ depending on the type of crisis.

In short, planning for the management of crises cannot be effected through one simple action. Certain universal elements are pre-requisites for crisis management, such as the capacity to collect and assess intelligence, the political will to evaluate risks, vulnerabilities and criticality in an objective manner, or the creation of needed human and material resources should a crisis occur or be declared. But the planning and management for preventing, for example, certain types of crises will require different resources and involve different agencies. Planning for the prevention of violent ethnic conflicts will require political (and economic) policies which will satisfy, to some degree, aspirations of ethnic minorities. Preventing drug smuggling along the Balkan route is a persistent problem for border control and the police, but it is not even clear whether it is a crises or when it would be (for example if domestic drug use increased dramatically). Planning for how to deal with these two types of man-made events also requires different capabilities and actors. Ethnic conflict may involve armed forces, paramilitaries and other coercive agencies to help establish a minimal level of order and peace. Drug smuggling is a problem for police, border guards and intelligence agencies. Recovery from ethnic conflicts, especially if these explode into massive violence and destruction, will be completely different from recovery from drug smuggling. It is not even clear what recovery from trans-national criminal activity would look like, other than that it needs to be fought.

One last comment on the management of crises is the temptation to over-classify events as crises. There are very practical reasons for that. A crisis, legally declared, allows government agencies much greater flexibility in dealing with the situation (such as the suspension of civil liberties and due process legalities), brings in resources and enhances status, and yields political gains if properly and effectively handled. In terms of good governance, the use of the language and the legal invoking of crises should be held to a minimum. Not everything that is a problem or a disaster or a threat to people and property, even on a massive scale, is a crisis. Many of the specific examples

mentioned in the self-assessment reports are problems, to be sure, but they are not in themselves, crises. Such events are crises only when there has been little advanced planning on how to deal with events as they unfold, nor an effective preparation of the necessary resources, skills and means for handling and recovering from the problem.

The stages of crisis management

The major goals of crisis management should be the prevention of crises in the first place. The main activities needed at this stage are accurate and timely intelligence - whether that be information on whether patterns which could produce floods, or on planned activities by terrorist groups to smuggle radioactive material into the country, or on the state of public sentiments and political agitations among ethnic groups. Secondly, preparation for crises is essential. People should know what activities will be needed to prevent the events from turning into crises or to minimise harm done by the crisis. People should know what they should do if the event cannot be prevented - for example, establish necessary escape routes and traffic control systems so people can move to higher ground in case of flood or inform people on what they should do in case of a nuclear accident or explosion.

Dealing with crises, once they have occurred, is largely the responsibility of state agencies and civil society groupings who have the capacity to protect people and property from harm or minimise that harm. The common difficulty at this stage is the effective coordination and cooperation among the different agencies and groups with a stake in managing the crisis. If not planned for, there will be chaos, uncertainty, little sharing of information, competition for who is in charge, redundancy and resulting inefficiency, if not waste of scarce resources, and people simply not knowing what to do.

There are numerous mechanisms for preparing coordination and cooperation, such as planning meetings, preparation exercises, information dissemination systems which actually reach their targets, or contingency plans when things go wrong or do not quite work out as planned (which can never be guaranteed). A certain amount of flexibility and adaptation has to be built into plans. That means teaching people who work the skills needed and giving them authority for discretion. Planning and preparation must reach down to the implementation levels and should not exist only as policy documents at higher administrative and governmental levels.

Recovery lacks the time constraints which accompany the management of the crisis when decisions and actions must be taken quickly. Depending on the type of crisis that has occurred and the destruction and harm which ensues, different agencies and policies will come into play. Recovery from floods may mean the reconsideration and building of flood control systems, while recovering from ethnic conflicts may require changes in educational and language policies.

Self-assessment evaluation: general review

The papers for the six countries included in this assessment vary widely in focus, quality and substantive contents. As a whole, the authors agree that the world has changed and that new threats and risks have arisen which challenge the governments of

transitional states. The papers tend to focus on legal questions of authority and powers, that is, who has the right to invoke or declare states of emergency or extraordinary (crisis) conditions for a country. They describe existing plans and planning mechanisms to deal with crises that will arise or have arisen focusing mainly on the roles of the military in crises probably because the involvement of the military in domestic crises is an issue that has been routinely addressed in Constitutional, normative and administrative articles, laws and regulations. All papers argue that crisis management is a complex issue which requires the coordination and cooperation of numerous government agencies at all levels and civil society elements, and that crisis management will be a difficult process to establish and sustain.

As a whole, the papers do not offer convincing or persuasive definitions of crises. They additionally fail to distinguish adequately between different types of crises and the consequent needs for different assessment and management capabilities. They focus almost exclusively on the management of crises once they occur, with some occasional nods to the need for the prevention of crises. They equally lack detailed discussions of how crisis management would occur in an integrated manner, going no further than spelling out the job descriptions of various planning agencies and commissions. Yet there is almost no mention of the projected roles of the police or border security agencies, or of 'first responders' (to use a term from the USA) such as fire fighters, medical personnel, or civic volunteer groups. Lastly, the papers, not unsurprisingly, focus on the conditions of their countries rather than crises of a regional nature and on regional crisis management capabilities. There are sparse and superficial allusions to various coordination mechanisms associated with regional political and security alliances and institutions such as NATO, the EU or OSCE.

A general weakness of the papers is that they assess crises in legal terms. It is important to remember that crises are events and not legal contingencies. Whether there is a crisis and whether one will be declared is a political decision, not a legal one, which is affected not only by the objective causes and conditions of an event but by calculations of material and symbolic benefits. Legalities matter for the distribution of authority, resources, command structures and involvement of agencies and civic groups as to be spelled out in the pre-planning process, but legalities matter only after a political decision has been made to declare a crisis. As mentioned above, not every event which causes harm or threatens critical interests is a crisis or should be turned into one.

The papers spell out the legal provisions on who is authorised in the Constitution and normative laws to declare a crisis, but say little about the process by which such decisions will actually be made. The descriptions in the chapters reflect the normative notion that democratic states need some legal provisions which deal with unusual circumstances and as long as the words are on paper that constitutes effective preparation and planning for managing a crisis. That is a very limited view of both crises and management.

The authors are aware of the general principles and stages of crisis management but do not evaluate existing crisis management plans against these principles or by stages of a crisis. Papers describe the legal provisions and institutional planning mechanisms which have been established to prepare for crisis management. Yet there is very little discussion of analysis of whether the crisis management plans which have been drawn up will actually work; where the resources for management and recovery would come from; what their weaknesses are; and whether they can or would be

implemented in a systematic or effective way. The papers read more as hopes that what has been done so far could actually be implemented successfully.

A strong normative component can be observed in all of the papers. Crises are conceptualised as disturbances which threaten an established order or equilibrium. The goal of crisis management is to prevent such disturbances and to return to the equilibrium ante-crisis. This conception ignores, or places lesser emphasis on, the notion that crises can be a warning that things are not going well or have gone wrong in the existing societal equilibrium and that the goal should not be just to restore the pre-crisis order but to promote changes in societal conditions which will lead to fewer crises. Crises, if they do not lead to complete destruction, can have positive aspects.

These criticisms are not meant to imply that authors are not honest, or that they lack expertise and knowledge, or they are not sincere in seeking to promote a crisis management capacity. But reading each paper also makes it clear that each author is an expert in crisis management from a particular professional perspective which reflects that author's training, work experience and interests. As a result, papers tend to be limited to the areas in which each author is more knowledgeable without placing her/his description and analysis into a wider framework of both what constitutes a broad notion of crisis management and the political realities which will shape the implementation of plans and policies. As noted earlier, there is little in these papers which deals with the actualities and practicalities of doing crisis management or the resources and skills needed to convert plans and policies into effective practice. If one conceives of crisis management as the preparation for, management of and recovery from a crisis, these papers deal mainly with the preparation for (which is a necessary but not sufficient aspect of management) rather than what it would take to create an effective capacity on the ground. There is little mention of recovery as an aspect of crisis management or, a system for gaining the lessons learned from having experienced and dealt with a crisis.

Self-assessment evaluation: Albania

The paper on Albania is well informed, well written but basically describes constitutional and legal provisions which apply to crises conditions (war, extraordinary situations, natural disasters) and lists the powers and authorities of government agencies and offices entitled to declare when and whether such conditions exist.[6] The introduction argues a definition of 'crisis' which is unpersuasive - it must be both unforeseen and a threat to national security, with neither the notions of 'unforeseen' or 'national security' defined in any precise manner. The only practical suggestion is a short final paragraph which notes that having a plan is not the same as having a capacity and that such a capacity will be determined by contextual factors.

[6] Mirela Bogdani, 'Crisis Management', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 159-167.

Self-assessment evaluation: Bulgaria

The co-written paper on Bulgaria begins with a nicely written discussion of the different types of crises, their stages of development, and the stages, principles and goals which crisis planning needs to keep in mind.[7] It makes two important analytical points. One is that crisis management requires coordination (unity of effort) and planning. The other is the lack of objective criteria for determining what a crisis is, resulting in a random interpretation of the meaning of 'crisis' based on 'subjectivity' and insufficient justifications. There is good discussion of the international relations and influences on Bulgaria's planning processes. Much activity is taking place (meetings, plans, MOUs, task forces) but it is not clear whether these have been tested in any meaningful way or whether all that activity leads to more effective and efficient crisis management.

Self-assessment evaluation: Croatia

The paper on Croatia describes the two national policy documents (adopted in early 2002) which spell out security and defence requirements and strategies, largely in relation to membership to NATO and with a focus on military forces.[8] The paper suggests that Croatia needs to develop a crisis management capacity appropriate to the new security threats in the region. It seems, based on this description, that Croatia has no crisis management planning process or capacity as yet, which may be due to the short period of time since cessation of the war.

Self-assessment evaluation: Macedonia

The paper on Macedonia describes the crises faced by Macedonia since its independence in 1991 (involvement in the Kosovo situation; attacks on its borders by Albanian and Kosovar irregulars, the continuing dependence of Macedonia on international forces and support for survival), and outlines the measures taken, based on lessons learned, to help prevent and defuse future crises.[9] The paper stresses the need for developing practical instruments for crisis management and not just 'the exchange of views and opinions in conferences, seminars, exercises, and courses on a general level,' and argues, rightly so, that crisis management and prevention requires the combination of hard and soft security means.[10]

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7 Valeri Ratchev and Yantislav Vanakiev, 'Peacekeeping and Regional Security', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 317-328.

8 Tomo Radičević, 'The New Security Strategy: International Cooperation, Crisis Management and National Defence', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 463-472.

9 Aleksander Doncev, 'Crisis and Crisis Management', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 151-159.

10 Ibid., p. 157.

Self-assessment evaluation: Moldova

The paper on Moldova describes in great detail the legal provisions, institutional arrangements and processes, and the powers and authority granted to government actors in conditions of special and exceptional states and in fighting terrorism.[11] The focus is mainly on the military and its potential involvement in domestic affairs. There is little analysis of what crises are likely to be faced by Moldova or what would constitute an effective management capacity.

Self-assessment evaluation: Romania

The paper on Romania notes that Romania lacks a coherent and integrated crisis management strategy to deal with the new non-military, complex and unpredictable threat conditions in which it finds itself.[12] No criteria to determine that a crisis (as distinct from a civil emergency) exists has been developed as yet. A list of types or examples of crises, ranging from armed conflict within the country to 'informational aggression' suggests a fairly broad conception by the author of what constitutes a crisis or what would lead to one. The paper suggests what should be done to develop a capacity to respond to such crises, specifically a process for coordinating the multi-layered responses among governmental and civil agencies and groups appropriate for different types of crises, with a stress on prevention rather than after-the-fact reaction.

Conclusion: unaddressed regional problems and the dimensions of crisis management

What risks and threats in the Balkan region create a strong probability that a crisis (as defined earlier) will or can occur? The three most likely conditions which have the potential for creating a crisis are identity conflicts, shadow groups, and massive corruption of public agencies.

Identity conflicts (ethnicity, religion) within and across state lines which lead to public turmoil, violence, civil strife and organised aggression against individuals who belong to the wrong identity group will destabilise the state and subvert democratic processes. The recent history of the Balkans and SEE is testimony to the destructive power of identity claims and perceived harms done to one identity group by another.

Shadow groups (irregulars and paramilitary forces, organised crime) who oppose the government and democratic reforms (for a variety of reasons) can create the potential for social and political upheaval and crises. In any transition process there will be losers and they may resort to overt and covert resistance to government policies.

Corruption, if it occurs on a massive scale, has the capacity to de-legitimise the state and government. The crisis potential stemming from domestic and transnational organised crime lies mainly in the power of crime to corrupt, co-opt and control government agencies who may become partners in crime. Organised crime, by itself or

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11 Sergiu Gutu, 'Crisis Management', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 285-297.

12 Florea Dan, 'Crisis Management', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, pp. 431-438.

in cooperation with government agencies (police, border guards), may gain control of crucial economic activities; intimidate, injure and kill critics of its activities; create massive insecurity among the population by violent clashes, killings and destruction of property among competitors in crime; and create an atmosphere which undermines any public belief in the effectiveness of the rule of law and can lead to calls for an authoritarian reaction.

Corruption is not discussed at all in the self-assessment papers, despite its potential to create crises. It is a hard issue to address through policy in any state and its effects are slow and incremental, hence may not be initially perceived as a crisis. Yet corruption needs to be addressed as a crisis management issue as well as a problem for good governance.

Most of the examples (e.g., natural disasters, criminal activities, the movement of refugees) mentioned in the papers do not fall under the conception of 'serious crisis' used here. They are, to be sure, threats to people and property and can lead to extensive disruptions of social order. But they become crises only in the meaning used here, if the state's reactions to (preparation for, management of the crisis, recovery efforts) are so limited, inept, ineffective and inefficient as to suggest to civil society and political alternatives to the existing regime that the state either does not care what has happened to the public or has become so weakened by corruption, political manipulations, self-interest or co-optation by shadows that it cannot deal with such unusual and extraordinary situations. If that conclusion is reached by civil society, the regime and democratic reforms will have great difficulty surviving. Crisis management requires that the state manage itself first in order to respond to emergencies, disasters and crises in an effective way. The state and civil society have to create that capacity in preparation for the crises which will come rather than wait for events which force it to respond.

For example, Macedonia has become a major transfer and end point for the illegal trafficking of women who will be enslaved in the sex industry in Western Europe and in SEE states. The sex industry in Macedonia, according to numerous sources, is a thriving business which has as its foundation the exploitation of trafficked women. Sex workers service mostly, again according to numerous sources, the large number of foreign military personnel stationed in Macedonia as well as the local population. As is true everywhere where the sex industry flourishes, its extensive, if not unhampered, existence depends on the cooperation of corrupted government officials. The sex industry is a major criminal, social and gender problem but it threatens to turn into a crisis of the state if the exploitation of women is furthered by corrupt government officials. It will then become a public issue and the state's (that is non-corrupted or non-involved state officials) failure to deal with the problem could cause catastrophic results. I have used Macedonia as an example, but one could envision similar problems and scenarios for all SEE states.

Recommendations

The basic characteristics of crises is that they are complex emergencies requiring intricate and coordinated response. Crises have ramifications for the state and society beyond the extant substantive problems. The following recommendations can be made at the regional level in SEE:

Firstly, as argued, declaring a crisis exists should be based on accurate

information which realistically assesses risk, vulnerabilities and criticality. Local expertise, supported by international assistance, should be developed to establish an information system adequate for such an assessment.

Secondly, a corollary task is the development of objective threshold indicators to establish the existence of a crisis which would require the invocation of prepared plans, policies and responses tailored to the specifics of types of crises. Unless done, declaring that a crisis exists will be determined by political pressures from civil society and political leaders, leading to the inefficient use of scarce resources.

Thirdly, complex crises require a multi-agency, multi-layered response, and that means developing the capacity for coordination and cooperation among government agencies and civil groups. The coordination of the groups who have delegated roles and powers in crisis management is typically the biggest problem for effectively responding to crises. As it stands right now, according to the self-assessment reports, coordination is envisioned in the job descriptions of committees or other task forces assigned to prepare for and coordinate multi agency responses in crises. Such plans tend to exist at the higher levels of government. To be effective, coordination has to reach down to the level of implementation, to provide the people who will actually do the work (police officers, border guards, military personnel, civil volunteers, local government employees, medical personnel) with the skills and knowledge which will enable them to cooperate in a common effort. International assistance could be useful in developing this implementation capacity further.

Fourthly, resources will be major problem for crisis management. It is fairly straightforward to devise a comprehensive and even elegant plan for how to deal with a crisis, but unless resources can be set aside, or targeted for crisis responses, plans will not be carried out. Natural disasters become crises when the resources are not there to manage the crisis itself (save people, stop destruction from spreading) and to embark on a process of recovery (rebuild infrastructure, deal with medical consequences). International assistance could be helpful in identifying the types of resources which are needed and in providing some that already exist.

Finally, many crises in the SEE area cross state boundaries. The self-assessments describe some of the mechanisms which exist on a regional basis to deal with such problems of a regional nature. But most of these mechanisms are tied to European institutions and initiatives. There is very little mention of cooperation for dealing with regional crises which are directly organised and controlled by SEE states themselves and not the result of, or linked to, European initiatives. More direct SEE cooperation should be encouraged.

Part III

Regional Security Sector Reform Status Assessment

Chapter 16

The Status of Security Sector Reform in South East Europe: An Analysis of the Findings of the Stability Pact Stock-Taking Programme

Timothy Donais

The notion of security sector reform has only recently come to prominence among theorists and practitioners of international security, but in the specific case of South Eastern Europe it has quickly taken hold as a vital measurement of the success of efforts to stabilise the region and gradually bring it into the European mainstream. While there is still some dispute as to the precise definitional boundaries of the term, it is by now fairly widely accepted that security sector reform entails the process of modernising, rationalising, and reorganising those institutions and mechanisms that represent the state's monopoly on the legitimate use of force. To be sure, in a region which is not only still dealing with the fallout of a decade of upheaval and violence but which is also struggling to make the transition from socialism to market democracy, security sector reform poses particular challenges for the countries of South Eastern Europe. While some have managed these challenges better than others, whether by good luck or good management, all continue to grapple with the problems of constructing useful, appropriate, effective, and affordable security structures that can not only protect their citizens and their territory, but that can also contribute to broader regional and international security and fit comfortably within an evolving democratic framework.

This study presents a snapshot of security sector reform across the region as depicted by regional experts in their contributions to the Stability Pact Self-Assessment Studies. In keeping with the recent push for 'regional ownership' of the reform process in South Eastern Europe, the project provided the region's own experts with a platform to assess prospects and problems in the area of security sector reform in each of their respective countries. The six countries included in the study – Albania, Bulgaria, Croatia, Macedonia, Moldova, and Romania – are widely divergent in terms of histories, cultures, and resources, as well as in terms of their progress along a security sector reform continuum. However, they all share, to greater or lesser degrees, both similar obstacles to restructuring their security arrangements as well as a desire to put the recent history of conflict and misery behind them and to become 'good Europeans,' in the sense of participating in the continent's general stability and prosperity.

This current paper is an effort to summarise the main findings and conclusions of the self-assessment studies. The paper draws on the analyses in this volume of the thematic aspects of the self-assessment studies at the regional level, and the analyses of progress in SSR; and also uses other recent literature on security sector reform in South Eastern Europe generated by the Stock-Taking Programme. The paper begins with brief overviews of the 'state of security sector reform' in each of the countries under review, followed by a discussion of thematic aspects on a regional level. The paper concludes with a series of conclusions and recommendations, relevant both for international and domestic actors, for consolidating current gains and addressing as-yet unmet needs in the security sector.

Country assessment: Albania

The self-assessment studies for Albania[1] paint a picture of a country whose security sector reform efforts, while still partial and incomplete, are gradually moving the country towards the standards of modern liberal democratic practice. Indeed, given the internal turmoil and regional instability with which Albania has had to cope over the past decade, coupled with the enormous task of overcoming the communist legacy of isolation and underdevelopment, the fact that Albania is a serious candidate for the next round of NATO expansion is nothing short of extraordinary. As many of the self-assessment papers acknowledge, Albania's efforts to reform its security sector have been aided in recent years by a gradually-stabilising neighbourhood, the dissipation of any serious military threats to its territorial integrity, and by a strong domestic consensus that Albania's salvation is to be found in its gradual integration into Euro-Atlantic institutions.

The self-assessments adopt a relatively narrow understanding of security sector reform, focussing primarily on civil-military relations, democratic control and accountability, and military reform, and it is in these areas where the bulk of Albania's progress on security sector reform has been made. Indeed, given Albania's well-publicised difficulties in restructuring its justice and home affairs institutions, and in tackling organised crime and corruption, a broader understanding of security sector reform – one encompassing 'softer' security issues such as police or judicial reform, or anti-organised crime and corruption initiatives – would undoubtedly reveal a less promising picture.

Nevertheless, after decades of isolation, Albania's desire to be a net contributor to regional security and ultimately a member of both NATO and the European Union, has driven the country's security sector reform efforts forward, and this is one of the few areas in which genuine domestic political consensus exists. Guided by the goal of ultimate NATO membership, and with the active assistance both of NATO and of allies such as the United States, Albania's military reforms have in many ways been the bright spot on the country's reform agenda over the past years. The restructuring and downsizing process is moving forward, the military is learning to do more with less, and the armed forces have been plagued with less mismanagement and corruption than other areas of the public sector.[2]

Albania's recent reform record is somewhat less exemplary on questions of democratic oversight, accountability, and transparency. It is true that significant progress has been made towards equipping the country with a modern constitutional and legal framework permitting and facilitating democratic control over the state's monopoly on the use of force. While elements of this legal framework remain imperfect, such as the provisions concerning the role of the President as commander-in-chief of the armed forces, and the requirements for transparency in military affairs, the more significant problems lie in the gap between formal process and actual practice in democratic oversight and control.

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1 See chapters on Albania in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 1; Albania; Bulgaria; Croatia; A Self-Assessment Study*, (Belgrade: CCMR, 2003), pp. 23-167.

2 Blendi Kajsiu, 'Transparency and Accountability in Governance', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 117.

Several challenges continue to impede the Albanian Parliament's ability to exercise effective democratic oversight over the armed forces. The first is the Parliament's 'knowledge gap' in terms of defence and security matters. Few elected representatives, even those who sit on the parliamentary committees on defence and on security, possess significant expertise on the matters within the purview of these committees, and both committees share a single policy advisor. Albania possesses no independent parliamentary research service, few resources are available to draw on outside expertise within civil society (and indeed there are few independent NGOs or think tanks specialising on defence or security issues), and consequently parliamentarians are forced to rely on information from the government and the military, the very institutions they are supposed to oversee.[3]

At the same time, the majority of parliamentarians appear unperturbed by this state of affairs, and are content to play a rubber-stamp role. As in many other parliamentary democracies, this tendency is particularly pronounced among members of the ruling party, who are characteristically reluctant to take on colleagues in the executive. Yet even in more general terms, the fact that the biggest threats facing contemporary Albania are more economic and social than military in nature has also contributed to a certain level of indifference to defence and security issues among Albanian parliamentarians and among society at large.

As a result of these factors, parliamentary committees have a relatively poor record of seriously questioning government policy or practice, budgets pass without detailed scrutiny, and core policy documents such as the National Security Strategy make their way through Parliament without significant debate. While some international organisations, such as the OSCE presence in Albania, have been working to strengthen the oversight capacities of Albania's democratically-elected representatives, it is clear that much remains to be done to ensure that the country's security forces are genuinely under democratic control.

The flip side of oversight is transparency, and while parliamentary oversight remains weak in Albania, neither the executive nor the bureaucracy have gone out of their way to facilitate parliament's (and indeed, society's) oversight function by ensuring transparency in the making and carrying out of government policy in the security realm. As Sokol Berberi has argued, while the 'secrecy psychosis' of the Hoxha era has begun to dissipate, Albania 'still has to go a long road to ensure that transparency becomes part of culture and the behaviour in institutional practice.'[4] Detailed information about policy-making, planning, and budgeting remains scarce, and elected representatives are typically presented with policy frameworks and budgets after they have been elaborated (usually by ministry officials behind closed doors). While parliamentarians possess the right to ask, and receive answers to questions and interpellations, Albania remains without an efficient mechanism facilitating the regular flow of information from government on defence and security matters.

If parliamentarians face obstacles in obtaining quality information in this area, the access to information barriers facing civil society organisations are even more serious. This, combined with the lack of urgency with which defence and security matters are treated in contemporary Albania, at least partly explains the absence of civil

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[3] Viktor Gumi, 'The Parliament and the Security Sector,' in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 64.

[4] Sokol Berberi, 'Democratic Control of the Intelligence Service,' in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 88.

society engagement in the country's security sector reform agenda. Beyond questions of NATO integration, there is in fact little public debate on Albania's security challenges, or on the role of the country's armed forces in a rapidly evolving regional and domestic environment. Engaging civil society in security sectors issues is, therefore, one crucial area where both domestic governmental and international actors can play a more active role if Albania's security arrangements are to be rooted in a broad societal consensus.

The need to engage civil society more directly in security sector reform issues also points to a related need to enhance Albania's expert formation and human resource development capacities. This challenge is in fact multi-faceted, with one aspect being the ongoing reform of the military education system to align it more coherently with the country's civilian institutions of higher education. These reforms relate both to the need to update military training to match the complex realities of the post-cold war world and to the need to ensure that military personnel can find niches in the civilian economy once their military careers have ended. At the same time, many of the self-assessment authors underline the necessity of building up security and defence expertise in the civilian sector, both as a means of developing civilian expertise within the Ministry of Defence and as a means of enhancing the capacities of civil society organisations to engage effectively on security matters.

Ultimately, it seems not unreasonable to expect Albania's halting progress on the security sector reform front to continue, and for the country to become gradually more enmeshed in both regional and Euro-Atlantic political and security institutions. It is also to be expected, however, that Albania's integration into this evolving security community will be complicated by the country's particular brand of zero-sum politics, its ongoing socio-economic troubles, and its struggle to cope with organised crime and corruption. Given its troubled recent history, however, even gradual progress is likely to be welcomed by Albania's crisis-weary citizenry.

Country assessment: Bulgaria

Along with neighbouring Romania, Bulgaria is without question in the vanguard of security sector reform in South Eastern Europe, and Bulgaria's recent success in securing an invitation to join NATO is proof of its progress in recent years. Bulgaria, in fact, has become a model of successful security sector reform for its regional neighbours, a pillar of stability, and a driving force behind enhanced regional co-operation. To be sure, in its reform efforts Bulgaria has enjoyed some distinct advantages, not least of which was its relative isolation from the turmoil surrounding the collapse and bloody aftermath of the former Yugoslavia. At the same time, however, Bulgaria suffered perhaps more than its share of grief during its post-socialist transition process, and the fact that the bulk of the country's security sector reforms have been carried out over the past half-decade makes its progress even more impressive. While numerous reform challenges remain, Bulgaria has successfully seen through the 'first generation' of reforms to its security sector, including military restructuring and the establishment of functional democratic oversight mechanisms, with the core tasks now

being to deepen and broaden the reform process and to integrate the various elements of the security sector into a coherent national security complex.[5]

Bulgaria's security sector reforms have been most advanced in the military sector, in which a coherent defence planning and restructuring process, initiated in the late 1990s, has successfully transformed Bulgaria's military into a leaner, more effective force geared more to the needs of regional security and NATO integration than to territorial defence. Despite significant social costs, over the last several years the Bulgarian armed forces has been reduced by a third, with demobilised personnel channelled into a relatively successful, and NGO-led, retraining and reintegration programme.[6] The balance between civilian and military elements within the armed forces has been adjusted (despite some questions as to the ability of the current government to maintain this balance), and clear civilian control established. Lingering problems remain, particularly with regard to the privatisation of the country's military-industrial complex, but overall Bulgaria's defence reforms have been a major success story.[7]

Less impressive, however, has been progress in transforming and instituting effective democratic control over Bulgaria's other security institutions, largely under the authority of the Ministry of Interior. Even Bulgaria's current President acknowledges that the country's secret services function in a legal vacuum, and operate largely beyond the reach, and out of sight, of democratically-elected overseers.[8] Particularly given the recent emphasis on 'new' security threats, such as terrorism, organised crime, and illegal trafficking of goods and people, restructuring and bringing Bulgaria's internal security institutions – especially the police and intelligence services – under democratic control remains one of the most pressing elements on the country's reform agenda.

More generally, most knowledgeable observers consider Bulgaria's achievements in instituting democratic control over its security sector to be good but not great. On the one hand, the constitutional and institutional machinery for effective democratic oversight is in place, even if Parliament and the parliamentary committees responsible for providing oversight in security and defence matters, is not yet considered to be particularly diligent in its approach to oversight. Part of the challenge, as elsewhere, lies in providing parliamentary oversight bodies with sufficient expertise, both internal and external, to reduce their dependence on the information and expertise provided by the line ministries. On the other hand, Bulgaria has come a long way in recent years in terms of openness and responsiveness in security affairs. As a forthcoming study by the Centre for European Security Studies notes, 'there is accountable and transparent government in the national security area to an extent unimaginable a decade ago.'[9] Combined with an active NGO sector, this shift towards transparency and openness has produced significant parliamentary and public

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5 Velizar Shalamanov, 'Security Sector Reform in Bulgaria', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 183.

6 Konstantin Dimitrov and Maria Atanassova, 'International Requirements and Influence: Standards and Requirements on Democracy and the Economy Relevant to Defence and Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 293.

7 David Greenwood, *Transparency and Accountability in South East European Defence*, (Sofia: George C. Marshall Association, 2003), p. 92-94.
Available at http://www.dcaf.ch/publications/e-publications/Transparency_defence/contents.html

8 Ivo Tsanev and Plamen Pantev, 'Democratic Oversight and Control over Intelligence and Security Agencies', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 231.

9 Greenwood, *Transparency and Accountability*, p. 97.

engagement with security sector issues in recent years, although not all domestic experts agree that the decision-making process has truly been opened up.[10] Bulgaria has also taken the lead on a regional basis with respect to transparency issues, most visibly through the Budget Transparency Initiative, a joint Bulgarian-British project being carried out under Stability Pact auspices and aimed at fostering international transparency in defence budgeting among the governments of the region.

While many of Bulgaria's security sector reform successes can be attributed to improved governance and a single-minded national commitment to integration into the Euro-Atlantic community, the country's civil society has also played a major role in security sector reform, a role which appears even more impressive given the relative absence of civil society engagement in security affairs in other states of the region. Bulgaria's civil society is perhaps the most advanced in the region, and the presence of a critical mass of NGO's and public policy institutes which are active in the security sector has led to the formation of a non-governmental Security Sector Reform Coalition, which has produced substantive reports on Bulgaria's readiness for NATO membership. At the same time, the NGO Resource Centre is playing a leading role in Bulgaria's retraining programme for demobilised military personnel. While opinions on the role of the Bulgarian media vis-à-vis security sector reform appear to be more mixed, there is little question that, overall, Bulgarian civil society has been remarkably effective in pushing the security sector reform agenda forward, and there is much that other states of the region can learn from Bulgaria's experience in this area.

Even if recent headlines have focused on Bulgaria's successful bid to join NATO, Bulgaria has also become a model international citizen in security co-operation, both regionally and internationally. It has been active in international peacekeeping, both under NATO and UN auspices, and has taken a leading role in regional security co-operation initiatives. In addition to the Budget Transparency Initiative mentioned above, Bulgaria is also a leading player in the development of a South East European Brigade (SEEBRIG), which is evolving as a regional peace support and crisis management force, a pillar of the South East European Defence Ministerial (SEDM) process, and is also an important partner in the Black Sea Naval Co-operation Task Group (BLACKSEAFOR).

Significantly, in comparison with other states in the region where security sector reform is driven largely by international pressure and influence, Bulgaria's security restructuring process has been largely internally-driven. While the international community is clearly active in Bulgaria's reform process, and the promise of NATO and EU membership form a primary motivation for reforms, unlike elsewhere it is clear that Bulgaria is a full partner in, rather than a passive recipient of, international reform and assistance efforts and is rapidly developing a core of experts, both civilian and military, on security sector reform issues. Some contributors to the self-assessment studies have pointed to certain deficiencies in the area of expert formation, such as the need to develop a cadre of civilian defence planners, to inject more expertise into parliamentary oversight bodies, and to ensure that merit-based promotion becomes the rule rather than the exception. More generally, however, Bulgaria appears to be in the forefront of the region in this area as well, and could play an important potential role in the near future in the development of regional training and education initiatives in the security sector.

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[10] Stoyana Georgieva and Avgustina Tzvetkova, 'Media, Civil Society, and Public Policy', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 278.

Country assessment: Croatia

Security sector reform in Croatia must be viewed through the prism of the country's recent history, and in particular its messy disengagement from the former Yugoslavia and its experience under the nationalist-authoritarian rule of former President Franjo Tudjman. Croatia's security sector is very much a creature of this past, and each organisation within the sector bears the legacy of having been built up from scratch in the midst of a war of independence. As a result, the country's security services and armed forces have become long on manpower but short on transparency, accountability, and efficiency. They have similarly been focused primarily on the need to simultaneously counter an external threat and engage in state building and regime protection, and are therefore ill-equipped for the new co-operative security requirements of an era of NATO expansion.

Croatia's security sector has gone through two distinct phases over the past dozen years, with serious reform efforts geared towards Euro-Atlantic integration only beginning in the wake of Tudjman's death at the end of 1999.[11] This, therefore, should rightly be seen as the starting point for security sector reform in Croatia, and it is unsurprising that the achievements recorded to date have been somewhat modest. Even more so than in other states of the region, legislative reform in the security sector has advanced more rapidly than actual practice. The result is that while Croatia now has a more or less modern and comprehensive legislative framework for its security sector, this framework still bears little resemblance to the way in which security issues are managed on the ground.

Even though Croatia's political complexion has changed considerably, and mostly for the better, in the wake of the Tudjman's passing, reforms in the security sector have still been subject to political gamesmanship, both within the current ruling coalition and between the offices of the President and Prime Minister, both of whom claim significant authority over matters of national defence and security. These competing claims, and the power struggles that have ensued, have been largely the product of unclear constitutional provisions regarding the relative powers of President and Prime Minister, which are themselves the product of the post-Tudjman effort to rationalise a constitutional system which vested enormous powers in the Presidency. Because of the political interests at stake in this rationalisation process, the outcome has been a division of powers that leaves the President as Commander-in-Chief of the Armed Forces but without any real control over budgetary or planning processes, establishes awkward dual-key approval requirements, and creates considerable confusion regarding chains of command. Doubtless, these inconsistencies and overlaps will have to be ironed out in the coming years.

From the perspective of military reform, as elsewhere in the region the prospect of NATO membership has been both inspiration and guide for Croatia's reform efforts. As a consequence of the so-called 'Homeland War' and its aftermath, Croatia's armed forces are bloated, and downsizing is very much on the reform agenda, although the country has had relatively little success to date in attracting external funds for the downsizing process. A further challenge is the country's 20 per cent unemployment rate, which presents a major obstacle for the rapid integration of demobilised military personnel into the civilian economy. At the same time, Croatia's Ministry of Defence

[11] Scott Vesel, 'Croatia: An Analysis of the Stability Pact Self-Assessment Studies', p. 56.

requires a major organisational shake-up, since it is currently both over-staffed (with some 3,000 personnel), and under-represented by civilians. The process of adjusting training and organisational structures to match the doctrinal shift from territorial defence to regional security co-operation has also just begun to gather steam, although as an active participant in NATO's Partnership for Peace programme, Croatia is benefiting from considerable external assistance in this area.

Democratic oversight of the security sector has not been a particularly high priority for Croatia during its first decade of independence. As Damir Grubisa has suggested, the Croatian Armed Forces emerged from the country's victorious war of independence as 'a privileged caste within society,'[12] with considerable influence in domestic politics, and issues of democratic control occupied, as a result, a marginal space on the security sector reform agenda. This has, of course, changed in the post-Tudjman era as Croatia struggles to gets its democratic house in order in the hopes of gradual integration into Euro-Atlantic structures. The armed forces are now, at least nominally, under the control of democratically-elected civilians, although partisan party politics, poor information exchange, a lack of understanding among parliamentarians as to what their oversight function entails, and a reluctance to draw on civilian expertise has left Croatia's democratic oversight mechanisms largely bereft of any substantive content. Likewise, a range of oversight bodies mandated into law in 2002 has yet to be constituted, leaving a serious gap between formal legislation and actual practice in this area.

Conversely, civil-military relations in Croatia have also been greatly affected by an ongoing 'secrecy psychosis' within the country's security sector institutions. This psychosis stems from the Yugoslav era, was compounded during the authoritarian regime of the post-independence era, and has been perpetuated by the fragility of, and mutual suspicion within, the current ruling coalition. The fact that Croatia's National Security Strategy was drafted almost overnight and in secret by a group of Ministry of Defence insiders says a great deal about the level of transparency within policy-making. In short, as a study by the Centre for European Security Studies put it recently, 'Croatia has the best neckties in Europe, but among the worst arrangements for transparency and accountability in defence affairs.'[13]

Similarly, Croatia's intelligence services proliferated in the post-independence era, while remaining largely a tool of the ruling HDZ and therefore beyond democratic control. The Security Services Act, adopted in March 2002, was meant to address this gap, yet the National Security Council established under the act has never met. Progress on this issue has, as with other issues, been undermined by the ongoing power struggle between the offices of the President and Prime Minister, with at least one analyst suggesting that the failure to institutionalise oversight measures may be a deliberate strategy by the Prime Minister's Office to avoid having to share power over the country's security services.[14] Again, while the legislative framework is in place for a reasonable degree of democratic control of the security and intelligence sector, the failure of political will has left Croatia's security services in much the same state as they were in the Tudjman era.

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12 Damir Grubisa, 'Democratic Control of Armed Forces,' in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 348.

13 Greenwood, *Transparency and Accountability*, p. 110.

14 Zvonimir Mahecic, 'Civilians and the Military in Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 378.

Beyond those formal institutions involved in the security sector, Croatia also suffers from a decided absence of civil society interest, expertise, and engagement in security affairs. The fact that the security sector and the civil society sector exist in splendid isolation from each other is due to a combination of factors, including an NGO sector driven largely by the priorities of external donors, a lack of legal space for civil society organisations to become involved in security affairs, the transparency deficit within the formal security sector, and the absence of any tradition of civil society involvement in security issues. Ordinary Croats, it seems, have higher priority concerns these days, especially since their territorial sovereignty now seems secure, while security sector organisations appear quite content to live without the critical gaze of civil society. Nevertheless, Croatia's burgeoning democracy and its civil-military relations would be considerably strengthened by the further development of security expertise within civil society, including both in media organisations and within the formal NGO sector.

Finally, many of the gaps in Croatia's current security sector reform efforts could be addressed, at least in part, through coherent education strategies. While Croatia's armed forces personnel need to be trained to be good peacekeepers and diplomats as well as good soldiers, the country's parliamentarians also need additional training in order to be good custodians of the public interest regarding security matters. Similarly, a revised approach to security training within both military and civilian post-secondary institutions might simultaneously produce military personnel who can both understand, and eventually be reintegrated back into, civilian life and civilians who understand, and can engage with, security and defence issues. At the same time, better training and educational opportunities on security issues would also help address the deficit of qualified civilians within the Ministry of Defence. While all of these needs have been identified in Croatia's case, few have been addressed. Furthermore, given that these needs are hardly unique to Croatia, but are characteristic of many states in the region, there may be considerable merit to the notion of a Balkan Defence College, modelled on the Baltic Defence College, which could train both civilian and military personnel from across the region on security issues.[15]

Country assessment: Macedonia

The self-assessment papers for Macedonia portray a country that has struggled gamely to consolidate its statehood and build up its security sector over the past decade in the midst of a very rough neighbourhood. Macedonia is seen by its own security sector experts as having been badly victimised by regional instability, starting with the Bosnian war, through Albania's 1997 collapse, and on into the 1999 Kosovo conflict and through Macedonia's own 2001 ethnic Albanian insurgency, widely perceived by ethnic Macedonians as an externally-generated crisis. As Aleksander Doncev suggests, Macedonia's security predicament 'is that it has been encircled by threats, instability, and violent crises in the region since it gained independence in 1991.'[16] As a result of

[15] Zvonimir Mahecic, 'Capacity-Building and Good Governance in Security and Defence Reform', in Fluri and Trapans (eds.), *Defence and Security,* Vol. 1, p. 406.

[16] Aleksander Doncev, 'Crisis and Crisis Management', in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and*

being constantly buffeted by these external shocks, Macedonia has never quite managed to get its own house in order on a range of issues, from democratic consolidation to the reform of its security sector.

Despite having gained a reputation as a relative oasis of stability in the midst of upheaval, Macedonia's own 2001 ethnic crisis exposed deep problems within the structure of Macedonian governance, most notably in the management and functioning of the security sector. The country's crisis management efforts were, in a word, chaotic, with little co-ordination and much competition among key players and considerable uncertainty as to who was really in charge, and virtually no effective oversight over security affairs as the government overspent, over-recruited, and allowed the emergence of lethal paramilitary forces under the personalised command of individual ministers.

Deeply shaken by the events of 2001, Macedonia emerged from the crisis with an internationally-brokered agreement on inter-ethnic power sharing and, more recently, a freshly-minted government at least rhetorically committed to deep and meaningful reform. Whereas the country's limited efforts in the area of security sector reform were stalled and even partially reversed by the crisis and its immediate and uncertain aftermath, there is now at least guarded optimism that Macedonia has a chance to put itself back on the path to stability and eventual European integration.

Even within the relatively limited terrain of security sector reform, however, there is much on the new government's plate. Beyond the obvious imperatives of post-conflict stabilisation, reconciliation, and reintegration, Macedonia faces enormous challenges in its security sector, from reorganising its armed forces to instituting more effective democratic oversight procedures to rationalising the relationship between different governmental actors. Even more broadly, Macedonia will also have to come to terms in the coming years with the management and control of its currently porous borders, with an organised crime and corruption problem that threatens the very viability of the state, and with the transformation of its police and judiciary into competent guardians of the rule of law.

First, unlike other states of the region where the legal framework for democratic control of the security sector is largely in place, in Macedonia's case much sorting out remains to be done regarding who is responsible for what in the security sector. The evolution of the country's semi-presidential system has produced considerable ambiguity regarding the role of the president and the government in the management of the security sector. As one of the contributors to the self-assessment studies notes, the actual relationship between various levels of government in security affairs depends more on personalities than on constitutional provisions, and as the 2001 crisis demonstrated quite clearly, the consequences of this ambiguity are very real.[17] Similarly, a general consensus holds that Macedonia's Parliament is, at best, a bit player in security affairs, having played almost no role during the 2001 crisis and demonstrating neither the will nor the capacity to exercise effective oversight over the security sector. This applies not only to conventional oversight of the armed forces, but also over the police as well, which become dangerously militarised and subject to personalised ministerial rule over the period leading up to 2001. The most notorious example of this is the now infamous 'Lions' paramilitary unit, which the new

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Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study, (Belgrade: CCMR, 2003), p. 151.

17 Biljana Vankovska, 'Democratic Control over Defence and Security: Between Principles and Reality', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 44.

government committed itself to disband, under considerable international pressure, at the beginning of 2003.

Preparing Macedonia's armed forces for eventual NATO membership will also require considerable effort, and a re-commitment to the principles and goals contained within the 1998 white paper on defence reform. One of the legacies of 2001 is a mal-developed armed forces, with a personnel and equipment structure inappropriate to Macedonia's current needs and future NATO aspirations. Considerable streamlining, restructuring, and downsizing – including the demobilisation and reintegration of upwards of 1,000 senior officers – will therefore be necessary for Macedonia to catch up to other states in the region in terms of military reforms. Given the enormous international attention focused on Macedonia in the post-Ohrid era, however, and the potentially disastrous consequences should the peace agreement fail, the country should be able to count on considerable international support for these restructuring efforts.

Indeed, failing a debilitating bout of donor fatigue, Macedonia's overall security sector reform efforts should be facilitated by the considerable international resources and attention currently being devoted to the country and its fledgling stabilisation process. While numerous contributors have lamented, quite rightly, the absence of closer co-ordination of international efforts, the intensity of international reform efforts – from the EU on border issues to the OSCE on police reform to NATO on military restructuring issues – should have a positive influence on the country's overall reform process. This is providing, of course, that internationally-supported reform efforts focus at least as much on issues of sustainability as on issues of immediate restructuring and change.

The issue of expert formation is a key element of this broader reform picture, and as Márton Krasznai has suggested, security sector reform efforts in Macedonia, and indeed elsewhere, should be knowledge-based and give priority to local capacity-building.[18] Given Macedonia's recent history, and its struggle to consolidate itself in the midst of successive waves of regional crises, it is perhaps understandable that expert formation in the security sector – and particularly within the civilian elements of the security sector – has not been high on the country's priority list. This must change, however, if the country is to move forwards towards NATO and, ultimately, EU membership. Democratic oversight in the security sector, for example, is undermined by the absence of even a single expert on security and defence issues among parliamentary staffers.[19] Similarly, as elsewhere in the region, Macedonia's civil society has not really engaged with security sector issues, and there is a dearth of NGO expertise in these issues. No less important in this regard are the imperatives of the Ohrid peace agreement, which committed the government to achieve proportional representation among the country's ethnic communities within security sector institutions. This will require a considerable effort in terms of training and education, part of which is already being supported by organisations such as the OSCE, and the degree of success in this area may in fact determine in large part the success of Macedonia's post-2001 reform and stabilisation effort.

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[18] Márton Krasznai, 'Macedonia: An Analysis of the Stability Pact Self-Assessment Studies', p. 73.

[19] Lidija Georgieva, 'Good Governance and Security Sector Reform', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 93.

Country assessment: Moldova

Moldova is, in many respects, the odd man out in South Eastern Europe, both geographically and politically. Since independence, Moldova has leaned eastward at least as much as it has leaned to the West and the South, and the fact that Moldova is pulled in two different directions has had profound implications for its reform efforts in the security sector. The country is committed, at least formally, to starting down the road of EU integration, but maintains strong ties with Moscow, while its democratic transition has been stalled by the recent resurgence of the Communist Party under President Vladimir Voronin. Likewise, Moldova is simultaneously a member of NATO's Partnership for Peace, the Stability Pact for South Eastern Europe, and the Commonwealth of Independent States.

At the same time, no discussion of security sector reform in Moldova can avoid the Trans-Dniestr question, which has undermined substantive progress on the reform agenda for the past decade. The fact that Moldova does not control a significant portion of its territory or its borders has had a profound impact on the country's ability, and willingness, to restructure its military sector, to address questions of organised crime, and to upgrade its border control structures. And while the unresolved Trans-Dniestr dispute continues to hold security sector reform in Moldova hostage, the country's ongoing and seemingly chronic socio-economic crisis has also pushed security sector reform issues down the agenda for both political elites and ordinary citizens, as unemployment, migration and poverty pose more visible and urgent threats than the increasingly remote possibility of external military aggression.

For all of these reasons, with the exception of perhaps Bosnia and Serbia & Montenegro, Moldova is significantly behind the pack vis-à-vis the other countries of the region in the race to reform its security structures and arrangements. With regard to military reform specifically, Moldova – like many of its regional neighbours – was faced with the prospect of building up its military from scratch after the collapse of communism. Unlike many of its neighbours, however, little has been achieved in the way of rationalisation and modernisation after this initial build-up. As several of the authors of the self-assessment studies note, the Moldovan military remains both under-resourced and under-reformed. Current military expenditures cover between 40-60 percent of the military's ongoing needs, resulting in decay and decline rather than reform and revitalisation.[20] And while Moldova now possesses a Concept of Military Reform which foresees the Moldovan military as a compact, mobile, well-equipped and professional military force, this document is still currently more vision than reality and suffers from a lack of substantive input from outside the Ministry of Defence. The question of downsizing has also not even begun to be addressed in Moldova, as the existence of two armed camps on either side of the Dniestr river, plus the ongoing presence of Russian military forces on Moldovan territory, has delayed indefinitely the discussion as to the where the right balance between financial resources and military needs in Moldova's case is to be found.

While halting steps – mostly at the level of legislation – were taken in the early years of Moldova's post-communist transition towards increasing transparency and strengthening democratic oversight over security affairs, these efforts appear to have been derailed completely with the Communist return to power. Consequently, as one

[20] Viorel Cibotaru, 'Transparency and Accountability,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 245.

recent study put it, 'neither accountability nor transparency are taken seriously in Moldova nowadays.'[21] While the Moldovan Parliament has nominal oversight powers over the conduct of defence and security issues, in practice the office of President Voronin, who controls the Communist deputies who in turn form a majority within Parliament, enjoys largely unobstructed powers in the security sector. The negative impact of partisan politics on the ability of legislators to exercise democratic oversight appears even more pronounced in Moldova than elsewhere, with the parliamentary Standing Committee on National Security exercising only the most perfunctory scrutiny over government budgets, policies, and plans. As elsewhere, partisan politics in this area is compounded by a lack of expertise, producing a situation in which parliamentarians are not only unwilling, but also unable, to exercise effective democratic oversight. Regarding defence and security issues, the balance of power in Moldova clearly lies with the Presidency and the Ministry of Defence, and the fact that the country's parliamentarians only found out through the media about the recent sale of 21 MIG fighter planes to the United States speaks volumes about how far Moldova remains from institutionalising effective democratic oversight over the security sector.[22] Nor has civil society to date played much of a role, either in security sector reform more generally or in terms of exercising extra-parliamentary oversight over security issues. While still struggling to find space in Moldova's still relatively-closed post-Soviet political landscape, civil society organisations also tend to be more focussed on social and economic fields than on military/security issues, which again is a situation which is hardly unique to Moldova, but one which denies the country an additional lever in advancing a coherent security sector reform agenda.

As noted above, Moldova's international relations are characterised by the dual pull of East and West. But they have also been affected by the country's constitutionally-declared neutrality, a product of Moldova's desire to escape the role of pawn in East-West relations. Thus Moldova is a member of Partnership for Peace but is deeply ambivalent about future NATO membership. More generally, the country has oscillated between Russia and the European Union in its search for regional allies and partners, with the ties towards Moscow growing stronger in recent years. At the same time, however, eventual EU membership remains a declared goal of Moldovan foreign policy, although there is virtually no current momentum towards even beginning the process of meeting the requirements for the EU's Stabilisation and Association process. For the time being, EU membership appears to have been set aside as an active policy goal, with participation in the Stability Pact for South Eastern Europe having taken its place on the country's foreign policy agenda.

While a real opening in security sector reform in Moldova must realistically await a sustainable settlement to the Trans-Dniestr issue, and perhaps even a change of government, in the meantime much useful work could be accomplished at lower levels, notably in the domain of training and education in defence and security issues. Given the stalled reform process at the institutional level, it is perhaps unsurprising that Soviet-era mentalities and perceptions still persist throughout the country's security institutions, with the military in particular retaining special duties and privileges.[23] Training and education for military personnel within Moldova itself remains limited,

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21 Greenwood, *Transparency and Accountability*, p. 132.

22 Ibid., p. 131.

23 Gheorghe Cojocaru, 'Democratic Oversight and Control over Defence,' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 186.

and the only training opportunities for senior-level personnel are within foreign institutions. The situation for civilian personnel in the security sector is even more dire, as the lack of educational programmes for civilians in security issues has translated directly into a lack of civilian expertise and involvement in security institutions. Combined with the Communists' recent tendencies to re-militarise positions such as the Minister of Defence, and the lack of democratic accountability and oversight, the result has been the persistence of a serious imbalance in civil-military relations within Moldova.

Country assessment: Romania

Over the course of the past decade and a half, Romania has transformed itself from one of the most repressive states on the European continent to a relatively open, democratic and transparent society that is fully on course to join both NATO and the European Union. The transformation of Romania's security sector has been no less dramatic; the scope, pace, and depth of the country's security sector reforms make it, in many ways, the envy of South Eastern Europe. As with Bulgaria, however, in lauding Romania's comparative progress it must be recalled that Romania has not been beset by the same turmoil that has buffeted its neighbours in the region, and has not been faced with the challenge of building up its security sector from scratch. Rather, Romania's primary challenge has been in converting a rigidly-authoritarian security sector into one which is open, transparent, and fully under democratic control. Guided by a deep and broad domestic consensus on the desirability of membership in both NATO and the EU, Romania has charted a fairly consistent reform path for itself over the past decade, a path which appears to be paying off with NATO's recent acceptance of Romania's membership application.

Also like Bulgaria, Romania has successfully implemented the sorts of 'first generation' security sector reforms – such as instituting effective democratic oversight over its armed forces, putting in place a coherent legislative framework for security and defence affairs, and re-thinking the role of its security institutions in a post-socialist, post-cold war era – with which many of its neighbours in the region are still grappling. Romania's remaining challenges in the area of security sector reform lie in extending these initial reforms both vertically and horizontally, from completing its armed forces restructuring process to embracing a more active role for domestic civil society in the security sector to more closely integrating its security institutions in order to more effectively address cross-cutting challenges in areas such as crisis management.

In contrast with most of the countries covered in this study, perhaps Romania's most impressive achievements in the realm of security sector reform have been those related to democratic oversight, transparency, and accountability. Romania, and the Romanian political elite, have enthusiastically embraced notions of democratic oversight, and both of the country's parliamentary committees for defence, public order and national security are without doubt the region's most active security oversight bodies. While some domestic experts still suggest that the standing committees remain under-resourced, with an average of 4-5 expert staff per committee Romania is doing quite well by the admittedly low standards of the region.[24] Certainly, if the country's

[24] Teodora Fuior, 'Parliamentary Oversight over National Defence' in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 341.

parliamentary overseers remain overly dependent on the information and expertise coming from the line departments, the balance of power is markedly less skewed than elsewhere. Romania has made good progress even in the area of intelligence oversight, the most difficult of the security establishments to hold accountable. Valentina Farcas notes, for example, that today, partly as a reaction to the abuses of the notorious Securitate during the Ceausescu era, 'there are few institutions in Romania that enjoy greater public scrutiny than intelligence and security agencies.'[25]

To a greater extent than elsewhere in the region as well, not only the overseers but also those being overseen take their responsibilities for accountability and transparency seriously. All Romanian government departments now have state secretaries for parliamentary liaison, the Ministry of Defence has an active public information and outreach effort, while all Romanian governments are required to update key policy documents and present them before Parliament. Governments are also required to provide detailed and relatively comprehensive budgetary information in all areas of the security sector. While not all arms of the government conscientiously follow new rules regarding transparency and freedom of information, it is hard not to agree with the conclusion that 'Romania stands, alongside Bulgaria, as an exemplar of 'good practice' in defence transparency and accountability.'[26]

Strangely, despite the country's relatively open and accessible approach to its security sector, Romanian civil society is not an active player in security and defence matters. There are, of course, a number of NGOs active in this area, such as the recently-established Casa NATO, but for the most part these bodies play more of a cheerleading role for the country's reform efforts, particularly around NATO membership, and less of a serious policy-making role. In this regard, the contrast with Bulgaria is striking, and beyond some vague statements about the government's failure to reach out to the NGO community on security sector issues, this contrast is not fully explained in the texts under review.

As for Romania's military, over the past decade it has quite literally been transformed beyond recognition. In contrast to Macedonia, for example, which emerged as an independent state without any armed forces to speak of, when Romania gained its 'independence' in 1989 its armed forces stood at 320,000 personnel. A key challenge in the intervening period, therefore, has been to reduce and restructure the Romanian Armed Forces to bring it more into line with a new mission and a new fiscal environment. With the assistance of NATO and the World Bank, Romania is currently on course to reduce its armed forces to some 90,000 by 2007, while simultaneously retraining and reintegrating those personnel who have been declared redundant. Concurrently, and again with some help from Western allies (notably the United States), Romania has re-written its security and defence strategy, instituted one of the most advanced national defence planning systems in the region, and reorganised its military education system.

Given the dynamism of Romania's reform effort, it is unsurprising that it has emerged in recent years as a force in regional and multilateral security co-operation efforts. Romanian peacekeepers have served on several continents, while Romania recently completed a successful stint as chair of the OSCE. Closer to home, Romania is active in an alphabet soup of regional security organisations, including those oriented to

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[25] Valentina Farcas, 'Democratic Control over Intelligence and Security Services', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 357.

[26] Greenwood, *Transparency and Accountability*, p. 148.

South Eastern Europe but also those with a Central European and a Black Sea focus. Based on this record, there's little doubt that Romania is one of the few countries in South Eastern Europe to have been a net provider of security over the past decade, and in this regard the country can be expected to continue to play a key role as both anchor and facilitator of a nascent regional security community.

To be sure, there are still issues at home to be addressed on the security sector reform agenda. Numerous authors have pointed to these issues, such as the need for a more coherent approach to the education and training of civilian security experts, the need to iron out civil-military tensions within the defence planning process and within the Ministry of Defence more generally, and the need to develop an integrated national crisis management system. On the whole, however, and particularly in comparison with the bulk of the countries covered in this study, Romania's remaining security sector reform challenges seem relatively modest and eminently manageable.

Thematic and systematic aspects: overview

While sharing many similarities in terms of geography, political aspirations, and reform agendas, the six countries included in this assessment are also remarkably diverse. Several (Macedonia, Moldova, and Croatia) are newly-independent states, struggling to consolidate their statehood amid both external and internal challenges. The same three have also been embroiled in regional and/or civil conflicts, which have seriously affected the trajectories of their security sector reforms. The remaining three are more territorially stable, and have experienced less bloodshed over the past decade, but have had their own unique problems to overcome. Albania, for its part, has managed to escape outright civil war, but has been deeply affected by a decade of regional instability, its legacy as Europe's 'hermit kingdom,' and the chronic weakness of its state apparatus. Romania and Bulgaria have each come through a tremendously difficult post-transition decade, marked by economic turmoil rather than by armed conflict, but appear in recent years to be showing signs of dynamism and good governance.

Following the lead of a number of studies examining security sector reform in South Eastern Europe, it is possible to group the six states under review into three categories. As is clear from the individual country overviews presented above, Romania and Bulgaria are the leading reformers of the region, and their accession to NATO in the coming years could potentially create an even larger divide between these states and their regional neighbours. Albania, Croatia, and Macedonia can also be grouped together as 'struggling reformers,' more or less committed to security sector reform but faced with significant political challenges in advancing a coherent reform agenda. The recent agreement of these three countries to join forces in pursuit of NATO membership during the Alliance's next round of expansion also suggests strong commonalities among them. Finally, Moldova is in a category of its own as the laggard of the region, with its reform efforts having been effectively frozen by the unresolved Trans-Dniestr conflict and the return to power of a Communist Party that has proven largely indifferent to the needs of the country's security sector.

Despite these differences, all of the countries of the region confront similar challenges in the transformation of their security sectors, even if differences in levels of effort and political circumstances mean that the degree of these challenges differs from

state to state. Key areas of the security sector which can be expected to continue to require attention in the coming years in each state include: transparency and accountability, parliamentary oversight, civil society and media, expert formation, crisis management, and international and regional co-operation.

Thematic and systematic aspects: transparency and accountability

In most of the countries of South East Europe, the duty of governments to conduct their business in the open and to justify, and take responsibility for, their decisions is increasingly recognised, and practice is gradually catching up to this recognition in the area of transparency and accountability. In the words of one recent study, 'increasing transparency is evident throughout South Eastern Europe, except in Moldova,' with greater transparency leading directly to greater accountability.[27] Between Romania, which differs little from more established democracies in this area, and Moldova, where transparency and accountability are largely ignored, most of the other countries of the region have reasonably complete legislative frameworks in place governing the duties of government to be open and accountable, but continue to struggle in terms of translating statute into practice. In both Albania and Croatia, for example, governments remain overly secretive in their decision-making and budgetary processes, and both treat information as a valuable resource to be hoarded rather than as a public good to be circulated. Budgetary information released to the public or to parliaments, consequently, tends to be variable in detail and of limited value, while policy documents tend to be produced behind closed doors by small groups of ministry officials and not subject to widespread public consultation or debate.

Part of the problem, in Albania, Croatia, and elsewhere, is what a number of authors refer to as the region's persistent 'secrecy psychosis,' a legacy of the communist period and particularly prevalent in the security sector. Fully overcoming this inherited 'condition' will have to await the emergence of a new generation of leaders and managers who have not come of age during the communist era, but in the meantime the pull of NATO membership is exerting considerable pressure on candidate governments to make themselves more open and transparent.

In this regard, it is also interesting to note that most of the region's governments are more transparent vis-à-vis external audiences than they are towards their domestic constituencies. Most countries, for example, provide detailed information to NATO as part of their Membership Action Plans (MAPs), while most also take part in inter-governmental exchange of military expenditure information as part of the OSCE's Vienna Document 1999 process, and most (Albania and Moldova being notable exceptions) have also contributed to the Stability Pact-sponsored Budget Transparency Initiative.

Despite their differences, the six countries included in this study face a number of common challenges in improving security sector transparency and accountability. First, with the exception of perhaps Romania the central audit bodies of each country should be strengthened in order to improve scrutiny over security sector budgetary and financial management. In particular, there is a need to develop further the capacities of the audit bureaus to conduct 'value-for-money' auditing to ensure efficiency of

[27] Ibid., p. 178.

government spending, and for the establishment, and enforcement, of strict penalties for financial wrongdoing.[28] At the same time, recent scandals in several states related to arms acquisitions and exports suggest that more remains to be done to ensure governmental transparency in the buying and selling of military hardware. Finally, beyond Bulgaria and Romania each of the region's states have a long way to go in terms of producing, disseminating, and regularly updating key policy documents such as white papers and annual reports, and in developing informative, effective public information strategies. Given Romania's impressive results in this area, it could serve as a model for more effective regional practice in this area.

Of course, accountability in security affairs also requires that there be a clear division of responsibilities among various executive actors regarding who is responsible, and accountable, for what in the security sector. Put differently, there can be no accountability without clear responsibility, and several of the countries of the region are deficient in this area. As Janos Szabo notes, referring to the region as a whole, 'the division of power is not defined clearly, concretely and precisely enough for the spheres of authority of the President, government, Defence Minister, and Chief of General Staff.'[29] The most dramatic example of this ambiguity is Macedonia's experience in 2001, where unclear chains of command and overlapping spheres of authority led to a muddled response to escalating ethnic tensions in that country. Less dramatically, imprecision regarding the division of responsibility for security sector affairs, particularly between the President and the government, has also led to some confusion, and considerable tension, in both Albania and Croatia. Undoubtedly, the political manoeuvring that this state of affairs has produced has acted as a drag on the broader security sector reform process, and clarifying executive duties vis-à-vis the security sector should be viewed as a priority in each of these countries in the coming years. While again, Bulgaria and Romania appear to have managed the relationship between president and government reasonably effectively over the past several years, Moldova has displayed perhaps the opposite problem, namely the consolidation of near-absolute power over the security sector in the hands of the president. Accountability in this case is hampered not by an unclear division of responsibilities, but by the complete absence of any real separation of powers.

Thematic and systematic aspects: parliamentary oversight

The willingness of a government to be open and accountable, of course, is often directly correlated with the ability of democratically-elected overseers to hold it accountable. Democratic control of the armed forces, and of the security sector more generally, is a core preoccupation of both analysts and practitioners of security sector reform. Indeed, it is probably the case that in the case of South Eastern Europe, the exercise of parliamentary oversight is held to an unreasonable, and often abstract, standard, since it must be acknowledged that 'the deliberately and determinedly independent legislature is a comparatively rare phenomenon even in well-established democracies.'[30] That said, it

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28 Ibid., p. 165, 167-170, 172-176, 191.

29 Janos Szabo, 'Security Sector Expert Formation', in Philipp H. Fluri and David M. Law (eds.), *Security Sector Expert Formation: Achievements and Needs in South East Europe* (Vienna: National Defence Academy, 2003), p. 321.

30 Greenwood, *Transparency and Accountability*, p. 167.

is also the case that beyond Romania, and to a lesser extent Bulgaria, the practice of democratic oversight over the security sector leaves much to be desired, and few parliamentary bodies demonstrate the type of rigorous scrutiny required to hold governments to account for what they say, what they do, and what they spend in the security sector.

The challenges of effective democratic oversight are many, and can be found to greater or lesser degrees across the region. While parliamentary standing committees on security and defence issues exist in various configurations in each country, a combination of a lack of motivation, a lack of expertise and a lack of resources typically saps their effectiveness. While not all parliamentary committees act simply to rubber-stamp decisions taken by governments or ministries, as is the case in Moldova, party discipline tends to undermine the will of committee members from the ruling party – who of course form a majority on parliamentary committees – to probe the activities of their colleagues in government too closely. At the same time, and Croatia here is an example, many parliamentarians lack not only political will, but also even an adequate understanding of the workings of the security sector and of their own role as parliamentary overseers.[31] Of course, given the nature of electoral politics it is unreasonable to expect all parliamentary committee members to be experts in the field over which their committee has oversight responsibilities. In the case of most South East European countries, however, this lack of parliamentary expertise is not compensated by the presence of dedicated expert staff. In Albania's case, for example, parliament's standing committees on defence and on public order and security share a single staff member, while the situation in neighbouring Macedonia is, reportedly, even worse. Nor, because of tradition or because of a lack of resources, do parliamentary committees across the region typically draw in outside expertise, either from the academic or NGO sector, to assist them in their oversight roles.

While parliamentary oversight over the armed forces in the region ranges from fair to poor, the situation regarding institutions responsible for domestic security – including police and intelligence services – is even less promising. In Macedonia, leading up to and through the crisis of 2001, the Interior Ministry became the exclusive preserve of its powerful minister, who facilitated the establishment of paramilitary forces of dubious legality. In Croatia, the failure to constitute the duly mandated bodies for oversight of the internal security services means that 'there is no control and no oversight of any kind;'[32] while a similar situation exists in Bulgaria, where parliamentary oversight of the armed forces is comparatively well advanced.

As a consequence of the deficiencies outlined above, parliamentary oversight over security matters is too often perfunctory, with budgets and major policy statements passing through the legislative process with only the most superficial scrutiny, and with parliamentarians forced to rely excessively on departmental expertise – in other words from the very bodies they are supposed to be scrutinising – in order to carry out their work. Across too much of the region, therefore, democratic oversight is, if not a charade, certainly lacking in substantive content. Addressing weaknesses in this area is largely a matter of training and education, and building on work already being done by

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[31] Mladen Staničić, 'Summary of Security Sector Reform in Croatia', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 343.

[32] Ozren Žunec, 'Democratic Oversight and Control Over Intelligence and Security Agencies', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 397.

organisations such as the OSCE in this area clearly must be a priority for the region's next wave of security sector reform efforts.

Thematic and systematic aspects: civil society and media

In any democratic society, strong engagement by civil society actors in the security sector can make an important contribution to strengthening democracy and to building trust between the governors and the governed. Active civil society organisations can act as security sector watchdogs, monitoring reforms and uncovering abusive or corrupt practices, and they can make important independent policy contributions. Perhaps most importantly, civil society organisations can act as important intermediaries between the security sector and the public, which too often doesn't understand, or doesn't trust, how its leaders manage their monopoly on the legitimate use of force.

Sadly, however, the emerging civil society in South Eastern Europe has not become actively engaged in the region's ongoing security sector reform process. The one exception to this is Bulgaria, where an activist civil society has played an important and substantive role in that country's successful reform effort, and has helped generate public interest and support for the reform process. Elsewhere, however, civil society is struggling to make an impact even in more traditional NGO sectors such as democratisation and human rights, and has played, at best, a minor role in the security sector.

Numerous contributors to the self-assessment studies have pointed to myriad reasons for civil society's weak role in security affairs. Some point to the overall weakness of civil society in general, noting that decades of communism have killed for many the urge to take part in collective social action, while the region's ongoing economic crisis has forced the majority of citizens to focus on daily survival rather than on long-term political engagement. At the same time, the bulk of non-governmental organisations in South Eastern Europe rely on external support, and are often forced to adjust their own programmes to donor priorities, which rarely involve security sector issues or institutions. And within individual countries, the lack of civilian expertise on security matters, combined with the traditionally closed nature of the security sector, has deterred many NGOs from taking up the cause of security sector reform. While each of the countries in this study does have NGOs interested in defence and security issues, many tend to be small, poorly-funded institutions, whose activities are limited to organising the odd conference or workshop. Even within the academic community, there are too few specialists on security issues in most countries to sustain a serious engagement with the unfolding reform agenda in the security sector.

More broadly, public awareness, involvement, and support for reforms in the security sector has been hampered by an absence of serious journalistic attention to security affairs. As in the west, journalists in South Eastern Europe are only too keen to cover scandal and controversy in defence and security institutions, but it is generally the case that 'high-calibre correspondents are a rare breed.'[33] Most journalists covering defence and security issues lack the expertise or the means either to engage in serious investigative journalism or to offer consistently insightful and serious analyses of the

[33] Greenwood, *Transparency and Accountability*, p. 170.

state of reforms in the security sector and the implications of these reforms for the state and for the public.

Thematic and systematic aspects: expert formation

As Sander Lleshi and Aldo Bumçi have written in the context of Albania, in security sector reform as in much else, 'in the end it all comes down to people.'[34] Indeed, many of the deficiencies outlined in this study in terms of reforming the security sector in South Eastern Europe can be traced directly back to a lack of sufficient knowledge, expertise, or leadership skills on the part of those contemplating or implementing reforms. From parliamentary oversight to civil society engagement in the security sector to instituting effective defence planning structures and mechanisms, most of the authors of the self-assessment papers have pointed out how the lack of domestic expertise in security affairs has led to sub-optimal reform outcomes.

South Eastern Europe's human resource deficit in security and defence matters is the product of a number of factors. Most dramatically, for the region's newly-independent states such as Moldova, Macedonia, and Croatia, it stems from having to build up security sectors, and security expertise, from scratch. In Moldova, for example, the country's post-independence air force regiment consisted of eighteen technical officers and no pilots, while the artillery regiment boasted a mere seven officers.[35] In all three of these countries, as in Albania and to a lesser extent in Romania and Bulgaria as well, the climate of crisis that persisted throughout most of the 1990s has hardly been conducive to the determined development and refinement of educational and training structures in the security field. In all six countries under review, most existing expertise on military and security affairs had been built up in a communist, cold war context, and a radical transformation in thinking has been required to keep up with the 'new world order' in which threats to security have become far more diffuse and where, more recently, the imperatives of territorial protection are gradually giving way to the gospel of regional and co-operative security. Ultimately, therefore:

> One of the more serious deficiencies that transition countries have inherited from the 1990s is an ongoing shortfall of qualified military professionals, security specialists for work in the security sector ministries and parliamentary structures and, outside government, in the media and the NGO sector.[36]

Education and training in security affairs in South Eastern Europe, as it has evolved over the past decade, has also tended to emphasise the military aspect over the civilian. Virtually all of the countries of the region have made at least a start at re-organising their military education systems although, to greater or lesser degrees, these systems remain under-resourced and in need of further rationalisation. Domestic

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34 Sander Lleshi and Aldo Bumçi, 'Good Governance in Civil-Military Relations', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 1, p. 102.

35 Arcadie Barbarosie, Oleg Graur, and Viorel Cibotaru, 'Good Governance: Civilians and the Military', in Fluri and Trapans (eds.), *Defence and Security*, Vol. 2, p. 225.

36 David M. Law and Phillip H. Fluri, 'Security Sector Expert Formation: The Challenges after 9/11 – Needs Assessment', in Philipp H. Fluri and David M. Law (eds.), *Security Sector Expert Formation: Achievements and Needs in South East Europe* (Vienna: National Defence Academy, 2003), p. 336.

military training has been supplemented to a large extent by training provided by foreign states, with countries such as the United States and Great Britain running active training programmes which incorporate personnel from the region into Western military training institutions. Similarly, NATO's Partnership for Peace programme has also played an active training role in the region, while organisations such as the George C. Marshall Center for Security Studies have also provided educational opportunities. In many cases, such as Moldova's, these external programmes are the only source of high-level training for the country's senior military leaders.

Despite the existence of a seemingly overwhelming range of foreign military educational opportunities, questions persist as to their effectiveness. First, there is the question of sustainability, and whether foreign resources would be better devoted to building up domestic educational and training capacities. There is, secondly, also the question of overlap and duplication, since the international community has shown little competence, or interest, in co-ordinating its efforts in this area. Finally, questions have also been raised as to the extent to which foreign-trained personnel can be successfully integrated back into their national force structures, and whether the newly-obtained skills and knowledge of these personnel are in fact passed on to, or through, their organisations.[37] None of this, however, is meant to suggest that such programmes are not worthwhile, as they fill a gap that would otherwise remain unmet and play a role in socialising regional military personnel into Western military practices in preparation for eventual NATO membership. It does suggest, however, that more emphasis could be placed on supporting domestic institutions of military education, particularly since across South Eastern Europe there remains a dearth of qualified instructors capable of teaching on various aspects of security and defence affairs.[38]

Even more pressing from the perspective of expert formation, however, is the growing gap between the need for, and the availability of, civilian experts in the security sector. From parliamentary oversight committees, to think-tanks, NGOs, and media outlets, to ministries of defence, institutions across the region lack access to qualified civilian expertise in security and defence issues. This gap, of course, has serious implications for security sector reform efforts: as noted above, it impacts the viability of parliamentary oversight, it limits the ability of civil society to engage effectively in debates over security sector reform, it denies the public greater insight into ongoing and contemplated reform efforts, and in some cases it has contributed to an imbalance of military over civilian voices in decision-making processes.[39]

Despite the well-recognised need for a balance between civilian and military elements in security matters, civilians have in most cases fallen through the cracks in terms of training and educational opportunities in this sector. There is, for obvious reasons, little space for civilians in military institutions of higher learning, while civilian universities are only slowly incorporating courses on defence and security issues into their offerings. Here again, a lack of qualified teachers is a problem, with one Albanian observer noting that there are, at present, only two or three individuals in Albania

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37 Janos Szabo, 'Security Sector Expert Formation', in Fluri and Law (eds.), *Security Sector Expert* Formation, p. 328.

38 David Law, 'Transparency, Accountability and Security Sector Reform in South East Europe', p. 175.

39 Lidija Georgieva, 'Security Sector Expert Formation: Achievements and Needs in Macedonia', in Fluri and Law (eds.), *Security Sector Expert Formation*, p. 190.

capable of teaching on issues of national security and civil-military relations.[40] Similarly, foreign training for South Eastern European security personnel tends to prioritise military personnel over civilians, and few parliamentary staffers, defence-oriented journalists, or civilian defence ministry personnel have the opportunity to study abroad. Admittedly, some programmes targeted at civilians in the security sector do exist, but not in sufficient quantities to overcome the region's knowledge deficit in terms of civilian security expertise.

Thematic and systematic aspects: crisis management

As Otwin Marenin notes in his contribution to this volume, the self-assessment papers dealing with crisis management in the states of South Eastern Europe tend to adopt a rather legalistic and constitutional approach to the subject, focussing on the formal mechanics of high-level decision-making rather than on whether the crisis management strategies of individual countries will actually work, where resources and personnel will come from, or how different types of crises will be addressed.[41] The papers also tend to focus on the role of the military in crisis management, and under-emphasise the roles of other key responders, such as police, border guards, or fire fighters. Under-emphasised, as well, is the importance of good information-gathering and analysis capabilities, which can contribute not only to more effective crisis management, but to crisis prevention.

While neglect of these elements in the assessment papers doesn't necessarily imply that national crisis management strategies have not addressed these issues, it is probably fair to say that the crisis management efforts of most of the countries under review remain 'in development', and haven't received the same level of attention devoted to other areas of the security sector. This situation is, fortunately, beginning to change. The Stability Pact's Disaster Preparedness and Prevention Initiative has done good work over the past several years in terms of bringing focus and some degree of international co-ordination to this area, while UNDP's early warning systems, which are now in place in four of the six countries under review (the exceptions being Albania and Moldova), are focussing attention on the importance of information-gathering and analysis in heading off crises before they overtake national response capacities. Similarly, national Red Cross societies have also been active across the region over the past decade, and have slowly shifted their efforts from emergency response to crisis management and prevention. At least potentially, the national Red Cross societies can play an important bridging role between the state-level decision-making processes described in the self-assessment papers and the ground-level need for rapid and co-ordinated responses when crises erupt.

Beyond these efforts, however, much more remains to be done. Given the multi-dimensional nature of most crises, much more could be done to co-ordinate and integrate the various security sector agencies with responsibilities for crisis response. Similarly, given the relatively modest state capacities in this area, especially vis-à-vis the magnitude of the crises with which the region has been faced over the past decade, there is considerable scope for greater regional co-operation. As Marenin notes, while

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40 Zija Bahja, 'Security Sector Expert Formation: Achievements and Needs in Albania', in Fluri and Law (eds.), *Security Sector Expert Formation*, p. 26.

41 Otwin Marenin, 'Crisis Management in South East Europe', p. 213.

some of this co-operation is taking place within the context of international crisis response mechanisms, such as NATO's Euro Atlantic Disaster Response Unit, there is a strong argument to be made for more regional ownership in this area.[42] Finally, given both the abstract and high-level nature of most current disaster response strategies, there appears to be a clear need for more crisis management training and practical exercises. NATO's 2002 'Taming the Dragon' fire fighting exercise along Croatia's Dalmatian coast is a good example of the kind of exercise, involving both regional and international components, that can contribute to a more effective crisis response capability across South Eastern Europe.

Thematic and systematic aspects: regional cooperation

One of the core principles of the Stability Pact for South Eastern Europe, to which every country in the region now belongs, is that eventual integration into Euro-Atlantic political, economic, and security structures is dependent on greater co-operation on a regional basis. While there is still some distance to travel before one can speak in terms of a genuine security community in South Eastern Europe, and while many sources of tension still exist (such as the unresolved future of Kosovo), the countries of the region are slowly moving from confrontation to collaboration. And for all of the Stability Pact's unmet expectations, it has played a significant role in bringing the countries of the region together and facilitating joint regional action in response to collective problems. Under the Pact's auspices, for example, the Zagreb-based RACVIAC (Regional Arms Control Verification and Implementation Assistance Centre) has emerged as a credible forum for training and dialogue on regional arms control issues, the SECI Center for Organised Crime in Bucharest has become the regional focal point for collaborative efforts on fighting organised crime, while SEEBRIG is slowly coming together as a standing regional peacekeeping force. All these initiatives not only provide opportunities for enhancing mutual understanding and collaboration in the security sector, but also comprise a valuable pooling of resources to tackle issues that are by definition regional rather than national.

Clearly, however, the states of South Eastern Europe are not yet on a stable enough footing, politically or economically, to support and build on these initial collaborative efforts on their own, and ongoing international support will doubtless be required to ensure that regional efforts in co-operative security realise their full potential. Similarly, there are a wide range of other areas where regional co-operation, with the support of the international community, is desirable, from the provision of training and education to civilians on security and defence issues to the development of a regional capacity for crisis management and prevention.

Conclusions

One of the clearest, and easiest, conclusions to be drawn from this review of the self-assessment papers is that there is a significant difference between domestic and international experts in terms of how security sector reform is understood. Within the

[42] Otwin Marenin, 'Crisis Management', p. 218.

international context, the concept tends to refer to reform activities directed at the whole range of institutions and mechanisms with the legitimate capacity to use or to order the use of force. Following Stability Pact usage, this implies both the more traditional military sector as well as the entire gamut of 'justice and home affairs' institutions and issues, from police, penal, and judicial reform to the fight against organised crime, corruption, and trafficking in humans, to the control of small arms and light weapons to issues of border control and management. The self-assessment studies, on the other hand, adopt a much narrower approach to security sector reform, focussing primarily on reform of military structures, civil-military relations (including democratic oversight and the relationship between the armed forces and civil society), and intelligence services. It is, in fact, somewhat surprising that the 'softer' side of the security sector reform equation has been neglected, particularly since many of the authors were at pains to underline how conventional military threats were giving way to a more diffuse array of non-military threats, including organised crime and terrorism.

While this is not to suggest that international and domestic actors are idle on the justice and home affairs side of the security sector (they are in fact quite active), it does suggest that the self-assessments present a rather incomplete picture of the state of security threats in their countries and of the reforms designed to combat them. In fact, given that the threats posed to regional stability by organised crime, corruption, terrorism, and cross-border trafficking of humans and goods have grown (at least in perception if not in actual fact) just as military threats appear to be subsiding, this does suggest that the challenges of security sector reform in the region are even greater than they may first appear.[43] It is also telling that while issues of military reform and civil-military relations play such a central role in the self-assessment studies, of the Stability Pact's six core objectives for 2003, not one deals with issues that could be construed, even in the broadest sense, as defence-related.

If one of the goals of the international community is to contribute to the construction of a regional security community, finding common ground on the thematic boundaries of that community would therefore seem to be an important first step. And if it is indeed the case that issues such as terrorism and cross-border crime are rendering the traditional distinction between internal and external security increasingly meaningless, and if addressing such threats will require much closer co-operation and co-ordination among various arms of the security sector, then a more expansive understanding of security sector reform would appear to better reflect the nature of the challenge, and the nature of the resources that must be mobilised to meet it. Furthermore, if one accepts the basic premise of proponents of 'human security' – that the primary referent of security should be people rather than the states in which they live – then adopting a broader conception of the security sector would appear to have even more merit.

Even without venturing beyond the self-defined terms of reference of the self-assessment studies, however, the studies themselves suggest a number of additional general conclusions, as well as a series of specific recommendations.

First, there is little question that the 'carrot' of potential NATO and EU membership is the single greatest motivating factor behind security sector reforms

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[43] For a discussion of these regional problems in the Bosnian context see Timothy Donais, 'The Political Economy of Stalemate: Organised Crime, Corruption and Economic Deformation in post-Dayton Bosnia,' *Conflict, Security and Development*, Vol. 3, No. 3, December 2003, pp. 359-382.

across the region. With the exception of perhaps Moldova, which has displayed considerable ambivalence towards Euro-Atlantic institutions in recent years, the driving force behind security-related reforms in each of the countries under review is the prospect of eventual NATO and EU membership. Indeed, several authors have expressed concern about the willingness of Romania and Bulgaria to continue to pursue their reform agendas as vigorously in the past now that they are about to become Alliance members. For Albania, Croatia, and Macedonia, however, the desire to join the Euro-Atlantic club, which they see as the surest route to stability and prosperity, will continue to give the international community considerable leverage over the reforms in these countries.

At the same time, and perhaps paradoxically, it is also clear that security sector reform cannot be imposed from the outside, and that there are real limits on the ability of outsiders to make much of a difference in the absence of domestic political will to reform. In Moldova's case, for example, the apparent unwillingness of the government to take reforms in the security sector seriously, combined with intransigent attitudes on both sides of the Trans-Dniestr conflict, makes any prospect of genuine security sector reform rather remote, regardless of the level of international effort expended. Elsewhere, however, the picture is considerably brighter, with governments in Skopje, Zagreb, and to a lesser extent Tirana, showing growing commitment to serious reform.

If the international community is to fully capitalise on this growing willingness to reform, however, a better balance needs to be found between the respective requirements of donors and recipients in the security sector. Despite the apparent convergence of interest between outside actors seeking greater regional stability and regional actors seeking greater access to Euro-Atlantic institutions, neither the means nor the ends of security sector reform should be taken as given, to be imposed by external actors and accepted by domestic ones. This is particularly the case if the concept of 'regional ownership,' championed by the Stability Pact in recent years, is to have any real meaning, and if reform efforts are expected to deliver sustainable results. One-off training seminars may meet the requirements of international donor agencies for deliverables, for example, but they do not necessarily meet the needs of reforming states for a sustainable capacity to develop domestic security sector expertise. Similarly, several authors have pointed to the tendency, particularly prevalent in the NGO sector, for external donors to impose their agendas on recipient organisations, without a full understanding of the current needs, or the current resources, on the ground.[44]

On a similar note, the lack of international co-ordination continues to hamper effective and sustainable reforms in the security sector. The Stability Pact has attempted to address this widely-recognised defect at a region-wide level through such efforts as its Anti-Corruption Initiative (SPAI) and support for newly-minted clearing houses for small arms and light weapons and for trafficking in human beings. It remains the case, however, that:

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[44] Dušan Reljić, 'Civil Society, the Media, and Security Sector Reform in South East Europe', pp. 191-192.

> the lack of international co-ordination among the numerous organisations that go under the banner of the 'international community' is shameful … overlap, replication, and competition persist; and new evidence of poor co-ordination comes to light daily.[45]

However, diagnosing the problem is considerably easier than prescribing solutions, since most international actors remain reluctant to be co-ordinated, even if most recognise the inefficiencies of the current situation. The fate of the OSCE-led 'Friends of Albania' initiative, which recently disappeared as an inter-agency co-ordination body, is only one recent example of anarchic nature of international assistance in the security sector. The best that can be hoped for, perhaps, is greater co-ordination within individual sub-sectors within individual countries, as indeed has happened to a certain extent in Albania.

These caveats aside, however, there remains considerable room for optimism that reforms in the security sector in South Eastern Europe can be advanced considerably in the next several years. If regional instability has been the greatest obstacle to reform, then the gradual stabilisation of the region should permit an acceleration of the reform process. The installation of reform-oriented governments in countries like Croatia and Macedonia should likewise drive the reform process forward, while the accession of Bulgaria and Romania to NATO should provide a positive example for other NATO aspirants in the region as well as a pool of regional expertise that can be drawn on to support reform efforts elsewhere. On the downside, it is still the case that the core of the region, namely Bosnia-Herzegovina, Kosovo, and Serbia & Montenegro, remains a potential source of crisis and instability, and has barely begun its own reforms in the security and defence sector. Renewed tensions here, clearly, could stall reforms elsewhere. Still, on a region-wide basis, the situation in 2003 is significantly more promising than it was only a few years ago, and the pull of Europe is gradually producing more co-operation than conflict.

Recommendations

Moving from the general to the specific, the self-assessment studies point to an array of specific recommendations, for both international and domestic security sector actors. Again, following the preoccupations of the studies, these recommendations focus primarily on the military and on issues of transparency, accountability and oversight.

Regional networking in the area of defence planning and organisation should be encouraged and supported

The region's remaining NATO aspirants can learn much from the experience of both Romania and Bulgaria, which have developed sensible and coherent defence planning mechanisms, and have well-organised Ministries of Defence. These two regional leaders in defence reform should therefore be encouraged to share their expertise as a means of furthering reforms, fostering regional ownership of the reform process, and deepening regional co-operation in military affairs.

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[45] CESS, 'Security and Defence in South Eastern Europe: The Escada Report', *Harmonie Papers*, No. 16, March 2003, (Groningen: Centre for European Security Studies, 2003), p. 11. Available at http://odur.let.rug.nl/cess/harmonie.htm

The international community should step up its support for de-mobilisation and re-integration efforts

Across the region, the demobilisation and re-integration of military personnel remains a major, and costly, challenge. It is also a challenge that economically-weak South East European countries cannot yet successfully manage on their own. While the international community has supported some efforts in this area, notably in Romania, much remains to be done, and the World Bank in particular should be encouraged to expand its efforts. Similarly, the conversion of surplus military bases to civilian use is another issue in the area of defence economics (although not given much attention in the self-assessment papers) where greater international attention could profitably be focussed across the region.

In the area of peacekeeping, the international community should support efforts to make SEEBRIG fully operational and deployable

The South East European Brigade represents an important step, both symbolically and practically, for the region's efforts to be a contributor to, rather than a consumer of, security assistance. The brigade was declared operationally ready as of 2001, but its effective participation in UN or OSCE peace support missions has been hampered by inadequate communications and information equipment. A fully functional regional peacekeeping force would not only facilitate greater regional co-operation and understanding among military cultures, but could also act as an effective crisis response mechanism.

Both the international community and the states of the region should focus more attention on the professionalisation of public information efforts within ministries of defence

Romania's emphasis on quality public information and education has paid real dividends in terms of public support for the country's armed forces and for its NATO bid, and this model could very usefully be applied elsewhere in the region.[46] The international community could support this effort through training, secondment of qualified personnel, or personnel exchanges. Not only could such an effort contribute to increasing the quantity, and quality, of information made available to the general public, it could also contribute to dispelling the culture of secrecy which still pervades the security sector across the region. At the same time, countries of the region should seriously consider adopting Romania's successful experiment with state secretaries for relations with Parliament, legislative harmonisation, and public relations as a means of facilitating the flow of information.[47] Governments should also be encouraged, if not constitutionally required, to update and widely disseminate key strategic and policy documents – including defence white papers and national security strategies – on a regular basis.

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46 Greenwood, *Transparency and Accountability*, pp. 133-138

47 CESS, 'Security and Defence', p. 44.

Across the region, more effort should be devoted to engaging elected and civil society representatives in policy-making on security and defence issues[48]

Here again, expanding Romania's innovation of installing state secretaries for parliamentary relations could produce results; so too could adopting the practice of holding public hearings within parliamentary defence and security committees on draft government legislation and policy. More generally, parliamentary committees and civil society organisations dealing with security affairs should be encouraged to collaborate more closely. Greater attention should also be paid to Bulgaria's successful experience with civil society engagement in the security sector, in an effort to draw lessons that could be applied elsewhere in the region.

Accountability and transparency, particularly in financial matters, could be heightened through the provision of regional audit training or personnel exchanges[49]

Central auditing agencies across the region remain relatively weak, and aren't able to effectively carry out their tasks of holding government to account for what it spends and how it spends. Increased international training and exchange, focussing particularly on value-for-money auditing, could make a significant difference in enhancing financial transparency and accountability. At the same time, the international community should continue to support the regional Budget Transparency Initiative (BTI) for its contribution to regional confidence-building and openness in defence budgeting.

Greater attention should be paid to transparency and openness in the buying and selling of defence-related equipment

Numerous governments in the region have recently been caught up in scandals regarding the procurement or the export and sale of defence-related goods. This suggests a need for greater transparency and oversight in this area. In the area of defence acquisition, for example, one recent study has recommended that regional governments publish full details of modernisation plans and procurement options, or publish major project statements, to ensure an open and transparent process.[50]

The governments of Croatia, Macedonia, and Albania should place a high priority on clarifying the division of responsibilities within the executive branch vis-à-vis the security sector

Confusion regarding who is responsible for what in the security sector, and particularly tensions between offices of the President and Prime Minister over such issues, has complicated security sector reforms in each country and subverted transparency and accountability. As part of their collective effort to qualify themselves for NATO membership, each of these three countries should focus on ensuring that chains of command and spheres of responsibility are clearly delineated and widely understood.

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48 See Greenwood, *Transparency and Accountability*, p. 189-191.
49 Ibid., p. 191-194.
50 Ibid., p. 195-197.

Serious efforts should be devoted to strengthening the oversight capacities of specialist committees on defence and security

Current efforts by the OSCE in the area of parliamentary training should be expanded and built upon, with a particular emphasis on enhancing parliamentary knowledge of security, defence, and intelligence bodies and on enhancing parliamentarians' understanding of their own oversight responsibilities. At the same time, through training and/or international secondments, the capacity of parliamentary support staff to provide expert advice and research should be considerably expanded, and obstacles to bringing in outside expertise from civil society or academia should be removed wherever possible.

Greater international attention should be paid to supporting non-governmental organisations and research institutions active in security sector reform in South Eastern Europe

While, as noted above, governments in the region should open up the policy-making process to include civil society voices, in the short- to medium-term NGOs in the region will continue to rely on external sources of support. Both multilateral and bilateral donors should consider supporting worthy NGO security sector initiatives in the region, with the understanding that such initiatives can make a valuable contribution in areas that have traditionally preoccupied donors, such as democratisation and human rights.

Given the widely recognised lack of civilian expertise in security sector issues, both international and domestic actors should place greater emphasis on training and educating civilians in defence and security matters

From parliamentary staffers to investigative journalists to civil society leaders to civilian employees of Ministries of Defence, there is a pressing need throughout the region to develop civilian expertise in security affairs. This can be done through opening up international training courses in security and defence issues to civilian personnel to a greater extent than is currently done, through encouraging and supporting efforts of universities across the region to offer courses on security-related matters, and through the provision of financial and personnel support to in-country training courses for civilians on security studies (with British support, for example, Belgrade's G-17 Institute has instituted a several-week 'school' on security sector reform for civilians). More ambitiously, and perhaps over the longer term, serious consideration should be given to the possibility of creating a Balkan Defence College, open to both civilian and military personnel, and based on the Baltic experience with a similar institution. A region-wide college would not only allow for a pooling of scarce resources, but could also over time become the core of a genuine regional community of security scholars and practitioners.

In addition to the ongoing provision of international training and support for domestic training efforts, building up domestic expertise in teaching and training in security issues must also be a priority

If expert formation is to be sustainable across South Eastern Europe, the countries of the region must have the capacity to carry out teaching and training in security affairs themselves.[51] This means, first and foremost, overcoming the current deficit of qualified educators in security affairs. As the self-assessments note, both Albania and Moldova are particularly weak in terms of availability of qualified domestic instructors, and if this gap is not addressed the region will be hard-pressed to overcome its current deficit in security expertise.

International support in the area of training and education should be better co-ordinated to avoid gaps and overlaps

While international support for security sector reform is poorly co-ordinated in general, it is even more so in the area of training and teaching, since there is a multiplicity of international actors and programmes involved and little visible effort to avoid overlap or duplication. One useful suggestion would be the establishment of a listserv and website, logically under Stability Pact auspices, cataloguing and advertising training and educational opportunities. Such a mechanism could over time also develop into a repository of information on best practices and changing priorities in the area of training and education.[52] Of course, if such a resource is to be effective, it would require the full co-operation of the countries and organisations involved in this area, and as noted above, both international and bilateral actors have to date shown little will to either co-ordinate or be co-ordinated.

Initiatives need to keep the findings of the stock-taking programme in perspective

As the preceding analysis makes clear, while the countries of South Eastern Europe, as a whole, have made real progress in reforming their security sectors over the past half-decade, the task is far from over. In many countries, transparency, accountability and oversight remain incomplete and ineffective, too few civilians in positions of authority have a clear understanding of what effective security arrangements entail and how to get there, and the oft-professed ideal of armed forces which are compact, mobile, well-trained and well-equipped, and equally prepared to keep the peace as to fight a war, remains more vision than reality. Elsewhere, notably Moldova, not only is there too little domestic capacity to effectively undertake reforms in the security sector, there is a near-complete absence of political will and a lack of national consensus on either the necessity or the focus of such reforms.

It is also clear that many aspects of the task – such as demobilising and reintegrating thousands of active military personnel – are beyond the capacity of individual states to manage on their own. Fortunately, there are positive signs of growing regional co-operation, which not only is helping to push the reform process forward but is also helping to create, through a thousand small steps, a genuine security community in the region. Of course, the absence of Kosovo, Bosnia-Herzegovina, and Serbia & Montenegro from the programme, means the study as a whole does risk presenting a picture of security sector reform, and of growing regional stability, that is more optimistic than it should be, but even in these former conflict zones the logic of

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[51] David M. Law and Phillip H. Fluri, 'Security Sector Expert Formation: The Challenges after 9/11 – Needs Assessment', in Fluri and Law (eds.), *Security Sector Expert Formation*, p. 342.

[52] Ibid. p. 345.

security sector reform and regional co-operation is gradually beginning to take hold. At the same time, the expressed willingness of both NATO and the European Union to expand into South Eastern Europe should serve both to prevent donor fatigue and to keep the reform process on track within individual countries of the region, as South East Europe's fate and the fate of the rest of Europe become ever more closely connected.

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DCAF Stability Pact Projects in South East Europe

The present study represents an addition to one of four extensive programmes funded by the Department of Foreign Affairs of Switzerland on behalf of the Stability Pact and executed by DCAF between 2001 and 2003.

Executed on a mandate from the Swiss Department of Foreign Affairs as an overall contribution to the Table III programmes of the Stability Pact (see http://www.stabilitypact.org/stabilitypactcgi/catalog/cat_descr.cgi?prod_id=41), on behalf of the Stability Pact Table III Quick Start Programme, the stock-taking programmes sought to provide bases for policy decision-making. The four studies supplied decision-makers with analytical data on the status of select aspects of the security sector and security sector reform; and at the same time reflected a profound concern with transparency-building, democratic oversight and reform of the security sector:

- ***The South East Europe Documentation Network*** created a comprehensive virtual library of crucial information for decision-makers from the field of civil-military relations and democratic oversight of the security sector in South East Europe on the internet (http://www.seedon.org)

- ***The Transparency in Defence Procurements Programme*** established data on existing and planned practices in SEE and to make them available in the SEEDON framework on the internet (http://www.dcaf.ch/publications/e-publications/Transparency_defence/contents.html)

- ***The Stock-Taking Programme*** on needs and demands for technical assistance in civil-military relations and security sector reform in South East European countries led to the papers analysed herein (http://www.dcaf.ch/spst/about.html)

- ***The Needs Assessment in Expert Formation*** sought to establish demands and needs for future expert formation programmes in the security field (http://www.dcaf.ch/naef/about.html)

DCAF Projects in South East Europe

Swiss MFA Mandates

On a mandate of the Swiss Department of Foreign Affairs, DCAF conceptually prepared and implemented four stock-taking programmes on behalf of the Stability Pact Table III Quick Start Programme as bases for policy decision-making. (http://www.stabilitypact.org/stabilitypactcgi/catalog/cat_descr.cgi?prod_id=41)

- **The South East Europe Documentation Network** http://www.seedon.org
- **The Stock-Taking Programme** http://www.dcaf.ch/spst/about.html
- **The Needs Assessment in Expert Formation Project** http://www.dcaf.ch/naef/about.html
- **The Transparency in Defence Procurements Programme** http://www.dcaf.ch/publications/e-publications/Transparency_defence/coverpage.html

The four studies are intended to supply decision-makers with analytical data on the status of select aspects of the security sector and security sector reform.

DCAF-IPU Handbook

- **DCAF-IPU Handbook for Parliamentarians on Oversight of the Security Sector**
  DCAF has made the Handbook (jointly written the IPU and published in 2003) available in Albanian, Bosnian, Macedonian, Romanian and Serbian. Bulgarian, Croatian, and Slovenian versions are planned for publication during 2004.
  Further information see http://www.dcaf.ch/handbook/about.html Translations are available at http://www.dcaf.ch/handbook/publications.html
- **DCAF/IPU Handbook for Parliamentarians on Oversight of the Security Sector: Workshops Series**
  The Handbook will be used in DCAF-organised seminars for parliamentarians and committee staffers http://www.dcaf.ch/handbook/projects.html

Other DCAF Projects

- **Demobilisation and Retraining**
  DCAF actively supports the effort in Bosnia and Herzegovina http://www.bicc.de/publications/briefs/brief27/content.html
- **Border Management Reform**
  Assisting the creation of security systems in Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia & Montenegro http://www.dcaf.ch/border-security/about.html
- **International Security Advisory Board (ISAB) for SEE Countries**
  Advisory Board to review ongoing security sector reform in interested countries http://www.dcaf.ch/isab-see/about.html

- **DCAF Funded Parliamentary Staff Experts Program in SEE**
  Developing expertise in defence supporting creation of local research capacities
  http://www.dcaf.ch/psep/about.html
- **Joint DCAF/OSCE (Serbia & Montenegro) Project on 'Legislative Oversight of Security Sector Reform (SSR) in the Serbian Parliament'**
  The DCAF/OMIFRY study on 'The Security and Defence Committee of the Parliament of the Republic of Serbia', which commenced in Dec 2002, has now been completed.
- **DCAF Online Legal Database on Security Sector Governance**
  The DCAF online database of security sector legislation includes extant and draft legislation from SEE countries http://www.dcaf.ch/legal/intro.htm

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The Geneva Centre for the Democratic Control of Armed Forces (DCAF)

The Geneva Centre for the Democratic Control of Armed Forces (DCAF), established in October 2000 on the initiative of the Swiss government, encourages and supports states and non-state-governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes international cooperation in this field, initially targeting the Euro-Atlantic area. To implement these objectives, the Centre:

- collects information, undertakes research and engages in networking activities in order to identify problems, to establish lessons learned and to propose the best practices in the field of democratic control of armed forces and civil-military relations;
- provides its expertise and support to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

DCAF works in close cooperation with national authorities, international and non-governmental organisations, academic institutions and individual experts. In its operational and analytical work, DCAF relies on the support of 46 governments represented in its Foundation Council, on its International Advisory Board comprising some 50 renowned experts in the field of defence and security, on its Think Tank, Outreach, and International Projects Departments.. The Centre has established partnerships or concluded cooperative agreements with a number of research institutes and with several international organisations and inter-parliamentary assemblies.

In order to be able to thoroughly address specific topics of democratic control of armed forces, DCAF has established dedicated working groups covering the following issues: security sector reform; parliamentary oversight of armed forces; legal dimension of the democratic control of armed forces; transparency-building in defence budgeting and procurement; civilian experts in national security policy; democratic control of police and other non-military security forces; civil-military relations in conversion and force reductions; military and society; civil society building; civil-military relations in post-conflict situations; criteria for success or failure in the democratic control of armed forces; civil-military relations in the African context. Planning, management, and coordination of the working groups is centralised in DCAF's Think Tank.

DCAF provides its expertise on bilateral and multilateral levels, and also addresses the interests of the general public. A number of bilateral projects in the areas of security sector reform and parliamentary control of armed forces are underway within the states of South Eastern and Eastern Europe. At the multilateral level, DCAF implements several projects in the framework of the Stability Pact for South Eastern Europe, the Organisation for Security and Cooperation in Europe, NATO, Council of Europe, and the United Nations. The Centre regularly produces publications, organises conferences, workshops and other events. It uses information technology, including its own website (http://www.dcaf.ch), to reach both target audiences and the general public.

DCAF is an international foundation under Swiss law. Forty-six governments are represented on the Centre's Foundation Council.* The International Advisory Board is composed of the world's leading experts on the subjects of defence and security, who advise the Director on the Centre's overall strategy. DCAF is staffed by some 50 specialists of more than 20 different nationalities,

The Swiss Federal Department of Defence, Civil Protection and Sports finances most of the DCAF budget. Another important contributor is the Swiss Federal Department of Foreign Affairs. Certain member states of the DCAF Foundation support DCAF by seconding staff members or contributing to the Centre's specific projects.

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