



GENEVA CENTRE FOR THE DEMOCRATIC CONTROL
OF ARMED FORCES

**Enhancing security sector governance through
security sector reform in the Western Balkans -
the role of the European Union**

Zagreb, 8 December 2006

CONFERENCE REPORT

Background

In setting the European Union's policy framework for engagement in security sector reform (SSR), the European Council has called upon future Presidencies and the Commission to "progressively translate [this framework] into operational actions..."¹

In order to discuss the role of the EU in supporting security sector reform in the Western Balkans, and to examine local needs and achievements in this field, the Finnish Presidency of the EU and DCAF, in co-operation with the Institute for International Relations (IMO), convened a conference on 8 December 2006.² To underline the importance of regional ownership, the conference was held in the region, in Zagreb.

SSR and EU Enlargement: Mainstreaming in its Infancy

In outlining the key requirements for EU membership, the 1993 Copenhagen Criteria included no specific language on security sector governance, since the EU had not yet emerged as a security actor with a coherent approach to such issues. The understanding of the importance of security sector governance in the EU enlargement policy has since evolved. The EU is *de facto* using a comprehensive notion of security sector governance which cuts across the Copenhagen criteria, covering both the first (political) criterion under the heading of democracy and rule of law, and the third (*acquis*) criterion under the headings of judiciary and fundamental rights (chapter 23), and, even more importantly, justice, freedom and security (chapter 24). For example, the Commission's Report on Enlargement Strategy and Main Challenges 2006-2007 contained sixteen SSG-related elements, yet they remain disparate. Linking and focusing EU's efforts in this field in a more coherent manner will be a significant element in SSR-mainstreaming if there is to be greater coherence in EU role in SSR. In this sense, the core objective would not

¹ Council Conclusions on a Policy framework for Security Sector Reform, 2736th General Affairs Council meeting, Luxembourg, 12 June 2006

² This report does not necessarily reflect the views of the Finnish EU Presidency.

be to add additional security sector governance conditions but merely to structure them in a more coherent way and to facilitate prioritisation, it was explained. The JHA heading remains the principal focus of the Commission's SSR activities in the Western Balkans, characterised by the combination of political dialogue, reporting mechanisms and financial support in implementing reform. The EU's new financial instruments also add greater priority to SSR.

It was clear that one of the principal areas of unclarity concerning the SSR dimension of European Enlargement is that of defence reform. Although the Commission does not see itself as a defence reform agent, aspects such as civil-military relations have featured in the conditionality applied to the Western Balkans countries. This was evidenced by the 2006 Regular Report on Serbia, which included a chapter on the subject. This has additional implications for NATO's role in the region (see below). Although it is clear that the greatest problems of security sector governance in the region stem from deficiencies in the rule of law, there is a mistaken belief among some that defence reform is finished and no longer a concern to international actors. The EU's intentions in the field of defence reform should be clarified.

Establishing Benchmarks in Security Sector Governance

In its Discussion Paper distributed before the conference, DCAF argued that the use of benchmarks on security sector governance in EU enlargement policy can bring several benefits. Detailed indications on objectives for reform and standards for measuring performance in implementation can provide an improved guide for policymakers and security sector practitioners in candidate countries. Additionally, by subjecting them to common benchmarks, progress in meeting conditionality can become more comparable.

At present, the Commission's use of benchmarking is restricted to negotiating accession, when compliance with the *acquis communautaire* is judged. More rigorous benchmarking would improve the confidence and quality of decision-making in SSR, leading to better resource allocation.

Inevitably, the question of who should apply benchmarks was raised, with possibilities ranging from parliaments to research institutes like DCAF. However, the rigorous regular reporting mechanisms of the Commission would appear to make it the best-placed actor to take the lead. Such benchmarks must be developed in partnership with the target countries to ensure their applicability. The need for their complementarity and convergence with the body of norms on democratic security sector governance developed under the auspices of other international and regional organisations, such as NATO, the OSCE and the Council of Europe was also mentioned.

It was nonetheless pointed out that the ultimate judge of progress in enhancing the delivery of security will be the local populations for whom security is provided. Several challenges remain in this regard. Sentimentality towards the old authoritarian system is often expressed, when policing was more effective and there was no organised crime, an indictment of progress to date in establishing the rule of law. Greater effort is needed to demonstrate the merits of a democratically-controlled security sector. Endemic corruption continues to impact on public trust in administration and police. The role of civil society in the security sector, while important, is still weak in the region.

EU Institutional Coordination

It has long been acknowledged that the holistic potential of the EU, characterised by both civilian and military instruments, makes it an ideal SSR implementer. However, several participants commented that, in order to fulfil this potential, coordination of the instruments must improve. The two principal EU institutions involved in security sector reform are the Council and the Commission, while the European Parliament also plays an important role. The ESDP approach is driven by a security imperative, whilst the Commission approach is development-oriented, yet there is confusion as to their respective functions and their activities need to be more closely coordinated. It is also crucial that local EU representatives in the Western Balkans are included in the coordination effort, along with

those in Brussels. If the EU is to credibly promote institutional coordination with target countries, it must lead by example.

International Coordination

By integrating the OECD DAC guidelines on SSR into the EU's own Policy Framework, an important step was taken in acknowledging an internationally-agreed set of priorities and principles. The symbiosis between security, development and governance has as such been given much broader international acceptance, which should facilitate efforts to enhance future international cooperation.

However, whilst there is now a conceptual underpinning to international coordination, practical measures remain weak. The same reluctance to be coordinated is evident between international actors implementing SSR as in EU institutions. If they are not coordinated, efforts are wasted through duplication, yet similar questions arise as to who could take the coordination role. In the Western Balkans, so much has been done in the field of SSR by a plethora of actors, such as international organisations, bilateral donors and the private sector, that even cataloguing on-going projects is a major challenge.

As mentioned above, the EU has expanded its interest in defence reform, thus raising the issue of how to avoid duplication with NATO. It was suggested that a clearer division of labour was needed, and that this could in principle be done in the context of the inter-institutional Strategic Dialogue, respecting the principles of inclusiveness, non-discrimination and autonomy of decision-making. The flow of information between all relevant SSR actors in the region must be enhanced. This dialogue must also include private security companies (PSCs), which are playing an increasing role in delivering SSR programmes. As a specific example of the need to clarify co-ordination, the question of the role of the EUSR Office in Bosnia and Herzegovina, which will soon supplant the Office of the High Representative, in co-ordinating the overall SSR effort in this country was raised.

Developing SSR Expertise

The need to develop a cadre of experts trained in SSR was highlighted by various participants. Expertise in one aspect of the security sector is insufficient as a basis for appreciating overarching needs. At present, experts with such sector-wide expertise are extremely rare. It was suggested that the necessary experience cannot just be limited to desk or sub-sector activities, but rather needs to be developed for the strategic policy level, where it is currently lacking. It is also inadequate for such expertise to be limited to Brussels. Member states must invest greater efforts in developing their own experts; there are as yet only few - perhaps five at most - EU member countries where significant expertise is available. At the same time, greater expertise is also needed in the Western Balkans itself, in particular as concerns general policy development for public administrations, which are often limited by the politicisation of bureaucracies and non-meritocratic decision making on staff appointments and promotions. The question remains as to who will be responsible for training such a cadre of SSR experts. Discussion is currently underway in the Council Secretariat on the issue.

Security Consumer to Security Provider

The ambition of countries of the region to transform themselves from security consumers into security providers is in large part dependent on the success of SSR. A number of challenges remain to be overcome.

ICTY compliance remains a key issue. Further development of police and border systems is required across the region to tackle organised crime and corruption more effectively, whilst police reform in BiH in particular must be completed. Parliamentary oversight is insufficient across the region. Demobilisation of oversized contingents of security sector personnel is incomplete. Decoupling of intelligence services and the secret police is needed, and they must be reformed and placed under democratic control. Involvement of parliaments in the reform process is crucial to enhance accountability and inclusive decision-making. More broadly, the administrative and political capacity of the Western Balkan countries to

take responsibility for SSR is lacking. Politicisation of the security sector is a key problem. Internalising good governance, as opposed to viewing it simply as a condition of Euro-Atlantic integration, is the ultimate objective. In this respect, misuse of secrecy provisions, non-transparency and non-accountability must be overcome. At the same time, it was noted that the region is increasingly playing a dual role as both security consumer and security provider, as it has taken on the challenge of providing resources to ESDP operations.