

8. Security sector reform in the Western Balkans

MARINA CAPARINI

I. Introduction

The states of the Western Balkans region¹ differ from other transitional democracies in Central Europe in important ways which affect the conditions and challenges for security sector reform (SSR).² In their transition from state socialism and authoritarian rule, the Western Balkan societies also bear the lingering material and psychological effects of recent armed conflict and ethnic cleansing. Their security sectors tend to be fragmented, underdeveloped (although some sectors, typically the armed forces, are over-developed for peacetime conditions), over-politicized and structured along ethnic or religious lines. Non-state armed formations, including paramilitary organizations formed along party or ethnic lines, private military companies, criminal groups and guerrilla movements may exist alongside state security structures weakened by corruption. The problems of refugee return, resettlement and reintegration of displaced persons, and return of property remain unresolved in key areas. Individuals and communities continue to be scarred by the psychological traumas inflicted by war and extreme nationalism. Nationalistic (ethnic and religious) divisions persist, and the resurgence of nationalist parties in recent elections throughout the region—followed by the open violence in Kosovo in March 2004—provides daunting evidence of the fragility of both democracy and peace in these societies.

In the Western Balkans, the task of SSR must be approached concurrently with post-conflict stabilization. The continued presence of international peacekeeping forces in most parts of the region—including international police forces in Bosnia and Herzegovina (BiH) and in the Former Yugoslav Republic of Macedonia (FYROM) and the international administrations with

¹ 'The Western Balkans' is the term which the European Union has used since 1999 to refer to those countries of South-Eastern Europe which are not yet EU members and have not yet received a specific commitment or date for future membership, but which enjoy a credible prospect of membership once political stability in the countries is restored. The region consists of Albania and 4 successor states of the former Yugoslavia—Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro, including the international protectorate of Kosovo, a province of the Republic of Serbia. Slovenia is not included, as it has joined the European Union (May 2004) and the North Atlantic Treaty Organization (Mar. 2004).

² The term 'security sector reform' includes the reform of defence policies and forces as well as the reform of other actors in internal security, both governmental and non-governmental, for purposes of efficiency and good governance. See Hendrickson, D. and Karkoszka, A., 'The challenges of security sector reform', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 175–201; and Caparini, M., 'Security sector reform and NATO and EU enlargement', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 237–60.

wide-ranging internal powers in Bosnia and Herzegovina and in Kosovo—has interrupted the local authorities' monopoly of security responsibilities for years at a stretch. The goals of SSR, as normally conceived, can only be reached by completing the localization of security functions as part of the general transfer of authority from international actors to national and regional governments. Plans for this normalization could be interrupted at any time by a resurgence of security problems anywhere in the region. The goals of reform and normalization, and external efforts to promote them, must therefore be conceived more in regional terms than has been the case elsewhere in post-cold war Europe. A special complication is the dispute and uncertainty over the ultimate status of Kosovo, which aspires to independence but has been ruled as a United Nations (UN) protectorate since 1999.

The legacy of conflict aggravates and complicates the environment for SSR in other substantial ways. Ethnic divisions and tensions within the Western Balkan states (apart from Albania) make ethnic representation and control of the security apparatus much bigger issues than they have been in other parts of Central Europe. The underlying weaknesses of long-term social and economic development are sharpened both by the losses of war and by the dangers of dependence on aid, which have been particularly manifest in Bosnia and Herzegovina and in Kosovo.³ Poor economic prospects foster not only instability and extremism in politics but also the traffic in women and children for sexual and other illegal purposes, in which some elements of the international presence have also been implicated.⁴

To different degrees, all the Western Balkan nations suffer from weak state phenomena arising from a combination of long-term governance problems in the former Yugoslavia, their inexperience as new states and the damage from conflict, including smuggling encouraged by economic sanctions. This has made them particularly exposed to exploitation by international crime, including the drugs trade, smuggling of other dangerous materials, transit of illegal migrants from other regions and infiltration by terrorists (of special concern under the current Western security agenda). The state's relative authority is weakened by the persistence of parallel power structures and ingrained corruption. Last but not least, the efforts of the international community to apply post-conflict justice in the region, especially through the International Crimi-

³ Bosnia and Herzegovina received \$4.5 billion in aid in the first 2 years after the conflict there, a higher per capita amount than has been received anywhere else since World War II. Its economy has become critically dependent on an international presence and support, with concomitant risks of waste and corruption. Kosovo received nearly \$2 billion in 2000–2002 but is now suffering a drop in aid. European Commission, Directorate-General for Economic and Financial Affairs, *The Western Balkans in Transition*, European Economy Occasional Paper no. 5 (Jan. 2004), available at URL <http://europa.eu.int/comm/economy_finance/publications/occasional_papers/occasionalpapers5_en.htm>.

⁴ Dragicovic, A., 'Poverty forcing Bosnian girls into prostitution', Associated Press, 18 Dec. 2003.; Hipkins, D., 'Bosnia sex trade shames UN', *Scotland on Sunday*, 9 Feb. 2003, p. 24; *Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Human Rights Watch Report, vol. 14, no. 9(D), (Nov. 2002), URL <<http://www.hrw.org/reports/2002/bosnia/>>; and US Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 2003, URL <<http://www.state.gov/g/tip/rls/tiprpt/2003/>>.

nal Tribunal for Yugoslavia (ICTY),⁵ have been not only an added burden for the security administration but also a frequent cause of friction with local governments and populations, either because too much or too little was seen as being done to bring war criminals to account.

This chapter examines some of the main efforts to reorganize and modernize those institutions representing the state's legitimate monopoly of the use of force in the five Western Balkan states and in Kosovo. Section II considers the impact of two key external actors and other factors on SSR in the region through the development of relationships between the Western Balkan states and the European Union (EU) and the North Atlantic Treaty Organization (NATO). Section III surveys common challenges in the component areas of security sector reform—armed forces, police, intelligence and border management. Section IV addresses recent SSR developments in individual Western Balkan countries, and section V offers some brief conclusions and remarks on the way ahead.

II. External factors

One of the main pressures which the Western community has been able to wield for reform and for post-conflict normalization in the Western Balkans has been the conditional offer of integration into the key Western institutions—the EU and NATO. Under the EU's Stabilization and Association Process (SAP), the Western Balkan states may negotiate Stabilization and Association Agreements (SAAs), giving them trade access and other ties to the EU on condition of meeting further specific political and economic conditions. The road towards membership of the EU is generally considered to start with the conclusion of an SAA. The EU thus invokes the prospect of an eventual invitation to join the Union as leverage for insisting on a series of reforms to bring the candidate states' political and economic systems in line with European standards.⁶

SAAs were signed with FYROM and Croatia in April and October 2001, respectively,⁷ and another has been under negotiation with Albania since Jan-

⁵ For recent developments regarding the ICTY, its relations with local courts and the general challenges of post-conflict justice see chapter 5 in this volume.

⁶ European Commission, 'The EU's actions in support to the Stabilisation & Association Process', URL <http://europa.eu.int/comm/external_relations/see/actions/sap.htm>.

⁷ The FYROM Government submitted its formal application for EU membership on 22 Mar. 2004. Croatia submitted an application for full EU membership in Feb. 2003 and is waiting for the European Commission to present its Opinion in the spring of 2004. The Opinion will provide the basis for the Council of Ministers to consider whether to grant candidate status and start negotiations on full membership. Croatia's lukewarm attitude towards cooperation with the ICTY presents a special obstacle and prompted the Netherlands and the UK to refuse throughout 2003 to ratify Croatia's SAA. The EU has called on Croatia to cooperate fully with the ICTY and to implement refugee returns and minority rights. See, e.g., Council of the European Union, General Affairs and External Relations Council (GAERC), 2553rd Council meeting on External Relations, 'Western Balkans—(Council Conclusions)', Brussels, 9 Dec. 2003, and 'Relations with the Western Balkans', Brussels, 13 Oct. 2003—both available at URL <http://europa.eu.int/comm/external_relations/see/gac.htm>. See also 'Mesic pushes Croatia's EU bid', *Southeast European Times*, 27 Feb. 2004, URL <<http://www.balkantimes.com/html2/english/040227-SVETLA-001.htm>>.

uary 2003. A November 2003 feasibility study for Bosnia and Herzegovina concluded that the country was not yet ready to start negotiating an SAA, but the EU will conduct a re-evaluation by mid-2004. The feasibility study for Serbia and Montenegro was initiated in the autumn of 2003 but was postponed after the parliamentary elections in Serbia in December 2003, in which the ultra-nationalist Serbian Radical Party, led by Vojislav Seselj, won the largest proportion of votes.⁸ The EU supports transition processes financially through the Community Assistance for Reconstruction, Development and Stabilization (CARDS) programme,⁹ worth about €4.65 billion for the region in 2002–2006; and politically *inter alia* through the EU–Western Balkans Forum, launched at the Thessaloniki European Council on 21 June 2003. The forum met for the first time on 28 November 2003, with a strong focus on internal security.¹⁰

The Stabilization and Association Process deals by way of annual country reports with those aspects of security sector reform proper to EU competence, through the monitoring of discrete elements such as the rule of law, independence of the judiciary, democratic control of the armed forces and anti-corruption measures. Detailed Stabilization and Association reports assess each state in the area of justice and home affairs (JHA) and include recommendations for reforming legal and institutional arrangements. The reports uphold European (EU and Council of Europe) norms and standards, such as those embodied in the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.¹¹ In the field of policing, the SAP monitors national adoption of the 2001 Code of Police Ethics, the establishment of the police as a public service, and the existence of clear internal and external measures for the control and accountability of police.¹² The SAP also focuses attention on effective border control, management of migration flows, and visa and asylum regimes. The emphasis of the 2004 annual SAP report was on internal security through building up individual state capacities and regional cooperation to deal effectively with organized crime, illegal immigration and border security.¹³ In addition to meeting the ‘Copenhagen criteria’ for membership,¹⁴ the Western Balkan states must fulfil SAP criteria, which are primarily focused on the development of adequate institutional capacity.

⁸ For the status of each South-East European country’s relations with the EU see URL <<http://www.seerecon.org/gen/eu-see.htm>>. Seselj has been indicted by the ICTY; see ‘Vojislav Seselj indicted by the ICTY for crimes against humanity and war crimes’, ICTY press release, The Hague, 14 Feb. 2003, URL <<http://www.un.org/icty/pressreal/2003/p728-e.htm>>.

⁹ For details of the 2002–2006 CARDS programme see URL <http://europa.eu.int/comm/external_relations/see/docs/cards/sp02_06.pdf>.

¹⁰ Council of the European Union, ‘Joint Conclusions’, EU–Western Balkans Forum, JHA Ministerial Meeting, Brussels, 28 Nov. 2003, SN 3559/1/03, REV 1, URL <http://www.ueitalia2003.it/NR/rdonlyres/3F0A32BC-C573-4553-8EB7-08ABA8C60CDA/0/1128_JHA_Balkans_jconcl_EN.pdf>.

¹¹ For the convention and its protocols, as well as the and the signatories and parties, see URL <<http://www.pfc.org.uk/legal/echrtext.htm>>.

¹² For the Council of Europe Code of Police Ethics see URL <<http://www.iocoe.org.mk/>>.

¹³ Commission of the European Communities, ‘Report from the Commission: The Stabilisation and Association process for South East Europe, Third Annual Report’, COM(2004)202/2 final, Brussels, 30 Mar. 2004, pp. 20–21, URL <http://europa.eu.int/comm/external_relations/see/sap/rep3/index.htm>.

¹⁴ On the Copenhagen criteria, agreed at the 1993 Copenhagen European Council, see European Commission, ‘EU enlargement: a historic opportunity’, URL <<http://europa.eu.int/comm/enlargement/intro/criteria.htm>>.

The possibility of joining NATO drew particular interest from the Western Balkan nations in 2002–2003, partly because it is considered easier than meeting the EU's far more elaborate demands (*vide* the entry of Bulgaria and Romania into NATO before the EU) and partly because of the symbolism for local countries of turning from being 'consumers' to 'producers' of security. Albania, Croatia and FYROM have filed formal applications for membership, and Serbia and Montenegro is currently concentrating on entry into the NATO Partnership for Peace (PFP) programme—in all cases with political support from the USA. Meeting NATO's criteria and defence capability standards can be a force for both democratic reform and military modernization, but it also requires subordinating nations' defence culture to NATO's (fast-changing) collective needs, which are not always well-attuned to the post-Communist SSR environment.¹⁵ In addition, entering the world of NATO politics is not always a simple or pleasant experience, as shown by the story of US pressure on states to sign Bilateral Immunity Agreements (BIAs) exempting US personnel from the jurisdiction of the International Criminal Court (ICC).¹⁶ All the Western Balkan states were pressured by the USA over this, although it concurrently urged them to collaborate fully with the ICTY. Albania, Bosnia and Herzegovina, and FYROM (as well as Romania) complied, but Croatia and Serbia and Montenegro (as well as Slovenia) refused and thereby lost quantities of US military aid.¹⁷

The leverage inherent in the enlargement processes of the EU, the PFP and NATO for aspiring countries may be even further enhanced with the agreement in 2003 between the EU and NATO to develop close consultation through enhanced dialogue leading to a concerted approach to security and stability in the Western Balkans.¹⁸ Their 'joint strategic approach' identifies a common vision for the region based on self-sustaining stability, democratic and effective government, a viable free market economy and closer integration with the Euro-Atlantic structures. The agreement implicitly recognizes a certain division of labour in the field of security-relevant reform, with the EU taking the lead in police reform and governance issues and NATO in military and defence reform. Aside from agreeing to meet regularly and exchange information on security matters in the Western Balkans, the agreement leaves the way open for further joint EU–NATO initiatives.

¹⁵ This is explained in relation to the Central European states in Caparini (note 2).

¹⁶ On the ICC see chapter 5 in this volume.

¹⁷ On 1 July 2003 the USA suspended \$46 million in military assistance to 35 states that had signed the ICC Statute but had not concluded BIAs. Among them were most of the South-East European states: Bulgaria, Croatia, Serbia and Montenegro, Slovakia and Slovenia. A temporary waiver was extended to 22 states, including Albania, Bosnia and Herzegovina, FYROM and Romania. Coalition for the International Criminal Court, 'Questions & answers: US Bilateral Immunity or so-called "Article 98" Agreements', Fact Sheet, 30 Sep. 2003, URL <http://www.iccnw.org/pressroom/factsheets/FS-BIAs_Sept2003.pdf>. See also chapter 5 in this volume.

¹⁸ Commission of the European Communities, 'EU and NATO concerted approach for the Western Balkans', Council of Ministers Press Release PRES 03/218, 29 July 2003.

III. Common challenges in security reforms

New defence and security approaches, such as that of regional security cooperation and those based on the goal of PFP and NATO membership, require doctrinal shifts and structural reform of the region's armed forces. The reform and downsizing of bloated armed forces and paramilitary forces are common challenges throughout the region and hinge on effective policies for the disarmament, demobilization and reintegration of former soldiers. Requirements for modernization and structural reform account for the continuation of relatively high levels of military expenditure in the region.¹⁹ The introduction of norms concerning the democratic control of armed forces, transparency and accountability requires the adaptation of legislative frameworks, national security policies, and the mindsets of both civilian and military actors. While the focus on the military is understandable in a region emerging from armed conflict, the experience of the Western Balkans has itself provided one of the clearest illustrations that military capabilities are but one component of security and that other security institutions are even more vital for the security of individuals and society during peacetime.

Police reform in the Western Balkan countries confronts the dual legacy of state socialism and recent involvement in armed conflict. The legacy of the Titoist state of Yugoslavia is broadly similar to that of other state socialist regimes in Central Europe: the regular police functioned as a key instrument of state security and control of the population, becoming a centralized and militarized force which, through its close links with state security police, directly served the interests of and protected the ruling regime. With the break-up of Yugoslavia in 1991, police across the region became directly involved in violent conflict and ethnic cleansing, aided by massive increases in their strength, heavy arms and equipment.²⁰ They were often highly politicized and paramilitarized and were sometimes built up as an institutional counter to the armed forces. Inter-ethnic conflict affected their composition, which went from being ethnically diverse in large urban centres to largely homogeneous in ethnic sub-regions. The rapid increase in the numbers of police resulted in a loss of professionalism, as recruitment standards were lowered and normal education and training requirements were waived.

International actors during and after conflict have identified police reform as a priority component of lasting conflict resolution in the Western Balkans, but

¹⁹ Hagelin, B., Perlo-Freeman, S. and Wezeman, P. D., 'Military spending, armament and arms transfers, eds I. Gyarmati and S. Vesel, *Security Sector Governance in the Western Balkans 2003–2004* (Nomos: Baden-Baden, forthcoming 2004).

²⁰ See Dziedzic, M. and Bair, A., 'Bosnia and the International Police Task Force', eds R. Oakley, M. Dziedzic and E. Goldberg, *Policing in the New World Disorder: Peace Operations and Public Security* (Institute for National Strategic Studies, National Defense University: Washington, DC, 1998), available at URL <<http://www.ndu.edu/inss/books/Books%20-%201998/Policing%20the%20New%20World%20Disorder%20-%20May%2098/chapter8.html>>; and Partos, G., 'Serbia's "elite" enemy within', BBC News Online, 26 Mar. 2003, URL <<http://news.bbc.co.uk/1/hi/world/europe/2888943.stm>>; and Ivkovic, S. K., 'Distinct and different: the transformation of the Croatian police', eds M. Caparini and O. Marenin, *Transforming Police in Central and Eastern Europe: Process and Progress* (Lit Verlag: Münster, forthcoming 2004).

the results are still not satisfactory. Major problems remain with criminal networks which use these states as transit corridors for the smuggling of humans, drugs and other contraband. Frequent scandals suggest the widespread collusion of state and political authorities, including police, border guards and customs officials, in organized crime. In addition to weaknesses in national laws, enforcement and institutional infrastructure, the countries of the Western Balkans region are also limited in their cooperation with each other by a lack of structures and networks for joint action of a transnational nature, for example, through cooperative border management and police and judicial cooperation. The region has failed to develop common policies regarding visas, access rights, re-admission and asylum, leaving loopholes that can be exploited by criminal groups. It lacks information systems that are regionally linked and compatible with the 1990 Schengen Convention, limiting the extent of joint criminal investigation and data sharing.²¹

Moreover, police reform cannot be effectively achieved without addressing the broader criminal justice system. The establishment and enforcement of the rule of law is a key component, relying on such elements as an independent and impartial judiciary and the administrative capacity to enforce judgements.

One of the major issues in security sector reform throughout the Western Balkans region is the management of international borders, 5000 kilometres of which were created by the break-up of Yugoslavia and the emergence of five new states. Many of these borders have yet to be delineated, and border control agencies are often inefficient, under-equipped and subject to corruption. Apart from smuggling, the region is both a source of and a transit corridor for illegal immigrants into the EU. One estimate holds that over 100 000 illegal immigrants per year have come from the Balkans to the EU area, of which 15 per cent originated from the region itself.²² The border regions also tend to have minority populations, which when underprivileged—as they often are—may become a focus of unrest and source of secessionist pressures.

The EU has placed strong emphasis on improving border control to address smuggling and as a means to stabilize state-to-state and inter-community relations. Integrated border management among national agencies and regional strategies against transnational threats are specifically encouraged and supported through the EU's CARDS Programme. At the May 2003 Ohrid Regional Conference on Border Security and Management, the EU, NATO, the Organization for Security and Co-operation in Europe (OSCE) and the Stability Pact for South Eastern Europe adopted a Common Platform for the Western Balkans aimed at creating 'open but controlled and secure borders in the entire region in accordance with European standards and initiatives'.²³ The

²¹ European Commission, External Relations, 'CARDS Regional Strategy Paper 2002–2006', adopted 22 Oct. 2001, pp. 8–9, URL <http://europa.eu.int/comm/external_relations/see/news/ip01_1464.htm>. On the Schengen Convention, which entered into force in Mar. 1995, and for the signatories see URL <http://europa.eu.int/comm/justice_home/fsj/freetravel/frontiers/wai/fsj_freetravel_schengen_en.htm>.

²² European Commission (note 21), p. 8.

²³ On the Stability Pact, established by the EU and subsequently put under the auspices of the OSCE, see URL <<http://www.stabilitypact.org/>>. For the list of participants see the glossary in this volume. See

inter-institutional group's ultimate goal is to put border control throughout the region in the hands of civilian (police) services, with overall control exercised by civilian authorities.

The five Western Balkan countries and Kosovo vary significantly in the state of development of their border control services, and most of them have far to go until they are compatible with EU standards. Croatia has had a civilian border service since it declared independence in 1991. Albania, which has extremely poor border security, and Serbia and Montenegro are in the process of replacing their military border guards with civilian guards. FYROM faces serious obstacles to the establishment of effective border control as a result of widespread organized crime, smuggling and insurgency challenges posed by Albanian National Army (ANA) forces from Kosovo and the Presevo Valley in southern Serbia, endemic corruption and complicity of members of security forces and high-level instability. The EU, through its new police mission to FYROM, is aiding the country to build a non-military border police, but NATO military forces still take part in border protection in the zone—still threatened by heavily armed gangs and the risk of major incursions—where Serbia (Kosovo), FYROM and Albania meet.²⁴ Bosnia and Herzegovina has made up for a lack of experience with the considerable international assistance it has received to set up the State Border Service (SBS), a successful example of a civilian, multi-ethnic, state-level law enforcement body based on European and international norms, but by definition highly dependent on international commitment, especially from the Border Service Department of the UN Mission in Bosnia and Herzegovina (UNMIBH). Moreover, there remain serious problems related to smuggling, corruption, relations with other law enforcement bodies and inadequate regional cooperation to combat human trafficking.²⁵ In Kosovo, the UN Interim Administration in Kosovo (UNMIK) police occupy border posts, while the Kosovo Force (KFOR) monitors the 'green borders'.²⁶

Another phenomenon that has drawn growing international attention is the alleged presence of Islamic 'terrorists' in the Muslim enclaves and areas of the Western Balkans. Multiple sources, including US government representatives, academics and media outlets, have alleged that terrorists are present in Bosnia and Herzegovina and that some Bosnian citizens and foreigners are believed to have links with radical Islamic movements, including al-Qaeda, posing a threat to BiH security. Of specific concern are the mujahedin, Islamic fighters from foreign countries who arrived during the 1992–95 conflict and, although

also NATO, *Common Platform of the Ohrid Regional Conference on Border Security and Management*, 22–23 May 2003, available at URL <http://www.nato.int/docu/conf/2003/030522_ohrid/c030522a.htm>.

²⁴ It has been suggested that this situation sends mixed messages to FYROM about the civilianization of border functions. International Crisis Group (ICG), *Macedonia: No Room for Complacency*, ICG Europe Report no. 149, Skopje/Brussels, 23 Oct. 2003, p. 8.

²⁵ Hills, A., *Europe's Gatekeepers: Border Security in South-East Europe*, [Adelphi Paper], (Oxford University Press: Oxford, forthcoming 2004).

²⁶ 'Annual Report of the Special Coordinator 2003', *Newsletter of the Special Coordinator of the Stability Pact for South Eastern Europe*, no. 20 (12 Dec. 2003). Green borders refers to those sections of the land frontier that lie between official border crossing points. Surveillance and mobile patrols are used to protect against direct illegal entries at green borders.

required by the terms of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement)²⁷ to leave the country, some remained in Bosnia, often marrying local women.²⁸ Although the numbers of people involved are very limited, this has prompted the NATO-led Stabilization Force (SFOR) troops intermittently to detain suspect individuals, and they continue to do so.²⁹ One man arrested in October 2002 on suspicion of spying on SFOR and having links with al-Qaeda was handed over to the BiH authorities in late January 2003, after the BiH Human Rights Chamber raised objections to the conditions of his detention.³⁰

Some observers see the allegations of a terrorist presence in Bosnia and Herzegovina as a ploy by Serb and Croatian nationalists to isolate the Bosnian Muslims, ensure US protection and solidify ethnic divisions.³¹ Whether or not terrorists are present, however, the fear that they might be is affecting donor policy and the distribution of resources. The US Department of Defense, for example, has launched a Rewards Program offering Bosnians cash for information on terrorist activities.³² A more general question is whether the international community's (especially the USA's) future approach to weak states, conflicts and peace-building may become excessively coloured by terrorism-related concerns in a way that does not actually promote good governance or the achievement of balanced and lasting settlements.³³

IV. Developments in security sector reform in five states

Albania

The ethnically homogeneous state of Albania is one of the few countries in the region that has not been involved in overt interstate conflict or frontier change during the past decade. Its heaviest legacies are the backwardness and isolation resulting from its cold-war orientation followed by more than a decade of highly polarized politics, including a spell of internal disorder in 1997 which required a brief international military intervention (the multinational protection force Operation Alba).³⁴ Since then, there has been some form of international support for security improvements, and there is widespread public and politi-

²⁷ For the Dayton Peace Agreement see URL <http://www.ohr.int/dpa/default.asp?content_id=380>.

²⁸ 'Greece deems threat from Bosnian Arabs', *Middle East Newslines*, 19 Dec. 2003; and 'US Ambassador to Bosnia warns of terrorist threat', Radio Free Europe/Radio Liberty, *RFE/RL Newslines-South-eastern Europe*, vol. 7, no. 237 (18 Dec. 2003).

²⁹ See, e.g., Agence France-Presse, 'NATO forces in Bosnia detain suspect accused of security threat', 22 Dec. 2003.

³⁰ Agence France-Presse, 'Bosnia demands NATO hand over Al-Qaeda suspect', 14 Jan. 2003; and Sito-Sucic, D., 'NATO hands over terror suspect to Bosnia police', 31 Jan. 2003, Reuters, Balkan Peace Archive, Jan. 2003, URL <<http://www.balkanpeace.org/hed/archive/jan03/hed5450.shtml>>.

³¹ Hamilton, D., 'Al Qaeda bogeyman at work as US rethinks Balkans', Reuters, 9 Oct. 2003, URL <<http://www.balkanpeace.org/hed/archive/oct03/hed6041.shtml>>.

³² ONASA News Agency (Sarajevo), 'US Department of Defense launches rewards program in BiH', 22 Dec. 2003, available at the United States European Command Internet site at URL <<http://www.eucom.mil/directorates/ecpa/news/Release/122203.htm>>.

³³ See chapter 3 in this volume.

³⁴ Greco, E., 'New trends in peace-keeping: Operation Alba', *Security Dialogue*, vol. 29 (June 1998), pp. 201–12. Operation Alba was mandated by UN Security Council Resolution 1101, 28 Mar. 1997.

cal support in Albania for closer integration with NATO and the EU. However, progress in institutional reform, strengthening central and local government, and combating organized crime and corruption has been slow. Throughout 2002 and most of 2003 the Albanian Government and legislature were locked in a stalemate over public appointments, a crisis resolved only by the entry of the Social Democrat Party into the government in early 2004. The Albanian public remains dissatisfied with the economic situation, characterized by acute poverty, high unemployment, low production and endemic corruption. Public disenchantment with the government's leadership led to large protest rallies in February 2003 and again in February 2004.

In terms of armed forces reform, Albania has faced a difficult task of transformation, requiring both significant depoliticization and modernization. Under the preceding totalitarian, isolationist and highly militarized Communist regime, the Albanian Army was under the strong control of the party, whose purges and other measures severely eroded the sense of military corporate identity and professionalism. In the post-Communist period, defence issues have remained associated in the public mind with isolationism, hardship and underdevelopment. The drastic reductions in military personnel since the change in regime further undermined the attractions of a military career for young people.³⁵

Albania adopted a Military Strategy on Defence in July 2002, outlining the objectives of developing a professional army, reducing the number of conscripts, and increasing the defence budget by 0.1 per cent of gross domestic product (GDP) per year until 2010. However, Albania has far to go to reach NATO standards in terms of equipment and training. During the civil disorder of March 1997 following the collapse of government-supported financial pyramid schemes, the army disintegrated while the country was flooded with looted weapons, creating a legacy of illegal arms trafficking and hoarding. The left-wing coalition government that subsequently came to power purged the armed forces of 1500 officers, 400 of whom had received Western education or training in 1992–96, and brought back some old regime loyalists.³⁶

Despite formal declarations regarding the necessity of transparency in defence planning and the control exercised by parliamentary committees, legislative oversight of the armed forces, including the defence budget, is weak and perfunctory.³⁷ Lack of money and of staff with sufficient expertise hinders the functioning of oversight by parliamentary committees.³⁸ Parliamentarians acknowledge the problem and are attempting to find ways to overcome it. On a more positive note, despite the events in Kosovo and the unrest and political

³⁵ Cili, H., 'Security and defence: civil society and the media', eds J. Trapans and P. Fluri, *Defence and Security Sector Governance and Reform in South-East Europe: Insights and Perspectives, A Self-Assessment Study*, vol. 1, *Albania, Bulgaria, Croatia* (Geneva Centre for the Democratic Control of Armed Forces (DCAF): Geneva and Belgrade, 2003), p. 119.

³⁶ Bumci, A., 'Overview of security sector reform in Albania', eds Trapans and Fluri (note 35), p. 25.

³⁷ Gumi, V., 'Parliament and the security sector', eds Trapans and Fluri (note 35), pp. 60–61.

³⁸ Kajsiu, B., 'Transparency and accountability in governance', eds Trapans and Fluri (note 35), pp. 111–14.

conflicts in Albania over the past decade, the army has not attempted to intervene in politics or demonstrated any praetorian tendencies.³⁹

While Albania remains the most underdeveloped country in the region, the flow of economic migrants across the Adriatic Sea to Italy has slowed considerably compared with previous years as a result of more vigorous national efforts to control illegal immigration to the EU and the conclusion of re-admission agreements with EU members and other countries. Albania still experiences major problems, however, as regards trafficking in human beings and in hard drugs, including heroin and cocaine; organized crime; money laundering; and widespread systemic corruption of key state institutions, including the judiciary, police and customs.

Trafficking in women and children from Albania for prostitution or slavery has been a major problem fed by high unemployment, deep rural poverty and the traditionally low status of women in society. Albania has also served as a major transit route for traffic in third-country nationals. Only relatively recently, and under international pressure, has the government acknowledged the problem and adopted more aggressive anti-trafficking measures, such as the January 2002 approval of a National Strategy to combat illegal trafficking in human beings, followed by a National Strategy for Children, a new State Committee and the new Police Anti-Trafficking Office, with local units throughout the country.⁴⁰ The problem remains serious: a legislative and functional framework for witness protection has been lacking; traffickers often receive lenient sentences when convicted;⁴¹ and police commonly collude in trafficking with impunity.⁴² In June 2003 the Albanian Government finally established the Task Force on Witness Protection, including international experts, to aid witnesses materially and to help the government prepare and implement witness protection legislation.⁴³ A draft law is now before parliament for approval.⁴⁴

The EU has drawn attention especially to Albania's need to address reforms in the JHA sector.⁴⁵ The judicial system is weak, with corruption and inadequately trained individuals at all levels of the system. Court rulings are not always enforced and judicial proceedings for serious crimes, including organ-

³⁹ Bumci (note 36), p. 25.

⁴⁰ International Organisation for Migration (IOM), 'II Research Report on Third Country National Trafficking Victims in Albania', June 2002, p. 4, URL <www.icmc.net/files/traffalb.en.pdf>.

⁴¹ Human Rights Watch, 'Human rights overview: Albania', Jan. 2004, URL <<http://hrw.org/english/docs/2003/12/31/albani7270.htm>>.

⁴² US Department of State, 'Albania: country reports on human rights practices—2002', 31 Mar. 2003, URL <<http://www.state.gov/g/drl/rls/hrrpt/2002/18349pf.htm>>.

⁴³ OSCE, 'OSCE-facilitated agreement on witness protection signed today in Albania', Press Release, 17 June 2003, URL <<http://www.hrea.org/lists/hr-legal-professionals/markup/msg00091.html>>. See also OSCE, 'Report to the Permanent Council', Ambassador Osmo Lipponen, Head of OSCE Presence in Albania, 26 Feb. 2004.

⁴⁴ OSCE Presence in Albania, 'Legal sector report for Albania', 2004, p. 47, URL <<http://www.osce.org/albania/documents/reports/>>.

⁴⁵ Commission of the European Communities, *Albania: Stabilisation and Association Report*, Commission Staff Working Paper, COM (2003) 139 final, 26 Mar. 2003, p. 1, URL <http://europa.eu.int/comm/external_relations/sec/sap/rep2/com03_339.htm>.

ized crime, trafficking and corruption, frequently fail. The Albanian public consequently lacks trust in the system.

Policing is being reformed, albeit slowly, according to the Reform Strategy of the State Police. Despite the international police training missions,⁴⁶ significant problems remain, especially in the corruption and lack of professionalism of police, most of whom have been described as ‘untrained, ill paid and often unreliable’.⁴⁷ Physical mistreatment and torture of detainees by Albanian police are widespread and largely go unpunished, although this may now be less common.⁴⁸ The judicial police who carry out investigations for the prosecution service are not adequately trained or equipped. Cooperation is poor among the various law enforcement bodies, management remains ineffective, and political influence on selection procedures is frequent.⁴⁹

A major obstacle to tackling corruption and holding government and state officials accountable is the tendency of the Albanian Government to respond to perceived critical reporting by interfering with the media through physical intimidation, the threat of defamation trials and financial or regulatory pressure, such as the application of aggressive financial audits or inspections. State advertising is also used as an instrument of pressure and is channelled only through supportive media outlets.⁵⁰ Such problems underscore that progress in democratization and SSR cannot rely on institutional reform alone but depends critically also on civic society’s ability to debate and challenge government policy without fear.

Bosnia and Herzegovina

Reform of armed forces has been one of the most sensitive issues in Bosnia and Herzegovina since the signing of the Dayton Peace Agreement. The agreement created two autonomous entities in the country: the (Bosniac–Croat) Federation of Bosnia and Herzegovina (FBiH); and the (Bosniac–Serb) Republika Srpska. Each entity is responsible for its own defence and has its own armed forces. In practice, however, the country has three armed forces: although the FBiH Army was designed as a single force, it is divided into the Army of the (Bosniac–Muslim) Federation of Bosnia and Herzegovina (AFBiH) and the (Croat) Hrvatsko Vijeće Obrane (HVO).

⁴⁶ The WEU-led Multinational Advisory Police Element (MAPE) operated in Albania in 1997–2001. An EC Police Assistance (ECPA) project was set up in 2001 to ensure continuity until the Police Assistance Mission of the European Commission (PAMECA) was established in Dec. 2002. See URL <<http://www.mpo.gov.al/PAMECA/Background.htm>>.

⁴⁷ US Department of State (note 4).

⁴⁸ Human Rights Watch (note 4). Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants, ‘Rapport au Gouvernement de l’Albanie relatif à la visite effectuée en Albanie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants du 22 au 26 octobre 2001’ [Report to the Government of Albania by the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment (CPT) on its visit to Albania from 22 to 26 October 2001], 2003, URL <<http://www.cpt.coe.int/documents/alb/2003-11-inf-fra.htm>>. See also US Department of State (note 4).

⁴⁹ Commission of the European Communities (note 45), p. 6.

⁵⁰ Human Rights Watch, *The Cost of Speech: Violations of Media Freedom in Albania*, vol. 14, no. 5 (June 2002).

The Dayton Peace Agreement conceived military reform in terms of a division and balance of power between the two (now almost ethnically homogeneous) entities.⁵¹ The development of a 'train and equip' programme was agreed between Bosnia and Herzegovina and the USA specifically to build up the military capabilities of the FBiH Army so that it would be as strong and professional as its opponent during the war, the Army of the Republika Srpska.⁵² The programme was implemented by the US Military Professional Resources Incorporated (MPRI) private military company,⁵³ officially from 1996 until 30 October 2002. This strengthened the FBiH Army, but at the cost of fuelling mistrust among Bosnian Serbs and undermining attempts to integrate the armed forces of Bosnia and Herzegovina.⁵⁴ Since then, a key challenge of SSR in the country has been to restore a modicum of authority and control in the realm of security to the weak central authorities, something that matters for democratic accountability and transparency as well as efficiency and equality of standards.

Defence reform lagged after the initial downsizing of the BiH armed forces was implemented in 2001–2002.⁵⁵ The existence of ethnically based, parallel security institutions has been a huge drain on BiH public resources, and the country has spent more than 5 per cent of GDP on defence every year since the conclusion of the 1995 Dayton Peace Agreement.⁵⁶ This has been criticized by NATO as excessive, while the Office of the High Representative (OHR)⁵⁷ has stated that defence expenditures are bankrupting the Bosnian state. The financial impasse has given the international community new leverage for insisting on reform, using also offers of training and equipment for restructured forces as a 'carrot', and the OHR has taken a strong proactive approach, essentially driving defence reform in Bosnia and Herzegovina. NATO has linked military reform, specifically the creation of a unified state-level defence organization (command and control system), with Bosnia and Herzegovina's developing closer ties to NATO, including eventual membership of the PFP.⁵⁸ As a result, significant reforms were pushed through in 2003 towards the establishment of a unified armed forces command, including the

⁵¹ Agreement on Regional Stabilization, Annex 1-B of the Dayton Peace Agreement (note 27).

⁵² 'US wraps up military program in Bosnia', *Radio Free Europe/Radio Liberty Newswire—South-eastern Europe*, 31 Oct. 2002.

⁵³ On the MPRI see URL <<http://www.mpri.com/channels/home.html>>.

⁵⁴ Orsini, D., 'Security-sector restructuring in Bosnia-Herzegovina', *Conflict, Security & Development*, vol. 3, no. 1 (Apr. 2003), p. 81.

⁵⁵ By the end of the war in 1995, the armed forces numbered 430 000 troops. By early 2004 they had been reduced to a total of 21 000 regulars, 12 600 conscripts and 360 000 reserves, with further cuts expected in the future. See 'Developments in South-Eastern Europe', Report of the Assembly of the Western European Union, 49th Session, Submitted by Mr. Hancock, Rapporteur, on behalf of the Political Committee, Document A/1820, 4 June 2003, p. 16.

⁵⁶ Hagelin, Perlo-Freeman and Wezeman (note 19).

⁵⁷ The position of the High Representative was created under the Dayton Peace Agreement (note 27) to oversee implementation of the civilian aspects of the agreement on behalf of the international community. The High Representative is responsible for coordinating the activities of civilian organizations and agencies working in Bosnia and Herzegovina. See the OHR Internet site at URL <<http://www.ohr.int/ohr-info/gen-info/>>.

⁵⁸ 'NATO decision-makers urge Bosnia to reform military', *NATO Update*, 10 Apr. 2003, URL <<http://www.nato.int/docu/update/2003/04-april/e0410a.htm>>.

OHR's decision in April 2003 to abolish the Republika Srpska's Supreme Defence Council in order to prevent contravention of the Dayton Peace Agreement and its prohibition against having separate military command structures.⁵⁹

The Defence Reform Commission (DRC) was established in May 2003 by High Representative Lord Ashdown to draft or amend the legislation required for the reform of BiH defence structures in accord with Euro-Atlantic norms, including PFP membership requirements and OSCE commitments.⁶⁰ In its report of September 2003 presenting the proposed Defence Law and related legislative amendments, the DRC endorsed PFP and ultimately NATO membership as goals to guide reform.⁶¹ A key step was the creation of a single, central defence establishment—which became possible once the Muslim nationalist Party of Democratic Action dropped its demands for a single, unified army.⁶² Under heavy pressure from the international community, the BiH authorities agreed on the establishment of state-level central command and control of the two armies, which will now have a single flag and uniform but will remain ethnically distinct.⁶³ The entities will retain separate armed forces and defence ministries for administrative functions. The BiH state-level defence ministry and general staff will be responsible for 'higher functions' and the supreme command would be the BiH joint presidency, which would make decisions based on consensus.⁶⁴

The 2003 Defence Law and almost all of the DRC's legislative recommendations had been enacted by the BiH Parliament by the end of 2003.⁶⁵ Nevertheless, the pace of reform was still considered too slow to meet PFP targets by the Istanbul NATO Summit of June 2004, prompting a decision to expand and refocus the mandate of the DRC.⁶⁶ The DRC is now mandated to oversee implementation of its recommendations, including the filling of new posts established by the Defence Law (especially the state-level defence minister as

⁵⁹ Office of the High Representative, 'High Representative acts to ensure that military in BiH are under effective civilian control', 2 Apr. 2003, URL <http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=29614>.

⁶⁰ The DRC was made up of representatives of Bosnia and Herzegovina and of SFOR, NATO and the OSCE. The goals of the DRC included central command and control, interoperability, democratic control of the defence budget and democratic oversight of forces. Office of the High Representative, 'Decision establishing the Defence Reform Commission', 9 May 2003, URL <http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=29840>.

⁶¹ *The Path to Partnership for Peace*, Report of the Defence Reform Commission, Bosnia and Herzegovina, Sarajevo, 25 Sep. 2003, URL <<http://www.ohr.int/archive/drc-report/pdf/drc-eng.pdf>>.

⁶² Agence France-Presse, 'International High Representative in Bosnia welcomes defence reform', 26 Sep. 2003.

⁶³ Agence France-Presse, 'Bosnian leaders agree on central command for armed forces', 26 Sep. 2003.

⁶⁴ Prlenda, A., 'Defence reform in BiH enters new phase', *Southeast European Times*, 21 Oct. 2003.

⁶⁵ 'International community welcomes adoption of crucial defence law in BiH', *Southeast European Times*, 2 Dec. 2003; and 'Law on Defence of Bosnia and Herzegovina', *Official Gazette of Bosnia and Herzegovina*, vol. 43, no. 3 (29 Dec. 2003).

⁶⁶ The Peace Implementation Council (PIC) Steering Board, which adjusted the DRC mandate, is chaired by the High Representative and is composed of representatives of Canada, France, Germany, Italy, Japan, Russia, the UK, the USA, the Presidency of the EU, the European Commission and the Organisation of the Islamic Conference. See 'Communiqué by the PIC Steering Board', 11 Dec. 2003, URL <http://www.ohr.int/pic/default.asp?content_id=31361>.

well as the joint chiefs of staff and their deputies); the establishment of new organs such as the Security Committee of the Parliamentary Assembly; and the drafting, adoption and implementation of BiH defence budgets.⁶⁷ In parallel, Bosnia and Herzegovina announced in February 2004 that it would make major reductions to the BiH armed forces, downsizing to 12 000 professional soldiers in three ethnically based brigades: 8000 in the Federation Army and 4000 in the Bosnian Serb Army.⁶⁸ Agreement has been reached on a draft joint military doctrine and common training standards for all the BiH armed forces, one of the prerequisites for joining the PFP.

Intelligence reform has proven even more difficult than defence reform in Bosnia and Herzegovina, where political parties and figures allegedly control their own intelligence services.⁶⁹ These highly politicized services are thought to spy not just on other entities but also on international actors present in the country, including SFOR troops and researchers at the ICTY. The Republika Srpska Government closed a military intelligence office in April 2003 after it had been caught doing this.⁷⁰ The services have also been linked to a broad range of criminal activities, including helping indicted war criminals such as President of Republika Srpska Radovan Karadzic to escape arrest, and recently selling military arms and equipment to Iraq in violation of a UN embargo.⁷¹ Recently, however, pressure for reform in this field has increased because of international concerns about terrorism and organized crime. The EU made intelligence reform a key condition, along with tax system reforms and cooperation with the ICTY, for starting to negotiate any SAA with Bosnia and Herzegovina in 2004. Lord Ashdown set up a seven-member Expert Commission for Intelligence Reform following a number of scandals involving parallel BiH security structures.⁷² A draft intelligence law was formulated, revised with international advice, and—after three months of hesitation by the tripartite presidency—sent by Lord Ashdown directly to parliament, thus sidestepping the Council of Ministers. Lord Ashdown has indicated that he will enforce reform in the absence of cooperation from authorities in Republika Srpska, and has set the deadline of 1 April 2004 for the new single Intelligence and Security Agency to be approved by the BiH Parliament and estab-

⁶⁷ Office of the High Representative, 'Decision extending the mandate of the Defense Reform Commission', 4 Feb. 2004, URL <http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=31761>.

⁶⁸ The decision has yet to be formally endorsed by the state presidency. Sito-Sucic, D., 'Bosnia to slash military to boost NATO ties', Reuters AlertNet, 3 Feb. 2004.

⁶⁹ Kaldor, M., 'Security structures in Bosnia and Herzegovina', eds G. Cawthra and R. Luckham, *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies* (Zed Books: London and New York, 2003), p. 221.

⁷⁰ Associated Press, 'Bosnian Serb President closes spy agency', 15 Apr. 2003, URL <<http://www.balkanpeace.org/hed/archive/apr03/hed5645.shtml>>.

⁷¹ Traynor, I., 'Bosnia's arms to Iraq scandal claims top political scalp', *Guardian Unlimited, Special Report: Serbia*, 3 Apr. 2003, URL <<http://www.guardian.co.uk/serbia/article/0,2479,928400,00.html>>.

⁷² Office of the High Representative, 'Decision establishing the Expert Commission on Intelligence Reform', 30 May 2003, URL <http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=29988>.

lished.⁷³ The agency will collect information on threats to BiH security both within and outside the country and will be obliged to forward information about war crimes suspects to the ICTY.

Police reform in Bosnia and Herzegovina has been predominantly driven by the international community through successive international police missions—UNMIBH and the International Police Task Force (IPTF) from December 1995 until the end of 2002, and the EU Police Mission (EUPM) since January 2003. The IPTF achieved the limited goals of an overhaul of local police forces; the retraining of senior police officers; and the training of over 1000 young cadets. The number of police has been cut from 44 000 immediately following the end of hostilities in 1996 to 16 000 in mid-2003.⁷⁴ A de-certification process run by the UN identified personnel whose records during the war disqualified them, but many of those de-certified by UNMIBH were re-employed in ministries of the interior, where they could still influence policing.⁷⁵ The police de-certification process has recently run into problems, such as the requests by more than 150 individuals dismissed by the IPTF for the courts to review their cases and the reinstatement of some police officers following a court order.⁷⁶

BiH policing suffers from continuing political interference and control over police structures and appointments, with little democratic accountability. The police are poorly paid, perceived as corrupt and not trusted by the public to enforce the law fairly. Politicians, policemen and customs agents are considered to be among the most corrupt officials in the country.⁷⁷ Police powers are highly decentralized, with each of the 10 BiH cantons having an interior ministry, while central state authorities are responsible only for international and inter-entity policing. The extreme fragmentation and lack of cooperation impede effective policing of organized crime and trafficking, in which local authorities and police are still suspected of being complicit. The creation of the State Information and Protection Agency (SIPA) Programme, a state-level investigative law enforcement agency, is meant to facilitate inter-entity and international police cooperation in combating organized crime, but at the end of 2003 the SIPA Programme still lacked a budget and permanent facilities.⁷⁸ Furthermore, there have been persistent efforts to prevent the establishment of an independent, impartial and multi-ethnic judiciary, which is viewed as a key

⁷³ Office of the High Representative, 'Decision proposing the Law on the Intelligence and Security Agency of BiH to the Parliamentary Assembly of BiH', 17 Dec. 2003, URL <http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=31403>.

⁷⁴ Assembly of Western European Union, 'Developments in South-Eastern Europe', WEU document A/1820, 4 June 2003, URL <http://assembly-weu.itnetwork.fr/en/documents/sessions_ordinaires/rpt/2003/1820.html>.

⁷⁵ Palmer, L. K., 'Police reforms in Bosnia-Herzegovina: external pressure and internal resistance', eds Caparini and Marenin (note 20), p. 179.

⁷⁶ Office of the High Representative, 'Speech by the High Representative for BiH Paddy Ashdown at the United Nations Security Council', 3 Mar. 2004, URL <http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=31948>.

⁷⁷ Transparency International (TI), 'TI: Corruption, bribery drop in Bosnian Federation, rise in Serb entity', BBC Monitoring Service, 11 Mar. 2004, in *TI Daily Corruption News*, 12 Mar. 2004.

⁷⁸ US Department of State, 'Bosnia and Herzegovina: Country Reports on Human Rights Practices—2003', 25 Feb. 2004.

obstacle to further progress in establishing rule of law. It appears increasingly likely that the EUPM, which at nearly 500 police officers is much smaller than the IPTF (1800), will have to develop closer cooperation with the High Representative so that the latter's discretionary powers can be used to tackle such interference.⁷⁹

In summary, there was progress in 2003 in the reform of BiH security institutions, but it has been critically dependent on international pressure and on the High Representative's use of his powers to impose legislation and dismiss obstructionist officials. The EU and NATO have increasingly turned their institutional leverage (including their power of the purse as donors) to the same end, and the EU will presumably attempt to do so in an even more focused way if it takes over responsibility for the SFOR peacekeeping force as well as the EUPM. This raises the question of how meaningful and durable reforms can be without the sufficient engagement and informed consent of local political institutions. The choice that appears to exist in a country as dependent on international tutelage and assistance as Bosnia and Herzegovina is between effective SSR and democratic SSR. As SSR ultimately concerns the ability of national authorities to govern the security dimension effectively, it is worrying that the domestic political process has been sidestepped in engineering some significant structural changes.⁸⁰ Questions may be raised about the legitimacy and durability of measures so lacking in truly local 'ownership'.

Croatia

Croatia had to build up its armed forces and security (intelligence) services from scratch in the early 1990s in the context of the 'war of independence' and under the authoritarian rule of President Franjo Tudjman's nationalist Croatian Democratic Union (HDZ). There was a fundamental change in the regional security environment with the death of Tudjman and the fall of the regime of Slobodan Milosevic in neighbouring Serbia and Montenegro (then the Federal Republic of Yugoslavia) in 2000, which meant the fading of the main external threat to Croatia and gradual improvement of relations with Serbia and Montenegro. Croatia entered the 21st century with a pro-reform government which set a new course for integration with the Euro-Atlantic structures. However, it also faced the challenge of reforming the bloated and politicized security structures which it inherited from the Tudjman era.

Subsequent security sector reforms have involved mainly constitutional changes (reducing the powers of the president) and new legislation (e.g., in 2002, new laws on defence, security services, national security strategy and national defence strategy). Practical reforms have been scarce: for instance,

⁷⁹ Orsini, D., 'Case study: EUPM in Bosnia and Herzegovina', International Alert and Saferworld, in association with the European Peacebuilding Liaison Office, *Strengthening Global Security Through Addressing the Root Causes of Conflict: Priorities for the Irish and Dutch Presidencies in 2004* (Saferworld and International Alert: London, Feb. 2004), p. 11.

⁸⁰ For similar tendencies see Chandler, D., 'Anti-corruption strategies and democratization in Bosnia-Herzegovina', *Democratization*, vol. 9, no. 2 (summer 2002), p. 117.

the Security Services Act established a National Security Council but it has yet to meet, leaving certain ministers in charge of intelligence agencies.⁸¹ The Croatian political system has become essentially semi-presidential, with a sharing of certain key powers which obscures political accountability and raises the possibility of deadlock when the president and the prime minister are politically opposed (cohabitation).⁸²

Because of the outbreak of war at the beginning of the 1990s, existing members of the State Security Service (SDS, the intelligence service inherited by the new government) did not undergo a screening or review process to remove those involved in human rights abuses during the Communist era. Following the end of the war, the Croatian intelligence services experienced a 'post-war identity crisis' and became a source of political opposition to the single-party government, while some members became actively involved in smuggling, trafficking and organized crime.⁸³ After two years of rivalry within the executive, a new legal framework was achieved in the form of the 2002 Security Services Act, which renamed the services and placed them under the shared power of the prime minister and cabinet and the president. However, there has been little effort to implement the new provisions (e.g., there is no lustration process to screen personnel).⁸⁴ Continuing turf wars among politicians in 2000–2002 blocked badly needed reforms and were aggravated by the failure of the National Security Council to meet and provide strategic guidance. Democratic oversight and control of the services are practically non-existent because the Parliamentary Internal Affairs and National Security Committee has not taken up its duties as defined by the Security Services Act, and other intelligence oversight bodies have not been established.⁸⁵ In summary, Croatia's intelligence services still do not function in accordance with democratic principles.

The Croatian armed forces are essentially new, built up in the first years of the independence struggle and composed of civilian volunteers, former militarized police units, local territorial defence forces and a few officers from the former Yugoslav People's Army,⁸⁶ where education and training standards were relatively low and the forces highly politicized. Croatia now needs to adapt the armed forces to a new security environment through downsizing (including the Ministry of Defence). At the same time, there has been a significant decrease in the defence budget. The continuing dependence of parts of Croatian society and specific regions on the military, in a context of high unemployment, makes it politically difficult to downsize, which may explain

⁸¹ Vesel, S., 'Security sector reform in Croatia: summary of self-assessment studies', eds E. Cole, T. Donais and P. Fluri, *Defence and Security Sector Governance and Reform in South East Europe: Self-Assessment Studies—Regional Perspectives*, vol. 3, *Comparative Perspectives* (Nomos: Baden-Baden, forthcoming 2004).

⁸² Stanicic, M., 'Security sector reform in Croatia', eds Gyarmati and Vesel (note 19).

⁸³ Zunec, O., 'Democratic oversight and control over intelligence and security agencies', eds Trapans and Fluri (note 35), pp. 384–85.

⁸⁴ Zunec (note 83), p. 396.

⁸⁵ Zunec (note 83), p. 397.

⁸⁶ Edmunds, T., International Institute for Strategic Studies, *Defence Reform in Croatia and Serbia-Montenegro*, Adelphi Paper 360 (Oxford University Press: Oxford, 2003), p. 9.

why the government's declaration of principles on the matter has not been translated into any clear policy plans.⁸⁷

There has, however, been progress in the depoliticization of the officer corps and increased transparency in the defence budget and procurement process. Still remaining is the need to address personnel management within the armed forces, including the system of promotions. Parliamentary oversight of defence affairs is still largely perfunctory: members of the Domestic Policy and National Security Committee are responsible for all security-related issues but lack the expertise to exercise their duties effectively; and Croatia has no specific committee to oversee the armed forces.⁸⁸ There is a general lack of security expertise in civil society and thus of experts to provide independent advice to parliamentary committees.

Croatia is conducting a strategic defence review which is due to be completed in 2004. NATO has criticized the over-emphasis in Croatia's armed forces on territorial defence, insufficient mobility of forces, heavy and outdated weapons, and a hollow command structure.⁸⁹ The review is expected to advocate a shift towards collective defence within the NATO framework and towards making deployable forces available for NATO operations, specifically in NATO rapid reaction forces. Croatia pledged to allocate 800 troops for NATO peace support operations in its NATO Membership Action Plan (MAP). It also allocated \$5 million to peacekeeping operations in Afghanistan and projected to spend \$30 million in 2004 on participation in peace support operations.⁹⁰ One observer has warned, however, against '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'.⁹¹

Policing in Croatia was strongly influenced by armed conflict in the 1990s and by the decade of nationalist right-wing government under President Franjo Tudjman. The military use of police in the 1991–92 war reinforced their bonds of professional loyalty, which made the subsequent tasks of rooting out police corruption or creating internal controls on misconduct more difficult. On the other hand, the war helped to create a legitimate indigenous police force that was divorced in the public mind from the despised and repressive Yugoslav militia⁹² and brought the police much higher public esteem than their counterparts enjoy in many Central European countries. Nevertheless, that legitimacy was eroded from the late 1990s, probably as a result of the high levels of police corruption. The latter is a key issue for police reform, together with excessive use of force, implementation of community policing, reform of the

⁸⁷ Stanicic, M., 'Croatia, SEE Self-Assessment Study', eds Trapans and Fluri (note 35).

⁸⁸ NATO Parliamentary Assembly, Sub-committee on Future Security and Defence Capabilities, 'Mission Report on visit to Croatia, 2–4 Mar. 2004', URL <<http://www.naa.be/default.asp?TAB=470>>.

⁸⁹ Stanicic (note 87).

⁹⁰ Stanicic (note 87).

⁹¹ Vesel (note 81), p. 63.

⁹² Ivkovic (note 20).

police organization and staff policies.⁹³ Serious problems in the functioning of the judiciary, including inadequately qualified staff, insufficient budgets, long delays and a huge backlog of pending civil law cases, are also undermining the rule of law, effective law enforcement and implementation of decisions.⁹⁴

Thus, while Croatia has made rapid progress and is acknowledged to be ahead of the other Western Balkan states economically and in many of its institutional reforms, numerous problems remain in the security sector.

The Former Yugoslav Republic of Macedonia

During the 1990s, FYROM was seen as an island of peaceful ethnic coexistence in the region. However, this peace built on the *de facto* division of the two main communities in the state—ethnic Macedonians and ethnic Albanians—who lived in more or less isolated parallel societies, with a high degree of mutual mistrust. Discrimination against the ethnic Albanian minority was a structural feature of the state, but without the violence and attempts at ethnic cleansing that characterized Kosovo. Albanians had formal minority status in FYROM, with their own political parties, media outlets and education in their own language up to secondary level.

The conflict in the neighbouring Serbian province of Kosovo put greater strains on inter-ethnic relations between the Macedonian and Albanian communities. In February 2001 armed conflict broke out in north-western FYROM between armed Albanian insurgents and FYROM security forces. The National Liberation Army (NLA), recruiting insurgents from Kosovo and from the FYROM Albanian community, employed guerrilla warfare and terrorist tactics, allegedly in protest against discrimination of Albanians and the slow pace of reform. The FYROM authorities believed that the insurgents sought to split off the north-western part of the country and join it to a 'Greater Albania' (or 'Greater Kosovo'). This guerrilla conflict continued for six months and escalated ethnic tensions until the international community brokered a ceasefire agreement in August 2001—the Ohrid Framework Agreement. The agreement provided greater rights and representation for Albanians and an amnesty for the NLA fighters in exchange for the disarming and disbanding of the NLA.⁹⁵

In September 2001 NATO's Essential Harvest mission was replaced by a 1000-strong peacekeeping force, Amber Fox, to protect EU and OSCE monitors who were overseeing the implementation of the Ohrid Agreement and monitoring the 15 September 2002 general election. These forces left in December and were replaced in March 2003 by the 350-member EU Military Operation in the Former Yugoslav Republic of Macedonia (EUFOR), Operation Concordia, patrolling areas mostly around the Kosovo border. Operation

⁹³ Commission of the European Communities, 'Croatia: Stabilisation and Association Report 2003', COM(2003) 139 final, Brussels, 26 Mar. 2003, p. 7.

⁹⁴ Commission of the European Communities (note 93), pp. 6–7.

⁹⁵ For the Ohrid Framework Agreement, 13 Aug. 2001, see URL <<http://www.president.gov.mk/eng/info/dogovor.htm>>.

Concordia was the first EU military crisis-management operation.⁹⁶ The FYROM Government requested an extension of the EU mission until 15 December. At that point, by agreement with the government and with support from NATO and the OSCE, the EU military mission was replaced by the EU Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL), Operation Proxima, indicating a shift of emphasis from peacekeeping to internal security tasks, including improving police training, refugee return and anti-crime measures.⁹⁷

According to international observers, the current situation is 'improving', despite sporadic incidents of inter-ethnic and political violence. Others perceive a disturbing succession of security incidents that suggest underlying tensions and a propensity towards violence. One analyst maintains that FYROM is both post-conflict and possibly pre-conflict, given the continuing tensions, the continued existence of Albanian splinter paramilitary groups (the NLA having agreed to disband) and the proliferation of small arms.⁹⁸ Other underlying factors of instability include the erosion and collapse of the industrial sector, rural underdevelopment, economic weakness and a flagging private sector—further undermining a state that is neither representative in its structure nor equitable in its distribution of public goods and services.

SSR in FYROM faces the fundamental challenge of improving the efficiency of security structures in carrying out their basic tasks—both in peace and in conflict. The 2001 crisis revealed confusion regarding the legal authority of key governmental actors over security institutions. A strategic defence review has been under way in FYROM, with adoption by the parliament expected in the spring of 2004. It includes plans for the army to be fully professionalized by 2008, with appropriate representation of ethnic communities, while other reforms (including the modernization of equipment and downsizing) are being implemented ahead of the Istanbul NATO Summit. A total of €14 million is to be spent on modernization in 2004 and some €16 million in 2005.⁹⁹ FYROM will downsize its army of 60 000, including 45 000 reservists, to about 8300, including a Defence Ministry staff of about 500 employees.¹⁰⁰ The armed forces will be restructured to create a small, efficient and modern force compatible with NATO and EU rapid reaction forces. The review also redefines the role of the Army of the Republic of Macedonia (ARM), which will relinquish control of the borders to the border police after 2005. A limited ARM counter-insurgency capability will be developed now that ethnic

⁹⁶ See Dwan, R. and Lachowski, L., 'The military and security dimensions of the European Union', *SIPRI Yearbook 2003* (note 2), pp. 213–36; and chapter 4 in this volume.

⁹⁷ Dempsey, J., 'EU to beef up police training in the Balkans', *Financial Times*, 8 Aug. 2003, p. 6.

⁹⁸ Vankovska, B., *Current Perspectives on Macedonia*, Part IV, 'Problems and prospects of security sector reform: conflict prevention and/or post-conflict reconstruction in Macedonia', 2003, p. 7, URL <http://www.boell.de/downloads/konflikt/vankovska_pt4.pdf>.

⁹⁹ 'Macedonian leaders review progress of army reform, relations with NATO', MIA News Agency (Skopje), in English, 2 Feb. 2004, *Global News Wire—Asia Africa Intelligence Wire, BBC Monitoring International Reports*, 2 Feb. 2004.

¹⁰⁰ 'Macedonian Army, Defence Ministry, to employ 8,300 after downsizing', *Urinski Vesnik* (Skopje), (in Macedonian), 19 Jan. 2004, *Global News Wire—Asia Africa Intelligence Wire, BBC Monitoring International Reports*, 22 Jan. 2004.

Albanian opposition to ARM support for the police during security operations has been removed. In this context Albanian politicians successfully insisted, however, that a specific mechanism for defining and authorizing army support in police operations be developed.¹⁰¹

More problematic is the reform of policing in FYROM. The relations between police and the ethnic Albanian community have been particularly troubled. Policing is highly centralized and, before the Ohrid Agreement, was highly unrepresentative of the population. Mistrust of ethnic Albanians within the Ministry of the Interior is a continuing problem, despite efforts launched after the Ohrid Agreement to increase Albanian representation in the police and the ministry itself. Ethnic Macedonian dominance in the police, taken together with underlying ethnic tensions and Albanian distrust of state authority, has made the public security sector a flashpoint for inter-ethnic conflict. In the past, provocative police actions, especially those of the special force of 'Lions' under former Interior Minister Ljube Boskovski, raised the possibility of armed confrontations with ethnic Albanians.

The international community has paid considerable attention to monitoring police and guiding police reform in FYROM since the conclusion of the Ohrid Agreement. The OSCE in particular has played a major role in police monitoring, introducing community policing and providing training and support for multi-ethnic units.¹⁰² It has helped FYROM to achieve the benchmarks set out in the Ohrid Agreement for recruitment of more ethnic Albanians and the spread of multi-ethnic policing in former conflict zones. However, the performance of the police in FYROM is still deficient, notably in terms of their operational effectiveness.¹⁰³ Further reforms are needed in the direction of decentralization of policing and strengthening civilian oversight of police. Moreover, the police have been repeatedly accused of ill-treatment, including indiscriminate arrests and even torture. According to Amnesty International, prosecution of accused police officers on those grounds is 'almost negligible', and most of the cases referred to the Ministry of the Interior by the Ombudsman's Office have been dismissed.¹⁰⁴ The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found in a report based on a visit in 2001 that physical ill-treatment of detainees is a serious problem and that there is no guarantee that an investigation will be carried out.¹⁰⁵

¹⁰¹ 'Macedonian Government to define scope for future army intervention', *Lobi* (Skopje), (in Albanian), 28 Oct. 2003, *BBC Monitoring Europe—Political*, *BBC Worldwide Monitoring*, 29 Oct. 2003.

¹⁰² See OSCE, Police Development Unit, 'OSCE Spillover Monitor Mission to Skopje', URL <<http://www.osce.org/skopje/pdu>>.

¹⁰³ International Crisis Group (ICG), *Macedonia: No Room for Complacency*, ICG Europe Report no. 149 (23 Oct. 2003), p. 4.

¹⁰⁴ Amnesty International (AI), 'Continuing failure by the Macedonian authorities to confront police ill-treatment and torture', AI Index EUR 65/008/2003, 1 June 2003, URL <<http://web.amnesty.org/library/print/ENGEUR650082003>>.

¹⁰⁵ On this committee see URL <<http://www.cpt.coe.int/en/>>. See also 'Council of Europe Anti-Torture Committee publishes reports on "the former Yugoslav Republic of Macedonia"', Press Release, 16 Jan. 2003. The report and press release are available at URL <<http://www.cpt.coe.int/en/states/mkd.htm>>.

While ethnic Albanians may be slowly making progress in the police through targeted programmes of recruitment and training, elements within the Interior Ministry and secret police continue to exhibit anti-Albanian sentiments.¹⁰⁶ There is a need for ethnic Macedonians to ‘share more state privileges in exchange for greater acceptance by ethnic Albanians of the state’s integrity and authority’.¹⁰⁷ Albanians for their part have traditionally not had confidence in state institutions, and efforts must be made to engender greater respect among them for state institutions and state authority—in terms not only of policing but also of accepting other public services and responsibilities, such as paying taxes.

Serbia and Montenegro

The State Union of Serbia and Montenegro is still struggling to find its path after more than a decade of conflict, defeat, sanctions, international condemnation and isolation. The electoral defeat and ousting of President Milosevic in October 2000 raised hopes for democratization, but tensions within the successor government and the uncertainty surrounding the constitutional nature of the Yugoslav federation caused reform to stall by late 2002. After the assassination on 12 March 2003 of Serbia’s reformist Prime Minister Zoran Djindjic, it appeared that the Serbian Government would finally be galvanized to act against the threat posed by the forces of organized crime, corruption and uncontrolled paramilitaries and their links with politics, business and the security forces. Under a state of emergency which lasted until 22 April 2003, the government made mass arrests of organized criminals in Operation Sword. During this period the Serbian police interrogated more than 11 000 criminal suspects, detained 2700 and indicted almost 4000 for crimes.¹⁰⁸ However, the crime sweep failed to reach the financial underpinnings of the numerous criminal organizations, many of which have built up legitimate and influential businesses. The government appears unable to overcome strong obstructionist forces within the armed forces, the police and security services or in its own ranks.¹⁰⁹

In the parliamentary elections of 28 December 2003, the extreme nationalist Serbian Radical Party of Vojislav Seselj, currently in custody at The Hague for alleged war crimes, received nearly 28 per cent of the votes and almost one-third of the 250 seats in government, followed by Vojislav Kostunica’s moderately nationalist Democratic Party of Serbia. The country was left in political stalemate for several months as the main pro-democracy parties bickered over the formation of a government. The new government was finally appointed on 3 March 2004 and is headed by Prime Minister Kostunica.¹¹⁰ Its

¹⁰⁶ ICG (note 103), p. 5.

¹⁰⁷ ICG (note 103), p. 7.

¹⁰⁸ Matic, V., *Serbia After Djindjic: Can Invigorated Reforms be Sustained?* (Public International Law & Policy Group: Boston, Mass., Oct. 2003), pp. 3–4.

¹⁰⁹ International Crisis Group (ICG), *Serbian Reform Stalls Again*, ICG Balkans Report no. 145, 17 July 2003.

¹¹⁰ See section V of chapter 1 in this volume.

weakness and dependence on voting support from the Serbian Socialist Party (Milosevic's party), which maintains a strong nationalist agenda, is a matter of some concern for both the EU and the USA.¹¹¹ Indeed, shortly after taking office, Kostunica declared that he would refuse to extradite any more indicted war criminals and would seek to speed up war crimes trials before domestic courts—although failure to hand over high-ranking suspects, including former Bosnian Serb military leader Ratko Mladic, to the ICTY could cost Serbia \$100 million in US aid and \$340 million in EU assistance.¹¹² Kostunica's proposal that Kosovo be partitioned into cantons along ethnic lines, as the only means of securing the survival of minority ethnic Serbs there, also caused alarm in the international community, Kosovo and neighbouring states such as FYROM, whose own inter-ethnic relations could be destabilized by such a precedent.¹¹³

The elections' evidence of the resurgence of militant nationalism in Serbia and Montenegro has meanwhile caused much heart-searching, with explanations focusing on resentment variously against international demands and the underlying problems of poverty and corruption. Some 30 per cent of the population live below the poverty level, and the country appears to be sliding even further into economic recession.¹¹⁴

Defence reform in post-Milosevic Serbia and Montenegro was largely paralysed by lingering constitutional uncertainty and opposition to reform by the Milosevic-era military leadership, notably the Yugoslav Army Chief of General Staff and Milosevic appointee General Nebojsa Pavkovic, whom former federal President Kostunica resisted removing until 2002.¹¹⁵ Constitutional ambiguity was lessened somewhat with the establishment of the new constitutional Charter on the State Union of Serbia and Montenegro, which formally replaced the Yugoslav Army with the Army of Serbia and Montenegro. After Pavkovic's departure the General Staff remained a largely autonomous structure until May 2003, when it was placed under the direct command of the Ministry of Defence in an effort to strengthen civilian control over the military.

A number of key documents are now being revised, including, at the federal level, a new version of the Defence Strategy, completed at the end of February 2004;¹¹⁶ a revised Military Doctrine; and a White Paper on defence sector

¹¹¹ Cvijanovic, Z., Institute of War and Peace Reporting, *Serbia: Doubts Cast Over New Reform Pledge*, Balkan Crisis Report, no. 483 (4 Mar. 2004); and Clark, N., 'Wrong sort of government; observations on Serbia', *New Statesman*, 15 Mar. 2004, p. 11.

¹¹² Todorovic, A., 'Serbia says it will not hand over war suspect', *The Telegraph*, 6 Mar. 2004, p. 16; 'US "concerned" about the new Serbian Government's policy on the war crimes tribunal', *RFE/RL Newslines—Southeastern Europe*, vol. 8, no. 42 (4 Mar. 2004); and 'EU concerned over Serbian developments', *RFE/RL Newslines—Southeastern Europe*, vol. 8, no. 35 (24 Feb. 2004).

¹¹³ Zimonjic, P. V., 'Serbia in threat to partition Kosovo', *The Independent*, 3 Mar. 2004.

¹¹⁴ 'Experts say nearly one-third of Serbs live below the poverty line', *RFE/RL Newslines—Southeastern Europe*, vol. 8, no. 5 (9 Jan. 2004).

¹¹⁵ See Edmunds (note 86), pp. 11–12.

¹¹⁶ Internet site of the Serbian and Montenegrin Armed Forces, News Archive, 25 Feb. 2004, URL <http://www.vj.yu/english/en_aktuelno/vesti/februar2004/v0225-e.htm>.

reform, due in the spring of 2004. National security strategies are also expected to be developed and adopted by the republic parliaments.¹¹⁷

Serbia and Montenegro has focused its efforts on membership of the PFP, with expectations of admission at the NATO Istanbul Summit. Eventual membership of the EU and NATO is a longer-term foreign policy objective that has an increasing impact on SSR. The March 2003 statement of former Defence Minister Boris Tadic on defence reform¹¹⁸ was framed in this context and emphasized the country's participation in international peace support operations, including the offer to send troops to Iraq to support the US-led coalition there. Democratic civilian control of the armed forces has also become a declared priority. However, momentum stalled with the delay of new defence legislation, and problems remain with the ambiguous constitutional situation, inadequate funding and lack of political consensus.

The loose state union between Serbia and Montenegro provides a special factor of uncertainty. The Agreement on the Union of Serbia and Montenegro of March 2002 transformed the state into a union of two semi-independent entities, with common foreign and defence policies and a federal presidency, but separate economic systems, currencies and customs services.¹¹⁹ However, both republics are entitled to review the status of the federation within three years and hold the option of withdrawing from the arrangement. Federal institutions are fragile, given the retention of sovereign rule by each republic over its own territory. Moreover, neither the Serbian nor the Montenegrin public wanted to have a state union: it came about after heavy pressure by the EU, which strongly opposed independence for Montenegro on the grounds that it could encourage other independence-minded groups in the region (Kosovo and FYROM), triggering further violence and forcing the international community to deal with Kosovo's status prematurely.¹²⁰

EU pressure has thus created an essentially artificial arrangement between two mismatched republics¹²¹ that lacks popular legitimacy and leaves their relationship unclear. So long as Kosovo's final status remains unresolved, the constitutional composition of Serbia, and hence of the State Union of Serbia and Montenegro, will be uncertain. Support within Montenegro for independence remains high and was strengthened with the resurgence of nationalist parties in recent Serbian elections. There is growing domestic and international criticism of the EU's opposition to Montenegrin independence.¹²²

Montenegro shares the serious problems of corruption and organized crime that are typical of the Western Balkans and needs to implement reforms of its

¹¹⁷ Ministry of Defense of Serbia and Montenegro, 'Defence sector reform in Serbia and Montenegro', Prepared for the Donors Meeting for Serbia and Montenegro, Brussels, 18 Nov. 2003, URL <<http://www.seerecon.org/serbiamontenegro/documents/su>>.

¹¹⁸ Edmunds (note 86), p. 50.

¹¹⁹ 'Serbia and Montenegro in deal to reshape Yugoslavia', *Financial Times*, 14 Mar. 2002.

¹²⁰ Hadzic, M., Geneva Centre for the Democratic Control of Armed Forces (DCAF), 'New constitutional position of the army', DCAF Working Paper no. 112 (Feb. 2003), p. 1, URL <http://www.dcaf.ch/publications/Working_Papers/112.pdf>.

¹²¹ Serbia has a population of about 7 million, while Montenegro has 650 000 inhabitants.

¹²² International Crisis Group, *A Marriage of Inconvenience: Montenegro 2003*, Balkans Report no. 142 (16 Apr. 2003).

criminal justice system. While Djukanovic and the Montenegrin Government have taken steps to shut down smuggling rackets and stop other illicit activities, there is still much to be achieved. Criminal justice reforms need to aim at an independent judiciary and at reforming the corrupt, ineffective, highly centralized and politicized police, which has changed minimally in organization, structure and command since the early 1990s.¹²³

In summary, despite some progress in its relations with NATO and the EU, the continuation of security sector reforms in Serbia and Montenegro had been thrown in doubt even before the open violence in Kosovo in March 2004 by such factors as the internal political struggles among members of the new ruling coalition, the worsening economic situation, a hardening in the stance of the Kostunica Government towards the ICTY, and Belgrade's deteriorating relations with the West. The state union between Serbia and Montenegro is also a fragile construction.

Kosovo

The Serbian province of Kosovo has remained under UN control as an international protectorate since June 1999, after the NATO bombing operation ended the 1998–99 crackdown by Serbian-led forces against ethnic Albanian guerrillas of the Kosovo Liberation Army (KLA) seeking independence for the province. The governing framework in Kosovo is UN Security Council Resolution 1244, under which NATO troops were to provide a stable and secure environment for the people of Kosovo.¹²⁴ The United Nations Interim Administration Mission in Kosovo (UNMIK) has cooperated closely with the NATO-led KFOR to achieve this goal, including the demilitarization and demobilization of the KLA.

Kosovo's unresolved legal status affects security throughout the region. The province's majority ethnic Albanians favour independence, while the minority Serbs and the authorities in Belgrade insist that the territory remain within Serbia or be separated in the same manner as Bosnia and Herzegovina into entities, including the creation of an entity called the Serb Republic. The previous Special Representative of the UN Secretary-General, Michael Steiner, identified eight goals or standards that must be met by Kosovo's authorities in order for the gradual transfer of competence and responsibility to the provisional Kosovar institutions to take place.¹²⁵ They include: functioning democratic institutions, enforcement of the rule of law, freedom of movement, the return and reintegration of all inhabitants of Kosovo, development of a market economy, full property rights for all citizens, dialogue and normalized relations with Belgrade, and reduction and transformation of the Kosovo Protec-

¹²³ Sevic, Z. and Bakrac, D., 'Police reform in the Republic of Montenegro', eds Caparini and Marenin (note 20).

¹²⁴ UN Security Council Resolution 1244, 10 June 1999, available at URL <<http://www.nato.int/kosovo/docu/u990610a.htm>>.

¹²⁵ 'Address to the Security Council by Michael Steiner, Special Representative of the Secretary-General', UNMIK Press Release PR719, 24 Apr. 2002, URL <<http://www.unmikonline.org/press/2002/pressr/pr719.htm>>.

tion Corps (KPC) in accordance with its mandate.¹²⁶ The eight benchmarks were reaffirmed and set out in more detail in late 2003 by the present Special Representative, Harri Holkeri,¹²⁷ and have been backed by the nations of the informal Contact Group for the Western Balkans (France, Germany, Italy, Russia, the UK and the USA). These nations have confirmed that fulfilment of the eight targets is a prerequisite for the international community's efforts to address the legal status of Kosovo, possibly in mid-2005.¹²⁸

The fact that Kosovo remains an international protectorate has significant implications for the process and substance of SSR. Although Kosovo has a president, prime minister and parliament, most decision-making power rests in the hands of UNMIK. In the spring of 2003 Kosovo Prime Minister Bajram Rexhepi attempted to convince the Special Representative to set up ministries to handle the 'reserved' areas, which include defence and foreign affairs. Steiner declined, on the grounds that doing so would be in breach of UN Security Council Resolution 1244 and that the Kosovar Albanian authorities had been unable to guarantee the safety of minorities.¹²⁹ UNMIK has, however, transferred other specific responsibilities to local provisional institutions (i.e., the presidency, the government and the Kosovo Assembly) as part of its commitment to gradually introduce self-government in Kosovo under the constitutional framework.

Despite the large international presence, stability in Kosovo is fragile and tensions remain high, with growing incidence of violent crime and attacks against the minority Serb population. According to statistics gathered by the ICTY, 1192 Serbs were killed, 1303 kidnapped and 1305 wounded in Kosovo during 2003,¹³⁰ despite the presence of 18 000 KFOR troops and an international police force of more than 4000. Ethnic Albanian paramilitaries were seen as the primary perpetrators of these attacks, although relatively few people have been investigated and prosecuted for them. Organized crime groups and paramilitary groups oversee smuggling through the region which, according to Interpol, functions as a transit route for more than 80 per cent of the heroin that flows to Western Europe.¹³¹ It is estimated that 330 000–460 000 illegal weapons, mostly small firearms, are in the hands of civilians in

¹²⁶ The KPC was established in 1999 as a multi-ethnic civilian emergency organization. For the issues surrounding it see below in this section; and UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 26 Jan. 2004, p. 15, URL <<http://www.un.org/Depts/dhl/da/kosovo/kosovo3a.htm>>.

¹²⁷ 'Standards for Kosovo', UNMIK Press Release 1078, 10 Dec. 2003, URL <<http://www.unmikonline.org/press/2003/pressr/pr1078.pdf>>.

¹²⁸ US Department of State, 'The future of Kosovo', Testimony of Deputy Assistant Secretary for South Central Europe Janet Bogue before the House International Relations Committee 21 May 2003; and Agence France-Presse, 'Kosovo given timetable for democratic reform', 10 Nov. 2003.

¹²⁹ B92 (Belgrade), 'Steiner: no chance for speedy Kosovo independence', 3 May 2003, available at URL <http://news.serbianunity.net/bydate/2003/May_03/0.html>.

¹³⁰ Vincent, I., 'Crime, terror flourish in "liberated" Kosovo', *National Post*, 10 Dec. 2003, p. A1.

¹³¹ Figure provided by Ray Kendall, former Secretary General of Interpol, in Repa, J., 'Europe's drug gangs', BBC News Online, 15 June 2000, URL <<http://news.bbc.co.uk/1/hi/world/europe/792290.stm>>. See also the statistics in Council of the European Union, 'Draft Action Plan on Drugs Between the EU and Countries of Western Balkans and Candidate Countries (Bulgaria, Romania and Turkey)', document 5062/203 REV 2 COR 1, Brussels, 3 June 2003, URL <http://europa.en.int/comm/external_relations/drugs/docs/wb.pdf>.

Kosovo.¹³² Attacks have also been launched at Kosovar Serb religious and cultural institutions; more than 100 Orthodox churches and holy places have been attacked since the end of the war in 1999. Under Milosevic and the repression of the army, some 212 Muslim mosques were damaged.¹³³ Both UNMIK and KFOR were under criticism even before the 2004 events for being unable to protect ethnic Serbs from ethnically motivated violence. Minority communities were denied effective redress for threats and violence suffered, and there were suspicions that ethnic cleansing was continuing via an upsurge in attacks and unresolved murders of Serb individuals and families outside the protected enclaves. While Serbs had made up 10 per cent of Kosovo's population before the 1999 NATO bombing campaign, they now constitute only 5 per cent of the population. Intimidation and fear of travelling beyond the KFOR-protected ethnic enclaves mean that Kosovo's minorities are denied freedom of movement and are severely restricted in their access to basic rights, including health care, housing, education and employment. The key requirements for countering this phenomenon are the provision of adequate resources for UN civilian police and local authorities for investigation of ethnically motivated crime, and for witness protection to be extended to witnesses of ethnically motivated human rights abuses.¹³⁴

The Albanian National Army (ANA) emerged in mid-2002 as a militant ethnic Albanian organization committed to the cause of a 'Greater Albania'. The ANA has claimed responsibility for a number of attacks not only in Kosovo but also in FYROM and other parts of Serbia. The ANA was outlawed as a 'terrorist organization', and in April 2003 membership of the ANA was made a crime in Kosovo by UNMIK's former chief Michael Steiner, after the ANA claimed responsibility for a bomb attack on a railway in a Serb area.¹³⁵

The complicated issues involved in Kosovo's SSR are demonstrated by the experience of the KPC, an unarmed civil protection force responsible for disaster relief, search-and-rescue operations, de-mining and humanitarian assistance, and post-war reconstruction. Ostensibly civilian, uniformed and multi-ethnic, the establishment of KFOR was linked directly to the demobilization of former UCK members, who were offered membership of the KPC on a privileged basis.¹³⁶ Of the more than 3000 full-time members and 2000 reservists of the KPC, only 131 are not ethnic Albanians and only 31 of these are Serbs.

¹³² Khakhee, A. and Florquin, N., *Kosovo and the Gun: A Baseline Assessment of Small Arms and Light Weapons in Kosovo*, Special Report (Small Arms Survey for the United Nations Development Programme: Geneva, June 2003), p. 2, available at URL <<http://www.smallarmssurvey.org/SReports/Special%20Report%20Kosovo.pdf>>.

¹³³ Magister, S., 'In Kosovo the Orthodox Church is under siege', *l'Espresso*, 16 Dec. 2003, available at URL <http://213.92.16.98/ESW_articolo/0,2393,41995,00.html>.

¹³⁴ Amnesty International, 'Prisoners in our own homes', EUR 70/010/2003, 29 Apr. 2003, URL <<http://web.amnesty.org/library/Index/ENGEUR700102003>>. See also OSCE and UNHCR, 'Tenth assessment of the situation of ethnic minorities in Kosovo', Mar. 2003, URL <<http://www.reliefweb.int/library/documents/2003/osce-kos-10mar.pdf>>.

¹³⁵ Agence France-Presse, 'UN official brands Kosovo Albanian group "terrorist" after railway attack', 18 Apr. 2003, URL <<http://www.balkanpeace.org/hed/archive/apr03/hed5654.shtml>>.

¹³⁶ Cockell, J. C., 'Civil-military responses to security challenges in peace operations: ten lessons from Kosovo', *Global Governance*, vol. 8, no. 4 (2002).

The KPC has retained a quasi-military structure; some of its members have been implicated in numerous bombings and confrontations with Serbs and have links to extremist Albanian groups, including the ANA. Many ethnic Albanians, as well as the majority of its own members and the authorities in Belgrade, tend to see the KPC as the de facto army of Kosovo,¹³⁷ and its excessive size has bolstered this perception (5000 active members before it moved to its present strength at UN insistence). An investigatory committee was launched in the spring of 2003 by UNMIK and KFOR to determine whether members of the KPC are involved in the activities of banned extremist organizations.¹³⁸ Based on evidence of illegal activities produced in an inquiry into the April 2003 bombing of a railway, Special Representative Holkeri suspended two generals and 10 officers in the KPC in December. However, Commander-General of the KPC Agim Ceku, who was a former chief of staff of the UCK, stated that he would ignore the decision.¹³⁹

Many analysts maintain that the absence of a final decision regarding Kosovo's political status feeds the continuing serious threats to public security, the inter-ethnic violence and the emergence of isolated ethnic enclaves. At the same time, the international community has begun a parallel process of disengagement from Kosovo and Bosnia and Herzegovina. The number of NATO troops serving in both regions was planned to be reduced by November 2004 by nearly half: from 30 500 to 17 500.¹⁴⁰ Meanwhile, UNMIK and international peacekeepers have increasingly become targets of bombs and explosive devices in Kosovo. In part this is due to local reactions to the role of international police (see below) in carrying out arrests of individuals indicted for war crimes¹⁴¹ (a particularly sensitive issue in Kosovo, where many ethnic Albanians regard the UCK guerrillas as heroes in a war of national liberation). However, it also reflects ethnic Albanian frustration with the UN's insistence on 'standards before status' and the ethnic Serbs' belief that the UN cannot or will not protect them.¹⁴²

Law enforcement is the responsibility of UNMIK through the deployment of an international civil police force and through the recruitment and training of a domestic police force, the Kosovo Police Service (KPS), to which responsibility should progressively be transferred. The KPS has been designed as an apolitical, multi-ethnic civil police organization with a strength of about 5185 officers. KPS recruits are trained in the new KPS School (KPSS), run by

¹³⁷ Belgrade's Kosovo Coordination Centre urged the Serbs not to join the KPC until its role was clearly limited to that set out in UN Security Council Resolution 1244 (note 124) and Kosovo's constitutional framework. See B92 (Belgrade), 'Belgrade urges Serbs not to join Protection Corps', 5 May 2003.

¹³⁸ See Mustapha, A. and Xharra, J., 'Kosovo officers under investigation', Balkan Crisis Report no. 472 (11 Dec. 2003), available at URL <http://www.iwpr.net/index.pl?archive/bcr3/bcr3_2003121_472_1_eng.txt>.

¹³⁹ Buza, S., 'UN suspension move angers Kosovo ex-guerrillas', Reuters, 4 Dec. 2003, available on the Internet site of Global Policy Forum at URL <<http://www.globalpolicy.org/security/issues/kosovo1/2003/1203suspension.htm>>.

¹⁴⁰ Agence France-Press, 'NATO troop numbers to be slashed in Bosnia, Kosovo: France', 14 Jan. 2004. URL <<http://www.balkanpeace.org/hed/archive/jan04/hed6192.shtml>>.

¹⁴¹ Castle, S., 'KLA link suspected in UN police murder', *The Independent*, 6 Aug. 2003, p. 11.

¹⁴² Kirby, M., 'Police defuse bombs near UN Headquarters', *World Markets Analysis* (World Markets Research Centre), 8 Mar. 2004.

the OSCE Department of Police Education and Development.¹⁴³ As many as half of the recruits, who undergo a vetting procedure, are drawn from demobilized former UCK members. While the KPSS has processed nearly 5000 new recruits, the fast pace of training (250 graduate every four to five weeks) makes it impractical for UNMIK personnel to provide adequate field training for the graduates.¹⁴⁴

V. Conclusions

The complexity of the challenge of transforming security institutions is illuminated by the differences between post-socialist transformation in Central Europe and post-conflict reconstruction in South-Eastern Europe. The experience of recent armed conflict, ethnic cleansing, ethnicization of security structures and delayed transition bring special challenges for SSR in the latter region. Transformation towards democratic political systems and market economies faces higher and more numerous obstacles than in Central Europe, a challenge sometimes made even more complicated by the plethora of international actors, forms of leverage and programmes of assistance on offer. This chapter draws a picture of states in the Western Balkans engaged in the activity of nation building and post-war reconstruction of their fractured states and societies. While not yet vibrant democracies, neither are they experiencing armed conflict and ethnic cleansing, as was the case a few years ago.

The exceptionally high degree of commitment and engagement by Western donors to this region, and above all the acknowledgement that these states will eventually form part of the EU, has been the main driver of peace building and reform, including SSR. In the absence of a widespread domestic consensus, the sustainability of SSR relies on the leverage that the EU and NATO can bring to bear. The international community's role, however, is ambivalent, not only because it is inclined or obliged to push reforms not fully willed or even understood by the local populations, but also because it is motivated in large part by its own security concerns regarding a region so close to Europe's heartland. Security sector reform in the Western Balkans, then, is not so much the consensual product of a rational process of self-evaluation by national political elites as it is an instrument to serve the interests of external actors and agendas. Its economic base is correspondingly contingent and non-self-sustaining, and in the event of 'donor fatigue'—which may now be a danger, *inter alia* because of competing demands from Afghanistan and Iraq—the maintenance even of the progress made this far becomes moot. It remains to be seen how the shock of renewed violence in Kosovo in March 2004 will affect this equation.

The case of the Western Balkans illustrates particularly well the need for security to be analysed and approached in a broader regional framework. The unsettled final status of Kosovo, notably, provides a potential source of insta-

¹⁴³ On the KPSS see URL <<http://www.osce.org/kosovo/police>>.

¹⁴⁴ Cockell (note 136).

bility for FYROM and the region. A regional dynamic has increasingly been factored into SSR approaches, most notably through the regional programmes of the Stability Pact for South-Eastern Europe to combat organized crime, trafficking and smuggling, and small arms proliferation, and the emphasis of the EU's SAP on regional cooperation between police and judiciaries in the same areas. These approaches have, however, been criticized by certain actors in the region because they implicitly hold each state's progress in the eyes of EU and NATO hostage to the willingness of its neighbours to cooperate—in a way that hardly applied in Central Europe.¹⁴⁵ Local states such as Slovenia in the past, and now Croatia and FYROM, have preferred to pursue Western integration on the basis of individual initiatives, rather than as part of the stigmatized 'Balkans'.

Moreover, despite the progress made by the Stability Pact for South Eastern Europe and other strategic approaches, there is still a significant lack of coordination among international actors involved in SSR, especially within individual target states.¹⁴⁶ A database on SSR-related donor projects organized under Stability Pact auspices found a marked absence of information sharing and willingness to coordinate, even among those targeting the same sector in a given country. A degree of competition no doubt contributes to this, and things are made no better by host states which fail to coordinate international assistance to optimal effect.¹⁴⁷ The Stability Pact has also been criticized for competing with and duplicating other efforts by the EU, providing a disincentive for regular EU funding of such projects.¹⁴⁸

The experience of the Western Balkans also demonstrates that the building and reforming of institutions, which is a core part of SSR, cannot be separated from politics and political settlements. In two instances—the Dayton Peace Agreement in Bosnia and Herzegovina and the Ohrid Framework Agreement in FYROM—the international community used the conclusion of ceasefire agreements to introduce SSR as a priority area for follow-up. Those agreements continue to influence the situation on the ground, not only in terms of regulating relations among formerly warring parties but also in the institutional and procedural frameworks that govern future developments. The case of Bosnia and Herzegovina also underlines how ethnic and political divisions within the state can frustrate the normative as well as the practical objectives of SSR. If the legitimacy of a state rests on its capacity to provide public goods—security included—to its citizens, it is not surprising that the fragmentation of security in Bosnia and Herzegovina poses a barrier to development of the central authority.

¹⁴⁵ Woodward, S. L., 'In whose interest is security sector reform? lessons from the Balkans', eds G. Cawthra and R. Luckham, *Governing Insecurity* (Zed Books: London and New York, 2003), p. 297.

¹⁴⁶ The problems include not only material overlaps but also conflicting advice. Edmunds (note 86), pp. 56–57.

¹⁴⁷ 'Preliminary Gaps Analysis', Project on Security Sector Reform in South Eastern Europe: An Inventory of Initiatives, Centre for International and Security Studies, York University, Canada, URL <<http://ssr.yciss.yorku.ca>>.

¹⁴⁸ See the comments by Lamers, K., 'Reform Balkans Stability Pact, German politician urges', *Die Welt*, 23 Jan. 2002, available at URL <<http://www.setimes.com/html2/english/020201-SVETLA-001.htm>>.

How can local ownership of SSR be cultivated in countries where the international community has played the lead role in initiating reform? Political scientists from the Balkan states have noted the disconnect that exists between their reformist political elites and citizens. The latter, typically less interested in NATO or EU membership, are frustrated with the functioning of their political systems and dismayed by the lowered standards of living and high rates of unemployment, corruption and personal insecurity. In the view of Ivan Krastev, the main risk facing the Balkan countries today is the 'slow death of democracy' or 'the erosion and de-legitimization of democratic regimes in the institutional framework of democracy itself'.¹⁴⁹ The democratic deficit that has been diagnosed in the integration policies of the current member states of the European Union and now Central European accession states¹⁵⁰ is even more visible in the Western Balkans. The international community must learn that establishing sound and accountable security institutions constitutes part of a wider process of democratization and that coercing reforms from the leaders of disillusioned and disenfranchised publics will ultimately undermine the political basis for programmes of democratic reform. The challenge of security sector reform in post-conflict societies such as those of the Western Balkans is not only to identify suitable policy content but also to ensure that the political process by which it is developed, implemented and sold to key stakeholders and the public is one that strengthens democracy itself.

¹⁴⁹ Krastev, I., *The Inflexibility Trap: Frustrated Societies, Weak States and Democracy*, Report on the State of Democracy in the Balkans (National Endowment for Democracy: Sofia, May 2002), URL <<http://www.ned.org/reports/balkansFeb2002.html>>.

¹⁵⁰ Zielonka, J., 'Challenges of EU enlargement', Mungiu-Pippidi, A., 'Beyond the new borders', Pehe, J., 'Consolidating free government in the new EU', and Rupnik, J., 'Concluding reflections', *Journal of Democracy*, vol. 15, no. 1 (2004), pp. 22–85. See also Schmitter, P. C., 'Democracy in Europe and Europe's democratization', and Dahrendorf, R., 'The challenge for democracy', *Journal of Democracy*, vol. 14, no. 4 (2003), pp. 101–14.