Abstract

In order to support the promotion and implementation of the standards of the democratic control of the armed forces and the implementation of the new EU Directive on Public Procurement from 2014 in SEE countries, RACVIAC SSR Pillar addressed the issue of private security for the third year in a row.

Initiated in 2013 by the SSR Pillar, this year’s event focused on the implementation of international regulation by addressing the topic of private security in national legislatures, the specific national and regional context of private security, as well as the current status and recent developments in the regulation of private security. Additionally, national experiences, lessons learned, challenges and the concerns of the private security industry were addressed during the seminar.

The seminar strove to support the efforts to adopt effective regulation both on the international and national levels and
simultaneously provide the private security sector and the state with a comfortable operational framework. As an international foundation whose mission is to support the international community in pursuing good governance of the security sector, DCAF promotes transparency and accountability of the private security sector at international, regional, and national levels. On this basis, DCAF has partnered with RACVIAC in the organisation of the seminars on private security regulation since 2013. A vital impulse to continuing the exchange of information among key stakeholders and the interested public in the SEE region was also given by the participants who took also part in last year’s seminar.

Activity Background

On the international level, there are two documents that provide guidance and good practices for national regulation of private (military) security companies: The Montreux Document and the International Code of Conduct for Private Security Service Providers.

documents, can be called upon when needed and provide a sustainable and effective regulatory framework. While, on the one hand, the seminar discussed the promotion and the implementation of the more effective private security regulations, participants also focused on the implementation of the new EU Directive on Public Procurement from April 2014 in SEE.

Activity Facilitators

Planned and organized by RACVIAC – Centre for Security Cooperation and DCAF Geneva and executed by RACVIAC – Centre for Security cooperation on its premises, the event was a successful cooperative effort between RACVIAC and DCAF Geneva. It began on Wednesday, 8 April with a Welcome dinner and encompassed the next two working days. The seminar was officially closed on Friday, 10 April 2015.

Activity Venue, Duration and Participation

The seminar was conducted in RACVIAC facilities for two working days and ended on 10th April 2015. It brought together a total of 32 participants, including nominees from RACVIAC Member countries AL, BA, HR, MK, RS and TR and Associate member SI, presenters from DCAF Geneva, the Austrian Institute for European and Security Policy, the Hungarian academia, the Kingdom of Spain, the Belgrade Centre for Security Policy, Transparency International Bosnia and Herzegovina and regional experts and entrepreneurs in the field of Private security from the Republic of Slovenia and the Republic of Croatia.
Activity Description and Content

The seminar was opened by Ambassador Branimir Mandić, Director of RACVIAC, followed by introductory addresses given by Ms Anne-Marie Buzatu, Deputy Head of Public-Private Partnership Division, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Dr Arnold H. Kammel, PhD from the Austrian Institute for European and Security Policy and Mr Emsad Dizdarović from Transparency International Bosnia and Herzegovina. While Ms Buzatu first stressed that RACVIAC and DCAF were created to respond to similar challenges in the security sector and that they could provide detailed information on regional needs and good practices, Mr Arnold H. Kammel, PhD, Director of the Austrian Institute for European and Security Policy then underlined the fact that the level of P(M)SCs regulation on the national and EU level is never sufficient.

He went on to say that what is especially lacking is the absence of any kind of regulation for P(M)SCs working outside of the EU and that the EU should take the leading role in the registration and licensing of P(M)SCs, should the EU MS agree on the common definition of P(M)SCs. Focusing in particular on the regional level, the next speaker, Mr Emsad Dizdarović of Transparency International Bosnia and Herzegovina, said that it is especially important to address this issue in the SEE region, as it is a post-conflict area.

In Session I, entitled “Current Trends and Challenges in the P(M)S Sector” the participants were introduced to the cases of evolution of the deregulation process and possibilities for deregulation of P(M)SCs in the Republic of Slovenia as well as the Controversial Institutionalisation of P(M)SCs in Hungary and, finally, the new research project on “Private Security in the Western Balkans” which was launched last year by DCAF together with the Belgrade Centre for Security Policy (BCSP), Belgrade, the Centre for the Study of Democracy (CSD) Sofia, the Kosovar Centre for Security Policy (KCSS), Pristina, and the Institute for Democracy and Mediation (IDM), Tirana, and which will conduct research on private security in the Republic of Bulgaria, Republic of Albania,
Republic of Serbia and Kosovo¹. The aim of this project, as explained by Ms Franziska Klopfer, Project Coordinator, Operations Southeast Europe, DCAF Geneva

Franziska Klopfer, Project Coordinator, Operations Southeast Europe, DCAF, was to see how the sector evolves at the national level, who shapes it and how it is regulated and why. In continuation, Mr Sandro Knezović, PhD, Senior Research Fellow at the Institute for Development and International Relations, Zagreb, HR gave an expose on the priorities in the way forward in regards to the deregulation of the public sector, which is currently facing various challenges. Dr Knezović stated that the framework for public-private partnership should be defined by the public sector and that the process in connection to critical infrastructure is at the moment developing in the totally opposite direction of total liberalisation. Notwithstanding the fact that there are many examples of good practices in public-private partnerships in critical infrastructure protection, the policy recommendations of the Austrian Institute for European and Security Policy similarly call for a more holistic, all-hazards approach, which is focused on long-term resilience and based on unified taxonomy, metrics and risk management, centralised in a limited number of bodies, inclusive of the cyber-dimension and internationally bounded with clear rules about the role of P(M)SCs, said Dr Arnold Kammel, Director of AIES. After a presentation on the case of the Zagreb airport which focused on the interconnection between Private Security and Public Affairs, the audience was also briefed on the strengthening of implementation and good practices of the Montreux Document (by Ms Anna Marie Burdzy, Project Officer, DCAF Geneva) and the challenges posed in regards to ICOCA (Ms Anne-Marie Buzatu, Deputy Head of Public Private Partnership Division, DCAF). Day two, moderated by Robert Mikac, PhD, Head of Sector for Civil Protection – Commander of the Civil Protection of the Republic of Croatia, National Protection and Rescue Directorate, kicked off with a discussion on the new EU Public Procurement Directive, which is specifically aimed at streamlining the bureaucratic process, small and medium-sized enterprises and social clauses in regards to P(M)SCs. Presentations on regulating private security companies were also delivered by Dr Eduardo Cobas Urcelay, Secretary General of APROSER, ES and President of CoESS

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICI Opinion on the Kosovo Declaration of Independence. (In accordance with Arrangements regarding regional representation and cooperation.)
Working Committee for Social Dialogue. Dr Cobas Urcelay elaborated on the ‘do’s’ and ‘don’ts’ of selecting private security, specifically the current prevalence of selecting the contractors based only on price considerations which, he said, carries inherent risks of the so-called “race to the bottom” that is noticeable in the EU in the past 4-5 years. Dr Cobas Urcelay outlined that a better balance between

![Mr Eduardo Cobas Urcelay, Secretary General APROSER, ES](image)

the relative importance of quality over price is needed to remedy the situation. In the next presentation on the Sarajevo Code of Conduct Mr Emsad Dizdarević of Transparency International Bosnia and Herzegovina made a point of stressing that for best public procurement legislation it is paramount that it be as strict as possible and made as attractive as possible for the clients through using tools and giving proper arguments. Next up was the Q & A session which paved the way towards Panel 3 Roundtable Discussions on Guiding Questions: National Policies and Regulations, in which the participants were invited to give national presentations related to the national experiences with P(M)SCs in MK, BA, HR, HU, RS and SI. During the Panel, the presenters spoke about the legislation, problems and various other issues in connection to P(M)SCs in their respective countries. In the concluding session, Ms Anne-Marie Buzatu, Deputy Head of Public Private Partnership Division, DCAF Geneva pointed out that in the last 10 years, the perspective in connection to this topic has shifted dramatically from how to ban mercenaries to how to integrate them into society. For quality private services, she added, lines of communication need to be constantly open. Ms Buzatu also stressed that improvement is needed in the oversight mechanisms that monitor P(M)SCs as well as the effective means to handle disputes specifically tailored for places where the rule of law is not strong.

![Mr Branko Slak, President of the Chamber for development of Slovenian Private Security](image)

![Dr Robert Mikac, Head of the Sector for Civil Protection – Commander of civil protection of the Republic of Croatia](image)

**Concluding remarks and future actions**

In her concluding remarks, Ms Anne-Marie Buzatu, Deputy Head of Public-Private Partnership Division, Geneva Centre for
the Democratic Control of Armed Forces (DCAF), pointed out that the discussions in the seminar had shown that:

- considerable progress has been achieved in how PSC regulation is understood and nowadays there seems to be more agreement on how PSCs should behave and how their services fit into the larger paradigm of public security;
- good practices, for example in ensuring quality in state procurement of private security, are emerging in the region;
- oversight mechanisms could still be improved to regularly verify that PSCs are actually implementing the systems and policies that aim to prevent incidents that undermine public security;
- the importance of having effective means of handling disputes and grievances should not be neglected.

Ms Buzatu thanked the organisers of the seminar and ended by underlining the importance for opportunities for dialogue and exchange between different stakeholders, such as this seminar had provided. At the end of the second day of the third seminar on P(M)SCs also Brigadier General Zdravko Jakop expressed his impressions of the substance of the two-day Civil-Military Relations seminar on „Private (Military) Security Companies III” organised by RACVIAC - Centre for Security Cooperation in SEE in cooperation with DCAF Geneva. First of all, he thanked the DCAF team of experts, Ms Franziska Klopfer, Ms Anne-Marie Buzatu and Ms Anna Marie Burdzy from Switzerland. He also expressed thanks to Dr Eduardo Cobas, Secretary General of APROSER and President of the COESS Social Dialogue Committee. In continuation, BG Jakop presented his thoughts on the two-day seminar:

- The main goals and objectives of the third seminar on P(M)SCs, as a continuation of RACVIAC mid-term activities, in the year 2013 initiated and started project, focusing on the changes in Civil-Military Relations (CMR) and influenced by the rapid growth of the private (military) security sector, were successfully achieved.

- The first important set of objectives - to attract high-ranking participants, representatives of the highest national authorities and representatives of national regulators (Ministries of Interior, National Associations for Private Security Companies, Chambers of Commerce,...) - was fully achieved too. This fact means that RACVIAC, which organised this seminar, has been recognised as a platform for security cooperation, bringing together the representatives of state authorities and managers from private security companies to discuss some sensitive but pertinent issues in the area of CMR.

- It is very important to stress that in this year, this third seminar on P(M)SCs has also been recognised by several PSCs working in SEE as a good starting point to exchange on good practices in the implementation of regulation from the international level onto the national level. The seminar was also significant in that it discussed issues relevant for countries that are approaching or entering full membership in the European Union and implementing European standards for private security
providers in the national legislations of the countries in SEE.

- The second set of objectives (to give national presentations on the National Policies and Regulations, with examples of good practices) was also successfully achieved.

- Besides the aforementioned objectives, one of the main objectives of the Seminar was also to increase the visibility of RACVIAC as a platform for Security Cooperation in South-Eastern Europe, not only in the national security sector but also for National Associations for the development of Private Security Companies.

- Being small nations and operating with limited resources within the extremely difficult post-conflict and current financial and economic crisis environment, an opportunity arose in this seminar to identify some future areas of cooperation where the implementation of higher legal and other standards deriving from the Montreux Document, International Code of Conduct on Private Security Providers and the EU legislation can be implemented in the area of Private Security in South-Eastern Europe in the future. Here, one must stress the importance of the implementation of the main message from the new EU public procurement directive (2014), and, as a consequence, the reasons behind the process of public procurement reform, which point out the importance of quality over price, and also the following: the establishing of the importance attributed to different categories of quality, the relative importance of specific quality criteria under each category, as well as the scoring of the different criteria in order to determine the “best value” provider.

As has been unanimously expressed by some of the most active participants, it is worth organizing a follow-up event in 2016. RACVIAC - Centre for Security Cooperation in SEE is an international organization which will in this year celebrate its 15 Year Anniversary and has assured the participants of the seminar that RACVIAC will do its best to put this important issue in the Programme for the year 2016.

Compiled by the SSR Pillar