



Centre for Security Cooperation



Parliamentary Assembly of
Bosnia and Herzegovina

OSCE Organization for Security and
Co-operation in Europe
Mission to Bosnia and Herzegovina



Democratic Control of Armed Forces as Basic Principle for SSR: Regional Perspective

11-13 June 2012

Sarajevo, Bosnia and Herzegovina

Abstract: It is by no means easy or simple to define the term "Democratic Control of Armed Forces", as this process involves a wide range of different players and activities. However, we can say that the "Democratic Control of Armed Forces", including norms and standards governing the relationship between the state and its Armed Forces, is the path to establishing the rule of law in the Defence Sector. The Armed Forces are subordinate to the governing structures, regardless of whether they came to power through democratic or undemocratic means. However, an effective system of democratic control is implied by the introduction of several elements: civilian control, building institutions for democratic governance, involvement of civilian experts, ideological neutrality, non-interference in internal politics, a clear and effective chain of command, respect for and application of law by military personnel.

Democratic Control of Armed Forces is a prerequisite for: a) respecting the democratically elected civilian government representatives, b) the rule of law, c) the protection of human rights, d) serving of Armed Forces in the interest of the citizens and national interests, thus securing public legitimacy, e) the implementation of national policies, f) non-interference of the armed forces in politics and political decisions.



Group photo

Activity Background

The Seminar was the continuation of a fruitful cooperation between RACVIAC – Centre for Security Cooperation and the Joint Committee on Defence and Security of Parliamentary Assembly of Bosnia and Herzegovina. It was kindly supported by the Ministry of Defence and Sports of the Republic of Austria, the OSCE Mission to Bosnia and Herzegovina,

NATO HQ Sarajevo, and Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Effective parliamentary oversight has become crucial in ensuring that the new responses to security threats are devised and implemented with full transparency and accountability. In its absence, there is a danger of security services misinterpreting their mission and acting like a state within the state, either placing heavy

strains on scarce resources, or exerting excessive political and economical influence.



Ms Dušanka Majkić, Chair of the JC on Defence and Security, PA of Bosnia & Herzegovina

There is no doubt that knowledge, both theoretical and practical, is one of the preconditions for successful work of the parliamentary representatives, members of the committees for parliamentary oversight over the security sector. The year 2012 saw several newly elected Parliaments in the South East European (SEE) region. This is the main reason for organizing a seminar on parliamentary oversight of the defence sector, which aimed to explore conditions and mechanisms of security sector control, as well as the control of financial, human and material resources.

Activity Facilitators

The seminar was planned, organized and executed as a joint event by RACVIAC – Centre for Security Cooperation and the Joint Committee on Defence and Security of the Parliamentary Assembly of Bosnia and Herzegovina.

The main purpose of the seminar was to give a broad introduction to enhancing Parliamentary Oversight of the Security Sector and to set out main principles and mechanisms related to this matter, as well as to give an overview of good practices in adopting legislation on the Parliamentary Oversight of the Security Sector in the region.

Activity Venue, Duration and Participation

The seminar was held from 11 to 13 June 2012 at the Parliamentary Assembly of Bosnia and Herzegovina.

It was comprised of four panels, each followed by questions and answers sessions, which prompted the participants to exchange views and openly discuss the issues raised.

The participants and lecturers were representatives of nine countries and five organizations or institutions: Austria (1), Bosnia and Herzegovina (20), Greece (1), Croatia (2), Montenegro (4), the former Yugoslav Republic of Macedonia* (1), Poland (1), Serbia (3), Slovenia (2), NATO HQ Sarajevo (4), OHR (1), OSCE Mission to Bosnia and Herzegovina (9) and Democratic Control of Armed Forces (DCAF) Geneva (2), EUFOR-ALTHEA (2).



Col Željko Cepanec, Deputy Director of RACVIAC

Activity Description and Contents

The event started with the opening session and the first to welcome the audience was Ms Dušanka Majkić, Chair of the Joint Committee on Defence and Security, Parliamentary Assembly of Bosnia & Herzegovina. Ms Majkić described the role and position of the Joint Committee on Defence and Security and underlined the role of RACVIAC as a platform for security cooperation in the SEE. Ms Majkić expressed her full support for the future plans on good practice exchange with regard to the Democratic Control of Armed Forces in the region. The second speaker was Col Željko Cepanec, Deputy Director of RACVIAC. He stressed that the participation of the highest officials from the international organizations represented in Sarajevo proved the importance of addressing the matter of parliamentary oversight.

The High Representative for Bosnia and Herzegovina, Mr Valentin Inzko, also welcomed the participants of the seminar. He underlined that Bosnia and Herzegovina had made a huge improvement in the field of SSR and warned that the security sector must

remain outside of political influence, and that the security and defence institutions must serve all citizens.



Opening speakers (from left to right): BG (ret) Harald Quiel, the Director of the Department of Security Cooperation, OSCE Mission to Bosnia and Herzegovina, BG Gary E. Huffman, NATO HQ Sarajevo, MajGen Robert Brieger, Cmdr EUFOR ALTHEA, Mr Valentin Inzko, The High Representatives of Bosnia and Herzegovina

BG (ret) Harald Quiel, the Director of the Department of Security Cooperation, OSCE Mission to Bosnia and Herzegovina, elaborated on the neighbourhood cooperation, while BG Gary E. Huffman, NATO HQ Sarajevo pointed out the importance of providing Parliament with a greater say on security and wider environment issues. MajGen Robert Brieger, Cmdr EUFOR ALTHEA, pointed to the comprehensive approach of the EUFOR's role in Bosnia and Herzegovina as well as the need for cooperation among all parties.



Mr Anton Bebler, Ph.D, Ljubljana University

Keynote Speeches

Following the welcome addresses, two respectable keynote speakers addressed the participants. Professor Anton Bebler, Ph.D., Ljubljana University, delivered an excellent presentation entitled “Civil-Military Relations and Democratic Control of Armed Forces”, giving a realistic historical overview of the

developments leading to contemporary control over the Defence Sector.

The second keynote speaker, Ambassador István Gyarmati, Ph.D, Senior Political Advisor, DCAF Geneva, gave a very interesting lecture “National Security under Parliamentary Scrutiny: the Importance of Setting International Standards”. Ambassador Gyarmati highlighted the Parliament's natural allies, i.e. the Government, the media and the public – which, if accounting each other, form the responsibility triangle and the whole governing system of the country can be considered as being on the right track. In his valuable speech, Mr. Gyarmati raised the question of who exercised control over the Military in PSOs stating that it was the Parliament that had to designate capacities and capabilities of the Military – especially in the budget cutting procedure. It should not be left to the Military to decide itself what would be retained and what would be cut in the process of defence budget cutting. One of the most important details he singled out was the well-known lack of military experience/background on the civilian decision-making level.



Ambassador István Gyarmati, Ph.D, Senior Political Advisor, DCAF Geneva

He ended his presentation by highlighting an overarching concept saying that while the Military itself was not democratic, it still was a democratic institution.

Panel 1 – Civil Military Relations and the Democratic Control of Security Sector

The moderator of the first panel was Mr Željko Grubešić, Joint Committee on Defence and Security, Parliamentary Assembly of Bosnia and Herzegovina. The first two speakers were Col Dragoš Milanković, MoD of Bosnia and Herzegovina, and Mr Rohan Maxwell, Head of

the Politico-Military Advisory Section, NATO HQ Sarajevo.

They focused on the correlation between the civil-military relations and security sector reform, while Mr Maxwell gave a broader overview of defence reforms in Bosnia and Herzegovina and their repercussions for civil-military relations.



Mr Rohan Maxwell, Head of the Politico-Military Advisory Section, NATO HQ Sarajevo

The first panel finished with the presentation given by Mr Adam Chmielewski. He focused on giving a legislative insight in the Polish efforts aimed at establishing democratic control over the Defence Sector.

Panel 2 – National Security under Parliamentary Scrutiny: Conditions for an Effective Oversight

Panel 2 was moderated by Lt Col Neven Bajić, Subject Matter Expert, RACVIAC. First presenter, Mr Dušan Zoller, Head of Parliamentary Section, OSCE Mission to Bosnia and Herzegovina, focused in his presentation on new security threats that international community and national states must deal with. He also stressed the need for better regional cooperation and said that the Parliamentary oversight/control must be exercised more because the authorization was needed for more and more situations, including terrorism.

The second presenter, Col Dominik Horn, Political Advisor, COMEUFOR, introduced the audience to the EUFOR's mission and role in Security Sector Reform in Bosnia and Herzegovina.

The Panel continued with the presentation delivered by Ms Teodora Fuior, Project Coordinator, Operations Division Europe,

DCAF Geneva, who underlined the importance of Parliamentary oversight, drawing on her vast international experience. Ms Fuior stressed the importance of the OSCE Code of Conduct (CoC) on Politico-Military Aspects of Security, where the phenomenon of Democratic Control of Armed Forces was mentioned for the first time as an international obligation. Until the adoption of the OSCE CoC on Politico-Military Aspects of Security in 1994, democratic control of Armed Forces was a part of national sovereignty only.



Ms Teodora Fuior, Project Coordinator, Operations Division Europe, DCAF Geneva

The last presentation on the first day was given by professor Lada Sadiković, Ph.D., University of Sarajevo. In her presentation “Legal Requirements for an Effective Parliamentary Oversight”, professor Sadiković drew participants' attention to the importance of legal framework for an effective and democratic control of Armed Forces.

The first working day was concluded by an interesting and fruitful discussion.

Panel 3 – Parliamentary Oversight of Security Sector: Good Practices from the Region

The second day of the seminar started with an interesting, more practice-oriented session Parliamentary Oversight over Security Sector: Good Practices from the Region, moderated by professor Lada Sadiković, Ph.D.

The Panel continued with a presentation given by Mr Slaviša Šćekić, the Security and Defence Committee, the Parliament of Montenegro. He gave a broad introduction into the procedures and experiences in the processes of developing and adopting the law on Parliamentary Oversight in the field of security and defence in Montenegro. He also

gave an overview of the results after one-year implementation.



Mr Slaviša Ščekić, the Security and Defence Committee, the Parliament of Montenegro

Mr Ščekić was followed by Mr Željko Grubešić, Joint Committee on Defence and Security, Parliamentary Assembly of Bosnia and Herzegovina. In his presentation he informed the audience about the Draft Law on Parliamentary Oversight of Defence and Security Sector in Bosnia and Herzegovina. Mr Grubešić underlined that during the past six months, the Working Group composed of the Office of the Secretary of the Joint Committee, legal experts from the NATO HQ Sarajevo and the Department of Security Co-operation of the OSCE Mission, had been preparing the Draft Law which had been discussed on two occasions by the members of the Joint Committee Collegium. The introduction emphasized the issues of parliamentary oversight, competencies of the committee, and the possibility of establishing defence and security sub-committees. It was proposed that the Joint Committee should have 14 primary competencies, seven pertaining to the parliamentary oversight. The Draft Law especially distinguishes between the obligations within the defence sector oversight and those within the security sector. The summary contains the experiences from the practice to date in reference to the method of parliamentary oversight, and also defines the method of co-operation with the institutions, international organizations and non-governmental sector. The Working Group tasked with drafting the Law was guided by the positive experiences from the countries in the region, as well as the rich, eight-year practice of the Committee. A two-day workshop was organized in early July aimed at a broader discussion on the Draft Law to be

submitted to the parliamentary procedure later on.

After two main presentations on the second day of the seminar, a very interesting discussion was prompted on the efforts of Montenegro and Bosnia and Herzegovina to improve and implement the standards of Democratic Control of Armed Forces.

The last presentation in the third Panel was given by Mr Boško Šiljegović, Parliamentary Military Commissioner, Parliamentary Assembly of Bosnia and Herzegovina, who provided an overview of the tasks, competences, and procedures of the Military Commissioner. He also gave a short list of the most important activities/cases that he was involved in over the previous two years. He concluded his presentation by giving an assessment of human rights protection in the Armed Forces of Bosnia and Herzegovina and found it to be very satisfactory.

Panel 4 – Parliamentary Oversight of Security Sector: Good Practices from the Region

The last panel started with the national presentations given by the representatives from Croatia and Serbia. Presenters, Mr Davor Ćutić, MoD, Croatia and Lt Col Goran Todorović explained how Security Sector Reform conducted in their countries affected the defence sector, especially the MoD and Armed Forces.



Plenary discussion

The last panel was followed by a plenary discussion where some interesting questions and answers could be heard. The most important outcome included some proposals and ideas for future processes in this area.

The plenary session was followed by closing remarks delivered by Ms Dušanka Majkić, Chair Joint Committee on Defence and

Security, Parliamentary Assembly of Bosnia and Herzegovina, and Col Željko Ceganec, Deputy Director of RACVIAC, who gave their first impressions of the Seminar.

Closing remarks

The seminar “Democratic Control of Armed Forces as a basic Principle for SSR: Regional Perspective” was the third joint event of RACVIAC – Centre for Security Cooperation and the Joint Committee on Defence and Security, Parliamentary Assembly of Bosnia and Herzegovina, aimed at bringing together regional civilian and military representatives to discuss and share their view on some important, pressing issues. This activity proved to be an excellent example of regional cooperation.

Sharing facts and experiences on one completed national project (the Act adopted in Montenegro in late 2010) and on the project which was in the preparation phase (Bosnia and Herzegovina) is perhaps the most valuable form of international cooperation, especially among the transition countries sharing a common recent past.

Thus, the idea expressed by the Montenegrin delegation on regular meetings of regional Defence and Security committees established within RACVIAC security format is worth considering.

Compiled by SSR Pillar,
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* Turkey recognizes the Republic of Macedonia with its constitutional name.