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SECURITY MATTERS

Governing security together

Editorial

European integration stuck

After more than two decades of European integration efforts in the Western Balkans, the picture is still mixed. Slovenia and Croatia became European Union (EU) members in 2004 and 2013, respectively. Both countries, as well as Albania, Montenegro, and North Macedonia, have entered NATO at different moments. Unfortunately, EU accession talks with Montenegro, as well as with Serbia, lack momentum; those with Albania and North Macedonia remain blocked; while Bosnia and Herzegovina (BiH) and Kosovo have no clear prospects of even entering EU membership talks. While the European Commission's recent recommendation that BiH be granted the official status of candidate country is good news, it does not mean anything as long as membership talks remain a distant perspective. With all focus on the war in Ukraine, there seems to be little room to address other matters of European integration in a structural way.

The EU's inclination to focus on weathering the storm of Russia's war in Ukraine aside, the European accession process was already stuck due to a lack of political will on both sides. Most EU members are neither interested nor willing to expand the EU, while political elites in applicant and aspiring Balkan countries seem content with a status quo that does not upset internal power calculations. The habit of (some) member states to use enlargement as a bargaining chip in Brussels to obtain benefits on other issues, or of others of obstructing enlargement to demonstrate a tough foreign policy stance before their national constituencies, has blocked any substantial progress. At the same time, the EU's renewed efforts over the past five years to put Western Balkan integration on the political agenda in Brussels and other European capitals – the Berlin process, EU Western Balkans summits, and a new accession methodology – have rather exposed a damaged process instead of reinvigorating Balkan democratic reform and EU support.

The current status quo is a missed opportunity in the long run and risky in the short run. The Western Balkans have not become more stable or resilient, with tensions flaring up regularly in different countries. Rifts between governing parties and opposition have led to a culture of bad governance and nepotism that excludes people and groups. The 'winner takes all' mindset remains dominant in South-East European politics, with governing elites seeing opportunity and opposition members choosing between staying aloof or obstruction. Internal divisions among different ethnic groups and regional interests in Western Balkan countries also remain rife, with little prospects for joint development action. At the same time, the region's two linchpin issues – Kosovo-Serbia relations and BiH governance – have become more volatile instead of moving towards a solution. Perhaps most disturbingly, a new generation with talent is leaving the region out of frustration with the lack of change and opportunity. Renewed conflict in the Western Balkans is certainly not unimaginable.

Several European think tanks have advocated for a phased accession or fixes of the enlargement policy. And, indeed, the EU should move away from the 'inside or outside the club' approach to different phases of European integration and participation. An overhaul seems to be warranted if we want both to avoid a separation in the Western Balkans between the 'haves' and the 'have nots' in terms of integration and to promote democracy, resilience, and integration instead of risking instability, conflict, and stagnation.

Hopefully, the upcoming EU-Western Balkan Summit in Tirana in December 2022 will result in concrete steps instead of launching hollow initiatives or making vague promises.

To add to the many ideas out there, I believe two steps will be crucial. First, the integration process should not depend on dates and benchmarks, but on inclusiveness and accountability. The times when everyone worked towards a common objective of EU (and/or NATO) membership are over. We need to acknowledge that Bosnia and Herzegovina or Kosovo are already European countries that have been exposed to EU procedures and regulations for decades. Without a clear timing for an eventual full membership, the six Western Balkan countries should be able to progressively join the EU. Having a say and influence comes with responsibility and accountability towards their citizens. Now, Albania and Serbia do not know if they will join in 5 or 50 years. These European countries need to have a direct stake in the EU that goes well beyond association. Meanwhile, the EU could do without having to push on enlargement among unwilling member states.

Second, we need to invest in education, training, and exchanges. Citizens of the six Western Balkans countries should not have to leave their countries to seek opportunities elsewhere, but be given the opportunity to exchange experiences with other European countries through funded studies, internships, fellowships, etc. The EU should invest in human capital now, focusing on the long-term results, instead of simply continuing to implement technical programmes that seem to have little impact in the region's reform-adverse systems of governance and management. Only through education, training and exchanges will we be able to spur critical thinking and innovation. The more the EU and member states do in terms of training projects and education programmes, and the sooner these countries can fully participate in EU educational programmes like Erasmus and scientific cooperation in Horizon, the better.

Regarding training, CESS and partners have sought to contribute to developing and strengthening a culture of oversight in security sector governance in Albania, Kosovo, and North Macedonia through the DECOS project. We have done so through capacity building and by spurring regional and research cooperation. In this issue of Security Matters, you can read about the course of DECOS and the lessons we have learned. After an essay on regional cooperation by Merijn Hartog and Beatrijs Visser, we present interviews with Dijana Dejanoska Petkovska of the Audit Office in North Macedonia, Majlindë Sinani-Lulaj, Kosovo's Deputy Ombudsperson, and Denis Gila from the Albanian Parliament.

Jos Boonstra, senior researcher, CESS

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Commentary

South-East European regional cooperation; a mixed track-record

Merijn Hartog, director, and Beatrijs Visser, programme manager, CESS, The Netherlands

Over the past two decades, the EU has promoted regional cooperation in the Balkans. Different formats and organisations have been developed, such as the 1999 Stability Pact for South-East Europe to strengthen peace and democracy; the 2008 Regional Cooperation Council, focused on European integration; and the 2014 Berlin Process to stimulate regional cooperation on a variety of issues. Clearly, the EU has sought to transfer its own story of integration and cooperation to overcome war and conflict. Initially this worked well, as regional cooperation brought adversaries to the table and helped to create mutual understanding. But when regional cooperation became more directed at jointly moving towards Euro-Atlantic institutions, it became a contested and troublesome concept. South-East European countries were forced to take national action to reform their economies and institutions, and subsequently wanted to be regarded by the EU on their own merits. Regional cooperation was regarded by some as ‘group therapy’ and not a viable practice towards EU or NATO membership.

Today, regional cooperation is regaining importance in South-East Europe. The main difference between past and current proposals for regional cooperation is that before, it was mainly the EU as an overarching institution that introduced regional cooperation formats. Nowadays, these are increasingly locally initiated. One initiative that comes to mind is the Open Balkan initiative, recently established by Serbia. It aims to facilitate the free movement of people, goods, and services, thereby creating a ‘mini-Schengen area’ in the Western Balkans. However, there are some snags. Some critics fear that it might serve as a mechanism to promote Serbian nationalism. Another concern is that Open Balkan could divide the region, resulting in instability rather than stability. And, indeed, Kosovo, Montenegro, and BiH have refused to join the initiative, inter alia, because regional cooperation is already part of the EU’s integration agenda. While regionally developed initiatives should be encouraged, vigilance to adverse effects is also warranted.

Moving from grand regional cooperation initiatives to smaller cooperation projects, within the DECOS project, CESS and partners from Albania, Kosovo and North Macedonia have sought to bring oversight actors around the table to discuss shared interests and concerns. We learned that civil servants from parliaments, audit offices and ombudsperson institutions, along with counterparts from civil society, had a lot to share on a national level (often not acquitted and not fully aware of their joint purpose in democratic oversight), but even more so on a regional level. More often than not, regional cooperation takes place on a political level and not so much on a civil servant level. During the DECOS regional meetings – partially online due to covid-19 restrictions, but mostly in person in Prizren, Ohrid, and Groningen – oversight actors participated in trainings together and shared experiences, which sparked new ideas to improve their respective organisations and institutions.

Next to developing regional networks of cooperation on oversight of the security sector, civil servants also appreciated engaging as a group with their peers in the Netherlands. This is certainly not a one-way street, as Dutch oversight actors are also reflecting on their own work after hearing the challenges faced by their colleagues in Albania, Kosovo, and North Macedonia. Moreover, after two years of travel restrictions, people were keen to exchange ideas and information in person. This also helped CESS to re-evaluate the importance of facilitating regional meeting opportunities for targeted groups.

Now that the DECOS project has come to an end, one question remains: how do you sustain regional cooperation? Ideally, participants will continue to implement their newly acquired knowledge and skills, as well as share ideas and experiences with their colleagues in neighbouring countries. One way to instigate this is to actively encourage lasting cooperation outside the scope of the DECOS project. This is what we call *intervision*. Initially, this could be facilitated by CESS, but the goal is that participants continue this method by themselves. *Intervision* involves creating small groups of people with similar professional backgrounds or specific interests around concrete issues. These groups could meet regularly or gather (online) at the request of one of the participants. One example of DECOS *intervision* is a group of parliamentary staffers from Albania, Kosovo, and North Macedonia, which was formed during a regional training course. Through Viber and email, the group continues to discuss topics that go beyond the content of the regional training courses. This network of parliamentary staffers is not only a perfect example of how a project can ensure a lasting impact on trainees; it is also a way of developing and nurturing regional cooperation in South-East Europe.

Interview

Audit and oversight

Dijana Dejanoska Petkovska, State Audit Office, North Macedonia

What challenges do you see in strengthening democratic oversight in North Macedonia?

There are several challenges but let me take up one concrete example: the law on monitoring communications envisages the establishment of a Civil Oversight Council to exercise civil supervision of the legality of measures implemented to monitor communications. The Council should consist of a president and six members – three experts and three representatives of non-governmental organisations (associations) in the field of protection of basic human rights and freedoms, security and defence. The Assembly of North Macedonia appoints Council members for a period of three years, without the right to re-election. Unfortunately, the Civil Oversight Council is not operative. The legal ambiguity concerning funding prevents the Council from obtaining the necessary financial resources to perform its work adequately. Technical equipment and resources are also insufficient, including a lack of experts from the IT sector for the effective implementation of the Council's mandate. In relation to the operations of the Civil Oversight Council, the competent authority needs to take necessary action to amend the legal regulation to ensure the necessary conditions are in place for the Council to operate. The mandate of the members of the Civil Oversight Council ended in May 2022. The Assembly of North Macedonia still has not issued a public announcement regarding the appointment of the president and the six members.

How can the Macedonian Audit Office improve its contribution to democratic oversight of defence and security policy?

The State Audit Office (SAO) is an independent supreme audit institution in North Macedonia, which transparently, timely and objectively informs the institutions and the public about audit findings. SAO is conducting audits in line with the auditing principles, standards, and guidelines of the International Organisation of Supreme Audit Institutions. The institution is headed by the Auditor General, who is appointed by the Assembly for a mandate of 9 years. SAO independently prepares its Annual Work Programme, and objectively decides on the entities to be subject to audits, as well as on the method and the content of reporting on performed audits, without bias and free from influence from the legislative and executive. SAO has access to the necessary information for conducting audits, as well as to auditees' premises and complete documentation, including classified data.

To increase SAO's contribution to democratic oversight, it is necessary to ensure full financial and operational independence of the Supreme Audit Institution by introducing amendments to the Constitution that provide for SAO independence.

In line with its Annual Work Programme for 2021, SAO conducted a financial and compliance audit on the Ministry of Internal Affairs, which had last been carried out in 2007. In addition, SAO has performed several regularity audits, as well as separate performance audits, on the Ministry of Internal Affairs, the Ministry of Defence and the Intelligence Agency, Directorate for Security of Classified Information, as well as on other entities that are part of the security sector.

Each final audit report is published on SAO's website and submitted to the Assembly. Furthermore, to increase the transparency and visibility of its activities among society and citizens, SAO has an active dialogue with multiple stakeholders. SAO has an established practice of delivering every published final audit report to all stakeholders. As of August 2022, the number of stakeholders is 943, including media, national televisions, news agencies, portals, NGOs, investigative journalists, municipalities, public enterprises, and healthcare institutions, among other entities. Our publications and annual reports can be downloaded at www.dzr.mk

After having participated in DECOS activities, what would you recommend to devote more attention to in future training and research efforts?

First, I would like to express my gratitude for the useful trainings and workshops that I had the opportunity to participate in as part of the DECOS project. Concerning future trainings, I think that they should contain practical examples and experiences from EU countries in auditing entities in the field of defence and public security, and cooperation. A peer-to-peer trajectory with colleagues from supreme audit institutions from neighbouring countries, and EU and NATO members would be useful with regard to strengthening financial oversight of the security sector.

Interview

The Ombudsperson and oversight

Majlindë Sinani Lulaj, Deputy Ombudsperson, Kosovo

What challenges do you see in strengthening democratic oversight in Kosovo?

Being a new-born state, with a painful history, and diverse interference of demands and interests, Kosovo has a fragile political position, which implicates the need for constant attention to security matters and to the security sector at large. This represents a key challenge when it comes to the influence that global developments have at the national level, including effective oversight. More than two decades after the war, the security sector continues to be in constant transformation, in all of its segments, and this could be considered a challenge in its own right. Oversight authorities do not have the necessary expertise to respond to constant changes. They lack sufficient experience and training to effectively fulfil their oversight role.

New legislation that is being developed; the increasing numbers of uniformed defence personnel; processes that require investment and increased budget; and promotion and recruitment processes, are among the main challenges that require particular attention and civilian democratic control.

How can the Kosovar Ombudsman improve its contribution to democratic oversight of defence and security policy?

According to the Constitution, the Ombudsperson of Kosovo is defined as an independent institution, which does not accept instructions or intrusions from public authorities. Furthermore, every institution or authority that is exercising the legitimate power of our country is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.

Some key UN and Council of Europe conventions are directly applicable in Kosovo, and in case of conflict, have priority over national legislation. Article 53 of the 2008 Constitution also requires the authorities to interpret human rights and freedoms guaranteed by law and the Constitution based on the decisions of the European Court of Human Rights. The Ombudsperson Institution has the mandate to monitor the implementation of these human rights standards, and makes recommendations to parliament to harmonise national legislation with the above-mentioned standards and to ensure their effective implementation. Being independent of other state bodies and being impartial in conducting investigations are essential characteristics for national human rights institutions in accordance with the Paris Principles (a set of international standards that frame and guide the work of National Human Rights Institutions). These characteristics enable the institution to exercise an oversight role, including over sensitive and complex sectors, such as the security sector.

The Ombudsperson has had a reactive role towards the Kosovo Security Force and the Kosovo Intelligence Agency, handling only a few isolated cases when a complaint was filed in central or regional offices. The institution has a much more proactive role toward the police, due to their interaction with civilians, based on their constitutional and legal mandate and competencies. The Ombudsperson considers that its role as an oversight institution in terms of human rights violations and maladministration should continue to be more active and more visible in all components that include bilateral mandates, according to constitutional and legal responsibilities.

After having participated in DECOS activities, what would you recommend to devote more attention to in future training and research efforts?

Trainings are essential to build capacities, including of oversight institutions. Future topics of interest could include sustainable oversight, the importance of international humanitarian law and its relevance for the role of the oversight authorities in the security sector, as well as good reporting practises over the security sector. Research in these fields would be welcomed by oversight authorities, especially to provide a reflection of the current situation and potential recommendations.

Interview

Parliament and oversight

Denis Gila, Advisor, Committee on European Integration, Parliament of Albania

What challenges do you see in strengthening democratic oversight in Albania?

Albania is a full member of NATO, the Council of Europe and the OSCE, and is en route to EU membership. In this regard, further development and deepening of the rule of law and democratic institutions remain important. In Albania, the concept of legitimacy is very relevant when discussing democracy. This starts with free and fair elections that should lead to a legitimate legislature. In Albania the rather conflictual majority-opposition relationship affects legitimacy, as does the inclination of elected representatives to prioritise political party interest over their individual duty of overseeing the government as a chosen representative.

How can the Albanian Parliament improve its contribution to democratic oversight of defence and security policy?

A fully legitimate parliament should exercise its competences, be inclusive, well informed, transparent and active in performing its duties on behalf of the people. Recently, the Albanian Parliament has introduced post legislative scrutiny (PLS) as a mechanism of oversight. It is trying to introduce this practice by including its provisions in the budget. PLS will feature as an important mechanism in analyses of the harmonised legislation with the EU acquis. In other spheres of oversight, PLS can also be applied when rules and processes are up and running.

Parliament is also aware of the principles of subsidiarity by bringing its work as closely as possible to the citizens. For this reason, the involvement of civil society is crucial. Parliament has taken different steps to include citizens, such as creating a register for civil society and for the lobbies, establishing an online consultation platform of parliamentary documentation, and allowing citizens to submit petitions. These issues strengthen parliament's legitimacy and thus also its capacity to hold the government to account, including in security and defence.

After having participated in DECOS activities, what would you recommend to devote more attention to in future training and research efforts?

First of all, I would like to express my sincere thanks for being part of the group and being trained by DECOS experts. The training had a different methodology and a different approach from what I was used to. This reminds me of a biblical motto: 'don't do to others what you don't want to be done to you'. The trainings were useful for trainees to consider not only their own needs in terms of exercising their roles as public servants, but also to see things from a different perspective. For example, I, as a public servant of parliament, had to act as a civil servant activist or as military personnel during the training. Putting yourself in the shoes of others is good for two reasons: on the one hand, it is important to have a different perspective, and on the other hand, it increases a sense of critical reflection.

Another thing that I noticed is that, although there were different people from several countries participating, the issues, concerns and problems that they face are more or less the same as the challenges with which I am confronted. Exchanging experiences gives you a clearer vision of where you stand on certain issues and what are your challenges ahead with possible solutions. CESS could think to more clearly structure training courses into, for instance, a first day of theory, secondly, exercises, and the third day focussing at best practices and sharing experiences.

CESS News

DECOS returns to the Netherlands

After a pre-covid-19 kick-off meeting in Groningen in 2019, most training courses and research of the DECOS project first took place online and then in person in Albania, Kosovo, and North Macedonia. Towards the end of the project, we returned to the Netherlands for a training course in Groningen in June this year. Participants who had followed national training courses online in their respective countries gathered in a regional format in Groningen to discuss a problem of regional concern: illicit trade and means to oversee policy countering this phenomenon. In October, CESS organised a two-day study trip to The Hague for three delegations from the three target countries. On the first day, this group of 15 practitioners representing different oversight actors discussed EU integration challenges of the Western Balkans with Clingendael, the Dutch representation of the European Commission, and the Ministry of Foreign Affairs. On the second day, the delegations shared ideas and experiences during visits to the Ministry of Defence and the Intelligence Oversight Committee in the Dutch Parliament about democratic oversight of the security sector.

Regional DECOS training in Prizren and Ohrid

In June and September, a group of oversight actors from Albania, Kosovo and North Macedonia gathered to receive training, discuss their work and share experiences of democratic oversight of the security sector during two regional training courses. Civil servants from the three parliaments, ombudsperson offices and audit institutions were joined by civil society actors from NGOs and think tanks to learn about how to deal with disinformation and how to address issues of cyber security, illicit trade, gender, security, and the broader notion of security sector reform and governance. Earlier in the DECOS project, participants had already participated in online regional training and research exercises focusing on covid-19 restrictions and oversight, intelligence oversight, and the knowledge position of parliaments (see CESS policy briefs no. 3 to 5).

Training of trainers

In conjunction with the Prizren and Ohrid meetings, a small group of civil society representatives from Albania, Kosovo, North Macedonia, and the Netherlands took part in a 'training of trainers' course. In these intensive courses, participants learned skills and techniques to become trainers themselves. Course manager Sander Maathuis (Verbeterpartners – Partners for Improvement) guided future trainers on how to develop and implement their own training sessions. These courses also helped CESS to improve and diversify their trainings. They also served to ensure that DECOS partners and recipient institutions can continue DECOS-inspired trainings after the conclusion of the project.

CESS grows

In September, CESS expanded by hiring a new programme manager, Beatrijs Visser, who was an intern at CESS from December 2021 until March 2022. In her thesis for her MA in History at the University of Groningen, Beatrijs researched the Dutch fight against organised crime between 1985-2009 and the difference in perception of the phenomenon by the police and intelligence services. Earlier, she had obtained an MA in International Relations. We are excited to include her in the CESS team.

CESS intern

From April to July 2022, Dachi Shanidze was an intern at CESS. Dachi was a tremendous help in organising DECOS events and EUCAM fellowships. We are happy to see that Dachi is furthering his career at the Amsterdam Centre for European Studies at the University of Amsterdam.

Latest Publications

CESS (www.cess.org)

Countering disinformation in North Macedonia: how can parliament rise to the occasion?

CESS Policy Brief, No. 8, November 2022

Lulzim Peci

Parliamentary oversight of the defence sector in Kosovo has been superficial. The Committee on Security and Defence Affairs of the Assembly of Kosovo is too small to perform an adequate oversight over the broad range of government ministries and agencies. In addition to increasing staff numbers and attracting more (external) expertise, the Kosovar Assembly should contemplate a restructuring of its oversight of security and defence so as to ensure that due attention is paid to each aspect of its work.

Elusive standards: Governance and oversight of security sector procurement in Albania

CESS Policy Brief, No. 7, April 2022

Alban Dafa

Albania has little tradition of regulating defence and security procurement. Standards remain elusive in parliamentary oversight, vetting of economic operators, and accountability of contracting authorities. This paper advocates for addressing legal loopholes, improving accountability, and strengthening inter-institutional cooperation.

EUCAM programme (www.eucentralasia.eu)

EU-Central Asia co-operation: same venue, different tune

EUCAM Commentary No. 49, July 2022

Gulzada Rysbekova

As a result of Russia's war in Ukraine, the focus of Europe-Central Asia relations is likely to change. In weathering these changes, both regions will need to nurture their mechanisms of cooperation. They will also need to be better informed about each other's developments and make long-term investments in people and exchanges.

Rethinking the EU's 'prosperity' agenda in Central Asia

EUCAM Commentary No. 48, June 2021

Nadezhda Tatkalo

The EU wants to lay the ground for a more prosperous Central Asia. One potential emerging path for the EU in Central Asia would be to make use of China's economic power by fostering a favourable business environment while investing in education.

The EU's 'resilience' agenda in Central Asia: too distant, too ambitious

EUCAM Commentary No. 47, June 2021

Viktoriya Nem

The EU seeks to promote 'resilience' in Central Asia. The war in Ukraine should urge the EU to rethink its region-based approach to building resilience in Central Asia. Easier said than done, as the geographical distance of Central Asia and consequential strategic insignificance have led the EU to ignore the different resilience challenges that these countries face.

About DECOS

The 'Developing Capacity, Cooperation and Culture in Overseeing the Security Sectors of Albania, Kosovo and North Macedonia' project (2019-22) seeks to empower democratic institutions and actors in their function of democratic oversight of security. It does so by increasing capacities, enhancing cooperation, and fostering a culture of oversight of the security sectors of Albania, Kosovo, and North Macedonia. DECOS consists of a capacity building and a research component that are directed at democratic oversight actors – parliaments, independent institutions, and advisory bodies; and civil society organisations – in Albania, Kosovo, and North Macedonia.

The Centre for European Security Studies (CESS) collaborates in DECOS with the Albanian Institute for Political Studies (IPS), the Institute for Democracy and Mediation (IDM) from Albania, the Kosovar Institute for Policy Research and Development (KIPRED), and the Institute for Democracy 'Societas Civilis' Skopje (IDSCS) from North Macedonia. DECOS is funded by The Netherlands Ministry of Foreign Affairs.



CESS

The Centre for European Security Studies (CESS) is an independent institute for research and training, based in Groningen, the Netherlands. CESS seeks to advance security, development, democracy and human rights by helping governments and civil society face their respective challenges. CESS is an international, multidisciplinary and inclusive institute. Its work is part of the European quest for stability and prosperity, both within and outside Europe. CESS encourages informed debate, empowers individuals, fosters mutual understanding on matters of governance, and promotes democratic structures and processes.