



## OFFICE OF THE HEAD OF MISSION

*The Head of Mission*

### **Speaking Notes for Ambassador Maurizio Massari, Head of the OSCE Mission to Serbia and Montenegro, at the opening of the Seminar "The Role of Civil Society in the Security Sector Reform"**

Kanjiza, February 18, 2005

One of the main indicators of a functioning and firmly consolidated democracy is the role and place of its armed forces in the society. A militarised society or a society where the main arbiter or controller of the political process are the armed or security forces can hardly be considered as democratic.

This is not to say that armed forces are by definition a threat to democracy. On the contrary, well-integrated, de-politicised, professional, efficient, law-abiding and, above all, democratically controlled armed forces can be one of the guardians of peace, stability and democratic values. OSCE's Code of Conduct on Politico-Military Aspects of Security promotes these very values. They are also deeply integrated into other Euro-Atlantic security structures, such as NATO. We would welcome the integration of Serbia and Montenegro into all Euro-Atlantic structures, first of all to the Partnership for Peace Program of NATO, provided that all the political and technical conditions are met. The full and unconditional co-operation with the Hague Tribunal remains critical in that respect.

The democratic processes in Serbia and Montenegro in the past four years have greatly contributed to the change of the role and place of armed forces in the society. Since 2003, the reforms of the defence and security sectors have resulted in greater transparency, in the establishment of the leading role of the Ministry over the military and in opening the armed forces to the more effective and meaningful oversight by the parliaments. Mechanisms, both legal and practical, have been put in place to ensure stronger accountability of the security services.

Very importantly, the relations between the civilian democratic institutions, especially parliaments, and the armed forces and security services have been developing as a co-operative one. With its parliamentary support program, the Mission has tried to contribute to the building of such relationship. Our recent workshops and seminars bringing together parliamentary committees and representatives of armed forces and security services have reflected this.

Compared to the earlier period, it is clear that the parliamentary committees both on defence and security issues are taking a more active approach in exercising their authority

in democratic oversight. The debate in the Union Parliamentary Committee on the draft Defence Strategy last summer was a case in point, as were the hearings on security issues in the Republican Parliaments. We would also like to welcome the most recent unanimous decision by the SaM Parliament's Defence Committee on accepting the proposal resulting from the COMSEC meeting organised by OSCE and establish, in agreement with OSCE and MoD, a working group composed of parliamentarians and parliamentary staff, independent experts and experts from the relevant ministries which will be tasked with preparing a draft law on parliamentary oversight on armed forces.

Still, the parliamentary performance in this sector can and should be improved and certain gaps filled. For example, the appointment of the Inspector General for the Security Services is long overdue and hampers the full implementation of the Law on Security Services at the Union level. Other institutional links between the armed forces and institutions of democratic civilian control need to be established or reinforced; additional documents, laws and by-laws need to be adopted and the present ones updated or improved.

Indeed, it can not be overlooked that the armed forces in Serbia and Montenegro have become increasingly more transparent and integrated in society, but things can be still be improved, especially regarding the position of security services. Greater transparency on the armed forces, while in the short run can expose some problems and affect its public standing, as recent opinion polls suggest, in the long run can only re-establish their full credibility and the genuine trust in sensitive branch of the State power.

While parliamentary control is crucial, it is not the only element of democratic oversight of the defence and security sectors. These sectors are a part of society and can not and should not be separated from it.

In this context, it is appropriate to recall that the OSCE Code of Conduct on Politico-military Aspects of Security calls for "the furthering of the integration of armed forces with civil society as an important expression of democracy".

The defence reforms in Serbia and Montenegro, which have been marked by important achievements in the past few years, are entering a new and possibly even more difficult phase, which will affect the size of the armed forces as well. The closer relationship between the armed force and the civil society can make these reforms less painful and help dealing with the complex and humanely sensitive task of reintegration the redundant armed forces personnel into the society.

For the civil society to exercise its legitimate role in the oversight of armed and security sector, it must be provided with the appropriate and widest possible access to information. The notion of the state and military secret has to be defined restrictively, rather than extensively, which has often been the case up until now. The Mission has assisted in the drafting of the Law on Free Access to Information and I can not but emphasise that the implementation of this law is what is expected and needed now.

Opening of files of the former secret services, both civilian and military, would be another and long overdue step forward. The drafting and the adoption of a meaningful Law on the Opening of Files of Secret Services should be one of the priorities of the

Parliaments, which the Mission fully supports. As the experience of other transitional democracies has amply shown, discontinuity with this aspect of the previous totalitarian and authoritarian rule has been one of the essential preconditions for facing the past and rebuilding of the public trust in government structures. Not least, it is necessary for addressing violations of human and civil and political rights of a number of citizens in the past years.

While the increasing role of NGOs, academic institutions and media regarding public debate on defence and security related matters is very important, their responsibility is also needed. Real investigative journalism is welcome in defence and security matters, but with full awareness of media that their role is to uncover wrongdoings and problems, and not to fabricate them for political or market purposes.

In examining and improving the relationship between the armed forces and the society, we should also not overlook the important aspect of police accountability. After all, the police are the armed representatives of the state, which are closest to the needs and problems affecting the everyday life of citizens in any country. Maintaining law and order, which is a basis for the functioning of a society, should be coupled with full awareness and respect for human rights and human dignity. This is particularly important in multi-ethnic communities. Our programs to assist the Government in improving police accountability, build up community policing and create integrated multi-ethnic police forces have been motivated by these considerations.

An active civil society is indispensable both for the functioning of government institutions and to the fostering of democratic political culture.