Fostering Security in Albania and the Eu's Role in the Security Sector Reform

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Abstract

In today's world of complex and interdependent security challenges within and across borders, national security sectors need to adapt to fast-changing and unpredictable environments. Experience shows that an accountable, effective and inclusive security sector with full respect for human rights, including gender equality and the rule of law can effectively provide security to a State and its people, while at the same time promoting stability, trust and confidence in the OSCE area and beyond . It is important to first define what we mean by the security sector and security sector reform. The security sector is taken to mean all those organisations which have authority to use, or order the use of force, or threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. The security sector can therefore be viewed as forming three pillars: a) Groups with a mandate to wield the instruments of violence – military, paramilitaries and police forces; b) Institutions with a role in managing and monitoring the security sector – civilian ministries, parliaments and NGOs; and c) Bodies responsible for guaranteeing the rule of law – the judiciary, the penal system, human rights ombudsmen and, where these bodies are particularly weak, the international community . The overall aim of 'Security Sector Reform' is the transformation of security institutions so that they play an effective, legitimate and democratically accountable role in providing external and internal security for their citizens. Transformation of the security sector requires broad consultation and includes goals such as strengthening civilian control and oversight of the security sector; professionalisation of the security forces; demilitarisation and peace-building; and strengthening the rule of law . Security sector reform addresses security problems and tries to improve the situation through institutional reforms. Security and peace are seen as a public good. Society as a whole, as well as its individual members, benefits from an increase in security. Security sector reform must be understood as a broad concept, which also entails a more efficient use of scarce resources to improve security. It seeks to align the contributions of military, diplomatic, development and security actors. Democratic, civilian control over security forces is crucial for the provision of security in the interests of the population. Democratic decision-making requires transparency and accountability. Security sector reform is widely recognised as key to conflict prevention, peace-building, sustainable development and democratisation. Almost all states need to reform their security sectors to a greater or lesser extent, according to the specific security, political and socio-economic contexts, as well as in response to the new security challenges resulting from globalization.

Keywords: *security, EU, reform, justice, organized crime*

1. Introduction

1.1 Security Sector Reform

Security Sector Reform is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian

control, rule of law and respect for human rights[97]. The goal of SSR is to apply the principles of good governance to the security sector. SSR concerns all state and non-state actors involved in security provision, management and oversight, and emphasizes the links between their roles, responsibilities and actions. SSR also involves aspects of justice provision, management and oversight, because security and justice are closely related. SSR can include a wide range of different reform activities covering all political and technical aspects of security, including among others legislative initiatives; policy-making; awareness-raising and public information campaigns; management and administrative capacity building; infrastructure development; and improved training and equipment.

SSR programming can focus on:

- processes that affect how the entire system functions – for example national security policymaking, gender mainstreaming, legislative reform, etc.
- a particular locality or level of government within the security sector – for example national, subnational, municipal, provincial, urban or rural security provision, etc
- one area of security policy or provision – for example defence reform, penal reform, intelligence reform, etc.
- the role of a particular institution within the security sector – for example the police, the ombudsman, a parliamentary committee, etc.

A security sector which is not effective cannot deliver security, while a security sector that is not accountable endangers both the population and the state. A security sector that is ineffective and unaccountable causes a number of problems that SSR can help to solve. SSR improves the ability of the security sector to provide state and human security. An ineffective and unaccountable security sector cannot credibly perform its missions in national defence, law enforcement or public assistance, and itself poses a threat to both the state and the population.

SSR makes the use of public resources in the security sector more efficient. An inefficient security sector wastes public resources, diverting funding from other essential public services and potentially burdening the state with unnecessary debt. SSR reduces opportunities for corruption by improving oversight and professionalism. An ineffective and unaccountable security sector encourages corrupt practices that undermine good governance across the public and private sectors, with negative consequences for economic, social and political development.

SSR protects the professional independence of security personnel so that they can effectively fulfil their legitimate missions. An unaccountable security sector is vulnerable to interference from civilian politicians, who may force security personnel to perform acts illegal under national and international law, or manipulate the security forces in their competition for political power. SSR raises professional standards and strengthens accountability, reducing abuse of the population. An ineffective and unaccountable security sector abuses its power, because security personnel are either incompetent or act out of personal, political or corporatist interest.

SSR promotes inclusive security provision and equal opportunity within the security sector. A security sector that fails to recognize the different security needs of men, women, boys and girls of all social, ethnic and religious backgrounds is discriminatory and cannot provide security effectively to the entire population.

SSR prevents conflict by promoting unity, political neutrality, equality and professionalism within the security sector. An ineffective and unaccountable security sector may intervene in politics, usually furthering the interests of a powerful elite over the interests of the public, and often causing violent conflict.

SSR provides for national defence while contributing to international peace and security. An ineffective and unaccountable security sector poses a threat to other states, either by harbouring potentially hostile criminal or political elements or by succumbing itself to violent conflict.

SSR is about good governance. SSR is frequently misunderstood to include any change that affects how security organizations function, but SSR is different from other types of security reform because it focuses on improving both effectiveness and accountability. Other types of reform might focus only on modernization or the effectiveness of security institutions, but such reforms do not amount to SSR unless they also provide for accountability within a framework of democratic civilian control, rule of law and respect for human rights. SSR is about both state and human security. This means recognizing that individuals and their communities have different security needs, and improving the ability of state security providers to meet those needs. Improving security for people and their communities also means ensuring that the state is protected by security services that effectively fulfil their legitimate missions in providing for national defence and public security. Changes to the security sector that pit state security against human security, or provide security for one part of the population at the cost of another, contribute to insecurity and are inconsistent with the definition of SSR. SSR

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[97] Security Sector Reform, applying the principles of good governance to the security sector, page 2
https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_2_Security%20Sector%20Reform.pdf

is rooted in national/local ownership. SSR can only succeed when it is the product of the national and local actors whose human and state security it affects. National/ local ownership refers to national governments, but also to the people whose security is at stake. This means that national/local actors need to lead the reform process, but it also means that reform must be carried out in a way that is participatory, inclusive and respectful of the distinct security and justice needs of individuals and communities. External support to SSR is often necessary, but reforms imposed from above or from outside will lack legitimacy, and are unlikely to reflect the local security context or the needs of the population. For these reasons, national/local ownership is a fundamental principle of SSR.

SSR is holistic. SSR is based on the idea that security provision depends on how all parts of the security sector work together, including both state and non-state actors: for example, there will be dangerous gaps and overlaps in security provision if the respective roles and responsibilities of security providers such as the military, the police and commercial security companies are not clearly defined; the effectiveness of parliamentary oversight affects security policy; the effectiveness of management bodies, such as ministries, impacts how security forces perform, etc. Activities that improve one aspect of security provision or oversight at the cost of effectiveness or accountability in another part of the security sector are not consistent with the definition of SSR because they can endanger both state and human security. SSR is a long-term endeavour. Changing how the security sector works is a long-term endeavour because it involves changing expectations, habits and norms as well as institutional rules and professional practices. Some improvements in security sector governance can be made relatively quickly, but achieving good SSG takes decades or generations, not months or years. Maintaining good SSG also requires constant ongoing adjustment as new challenges to state and human security arise, both externally and internally.

Good SSG is a matter of constant adjustment, and every state could take steps to improve aspects of its own security sector governance. No state security sector ever reflects all of the principles of good SSG perfectly, because the security environment changes and adaptations are necessary. For this reason the need to conduct SSR may stem from a diverse range of political circumstances or technical reforms.

Typical situations that may call for SSR include the following.

– Reforms to the political system. In states undergoing democratic transitions, SSR is necessary to consolidate nascent democracy.
– Transitional justice processes. Where the security sector has a legacy of violence against the population, transitional justice initiatives may require SSR.
– Peace processes. Creating a security sector that guarantees security for all members of the population on an equal basis can prevent violent conflict, and for this reason SSR is often a requirement written into peace agreements.
– Disarmament, demobilization and reintegration (DDR) programmes. DDR has direct impacts on the size and nature of the security sector, and for this reason DDR and SSR are best considered together.
– National development plans and poverty reduction strategies. Because SSR contributes to a more stable and more democratic political environment necessary for development, it is often included in development planning and strategies. Public financial management reforms. SSR is part of public financial management reform because it involves ensuring that the security sector uses public resources efficiently
– Rule of law reforms. Justice is directly linked to security, so SSR is relevant to reforms improving the effectiveness and accountability of the justice sector.
– National security policy-making. When states review their national security policy and strategy, or develop new ones, SSR is often required to implement the policy.

2. Albania's Security Reform

Albania is an upper middle income country, and was awarded candidate status for EU membership in June 2014. Despite making considerable strides towards EU accession over the past decade, Albania still faces significant challenges across the security system. Since the fall of communism in 1990, security sector reform in Albania has constantly improved in line with the rule of law and human rights principles. The most visible evidence of this is Albania's NATO integration in 2009. Albania has continued to implement the comprehensive justice reform, resulting in good progress. In particular, it reached an important milestone at the end of 2020, with the appointment of three new judges to the Constitutional Court. With seven judges in office, the Constitutional Court regained its necessary quorum of minimum six members to hold plenary sessions, thus being fully operational. The Constitutional Court has started to fully exercise its functions, including by adjudicating on constitutional disputes between state institutions about respective competences.

Progress also continued on High Court appointments which regained its quorum in March 2020. With the promotion by the High Judicial Council of six new judges in March and July 2021 it has reached nine sitting judges, which make it fully operational. The Parliament adopted amendments to ten laws aiming to further strengthen the efficiency of the judicial system and its capacity to tackle corruption and organised crime. The temporary re-evaluation of all judges and prosecutors (vetting process) has advanced steadily, continuing to deliver tangible results . The Specialised Structure for Anti-Corruption and Organised Crime (SPAK), are operational. Albania has also some level of preparation in the fight against corruption. The implementation of the Inter-sectoral Strategy against Corruption is on track. Although the vetting of the members of the judiciary is an administrative process, it is yielding results in the fight against corruption as judges and prosecutors dismissed, as a result of vetting, are brought to justice. Albania has made further efforts to create a solid track record in the fight against corruption, although it remains an objective that requires political will and further structured and consistent actions. Convictions in cases involving high-level officials still remain limited, fostering a culture of impunity within the higher levels of the State. The specialised structures against anticorruption (SPAK and the anti-corruption and organised crime courts) should significantly strengthen the country's overall capacity to investigate and prosecute corruption. Overall, corruption is prevalent in many areas of public and business life and remains an issue of serious concern. Albania has some level of preparation in the fight against organised crime. It achieved tangible results in the fight against organised crime, including by stepping up cooperation with EU Members States and Europol. The country continued to implement the Financial Action Task Force Action Plan to improve effectiveness in the field of anti-money laundering and the package of temporary preventive measures to boost its capacity to counter criminal organisations (Operation Force of Law) throughout the year. Exchange of qualitative information and joint police operations involving international partners further intensified. Albania has continued to show its commitment to counter the production and trafficking of drugs, as air monitoring by EU member state law enforcement services has continued. The new specialised system against organised crime and corruption enables reinforced cooperation between police and prosecution services. Financial investigations need to accompany systematically criminal proceedings. Efforts need to continue to increase the number of prosecutions and final convictions, especially at highlevel. Albania adopted a new national cross-sector counter-terrorism strategy and action plan in December 2020 and made very good progress in implementing the bilateral arrangement with the EU on operationalising the Joint Action Plan on counter-terrorism for the Western Balkans. More efforts are needed to tackle cybercrime, trafficking in human beings and money laundering cases[98].

Albania has taken and is still taking continuous measures to strengthen the internal security. Fulfilling the standards for integration in the European and Euro-Atlantic structures requires maximal and continual engagement of state structures implementing a range of important duties such as:

- Strengthening the rule of law and democratic institutions;
- Restructuring and modernization of the Armed Forces, the strengthening of civil and democratic control.
- Further development of economy and increase in standards of life;
- The close cooperation between political leaders and opposition about important issues of national security.
- The Deepening of respect of human rights and also national minorities' rights;
- The close cooperation with international organisms and neighboring countries in the fight against illegal traffic.
- The constant engagement in the process of arms control and disarmament[99].

3. EU's Role in the Security Sector Reform in Albania

Security sector reform is an integral part of the EU enlargement process, being one of the EU's flagship foreign policy endeavours in post-conflict countries. The EU and NATO have been providing guidance and support to the Western Balkan countries since the break-up of former Yugoslavia, both in a bid to streamline their governance and to overcome the consequences of various violent conflicts. As regards security sector reform, the EU has adopted multiple texts to regulate and steer the process[100].

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[98]Key findings of the 2021 Report on Albania, file:///C:/Users/Marko/Downloads/Key_findings_of_the_2021_Report_on_Albania.pdf
[99] The National Security Strategy of the Republic of Albania, pg 10
[100] Some of the most relevant ones include: The European Commission's 2006 communication, 'A Concept for European Community support for security sector reform', which defined the principles and norms for security sector reform; the 2007 Council conclusions on security and development, which called for a 'whole-of-government approach' to SSR, in accordance with the OECD's Development Assistance Committee guidelines; the 2011 'Thematic evaluation of European Commission support to justice and security system

The EU has a long experience in supporting SSR in its partner countries, notably through its Common Security and Defence Policy missions and development cooperation. As part of the stabilisation and accession process, which constitutes the main framework for preparing the Western Balkan aspirants for EU membership, Albania has a stabilisation and association agreement (SAA) with the EU. These SAAs stipulate that in their cooperation on justice, freedom and security, the parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. During a country's accession negotiations, this issue is covered by Chapter 24 (justice, freedom and security). Since 2011, a new EU approach has placed rule of law issues at the centre of the negotiation process and Chapter 24 (along with Chapter 23) is now among the first to be opened. It covers border control, visas, external migration, asylum, police cooperation, the fight against organised crime and terrorism, cooperation in the field of drugs, customs cooperation, and judicial cooperation in criminal and civil matters. Applicant countries need to have a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, including a professional, reliable, and efficient police organisation.

Chapter 31 (foreign, security and defence policy) is another relevant chapter which requires that applicants align progressively with EU statements and apply sanctions and restrictive measures when and where necessary. Regional cooperation is another priority of the SAP. The Regional Cooperation Council (RCC), which operates under the guidance of the south-east European cooperation process, aims to support the European and Euro-Atlantic aspirations of its non-EU members, and, among others, to develop cooperation in the areas of justice and home affairs, security and parliamentary relations. In its 2017- 2019 strategy and work programme, it pledges to continue its commitment to security cooperation in the region[101].

4. Conclusions and Recommendations

Albania is currently undergoing a thorough reform of its security sector. This reform aims at fully integrating Albanian within European security architecture structures. In order to achieve full integration, comprehensive reforms are required and should benefit the country and society as a whole. Although there have been positive results in the reforms undertaken thus far, attention should be paid to the following.

State and Governmental Authorities

- Strengthen the judicial system so as to avoid political influence or pressure from certain groups or individuals through corruption[102];
- Strengthen the management of human resources based on professional competition and increasing transparency, so as to avoid nominations based on nepotism and political grounds;
- Deepening the reform of institutions and agencies responsible for SSR through structural changes and not through campaigns which simply lead to the dismissal of certain individuals; and
- Create and coordinate an integrated system among all those actors involved (national and international). This will require that the institutional set-up and activities be thought thorough and applied, so as to increase the effectiveness of the reforms and help tackle corruption.

Civil Society

- Specialise and expand debate at both the political as well as technical level;
- Provide easy-to-digest information for society at large;
- Encourage mobilisation and participation in decision-making of all stakeholders; and
- Monitor the progress of reforms and push for enhanced accountability.

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reform', pointing out the justice reform aspects most relevant to SSR, such as the legal institutions involved in the oversight of security institutions; the booklet 'Inspiring change – EU support to rule of law, justice and security sector reform', which explained the EU's approaches to providing such support and gave recommendations based on first-hand EU experience; the 'draft EU concept for support to disarmament, demobilisation and reintegration' (DDR) (2006), focused on EU engagement in post-conflict peace-building and complementing the policy framework for EU support to SSR. DDR processes, considered as more successful when part of a broader SSR, aim for 'sustainable peace, reconciliation of society, stability and long-term development' in post- conflict areas.

[101]Western Balkans: Parliamentary oversight of the security sector
https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/603895/EPRS_BRI(2017)603895 _EN.pdf

[102] Enika Abazi, Aldo Bumci, Enri Hide, Albert Rakipi. Security Sector Reform in Albania. 2009, Iniciative for Peacebuilding (IFP): Security Cluster. ffhalshs-01238710f, pg 34

Anyway, full implementation of the existing laws and policies remains the main problem in Albania in regard of security sector. Also the lack of political will, expertise and resources are the main obstacles to an efficient security sector reform.

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