

*Civil Society Capacity Building to Map and Monitor Security Sector Reform in
the Western Balkans, 2009-2011*

Context Analysis of the Security Sector Reform in Montenegro (1989 – 2009)

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Abbreviations

BIH	(Bosna i Hercegovina) Bosnia and Herzegovina
CEDEM	(Centar za demokratiju i ljudska prava) Centre for Democracy and Human Rights
CoE	(Savjet Evrope) Council of Europe
DPS	(Demokratska partija socijalista) Democratic Party of Socialists
EC	(Evropska komisija) European Commission
EU	(Evropska Unija) European Union
FRY	(Savezna Republika Jugoslavija) Federal Republic of Yugoslavia
IBM	Integrated Boarder Management
JNA	(Jugoslovenska narodna armija) Yugoslav Armed Forces
LSCG	(Liberalni savez Crne Gore) Liberal Union of Montenegro
MAP	Membership Action Plan
MUP CG	(Ministar unutrašnjih poslova Crne Gore) Ministry of Internal Affairs of Montenegro
NAC	North Atlantic Council
NATO	(Sjevernoatlantski savez) North Atlantic Treaty Organization
NS	(Narodna stranka) People's Party
NSA	(Agencija za nacionalnu bezbjednost) National Security Agency
OSCE	(Organizacija za evropsku bezbjednost i saradnju) Organisation for European Security and Cooperation
SCG	(Državna zajednica Srbija i Crna Gora) State Union of Serbia and Montenegro
SDP	(Socijaldemokratska partija) Social Democratic Party
SFRY	(Socijalistička Federativna Republika Jugoslavija) Socialist Republic of Yugoslavia
SNP	(Socijalistička narodna partija) Socialist People's Party
SSR	(Reforma sektora bezbjednosti) Security Sector Reform
SSS	(Služba državne bezbjednosti) State Security Service
UNDP	United Nations Development Programme

Introduction

In this text, we have analysed a wider context of Security Sector Reform (SSR) in Montenegro from 1989 to 2009. This period was chosen as an explicative frame where basic structural changes were shaped during the process of transformation in the post-socialist societies of Europe. Our analysis includes the previous two decades, from the end of socialism in Montenegro, to the present-day, and it follows all the significant socio-political events and trends which have reflected on SSR in the country. We will consider the events which happened during the last two decades as mutually related. The process of reform is still ongoing with insufficient certainty in regard of its final result.

We will start our analysis by defining our two key dependent variables: **Security Sector Reform**; and a concept of established **Reformed Security Sector**. Security Sector Reform involves “a process of adaptation of security sector actors to political and organizational requirements of transformation” (Edmunds, 2007), whereas its ultimate goal is developing Reformed Security Sector which “provides security of both people and a state efficiently and effectively in the frame of democratic government” (Hanggi, 2004:275). The concept is based on the following criteria: legitimacy, representativeness, transparency, participation, rule of law and responsibility in governing the security sector (Ejdus, 2008:65).

A wider context analysis has the goal to recognise how, to what extent, and with what consequences, the context can influence the flow, content, and range of Security Sector Reform. Since Montenegrin society passed through specific processes and changes, we made a periodisation of the context of SSR into three phases, according to the criteria of key and crucial points, which are results of activities of the most important social actors during the post-socialist transformation of Montenegrin society. Periodisation was done in order to recognise the key points of change. These events are important since they were, in a way, the driving force behind changes in security policy. Therefore, for the needs of our analysis, we developed the following periodisation:

Phase I: 1989 to 1997

Phase II: 1997 to 2006

Phase III: 2006 to 2009

In this paper, we shall conduct an analysis of the major socio-political events for each of these three phases, as well as institutional analysis of domestic security sector, in order to determine which context was the dominant one in the indicated period. In the appendix to this analysis, there is also a table which analyses key political actors in Montenegro, through their interests, strategies, abilities, and relations.



1. END OF SOCIALISM AND SOCIO-POLITICAL CONTEXT (1989–1997)

This period was characterised by the breakdown of the socialist institutions related to the Socialist Federal Republic of Yugoslavia, when the post-socialist transformation in all the former Yugoslav republics started. During this period, a civil, democratic society based on the market economy, was perceived as the only alternative to the unsuccessful previous system of socialist federalism. After making clear what the goals were, and which socio-economic system would be desirable to adopt, some serious difficulties arose on the path to adopting it. These difficulties were recognised as transitional social problems.

The socialist system certainly left strong and far-reaching consequences on the structure of Montenegrin society. During that period, new social layers, which had not existed before or had been sparse, were created by industrialisation and modernisation. Once a predominantly agricultural and economically underdeveloped country, with 85.3%¹ of the citizens living in villages and working mostly as farmers, Montenegro entered the 1990s as a society where, according to 1991 census², only 7.2% of the citizens worked as farmers (Pavicevic, 1997:101-104).

In the sphere of the economy, the process of privatisation, as a basic process of transferring state property to new owners, started. The main aim was a transition to market economy. However, soon after the mobilisation of citizens to support these changes, the free market concept and the imposed idea of getting material wealth in capitalism lost support very soon and become a subject of re-examination by the citizens. This was because the initial attempts of privatisation led to an atmosphere of general insecurity, 'tycoonisation' of the economy, the rapid rise in wealth of politicians and criminals, as well as a rapid increase in unemployment. At the same time, the overall standards of living of the majority of the citizens declined as well.

Since the former system did not create actors in the sphere of the economy who would be able to put these changes into effect, the reforms developed

¹ Data from pre-socialist period (Pavicevic, 1997:101-104)

² Majority of active population now are workers (32,1 %), shop or catering assistants (20,1 %), experts and artists (16,1 %), or clerks (13,5 %).



dominantly from political actors, so that “new managers had a task to deprive themselves economically (by privatisation) and make themselves politically replaceable (by regular democratic election procedure)” (Lazic, 1994:22), in order to solve the formulated “equation in two unknowns (market and democracy)” (Lazic, 1994:22-23). Therefore, the new and young political elite had to start the process of privatisation, and to establish the procedures for fair and regular elections which would eventually lead toward their replacement in power.

Therefore, the most significant social change came with the end of the planned economy, where now we saw a separation of political from economic and cultural subsystems, mainly as a result of activities of the new³ political elite, which established its legitimacy on the basis of the results which they achieved in multi-party and relatively free elections.

The aforementioned context of changes in post-socialist societies should be considered in the framework of the most important socio-political events in Montenegrin society from 1989 to 1997, which are relevant factors that influence SSR. In January 1989, a two day protest meeting, named the “event of people”, was held in Montenegro, where around 100,000 citizens, including workers, students, and intellectuals, gathered and demanding the resignation of the entire state management bureaucracy. The meeting soon ended with the acceptance of their demands. Complete management of the Communist League resigned. These events, known as “Anti-Bureaucratic (AB) Revolution”⁴, are taken as a turning point when the dissolution of socialism in Montenegro started. After the AB Revolution and the end of the socialist establishment, the first multi-party elections were organised, which marked the end of the single-party system in Montenegro.

³ In expert public and among sociologists at the beginning of the 90s, two models of new political recruitment in post-socialism were mentioned, depending on the answer whether there was a change of personnel in managing positions of new political elite, that is, “circulation” from other layers of society or we have “a reproduction”, that is, a change within the old socialist establishment and their adaptation to a new form of society. However, it was shown in practice that each society had its own distinctive features in this sense and most often, the first and the second model were combined.

⁴ Anti-bureaucratic revolution, mass protests from January to August 1989 in Titograd (Podgorica), so called “event of people”, where real aims of their organisers - to support policy of Slobodan Milosevic, were hiding behind the slogans against communist bureaucracy and democratisation of society.



Today it is clear that the first Montenegrin post-socialist elite was not autonomous in making decisions for a long time. It turned out that “during disintegration of the Socialist Federal Republic of Yugoslavia (SFRY), the ruling Montenegrin policy blindly followed Milosevic’s war and great-power goals” (Bojovic, 2010), which caused numerous problems for Montenegrin society and its development (wars, isolation, deep economic crisis, hyperinflation, grey economy, smuggling of goods – often organized by state authorities, and ‘tycoonisation’) as a consequence.

One of the key variables in our research of the security sector reform context in Montenegro is *sovereignty*, since we start from the point of view that a sovereign country is very important for the democratic transition of society as well as for Security Sector Reform (Linc & Stephan, 1998:31-57). In that respect, the new government in Montenegro initiated a referendum on the state status of Montenegro in 1992.⁵ The referendum was scheduled in the atmosphere of the war, with a 7-day time limit for campaigning, so that it was impossible, physically and because of the time limit, for both sides to organise a proper campaign. The referendum was not supervised by any accredited foreign observers or organisations.

The way Montenegrin government treated the issue of sovereignty at the beginning of the nineties had, it turned out, strong and far-reaching implications on halting democratisation of both society at large and the security sector in particular. Until the restoration of the independence of Montenegro in 2006 (and still present in the independent state), two strongly polarised groups existed: on one hand, the “Independists”, who advocated an independent, internationally-recognised state of Montenegro, and on the other hand, the Unitarians, who advocated the retention of the federal state with Serbia, although it should be emphasised that these splits were guided by deeper historical processes (Antonic, 1999:165-186). Both sides seemingly struggled for the same cause – a liberal democratic civil society – but in fact, on the other hand, they led a long-lasting dispute over national identity and the issue of sovereignty, which even today breaks out again whenever there is a political motive for bringing up the issue. If we perceive the situation from the standpoint of a liberal-democratic ideal, we can notice that, for a long period of time, national, and not civil, identity was the priority on the

⁵ The results were the following: 95.96% of voters chose federal state of Serbia and Montenegro that is Federal Republic of Yugoslavia, which was created later. Voter turnout was 66%.



country's political scene, what turned out to be one of the main causes of the postponing of democratic transition and consolidation of Montenegrin society.

On the basis of the already mentioned referendum in 1992, the Republic of Montenegro together with Republic of Serbia formed the Federal Republic of Yugoslavia (FRY), and a new Constitution of Montenegro was proclaimed on 15th May, 1992. Soon afterwards, membership of FRY in UN was suspended, and the UN Security Council imposed international trade, science, cultural, and sports sanctions on FRY. A long period of isolation and suspension of socio-political transformation started, and it also stopped the security sector reform process, although it is debatable whether to talk at all about the reform at that time. This period was predominantly characterised by wars on the territory of the former Yugoslavia. Montenegrin security sector actors were directly or indirectly involved in war operations. Hence, it can be said that the security sector reform was stopped or blocked in this period.

After the break-up of the SFRY, the region was pushed in a bloody civil war from 1991 to 1995. It is not necessary for the purpose of this text to deal with either the causes of the civil war or explain how the civil war started and describe its course. It is enough to point out that the military forces of Montenegro took part⁶ in the conflict on the territories of Croatia, as well as Bosnia and Herzegovina.⁷ Montenegrin citizens were mobilised in order to militarily settle accounts with the citizens of the other Yugoslav republics (and with their just formed military and police defence forces), now new states which had already proclaimed or intended to proclaim independence, on the basis of their citizens' will as a result of referenda.

De-monopolisation of power, lawlessness, and anomia⁸, were identified as the main security threats and risks in this period. The armed forces were free

⁶ At that time Army of FRY, armed forces of Serbia and Montenegro

⁷ Attack and destruction of Dubrovnik, war operations in Herzegovina

⁸ This concept was introduced into science about society by French sociology classic Emile Durkheim, in order to explain suspension and inefficiency of social norms, laws, rules and values, which lead to disorganization and destabilization of a society, as well as to confusion in moral consciousness of an individual, and often to delinquent behavior. State of anomy appears in periods of social and political crisis, wars and rebellions, as well as in times of social transition, when the previous norms and traditional values are not valid anymore and new ones are not still established. It creates confusion and disorientation of members of a society in their search of socially desirable patterns of behavior.



from any kind of democratic control, instead being under the command of individuals - members of the ruling elite. The situation was additionally complicated by the formation of various para-military forces, which recruited mostly criminals as their members, and which were created by criminal groups and sometimes even by the security sector. The consequences of these events were horrifying during wars on the territory of the former SFRY. What should especially be emphasised is that these forces were active also on the territory of Montenegro (although its territory was not officially included in the war operations) and that war crimes did occur on the territory of Montenegro in these years. (Nansen Dialogue Centre, 2009) Those war crimes were committed by Montenegrin armed forces or para-military formations (or joint action of military and para-military forces).

When we talk about the attitude of Montenegrin officials to these crimes, first of all, we should point out that the fact that they happened on Montenegro's territory was ignored for a long time, and the lack of justice in this regard was prolonged until recently, when the prosecutor's office brought first charges for war crimes. Ignoring war crimes committed on the territory of Montenegro also was a characteristic of a large part of the Montenegrin public.

The authorities defended themselves through silence or by claiming they were not informed, and the judiciary by lack of evidence. However, according to the charges, evidence, and eyewitness accounts in proceedings in Montenegrin courts in recent years, persons who at that time were members of the Ministry of Internal Affairs (MUP) and the State Security Service⁹ of Montenegro were directly involved in organising and committing war crimes. Undoubtedly, they received orders for those actions from the ruling elites, which are more or less at present time still in power. Hence it is not surprising that the government could ignore and not punish war crimes committed on its territory for a long time. There were a number of crimes committed on Montenegrin territory in this period:

Crime in Bukovica, municipality of Pljevlja, 1992 and 1993, when eight people lost their lives, a number of houses were burnt and robbed, whereas hundreds of Montenegrin citizens of Bosnian Muslim origin were expelled from their homes. Seventeen years later, the Montenegrin Prosecutor's office

⁹ State Security Service (SDB), was a predecessor of National Security Agency (NSA) which was established in 2005.



brought charges and asked for temporary arrest for seven former members of the armed forces of Yugoslavia and Ministry of Internal Affairs – who were charged with ‘a crime against humanity’ during 1992 and 1993, at the time of war in Bosnia and Herzegovina – they were accused of violating international law, systematically maltreating and frightening the Bosnian Muslim population in Bukovica region in the north of Montenegro, and forcing them to move out of their homes. These trials are still proceeding at the time of writing, and criminal charges are being brought against them before the Higher Court in Bijelo Polje.

Crime in the Morinj prison camp, – in the municipality of Kotor, where six members of the JNA have been accused of torturing and maltreating more than 169 prisoners of war, who had been taken prisoner in the region of Dubrovnik and taken to the Morinj prison camp on the Montenegrin coast, at the time when the Montenegrin government was encouraging aggression to the region on Dubrovnik. The case was processed much later, in March 2009.

Montenegrin officials and the judiciary ignored the case of Morinj for more than a decade. The case was processed much later, in March 2009. Eventually, in May 2010, the six accused were found guilty and sentenced to a total prison term of 16 years for all of them before the board of judges of the Higher Court in Podgorica. However, it seems that this case remains open because of the command responsibility, which was not asked for by the charges, has not been identified.

Deportation of refugees from Bosnia and Herzegovina in spring 1992, from Herceg Novi to Republika Srpska and handed over to the war authorities of Bosnian Serbs. A majority of the arrested were Bosniaks, who, after being handed over to the authorities of the Bosnian Serbs, were killed. According to the official document – a reply to the parliamentary question of the Minister of Police, Nikola Pejaković, in spring 1992, on the territory of Montenegro, 83 refugees from Bosnia and Herzegovina (48 Bosnian, 33 Serbian and two Croatian citizens) were arrested and deported.

Criminal charges for deportation were brought before the Higher Court in Podgorica in November 2009. The trial was brought against a group of members of MUP and the State Security Service of Montenegro, who were accused of deportation, which was qualified as a crime against civilians. In December 2009, in an extra-judicial procedure, Montenegro paid four million



and one hundred thirty five Euros to families of deported and killed citizens of Bosnia and Herzegovina.

Crime in Kaludjerski laz, a place in the municipality of Rožaje near the border with Kosovo, during NATO intervention in FRY, 8 members of active and reserve units of the Yugoslav army, the so-called Podgorica Corps, were accused of war crimes against civilians, because they had killed 21 civilians of Albanian nationality in a column of refugees, some of them were children, women, and old people, although the official military announcement was that it had been a clash with terrorists. Montenegrin police was not allowed to approach the crime scene, and the bodies of the murdered were discovered later in a mass grave in Kosovo. A trial started a decade later in March 2009, before the board of judges of the Higher Court in Bijelo Polje. Seven members of the reserve unit of the former Army of Yugoslavia had already been in custody, whereas the first accused, Predrag Strugar (battalion commander of the battalion the unit was a part of) was tried in absence.

A couple of different contexts of the security sector reform are generally mentioned in literature – *post-authoritarian*, *post-conflict*, and *developmental* (Ejdus, 2008:67). The period from 1989 to 1997 should fit into ***the post-authoritarian context*** of the security sector reform in sense of moving away from authoritarian socialism. However, because of a whole range of distinctive features, this period of post-socialist transformation has, as we are going to define it for analytical reasons, a combination of two models: ***a conflict context*** and a ***context of blocked security sector reform***.



2. FROM THE SPLIT OF THE RULING PARTY TO AN INDEPENDENT STATE (1997–2006)

According to the periodisation we made at the beginning, in this part we will now analyse a period which includes the time from 1997 to 2006. In 1997 occurred a crucial turning point, the split within the ruling party. Just as a reminder, in the Parliamentary elections in Montenegro, which were held in 1992, the ruling DPS won an absolute majority in the Parliament. However, contrary to this victory, there was a deep crisis within the stable majority of the ruling DPS, which culminated in the same year and ended in a split of DPS and formation of a new Socialist People's Party (SNP)¹⁰. This event strongly influenced future developments on the social and political scene of Montenegro. The leaders of the Democratic Party of Socialists made the first clear distance from Slobodan Milosevic.

At that moment Montenegrin society was deeply politicised, and divided into two opposing sides. One group of the citizens was on the SNP's side, which supported Milosevic openly and received material and logistic help in exchange. The other group was gathered around Djukanović's DPS, which, at first cautiously, and later more and more openly, started talking about a need for restoration of full state sovereignty of Montenegro. Djukanovic, was strongly backed up by the international community, he was recognised as an internal force which could significantly influence the downfall of Slobodan Milosevic's regime. Montenegrin officials have started to take over the functions from federal level one-by-one.

The country started building its own institutions (the existing ones became more independent and new ones were built) and in that way, gradually rounded up national security system, independent from the system at the level of a federal state. The new Montenegrin security system was based on the central security actor – the Montenegrin Police. The police forces were vastly increased in number, whereas their main characteristic was strong militarisation. New military equipment for the police was imported, including

¹⁰ Socialist People's Party was formed out of former members of DPS



armoured vehicles, which are normally used only as a part of military forces.

On the other hand, these moves of Montenegrin government were still in the range of a legal system of the federal state, since according to the FRY Constitution, command of police forces was in the hands of the Republics, whereas command of the Army was at the federal level.

Tensions between the Montenegrin Police (loyal to Djukanovic) and the Federal Army (loyal to Milosevic), reached their peak during the NATO bombing of FRY in 1999. Milosevic did not reconcile easily with the fact that he had no control over Montenegro, so that he did everything he could to regain control, using the support of the sections of citizens and political parties which remained loyal to him in Montenegro.

During the NATO bombing, the ruling military circles created a paramilitary formation composed of the members of FRY Armed Forces from Montenegro and other Milosevic's supporters, the so-called "Seventh Battalion". They were formed as an answer to Montenegrin police formations and they were ready to enter in direct conflict with Montenegrin police, which, in a polarised society would have meant the beginning of a civil war.

This context strongly shaped the situation in the security sector. In such a complex situation, it was very difficult to talk about security sector reform at all, not to mention conducting any kind of reforms. The constant semi-state of war and semi-state of emergency was a reason for the Montenegrin ruling elite to postpone reform of the police and the security sector in general.

It is now obvious that formation of such strong police structure, narrowed down the possibility for change i.e. it was one of the factors that influenced the immutability of elite in power during the last twenty years.

The external threat to security of Montenegro disappeared after downfall of Milosevic's regime in 2000. Still Montenegrin Police forces remained unchanged, thus, influencing the slow progress of SSR. The ruling party had an absolute control over the Republic's security forces, and over public and secret police, which were parts of one common Ministry of Internal Affairs of Montenegro¹¹, and was not willing to deprive itself of its full control.

¹¹ MUP Crne Gore.



Since police forces were primarily profiled as a mechanism of defence of the country from external threats, the classic police functions like crime investigation and crime prevention were neglected. Absence of organized and systematic activities in these areas, often tolerating criminal activities, caused an increase in the amount of organized crime and corruption at many levels and it remained a characteristic of Montenegrin society until today. These shortcomings can be identified by a number of reports of international institutions and their officials from that time. The report of Richard Monk, police counsellor to the OSCE Mission in Montenegro, listed key areas which should be immediately reformed within the Police:

- 1) Community policing
- 2) Increase of a level of responsibility of the Police
- 3) Fight against organised crime
- 4) Forensics
- 5) Border police
- 6) Education of the police and its development.

The most important areas and ranking of the presented suggestions for a reform, as well as the recommendations to conduct them immediately, indirectly point to the insufficiently-developed functional organisations in the police structure at that moment, and the urgent need for reform, which was not happening at that point of time.

Emphasising the creation of police service as a defence mechanism meant the creation of a repressive militarised police structure, and not the police as a service for the citizen, whose activities are controlled by democratic mechanisms and which aims at criminal investigations and the fight against organised crime.

Milosevic's downfall brought significant relief in the strained security situation, particularly in relation to the forces loyal to Milosevic and those loyal to Djukanović. In this period, tendencies of state sovereignty restoration in Montenegro were becoming stronger, so that tensions between the ruling elites moved to the level of the relations between Serbia and Montenegro – the two members of the Federal Republic of Yugoslavia.

After democratic changes in Serbia, the international community expected Montenegro to make a turn in its politics as well, and start cooperating with the new, democratic authorities in Belgrade.



After years of war, sanctions, and isolation, the Montenegrin economy needed foreign investment. The state had already proclaimed joining the European and Euro-Atlantic integration process as its main aim, so the help of external donors would have been more than desirable and welcome, since reliance on its own material and human resources would have been insufficient for the necessary reform, both in the security sector, as well as in the other segments of the society. In these years, the security sector was faced with over-expenditure, especially in the police, which in combination with extremely bad management of resources and an underdeveloped organisation, considerably impeded its reform.

In the economic sphere, it is an indisputable fact that in 2000, Montenegro became an independent economic entity within the federal state union with Serbia, because Montenegro accepted the Deutsch Mark, instead of Serbian Dinar, as its official currency (changing it to the Euro in 2002), and at the same time formed its own Central Bank. At the same time, the economic viability of the Montenegrin state was becoming more and more dependent on the EU's and the USA's assistance. In the beginning their opinion predominantly was that there was no need for any further disintegration in the Balkans, so under a lot of pressure from the West, Montenegro agreed to the Belgrade Agreement about FRY reorganisation, a redefined state arrangement with Serbia. Serbia and Montenegro both signed the Agreement in February 2003.

The Agreement was immediately adopted in Parliaments of both Republics, and after that also in the Federal Parliament, when the Constitutional Charter of SCG was adopted. The Federal Republic of Yugoslavia formally ceased to exist with this Agreement, and a new union of two semi-independent states, Serbia and Montenegro, was created. The Belgrade Agreement also introduced a stipulation by which either of the two states could, if they wanted, withdraw from the union after three years, by a referendum. Both the ruling parties DPS and SDP then started to create conditions (by pushing for this idea within the Montenegrin public sphere, and where possible, on the international scene) for a referendum on independence after the three year-period had passed.

A change of a form of the state directly influenced the security sector in the country. The Agreement marked the abolition of the Federal Ministry of Internal Affairs. Therefore, now, officially the only police forces in FRY were the ones at the level of republics, completely independent from each other.



The next significant changes in the area of policing in Montenegro were made through the adoption of the Laws on Police, and Agency for National Security Law in April 2005. The most important innovation these laws brought was the separation of National Security Agency (NSA) from the Ministry of Internal Affairs.¹² The other important change was that the Police was also separated from the Ministry of Internal Affairs. According to the new law, the influence of the Minister of Police was significantly limited and weakened in comparison to the previous legislative arrangement. The Director of the Police got a significantly expanded authority, and was now, so to speak, 'the first policeman' in the state. The new Law on Police was a significant step towards police responsibility increase and its further depolitisation.

Under the new system, the Director of Police and the Director of the National Security Agency are both to be appointed by the Government. Before they take over their duties, it is expected that both candidates go through the procedure of interrogation before the Parliamentary Committee of Defence and Security. However, in contrast to developed democracies, the Committee does not have any formal influence on their appointment. The Government has the last word and can, regardless of the Committee's opinion, appoint its candidates to the suggested positions.

In this period there is further reform of the police sector by establishing new organisational units in Police, such as the Department for Fight against Organised Crime and the Strategic Unit for Planning. Department for Internal Control also started working, but with a serious lack of capacities, both in terms of technical and human resources (Gajic, 2007:116-128). On the other hand, formation of the Parliamentary Committee for Defence and Security did not mark the beginning of the efficient external control of the security sector.

As mentioned before, the National Security Agency (formerly the State Security Service) was taken out of the Ministry of Interior and placed in its own agency directly under the Government's supervision in 2005. By the provisions of the new Law on NSA (2005), the Director of the Agency is appointed by the Government. It took the Agency two years to be structurally separated from the Mol. The Agency has had its own headquarters from 2007 onwards. In addition to structural separation, the NSA staff no longer has policing powers and cannot carry firearms. The Law on NSA envisages a

¹² Law on the National Security Agency, article 25, 2005.



few levels of control over the Agency. Firstly, it is responsible to Government in its work. Secondly, the Agency is the subject of civilian and democratic oversight through Parliamentary Committee for Security and Defence. Additionally, the institution of Inspector-General within NSA controls it in the part of both fulfilment its competences and in respect of the rights of its employees. So far, Parliamentary control over the NSA has been weak. It has been more or less focused on the review of yearly reports of the NSA Director, reaction after certain incidents would occur and a single visit to Agency with the aim of controlling the usage of special investigative means. This time the delegation of Parliamentary Committee did not find any wrongdoings, although the delegation was not at its full capacity, since opposition party members refused to take part in the visit. It is important to stress that over the years there have been a number of allegations from opposition politicians, the media, and civil society, accusing the NSA of not doing its work in a professional manner but rather being a part of the ruling structures and using its power to control and monitor political opponents of the ruling elite.

In August 2005, the government adopted the Programme of Montenegrin Police Education, which set the stage for the transformation of the secondary police school in Danilovgrad into a Police Academy. From November 2003 to January 2004, a very important process was completed - passing of competencies over state borders from the armed forces of FRY to the Montenegrin Police. This was a part of the process of strengthening state sovereignty.

This period is also strongly marked by a large number of unsolved murders of prominent officials. These assassinations disturbed the public deeply, especially because three high-ranking Police officers and the chief editor of the daily newspaper 'Dan' were among those killed. The fact that most of those murders have remained unsolved to the present, decreases public confidence in the police and represents a serious obstacle on the road to SSR and consolidation of democracy in Montenegro.

In this sense, the case of the murder of the high-ranking police official Slavoljub Šćekić (an Assistant Head of Criminal Police) in August 2005 was a prime example of the above. Šćekić was murdered in front of his home, soon after he had led investigation about a series of bomb attempts at the building site of the luxurious Hotel Splendid in Bečići.

In addition, normative and organisational changes were happening in this



pre-referendum period, which was followed by strong tensions between the Independists and Unitarian factions.

Montenegro regained its sovereignty on May 21, 2006, which ended a long period of social tensions connected to the issue of statehood and the suspension of the overall reform process (within Montenegro in general as well as in the security sector in particular). Now, the basic, necessary condition for the beginning of attempts at security sector reform was created.

The analysed period was characterised by the fulfilment of requirements from the first generation of SSR (Edmunds, 2005:50) During that period, a lot was done in order to set a new legal frame for better and more efficient functioning of both the Police service and the NSA, although these laws often were copies of similar solutions from other countries, adopted in haste, merely in order to satisfy EU requirements.

Overall, the period from 1997 to 2006 was characterised by a combination of ***post-conflict***, ***state-building***, and ***developmental*** contexts to some extent.



3. BUILDING OF INSTITUTIONS AND EURO-ATLANTIC INTEGRATION (2006–2009)

The independence of Montenegro removed many obstacles on the country's SSR path imposed in the past by the open issue of statehood. At the same time, it was no longer a 'screen' for hiding the lack of political will of the ruling elite in Montenegro to intensify the country's security sector reform. The situation in Montenegrin society became more relaxed in comparison to the previous years, and in that way created a context in which security sector reform could start in earnest.

In 2006, a new actor arose in the country's security sector – the Army of Montenegro. The previous contexts do not have equal influence on the Army of Montenegro, which, as mentioned, was built from scratch after independence as a new security actor, contrary to the Police and the National Security Agency (NSA).

Consequences of the previous events and delayed SSR process, the large number of unsolved murders, allegations of a nexus between politician and organised crime continued forming the shape of SSR and influenced the slow pace of the processes. If we add the rigidity of the ruling elite in Montenegro, where security forces are first of all seen and treated as a means and basis of preservation of their own authority, it becomes clear that the SSR context is still far from favourable. The obstacles which exist in this context, and which slow down the security sector reform and impede the road to the consolidation of democracy in Montenegro, have been identified by numerous organisations. The EC has pointed out the existence of organised crime groups, corruption at all levels of society, as well as insufficiently-developed administrative capacities.

The Ministry of Internal Affairs, through the Police management authorities and the NSA, are responsible for anti-terrorist operations. The Special Anti-terrorist Unit (SAJ) also exists as a part of the Montenegrin Police. It received aid from a number of foreign donors in training of their members and supply-



ing equipment. The unit was formed with the aim to solve the most complex tasks from the area of terrorism and the fight against organised crime.

On the 9th of September 2006, SAJ unit carried out one of the biggest police actions in recent years - "Eagle Flight", when 18 people of Albanian ethnicity and Montenegrin citizenship, from Malaysia, along with American citizens with origins from the areas bordering Albania, were arrested under suspicion that they had planned terrorist acts on the territory of Montenegro, with the aim to secede a part of its territory. The group planned to include former members of paramilitary formations from Kosovo in its planned terrorist acts in the area.

A large number of weapons were seized on that occasion. Some of the seized weapons were found in the houses of the suspects, whereas the rest had been hidden in a cave in Malaysia. The police seized, among other things, 13 automatic and semi-automatic rifles, five bazookas, five anti-tank mines, five cases of ammunition, and two sniper rifles. Maps of Malaysia, Albanian flags, and flags of Liberation Army of Kosovo were also taken away from the arrested.

In 2008, the Higher Court in Podgorica found this group guilty of criminal association for unconstitutional activities in Montenegro. They were found guilty. Twelve people were sentenced to a total number of 49 years of prison. The Higher Court in Podgorica, however, suspended temporary arrest for 12 sentenced people, but ordered supervision and the seizure of their passports and prohibited their leaving Montenegro. Temporary arrest was ordered and continued for the other two persons sentenced for unconstitutional activities. The remaining five, included in the charge, and who defended themselves while on bail, were found guilty for unlicensed keeping of weapons and explosive materials. This case was in the centre of attention of domestic and international public because there were doubts that the police may have exceeded the limits of their competence and extorted a confession from the accused by force, who were allegedly physically maltreated in the premises of the Podgorica Higher Court. The accused appealed against the verdict, and in 2009, the Court repudiated their appeals, and confirmed the verdicts each of them had been sentenced to initially. In 2009, five people (two of whom were American citizens) served their sentences and were released.

After the referendum, the ruling elite hastened to schedule Parliamentary elections in order to confirm and extend their rule for a few following years.



As it could have been expected, in September 2006, the first Parliamentary elections in independent Montenegro did not bring about change of the ruling party (that is coalition of the ruling parties DPS-SDP). Montenegro is an exception in the frame of post-socialist countries in a sense that “since the beginning of transition, one party has dexterously been maintaining itself in power for almost twenty years.” (CEDEM, 2009)

The ruling coalition used rhetoric about necessity of integration of Montenegro in European and Euro-Atlantic structures. Numerous problems within the opposition (past conflicts among the parties, ideological differences, and organisational and financial problems within parties themselves) hindered the formation of a common opposing block capable of changing the government. “The leading opposing parties (SNP/Nova/PZP), except their emotional attitude to the authorities, up to now have not been capable of offering a consistent, serious and alternative political programme”¹³. It has become obvious that at this moment, the opposition also contributed to SSR stagnation to a great extent, since they, as the Montenegrin political contra-elite, neither have offered an alternative proposal of SSR, nor have brought about any significant attempts of influencing the government in that sense. In that way, “...a process of hibernation of current political class was encouraged, and at the same time the prospects of necessary social changes were minimised.”¹⁴

Another problem which is causing the slow pace of reforms is that Parliament does not have sufficiently active role in implementation of reforms in the security sector, and this especially refers to activities of the Parliament Committee for Security and Defence, that should directly perform its function of democratic and civil control of the security sector. It seems that Parliamentarians are not using all tools they have in order to control and supervise the security sector as much as they can, and go towards solution of possible problems. So far the Committee has been focused more on discussion on reports, legislative proposals, and reactions after certain incidents.

In order for the Committee to perform its functions better, it is necessary to overcome the party roles of committee members. Thus, committee members should not lead political discussions during sessions by strictly sticking to their own political interests, but rather, their priority should be the control,

¹³ Rade Bojović (2010), Lavirint crnogorskog višestranačja, Analize-politika, *PORTAL ANALITIKA*.

¹⁴ Ibid



reform, and democratisation of the security sector and informing citizens about these topics.

Although there was a relative stabilisation of political, economic, and social circumstances in Montenegro during this last period, it can be said that it happened mainly in the sphere of politics, whereas socio-economic circumstances and processes ripened to the point when it became necessary to re-examine the main priorities of economic policy and results of a policy of uncontrolled capitalism, which obviously favored the interests of big business, creating very sharp social inequality.

Out of the other key events in the socio-political sphere, we would also mention the adoption of the new Constitution of Montenegro in October 2007, the decision of the Montenegrin government to recognise the independence of Kosovo and to establish diplomatic relations with Priština in 2008¹⁵, and the Parliamentary elections of March 2009, when the DPS and its coalition partners won again.

In the field of security sector reform, the reforms developed in two directions. The first was the already-mentioned creation of the Montenegrin Army, which, with the help of NATO partners, transformed itself into a small but dynamic military formation, whereas the second was the reform of the Police and NSA, with the support of EU, OSCE, and other international organisations (Gajić, 2007), which first of all were focused on decentralisation as a key component of reform. However, it seems that the remaining two Ds, (demilitarisation and depolitisation), did not happen with equal speed (Gajic, 2007)

In this period, Montenegro became a member of numerous international organisations. In October 2006, Montenegro signed the Stabilisation and Association Pact with the EU and near the end of 2008 applied for candidate status. In July 2009, the European Commission Questionnaire arrived in Podgorica. At the end of 2009, the EU visa regime was abolished for the citizens of Montenegro.

Results of public opinion polls in Montenegro, conducted by Center for

¹⁵ The result of this decision was worse relations with Serbia, Montenegrin ambassador was announced as persona non grata and she had to leave Belgrade. In Montenegro, this decision of the Montenegrin government provoked protests which ended in minor riots in Podgorica and prohibition of public gathering. In March 2009, Parliamentary elections were held, where DPS, its coalition partners, won.



Democracy and Human Rights (CEDEM) over the last few years, show that a majority of citizens have been determined for a long period of time (more than 70 per cent) that the state should become a part of European Union and that the issue of EU integration has no alternative in public opinion. (Table 1)

Table 1 Membership in EU (CEDEM)¹⁶

	JUNE 07	SEPT/ OCT 07	FEB 08	JUNE 08	NOV 08	MARCH 09	JUNE 09	OCT 09
YES	78,3	72,4	72,8	70,8	73,9	75,9	70,8	76,2
NO	6,5	9,4	9,2	12,1	11,5	10,5	9,1	9,8
No definite opinion	15,2	18,2	18,0	17,1	14,6	13,6	12,7	14,0

Therefore, this is among the rear questions where it is possible to reach consensus within the socio-political actors in country.

Besides EU integration, Montenegro has reached out towards other security organisations. In December 2008, Montenegro became a member of Interpol. A strong tendency towards joining NATO is also obvious in this period. In November 2008, Montenegro became a member of the NATO Partnership for Peace programme, and since then, state institutions have put a lot of effort in order to fulfil all necessary requirements for membership in that organisation. However, as a difference from support to EU integration, support to NATO has remained at a very low level for a long period among the public, in spite of a large eagerness and effort of the government to get support for it. (Table 2)

Table 2 Membership in NATO (CEDEM)¹⁷

	JUNE 07	SEPT/ OCT 07	FEB 08	JUNE 08	NOV 08	MARCH 09	JUNE 09	OCT 09
YES	32,9	32,4	29,5	26,3	26,9	31,2	30,0	31,2
NO	39,7	40,7	44,2	46,7	46,9	45,1	43,3	44,0
No definite opinion	27,4	26,9	26,3	27,0	26,1	23,7	26,7	24,8

¹⁶ Javno mnjenje Crne Gore 2009: GODIŠNJAK No 5 (mart 09-oktobar 09), Centar za Demokratiju i ljudska prava (CEDEM), Podgorica, Januar 2010.

¹⁷ Javno mnjenje Crne Gore 2009: GODIŠNJAK No 5 (mart 09-oktobar 09), Centar za demokratiju i ljudska prava (CEDEM), Podgorica, Januar 2010.



In the meantime, a large number of reforms were conducted in the Army, and that process has been intensified by admission in Membership Action Plan (MAP) in December 2009. Today, Montenegrin Army units take part in international peace operations. The Parliament of Montenegro, on the government's proposal, adopted the decision to send soldiers to participate in the ISAF mission in Afghanistan. Previously, the Parliament adopted the Law of Missions and a decision on sending a three-member military-medical team to Afghanistan. (Nansen Dialogue Center, 2009)

Besides this, a clear determination of the state for NATO integration can easily be seen by analysis of the key strategic documents, adopted in the period from 2006 to 2008. Numerous strategies and laws on the security sector were passed in that period, connected mostly to the Army as a new entity of the security sector.

In December 2009, the Law on Changes and Amendments of Law on Defence was passed, and in the same month, the new Law on Army was passed as well. Drafting of the Strategic Review of Defence¹⁸, has been continued and its final version was adopted by the Parliament of Montenegro in July 2010.

It is not possible to comprehend the context of security sector reform in one period in the country without taking into account the state within Judiciary. At this moment, Montenegro is conducting Strategic Reform of Judiciary 2007-2012, concentrating on a number of areas, including,

- strengthening of independence of judiciary and the system of justice
- increasing efficiency of the judiciary
- accessibility of jurisdictional bodies
- strengthening confidence in judiciary.

A number of NGO sector activists believe that this strategy is only a wish list of the authorities, whereas at the same time the slow dynamics of conducting reforms is criticised. The government also actualized a problem of necessary changes in the Constitution in order to improve guarantees for independence of judiciary, first of all in the area of choosing the president of the Supreme Court and of the Court Council, as well as its members, and also the current method of choosing the Prosecutor, which was especially criticised by the Venetian Commission.

¹⁸ Strategic Defence Review.



An independent and professional judiciary is of key importance for the rule of law and strengthening of the state, and is what the EU especially emphasises as a criterion which has to be fulfilled, in light of the aspirations of Montenegro to become a member of the EU. Reform of the judiciary is also necessary on the road to NATO, and that is the reason why it was included in the programme of the Annual National Plan as a part of the Membership Action Plan in NATO (MAP), where a separate chapter is dedicated to that area. NATO has sent the message that Montenegro has to deal with crime and corruption, show clear results in these areas, and establish the independence of the judiciary as soon as possible.

We could specify and define, for analytical purpose, the period from 2006 to 2009 as a combination of the following three models of the security sector reform contexts: **sovereign state**, **integration**, and **developmental** contexts.¹⁹

It can be concluded that, in the analysed period, although a lot was done in passing legislation, improving implementation, and promoting integration and development of the security sector control, SSR did not develop with satisfactory speed, primarily because of a lack of political will among the ruling elites.

¹⁹ Although Hangy's model of *developmental context of SSR* first of all refers to developing states, we think that we can also include Montenegro in a group of countries strongly characterised by developmental context, because of the strongly expressed dependence on donation help. A level of economic development also imposes itself as a key criterion for the reform, whereas the key problem which prevents development and the overall process of democratisation and consolidation of democracy is exactly a developmental deficit. In accordance with this, the main aim to be realised by the reform is exactly that development, that is transition from undeveloped to developed economy. Each of donors (first of all EU, NATO, OEBS, UNDP, etc.) requirements which should be fulfilled in order to get help for local security sector reform.

At the same time, it happens that resources for society reforms are reallocated from developmental programmes to the security sector, although the reach of reforms could have been larger with the support of foreign actors, especially regarding the amount of help.



CONCLUSION

The established explanatory framework discovered a few analytical findings. Our intention was to avoid the kind of explanations which reduce complex processes and phenomena to the level of only one or two factors, as well as those which bring us into the danger that our analysis becomes a simple descriptive chronicle of socio-historical events. Hence, we think it is necessary to single out a couple of related factors from each of the analytical periods and to define which factors have had the most significant influence on the security sector reform in that specific period.

The common characteristic of each of the three periods is a decisive influence of political factors on the security sector reform. Here are the main ones which influenced the SSR in the following periods:

- **In the first period (1989-1997)**
 - Breakdown of the socialist system and SFRY, regional war and conflicts, and suspension of reforms.
- **In the second period (1997-2006)**
 - Division within the ruling party, formation of a militarised police structure, political crisis, semi-conflict and post-conflict situation.
- **In the third period (2006-2009)**
 - State independence, building of institutions, Euro-Atlantic integration.

In this structure, other factors (historical, systemic, economic, socio-psychological) function as a general or particular social stimulus for the security sector reform, because they mainly enabled or directed the functioning of the strongest causal block, that is political-conjunctural block. We think that associated functioning of conjunctural-political factors has had a decisive influence on the complex processes of the security sector reform up to now, and that this group of factors will have significant influence on the following phases of the reform ahead of us. This does not mean that external factors are



excluded. On the contrary, especially during the last decade, the influence of external factors on security sector reform, and political pressure in the form of requirements for the acceptance in EU and NATO, has been significant. However we believe that the internal political situation still has the most important influence on the security sector reform.

The findings we have listed indicate key problems in the current attempts at security sector reform. First of all, when we talk about security sector reform, proportionally bigger attention should be paid to the resistance against the reform, which comes from persons of different social power, starting from the ruling elite, the *nouveaux riches*, to the corrupted officials whose role in halting of reforms is significant.

We believe that, it is not enough to stop efforts in reforming security sector at the level of adoption of new laws and strategies. Firstly, there must be visible results in implementation of the passed laws and regulations. Secondly, the Parliament needs to increase the administrative capacities to perform control and monitoring in all spheres of the security sector. It is equally important to create efficient and effective systems of wider social/public control and supervision of the security system and its key actors. This could be done only through formation of an active civil society, media, and academia within the frame of rule of law and democratic standards according to the model of developed countries of the West, but at the same time, having in mind the characteristics of political, economic, and cultural features of Montenegrin society, as well as specific history and geopolitical past.



Analysis of key political actors in Montenegro

Type of the actor	Interests	Strategies	Possibilities	Relations
Political party – DPS				
Political party: Democratic, ruling party	Political commitment: socialist, democratic, old communist party follower; pro-European; promotion of EU and NATO integrations. Motivation: to remain on power	General respect of human rights	Extensive public support. Multiethnic character.	Allies: “winners” of a process of transition, part of the intellectuals, SDP and minority parties.
Political party – SDP				
Political party: Democratic, ruling party.	Political commitment: socialist, democratic Motivation: to remain on power and recently attempt to control stronger coalition partner (DPS). EU and NATO integrations. Member of a Socialist Internationale.	Respect of human rights Anti-war party since the introduction of multi-party system.	Support in the public, about 5%. Multiethnic character.	Allies: “winners” of the process of transition, part of the intellectuals, DPS



Political party – SNP			
Political party: Democratic, opposition party	Political commitment: socialist, democratic Motivation: turnover of the ruling regime. Combination of the citizens' and national party.	Up to 1997 an integral part of DPS. From 1997 to 2000 unreserved support to Slobodan Milošević's politics. Heads the movement against independence of Montenegro; partly reformed, but retained some national elements	The strongest opposition party, with constant positive trend in relation to public support. Allies: (sometimes) opposing parties and a part of the private media (daily newspaper 'Dan').
Political party – PzP			
Political party: Democratic, opposition party	Motivation: turnover of the ruling regime	Fight against corruption and organized crime.	Until 2006 the strongest opposition party, from that period it constantly loses support of the public. Allies: sometimes opposing parties; private media, a part of the nongovernmental sector.



Political party – Nova srpska demokratija (New Serbian Democracy)				
Political party: opposition	Motivation: Access to political power and affirmation of Serbian people rights. National, conservative party.	Affirmation of Serbian people's rights	The second strongest opposition party.	Allies: from time to time other opposition parties.
Private media				
Pro-opposition	Mostly critical towards the regime		Limited professionalism	Allies: opposition parties; part of the non-governmental sector.
State media				
Support to the authorities	Since the beginning of 1990, the ruling party has had state owned media support which has continued up to today because of the political structure which has not changed.	Democratic deficit caused by strong connection (informal) with the ruling party. Limited reports on violation of human rights, no research journalism.		Main allies: the government, ruling political parties



Domestic civil society				
Two groups: 1. Active 2. Inactive organizations of a civil society	Promotion of public discourse on security issues			
International organizations				
Pro-democratic	Motivation: Democratization and consolidation of democracy in Montenegro. Assistance with the reform.	Method of political action: Pressure and conditioning, help. Respectful to human rights.	Support: civil society, intellectuals.	Main allies: civil sector, sometimes structures in the government. Main opponents: no significant opponents



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