

# Democratic Control and Parliamentary Oversight over **Defense and Security**



In line with its mandate and relevant OSCE commitments, the OSCE Mission to Bosnia and Herzegovina (the Mission) supports Bosnia and Herzegovina (BiH) in improving governance of its defense and security sectors by strengthening democratic control and parliamentary oversight of the BiH Armed Forces (AF BiH) as well as of the security and intelligence agencies in BiH. To this end, the Mission assists the authorities, civil society and other stakeholders in sustainably increasing their capacities for overseeing the overall performance of the sectors' actors, advance accountability, and promote transparency. This particularly includes support to State-level parliamentary oversight bodies in their work on setting the legal parameters, adopting the budget, overseeing security activities, and protecting human rights of the AF BiH service members.

## Key challenges

Although the Law on Parliamentary Oversight of the Parliamentary Assembly of BiH (2018) and the Law on the Parliamentary Military

Commissioner (2009) provide a strong legislative basis for the oversight authority exercised by the BiH Parliamentary Assembly's (BiH PA) Joint Committee on Defence and Security (JCDS) and the Office

of the Parliamentary Military Commissioner (PMC), there is a need to strengthen their role and decrease political interference in their work.

A lack of material resources and expert staff in the JCDS and the Office of the PMC hampers their ability to contribute to parliamentary scrutiny of the security and defence sector within the scope of their prescribed mandates. For example, the Office of the PMC still lacks a functional database that would allow it to capture and monitor developments and progress in their area of responsibility. This is compounded by a deficit in co-operation and trust between the parliamentary oversight bodies and the security and defence institutions, civil society,

academia and the media.

These shortfalls, most of which have been identified in the findings of an independent assessment conducted under Mission auspices, are (1) slowing down the pace of adoption of key pieces of legislation for the defence and security sectors, and (2) resulting in an insufficient degree of implementation of JCDS and PMC conclusions and recommendations - especially of those highly dependent on political will. For example, during the four-year period covered by the assessment, less than 30 per cent of such conclusions and recommendations issued by the JCDS have been realized in full by the executive defense and security actors.

## The role of the Mission

As part of the defense reform process in BiH, the Mission was instrumental in helping establish the BiH PA Joint Committee on Defense and Security and the BiH PA Joint Committee on Supervision of the Work of the Intelligence-Security Agency of BiH in 2003, as well as the Office of the Parliamentary Military Commissioner in 2009. The Mission also assisted the BiH PA to introduce a post of an expert advisor within the JCDS Secretariat, which now provides counsel to members of the Committee and to the PMC.

OSCE support to strengthening parliamentary oversight in BiH is provided in line with core principles and commitments deriving from the OSCE Code of Conduct on Politico-Military Aspects of Security. This key normative document is the basis not only for ensuring the effective democratic control of military, paramilitary and internal security forces, intelligence services, and the police, but also for guaranteeing legislative approval of defense and security spending. Progress in this important area of good governance directly contributes to the implementation of the BiH Programme of Reforms.

The Mission is a key international partner to the JCDS and the PMC, working to advance their crucial oversight role. For example, by facilitating periodic visits by these two bodies to AF BiH commands and units as well as to State-level police agencies, the Mission is helping them collect up-to-date information and assess the rate of implementation

of their conclusions and recommendations.

As part of its assistance to building the capacities of the JCDS Secretariat, the Mission facilitates staff visits to parliamentary oversight bodies in other OSCE participating States. These exchanges include discussions on regional developments, trends, and initiatives in parliamentary oversight of defense and security sectors and enable planning of future activities. The visits empower the JCDS and its Secretariat to contribute to parliamentary dialogue and co-operation in the region through reinforced inter-parliamentary co-operation and exchange of best practice.

### Looking ahead

In view of the importance of a well-functioning and democratically-accountable defense and security sector for stability and peace, the Mission will intensify support to strengthening parliamentary oversight of security and defence capacities in BiH.

Mission support to the JCDS and the PMC will include: facilitating their assessment visits to military, law enforcement and other security agencies and sites in BiH; familiarizing Committee members with the relevant legal and strategic policy framework, and; strengthening co-operation between legislative and executive branches in BiH. Such support will contribute to improving the rate of implementation of the recommendations issued by parliamentary oversight bodies to the executive institutions. It will also strengthen their role in ensuring that sufficient funds are earmarked for

implementation of relevant strategies.

Together with other OSCE executive structures and the OSCE Parliamentary Assembly, the Mission will bolster regional co-operation and dialogue among parliamentary oversight bodies for defense and security – including by establishing a standing platform for structured exchange among security and defense committees. Such a platform would facilitate the sharing of best practice as well as discussion on contemporary and emerging trans-boundary security threats and challenges, including organized crime and corruption, terrorism, proliferation of weapons, irregular migration, trafficking in human beings, and natural and other disasters.



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