

Defence Reform and Police Reform Processes in Bosnia and Herzegovina: A Comparative Analysis

By
Sanida Kikic

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Department of International Relations and European Studies

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Professor Michael Merlingen

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Abstract

This paper will explore and evaluate the international community's role in two particular aspects of security sector reform within BiH: defence reform and police reform. Given the disparate outcomes of the two reform processes, much insight could potentially be provided by a careful analysis of the factors that have impacted the relative success of the defence reform versus the relative failure of the police reform in BiH. A literature review of security sector reforms in post-conflict societies in general will provide an outline of the factors that impact the outcome of the international community's involvement in post-conflict security sector reforms. The explanatory value of these factors will be evaluated in regards to the defence reform and police reform processes. Moreover, the paper will also discuss factors that based on the gathered data were shown to be important in explaining the disparate outcome of the international community's involvement in the two reform processes in BiH but that were not mentioned as significant in the studies on post-conflict security sector reform. Ultimately, based on a comparative analysis of defence reforms and police reforms in BiH, this paper aims to provide new insights that will be relevant for both general security sector reform studies as well as for those that focus on the general reform processes ongoing in BiH.

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Introduction

The security situation within post-conflict societies is often unstable as the elements within the society that are supposed to provide for security are often the ones that had destabilized and continue to destabilize the country. Thus, reform of the security sector is simultaneously the most needed and the most difficult to accomplish in such countries. Unsurprisingly, the works evaluating the international community's role in reforming the security sector within post-conflict societies firstly demonstrate the difficulty of the task at hand. Additionally, certain factors are consistently highlighted as being of importance for the outcome of security sector reforms in post-conflict societies. The UN Secretary General, Ban Ki-Moon, summed them up well when he stressed that factors such as national ownership, well-governed security institutions and coordinated efforts of the international actors are all crucial for successful reforms.¹ As asserted by Schnabel and Ehrhart, the international community is ultimately responsible for carrying out two crucial tasks:

[The f]irst [is] putting security sector reform on the right path during the period of external presence; and [the] second [is] ensuring that local actors are efficiently trained and resourced to continue that work.²

As in most other post-conflict societies, the international community has played a crucial role in the reform of the security sector within Bosnia and Herzegovina (BiH).³

Both military and law enforcement forces of the respective warring sides were critical instruments in commencing and prolonging the conflict that engulfed BiH in the period 1992-

¹ David Law "Conclusion: Security Sector (Re)Construction in Post-Conflict Settings" *International Peacekeeping* 13(1), March 2006, 111-123, 6

² Albrecht Schnabel and Hans-Georg Ehrhart "Post-conflict societies and the military: Challenges and problems of security sector reform" in Albrecht Schnabel and Hans-Georg Ehrhart (eds) *Security Sector Reform and Post-Conflict Peacebuilding* New York: United Nations University Press 2005, 9

³ Markedly, the international community's prominent involvement in security sector reforms in BiH has been criticized by analysts who raise questions about the legitimacy and sustainability of measures that obviously lack in truly local ownership. A more interesting question might be where the security sector reform process would be *without* the heavy-handed involvement of the international community. However, this paper will refrain from engaging in such debates and will, for better or for worse, take for granted the powerful role of the international community in BiH.

1995. Initial focus of the international community was on demobilizing the armed forces of the warring sides in order to securitize and stabilize the country. Eventually, a long-term strategy of moving BiH towards Euro-Atlantic integration has evolved and is currently seen as the best means of promoting a stable and viable BiH. The reform of the security sector is seen as essential if BiH is to move towards Euro-Atlantic integration, namely NATO Partnership for Peace membership and European Union membership.

This paper will explore and evaluate the international community's role in two particular aspects of security sector reform within BiH: defence reform and police reform. The defence reforms have yielded a relatively successful outcome in contrast to the police reforms which have not yielded substantial results. Thus, the paper will seek to identify the factors that have played a crucial role in the disparate outcome of the respective reform processes. The data presented will rely on primary source materials such as the published reports by the international community actors engaged in the reform processes; on secondary source materials such as previous academic accounts of the two reform processes; and finally on semi-structured interviews conducted with a number of international community officials working for the relevant international actors that had an important role in the reforms.⁴

The first chapter will provide a literature review on security sector reforms in post-conflict societies in general and in BiH in particular. The emphasis within this chapter is on outlining the factors that impact the outcome of the international community's involvement in post-conflict security sector reforms and on showing that previous works on BiH have not approached this particular issue from the angle presented in this paper. The second chapter will overview the general political situation within BiH and will also describe the progress of defence reform and police reform processes, respectively in order to determine whether the outcomes can be considered successful or not. Finally, the third chapter will evaluate the

⁴ Interviews conducted in Sarajevo, from May 14-18, 2007 at the following international organizations: NATO, Office of the High Representative, Office of the EU Special Representative, EU Police Mission in BiH.

explanatory value of the factors presented in the first chapter that were shown to be of importance for the outcome of the international community's involvement in post-conflict security sector reforms. Moreover, the analysis will also introduce factors that based on the gathered data were shown to be important in explaining the disparate outcome of the international community's involvement in defence reforms and police reforms in BiH but that were not mentioned as significant in the studies on post-conflict security sector reform. Ultimately, the primary aim of this analysis will be to evaluate the role of the international community in two specific aspects of security sector restructuring within BiH: defence reform and police reform. Given the relatively disparate outcomes of the two reform processes, much insight could potentially be provided by a careful analysis of the factors that have impacted the relative success of the defence reform versus the relative failure of the police reform in BiH. These insights will be relevant for both general security sector reform studies as well as for those that focus on the general reform processes ongoing in BiH.

Chapter 1: Security Sector Reform

The security sector is understood to entail “all those organizations that have the 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.”⁵ The definition encompasses traditionally accepted elements of security within a country such as the armed forces as well as police and customs authorities. Furthermore, such a definition also includes security administration and oversight bodies as well as justice and law enforcement institutions of a country. The literature that will be reviewed in this chapter consistently relies on this extensive understanding of the security sector. The first section discusses the relevance of security sector reforms within the countries of Central and Southeastern Europe. The following section focuses on security sector reform in post-conflict societies. The emphasis within this section is on the role of the international community and on the factors that impact the outcome of the international community’s involvement in post-conflict security sector reforms. The last section introduces some recent academic works on security sector reforms in BiH.

1.1 Security Sector Reform in a General Context

The issue of security sector reform earned prominence as the post-communist societies of Central and South Eastern Europe embarked on major transition of their political and economic structures. In his work regarding security sector reform in Bulgaria, Velizar Shalamanov asserts that this particular reform is crucial for “transforming totalitarian states into democratic ones.”⁶ Understandably, the absolute political and economic overhaul of the post-communist system could not be complete without dismantling and reforming the security elements that were in great part responsible for upholding the system. Given the

⁵ Malcom Chalmers as cited in Schnabel and Ehrhart, 6

⁶ Velizar Shalamanov, “Bulgaria: Analysis of Stability Pact Self-Assessment Studies” in Eden Cole, Timothy Donais and Philipp H. Fluri (eds.). *Defense and Security Sector Governance and Reform in South East Europe: Regional Perspectives*. Baden-Baden: Nomos, 2005

eagerness of many post-communist countries to join NATO and the European Union, the security sector reform in Central Eastern European countries proceeded in a relatively steady manner. On the other hand, the countries of South Eastern Europe have lagged behind in their security sector reform due to comparatively inferior economic conditions and less developed political systems. Additionally, the unstable security situation within the region caused by the disintegration of the Socialist Federal Republic of Yugoslavia slowed down transition reforms in general as well as those related to the security sector.

As noted in a recent work on defence and security sector reform in South Eastern Europe the desire to “become ‘good Europeans,’ in the sense of participating in the continent’s general stability and prosperity” has for the most part spurred reform in the six countries assessed in the study: Albania, Bulgaria, Croatia, Macedonia, Moldova, Romania.⁷ The Geneva Centre for the Democratic Control of Armed Force (DCAF) study highlights the importance of EU and NATO membership as the “single greatest motivating factor behind security sector reforms across the region.”⁸ Furthermore, the importance of local ownership and domestic support of reforms is noted to be equally crucial for carrying out successful reforms. Additionally, improved coordination of the international community efforts within the respective countries is observed to be of paramount importance if reforms are to be successful and sustainable. The study concludes that while progress has been made in the reform of the security sector within the countries of the region, further efforts need to be made in the actual implementation of reforms. Cole et al. demonstrates the importance of security sector reform for the promotion of stability and democratization of the countries in South Eastern Europe. Similarly, security sector reform is also seen to be of vital importance within post-conflict countries in the region and beyond.

⁷ Timothy Donais, “The Status of Security Sector Reform in South East Europe: An Analysis of the Findings of the Stability Pact Stock-Taking Programme” in Cole et al. (eds.). *Defense and Security Sector Governance and Reform in South East Europe: Regional Perspectives*. Baden-Baden: Nomos, 2005, 221

⁸ Ibid, 245

1.2 Security Sector Reform in Post-Conflict Societies

The issue of security sector reform in post-conflict societies has gained increasing importance recently as the success of peacekeeping and peacebuilding efforts undertaken by the international community has been directly linked to security sector reform. Notably, during a meeting in February 2007, the United Nations (UN) Security Council discussed the issue of security sector reform in post-conflict states and stressed that security sector reform is critical for consolidating peace within such states. Moreover, the Council called on the UN Secretary General, Ban Ki-Moon, to prepare a report on UN's strategy for security sector reform in post-conflict states in order to improve the UN's effectiveness in this crucial endeavor.⁹

The recent focus of the UN Security Council on security sector reform corresponds to the increased prominence of the issue in light of the numerous conflicts emerging in the post-Cold War era. The representatives of the Council agreed that security sector forces “must be placed under democratic control and restructured and retrained to become an asset, not a liability, in the long-term peacebuilding process.”¹⁰ Notably, Brzoska and Heinemann-Gruder assert that

In post-conflict situations, the security sector is often characterized by politicisation, ethnicisation, and corruption of the security services, excessive military spending, lack of professionalism, poor oversight and inefficient allocation of resources.¹¹

⁹ “Security Sector Reform in Post-Conflict States Critical to Consolidating Peace” *Security Council* 5632nd Meeting SC/8958, February 20, 2007 available at <http://www.un.org/News/Press/docs/2007/sc8958.doc.htm>

¹⁰ Ibid, 3

¹¹ Michael Brzoska and Andreas Heinemann-Gruder “Security Sector Reform and Post-Conflict Reconstruction under International Auspices” in Alan Bryden and Heiner Hanggi (eds) *Reform and Reconstruction of the Security Sector*, Geneva Centre for the Democratic Control of Armed Forces (DCAF) Publication, October 2004, 121

Moreover, Schnabel and Ehrhart in their work on post-conflict societies and security sector reform stress that “the remnants of wartime military and security apparatuses” endanger internal security as well “political, economic, and cultural rebuilding” within the country.¹²

Countries recovering from post-conflict situations face enormous challenges in reforming their security sectors considering that the traditional security elements such as military and police forces themselves endanger internal security instead of providing for it and are usually free of effective democratic control.¹³ Ultimately, security sector reform is supposed to provide for security, strengthen governance and rule of law within the post-conflict society and improve the effectiveness and efficiency of the security sector forces.¹⁴ Given the recognized link between successfully rehabilitating post-conflict societies and the reforming of various security sector elements, the actions of the international community in this domain have drawn particular scrutiny from academics. Thus, a number of recent works evaluate the role of the international community in security sector reforms in post-conflict societies and suggest recommendations for improving the involvement of international actors in this field of reforms.

While there is agreement that security sector reform in post-conflict societies ought to be context-driven,¹⁵ there are nevertheless certain factors that are relevant for the outcome of the international community’s involvement within any post-conflict environment. The March 2006 *International Peacekeeping* journal examined the approach of the international community towards security sector reform through individual case studies for six countries: Haiti, Bosnia and Herzegovina, Kosovo, Sierra Leone, Timor-Leste, Afghanistan. The diverse conditions within the six countries chosen for assessment are thought to be representative of the approximately “50 post-conflict environments with which the

¹² Schnabel and Ehrhart, 1

¹³ Ibid, 1

¹⁴ Brzoska and Heinemann-Gruder, 123-124

¹⁵ *Security Council* 5632nd Meeting SC/8958, 4

international community has contended during the past decade and a half.”¹⁶ Other works also approach the issue of security sector reform from a broad perspective and evaluate the level of success that the international community has had in undertaking such reforms in post-conflict societies. Certain works focus on specific regions such as the Western Balkans, while most others cover a broad geographic cross-section of case-studies. A close analysis of the literature on post-conflict security sector reform yields several key factors that are continuously highlighted by the various authors as being of importance to the relative success of the international community’s efforts. These factors include the perceived legitimacy and credibility of the international community actors; the capacities of the international actors which are determined by political will and resources committed to the reforms; the strategy, leadership and organization of the international community; the level of national ownership of the reforms; and the effectiveness of the governance and civilian management institutions within the country.

The perception of the international community’s actions by the domestic authorities and by the local population is of paramount importance for the effective execution of any reforms. To this end, factors such as legitimacy, credibility and the capacities of the international actors are of great significance. The legitimacy of the international community’s involvement in the internal affairs of a country typically stems from a UN Security Council mandate or an international agreement between the international community and the domestic authorities. The credibility of the international community actors is greatly impacted by their past performance in the respective region. The capacity of the international actor to affect change within a post-conflict society will greatly depend on its willingness “to invest substantial political and financial capital.”¹⁷ Thus the capacities of the international

¹⁶ Law, 111

¹⁷ Brzoska and Heinemann-Gruder, 136

actor will be influenced by its level of credibility within the country as well as by the amount of financial resources it contributes during the reform process.¹⁸

The strategy factor and the leadership and organization factor are also noted to be of significance in impacting the outcome of security sector reforms within post-conflict societies. The two factors are interrelated considering their symbiotic relationship to one another. The strategy of the international community hinges on the mission plan which should encompass all aspects of security sector reform. The six case studies presented in the March 2006 volume of the *International Peacekeeping* journal showed that with the exception of Sierra Leone, the international community failed to approach security sector reform with a mission plan that was carefully planned and that addressed all aspects of the broadly defined security sector. However, even if the strategy for the reform of the security sector is comprehensive, it could nevertheless fail to produce the desired results if the leadership and organization of the international communication is lacking. Often times the international community's involvement exhibits a lack of coherence among the different international actors operating in the respective countries. A proposed solution to such a dilemma is to either to nominate a "lead nation" for coordination" or to establish "an international working body – not just a supervisory organ – for coordination."¹⁹

Additionally, the role of local actors is shown to be of paramount importance in the various assessments of security sector reform within post-conflict societies. There is agreement that security sector reform will only be sustainable "if it is based on a growing sense of local ownership" so that it is perceived "as an expression of national will and not

¹⁸ A comparison of the inflow of donor resources to six globally dispersed post-conflict areas shows that the crises in Europe draw higher per capita assistance from the international community than do those outside of Europe. Clearly, EU and NATO member countries consider the conflicts within Europe to be of direct interest to their own long-term security and stability and are thus keener to invest greater funds in these post-conflict societies. See Law, 117-118

¹⁹ Brzoska and Heinemann-Gruder, 137

something imposed by outsiders.”²⁰ Taking into consideration that both international and national actors collectively share responsibility for security sector reforms their efficient cooperation is crucial for success of the reforms.

Another factor impacting the progress of security sector reforms within post-conflict societies is related to general governance considerations of the country in question. Specifically, a significant shortcoming of international community’s involvement is noted to be their failure to focus on making the security sector elements accountable through the reform and the strengthening of the governance and civilian management institutions.²¹ Brzoska and Heinemann-Gruder argue that “[w]ithout the functioning of democratic institutions, governance of the security sector will be prone to hostage-taking by particular interest groups.”²² This consideration is closely related to the issue of timing and sequencing of reforms in general within post-conflict societies. Considering that post-conflict countries must simultaneously undertake the tasks of “nation-building and post-war reconstruction of their states and societies,” they are usually lacking developed and effective institutions. Notably, there is agreement that the reform of the security sector should be made a priority early on in the rebuilding of a post-conflict society since such an approach will “tend to reduce the likelihood of a relapse into violence.”²³ On the other hand, there is no set consensus on the issue of the sequencing of security sector reforms in relation to the general state-building and democratization efforts of the international community. Nevertheless, a focus on good governance of security institutions is recognized as being of paramount importance for the ultimate success of security sector reforms in post-conflict societies.

²⁰ Ibid

²¹ Law, 122

²² Brzoska and Heinemann-Gruder, 126

²³ Ibid, 137

1.3 Security Sector Reform in BiH

The case-study of Bosnia and Herzegovina has been featured prominently in post-conflict security sector reform analyses. Notably, the international community's involvement in BiH has been cited as a relative success story.²⁴ Some works discuss BiH in a comparative analysis such as the article by Marina Caparini which provides an overview of the external factors such as EU and NATO membership that have encouraged the pursuit of security sector reform within the Western Balkan states, including BiH.²⁵ However, most other works focus exclusively on BiH and assess the international community's role in a broad scope of security sector reforms that include the military, intelligence and police sectors.

The article by Heinz Vetschera and Matthieu Damian addresses the various aspects of security sector reform previously mentioned with its primary focus on defence reform.²⁶ The authors evaluate the efforts and the manner in which the international community addressed the issue of security sector reform in BiH. Another paper on BiH's security sector reform was published in February 2006 by the BiH Center for Security Studies.²⁷ The author, Mariangela Fittipaldi, writes on security sector good governance and analyses the role of the media in relation to security sector reform in general and in BiH in particular. A work by Judy Hylton provides an interesting discussion of the impact that the capacity of institutional and organizational structures in BiH has on the successful carrying out of security sector reforms.²⁸ The author particularly evaluates the efforts of the BiH Federation Ministry of the Interior in implementing security sector related reforms. Additionally, the International Crisis Group (ICG) has over the years published several reports related to specific security

²⁴ Law, 111

²⁵ Marina Caparini "Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans" in Alan Bryden and Heiner Hanggi (eds) *Reform and Reconstruction of the Security Sector*, Geneva Centre for the Democratic Control of Armed Forces (DCAF) Publication, October 2004

²⁶ Heinz Vetschera and Matthieu Damian "Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community" *International Peacekeeping* 13(1), March 2006, 28-42

²⁷ Mariangela Fittipaldi "Security Sector Reform and Media in BiH: The Way Ahead to Security Sector Good Governance" Center for Security Studies – BH, Sarajevo, February 2006

²⁸ Judy Hylton, "Eyewitness I – Security Sector Reform: BiH Federation Ministry of the Interior" *International Peacekeeping* 9(1), Spring 2002, 153-164

sector reforms in BiH and has often provided very critical commentary of the international community's role in BiH.²⁹

The previously mentioned works provide interesting analyses of the defence reform, intelligence reform and police reform processes in BiH. The assorted analyses of the security sector reform processes in BiH stress that the international community played a crucial role in the initiation and subsequent progress of the reforms. Notably, their findings on the factors that impact the outcome of the international community's efforts related to security sector reforms in BiH reflect those outlined in the previous section on security sector reform in post-conflict societies. However, none of the works on BiH compare and contrast the international community's involvement in distinct reform processes related to the security sector. Thus, the primary aim of this analysis will be to evaluate the role of the international community in two specific aspects of security sector restructuring within BiH: defence reform and police reform. Given the relatively disparate outcomes of the two reform processes, important insight will be provided by a careful analysis of the factors that have impacted the relative success of the defence reform versus the relative failure of the police reform in BiH.

²⁹ See "Ensuring Bosnia's Future: A New International Engagement Strategy" *ICG Europe Report*, No. 180, February 15, 2007; "Bosnia's Stalled Police Reform: No Progress, No EU" *ICG Europe Report*, No. 164, September 6, 2005; "EUFOR-IA: Changing Bosnia's Security Arrangements" *ICG Europe Briefing*, Sarajevo/Brussels, June 29, 2004

Chapter 2: Defence Reform and Police Reform within BiH

The international community's involvement in BiH has continuously evolved since its initial engagement in the post-war period. Specifically, the focus has shifted from securitizing and stabilizing the country to improving and normalizing it through various reforms. Currently the primary goal of the international community is to make BiH a “peaceful, viable state on course to European integration.”³⁰ That BiH is a “peaceful” state is not in doubt considering that no renewing of hostilities has occurred in the country since the DPA was implemented. However, BiH is far from being a “viable” state given its decentralized nature and its poorly developed institutions. This chapter will firstly describe BiH's political environment and introduce the various international actors operating within BiH. Furthermore, the processes of defence reform and police reform will be discussed in order to provide a general overview of the international community's role within these two specific aspects of security sector reform.

2.1 General Situation in BiH

Undertaking the reform of BiH's security sector is a lofty endeavor considering the political situation within this South Eastern European country whose existence and functioning is defined by the Dayton Peace Accords. The Dayton Peace Accords (DPA), negotiated in Dayton, Ohio in November and signed in Paris on 14 December 1995, brought an end to the conflict in BiH by establishing a very fragmented and ethnically divided state. Two distinct and substantially autonomous entities were created: the Federation of BiH (FBiH) and the *Republika Srpska* (RS). While the RS is fairly ethnically homogenous with the vast majority of its population consisting of Bosnian Serbs, the FBiH is ethnically heterogeneous since it is mostly populated by Bosnian Croats and Bosnian Muslims. Thus, the FBiH is further divided into ten considerably autonomous cantons that themselves are

³⁰ “Board of Principals” *Office of the High Representative*, available at http://www.ohr.int/board-of-princip/default.asp?content_id=27551

fairly ethnically homogenous. Additionally, in March 1999, Brčko District was established as a self-governing administrative unit under the BiH state. The extensive de-fragmentation of BiH means that this small country of approximately four million inhabitants has fourteen different constitutions and fourteen distinct governments with their own legislative powers and a high degree of autonomy.

The DPA also established the Office of the High Representative (OHR) and authorized the intergovernmental organization with overseeing the implementation of the civilian aspects of the DPA. The Peace Implementation Council (PIC), comprising of 55 countries and agencies, finances and overviews the work of OHR through its “executive arm” known as the Steering Board (SB).³¹ Since its inception, OHR has had substantial influence in shaping BiH’s reconstruction and reform processes especially through the High Representative’s acquired “Bonn powers” which effectively allow the High Representative (HR) to impose laws at any level of government and to dismiss any elected or non-elected officials within BiH’s various administrative structures.³² Ultimately, the strengthening of the HR’s mandate has created within BiH a political paradigm that is characterized by the powerful role of the international community in promoting reforms that by the early 2000s were undisputedly coupled with the possibility of future EU membership for BiH.³³

The growing EU commitment to BiH’s future membership bid has predictably increased the prominence and the significance of the EU’s role within the post-war state.

³¹ The SB is comprised of the following 11 countries and institutions: Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organization of the Islamic Conference (OIC) (represented by Turkey).

³² At the December 1997 PIC meeting in Bonn, the High Representative’s mandate was strengthened by granting the HR the final authority to make binding decisions on variety of issues. See PIC Bonn Conclusions from Bonn PIC Main Meeting dated December 10, 1997 and available at http://www.ohr.int/pic/default.asp?content_id=5182#11

³³ The EU’s commitment to integration of Western Balkan countries commenced in 1999 with the Stabilisation and Association Processes which were intended to pave the road to the opening of negotiations on the Stabilisation and Association Agreements. The EU membership for BiH has depended on the completion of the requirements articulated by the EU in such agreements as the EU Road Map in 2000 and most recently the 2003 European Commission Feasibility Study. The EU had opened negotiations on the Stability and Association Agreement with BiH in late 2005 but little progress has been made within BiH towards EU membership since then.

While EU's efforts were inconsequential in bringing the war in BiH to an end, through its post-war involvement in the country, the EU has attempted to transcend its initial "civilian (rather ineffective)" role in the Yugoslavian conflicts of the early 1990s to a "normative (increasingly effective)" role in reconstructing the BiH state.³⁴ Subsequently, the role of the most powerful international actor within BiH, that of the High Representative, became related to the EU through an EU Council decision in February 2002. At that time, the Council made the decision that the next HR would also have the role of the European Union Special Representative in BiH (EUSR) meaning that when Lord Paddy Ashdown became the fourth High Representative in May 2002, he also took on the role of the first EUSR in BiH.

The OHR has historically been viewed and for the most part continues to be viewed within BiH as the most significant international actor in the country among a plethora of other agencies. Additionally, embassies of powerful states in the world politics arena also factor as significant international actors within BiH. The United States (U.S.) Ambassador enjoys a particularly high profile in BiH and the U.S. Embassy is often extremely engaged in various reforms within BiH. The present constellation of the international community actors is quite different from that which existed during the immediate aftermath of the war in BiH. At that point in time, NATO and the UN played a markedly significant role in stabilizing and securitizing the country. Recently, the roles of these two intergovernmental organizations have significantly decreased and have become usurped by the EU. The EU has increasingly committed itself to being the primary international actor whose presence is meant to guarantee a stable and secure environment within BiH namely through civilian, police and military operations associated with its European Security and Defence Policy (ESDP). The panoply of EU Community and ESDP missions currently deployed in BiH include the European Commission Delegation to BiH (Commission), European Union Force in BiH

³⁴ Anna Juncos "The EU's post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU?" *Southeast European Politics*, 6(2): 88-108, 89

(EUFOR), European Union Police Mission (EUPM) and the double-hatted EUSR. Given the recent decision by the PIC stating that OHR's proposed closing will occur in June 2008,³⁵ the EU and notably the EUSR will at that time undoubtedly gain more prominence and acquire greater liability in the context of BiH's political and economic development.

Since the early 2000s, the international community has worked diligently on promoting reforms that strengthen the BiH state and its institutions through a transfer of various competencies from entity to state level. OHR has continuously had to exert its political muscle in order to push forward such reforms and the various HRs have imposed a number of laws to that end. However, many analysts and practitioners note that the Bonn powers have outlived their usefulness within BiH and notably, their use has significantly decreased when the current HR, Christian Schwarz-Schilling came to office in January 2006.³⁶ Moreover, the EU has noted that any reforms which are necessary for BiH's future progress towards EU membership cannot be imposed by OHR but must instead be adopted and implemented by the domestic authorities. Both defence reform and police reform are meant to strengthen the BiH state and to expand its scope of competencies. Additionally, reform of the police structures is a requirement for BiH's further progress on the path towards EU accession. However, the inherent weakness of the BiH state ultimately stems from the 1995 BiH Constitution that grants substantial power and autonomy to the entities and cantons.³⁷ Thus, the international community has recently focused its efforts on reforming BiH's Constitution in order to "help BiH form institutions and structures which it needs if it is to become a modern and efficient state."³⁸ While the nature and the focus of the

³⁵ Communiqué by the PIC Steering Board, dated February 27, 2007 and available at http://www.ohr.int/pic/default.asp?content_id=39236

³⁶ See ICG Report 2007; Stefano Recchia "Beyond International Trusteeship: EU peacebuilding in Bosnia and Herzegovina" *European Union Institute for Security Studies* No. 66, February 2007

³⁷ BiH Constitution is entailed in Annex IV of the DPA and is available at http://www.ohr.int/dpa/default.asp?content_id=372

³⁸ "TV obraćanje visokog predstavnika: Svi moraju prihvatiti da je u Srebrenici pocinjen genocid" *Dnevni Avaz*, March 3, 2007, 4 (TV address by the High Representative: Everyone must accept that genocide was committed in Srebrenica")

international community's interventions within BiH have changed over the years, its involvement nevertheless continues to be of paramount importance in initiating and promoting reforms. The significance of the international community's role will become evident through a closer evaluation of the defence reform and police reform processes in BiH.

2.2 Defence Reform in BiH

Considering that the BiH Constitution does not explicitly mention that defence is a right of the state, the entities claimed full competencies in defence matters in accordance with their respective constitutions. Thus, in the post-war BiH there existed a “de facto military division of the country into two separate defence establishments with two separate armies.”³⁹ The Army of the RS (Vojska Republike Srpske or VRS) and the Army of the FBiH (Vojska Federacije Bosne i Hercegovine or VFBiH) were completely independent of one another and very much viewed the other as a threat. Notably, VFBiH was further divided into the Army of the Republic of Bosnia and Herzegovina and the Croatian Defence Council. The extensive division of the respective armies meant that each of these military establishments had its own distinct chain of command so that BiH as a state had virtually no control over the military forces operating on its soil. Furthermore, the combined cost of supporting the military forces within BiH was extremely high. Overall, following the end of the war, the military forces within BiH were overstaffed, unaffordable, inefficient and unaccountable with respect to the state and its institutions.

Prior to the year 2002, the issue of defence reform was not seriously being addressed by the international community. While certain international actors were involved in reforming the armed forces within BiH, they solely focused on military reform as opposed to broad defence reform. Understandably, during the period immediately after the war, the international community in regards to defence matters focused on demobilization and

³⁹ Vetschera and Damian, 29

management of the high number of armed forces in BiH.⁴⁰ Still, there was effort by the international community to more systematically address and coordinate its approach towards defence reform mainly through the creation of various working groups on the issue.⁴¹ As noted by Heinz Vetschera and Matthieu Damian in their work on security sector reform in BiH, the reform of military structures in BiH proceeded in two distinct phases.

[T]he first phase of institution building was characterized by efforts to reduce the consequences of the military division without openly challenging it, [while] the second phase was characterized by efforts to overcome division and establish clearly-defined competencies in defence matters on the state level, including state-level command and control.⁴²

Notably, the broadly understood notion of defence reform only began to be realized in the second phase which commenced in earnest with the creation of the Defence Reform Commission (DRC or Commission) in May of 2003 by the then High Representative Lord Paddy Ashdown. For the first time since its engagement in BiH the international community chose to address the democratic and operational deficiencies of the armed forces within BiH through a systematic approach that incorporated both institutional and military reform.

The HR decision establishing the DRC in 2003 followed certain crucial developments within BiH's political and military spheres. The commitment of BiH politicians towards joining NATO's Partnership for Peace (PfP) program provided a clear reason for defence reform. Additionally, BiH's membership in OSCE meant that BiH had undertaken to uphold the principle of "democratic political control of military forces" under the OSCE's Code of Conduct on Politico-Military Aspects of Security.⁴³ Finally, the specter of the Orao affair

⁴⁰ The number of armed forces in BiH numbered 430,000 troops by the end of the war in late 1995. Caparini, 30

⁴¹ See Vetschera and Damian, 31

⁴² Ibid, 30

⁴³ "Code of Conduct on Politico-Military Aspects of Security" Organisation for Security and Cooperation in Europe, December 3, 1994, 5

loomed large over BiH politicians as well as the international community. The scandal, which became public in August 2002, brought to light the fact that “the aircraft factory ORAO [Orao Aviation Institute in Bijeljina], which was under the authority of the RS General Staff and the RS Ministry of Defence (MoD), was involved in illegal arms transfers to Iraq in clear breach of the UN embargo.”⁴⁴ The event provided the international community with a powerful argument for substantial restructuring of the armed forces within BiH. The March 2003 Communiqué of the PIC Steering Board indicated that both the Orao affair and the possibility of future integration of BiH into Euro-Atlantic structures necessitated defence reform in BiH.⁴⁵

The combination of the aforementioned developments culminated in the HR’s decision to use his Bonn powers to create the DRC which was mandated to draft and amend legislation on state and entity levels in order to bring BiH’s defence structures inline with Euro-Atlantic standards.⁴⁶ Specifically, the following principles, set out in the HR’s decision, guided the DRC’s work:

the prospective candidacy of Bosnia and Herzegovina in the Partnership for Peace – mindful of future commitments that would arise as a result of further integration into Euro-Atlantic structures; commitments within the scope of the OSCE; the necessity to establish democratic oversight and control over the armed forces; and, the fiscal limitations of Bosnia and Herzegovina toward the funding of defence structures.⁴⁷

In analyzing BiH’s defence arrangements, the Commission found that a number of fundamental issues had to be addressed if BiH was to become a credible candidate for PfP

⁴⁴ Vetschera and Damian, 32

⁴⁵ Communiqué by the PIC Steering Board, dated March 28, 2003 and available at http://www.ohr.int/pic/default.asp?content_id=29583

⁴⁶ “Decision Establishing the Defence Reform Commission” *Office of the High Representative*, May 9, 2003 available at http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=29840

⁴⁷ “The Path to Partnership for Peace” *Report of the Defence Reform Commission*, Bosnia and Herzegovina, September 2003, 36

membership. One such issue was that the Constitutions of the entities and their respective Laws on Defence placed control and command of the military forces outside of state influence. Moreover, there existed discrepancies between the various provisions within the legal documents of the state and the entities creating “ambiguity as to where command and control supremacy rests.”⁴⁸ The Commission also found that there was severely inadequate democratic oversight over the military forces within BiH especially at state-level. Furthermore, the DRC report assessed that BiH is “spending considerably more on defence than European countries of similar size, and more than can reasonably sustained given its limited economy.”⁴⁹ The unjustifiably great numbers of armed forces within BiH were not only a drain on various government coffers of the country but were also the reason why very limited funds were available for modernizing the military. Finally, the Commission noted the lack of interoperability between the VRS and VFBiH indicating that “the two armies would have difficulty working together.”⁵⁰

The DRC produced its finalized report in September of 2003 with recommendations for the restructuring of defence elements within BiH. The Commission proposed a new state Defence Law as well as a number of amendments to the entity Constitutions, their Defence Laws and the RS Law on the Army. As noted in the report, the DRC’s “recommendations recognize the supremacy of the State for defence matters.”⁵¹ In accordance with this principle the Commission proposed that the state and its institutions be vested with operational and administrative chain of command over the VRS and VFBiH. Mindful of the need to eliminate ambiguities between state-level and entity-level responsibilities in regards to defence matters, the DRC report outlined state-level and entity-level competencies with a clear indication that the entity Ministries of Defence would be subordinate to the state and

⁴⁸ Ibid, 43

⁴⁹ Ibid, 76

⁵⁰ Ibid, 69

⁵¹ Ibid, 3

would only take part in the administrative chain of command. The operational chain of command relates to military operations while the administrative chain of command refers to the training, manning and equipping of the armed forces. The tripartite Presidency of BiH would collectively head the operational and administrative chains of command and would be assisted in this task by a newly created state Ministry of Defence. Moreover, the Commission addressed the lack of democratic oversight by reserving the power to declare a state of war and the power of legal oversight over the military and all defence-related state level institutions for the Parliamentary Assembly of BiH. In regards to the issue of the efficiency and affordability of BiH's military forces, the DRC report suggested substantial reductions in the numbers of professional soldiers, reserves, conscripts and the entities' MoD staffs. Furthermore, the Commission suggested the reduction of weapon storage sites and excess property held by respective military institutions of BiH. Lastly, the Commission recommended the creation of a Transition Management Office tasked with overseeing and assisting the implementation of the DRC recommendations for defence reform in BiH.⁵²

The Commission's recommendations did not go unheeded considering that the BiH Parliamentary Assembly in December 2003 adopted the proposed Defence Law as well as "almost all of the DRC's legislative recommendations."⁵³ The Defence Law, as proposed by the DRC, "assigned the supreme operational and administrative command and control of the Armed Forces of Bosnia and Herzegovina to the Presidency, whereby decisions had to be taken by consensus" and also created the state MoD.⁵⁴ In March 2004, the Presidency acted on the proposal of the DRC to reduce the numbers of military personnel by calling for the reduction of the entity armed forces in accordance with the DRC's recommendations. While the international community commended BiH for its implementation of the recommended

⁵² Information in this paragraph is based on the DRC Report 2003, 3-6

⁵³ Caparini, 10

⁵⁴ Vetschera and Damian, 34

defence reform measures,⁵⁵ the PfP membership invitation was not extended in the June and December 2004 NATO summits, namely due to the lack of satisfactory cooperation with the ICTY in Hague in regards to capturing Persons Indicted for War Crimes (PIFWC).⁵⁶ Moreover, the news that Ratko Mladic, one of the most wanted PIFWCs, celebrated VRS Day in a military facility near Han Pijesak (north east of Sarajevo) indicated that defence reform in BiH was far from complete. Subsequently, the HR, Lord Paddy Ashdown, took notable measures in speeding up defence reforms within BiH by using the Bonn powers to advance the deadline for the closing down of entity Ministries of Defence from 2008 to 2005 and to remove 69 PIFWC supporters.⁵⁷ Additionally, the HR also extended the DRC mandate through the end of 2005 and tasked the Commission with assisting BiH authorities in strengthening the state level control and command in order to make further progress towards PfP membership and towards a single military force for BiH.

The focus of the recommendations of the DRC report published in September 2005⁵⁸ was on instituting genuine state-level command and control over the military, on creating a single military force within BiH and on abolishing conscription. Thus, the recommendations within the 2005 DRC report were of a more technical nature than the ones from the 2003 DRC report. The report also proposed extensive legislative recommendations which included amendments to the Defence Law of BiH as well as a new Law on Service in the Armed Forces of BiH. By the end of the year 2005, entity MoDs no longer existed, the relevant parliaments adopted the recommended laws and a consensus was reached on “the elimination of entity competencies, the transfer of all defence responsibilities and personnel to the state, the abolition of conscription and the establishment of a restructured and small reserve force to

⁵⁵ James R. Locher III and Michael Donley “Reforming Bosnia and Herzegovina’s defence institutions” *NATO Review: Military Matters*, Winter 2004

⁵⁶ ICG Report 2007, 16

⁵⁷ Ibid

⁵⁸ “AFBiH: A Single Military Force for the 21st Century” *Defence Reform Commission 2005 Report*, Bosnia and Herzegovina, September 2005

back-up the downsized professional army.”⁵⁹ Following these developments BiH was invited to join NATO’s PfP in November 2006 during NATO’s Riga Summit.⁶⁰

Currently, the BiH authorities are in charge of implementing the previous reforms and are assisted in this task by members of NATO HQ Sarajevo. Specifically, BiH is engaged in the PfP Planning and Review Process which is the formal way that NATO offers assistance to the domestic authorities and recommends what aspects of the country’s defence structures should be modernized. Thus, the initiative on current and future reforms related to defence rest with the domestic authorities, namely the MoD, while guidance on the process is being offered by international actors, namely NATO Head Quarters Sarajevo. The NATO’s Transition Management Group is tasked with advising on “personnel issues and force structure, property transfer and archives.”⁶¹ While further progress still needs be made especially if BiH’s defence structures are to become compatible with those of other NATO member states, the defence reform process in BiH has nevertheless been branded a success. Notably, the transferring of competencies for defence-related matters from the entity to the state level, the creation of a single military force in BiH and the invitation to NATO’s PfP can all be pointed to as concrete achievements of the international community’s involvement in the defence reform process in BiH.

2.3 Police Reform in BiH

Gemma Collantes Celador stresses that implementing the norm of “democratic policing” is viewed to be of vital importance by the international community in the “post-conflict reconstruction and rehabilitation of war-torn societies.”⁶² Within BiH this assertion

⁵⁹ “Report to the European Parliament by the OHR and EU Special Representative for BiH, June –December 2005” January 28, 2006, cited in ICG Report 2007, 16

⁶⁰ Riga Summit Declaration, NATO Press Release, November 29, 2006 available at <http://www.nato.int/docu/pr/2006/p06-150e.htm>

⁶¹ ICG Report 2007, 17

⁶² Gemma Collantes Celador “Police Reform: Peacebuilding Through ‘Democratic Policing’?” *International Peacekeeping*, 12(3): 364-376, 364

is certainly applicable considering that during the May 29, 1997 meeting in Sintra, Portugal of the PIC and the Ministers of the North Atlantic Council, the ministers compiled a list of issues, advising the BiH authorities to “honour their obligations” and they “strongly” urged them to, among numerous other issues, “develop democratic, restructured police forces.”⁶³ The international community had under Annex XI of the DPA established the United Nations International Police Task Force (IPTF) that was designed to help restore law and order in BiH through the close monitoring and considerable control of the police forces.⁶⁴ While Celador does indicate that substantial progress was made by the IPTF in its main objectives, she nevertheless concludes that at the end of its mandate in December 2002 substantial reforms of the BiH police forces were still needed. The IPTF was thus replaced by a new international agency charged with oversight of police matters in BiH, namely, the European Union Police Mission (EUPM) which became operational on January 1, 2003.

In her work on police reform in BiH, Dominique Wisler distinguished between three distinct levels of the international community’s involvement: the micro, the meso and the macro.⁶⁵ While Wisler asserts that the international community’s intervention has followed a path from micro to macro level involvement, she argues that there was “nothing natural or nicely planned in this evolution from the micro to the macro.”⁶⁶ Initially, the international community focused on reducing the amount of police forces and on de-certifying police officers for improper actions during the war period.

Celador defines “democratic policing” as “the idea that the police are a service, not a force, with the primary focus on the security of the individual rather than the state.” 373

⁶³ Communiqué by the PIC Steering Board, dated May 29, 1997 available at www.ohr.int

⁶⁴ Celador, 365-366

⁶⁵ As defined by Wisler: “Micro interventions deal with individuals...The meso level is the level of the organization...Macro-level projects are projects that deal with organizations at the state level and with inter-organizational projects.”

Dominique Wisler “The Police Reform in Bosnia and Herzegovina” in Anja Ebnother and Philipp Fluri, *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, PfP Consortium Working Group “Security Sector Reform”, Vienna and Geneva, August 2005, 142

⁶⁶ Ibid, 143

While micro and meso level reforms brought positive changes for the police forces of BiH, the international community eventually realized that a more substantial transformation of the BiH police forces was necessary if they were to reflect Western standards. The BiH police forces are currently extremely de-fragmented and inefficient considering that there are fifteen different agencies operational with a high degree of independence resulting in limited cooperation between the agencies and especially across the Inter Entity Boundary Line (IEBL) that separates the RS and FBiH.⁶⁷ Moreover, the BiH police forces are markedly politicized given that they are significantly controlled by the respective entity and cantonal Ministries of Interior. In particular, the RS police force has drawn sharp criticism from the international community in the past for its consistent lack of cooperation with the ICTY. Additionally, the police forces within BiH are considered financially unstable given that they receive an unjustifiably high percentage of the aggregate public budget in BiH when compared to other European countries.⁶⁸

Following the establishment of the EUPM in BiH, the EU has become the lead international actor for establishing in BiH “a sustainable, professional and multiethnic police service operating in accordance with best European and international standards.”⁶⁹ The 2003 European Commission Feasibility Study had made police reform one of the sixteen key requirements on which BiH had to make substantial progress in order to move forward in her path towards EU membership.⁷⁰ While international community efforts succeeded in creating a State Investigation and Protection Agency (SIPA) and the State Border Service (SBS) as well as a State Ministry of Security, the structural reform of police forces in BiH proved more difficult.⁷¹ In order to move the reforms forward, the High Representative used his Bonn

⁶⁷ Ibid, 155

⁶⁸ Ibid, 156

⁶⁹ Mission statement of the EUPM available at <http://www.eupm.org/MissionOverview.asp>

⁷⁰ Full text of the 2003 Feasibility Study presented by the Commission of the European Communities is available at <http://www.delbih.ec.europa.eu/en/whatsnew/report-692.pdf>

⁷¹ See Vetschera and Damian, 36

powers in July 2004 to create the Police Restructuring Commission (PRC) mandated with proposing a “single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers.”⁷²

The PRC recommendations were based on twelve principles of police restructuring that the HR had specified in Article 2 of his Decision. The PRC report was finalized in December 2004 and proposed that the BiH state and its institutions have exclusive competency for regulating, overseeing and financing the work of the police bodies in BiH which would be comprised of SIPA, SBS and Local Police Bodies. The PRC recommended legal amendments to the BiH Constitution as well as new state laws: Law on the Police Service of BiH and Law on Police Officials of BiH. Additionally, the report included a detailed analysis justifying the territorial disposition of the local police areas along technical criteria such as geographic factors, traffic considerations and emergency intervention considerations among others. Ultimately, the final proposal consisted of ten local police areas some of which crossed either the IEBL or the cantonal boundary lines or both (See Annex II). The PRC’s recommendations were not acted on by the BiH Parliamentary Assembly as the RS politicians in all levels of government took a firm stand on the issue. Notably, in May 2005 the RS National Assembly insisted that “it could not accept a ‘single structure’” and thus rejected the PRC’s findings.⁷³

However, with the fate of the Stabilisation and Association Agreement (SAA) with EU hanging in the balance and due to intense pressure from the international community, the leaders of the major political parties in BiH signed an Agreement on Restructuring of Police Structures in BiH on October 5, 2005. The BiH political parties to the agreement indicated that they accepted the three basic principles established by the European Commission which require that the police reform in BiH accomplish the following: “place exclusive competence

⁷² “Decision Establishing the Police Restructuring Commission” *Office of the High Representative*, July 5, 2004, available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-key-doc/default.asp?content_id=34149

⁷³ Vetschera and Damian, 36

for police legislation and budget at the State level”; “recast regional police areas on the basis of functional police criteria”; and “help protect the police from improper political interference.”⁷⁴ Additionally, the agreement called for BiH’s executive authorities to create the Directorate for Police Restructuring Implementation (DPRI) which was subsequently established by a Decision of the BiH Council of Ministers on December 8, 2005. The DPRI completed its report on December 23, 2006⁷⁵ and officially forwarded it to the BiH Council of Ministers which did not approve the report by the March 2007 deadline set by the PIC Steering Board.⁷⁶ While the DPRI report is not currently publicly available, those who participated in its creation such as the EUPM Commander Vincenzo Coppola branded the document as a compromise “between what [BiH has] now and what would be a perfect solution possible to reach.”⁷⁷ The report does not propose a territorial disposition of local police areas like the PRC report did and in fact it does not stipulate that the IEBL or the cantonal boundary lines have to be crossed. However, the DPRI report maintains that the police forces should be under the command of the state, financed from a single budget, and protected from political interference in their work.

Currently the police reform process is stalled as the major political parties have not been able to come to an agreement on the issue. Haris Silajdzic, the leader of the Party for BiH (SBiH) and the Bosniak member of the BiH Presidency, ultimately supports any reform that strengthens the power of the state at the expense of the entities and is thus in strong favor of terminating the RS police and Ministry of Interior (MoI) as recommended by the PRC and the DPRI. On the other hand, the RS Prime Minister, Milorad Dodik, and the RS National Assembly (RSNA) have consistently insisted that any reform of the police must allow for the

⁷⁴ “The EU Accession Process” *Office of the High Representative*, March 17, 2005 available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/default.asp?content_id=34264

⁷⁵ “Directorate For Bosnian Police Restructuring Completed Its Report” *Bosnia News* December 23, 2006

⁷⁶ Communiqué by the PIC Steering Board, dated December 7, 2006 and available at http://www.ohr.int/print/?content_id=38668

⁷⁷ “Vincenzo Coppola: Entity police forces are not stipulated by EU principle” EUPM Interview with Vincenzo Coppola, May 15, 2007 available at www.eupm.org

RS to keep its police force and its MoI. The RSNA has repeatedly issued conclusions to that end and has repeatedly stated that it does not accept either the PRC or the DPRI recommendations. The RS politicians maintain that the RS should not have to choose between European integration and the existence of its police and its MoI. Recently, the RS has strongly tied the issue of police reform to constitutional reforms insisting that constitutional reforms have to precede any discussions on police reform.⁷⁸ Given that such developments follow the continuous efforts by the international community since mid-2004 at systemic police reform, it seems fair to say that police reform in BiH has reached an impasse or perhaps a dead end.

⁷⁸ RSNA Conclusions dated April 11, 2007 and available at http://www.narodnaskupstinars.net/lat/zakljucci/zakljucak.php?id_zakljucka=95

Chapter 3: A Comparative Analysis

The extensive involvement of the international community in security sector reforms in BiH deserves close inspection. While many studies have approached the issue in a broad manner, evaluating the overall pace and achievements of the various security sector reforms as a whole, this work aims to compare and contrast two specific aspects of the reforms in the security sector: defence reform and police reform. The first section of this chapter addresses the issue of whether one can justify comparing defence reform and police reform in BiH and whether that is a worthwhile endeavor. In the remainder of the chapter, factors that explain the differences in the outcomes of the reforms will be presented. As evident from the literature review in Section 1.2, certain factors are highlighted as being of importance to the relative success of the international community's efforts related to security sector reforms in post-conflict societies. Thus, the second section will evaluate whether these factors account for the disparate outcomes of the international community's involvement in defence reform and police reform within BiH. The final section of the chapter will focus on exploring additional factors that are not represented in security sector reform literature but that are nevertheless shown to be relevant for the defence reform and police reform processes in BiH.

3.1 Comparing Defence Reform and Police Reform: A Justifiable and Worthwhile Endeavor?

The arguments against the comparability of defence reforms and police reforms in BiH vary from those based on theoretical considerations to those based on practical considerations specific to the political situation within BiH. The theoretical considerations ultimately distinguish between the implications of controlling the army versus controlling the police within a society. An important difference between the army and the police forces is that the control of the latter is more significant as it allows for effective and legitimized management of the daily activities within a society. While the army is a significant element

of power and can be used to exert control over a society, it is usually justified in doing so only during armed conflict. Thus, in post-conflict environments, the army becomes less important while the police forces, with their monopoly on theoretically legitimized violence, gain a crucial role.

Clearly, the theoretical considerations can be viewed as applicable within BiH as well. The main outstanding issue in regards to police reform is whether the RS will be able to keep control of its police forces since its politicians are not willing to allow the dismantling of the entity's police. Additionally, practical considerations specific to the situation in BiH can be used as arguments against the comparability of the defence reform and police reform processes. Notably, there are individuals working for the international community in BiH who feel that it is unrealistic and unfair to compare the two reform processes and they are quick to assert that there is a "fundamental difference" between defence reform and police reform when justifying their outlook. For some, the "fundamental difference" is the disparity between the arguments used to justify the two reform processes whereby the EU's Stabilisation and Association Agreement criteria are seen as much weaker than was the pull of PfP membership.⁷⁹ Others quite simply see the "fundamental difference" as the fact that the RS and its politicians do not want to control the military but that they do want to control the police.⁸⁰ Ultimately, those arguing against comparability of defence reform and police reform assert that based on both theoretical and practical considerations the police forces maintain a greater and more important role within BiH than does the military. Thus, the police reforms were bound to face more resistance than military reforms and this difference in the level of resistance provides the reason why the two reform processes cannot be compared.

⁷⁹ Interview with a senior EUSR official.

⁸⁰ The interviewee, a senior OHR official, stated that this position of the RS is based on practical considerations when one takes into account that the police forces can arrest the very same politicians working on police reform which indicates the considerable power the police and those who control them have within BiH.

The assertion that the function and operation of the police forces are not the same as military forces is certainly valid. However, this fact does not mean that defence reform and police reform cannot and ought not to be compared. The RS authorities are not in favor of losing the entity police just as at one point they were not eager to lose control of their army.⁸¹ Currently, the process of defence reform is still ongoing and is faced with RS obstructionism in regards to the issue of the transfer of defence-related property from entity to state level.⁸² Even if there is a discrepancy between the RS' level of willingness to give up on its army versus its police, this fact does not preclude the two reform processes from being compared but can actually be explored as an explaining factor for the differences in the outcomes.

Notably, among the individuals working for international agencies in BiH⁸³ as well as among BiH politicians there are those who feel that the two reform processes can be compared. During a meeting between the members of the Joint Committee for Defence and Security of the BiH Parliament and those of the Committee for Defence and Security of the Czech Republic Parliament, the BiH parliamentarians compared defence reform and police reform. Specifically, they expressed the belief that: "the successfully carried out reform of the defence structures in BiH indicates that it is possible to effectively finalize police reform."⁸⁴ Thus, the comparison of the defence reform and police reform processes is certainly a justifiable endeavor. That it is a worthwhile endeavor will be demonstrated in the

⁸¹ "The RS still resisted early attempts at defence reform, not because of a perceived military threat but because the command over their armed forces was viewed as the last symbol of their implicit claim to statehood and sovereignty."

Vetschera and Damian, 38

⁸² The issue was discussed in interviews with both NATO and OHR personnel. The opinion from NATO was that this issue will be resolved over time with a compromise that is based on equity for all sides so that property that is essential for defence will be transferred to state ownership while other parts will be left to the entities. An OHR official mentioned that the issue may possibly have to be solved through the usage of HR's Bonn powers.

⁸³ During interviews conducted with individuals working for various international agencies, there were those who felt that defence reform and police reform could be compared. Interestingly, one individual, a senior OHR official, who did not feel that way noted that they are always trying to tell their "American colleagues" that the two reform processes cannot be compared.

⁸⁴ "Razlike u reformi policije nisu nepremostive" *Oslobođenje*, May 16, 2007, 9. Translation: "Differences in police reform are not unsolvable."

following sections of the chapter which will explore the factors that account for the relatively disparate outcomes of the international community's efforts in the two reform processes.

3.2 An Analysis of Explanatory Factors Provided in Security Sector Reform Literature

The factors that help explain the differences in the outcomes of defence reform and police reform within BiH have been deduced both from an analysis of the reforms as well as from interviews with international officials engaged in the respective reforms. These factors will be compared to the aspects highlighted in Section 1.2 as being relevant to the relative success of the international community's efforts related to security sector reforms in post-conflict societies. Specifically, the explanatory factors presented comprised of the perceived legitimacy and credibility of the international community actors; the capacities of the international actors which are determined by political will and resources committed to the reforms; the strategy, leadership and organization of the international community; the level of national ownership of the reforms; and the effectiveness of the governance and civilian management institutions within the country. For the purpose of this analysis these explanatory factors can be separated into two distinct groups. The first group comprises of factors that are seen as constant for both defence reform and police reform in BiH. On the other hand, the second group consists of factors that clearly varied between the two reform processes. The analysis of these various factors will ultimately test whether and to what extent these explanatory factors are actually relevant for the outcome of the security sector reforms in BiH.

3.2.1 Constant Variables

The factors that are constant variables in both defence reform and police reform relate to the perceived legitimacy of the international community's involvement in BiH and the effectiveness of the governance and civilian management institutions within the country. The

international community has been heavily involved in BiH's internal affairs since the end of the hostilities in 1995. Various UN Security Council Resolutions have legitimized the international community's involvement within BiH through a variety of intergovernmental organizations. Additionally, OHR was created under the DPA which was signed by the warring parties and as such the operation of OHR within BiH is considered legitimate even if it may not be desirable to certain elements in BiH's society. Moreover, the various commitments that BiH has made to certain institutions such as the OSCE and the steps it has taken towards Euro-Atlantic and EU integration have further legitimized the continued involvement of the various international actors in a wide-range of reform processes within BiH.

Another factor that is constant for both defence reform and police reform is the level of effectiveness of the governance and civilian management institutions within the country. Studies of security sector reforms in post-conflict societies highlight the importance of strengthening governance and civilian management institutions both within the security sector and in general. Both defence reform and police reform focused on strengthening governance and oversight bodies in their proposed restructuring plans and despite this commonality, one process was successful while the other was not. Moreover, within BiH, the state institutions continue to exhibit low levels of governance across a variety of sectors. A recent study on BiH governance found that BiH requires substantial structural changes in order to be able to perform even the basic state functions.⁸⁵ Ultimately, given that it is a constant variable across all public sectors in BiH, the governance factor does not contribute to explaining why the two reform processes turned out so differently.

⁸⁵ "Study on Governance Structures in Bosnia and Herzegovina" *Foreign Policy Initiative BH*, undated. Available by request from author.

3.2.2 Explanatory Variables

The credibility and capacity factors have played an important role in determining the outcomes of the defence reform and the police reform in BiH considering that there was a variation between the international actors involved and leading the respective reform processes. While the international community as a whole is cited as a promoter of security sector reforms within BiH, there seems to be a clear distinction in the perceptions of the actions of the various international actors. Specifically, the analysis focuses on how the prominent role of the United States and NATO in defence reform compared with the prominent role of the European Union in police reform. Moreover, the leadership of the international community was generally more focused in the defence reform process than in the police reform process. Additionally, another factor that is helpful in explaining the differences in the outcome of the reforms relates to the general strategy behind the reforms. The evolutionary strategy that guided the defence reform process was in stark contrast to the revolutionary strategy which defined the initial phase of the police reform process. Lastly, the issue of national ownership of the reforms will be discussed in this section as there was a clear difference in the level and the type of local participation in the two reform processes. The explanatory factors briefly outlined above are closely interrelated and as such they should ultimately be viewed in a comprehensive manner in order to best understand the differences in the outcomes of the defence reform and police reform processes in BiH.

3.2.2.1 Involvement of International Actors: The United States and the European Union

The June 2004 ICG Europe Brief on the replacement of the SFOR by the EUFOR argued that the BiH authorities seem to have a preference for U.S. as opposed to EU involvement when contentious matters are involved. Specifically, as noted by an official of the BiH Presidency in an interview with the ICG, the EU is “seen locally as often avoiding the tough issues,” while the U.S. is “regarded as tending to be far more engaged, often

pushing for a compromise and, when necessary, exerting significant pressure on local officials to reach and implement an agreement.”⁸⁶ The validity of such a statement seems to be confirmed when one examines the process of security sector reform in BiH. Thus, the previously mentioned sentiment can be seen as an explanatory factor for why defence reform enjoyed a more successful outcome than police reform did in BiH.

The primary international actors in defence reform have been the OHR, the U.S. and NATO. The role of the OSCE was also important for the process as the organization provided substantial administrative support during the work of the two Defence Reform Commissions. OHR has played a crucial role during the process by creating and mandating the DRCs and by providing key staff for the two Commissions. Moreover, as indicated by NATO personnel interviewed, OHR has provided political muscle throughout the reform process which is exemplified by HR’s strong response to the Han Pijesak affair. Notably, individuals who had worked and continue to work closely on issues related to defence reform highlight the role of the U.S. as invaluable throughout the defence reform process. The Chairman of the 2003 DRC was James R. Locher III, an accomplished American diplomat as was the Co-Chairman of the 2005 DRC, Dr. Raffi Gregorian, who is currently the Principal Deputy High Representative and Brkčo Supervisor. Beyond providing essential personnel throughout the reform process the U.S. also provided financial support and as noted by a NATO official interviewed, they fully committed themselves to the defence reform process and continuously maintained their presence by delivering messages on the relevant issues and by guiding the reforms.

While the previously mentioned organizations played a significant part during the defence reform process, one international actor was noticeably absent. Specifically, while European actors were involved in the process, they were not involved through EU organs. As

⁸⁶ ICG Report 2004, 6

relayed by an international community official staffed to a senior position in the 2003 DRC, the EU did not play a helpful role at all. He recalled a meeting among the chairman of the 2003 DRC and the EU Heads of Missions in BiH where they were briefed on the DRC and were asked for support and help in the reform process. The general response from the EU officials was not positive which could potentially be understood considering the very real limitations that the EU faced at that point whereby they institutionally lacked the instruments to substantially contribute to the defence reform process. However, the meeting also demonstrated that the EU officials in question showed no political will for the reforms.⁸⁷ Since that time an increased EU presence in BiH has resulted in an abundance of EU missions on the ground one of which is EUFOR. EUFOR took over SFOR's mandate in December 2004 but neither the EUFOR nor its predecessor, SFOR, has had a significant role in the strategic formulation of the defence reforms within BiH.⁸⁸

The leading international actor in the police reform in BiH has been the EU mainly through its Community and ESDP missions on the ground: the European Commission Delegation to BiH, the EUSR/OHR, and the EUPM. The EU has framed the discourse on police reform by demanding that the three principles it enumerated are to shape any proposal for police restructuring in BiH. The primary impetus for change within this sphere has been the "carrot" of EU membership considering that police reform is the outstanding issue that has been preventing BiH from initialing and signing the Stabilisation and Association Agreement.

Understandably, the EU has relied and continues to rely on conditionality as an impetus for reforms within potential accession countries. The EU conditionality strategy has

⁸⁷ The interviewee added that the response of EU officials was that the reforms could fail and that they did not understand the point of the reform as they did not see why it was necessary. Additionally, they felt that the reform would create trouble and create political turmoil. Notably, most other international officials, such as the staff but not the leadership of SFOR and OSCE missions, were not happy about the reforms since they saw it as trouble and guaranteed failure.

⁸⁸ SFOR information was provided by a senior official in the 2003 DRC. The EUFOR information was provided by a NATO personnel.

historically been viewed as successful considering the examples of the countries that became new members of the EU in 2004 and 2007. However, considering that for BiH police reform has been a requirement since the 2003 Feasibility Study and that little substantial progress has been made on the issue, the EU would seem to be in need of a new general strategy in BiH. As indicated by individuals working for the international community, including certain EU missions in BiH, a change of strategy would seem to be necessary at this point especially in regards to police reform. Specifically, some interviewees indicated that EU conditionality is not enough and that it should be more robust through withholding of aid for example.⁸⁹ As noted by a senior staffer of an EU mission in BiH, the EU conditionality is not being used properly considering that despite obstructionism in the reform process by certain parties these same parties are nevertheless continuing to receive technical aid and funding from the EU for various police-related programs.

The EU's current approach clearly does not seem to be very threatening to those obstructing the process of the reforms. However, a new strategy by the EU of utilizing not only the "carrot" of EU membership but also the "stick" of various types of sanctions is not likely to happen. In a recent letter to Nikola Spiric, the BiH Prime Minister, Olli Rehn, European Commissioner for Enlargement, indicated that "on 3 May 2007, all 27 EU Members States fully backed the outcome of [BiH and EU] negotiations for a Stabilisation and Association Agreement."⁹⁰ Mr. Rehn highlighted that the recent political turmoil within BiH and the subsequent stagnation of the reforms are worrisome developments for the European Commission. He indicated that "concrete progress" on the police reform as well as ICTY cooperation is a prerequisite for the initialing and the signature of the SAA. Ultimately, he stressed that "the pace of progress towards the European Union depends only

⁸⁹ Interview with several senior OHR officials.

⁹⁰ Letter from Olli Rehn to Nikola Spiric, Brussels, May 8, 2007. Available by request from the author.

on Bosnia and Herzegovina and its own efforts.”⁹¹ At this point, the Brussels’ strategy seems to be to wait for the BiH politicians to get their act together and to follow the clearly outlined path towards the EU because as one EU official stated “the EU doesn’t want to join BiH...BiH wants to join the EU.”⁹²

The presumption of the EU continues to be that the “carrot” of EU membership ought to be enough. However, as is indicated in a February 2007 report on BiH by the ICG, EU membership does not seem to provide incentive for police reform.

RS Prime Minister Milorad Dodik...recently said police reform will not happen on his watch, adding, ‘Bosnia has not ever been in the EU, so what is the problem to wait another five or six years.’ He has also said that by the time Bosnia is close to joining the EU, there will be an entirely new European Commission which is unlikely to care about the current police reform issue.⁹³

The stance of the RS Prime Minister seems to indicate that the European Commission will have to wait indefinitely for BiH authorities to solve the police reform issue through their own initiative. While such a scenario is apparently palatable for the EU, it certainly does not seem to be so for the U.S. which has continuously increased its role in police reform.

In a recent appearance on a BiH state TV news program, Nikola Spiric, the BiH Prime Minister, stated that the “international community, actually the U.S., is working on the issue of police reform.”⁹⁴ There was a consensus among the international officials interviewed that the U.S. role has become increasingly important for the police reform. However, there was a distinction in the level of relevance assigned to the U.S.’s role depending on whether the particular individual worked for an EU or a non-EU institution in BiH. Those working for non-EU institutions played up the role of the U.S. to a much greater extent than those working for the various EU missions in BiH. Nevertheless, the recent

⁹¹ Ibid

⁹² Interview with senior EUPM official.

⁹³ ICG Report 2007, 22

⁹⁴ Prime Minister Spiric on Dnevnik BH TV 1 on May 21, 2007.

developments relating to police reform and the political situation in BiH in general indicate that the U.S. has yet again taken the lead on the contentious issues within BiH. Notably, in May 2007, the U.S. organized a meeting in Washington of the Bosniak and RS leaders, Silajdic and Dodik, respectively, in order to achieve a compromise agreement on police reform and constitutional reform. While the meeting may not have resulted in a compromise among the BiH politicians, the significance of the U.S.'s role is clearly evident which is especially interesting considering that initially the EU was the international actor leading the process of police reform.⁹⁵ However, as Douglas McElhaney, the U.S. Ambassador to BiH, has repeatedly indicated, the U.S. needs a strong Europe with whom they will cooperate in bringing about reforms in BiH.⁹⁶ Notably, all the international community officials interviewed asserted that the U.S. needs EU alongside it as well if its efforts in the police reform process are to be successful.

The legacy of U.S. and NATO involvement in BiH and in the region gives these two actors powerful credibility within BiH. For many in BiH, the U.S. is seen as the only international actor that was able to bring peace and stability to the country. Additionally, the U.S. has constantly exhibited political will for dealing with tough issues in BiH and has also continuously invested substantial resources in BiH through various programs and organizations such as the U.S. Agency for International Development. For these reasons the U.S.' leadership in the defence reform process was strong and focused on pushing through the relevant issues. On the other hand, the EU as an international actor did not have much credibility within the country given its failed performance during the self-proclaimed "hour

⁹⁵ See "Susret lidera SBiH i SNSD-a s Barnsom i Fridom: Americka ponuda Dodiku i Silajdzicu" *Dnevni Avaz*, May 23, 2007, 2 ("Meeting of the Leaders of SBiH and SNSD with Burns and Fried: American offer to Dodik and Silajdzic"); "Razgovori u Vasingtonu nisu donijeli nista novo: Silajdzic i Dodik ostali na istim pozicijama" *Dnevni Avaz*, May 24, 2007, 2 ("Talks in Washington Unsuccessful: Silajdzic and Dodik stick to their initial positions")

⁹⁶ "Amerika treba jaku Evropu" *Oslobodjenje*, May 7, 2002, 2 ("America needs a strong Europe")

of Europe.”⁹⁷ Furthermore, the political will and the leadership that is necessary for dealing with tough issues in BiH, such as police reform, is seen as sorely lacking. Moreover, “concrete EU financial and technical assistance to [BiH] has been rapidly declining since 2001” which impacts the capacities and the credibility of the international actor within post-conflict societies.⁹⁸ Clearly, a comparison of the two reform processes indicates that factors such as the credibility, capacity and the leadership style of the international actors involved make a significant difference.

3.2.2.2 Strategic Considerations

Case-studies of security sector reforms in post-conflict societies have highlighted the essential role that the strategy of the international community has in achieving a successful outcome. In the defence reform and police reform processes the justification and the ultimate strategy behind the reforms was Partnership for Peace membership and EU membership, respectively. An analysis of the defence reform and police reform in BiH indicates that there was a difference in the international community’s approach to the respective reform processes. Specifically, the defence reform reflected an evolutionary approach while the police reform was initially based on a revolutionary approach.

The defence reform process was comprised of piecemeal reforms as evident by the limited recommendations of the 2003 DRC. While a state MoD was proposed in the 2003 DRC report, there was no mention of shutting down the entity Ministries of Defence. As noted by an individual with a key role in the 2003 DRC, there was an understanding by all involved in the reforms that the entity MoDs had to be closed and their competencies fully transferred to the state MoD if BiH was to become a credible candidate for NATO

⁹⁷ “Many Bosnians are unimpressed by ambitious rhetoric of Brussels; they remember bitterly that the foreign minister of the EU presidency...declared in 1991, as the international community was first beginning to grapple with the implications of Yugoslavia’s break-up, “the hour of Europe” had arrived, a declaration that has haunted EU policy-making ever since.”

ICG Report 2004, 5

⁹⁸ ICG Report 2007, 23

membership. However, the international community decided to not include the explicit statement that entity MoDs would eventually be shut down in the 2003 DRC report for both political and practical reasons. The limited timeline for producing the first DRC report meant that success could only be achieved if realistic demands were made. Furthermore, considering that the state had no budget of its own at that time it was impractical to demand the closing down of entity MoDs which were the only way of funding the respective armies. Ultimately, as indicated by the interviewee, the focus was on achieving substantial progress with the piecemeal reform process which created forward momentum that eventually resulted in a comprehensive change of the BiH defence structures.⁹⁹

In contrast to the international community's approach to defence reform, its approach towards police reform was revolutionary. The connotation of the term "revolutionary" is not meant to be a positive one considering that the unrealistic and impractical demands of the international community yielded no substantial progress on the issue. The 2004 PRC report illustrates well the revolutionary approach of the international community. The report recommended changing the BiH Constitution in order to achieve a single structure of policing. Specifically, the PRC proposed amending the Constitution by erasing Article III(2)(c) which gives the entities competencies over law enforcement agencies and instead inserting a clause that would provide the state with such competencies.¹⁰⁰ Considering that the BiH Constitution has not been amended since its drafting at the Dayton negotiations, the expectation that it could be easily amended was unrealistic. Recent attempts at constitutional reform further demonstrate the difficulty in achieving this task. While the revision of the BiH Constitution might have been beneficial for the reform process, it certainly was not necessary for achieving a single structure of policing in BiH. Namely, other legal provisions

⁹⁹ Information based on an interview with senior official in the 2003 DRC.

¹⁰⁰ PRC Report, 40

could have been used to justify the transfer of police-related competencies from entity to state level with less serious political connotations than the changing of the BiH Constitution.

Another indication of the international community's revolutionary approach towards police reform was the proposed territorial disposition of the local police areas. The local police areas were to be determined on purely technical criteria such as geographic factors and emergency intervention considerations among others. The PRC had actually come up with three distinct plans for the territorial disposition of the local police areas which divided BiH into five, ten and eleven local police areas, respectively. While the option comprising of ten local police areas was ultimately chosen, none of the plans presented were practical. Each of the plans entailed local police areas that crossed both the IEBL and cantonal boundary lines which was not only a politically controversial decision but was also highly impractical when one considers that prosecutorial jurisdictions in BiH are separated along entity and cantonal boundaries. The indication that the revolutionary approach towards police reform has not worked is evident through the consistent scaling down of the international community's demands throughout the reform process. Thus, the 2007 DPRI report has not presented any type of territorial disposition of police structures and has not included the demand for crossing the IEBL. While the defence reform progressed steadily along an evolutionary path, the police reform continuously regressed when the initial revolutionary demands of the international community failed to achieve domestic political support.

3.2.2.3 National Ownership of Reforms

The works on security sector reforms in post-conflict societies show that the role of local actors is of paramount importance. The effective carrying out and sustainability of reforms is directly related to the national ownership of the reform process. The analysis of the two reform processes shows that there was a clear difference in the level and the type of local participation in the defence reform and police reform processes in BiH. During the

defence reform process there was great emphasis placed on consensus building among the international and national actors. The work of the 2003 Defence Reform Commission illustrated well the importance of consensus building and the finalized report captured the centralized substance of the reforms that all the participants would support. Moreover, the participants within the Commission that represented the various national actors were able to speak for the leadership of their respective ethnic groups.¹⁰¹ Thus, when the report was finalized and forwarded to BiH legislative authorities for approval, the recommendations included were speedily adopted by the national actors.

On the other hand, the atmosphere of consensus building was sorely missing in the work of the PRC and the DPRI. Notably, during the meetings of the PRC there was clear obstructionism of the recommended proposals for reform by the RS representatives. Moreover, participants did not exhibit the same ability to speak for the leadership of their respective ethnic groups which made the process of consensus building within the Commission impossible.¹⁰² Thus, the proposed reforms were not accepted by the BiH legislative authorities. The work of the DPRI was also severally lacking in national ownership despite the fact that the Directorate was created by the national authorities. Specifically, the RS representatives chose to only observe the work of the DPRI without effectively participating. The DPRI forwarded reports to the CoM every three months which the CoM did not approve.¹⁰³ Unsurprisingly the finalized report of the DPRI was also never approved by the CoM.

The disparate levels of national ownership in the two reform processes confirm the assumption that in order for security sector reforms to be successful they must have local support. The real criticism however should be directed at the continuation of the work of the PRC and the DPRI despite the obvious deficiency in the level of the participation of the

¹⁰¹ Information based on interviews with officials from NATO and OHR who had worked for the DRC.

¹⁰² Information based on an interview with an OHR senior official working on the PRC.

¹⁰³ Information based on an interview with a EUPM senior official working on the DPRI.

national authorities. Such developments should have served as a warning signal to the international community as they surely indicated the impossibility of obtaining a successful outcome of the police reform. Notably, there should have been a serious reconsideration of the strategy pursued by the international community actors responsible for the reform in order to send a powerful signal that obstructionist behavior by the participants would not be tolerated.

3.3 Additional Factors of Significance for the Outcome of Reforms

This section introduces factors that based on the gathered data were shown to be important in explaining the disparate outcome of the international community's involvement in defence reforms and police reforms in BiH but that were not mentioned as significant in the studies on post-conflict security sector reform.

3.3.1 Personalities Matter

A factor of marked importance for the outcome of the defence reform and police reform processes was the personalities of the key individual involved. As noted earlier, the two Defence Reform Commissions operated in a consensus building atmosphere. The individuals who worked in the two DRCs stressed that such an atmosphere was created by the respective Chairmen of the Commissions. The 2003 DRC was chaired by James R. Locher III, an accomplished American diplomat, who was described as a great leader who was able to bring people together. The 2005 DRC was co-chaired by Dr. Raffi Gregorian and the then BiH Minister of Defence, Nikola Radovanovic. Dr. Gregorian was characterized as a dynamic personality who was capable of aggressively pursuing the required reforms. Notably, the difference in the mandates of the 2003 and 2005 DRCs accounted for the more aggressive style of Dr. Gregorian. Additionally, personal relationships also made a difference in the outcome of the defence reforms. For example, there existed good personal

relationships between the then HR, Lord Paddy Ashdown, and the NATO Secretary General at the time. Similarly, Mr. Locher had a good personal relationship with the Commander of NATO for the Balkan area. These connections were crucial for ensuring quality cooperation between the various international actors which led to a more efficient carrying out of the reforms.¹⁰⁴

On the other hand, the key personalities associated with the police reform process were not singled out as particularly powerful leaders. Wilfried Martens, the Chairman of the PRC and a former Belgian Prime Minister, was not able to create a consensus building atmosphere within the PRC. Notably, he seemed to have not had much control over the participants in the Commission as he was often undermined by staffers.¹⁰⁵ The only breakthrough in police reform occurred when the October 2005 Agreement on Police Restructuring was signed which was greatly facilitated by the actions of HR Paddy Ashdown. Subsequently, the personality and approach of the current HR, Christian Schwarz-Schilling, has been ineffective in bringing about police reform. The final outcome of the police reform is yet to be seen but whatever it may be, it will certainly be greatly influenced by the personalities of the key individuals involved both from the international and national side.

3.3.2 The Impact of Foreseen and Unforeseen and Events

In international affairs, certain events can have great significance in shaping the path and the outcome of world developments. Within BiH, the reform processes have been greatly influenced by events that have served as catalysts for change, whether for better or for worse. Looking back on the defence reform processes, two important and high profile events stand out as catalysts for moving the reforms forwards. The scandals of the Orao affair in August of 2002 and the Han Pijesak affair in December 2004 clearly demonstrated the deficiencies of the then existing defence structures and the dangerous outcomes that result from such

¹⁰⁴ Information based on interview with a senior official at the 2003 DRC.

¹⁰⁵ Based on a second-hand account by an international community official.

deficiencies. As indicated by various individuals working on defence reforms, these events were used as an excuse by the international community to take serious action in regards to defence reform. Thus, the Orao affair was utilized as a “springboard” to commence with the process of defence reform. The Han Pijesak affair was similarly used by the international community to quicken the pace of the defence reforms by extending and amending the mandate of the DRC and by sending a strong message to the RS authorities obstructing the reforms by sacking 69 PIFWC supporters.¹⁰⁶ Moreover, these events could also be seen as having a psychological effect on the RS in the sense that the RS authorities were fearful of the actions the international community would take meaning that they were more inclined to cooperate in defence reform.

In regards to police restructuring, an event that can be seen as crucial in shaping the outcome of the reforms was the announcement in June 2006 that OHR would be closed down in June 2007. While the Orao and Han Pijesak affairs were events that were out of control of the international community, the planned closing down of OHR was completely managed, or more fittingly stated, mismanaged, by key international actors. The early announcement of the closing down of the OHR and its replacement by the office of the EUSR has had a great impact on the political developments within BiH. While policy analysts and policy makers continue to debate about the level and the legitimacy of OHR’s impact there can be no denying that its involvement and its “Bonn powers” were crucial in pushing through key reforms associated with strengthening the BiH state and with helping prepare BiH for future EU membership. While the international community may have been eager to give back power to domestic politicians with the aim of promoting local ownership of reforms, they miscalculated the type of effect this would have on politics within BiH and on the progress of the various reform processes. Many people working for the international community in BiH

¹⁰⁶ ICG Report 2007, 16

see the early announcement of the initial June 2007 closing date as the primary reason for RS emboldened behavior and radicalized approach to reforms.¹⁰⁷ Thus, the decision by the PIC Steering Board to extend the mandate of OHR until June 2008 is seen as a direct response to the degenerating political situation in BiH as well as to the failure of the police reform.¹⁰⁸

Recently, a new issue has arisen in BiH's political scene which is related to the International Court of Justice (ICJ) ruling in *Bosnia and Herzegovina v. Serbia and Montenegro* in February 2007. While the ICJ did not find that Serbia was guilty of genocide against BiH, the court did find that the events that transpired in Srebrenica in July 1995 constituted genocide by the RS forces.¹⁰⁹ Moreover, the RS Srebrenica Commission report finalized in 2004 included a list of law enforcement individuals suspected of being in the area and possibly involved in the Srebrenica massacre and this list includes the names of 500 police officers who are currently employed in the RS police. These findings have created a substantial scandal in BiH considering that Srebrenica is currently a municipality within the RS as agreed under the DPA. Upset Srebrenica inhabitants have demanded a special status from the RS authorities which was refused and thus in protest a substantial number of them have moved out and established an impromptu tent settlement in Sarajevo.¹¹⁰ Recently, the U.S. appointed Clifford Bond, a former U.S. Ambassador to BiH, to work with all sides towards resolving the issue. Ultimately, the Srebrenica issue may do for police reform what the Orao and Han Pijesak affairs did for defence reform. However, given the current political mood within BiH the power of the international community is not what it once was. Nevertheless, as key international actors such as the U.S. struggle to restart the stalled reform

¹⁰⁷ Interview with an OHR senior official.

¹⁰⁸ "Ako do reforme policije ne dode, mozda OHR i ostane" *Dnevni Avaz*, January 16, 2007, 5 ("If there is no police reform, OHR might stay")

¹⁰⁹ "Bosnia and Herzegovina v. Serbia and Montenegro Judgment", *International Court of Justice*, February 26, 2007, available at <http://www.icj-cij.org/docket/files/91/13685.pdf?PHPSESSID=61310ddddd74d0a1e20571c0296e67704>

¹¹⁰ Milad Obradovic "Srebrenicari poceli selidbu u Sarajevo" *radio slobodna evropa*, April 16, 2007 ("Srebrenica inhabitants start moving to Sarajevo") available at <http://www.slobodnaevropa.org/article/2007/04/16/d6fb3f52-bf87-420c-9eec-bf5c8db6b16a.html>

process, the issue of Srebrenica could in hindsight be pointed to as a turning point not just for police reforms but for forward progress in BiH in general.

Conclusion

The comparative analysis of defence reform and police reform processes in Bosnia and Herzegovina has yielded interesting results that are relevant for studies on security sector reform in post-conflict societies as well as for studies on internationally-led reforms in BiH. Specifically, this analysis has shown that the factors highlighted by various security sector reform studies as being of importance to the relative success of the international community's efforts are fairly relevant for our understanding the developments within the defence reform and police reform processes in BiH. However, the implication of this analysis is that these factors alone are not enough to fully comprehend the disparate outcomes of the international community's involvement in the two respective reform processes. Namely, the personalities of the actors involved and the impact of both certain contingencies are shown to be of great importance in shaping the outcome of the international community's involvement in BiH's reform processes.

Ultimately, the analysis also highlights a worrisome trend in BiH's current political atmosphere considering that the failure of the police reforms may be indicative of fundamental issues that will greatly impact the development of BiH as a state. The extensive involvement of the international community in the post-conflict BiH state has, for better or for worse, made the international actors operating within BiH responsible for the ultimate fate of this fragile state. The reforms which are so needed to make BiH a stable and a viable state on the road to Euro-Atlantic integration must not be allowed to falter and to that end, the experience of the international community's involvement in the defence reforms entails profound lessons for the international community.

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