

# **THE ROLE OF LOCAL OWNERSHIP IN DEFENCE AND POLICE REFORMS: THE CASE OF BOSNIA AND HERZEGOVINA**

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## **ABSTRACT**

This paper analyses the dissimilar forms and modalities of local ownership in defence and police reforms in Bosnia and Herzegovina. It first presents the statebuilding-related literature on the concept delineating local ownership in its theoretical terms. Then, the paper outlines the current political situation in the country focusing on the main international actors who have been engaged within the two reform processes. Finally, an analysis of their key policy documents together with the findings from the field work, gathered from both the international and local actors, show the discrepancy between the concept of local ownership in theoretical and practical terms. In order to understand this discrepancy, the created analytical framework is based on two mechanisms: monitoring, mentoring, advising (MMA) and its opposite executive powers, which are helpful tools to perceive whether they foster or undermine local ownership. The paper concludes by suggesting that regardless of the mechanisms used, there is no shared meaning of local ownership in defence and police reforms. In reality, there are only different modalities of the concept which depend on a number of overarching factors, such as the former political legacy, current political situation and the necessity of having an ethnic majority in the key decisions.

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## **LIST OF ABBREVIATIONS**

B&H - Bosnia and Herzegovina  
CSDP - Common Security and Defence Policy  
CSS - Centre for Security Studies  
DPA - Dayton Peace Agreement  
DRC - Defence Reform Commission  
ESDP - European Security and Defence Policy  
EU - European Union  
EUFOR - European Union Force  
EUPM - European Union Police Mission  
EUSR - European Union Special Representative in Bosnia and Herzegovina  
FB&H - Federation of Bosnia and Herzegovina  
FOSS - Intelligence Security Service of the FB&H  
HR - High Representative  
IFOR - Implementation Force  
IPTF - International Police Task Force  
MMA – Monitoring, mentoring, advising  
NATO - North Atlantic Treaty Organization  
OBS – Former Civilian Intelligence Service of Republika Srpska  
OHR - Office of the High Representative  
OSA - Intelligence and Security Agency  
OSCE - Organization for Security and Co-operation in Europe  
PIC - Peace Implementation Council  
PRC - Police Restructuring Commission  
RS - Republika Srpska  
SAA - Stabilisation and Association Agreement  
SDS - Serbian Democratic Party  
SFOR - Stabilization Force  
SFRY - Socialist Federalist Republic of Yugoslavia  
SIPA - State Investigation and Protection Agency  
SSR - Security Sector Reform  
UN - United Nations  
UNMIBH - United Nations Mission in Bosnia and Herzegovina

## INTRODUCTION

The reform processes in Bosnia and Herzegovina (B&H) have been under way since the 1995 Dayton Peace Agreement<sup>1</sup> (DPA) and from then on they have been driven predominantly by the international community. The experience of recent armed conflict and the existence of various institutions have made the process of reform in B&H particularly complex. The transformation of the security sector has been further complicated by the plethora of international actors who were involved in the process, as well as by the absence of domestic consensus on important issues. Similarly, the existing literature acknowledges that the international community's role was significant within two particular processes in B&H: defence reform and police reform.<sup>2</sup> Both have been characterized by intense pressure from international actors, such as the Office of the High Representative (OHR), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the North Atlantic Treaty Organization (NATO), who have played a decisive role in the process of shaping the reform agenda. This is not to denote that such reform processes were entirely detached from domestic politics. As David Law rightly emphasises, the factors such as local ownership, legitimacy, credibility and regional integration are essential for external actors to carry out security reforms successfully.<sup>3</sup> Consequently, a closer look at these aspects,

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<sup>1</sup> Dayton Peace Agreement, Dayton Accords, Paris Protocol or Dayton-Paris Agreement is the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled on 21 November 1995 in Dayton, Ohio and signed in Paris on 14 December 1995. The Dayton Agreement imposed peace on the three warring ethnic groups and created the Republic of Bosnia and Herzegovina in Bart M.J. Szewczyk, "Occasional Paper: The EU in Bosnia and Herzegovina: powers, decisions and legitimacy", *European Union Institute for Security Studies* 83 (2010): 23.) For more information please see: The General Framework Agreement for Peace in Bosnia and Herzegovina

<sup>2</sup> Heinz Vetschera and Matthieu Damian, "Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community", *International Peacekeeping Journal* 13, no. 1 (2006): 37.

Thomas Muehlmann, "Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-Led Security Sector Reform", In *Inside the Bosnian Crisis: Documents and Analysis*, ed. David Chandler, *Journal of Intervention and Statebuilding* 1, Special supplement (2007): 41-56.

Michael Merlingen, "The EU Police Mission in Bosnia and Herzegovina (EUPM)", In *European Security and Defence Policy: The First Ten Years*, ed. Giovanni Grevi, Damien Helly and Daniel Keohane (Paris: The European Union Institute for Security Studies, 2009), p. 169.

<sup>3</sup> David Law, "Conclusion: Security Sector (Re)Construction in Post-Conflict Settings," *International Peacekeeping Journal* 13, no. 1 (2006): 111-123.

including the interplay between the international and the domestic influence, should broaden our understanding of the reforms and allow for their more systematic evaluation.

Defence and police reforms are the two distinct areas where the issue of local ownership can be comprehensively observed since the concept has been differently employed within the two processes. While many scholars in this field have pointed to factors that have been significant for the disparate results of the reforms, little attention in the recent critical literature has been lent to the dissimilar forms and modalities of local ownership within the two processes. The entrenched assumption remains that the international community's reliance on its executive powers could move the reform agenda forward in the short-run, but an active local involvement has been crucial for the acceptance and sustainability of the reforms. Departing from this premise, the empirical question arises as to whether the success of defence and police reforms in B&H depends on the degree of involvement of local actors in the process of design and implementation. Given the extensive role of the international community in the reform processes, the paper will take up two related research questions. First, what forms did local ownership take in these reforms? Second, what role did it play in the success or failure of the reforms?

To address these questions the paper will be divided into three chapters. The first chapter sets the stage by providing a statebuilding-related literature review on the concept of local ownership analysing three lines of contention among the scholars in the area. First, I introduce two camps of relevant authors who disagree on how important the security sector reform (SSR) in B&H has been and who differently assess the international community's role in defence and police reforms. Second, I seek to grasp what concrete aspects the concept of local ownership in statebuilding literature involves given that there is no consensus among scholars on what the concept actually denotes. And finally, what the relationship between

local and external actors is and who should have the key role in the reform processes in order to foster local ownership.

The second chapter outlines the current situation in B&H accentuating the continuous international engagement and the key actors on the ground. The chapter also briefly describes the development of defence and police reforms in order to understand their different outcomes.

In the final third chapter, I present the data collected during the field research gathered from the representatives of the international community and local authorities who were actively involved in defence and police reforms and who dealt with the concept of local ownership in both discursive and practical terms. The chapter starts with a survey of concrete formulations of what the principle of local ownership involves in the relevant policy documents. The practical applications of the concept are analysed against major debates in the broader literature on statebuilding. In comparison with the concrete policy applications, one is struck by the discrepancy between the concept of local ownership in theoretical and practical terms. This should not be discarded as merely the notorious gap between theory and practice, but rather needs to be investigated empirically in order to bring out both the politics of the internationally-assisted reform process and the concrete meaning of local ownership therein, including its changing and at times contradictory logic. To systematise the analysis of the two cases, I construct a framework based on two dominant models or approaches that to various degrees inform the internationally assisted reform: monitoring, mentoring, advising (MMA) and executive powers. I do so by mapping out the number of obstacles identified through the field research illuminating the role of local ownership. This particular chapter is an important contribution to the literature on local ownership for two reasons. First, it goes beyond the rhetoric of local ownership and considers in detail how this principle is differently understood and applied by international and domestic actors. Second, it offers a justification



for different levels of local ownership in defence and police reforms based on interviewees' personal and professional knowledge about the legacy and current political situation within the country.

In the conclusion, I show that there is no shared meaning of local ownership since the concept is differently interpreted by the entity, state and international community's officials. In reality, there are different modalities of local ownership within defence and police reforms in B&H which depend on a number of overarching factors such as the former political legacy, current political situation and the necessity of having an ethnic majority in the key decisions. Undeniably, defence and police reforms have come a long way since the days of their initial commencement and the international community has played an important role in both processes. However, the disparate results in the level of local ownership in the reforms have depended on the powers the international community used: the MMA principle opposed to executive powers. Yet regardless of the powers used, unless there is local ownership by local actors, there are slight chances that reform processes will succeed in the long-run.

Finally, while there is a constant emphasis on ensuring local ownership in internationally-assisted societies, very little research has been done on practical applications of local ownership in highly-fragmented societies along the ethnic and national divisions which could be one of the decisive areas for further research.

## CHAPTER 1: DECOMPOSING INTERNATIONAL COMMUNITY AND LOCAL OWNERSHIP

This chapter seeks to address several questions brought to the fore by the statebuilding-related literature. The literature review will show three lines of contention among the scholars in the area. First, I introduce two strands of relevant authors who disagree on how important the SSR in B&H has been and who differently assess the international community's role in defence and police reforms. Second, I seek to grasp what concrete aspects the concept of local ownership in statebuilding literature involves given that there is no consensus among scholars on what the concept actually denotes. Third, I try to delineate the relationship between local and external actors and who between the two should have the key role in the reform processes in order to foster local ownership.

### ***1.1 Role of International Community in SSR***

Up until now, within the academic and political debate, the international community's involvement in B&H has not been questioned. Even though some might doubt the positive outcomes of the SSR, the international involvement in B&H "can be deemed as a success story of sorts."<sup>4</sup> Principally, there are two different camps of scholars who assess the international community's role in defence and police reforms in B&H from two different stances. The majority, including authors such as Mariangela Fittipaldi, Slobodan Perdan, Heinz Vetschera or Matthieu Damian, generally agree that the international community has played a crucial role in the reform of security sector. They argue that as the international community's role decreases, the responsibility will increasingly be on the local authorities to cooperate in order to complete the work that the external actors have initiated. Fittipaldi's research conducted at the Centre for Security Studies (CSS-BiH) puts an emphasis on SSR in B&H and suggests that "the Security Sector Reform in BiH is proving to be a major

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<sup>4</sup> Law, op. cit in note 3, p. 111.

challenge to the institutional building process.”<sup>5</sup> Perdan’s article entitled “Bosnia: SSR under International Tutelage” addresses the various aspects of SSR, particularly in the sphere of defence and military reforms showing the recent notable results they have achieved.<sup>6</sup> Additionally, Perdan specifically discusses the importance of local ownership in various post-conflict societies emphasising the role of local actors in reform programmes who are to continue on their own without the presence of international actors. Vetschera and Damian primarily deal with the way defence reform in B&H has been undertaken since 2002 and how intelligence and police reform have been approached.<sup>7</sup> Judy Hylton in her article discusses the security sector in B&H emphasising the role of the Ministry of Interior as “a precondition for effective and democratic law enforcement.”<sup>8</sup> Moreover, SSR is acknowledged to be a central element not only in B&H, but a tool that will lead to further political stabilization of South Eastern Europe. A book on defence and security sector governance and reform has included six South East European countries (Albania, Bulgaria, Croatia, Macedonia, Moldova and Romania); all of which face the same challenges in the process of restructuring their respective areas.<sup>9</sup> Similarly, B&H has struggled to build up its security and defence sectors over the past decade.

The second group of authors suggests that a large number of international actors in B&H appear to be a particular drawback and does not guarantee significantly better end results. Of the many international actors in B&H, according to Gemma Collantes Celedor, the United Nations (UN) and the EU have been the leading actors through their EUPM-

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<sup>5</sup> Mariangela Fittipaldi, *Security Sector Reform and Media in BiH - The Way Ahead to Security Sector Good Governance* (Sarajevo: Centre for Security Studies BH, 2006), p. 1.

<sup>6</sup> Slobodan Perdan, “Bosnia: SSR under International Tutelage”, In *Local Ownership and Security Sector Reform*, ed. Timothy Donais (Geneva: Geneva Centre for the Democratic Control of Armed Forces - DCAF LIT, 2008), pp. 253-270.

<sup>7</sup> Vetschera and Damian, op. cit in note 2, p. 28.

<sup>8</sup> Judy Hylton, “Eyewitness I – Security Sector Reform: BiH Federation Ministry of the Interior”, *International Peacekeeping* 9, no. 1 (2002): 153.

<sup>9</sup> 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 *Defence and Security Sector Governance and Reform in South East Europe: Regional Perspectives*, ed. Cole et al. (Baden-Baden: Nomos, 2005), p. 9.

UNMIBH missions.<sup>10</sup> Ursula C. Schroeder argues that numerous international actors on the ground lead to the overlap of the missions and personnel resulting in the negative interaction between different EU actors in the field.<sup>11</sup> Although the OHR and EUSR should coordinate different EU's international organisations in B&H, she is sceptic about their coordinating function which highly depends on the role each EUSR chooses to play. Schroeder concludes by suggesting that despite a large number of international actors in B&H, there has been a lack of a common strategy and coordination between them. In a similar way, Perdan suggests that it is "time for the international community to re-think its concept of 'ownership as an end' of reforms, and start thinking more in terms of 'ownership as a means' to achieve self-sustaining solutions."<sup>12</sup>

The international community has also insisted on promoting local ownership in B&H. Perdan in his article writes that Christian Schwarz-Schilling during his mandate as High Representative (HR) in B&H made local ownership one of his priorities, while Miroslav Lajcak was actively involved in police restructuring, drafting protocols, imposing deadlines, lobbying, and negotiating directly with selected political leaders. However, little attention has been given to the stance of Republika Srpska (RS)<sup>13</sup>, since their political leadership has never approved "coercive and intrusive actions by the international community."<sup>14</sup> Not only have politicians in RS done everything in their power to curb the international community's reform efforts from the beginning of the Dayton process<sup>15</sup>, but their Prime Minister Milorad Dodik has also frequently confronted the international community's decisions and their attempts to enhance cooperation between the two entities. Since this is the key issue for understanding

<sup>10</sup> Gemma Collantes Celedor, "Police Reform: Peacebuilding Through 'Democratic Policing'?", *International Peacekeeping* 12, no. 3 (2005): 365.

<sup>11</sup> Ursula C. Schroeder, "International Police Reform Efforts in South Eastern Europe", In *Intergovernmental Organisations and Security Sector Reform*, ed. David M. Law (Geneva: Geneva Centre for the Democratic Control of Armed Forces – DCAF LIT, 2007), pp. 209-211.

<sup>12</sup> Perdan, op. cit in note 6 p. 269.

<sup>13</sup> Republika Srpska is one of two main political entities of B&H, the other being the Federation of B&H (FB&H).

<sup>14</sup> Perdan, op. cit in note 6, pp. 253-270.

<sup>15</sup> Ibid., p. 266.

the different meanings of local ownership, I will enlarge on it in the third empirical chapter of the paper. There is no doubt that under the auspices of the international community many competencies have been transferred from entity to the state in recent years. However, neglecting active local involvement and acceptance, reforms will not be sustainable.

The current debate between the camps does not diminish the importance of the actions undertaken by international actors in B&H by any means. The debate has been very well studied but what has been ignored in the literature is whether the presence of international involvement in fact strengthens or weakens countries and their institutions. In other words, how successful it is to rely on the executive powers in the long term without active domestic political involvement. The relevant literature has also failed to address the question of the international community's power in promoting reforms and what influence two reforms (defence and police reforms in this case) in B&H have rather different outcomes.

## **1.2 Local Ownership in Statebuilding Literature**

Within the academic and political debate the concept of local ownership of SSR has not been clearly defined. Moreover, there is no agreement among scholars on what the concept of local ownership involves.

In everyday meaning, “ownership” is defined as “the state or fact of being owner”, the “legal right of possession”, “lawful title to something”, “propriatorship”<sup>16</sup> (Webster); “the act, state, or right of possessing something”, “right of possession, freehold, proprietorship, proprietary rights, or title”<sup>17</sup>; “the state, relation, or fact of being an owner.”<sup>18</sup> In legal terms, ownership can be distinguished from possession. Although the two terms are often confused, possession is not the same as ownership. For instance, people often speak of the things they own, such as clothes, as their possessions. However, the owner of an object may not always

<sup>16</sup> Michael Agnes and David B. Guralnik, “Ownership” in *Webster's New World College Dictionary*, 4<sup>th</sup> edition, 2007.

<sup>17</sup> Maurice Waite, “Ownership” in *Oxford Dictionary and Thesaurus*, 2<sup>nd</sup> edition, 2007.

<sup>18</sup> Frederick C. Mish, “Ownership” in *Merriam Webster's Collegiate Dictionary*, 10<sup>th</sup> edition, 1993.

possess the object. To avoid confusion over exactly what is meant by *possession*, the word is frequently modified by adding a term describing the type of possession. For example, possession may be actual, adverse, conscious, constructive, exclusive, illegal, joint, legal, physical, sole, superficial, or any one of several other types. In other words, possession can thus also be called “legal possession” and ownership “actual possession.”<sup>19</sup> Put simply, the possessor may enjoy the fruits of possession, while the owner, who enjoys legal title over the property, may also freely dispose of what is owned. In accordance with standard definitions of ownership, then, policy ownership would imply the ability to modify, amend and withdraw specific policy measures freely and without constraint.<sup>20</sup>

However, although the statebuilding literature places a strong emphasis on the concept of local ownership, it involves much less than previously said. According to Jens Narten, local ownership is “the process and final outcome of the gradual transfer to legitimate representatives of the local society, of assessment, planning and decision-making, the practical management and implementation, and the evaluation and control of all phases of state-building [i.e. peacebuilding] programmes up to the point when no further external assistance is needed.”<sup>21</sup> Oghogho Edomwonyi suggests that local ownership means that reforms are “locally conceived of and led.”<sup>22</sup> While Laurie Nathan takes a position according to which SSR without local ownership is considered to be “inimical to development and democracy: domination and paternalism by external actors generate resentment, resistance

<sup>19</sup> Free Legal Encyclopaedia, “Ownership”; available from <http://law.jrank.org/pages/9296/Possession.html>; Internet; accessed 20 May 2010.

<sup>20</sup> Daniel Bendix and Ruth Stanley, “Deconstructing Local Ownership of Security Sector Reform: A Review of the Literature,” *African Security Review* 17, no. 2 (2008): 95.

<sup>21</sup> Jens Narten, *Dilemmas of Promoting Local Ownership: Statebuilding in Postwar Kosovo* (Ottawa: Research Partnership on Postwar statebuilding, 2006), pp. 19-20.

<sup>22</sup> Oghogho Edomwonyi, “Rwanda: The Importance of Local Ownership of the Post-Conflict Reconstruction Process”, *Conflict Trends* 4 (2003): 43.

and inertia among local actors; local actors have little commitment to externally imposed products; these products do not adequately reflect local needs, dynamics and resources.”<sup>23</sup>

The previous definitions suggest that local actors are the essence of the SSR while external actors are only to support it. The statebuilding literature is also engaged in examining the role of external and internal actors involved in the process of local ownership. Many authors such as Simon Chesterman, Hannah Reich and Neclâ Tschirgi have questioned to what extent local actors should be involved in statebuilding processes. On the one hand, Tschirgi argues that local actors should be actively involved from the beginning in “setting the agenda and leading the process, which is a highly political process complicated by the deep wounds of the conflict.”<sup>24</sup> On the other hand, Chesterman suggests that local ownership is “usually not intended to mean control and often does not even imply a direct input into political questions. [...] Local ownership, then, must be the ends of a transitional administration, but it is not the means.”<sup>25</sup> Reich argues that the long-term goal of ownership in which local actors would choose a strategy based on their needs and says that “it is misleading to use the term local ownership as *immediate, project objective* since it covers all those inconsistencies within the relationship between donors and recipients, more than it reveals them.”<sup>26</sup> She alternately advises fostering the learning process for internal and external actors to increase the level of mutual understanding in order to achieve full local ownership.

In the case of B&H there is no common agreement among scholars on whether the international community has failed or succeeded to respect the concepts of local ownership.

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<sup>23</sup> Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham: University of Birmingham, 2007), p. 3.

<sup>24</sup> Neclâ Tschirgi, *Post-conflict peace building revisited: achievements, limitations, challenges* (New York: International Peace Academy, 2004), p. 9.

<sup>25</sup> Simon Chesterman, *You, the people: The United Nations, transitional administration and state-building* (Oxford: Oxford University Press, 2004), p. 242.

<sup>26</sup> Hannah Reich, *Local Ownership in Conflict Transformation Projects* (Berlin: Berghof Research Centre, 2006), p. 16.

Recent war experience, however, suggests that the concept of local ownership on the state level is constantly undermined due to the ethnic division of B&H. David Chandler in his “*Empire in Denial*” suggests that the transition to Bosnian ownership has been held back by the 1995 Dayton Peace Agreement which created a weak state separated into two entities, ten cantons and one autonomous region.<sup>27</sup> Even though there have been some attempts to shift from the Dayton’s mechanisms, according to the “*Empire in Denial*” it is impossible to talk about any indications of Bosnian ownership. Finally, it seems that it would be more effective to give away the agenda created by the Dayton framework, which “made opaque the relations of authority and accountability”<sup>28</sup>, than to retain the confusing set of international missions and locally-elected governments.

In the literature, there is also a strong emphasis on the limited role that external actors can play in statebuilding processes. The majority of statebuilding scholars agree that the international community is not the key player in reform processes and that “the reform of security policies, institutions and activities in a given country must be designed, managed and implemented by local actors rather than external actors.”<sup>29</sup> According to Nathan, in order for a country to be able to continue on its own, the statebuilding process has to derive within the country. She further illustrates the argument by saying that the externally provided support suits the interests of the donors instead of the real needs of people. “Even where there is a genuine desire to help, many donors are both ignorant and arrogant, over-confident, impatient and intent on solving problems and designing policies on behalf of local actors.”<sup>30</sup> Whenever this was the case, the end result failed to be beneficial. This is not to say that local ownership has to be driven exclusively by local actors. Both Chesterman and Narten point out that those countries which possess an unequal share of power between local and external actors, namely

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<sup>27</sup> David Chandler, *Empire in Denial: The Politics of State-building* (London: Pluto Press, 2006), p. 123.

<sup>28</sup> Ibid., p.124.

<sup>29</sup> Nathan, op. cit in note 23, p. 4.

<sup>30</sup> Ibid., p. 1.



where the power of international actors prevails, the concept of local ownership will necessarily be undermined. “But although the levels of foreign intervention may vary from the light footprint in Afghanistan, through the ambiguous sovereignty in Kosovo, to benevolent autocracy in East Timor, the guiding principle must be an appropriate balance of short-term measures to assess the (re-)establishment of the rule of law, and longer-term institution-building that will last beyond the life of the mission and the fickle interest of international actors.”<sup>31</sup>

The statebuilding literature proposes different solutions to countries that have been torn by war and become dependent on external or foreign actors. Many authors argue that external actors’ commitment to local ownership should indeed be present, but should primarily focus on providing human resources and financial support. Nathan suggests that external actors or donors, as she refers to them, can provide financial support to the organisations that represent vulnerable groups, cross-organisational programmes that address security problems, special units or projects within the security services, public consultation processes, capacity-building or local security surveys<sup>32</sup> without directly designing or implementing crucial policies and reforms excluding domestic involvement. Nevertheless, one can observe a discrepancy here. Given that external actors are generally providers of financial assistance, it would be unrealistic to expect them not to require some formal accountability for the funds they provide. This common practice of the so-called conditionality inevitably leads to undermining of local ownership. As Paris argues “several international agencies have imposed ‘conditionalities’ requiring states to undertake specific economic and political reforms in exchange for economic aid.”<sup>33</sup>

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<sup>31</sup> Chesterman, op. cit in note 25, p. 182.

<sup>32</sup> Nathan, op. cit in note 23, p. 32.

<sup>33</sup> Roland Paris, “International peacebuilding and the ‘mission civilisatrice’”, *Review of International Studies* 28, no. 4 (2002): 644.

Simon Chesterman, Michael Ignatieff and Ramesh Thaur agree that the concept of local ownership is an imperative based on the successful examples of Mozambique, Costa Rica and Singapore where statebuilding processes were all led by strong local elites. Subsequently, this means that statebuilding must be adapted to the local environment where “the importance of foreign assistance [is] being tailored to local needs, where possible channelled through local hands.”<sup>34</sup> They conclude by arguing that “states cannot be made to work from the outside. International assistance may be necessary but it is never sufficient to establish institutions that are legitimate and sustainable. This is not an excuse for inaction, if only to minimize the humanitarian consequences of a state’s incapacity to care for its vulnerable population. Beyond that, however, international action should be seen first and foremost as facilitating local processes, providing resources and creating the space for local actors to start a conversation that will define and consolidate their polity by mediating their vision of a good life into responsive, robust, and resilient institutions.”<sup>35</sup>

Unfortunately, the majority of statebuilding literature focuses on failings rather than successful statebuilding stories. James Dobbins states that Germany and Japan were probably the only two instances of successful statebuilding process due to their highly economically developed societies.<sup>36</sup> Little attention in the statebuilding literature, however, has been given to the practical application of local ownership.

### **1.3 Research Design**

In relation to the previously mentioned literature review, my research will inquire into the role of local ownership focusing on two particular reforms within B&H: defence reform and police reform. Both of the reform processes have been characterized by intense pressure

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<sup>34</sup> Simon Chesterman, Michael Ignatieff and Ramesh Thakur, *Making States Work: From State Failure to State-Building* (New York: International Peace Academy, 2004), p. i.

<sup>35</sup> Ibid., p. 17.

<sup>36</sup> James Dobbins, Keith Crane and John G. McGinn et al, *America’s Role in Nation-Building: From Germany to Iraq* (Santa Monica: RAND, 2003), p. xix.

from the international actors, such as the OHR, OSCE, EU, NATO, etc., and my intention is to examine two prevailing phenomena. First, a discrepancy between the concept of local ownership in theoretical and practical terms. This is analysed against the major debates in the broader literature on statebuilding. An analysis of the key policy documents shows that the international community or external actors do not possess a definition of local ownership in practice. Second, defence and police reforms are the two particular fields where the issue of local ownership can be observed since the concept has been differently displayed within the two reform processes. Given the extensive role of the international community in the two reform processes, the research addresses the issue of different outcomes in the realm of defence and police reforms and the form local ownership takes in these two processes. The particular problem I am faced with is the following: if defence reform in B&H on the one hand has been branded a success and if the creation of a single military force is pointed as a concrete achievement of the international community's involvement in the defence reform process<sup>37</sup> and, on the other, if the police reform process is stalled as the major political parties have not been able to come to an agreement on the issues that would be satisfactory for both entities<sup>38</sup>, one cannot help but wonder if the different degree of local ownership in the two reforms was decisive. Paradoxically, is the lack of local ownership instrumental in the successfulness of the former? Or, conversely, this may be but a short-term success with the pending yet implicit issues swept under the carpet by the executive powers?

In order to understand this discrepancy, I construct my analytical framework based on two (ideal) models of two principles: MMA and executive powers. Namely, the MMA is understood as solely objective and transparent inspection which consists of observing and scanning the performance of duties in order to identify areas where a further support is needed to meet the international and European standards, guidelines, best practices and

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<sup>37</sup> S. Kikic, "Defence Reform and Police Reform Processes in Bosnia and Herzegovina: A Comparative Analysis" (M.A. diss., Central European University, 2007), 23.

<sup>38</sup> *Ibid.*, p. 27.

benchmarks (monitoring); exchange of experiences, information, opinions and best practices (mentoring); professional counselling on topic arising from the monitoring and mentoring experience (advising).<sup>39</sup> In other words, according to the MMA principle the concept of local ownership is of a crucial importance and should be a guiding premise during the reform processes.

The executive powers principle, on the other hand, is based on the previously-created solutions that were expected to be applied and implemented in internationally-assisted societies. The HR to B&H, for instance, still retains the right to the so-called “Bonn Powers” which enable him to impose laws at any level of government and to dismiss any elected or non-elected officials within B&H’s various administrative structures.<sup>40</sup> Illustratively, the OHR has made nearly 900 decisions under the “Bonn Powers” over the last thirteen years<sup>41</sup>. Put differently, according to the executive powers principle the concept of local ownership is neglected as long as there is authority to enforce orders and to ensure they are carried out as intended.

Therefore, in order to understand the issue of different outcomes in the realm of defence reform (Althea mission) and police reform (EUPM mission) and the form that local ownership takes in these two processes, the MMA and executive powers will be a helpful tool in resolving the discrepancy of a successful implementation of defence reform in B&H on the one hand and a relative failure of police reform in B&H. Finally, if the Althea was the military mission to introduce defence reform which was run predominantly by executive powers and if the EUPM mission was a police mission to introduce police reform which was

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<sup>39</sup> Guidelines on Monitoring, Mentoring and Advising (MMA) of EULEX Judges; available from <http://www.eulex-kosovo.eu/docs/justice/MA-guidelines-for-EULEX-Judges%202.pdf>; Internet; accessed 30 May 2010.

<sup>40</sup> Office of the High Representative, “General Information”; available from <http://www.ohr.int/ohr-info/gen-info/#6>; Internet; accessed 3 May 2010.

<sup>41</sup> Bart M.J. Szewczyk, “Occasional Paper: The EU in Bosnia and Herzegovina: powers, decisions and legitimacy”, *European Union Institute for Security Studies* 83 (2010): 7.

MMA-driven, then the concept of local ownership becomes a central issue in determining the entire process given the relatively disparate outcomes of the two reform processes.

Since the paper is a concept-driven research, it employs qualitative strategy of inquiry making use of both interviews and document analysis. Much data rely on primary source materials, i.e. on the interviews conducted with both international and local representatives in B&H who had an important role in defence and/or police reform processes, as well as on the publications provided by them. The interviewees were selected in accordance with the relevance of their scope of work for my research. Most interviews with the representatives of international community (OHR, EUSR, EUPM and OSCE) were scheduled via e-mail, while those with the representatives at the local level were mostly agreed upon during the pilot project in the mid-March 2010. Interviews were designed in a form of open-ended questions which provided me with full and meaningful responses using interviewees' own knowledge and first-hand information about the relevant issues. On the one hand, asking previously-created open-ended questions enabled interviewees to elaborate their responses and on the other they enabled me to analyze and compare their answers more easily. All the interviews took place in professional settings since the interlocutors had been previously informed about the nature and topic of the conversations. Given that the field of defence and police reforms is still a rather sensitive area, the interviews were not recorded, but detailed notes, which provided me with correct and comprehensive information upon the completion of interviews, were taken. The list of interview questions, as well as the interlocutors and their respective institutions are provided in the appendix of the paper. I always begun every conversation from posing general questions or the current state of affairs in their respective areas before raising the issues on controversial matters (e.g. local ownership), which engaged both the interviewer and interviewee in the conversation. During the interviews I remained as neutral and unbiased as possible and tried to make them provide me with relevant information even if

it occasionally required some probing. I also paid close attention to the key words the interviewees used, especially to those related to my research. None of my interlocutors, however, have defined the concept of local ownership. There was a general consensus that there is no common meaning of local ownership since the concept is differently interpreted by the entity, state and international community's officials. In reality there are different modalities of local ownership within defence and police reforms in B&H which depend on a number of overarching factors such as the former political legacy, current political situation and the necessity of having an ethnic majority in the key decisions, all of which are thoroughly elaborated in the third chapter.

Such a concept-driven research will add to the theoretical and practical understanding of complexities of local ownership through a more in-depth understanding of defence and police reforms and the key international and local actors in B&H. Furthermore, the paper is an important contribution to the literature on local ownership for two reasons. First, since most of the analysis focuses on the concept of local ownership and on a closer examination of the international community's role in reform processes, the work as such will contribute to the rhetorical and practical meanings of local ownership, which have been crucial for enhancing the sustainability of the reforms. Second, not only will the research embrace the international community's perception about the concept of local ownership, but the local perception will be incorporated as well. This shift from the international to key local actors will enable readers to understand how the issue of local ownership was operationalised on the local level and in what form it was articulated and implemented.

## CHAPTER 2: DEFENCE AND POLICE REFORMS IN B&H

This chapter is a transition between the previous one which addresses the concept of local ownership in the statebuilding literature and the following one which puts the concept into practice based on the data gathered during the field work. First, this chapter briefly describes the current political situation within B&H focusing on the engagement of the key international actors who have been present on the ground during the defence and police reform processes. Additionally, the chapter shortly gives an overview of defence and police reforms in order to understand the practical applications of local ownership in the two processes later in the paper.

### ***2.1 Current Situation within the Country***

B&H declared its independence from the former Socialist Federalist Republic of Yugoslavia (SFRY) on 1 March 1992 preceded by the 29 February 1992 referendum for independence. The 1992 Bosnian war was, beyond doubt, the cruellest and bloodiest period in the dissolution of the former SFRY which “had cost hundreds of thousands of lives and created over two million refugees and internally displaced persons.”<sup>42</sup> The four-year-long war was ended by the DPA<sup>43</sup>. The Agreement divided a relatively small country with less than the then four million people and the territory of 51,126 square kilometres into two entities - the FB&H (divided into ten cantons) and RS (not divided into cantons). Traditionally multiethnic B&H comprised of Bosnian Croats, Bosnian Muslims and Bosnian Serbs is becoming increasingly more ethnically homogeneous nowadays. RS embraces approximately 88% of Bosnian Serbs, while the Federation mainly consists of Bosnian Croats and Bosnian Muslims. However, the ten cantons belonging to the Federation’s territory are relatively

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<sup>42</sup> CRS Report for Congress, Bosnia and Herzegovina: Issues for U.S. Policy 2005, p. 1.

<sup>43</sup> Office of the High Representative, “The General Framework Agreement for Peace in Bosnia and Herzegovina”; available from [http://www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380); Internet; accessed 3 May 2010.

homogenous. Five of the cantons (Unsko-sanski, Tuzlanski, Zeničko-dobojski, Bosansko-podrinjski and Kanton Sarajevo<sup>44</sup>) are inhabited by Bosnian Muslim majority, three (Posavski, Zapadnohercegovački and Kanton 10<sup>45</sup>) are home to Bosnian Croats majority, and two (Srednjobosanski and Hercegovačko-neretvanski<sup>46</sup>) are still heterogeneous. Furthermore, Annex 2, Article V, of the DPA on 8 March 2000, formed the Brcko District as an autonomous entity and a neutral, self-governing administrative unit that is currently shared territory by both entities, the Federation and RS. Both legal and political entities have their own independent legislative, executive and judicial functions with their own capital, government, president, parliament, customs and police responsibilities.

## ***2.2 Engagement of International Political Actors***

Despite the fact that there has been fifteen years after the DPA was signed, B&H has persistently been an intersection of continuous international engagement by numerous United States (U.S.) and EU political operations and missions. A great and traditionally favoured post-war U.S. involvement in B&H, which has slightly decreased in recent years as a result of the EU's dominant role, has achieved some significant results in B&H reducing inter-ethnic violence, returning many refugees and internally displaced persons to their places of origin, holding democratic elections and creating modern institutions characteristic for today's contemporary countries. In recent years, however, the U.S.'s strong presence is being replaced by the EU which was determined to deploy various military and police missions in B&H through the Common Security and Defence Policy (CSDP). Nowadays the EU is primarily concerned with the stability of the Balkans. The European Security Strategy suggests that "neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all

<sup>44</sup> The original names of the cantons. English translation: Una-Sana, Tuzla, Zenica-Doboj, Bosnian Podrinje and Sarajevo.

<sup>45</sup> The original names of the cantons. English translation: Posavina, West Herzegovina and Canton 10.

<sup>46</sup> The original names of the cantons. English translation: Central Bosnia and Herzegovina-Neretva.



pose problems for Europe.”<sup>47</sup> In other words, the stability and security of the Balkans and consequently B&H bring to stability of the entire Union and its member states.

However, neither U.S. nor EU's international actors nor missions have entirely succeeded in accomplishing the end goal of the international community in B&H. The creation of a steady, homogenous and prosperous country, which would be able to carry out reforms and internal reorganization on its own in order for B&H to succeed on the path of the Euro-Atlantic integrations, has not been viable so far. A great number of reforms was certainly invented, promoted and driven by the international community in B&H and, unfortunately, still require direct or indirect international intervention. It is still to be determined how much the different levels of government<sup>48</sup> are able or interested in continuing the previously-instituted reforms. Looking at the international policy towards B&H from the era of the DPA on the road towards Brussels, it is questionable to what extent this particular approach of the continuous international presence is supportive to the development of B&H as a relatively young and independent state. Furthermore, this approach makes domestic politicians, different levels of government and political parties unable to meet the demands of various reforms and modifications previously-imposed by the international community. If the membership in NATO and EU represents a strategic goal for B&H<sup>49</sup>, it is doubtful whether the present country's set-up will be able to materialize it in reality.

The SSR (including defence and police reforms) has been certainly initiated and driven by the plethora of international actors involved in the process. The involvement of

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<sup>47</sup> European Security Strategy, “A Secure Europe in a Better World”; available from [http://ue.eu.int/cms3\\_fo/showPage.ASP?id=266&lang=EN&mode=g](http://ue.eu.int/cms3_fo/showPage.ASP?id=266&lang=EN&mode=g); Internet; accessed 3 May 2010.

<sup>48</sup> B&H possesses 4 levels of government. The first and the second is the federal level (divided into two entities - RS and the FB&H), the third level is the cantonal level (10 cantons, i.e. 10 cantonal levels characteristic of the Federation only), the fourth level is the municipal level (the Federation is divided in 74 and RS in 63 municipalities) available from [http://lgi.osi.hu/country\\_datasheet.php?id=22](http://lgi.osi.hu/country_datasheet.php?id=22); Internet; accessed 4 May 2010.

<sup>49</sup> Ministry of Foreign Affairs of Bosnia and Herzegovina, “BiH and NATO”; available from [http://www.mfa.ba/vanjska\\_politika\\_bih/multilateralni\\_odnosi/sjevernoatlantski\\_savez\\_nato/bih\\_i\\_nato/default.aspx?id=112](http://www.mfa.ba/vanjska_politika_bih/multilateralni_odnosi/sjevernoatlantski_savez_nato/bih_i_nato/default.aspx?id=112); Internet; accessed 2 May 2010.

both the U.S. and EU's international forces in B&H, such as the OHR, OSCE, NATO and numerous EU's missions, have all used their institutional powers to push the reform agenda forward. Different international actors used different powers in the reform processes in B&H which will be discussed in the pages that follow.

### **2.3 Key International Actors on the Ground**

The 2004 change of NATO Stabilization Force (SFOR) in B&H marked the beginning of the EU peacekeeping mission in the country and the EU's intention to prove its credibility in the field of security.<sup>50</sup> In late 2004 NATO formally concluded its SFOR mission and handed over peace stabilization duties to a European Union Force (EUFOR).<sup>51</sup> However, according to the 2004 International Crisis Group (ICG) report, the EUFOR's mandate had to clearly define its responsibilities in order to avoid the overlap with the other missions in B&H, especially with the EUPM.

One of the country's most high-ranking international actors established by the 1995 DPA is the OHR, which is responsible for overseeing the implementation of the civilian aspects of the Peace Agreement.<sup>52</sup> The HR has considerable supremacy and powers "to remove from office public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit if Bosnia and Herzegovina's legislative bodies fail to do so."<sup>53</sup> In order to mobilize extensive international support, the Peace Implementation Council (PIC) was established in 1995. "The PIC comprises 55 countries and agencies that support the peace process in many different ways - by assisting it financially,

<sup>50</sup> International Crisis Group Report, "EUFOR: Changing Bosnian's Security Arrangements", *Europe Briefing*, no. 41 (2004):1.

<sup>51</sup> CRS Report for Congress, Bosnia and the European Union Military Force (EUFOR): Post-NATO Peacekeeping 2008, p. 1.

<sup>52</sup> Office of the High Representative, "General Information"; available from <http://www.ohr.int/ohr-info/gen-info/#6>; Internet; accessed 3 May 2010.

<sup>53</sup> Ibid.

providing troops for SFOR, or directly running operations in Bosnia and Herzegovina.”<sup>54</sup> At the same time the Steering Board was established aiming at providing the HR with political guidance.<sup>55</sup> The executive HR powers were given to him by the PIC at a conference in Bonn in 1997 and are referred to as the “Bonn Powers”. With its considerable powers, the ORH and EUSR were greatly involved into defence and police reforms.

The EU’s missions on the ground have been generally involved in police reform. One of the EU’s missions has been the Delegation of the European Union to B&H which “plays a key role in the implementation of external assistance to Bosnia and Herzegovina” from its outset in 1996 by promoting the EU’s interests of the chief common policies and providing substantial external financial assistance.<sup>56</sup>

“The intention of the EU’s assistance to B&H has been to modernize the police forces in line with the European standards as well as to improve the effectiveness and better coordination”<sup>57</sup> led to the establishment of the EUPM in January 2003, which followed on from the UN’s International Police Task Force (IPTF). The EUPM has aimed to establish a sustainable, professional and multiethnic police service in B&H<sup>58</sup> and “to reform policing under Bosnian ownership in accordance with best Western/European practices.”<sup>59</sup> The EUPM, the first mission under the auspices of the European Security and Defence Policy (ESDP)<sup>60</sup>, was launched on 1 January 2003 for an initial period of three years. Following an invitation by the B&H authorities, the EU decided to establish a follow-on police mission with a modified mandate and size. The EUPM II lasted for two years (from 1 January 2006

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Delegation of the European Union to Bosnia and Herzegovina, “The EU and BiH”; available from <http://www.delbih.ec.europa.eu/?akcija=clanak&CID=7&jezik=2&LID=22>; Internet; accessed 3 May 2010.

<sup>57</sup> Seminar on Police Reform in Bosnia and Herzegovina, *Security Sector Reform and the Stabilization and Association Process* (Sarajevo: Centre for European Perspective, 2008), p. 9.

<sup>58</sup> European Union Police Mission in Bosnia and Herzegovina, “EUPM Overview”; available from: <http://www.eupm.org/Overview.aspx>; Internet; accessed 3 May 2010.

<sup>59</sup> Michael Merlingen and Rasa Ostrauskaite, “Power/Knowledge in International Peacebuilding: The Case of the EU Police Mission in Bosnia,” *Alternatives* 30 (2005): 305.

<sup>60</sup> Anze Voh Bostic, “The Role of the European Union’s Expert Assistance in the Process of Peace-Building: The Case of Bosnia and Herzegovina,” *European Foreign Affairs Review* 15 (2010): 217.

until 31 December 2007). It has monitored, advised and inspected B&H police forces according to three main pillars, i.e. support to the police reform process, strengthening of police accountability and support to the fight against organised crime. At the end of 2007 the EUPM was extended for another two years (from 1 January 2008 to 31 December 2009). During those two years, the mission continued its work with regard to the three same pillars, with particular emphasis on support to the fight against organised crime. Besides its involvement into activities preventing organised crime, the mission's task has been to assist local authorities in planning and conducting investigations into major and organised crime.<sup>61</sup>

After completion of the NATO SFOR mission in B&H, the EU launched an EU-led military operation known as EU Forces in B&H (EUFOR) through the operation ALTHEA in 2004, as part of the CSDP in support to B&H. Its chief task is to provide a military presence in order to contribute to the safe and secure environment, deny conditions for a resumption of violence, and manage any residual aspect of the Dayton Peace Agreement.<sup>62</sup>

Finally, the OSCE has also been involved in the process of state building in the post-war period in B&H. Even though it has never been directly involved in the reform processes, the OSCE has “continued to play a vital role in strengthening the country's ability to establish a sustainable and stable security and defence environment. Apart from its cooperation and security role, the OSCE works to support the education reform process.”<sup>63</sup> Its major role was to supervise, monitor and advise through organizing elections, fostering sustainable democratic institutions, human rights, regional military stabilization, as well as independent and pluralistic media.<sup>64</sup>

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<sup>61</sup> European Union Police Mission in Bosnia and Herzegovina, “EUPM Overview”; available from: <http://www.eupm.org/Overview.aspx>; Internet; accessed 3 May 2010.

<sup>62</sup> EUFOR ALTHEA, “EUFOR Mission”; available from [http://www.euforbih.org/eufor/index.php?option=com\\_content&task=view&id=12&Itemid=28](http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=12&Itemid=28); Internet; accessed 3 May 2010.

<sup>63</sup> OSCE Mission to Bosnia and Herzegovina, “Mission's Mandate”; available from <http://www.oscebih.org/overview/whatwedo.asp?d=7>; Internet; accessed 2 May 2010.

<sup>64</sup> Marcel Stoessel, *The Role of the OSCE in Bosnia and Herzegovina* (Geneva: The Graduate Institute of International Studies, 2001), p. 1.

## 2.4 Defence Reform in B&H

“The laws and constitutions of the State and entities divide existing institutional arrangements for defence into two distinct competencies: the State level and the entity level. These competencies run parallel with each other, and current arrangements prescribe chains of command and organisational arrangements that extend from both the State level and entity level.”<sup>65</sup> The B&H Constitution does not clearly say that defence is a matter of the state level. Therefore, the two entities, in accordance with their relatively autonomous constitutions, claimed the rights over defence matters. “The entities claimed defence as within their competencies and maintained their own armed forces, which they had established during the war. It led to a de facto military division of the country into two separate defence establishments with two separate armies, namely the Vojska Federacije Bosne i Hercegovine (The Army of the FB&H) in the Federation, and the Vojska Republike Srpske (The Army of Republika Srpska) in RS.”<sup>66</sup> From 2001 onwards there have been serious attempts by the international community to tackle the issue of defence reform B&H, since it was one of the key conditions for the country to enter the NATO’s Partnership for Peace. According to Vetschera and Damian, the international community approached the defence issues through two phases. The first phase “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 the division and establish clearly-defined competencies in defence matters on the state level, including state-level command and control.”<sup>67</sup>

However, not until the HR Paddy Ashdown decided to establish the Defence Reform Commission (DRC) to recommend specific reforms in May 2003<sup>68</sup>, did the international community undertake necessary steps to reform defence in B&H. The DRC killed two birds

<sup>65</sup> Report of the Defence Reform Commission, *The Path to Partnership for Peace* (Sarajevo: The Defence Reform Commission, 2003), p. 42.

<sup>66</sup> Vetschera and Damian, op. cit in note 2, pp. 28-29.

<sup>67</sup> Ibid., p. 30.

<sup>68</sup> Report of the Defence Reform Commission, op. cit in note 65, p. 34.

with one stone. On the one hand, the B&H politicians had a reason to support defence reform since it guaranteed the prospects to enter the NATO's Partnership for Peace. On the other, the Orazo Affair<sup>69</sup> from 2002 gave a firm basis to the international community to reform the armed forces within the country. The establishment of the DRC by the then HR's executive powers "opened the final phase of the international community's efforts in defence reform."<sup>70</sup> The turning point in the entire defence reform process was the abolition of the Entity Ministries of Defence by 2005 issued by the Steering Board as a requirement.<sup>71</sup> The DRC established a number of command and control of military forces; planning and oversight of all aspects of defence and military matters; responsibility for ensuring that entity defence laws, regulations and policies were consistent with State laws, regulations and policies; a State-controlled chain of command embracing commanders of combat and command units, with some remaining entity competencies in the administrative chain of command.<sup>72</sup>

## **2.5 Police Reform in B&H**

Police reform in B&H was another area where the international community became deeply involved in. Until 2003 the reforms were predominantly driven by the UN whose main task was to conduct the certification of police officers employed at the Federation's Ministries of Interior. In the second half of the 2000s, the UN was replaced by the EU forces whose intention was to modernize the police forces and improve their effectiveness. The Functional Review conducted by the EC in 2005 described the B&H's police forces as "divided, over-staffed and not able to cooperate across the entities."

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<sup>69</sup> The aircraft factory ORAO, which was under the authority of the Republika Srpska General Staff and Ministry of Defence, was involved in illegal arms transfers to Iraq in clear breach of the UN embargo. When the affair became public, the HR demanded that BiH establish state control over arms exports. Simultaneously, it was also made clear that effective state control over the military sector would be an absolute prerequisite for any kind of 'normality' in BiH's foreign relations (Vetschera and Damian, op. cit in note 2, p. 32.)

<sup>70</sup> Ibid., p. 33.

<sup>71</sup> Office of the High Representative, "Communiqué by the PIC Steering Board"; available from [http://www.ohr.int/pic/default.asp?content\\_id=34456](http://www.ohr.int/pic/default.asp?content_id=34456); Internet; accessed 4 May 2010.

<sup>72</sup> Vetschera and Damian, op. cit in note 2, pp. 33-34.

Since security is one out of sixteen key preconditions for B&H to enter the European integration process, the EUPM's strategic plan comprises five programs and over twenty projects which are to be implemented. In order to do that, the implementing committees (the so-called PIBO committees) were established at the Cantonal Ministries of Interior, Federal Ministry of Interior, State Investigation and Protection Agency (SIPA) and other state agencies.<sup>73</sup> Moreover, the European Commission (EC) emphasized the importance of police reform at the state and entity level which was one of the main conditions for signing the Stabilisation and Association Agreement (SAA).<sup>74</sup> According to Mr. Flessenkemper, the then HR Paddy Ashdown initiated the idea of police restructuring and established the Police Restructuring Commissions (PRC) since the EUPM was unable to make any changes due to the scattered police structures within the country. The number of negotiations resulted into creating of three governing EU principles:

1. all legislative and budgetary competences for police matters must be managed at the state level;
2. there should be no political intervention over operational police matters;
3. police areas should be established according to the professional technical criteria.<sup>75</sup>

When in 2006 Milorad Dodik won the elections in RS it was once again proved that everything in B&H is a matter of politics. Dodik fiercely opposed the single police structure since neither the DPA nor the Constitution mention that RS should not have its own independent and autonomous police structure. It was the pressure from the international community that convinced Dodik to sign the Mostar Declaration according to which both sides are "to undertake all necessary activities for implementation of the police reform in accordance with the principles of the European Union, and which are indispensable for

<sup>73</sup> Information based on an interview with Mr. Marijan Simic, Deputy Commissary and Chief of Police at the Ministry of Interior of the Una-Sana Canton conducted on 25 April 2010.

<sup>74</sup> Information based on an interview with Mr. Tobias Flessenkemper, Senior Policy Advisor to the Head of the EUPM Mission conducted on 23 April 2010.

<sup>75</sup> Seminar on Police Reform in Bosnia and Herzegovina, op. cit in note 57, p. 9.

continuing the process of association of Bosnia and Herzegovina with the European Union.”<sup>76</sup> Even though several laws were adopted later on, there were no significant steps for the further implementation of police reform.

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<sup>76</sup> European Union Special Representative in Bosnia and Herzegovina, “Mostar Declaration on Police Reform”; available from <http://www.eusrbih.eu/policy-docs/?cid=2109,1,1>; Internet; accessed 5 May 2010.



### **CHAPTER 3: LOCAL OWNERSHIP ON THE GROUND**

The chapter is based on insights from the field work carried out with the representatives of the international community, as well as with the relevant actors on the local level who were directly involved in the process of defence and/or police reforms in B&H. It shows that the concept of local ownership in practice greatly differs from the conceptualisations prevalent in the statebuilding literature embracing the issue. This discrepancy between theoretical and practical applications of local ownership is investigated as follows. The first part analyses concrete documents of the key international organizations in B&H looking for explicit definitions of local ownership. It illustrates that although the concept is central to the international community's discourse, this is not reflected in concrete policy and implementation documents. To understand why there is the absence of local ownership in practice, the second part identifies three overarching obstacles to achieving the concept recognized by the practitioners on the ground. The third part focuses on understanding the form local ownership took in defence and police reforms in particular based on the two approaches: MMA and executive powers. The approaches also proved to be a helpful tool in understanding different degrees of local ownership in the two reforms. Bearing in mind that the two reforms did not achieve full local ownership, the chapter then juxtaposes intelligence reform to defence and police bringing out three factors which explain the higher degree of local ownership in intelligence reform opposed to defence and police. Finally, the concept of local ownership is shifted from the international to domestic actors and understanding and applications of the concept have changed according to different missions and their objectives as well.

### 3.1 Practical Applications of Local Ownership

As one could see from the brief literature review in the second chapter, academic work on statebuilding has tackled the concept of local ownership in abstract terms, but without a common agreement on what local ownership entails. In comparison with the concrete policy applications and formulations of what the principle of local ownership involves in the relevant international community's documents, one is struck with the discrepancy between the concept of local ownership in theoretical and practical terms. The number of policy documents directly addressing the concept of local ownership is, unsurprisingly, modest in size. A much more extensive volume of documents approach the principle of local ownership indirectly by analyzing related themes such as partnership, participation, or aid conditionality<sup>77</sup>. "As currently conceived, local ownership is more of a rhetorical device than a guide to donor officials engaged in SSR."<sup>78</sup> In order to support the argument that practical applications of local ownership have been seriously neglected, I have conducted a survey which analyzed the policy references of the main international organizations in B&H. Following is a summary of findings focusing on the OHR, EUPM and OSCE's key documents referring to local ownership.

Illustratively, even though promoting local ownership by the OHR has been considered as one of the most important factors for durable reform sustainability in B&H, a survey of concrete formulations of what the principle of local ownership entails in their policy documents did not provide many concrete definitions. What it evidently does confirm, however, is the fact that local ownership is frequently used in different documents and contexts. The documents mentioning local ownership are generally interviews, newspaper articles, speeches and various HR's statements. They bring into sharp relief that local

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<sup>77</sup> An Issues Paper, "Local ownership and development co-operation – the role of Northern civil society"; available from [http://www.ccic.ca/files/en/what\\_we\\_do/002\\_aid\\_the\\_role\\_of\\_northern\\_civil\\_society.pdf](http://www.ccic.ca/files/en/what_we_do/002_aid_the_role_of_northern_civil_society.pdf); Internet; accessed 30 May 2010.

<sup>78</sup> Nathan, op. cit in note 23, p. 1.

ownership is exceptionally important without being practically operationalised. This means that the international community's commitment to local ownership does not emphasise practical guidance through strategic plans or operational programs. Instead, the concept of local ownership is highlighted only in abstract terms. Finally, none of the documents define how to practically apply the concept of local ownership.

A 2007 OHR's press release called "Ownership the Key to Durable Stability" and based on Christian Schwarz-Schilling's article "Bosnia Run by the Bosnians",<sup>79</sup> is perhaps one of the texts referring to the principle of local ownership most frequently. The principle of local ownership in this particular article and in the general OHR's rhetoric appears to have broad applicability. The meaning of local ownership remains fairly vague and ambiguous, as several sentences illustrate:

A year ago, at the start of my mandate, I believed that nation-building had reached a watershed and that the "quasi-protectorate" was no longer viable," Mr Schwarz-Schilling wrote. "I argued, therefore, that more than a decade after the end of the war, it was time for the people of this country and their elected leaders to assume full responsibility for their own destiny.

I continue to believe that extensive use of the Bonn Powers would be counterproductive," he wrote. "It would maintain a damaging culture of dependency and prevent locals from forging an authentic and home-grown, post-war political consensus.

I continue to believe in a policy of local ownership, but I also believe that the transition should take longer," Mr Schwarz-Schilling wrote. "There is a risk of importing instability from elsewhere in the region. And there is a risk of internal political paralysis. The local authorities need more time to adapt and the international community will have to show greater patience.

The three instances above point out that the notion of local ownership is indeed quite broad. The first example begins from the premise that local ownership lays in the hands of the country's politicians who are, metaphorically, a cure to all ills. However, this

<sup>79</sup> Office of the High Representative, "Ownership the Key to Durable Stability"; available from [http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content\\_id=39115](http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=39115); Internet; accessed 11 May 2010.

generalization is quite complex on the ground. On the one hand, there is no guarantee that politicians will have sufficient political will to take the responsibility due to different political and/or personal reasons. On the other, those politicians willing to carry the reforms without international assistance normally lack influential lead positions which rid them of adequate human, institutional, material and financial resources that would move the reform agenda further.

In the second instance, the principle of local ownership is brought against the productiveness of the Bonn Powers. This means that their extensive use could immobilize the country's politicians to lead the country and have a leadership role in the long-run. If the internationally-led guidance continues embracing both top-down and bottom-up levels of society, local ownership will subsequently lessen. The final result in that case will not be beneficial. Unless there is ownership by the local levels, internationally-governed assistance will lead to a "culture of dependency" as Rory J. Conces refers to it in his article.<sup>80</sup>

Third, although there are some disparate opinions about the usefulness and effectiveness of the actions taken by the international community in the long-run, "not all of Bosnia's problems...can be attributed to the international administrator's robust authority."<sup>81</sup> It is the international community without which many reforms in B&H would not be possible. However, the HR's discourse emphasizes a relation of supremacy-subordination between the international community on the one hand and B&H on the other. At the same time, the ultimate accountability for potential failures is being transferred to the B&H authorities and politicians, while the HR retains the right to act without being liable to any institution whatsoever.

These instances show that the scope of local ownership has never been clearly defined in the OHR's official account. Provided that there is no precise definition of the concept, it

<sup>80</sup> Rory J. Conces, "Bosnian Culture of Dependency," *Bosnia Daily*, September 26, 2001, Editorial.

<sup>81</sup> Paris Roland, "Saving liberal peacebuilding," *Review of International Studies* 36 (2010): 352.

can be suggested that the OHR's rhetoric still relates local ownership to the process rather than to the content. However, although the concept of local ownership has not been clearly bordered so far, the fact that it was an uninterrupted part of all seven HR's agendas from 1995 to 2010 indicates that local ownership has been continuously present.

Similarly, an analysis of the EUPM's documents on local ownership has witnessed a relatively comparable trend. During the seminar on police reform in B&H "Security Sector Reform and the Stabilization and Association Process", it was pointed out that the "EUPM has helped B&H, through monitoring, mentoring and inspection activities, to build up their own domestic ownership in line with the best European and international practices, with special focus on the state-level institutions."<sup>82</sup> Although the EUPM has stressed local ownership as a highly important component of police reform, the analysis of the concrete documents shows fairly contradictory findings. The corpus selected for the analysis involves the mission's bi-weekly magazine called "Mission Mag" whose aim is to inform the public about the EUPM's undertaken activities. The survey has analyzed 72 issues of "Mission Mags" beginning from the first one published on 1 August 2006 and concluding with the last one published on 21 April 2010 at the moment of writing. I first started from applying content analysis to determine the frequency of the "local ownership" phrase within 72 previously-mentioned publications. Not only did it enable me to quantify the presence of the concept, but also to critically approach the meanings and relationships of local ownership. Finally, it resulted in determining two phenomena. First, the frequency of local ownership usage significantly differs over the course of four years. Second, the changing political context was observed. When completed, the survey has shown that only 7 out of 72 published Mission Mags have used the phrase local ownership. Put differently, local ownership

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<sup>82</sup> Seminar on Police Reform in Bosnia and Herzegovina, op. cit in note 57, p. 11.

comprises a low percentage of less than 10% and it is mentioned once per magazine issue on average.

Table 1 below illustrates different contexts in which local ownership is used across the Mission Mags issues. Furthermore, it demonstrates two important trends. First, it shows that the EUPM's rhetoric and emphasis on local ownership was more emphasised and encouraged in the early days of the mission's presence in B&H. Namely, the first three issues tackle the issue of local ownership in different contexts, after which the number slightly and later considerably decreases. After 2008 it was not mentioned again. Second, the context in which local ownership is used tells us that the principle is a customary EUPM's doctrine since the mission has been certainly persistent in emphasizing the importance of local ownership. However, achieving the principle in reality tends to be more challenging.

**Table 1. Contexts in which local ownership is mentioned**

<b>CONTEXT<sup>83</sup></b>	<b>Local involvement without international community</b>	<b>Importance of local participation</b>	<b>EUPM's emphasis of local ownership</b>
<b>Mission Mag no 1., August 2006</b>	"a good example of local ownership with police planning and performing the operation based on intelligence without any international assistance needed despite the scale of the operation."		
<b>Mission Mag no 2, August 2006</b>		"For without local ownership of the peace process, unless BiH citizens take control of their own destiny, this	

<sup>83</sup> All issues of the Mission Mags are available from <http://www.eupm.org/MissionMag.aspx>; Internet; accessed 10 May 2010.

		country cannot take its relationship with the European Union forward.”	
<b>Mission Mag no 3, September 2006</b>			“This is a promising illustration of the mission's efforts to enhance local ownership and strengthen the transparency and accountability of the BiH police.”
<b>Mission Mag no 17, April 2007</b>			“The police reform must be based on local ownership and strong leadership by local politicians.”
<b>Mission Mag no 24, April 2007</b>			"By granting it a reinforced role, we will further strengthen the local ownership of the PSB."
<b>Mission Mag no 26, September 2007</b>			“The new approach coincided with the refocused mandate of the EUPM - strengthening of the local police accountability and local ownership.”
<b>Mission Mag no 36, February 2008</b>		“First and foremost it is for the BiH government to take responsibility for this. It is their police...But let me repeat that the main responsibility lies with BiH authorities. This is a typical example of local ownership.”	

A similar trend can be perceived in the documents by the military operation EUFOR Althea responsible for maintenance of the safe and secure environment in B&H. Even though local ownership is one of the EUFOR's doctrines, not many documents refer to the concept of local ownership itself. One of the rare ones is the mission's mandate and objective. The document does not provide a definition of local ownership, but iterates EUFOR Althea's dedication to fostering local ownership and capacity, as well as “the importance of Member

States continuing to provide the necessary resources for the ongoing Operation's executive role.”<sup>84</sup> Furthermore, another two crucial documents were analyzed, namely DRC 2003 Report and DRC 2005 Report. Surprisingly, DRC 2003 Report does not mention local ownership at all, while DRC 2005 Report does but only in purely legal terms in Article 70 as Transfer of Immovable Property.<sup>85</sup>

The notable commitment to local ownership by the OSCE can be seen in a number of documents mentioning the concept. Since the OSCE is an active participant in four main fields, namely security and cooperation, education, human rights and democratization, the texts referring to local ownership range from statements and newsletters, educational and municipal programs to ownership in regard to property. A relevant document for this analysis was the Co-operation Agreement on Local Government Assistance in South East Europe concluded between the OSCE and the Council of Europe<sup>86</sup> which suggests that local ownership is to be orientated towards strengthening national institutions. However, a 2010 newspaper interview by the Brigadier General Ulrich Heider, Director of the Department of Security Cooperation, corroborates the lack of local ownership in everyday practice on the ground. The behaviour of the B&H politicians and their fake care for the reforms slows down the B&H progress towards the European integrations which results in the absence of cooperation among politicians, officials and citizens. The acceptable level of ownership would be if B&H maintained security issues by itself calling on the international partners only under extraordinary circumstances. The main obstacle to this full ownership so far is the constant politicization of security challenges that would otherwise be resolved quite

<sup>84</sup> European Union Common Security and Defence Policy, “EU military operation in Bosnia and Herzegovina (Operation EUFOR ALTHEA)”; available from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/missionPress/files/100426%20Factsheet%20EUFOR%20Althea%20-%20version%2021\\_EN.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/100426%20Factsheet%20EUFOR%20Althea%20-%20version%2021_EN.pdf); Internet; accessed 13 May 2010.

<sup>85</sup> Defence Reform Commission 2005 Report, “AFBiH: A Single Military Force for the 21st Century”; available from <http://www.jfcnaples.nato.int/sa/documents/Report2005-eng.pdf>; Internet; accessed 18 May 2010.

<sup>86</sup> The Organization for Security and Cooperation in Europe, “Co-operation Agreement on Local Government Assistance in South East Europe between the OSCE and the Council of Europe”; available from [http://www.osce.org/documents/sg/2005/11/16998\\_en.pdf](http://www.osce.org/documents/sg/2005/11/16998_en.pdf); Internet; accessed 14 May 2010.



practically. For example, Brcko District, RS and the FB&H's cantons enforce eleven different laws governing the possession and legal use of weapons, ammunition and explosives. There is no State level law which would ensure that these laws are harmonized, that they overlap where necessary and cover any existing gaps that likely exist.<sup>87</sup>

More generally, the concept of local ownership is central to the international community's vocabulary and discourse in a variety of documents. As the instances above have shown, however, there are no concrete policy formulations or applications of what the principle of local ownership is in the relevant international community's documents. Three conclusions can be drawn from this. First, all international actors on the ground have accentuated the importance of local ownership in a number of their mission statements documents. Second, local ownership seems to have served as a rhetorical device without much effort put into the concretisation of what implementation option it should envisage. Third, little attention has been given to practical applications of the local ownership agenda.

### **3.2 Limitations to Local Ownership in Practice**

In the B&H's post-conflict internationally-assisted society, which has been one of the first, most durable and financially most supported ones<sup>88</sup>, the discourse of local ownership has increasingly become part of everyday vocabulary of both the international community and local levels of government. As previous paragraphs have shown, the meaning and practical applications of local ownership remain frequently discussed. Fifteen years after the DPA and after the international community put its foot on the Bosnian land, the issue of local ownership continues to be one of the key challenges for both practitioners and theoreticians. While it is preferable that local actors take control over SSR accompanied by a realistic

<sup>87</sup> Brigadier General Ulrich Heider, Director of Department of Security Co-operation in the OSCE Mission to B&H in the interview for "Vecernji List" in February 2010; available from <http://www.oscebih.org/public/default.asp?d=6&article=show&id=2405>; Internet; accessed 28 May 2010.

<sup>88</sup> Roland Kostic, "Nationbuilding as an Instrument of Peace? Exploring Local Attitudes towards International Nationbuilding and Reconciliation in Bosnia and Herzegovina," *Civil Wars* 10, no. 4 (2008): 386.

assessment of local capabilities and of local willingness to carry out these roles effectively and impartially<sup>89</sup>, a view from the field<sup>90</sup> identified three overarching obstacles to achieving local ownership in practice. Analysed in depth in the following sections, these can be put in three clusters: first, the current political situation combined with the absence of political will; second, the former Yugoslav legacy and post-war period; and third, the necessity of having an ethnic majority in the key political decisions.

### 3.2.1 Current Political Situation and Absence of Political Will

If we diverge from the academic and scholarly debate on practical applications of local ownership, it is the political debate in B&H that matters for understanding the intricate nuances of defence and police reforms. The current political situation and the absence of political will is one of the limitations to local ownership that became evident while conversing with the international community's representatives in particular. The implementation of defence and police reform has encountered much opposition from political parties and politicians. There are several arguments in favour of this statement. On the one hand, a denying and negative attitude of the B&H politicians towards the successful implementation of the reforms reflects the gap between politicians' personal preferences and the country's benefits. "There are too many personal goals by politicians to be fulfilled, too many relatives' benefits that precede the long-term goals of the EU and NATO membership."<sup>91</sup> On the other, there is a constant lack of transparency, definitely an attribute of today's Bosnian reality, which is known to be the key requirement on the way to the European integration process. Politicians in B&H prefer the current situation since "they can still conduct things the way they would like to. But the closer B&H approaches to the EU, the

<sup>89</sup> Annika S. Hansen and Sharon Wiharta, *The Transition to a Just Order - Establishing Local Ownership After Conflict: A Policy Report* (Stockholm: Folke Bernadotte Academy, 2007), p. 11.

<sup>90</sup> The interviews with the representatives of the international community and local authorities were conducted in Sarajevo and Bihac from 19-28 April 2010.

<sup>91</sup> Interview with Mr. Johannes Viereck, Head of Politico-Military Section at the EUSR/OHR in Sarajevo conducted on 21 April 2010.

more transparent implemented actions will have to be displayed.”<sup>92</sup> Given that B&H is ahead of the European integrations, any further lack of transparency and failures to follow the legally imposed practices may threaten the current reform processes. Not less worrying are the political structures who work for their own benefit rather than for the benefit of the country. Such an environment decreases the level of local ownership and makes the reforms less sustainable.

### **3.2.2 The Former Yugoslav Legacy and Post-War Period**

The second overarching obstacle identified on the ground that stands in the way to achieving full local ownership is the former Yugoslav political legacy and unfortunate post-war period in B&H. Prior to the collapse of the SFRY, its ground forces were numerous. At that time defence was practically “a state within the state”. It consisted of a vast number of army members, personnel and military units which required high amounts of financial expenditures from the country. The same approach, intentionally or unintentionally, tried to be adopted in defence matters after the 1992 Bosnian war. However, a small country such as B&H, with its poor economy and unstable government, could not afford high military expenditures, which was emphasised by the international community on numerous occasions.<sup>93</sup> Additionally, the post-war period, generally characterized by failed or very weak state institutions with very little or no domestic input, corruption and organized crime, further limited achieving full local ownership in the reform processes. It resulted in the fact that B&H and its leaders were faced with the lack of adequate rules and sets of laws which gave rise to bending or ignoring the regulations imposed by the international community. The issues of the former inherited Yugoslav system and the post-war state are not acceptable nowadays. According to the OHR approach, the two can be the main obstacles to further

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<sup>92</sup> Ibid.

<sup>93</sup> Interview with Mr. Johannes Viereck, op. cit in note 91.

reforms. They are perhaps the best examples of the so-called “vicious circle” which represents a “situation in which the solution of one problem gives rise to another, but the solution of this brings the first.”<sup>94</sup> If so, is there anything that the OHR or international community in general can objectively do to change the current situation?

### 3.2.3 Ethnic Majority in the Key Decisions

One could see from the previous chapters that there are disparate approaches towards local ownership in theoretical and practical terms. While the former argues that local ownership is an essential factor of any sustainable SSR strategy, the latter suggests that in practice reforms remain driven largely by international actors with minimal domestic input. However, “there is an emerging consensus that some degree of local ownership is a necessary if not sufficient condition for successful SSR.”<sup>95</sup> However, the field work has revealed that the practitioners on the ground believe that there is no such thing as the level of local ownership. “The success of reforms in B&H does not depend on the level of local ownership, but on the ethnic-national groups, their personal interests and political will.” As previously mentioned, B&H comprises of three ethnic groups, Bosnian Croats, Bosnian Muslims and Bosnian Serbs, which further contributes to the complexity of the problem. Bosnian Serbs, who constitute approximately 33% of the population, want to transfer and remain all competencies at the Republika Srpska entity level. The majority of approximately 52% Bosnian Muslims endorse a more centralized system and hope to keep the competencies in the capital city of Sarajevo. Finally, the smallest number of approximately 15% Bosnian Croats generally feels threatened by the two former and larger groups. “Bosnian Croats constitute the smallest percentage of the population, but they always desire to have an equal say in the government.” Bearing this in mind, two major conclusions follow. First, local

<sup>94</sup> Michael Agnes and David B. Guralnik, “Vicious Circle” in *Webster's New World College Dictionary*, 4<sup>th</sup> edition, 2007.

<sup>95</sup> Timothy Donais, “Inclusion or Exclusion? Local Ownership and Security Sector Reform”, *Studies in Social Justice* 3, no. 1 (2009):124.

ownership has a highly political character which provokes different implications between the two entities. Second, local ownership is based on the political interests rather than local needs, which will be illustrated in the following paragraphs.

During defence reform (2002), the pressure of the international community on its successful completion was higher than it was during police reform. The early 2000s saw George W. Bush as the newly inaugurated president of the U.S., with the traditionally strong influence of the American Democrats on B&H still largely present. Moreover, it was also the period when the nationalistic-oriented SDS party (Serbian Democratic Party) headed by Cavic, Ivanic and Mikerevic was in power in the RS. Perhaps it was a fortunate situation for the country since the then “SDS’s leaders were submissive to the international community’s demands.”<sup>96</sup> Apart from the strong international pressure to agree on defence reforms, the RS politicians’ supported on the premise that its successful implementation guaranteed the prospects to enter the NATO’s Partnership for Peace. On the other hand, during police reform (key year 2005), the world affairs were significantly different. It was the time when George W. Bush was at the beginning of his second term in the American administration and when the international community was less involved in B&H due to other peacekeeping missions. It was also the period when the ethnic-oriented politicians in both entities were in power. In the FB&H it was Haris Silajdzic, who still directly opposes the existence of RS, and who at the time wanted to have police forces on the state level. On the other hand, the RS's Prime Minister, Milorad Dodik, fiercely opposed having a unified police force. His interest was rather to keep two independent and autonomous entity police divisions which would strengthen the RS’s independence from the FB&H. Once again political opposition and self-

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<sup>96</sup> Interview with Mr. Nedžad Smailagic, Rule of Law Monitor at the OSCE in Sarajevo conducted on 22 April 2010.

interests were central reasons for having different levels of local ownership in the reform processes.<sup>97</sup>

Moreover, the OHR does not favour the type of local ownership that either RS or the FB&H envisage for two reasons. On the one hand, RS prefers local ownership at the entity level which would bring them a great level of independence from the FB&H and the rest of the country. On the other, the idea of local ownership that the FB&H advocates is traditionally related to the concept of having a centralized state system that would bring them majority in the key decisions. Arguments in favour of ideal type of local ownership do not exist. “There is no ideal type of local ownership anywhere else in the world and it certainly cannot be adopted equally in different areas.”<sup>98</sup>

### ***3.3 Institutional Mechanisms Used***

The previous chapters have revealed that there is a discrepancy between the concept of local ownership in theoretical and practical terms shown by analysing major debates in the broader literature on statebuilding and concrete policy applications. It seemed thus necessary to empirically investigate the politics of the internationally-assisted reform processes and the concrete meaning of local ownership therein to bring out their changing and at times contradictory logic. The field work has shown that the most adequate way to systematise this is to construct a framework based on two dominant models or approaches that to various degrees inform the internationally assisted reform: monitoring, mentoring, advising (MMA) and executive powers. The framework has also proved to be adequate to understand the issue of different outcomes in the realm of defence reform (Althea mission) and police reform (EUPM mission) and the form local ownership took in these two processes. Moreover, the practitioners on the ground also used the two mechanisms as a helpful tool in resolving the

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<sup>97</sup> Interview with Mr. Nedžad Smailagic, op. cit in note 97.

<sup>98</sup> Interview with Mr. Johannes Viereck, op. cit in note 91.

discrepancy of a successful implementation of defence reform in B&H on the one hand and a relative failure of police reform on the other.

### 3.3.1 MMA vs. Executive Powers

Most reforms in B&H, including defence, police and intelligence reforms, were initiated through executive powers, i.e. executive powers instituted their contours and end results.<sup>99</sup> To own executive powers in B&H means to have power to impose laws and reforms, which is still politically and legally extremely disputable. For instance, HR to B&H retains executive or the so-called “Bonn Powers” which enable him to impose laws at any level of government and to dismiss any elected or non-elected officials within B&H’s various administrative structures. On the other hand, the OSCE is an example of the institution which has strong political influence, which generally offers necessary practical solutions (e.g. proposes better government bills) and provides technical help (e.g. available funds), but has no executive powers.<sup>100</sup> Although the two institutions cooperate well, especially in the field of defence and police reforms, the OSCE’s mission is solely based on the MMA principle. As well as is the EUPM’s. This issue of institutional mechanisms used by the international community was frequently addressed by the respondents during the field work. First, there was a general consensus among them that executive powers function more efficiently. Second, the arguments in favour of executive powers were provided.

The EUPM, which was fully led by the MMA principle, has struggled with some difficulties from its early days. First, the EUPM decided to take over from the UN mission, but not to continue with a number of reforms and programs preceded by the UN’s IPTF which had been engaged in police structures for seven years.<sup>101</sup> Instead, it was determined to start the new ones from the very beginning. In addition, the focus of the EUPM has altered as

<sup>99</sup> Interview with Mr. Johannes Viereck, op. cit in note 91.

<sup>100</sup> Interview with an OSCE member in Bihac conducted on 26 April 2010.

<sup>101</sup> Ana E. Juncos, “Police Mission in Bosnia and Herzegovina”, In *Evaluating the EU’s Crisis Missions in the Balkans*, ed. Michael Emerson and Eva Gross (Brussels: Centre for European Policy Studies, 2007), p. 51.

the head of mission changed, which disabled them to carry out one interrupted strategy from the very outset. Second, there was no durable strategy that would, at the same time, take into consideration both the local mentality and aim at long-term liability of police forces. Third, the newly-instigated projects and programs failed to include the representatives of local levels into activities decisive for future sustainability and accountability of police reform. Instead, the focus was moved to the state level using the top-bottom approach. However, granted the entire country's set-up at the time, the bottom-up approach would have been more functional since it would have taken actions from the local to state level.<sup>102</sup> One of the main challenges the EUPM had to cope with was the absence of executive powers which caused many difficulties at the local level. First, although the mission was supposed to monitor and report progress, initiate cooperation with the local authorities and encourage public interest, there was the lack of cooperation between the EUPM and the local level. On the one hand, EUPM did not take the people's mentality and domestic political environment into consideration. Namely, the majority of implemented programs resembled a "boilerplate"<sup>103</sup>, i.e. programs that were based on the patterns which succeeded elsewhere in the world. Instead of identifying the real needs within SSR, the international community has been doing an experiment in B&H combining and testing different programs. Furthermore, the local levels were outraged with the progress reports sent to the EC, which generally failed to depict the actual situation on the ground. They were written by a person appointed from Brussels who drew the conclusions based on a few days spent in the field with the people who did tangible work. On the other hand, the local level was also partially to blame. First, the local authorities did not pay enough attention to the documents the EUPM created and wrote, let alone read them thoroughly. Finally, the local authorities are also to blame for refusing new initiatives which require time to become applied from theory into practice.

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<sup>102</sup> Interview with Ms. Amra Hadzimehmedovic, Former EUPM Nationalism Officer in Bihac conducted on 27 April 2010.

<sup>103</sup> Ibid.



A number of policy recommendations suggest that the MMA principle is the most adequate way to ensure that local ownership is not neglected. Indeed it would be favourable if the degree of international authority remained in the range of monitoring, mentoring and advising. However, some practitioners on the ground acknowledge that B&H is still the country which needs executive powers. There is a great disproportion between checks and balances because of the rights given to the ethnic groups. Only when constitutional reform takes place, executive powers will no longer be needed or legally acceptable. For the time being “executive powers seem to be more effective.”<sup>104</sup>

### ***3.4 Juxtaposing Intelligence Reform to Defence and Police***

Experiences of intelligence reform in B&H highlight both similarities and differences in comparison to defence and police reforms. What was comparable among them was the fact that the two entities held their military and civilian intelligence agencies “modelled on the former Yugoslav intelligence services.”<sup>105</sup> In May 2003, at the same time when defence reform took place, the decision of the HR to establish the Expert Commission on the Intelligence Reform was passed and the first law drafts started to be issued.<sup>106</sup> On the contrary, there are three basic factors which distinguish intelligence reform from defence and police. The concrete examples from the ground described in the following paragraphs demonstrate that a moderately different approach to the intelligence reform has led to a higher degree of local ownership and greater sustainability of the reform in the future.

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<sup>104</sup> Interview with Mr. Nedžad Smilagic, op. cit in note 97.

<sup>105</sup> Vetschera and Damian, op. cit in note 2, p. 35.

<sup>106</sup> Office of the High Representative, “Peace Implementation in BiH: May 2002 - May 2004”; available from <file:///C:/Documents%20and%20Settings/admin/My%20Documents/Downloads/dwnld.html>; Internet; accessed 26 May 2010.

### 3.4.1 Factors That Foster Local Ownership

Since local ownership is seen as a prerequisite for success and sustainability of reforms, the research aimed to gain insights into what the international and domestic actors involved in SSR regarded as factors that increased the level of local ownership. They identified three basic factors decisive for the higher level of local ownership in intelligence opposed to defence and police reform: first, domestic initiative; second, lesser media exposure; third, isolation from politicized debates.

Intelligence reform in B&H came about thanks to many factors. One factor was post-9/11 U.S. pressure on RS to reform (U.S. headed the earlier FB&H intelligence reform resulting in FOSS - the B&H Federation Intelligence-Security Service). Another factor was a genuine wish by the then RS President Cavic (SDS) to rein in the RS security services, which to a large extent did not report to the RS President as the RS constitution required, but rather to authorities in Belgrade (this was mostly aimed at defence, but Cavic also had problems with intelligence). Thirdly, some OBS (RS civilian intelligence service at the time) personnel took these two factors into account while also being interested in securing their jobs for the future. They therefore came to the OHR genuinely interested in exploring the possibilities of reforming their service, which they knew meant unifying OBS with FOSS into a state-level agency. Although intelligence reform had a constant international guidance and the involvement by Paddy Ashdown himself, it was strong and committed domestic involvement that greatly contributed to its high degree of local ownership.<sup>107</sup> The initiative to eliminate the two entity intelligence structures in order to create a single intelligence agency (what is today Intelligence and Security Agency - OSA) was commenced by civilians. This proposal proved to be of a crucial importance.

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<sup>107</sup> Interview with Mr. Johannes Viereck, op. cit in note 91.

The second factor that contributed to success and high degree of local ownership in intelligence reform was significantly less media exposure and great public attention. Comparing media publicity of the Commission on the Intelligence Reform to the Defence or Police Reform commissions, the practitioners on the ground acknowledge that the Commission on the Intelligence Reform worked with much less publicity than the other two. It was also underlined that all the reforms in B&H that became much media-exposed (especially police reform) generally possessed a lesser degree of local ownership.

Finally, intelligence reform was isolated from the highly political debates and ethnic unrests through silent diplomacy and patience, which to a larger extent was not achieved during police reform. Opposed to intelligence, police reform was greatly media-exposed. For instance, all the meetings were publicized and disclosed to the wide audiences with the tendency to receive “historical importance”.<sup>108</sup> The efforts to expose them publicly brought much unnecessary external pressures calling for negative political and ethnic involvement. Ultimately, police reform got engaged in a number of highly politicized debates.

### ***3.5 Understanding and Applying Local Ownership by Domestic Actors***

Many reforms that took place in the post-war B&H were imposed by international community. It was also the international community which promoted the idea of local ownership, especially HR Petritsch during his 1999-2002 mandate. Domestic actors, on the other hand, followed it and as a result have internally changed their policies and structures. Since the majority of policies were designed by external donors, domestic authorities have frequently lacked the expertise to carry them out effectively. The following paragraphs will briefly illuminate cooperation between the EUPM and the Ministry of Interior of the Una-Sana Canton<sup>109</sup>. It will focus on: first, the changes implemented by the UN and EUPM;

<sup>108</sup> Interview with Ms. Amra Hadzimehmedovic, op. cit in note 102.

<sup>109</sup> Besides the Federal Ministry of Interior, the Ministry of Interior of the Una-Sana Canton is one out of ten ministries of interior in the FB&H.

second, on the lack of proper training and education. Both activities shed the light on the degree of local ownership in police reform in this particular case.

### 3.5.1 UN vs. EU Reforms on the Local Level

Despite the sheer number of international actors in B&H, the UN and EU have been the leading actors in police activities on the ground.<sup>110</sup> Their approaches towards police restructuring differed which resulted in different levels of local involvement and transfer of responsibility. The key reform by the UN conducted by 2003 resulted in several modifications that were important for transferring long-term liability to the local level. One of the modifications was the certification of police officers which required fulfilling 72 conditions of police restructuring and creating conditions for respecting citizens' human rights.<sup>111</sup> The Ministry of Interior of the Una-Sana Canton, for instance, was the first one certified in the country. Additionally, the reforms conducted by the UN used a new concept of police performance which was beyond comparison to the former traditional way of police functioning. Such a reform named "Policija služi građanima i javnosti" ["Police serves to its citizens and public"] embraced a different approach towards police as an institution, towards a police officer (the aim was to create a doctrine of cooperation between the police and community, i.e. a universal policeman able to perform all tasks and able to successfully cooperate with the citizens) and toward international cooperation.

The EUPM mission that followed brought a brand new strategic plan whose goal was not to continue the task the UN had started. It aimed at implementing five programs and over twenty projects which required the creation of the implementation committees (PIBO committees) at the cantonal Ministries of Interior, Federal Ministry of Interior, SIPA and other governmental agencies. However, the programs and projects, which ultimately resulted

<sup>110</sup> Ursula C. Schroeder, op. cit in note 11, pp. 209-210.

<sup>111</sup> Interview with Mr. Marijan Simic, op. cit in note 73.

in adopting the European best practices and techniques and departmental restructuring, seemed to have a lesser degree of local ownership because EUPM will remain present as an advising mission of the police forces in B&H even after the end of its mandate in 2011.<sup>112</sup> Bearing in mind the fact that EUPM will remain present in B&H as an advising mission (through IPA funds) and engage in the special EU programs (such as twinning programs) means that responsibility has not been fully transferred to local levels yet. Moreover, the recent regionalization of the EUPM offices in the country which will be addressed below indicates precisely that.

### **3.5.2 Education and Training**

In the statebuilding literature education and training emerge as essential elements for transferring responsibility to local actors and making reforms sustainable in the long-run. In this manner, they also play a considerable and necessary role in enabling local actors to conduct the reforms independently without external assistance. However, the feedback from the ground shows that over the past ten years police forces have not been systematically trained or educated.<sup>113</sup>

Majority of the reforms in B&H, including police, were designed by external donors. Thus both the UN and EUPM, which were involved in the police reform process, were required to provide vital trainings and education for newly restructured police forces. The emphasis of the UN's educational programs was mainly on the certification process of police officers, promoting human rights, preventing domestic violence and understanding the new Criminal Code. These trainings, according to the practitioners in the field, were useful at the beginning of the restructuring process. Appropriate trainings on the key issues, such as organized crime and corruption, were lacking and only basic education on the issues was

<sup>112</sup> Interview with Mr. Tobias Flessenkemper, op. cit in note 74.

<sup>113</sup> Interview with a staff member of the Ministry of Interior of the Una-Sana Canton in Bihac conducted on 26 April 2010.

provided. It remains crucial to integrate such training into the domestic structures in order to increase liability of the local actors and make the reforms effective and efficient. In the absence of education and trainings by the international actors, domestic actors delivered various educations for their personnel. The domestic training-providers were usually highly-ranked officials who performed them on voluntary basis. Moreover, the trainings were self-prepared and unpaid. In summary, the lack of training by international actors undermines the widespread intention to progress towards sustainability, accountability and further development of the independent country institutions. Without proper education it will be difficult to avoid political interference and adhere to internationally recognised standards and best European practices.

Another occurrence that could lead to insufficient education in the future is the recent regionalisation of the EUPM offices throughout the country. Namely, up until December 2009 the EUPM had its lot in Bihac<sup>114</sup>, which was then closed and merged with the regional office in Banja Luka, RS. Today their representatives visit the Ministry of Interior of the USK three times a week to follow: first, progress and success of the current programs and projects (particularly those on corruption and organized crime); second, possible misconducts of the local authorities that could undermine the EUPM's operation there. The regionalisation, however, could lead to even greater decrease of relevant trainings for the Ministry in the future.

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<sup>114</sup> Bihac is the centre of the Una-Sana Canton where the Ministry of Interior of the Una-Sana Canton is located.

## CONCLUSION

The goal of this paper was to analyse the dissimilar forms and modalities of local ownership in defence and police reforms in Bosnia and Herzegovina, as well as the extensive role of the international community in the two reform processes. It first presented the statebuilding-related literature on local ownership delineating the concept in its theoretical terms. The paper then outlined the current political situation in the country focusing on the main international actors who have been actively engaged in defence and police reforms. The in-depth analysis of their key policy documents together with the findings from the field work, gathered from both the international and local actors, helped creating an analytical framework based on two opposite mechanisms: monitoring, mentoring, advising (MMA) and executive powers. They proved to be helpful tools to observe whether they foster or undermine local ownership. The opinions, factors and attitudes of the relevant international and domestic actors that went beyond the rhetoric on local ownership brought a better understanding of a discrepancy between the concept in theoretical and practical terms.

Even though the literature and international community place a constant emphasis on the general attributes of local ownership, the practitioners seem to distinguish between different modalities and forms of the concept in reality. The very different understanding of local ownership from the ground witnesses that the concept does not depend on the mechanism the international community has used. It rather depends on a number of overarching factors, such as the former political legacy, current political situation and the necessity of having an ethnic majority in the key decisions, all of which describe the B&H reality today. In addition, there is no full commitment by all local actors either. As long as local ownership is differently interpreted by the entity, state and international community's officials, it will be difficult to reach it and move the reform agenda further.

One could also say defence and police reforms have come a long way since the days of their initial commencement under the auspices of the international community. Undeniably. But regardless of the role the international community has played in both processes, there are slight chances that the degree of local ownership will be satisfactory and that the reform processes will be successful in the long-run unless there is a systematic education, fully-developed strategy and willingness by local actors to take responsibility. One could also say that B&H would have been better off without the international community and the reforms it has imposed so far. However, one should also not withhold credit that the international community deserves for the actions the local actors should have not been able to carry out granted the country's institutional set-up.

These findings will contribute to the literature on local ownership in two ways. First, they contribute to the discursive and practical meanings of local ownership considering in detail how the principle is differently understood and applied by international and domestic actors. This shift from the international to local actors will enable readers to understand how the issue of local ownership was operationalised on the local level and in what form it was articulated and implemented. Second, it offers a justification for different levels of local ownership in defence and police reforms based on the interviewees' personal and professional knowledge about the legacy and current political situation within the country.

The main limitation in research was a relatively short time period spent in the field which limited the amount of information gathered. Due to time constraints it was difficult to contact all the interviewees for the follow-up questions, even though most of them were additionally contacted. However, a longer period of time spent in the field would enable me to collect more insights and better data.

Finally, while there is a constant emphasis on ensuring local ownership in internationally-assisted societies in the literature, there seems to be very little research on



practical applications of local ownership in highly-fragmented societies along the ethnic and national divisions. In order to move from rhetorical to more practical applications of local ownership, there is a need to continue the research process in this decisive area.

## APPENDIX 1: PRE-INTERVIEW AGENDA

**Place, date and time:** \_\_\_\_\_

**Interviewee:** \_\_\_\_\_

**Organization/institution:** \_\_\_\_\_

**Position held:** \_\_\_\_\_

<b>INTERVIEW QUESTIONS</b>
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Below are common questions that will be asked in every interview situation. However, depending on the nature of interviews, additional questions may be asked. Non-verbal observations, interviewees' experiences and other relevant information will also be noted down.

**Background information:**

1. Tell me a little more about the duties of your present/last job and what are/were the major responsibilities in your present/last job?

**Current situation:**

2. How does the current situation of police/defence reform look like?
3. How much are you/your organization satisfied with the current situation?
4. Up to what extent were you able to accomplish the goals that police/defence reform was initially accounted for?
5. How do you define success of reforms? Would you say that police/defence reform was successful and up to what extent?

**Past situation:**

6. Tell me about the time when you had to struggle with the reform implementation. What/Who were the main obstacle and how did you overcome them?
7. What was the feedback or reactions by the local actors/institutions/citizens?
8. Have you experienced that defence/police reform has been complicated by the large number of international actors involved in the process or was it a fortunate situation to have them a large number of them?

9. Since the reform processes in B&H have been driven predominantly by the international community, what was the role of local levels of governments in the process of reform implementation?
10. Were the B&H authorities involved in the design and implementation process of the reforms?
11. Who is responsible for evaluating the implementation and according to which benchmarks?
12. Defence and police reforms are the two particular fields where the issue of local ownership can be observed. What is, in your opinion, the current level of local ownership in defence/police reforms in B&H? Could you provide an example?
13. It is said that police and defence reforms had somewhat different outcomes. I wonder if the different degree of local ownership in the two reforms was decisive. Could you provide an example?
14. What was, in your opinion, a better approach of the international community/actors to coping with the situation: monitoring, mentoring and advising or executing previously-created solutions that have been previously implemented in internationally-assisted societies?

**Future situation:**

15. What is your general impression of the defence/police reforms today?
16. Is there something that should have been done differently? What?
17. How will the implemented reforms influence the development of B&H as an independent state?
18. What do you think about the Bosnia “Protectorate”?

## **APPENDIX 2: INTERVIEWS AGENDA**

- Mr. Johannes Viereck, Head of the Politico-Military Section, OHR/EUSR, Sarajevo, 21 April 2010.
- Mr. Nedžad Smailagic, Dipl. Iuris, Rule of Law Monitor, OSCE, Sarajevo, 22 April 2010.
- Mr. Tobias Flessenkemper, Senior Policy Advisor to the Head of Mission, EUPM, Sarajevo, 23 April 2010.
- Mr. Vedad Mujagic, a policeman for the past cca. 25 years, Ministry of Interior of the Una-Sana Canton, Bihac, 26 April 2010.
- Interviews with two staff members of the Ministry of Interior of the Una-Sana Canton, Bihac, 26 April 2010.
- Ms. Amira Hadzimehmedovic, Former Nationalism Officer, EUPM LOT, Bihac, 27 April 2010.
- Interview with a representative of the OSCE Mission in Bihac, 27 April 2010.
- Mr. Marijan Simic, Commissary's Deputy at the Ministry of Interior of the Una-Sana Canton, Bihac, 28 April 2010.

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