

ROLE OF THE EUROPEAN UNION POLICE MISSION IN BOSNIA AND HERZEGOVINA

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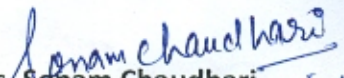
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DECLARATION


I declare that the dissertation entitled "Role of the European Union Police Mission in Bosnia and Herzegovina" submitted by me in partial fulfillment of the requirements of the Degree of Master of Philosophy, of Jawaharlal Nehru University, is my own work. This dissertation has not been previously submitted for the award of the any degree of this University or any other university.


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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.


Prof. R.K. Jain
(Chairperson)


Prof. Ummu Salma Bava
(Supervisor)

Dedicated To,

My Family

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List of Acronyms

AoR–Areas of Responsibilities

BiH- Bosnia and Herzegovina

CARDS- Community Assistance for Reconstruction, Development, and Stabilization

CCM – Civilian Crisis Management

CDU-BiH-Creation Democratic Union of Bosnia and Herzegovina

CFSP- Common Foreign and Security Policy

CIS- Communication and Information Systems

CIVCOM- Committee for the Civilian Aspects of Crisis Management

CIVPOL- International Civilian Police

CJTF-Combined Joint Task Force

CMCO- Crisis Management Concept

CSDP- Common Security and Defence Policy

DIPR-Directorate for the Implementation of Police Restructuring

DPA- Dayton Peace Agreement

DRC- Democratic Republic of Congo

EC-European Community

ECSC-European Coal and Steel Community

EDC-European Defence Community

ESDI- European Security and Defence Identity

ESDP- European Security and Defence Policy

ESS- European Union Security Strategy

EU- European Union

EUFOR- European Union Force

EUMM- European Union Monitoring Mission

EUMS-European Union Military Staff

EUPM- European Union Police Mission
EUPOL-European Union Police
EUSR-European Union Special Representative
FYROM-Former Yugoslav Republic of Macedonia
HDZ-Croatian Democratic Union
ICG- International Crisis Group
ICTY-International Criminal Tribunal for the former Yugoslavia
IFOR- Implementation Force
IPTF-International Police Task Force
IPU- Integrated Police Unit
IT-Information Technology
JMO- Yugoslav Muslim Organization
JNA- Jugoslavenska Narodna Armija (Yugoslav People's Army)
JSAP-The Judicial System Assessment Programme
LCY-League of Communists of Yugoslavia
LEA- Law Enforcement Agencies
LEGAD-Legal Advisor
LNO's-Liaison Officers
MIP- Mission Implementation Programme
MOS- Ministry of Security
NATO-North Atlantic Treaty Organization
NSS-National Security Strategy
OHR-Office of the High Representative
OPLAN-Operation Plan
OSCE -Organization for Security and Co-operation in Europe
PDA-Party of Democratic Actions
PIC- Peace Implementation Council
PIPO-Political and Legal Advisor
POLAD-Political Advisor

PSC- Political and Security Committee
RS- Republika Srpska (Serb Republic)
SAA- Stabilization and Association Agreement
SAP- Stabilisation and Association Process
SAR-Serb Autonomous Region
SBS- State Border Service
SDA-(Muslim) Party of Democratic Action
SDS- Serb Democratic Party
SFOR-The Stabilization Force
SFR-Socialist Federal Republic of Yugoslavia
SIPA- State Investigation and Protection Agency
TEU- Treaty of European Union
UK-United Kingdom
UNGA-United Nations General Assembly
UNMIBH- United Nations Mission in Bosnia and Herzegovina
UNMIK- United Nations Mission in Kosovo
UNPREDEP- United Nations Preventive Development Force
UNPROFOR-United Nations Protection Force
UNSC- United Nations Security Council
UN-United Nations
USA-United States of America
WEU-Western European Union

Preface

Since the 1990s, the crisis management capability developed within the framework of the European Union has aimed at ensuring security and stabilisation by responding articulately to the entire scale of crisis management actions. In Bosnia and Herzegovina (BiH), in particular, the European Union has become intensely concerned in the post-conflict peace-enforcement, peace building and stabilization. The aim of the research is to evaluate the effectiveness of the European Union as an actor of peace in post-conflict BiH.

It was in the outcome of the conflicts in Yugoslavia that the European Union sought to formulate new mechanisms for its foreign and security policy. This was driven by EU's aspiration of preventing and intervention in international conflict.

The EU's powers were strengthened with the development of the ESDP. The ESDP made it possible for the EU to play a greater role in both peacekeeping and state building around the world. BiH occupies a special position due to the fact that it was here that the first police mission ever launched by the EU. EUPM was launched in January 2003, as EU's first ever civilian crisis management operation, with a tag line, "Monitor, Mentor and Inspect" which ended on June 30 2012.

EUPM was perceived as a different mission having its own prominent features, despite the fact that it took over from the from the UN's International Police Task Force (IPTF) in BiH. It has three strategic components *supporting the local police in the fight against organized crime, increasing the accountability of local police and providing support to the implementation of police restructuring*. The EUPM assistance through these strategic pillars aims to strengthen Bosnian ownership and set up functioning institutions for rule of law. As Javier Solana remarked in the opening ceremony of the EUPM, "The framework for a democratic and professional police is crucial to providing all citizens of Bosnia with a safe and stable environment. A peaceful and stable Bosnia and Herzegovina is our first common goal in EUPM" (Solana 2003: 1).

EU is a main player in BiH. EU tries to stabilised the conflict situation in BiH not only by military intervention but also they tried to get involved in BiH, through their police and civilian crisis management missions and EUPM was one of them, which had their headquarters and personnel over there. The EUPM in Bosnia and Herzegovina aimed to strengthen the role of the EU in the country in order to more effectively promote EU's values and norms.

The entire research is presented in four chapters. Chapter one deals with the introductory part of the research. It deals with the concepts of 'Crisis', 'Conflict', 'Crisis management', and 'Conflict Resolution'. Then further this chapter deals that what role is played by the European Union in BiH under the EU's civilian crisis management capacity as a security actor.

Chapter two deals with the History of the Bosnian War. This chapter provide an analytical overview of Bosnian War and also state the sequence of events of the Bosnian War.

Chapter three addresses the International Response to Bosnia Crisis and the role of the European Union. This chapter first examine the response of US, UN, and NATO to the Bosnian Crisis. Then, the chapter give a detailed account of the EU response to crisis in Bosnia through its first civilian crisis management mission EUPM. This chapter examined the structure, planning and the mission activities of the EUPM in detail.

Chapter four evaluate the role of the EUPM in civilian crisis management and peacekeeping in Bosnia and Herzegovina and then finally this chapter concludes with an attempt to explore the conditions under which the EU is deploying its normative power and the use of force. It thus attempts to evaluate the EU as a normative power taking the case study of EUPM peacekeeping and crisis management activities in BiH.

CHAPTER 1

INTRODUCTION

Europe has been a continent ravaged by war throughout the last century. The continent has experienced a series of war¹ from, the Thirty Years War' in the 17th Century to the 'Cold war' in the 20th century. One of the major causes of the wars in Europe is the fact that the continent seen the contestation of nationalism and ethnic identities.

The end of Cold War was expected to bring an end the period of war in Europe and usher in an era of peace. Instead nationalism and ethnic conflict manifested itself in its most regretful form in the Yugoslav War of Succession a Bosnia and Herzegovina (BiH) declared its independence from the Socialist Federal Republic of Yugoslavia in 1992, leading to the series of conflicts which resulted in the collapse of peace in the erstwhile Yugoslav Region. With the end of the cold war, European peace was broken yet again and Balkan Crisis resulted in the war in Europe.

This crisis also contributed to the changed perceptions of the European Union (EU) about its role as security actor leading Europe to embark on its quest to build its own security system due to complex situation in its neighborhood. As the European Security Strategy (ESS) claimed, "no single country is able to tackle today's complex problems on its own" (Solana 2003:1).

After the end of the Second World War, European leaders emphasized on the peace process for building the stability and integrity of Europe. For the first time in history, European countries concurred to pool their sovereignty for common prosperity in 1952 with the creation of European Coal and Steel Community (ECSC), which reached its highest peak with the creation of European Union by signing the Treaty of Maastricht in 1992. With the EU, a new actor was born in the international as well as European political arena with exclusive characteristics, as an economic giant but a political dwarf. This was true because the EU had a dominating global economic presence but did not have a significant political impact in the absence of any common

¹ Series of War consist 'Thirty Years War', 'Seven Years War', 'Napoleonic War', 'First and Second World War', and 'Cold War'.

foreign and security policy. However, in the post Maastricht period, EU has developed its own Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP)².

The “comprehensive security” model that inspires the EU aims not only to manage conflicts, but also to prevent them. It also includes a wide range of peace-support activities: traditional peacekeeping, policing, promotion of the rule of law, reform of the security sector, and post-conflict institution building. This approach, which underpins the European Security Strategy adopted in December 2003, has been reinforced by a number of new provisions contained in the Lisbon Treaty, which entered into force on December 1, 2009 (Greco 2010:5).

Over the last decade, the European Union has played a growing role as a crisis management actor dealing with both regional and global security problems. With the creation and subsequent expansion of the European Security and Defence Policy, now called Common Security and Defence Policy (CSDP), the EU has acquired new operational and institutional instruments for crisis management. This is led to gradual emergence of EU as a major player on the international scene in the field of crisis management. This was partly born out of the lessons drawn from the Yugoslav crises. In particular, the tragedies in BiH and Kosovo -first revealed its civilian distinctiveness. Indeed, out of the 25 missions the EU has launched since 2003 when the European Common Security and Defence Policy became operational, 17 have been civilian (out of which 9 are ongoing) and two can be characterised as hybrid (combining civilian and military aspects)³ (Ioannides 2010:29).

In 2003, the first ever EU crisis-management mission-the European Union Police Mission (EUPM) was deployed to BiH with the task of monitoring, training and inspecting the Bosnian police forces. Between 2003 and 2006, 16 further missions with military, rule of law, security sector reform, police and monitoring mandates

²The European Security and Defense Policy (ESDP) was launched at the Franco-British summit held in Saint-Malo in 1998.

³The EU civilian missions include: EU Police Missions (*EUPOL RD Congo*, *EUPOL Kinshasa*, *EUPM in Bosnia-Herzegovina*, *EUPOL PROXIMA* and *EUPAT* in Macedonia, *EUPOL Afghanistan* and *EUPOL COPPS in the Palestinian Territories*), EU Rule of Law Missions (*EULEX Kosovo*, *EUJUST LEX for Iraq* and *EUJUST THEMIS* in Georgia), EU Monitoring Missions (*EUMM in Georgia*, *EUMM in Former Yugoslavia* and *EU AMM in Aceh*), EU Border Assistance Missions (*EUBAM Rafah* and the European Commission funded *Moldova and Ukraine border missions*). The hybrid missions are the recently completed EU Security Sector Reform mission in Guinea-Bissau (it was only recently closed down on 30 September 2010) and the *EU support to AMIS (Darfur)*.

were sent to crisis regions across the globe. At the same time, the European Commission also considerably expanded its conflict prevention and civilian crisis-management activities within its development and external relations policies.

Before discussing the role of EU in crisis management, it is imperative to define the basic concepts around which the present research revolves.

1.1. DEFINING THE CONCEPTS

1.1(a) Conflict

Conflict is one of the underlying themes of all social sciences and “flows across borders excluding very little indeed” (Guzzinin 1998: 6). Shelenker and Bonom (1973) define “conflict as an interactive state in which the behaviours and goals of one actor are to some degree incompatible with the behaviour and goals of some other actor or actors”. According to Azis, “In a general and more perspective way, conflict can be viewed as a situation, where there are differences in perspective... conflict may reflect an irreconcilable contention between two or more opinions or objectives”(Azis 2009:1). Jeong (2010: 3) similarly comments that “Conflict is manifested through adversarial social action, involving two or more actors with the expression of differences often accompanied by intense hostilities”. According to Rahim (2010:16), Conflict is defined as an interactive process manifested in incompatibility, disagreement, or dissonance within or between social entities (i.e., individual, groups, organization, etc.). Conflict occurs when one (or many) social entity (ies):

- 1) Is required to engage in an activity that is incongruent with his or her needs or interests;
- 2) Holds behavioural preferences the satisfaction of which is incompatible with another actors implementation of his or her preferences;
- 3) Wants some mutually desirable resources that in short supply , such that the wants of everyone may not be satisfied fully

An examination of all these definitions leads us to identify the following basic characteristics of a conflict.

- 1) Conflict includes opposing interest between individuals or groups in zero- sum situation;
- 2) Such opposed interest must be recognized for conflict to exist;
- 3) Conflict involves beliefs, by each side, that the other will thwart(or has already thwarted) its interests
- 4) Conflict is a process; it develops but of existing relationship between individuals or groups and reflects their past interactions and contexts in which these took place; and
- 5) Imply actions by one or both sides that do, in fact, produce thwarting of others' goals (Rahim 2010: 17).

A conflict can have three possible outcomes. First, it is protracted and inconclusive, Second, there is a clear victory for a subset of rival organizations; and thirdly a durable compromise settlement is achieved (Sinno 2008:42).

Despite its application to a variety of situations, the definition of conflict has traditionally been regulated to competition or resources or other interests, value differences or dissatisfactions with basic needs, as also incompatible economic and political interests developed in an attempt to suppress other groups often without actual use of force. Power struggle is inevitably involved when each group attempts to impose its own language, religious or social values on other groups which have their own unique traditions and histories.

Despite differences in number of phases of conflict, there is a commonly identifiable sequence of behaviour that ignites and perpetuates confrontation. In large part, conflict can be characterized by the emergence of antagonistic positions and their eventual settlement through engagement and problem solving.

According to the Jeong,

“Once conflict is accelerated, it runs its own course of countervailing forces which can reverse the counting patterns of retaliatory responses to each other's punitive actions. After a round or two of escalation, a runaway spiral can expand in the absence of self restraint or successful external intervention, either diplomatic or military, to cool down intensifying violence. In an internal conflict, an initially peaceful protest can be switched to mass violence or armed campaigns by militant groups due to government oppression of unarmed opposition

movements. The varying duration and patterns of struggle shape the nature of conflict dynamics” (Jeong 2010:18).

He further argues that, “The process of a protracted conflict is likely to alter the initial conditions for conflict with creation of an emotional residue attached to loss in the struggle .Losing – lasting conflict reinforces militant social elements, and a return to the previous relationship may not be possible or desirable (Jeong 2010:19).

Hill identifies three phases of conflict, namely conflict prevention, conflict management and conflict resolution. According to Hill, “Conflict prevention looks to prevent violent trials of strength even from breaking out, and is necessarily a long-term project, although it may require urgent interventions at the last minute; conflict (and/or crisis) management is directed towards escalation once conflict has begun, and has been a familiar part of conventional strategic thought since 1962 – it is a short-term, fire fighting operation; conflict resolution is concerned with trying to re-establish peace, preferably on a permanent basis, after the failure of prevention and management strategies. It is largely a matter of the medium term”(Hill 2001:330).

1.1(b) Crisis

The term ‘crisis’ evokes diverse ideas among citizens, policy practitioners, and the academic. In academic writing, the term ‘crisis’ is typically reserved for periods of discontinuity: it refers to a disturbance of stability in a social system, which follows as the core values of a society, town or organization (think of safety, health, welfare, fairness) are threatened. Academics speak of crisis when an urgent reaction is required, because core values of a society are at stake. Behind the direct threat at hand lies a deeper threat of a relatively strong decline in legitimacy. If governments cannot preserve core values, their legitimacy is likely to diminish as a result. This threat materializes, for instance, when the central service functions of government are seriously challenged, become impaired or suffer from overload. According to Griffiths and Gallagher ,

“In the study of international relations, the term (crisis) has taken on a very specific meaning ... In International Politics, crisis is a brief period of time one or more parties to the conflict perceive an imminent threat to vital interests and a very short time to react to the threat”(Griffiths and Gallagher 2002:57).

For Blockmans, the word ‘crisis’ in international context is widely understood as an acute situation in which armed force is used (Blockmans 2010:10).

Thus, it can be seen that crisis is often defined in a subjective way. Crises come in many shapes: natural disasters, economic collapses, transportation failures, factory explosions and terrorism are but a handful of examples. The threat of immediate adversity is an unfortunate but regular feature in any society (Perrow 1999:65).

According to Brecher,

“Interstate crisis is a distinct source of disruption in the politics among the nations. It is, at the same time, closely related to conflict and war, for all are integral parts of international conflict. In terms of conflict space, war is a subset of crisis; that is, all wars are subsumed in crises, but not all crises involve violence, let alone full-scale war; in fact, half do not. Crises are not spasmodic but, rather, definable, recurrent events. They erupt in pre-war, intra-war and post-war settings. And they occur within or outside a protracted conflict between states” (Brecher 1993:500).

1.1(c) Crisis Management

Crisis management has acquired much eminence in the recent literature on international relations. ‘Crisis management’, refers to the organization, regulation, procedural frameworks and arrangements to contain a crisis and shape its future course while resolution is sought. Crisis management is the shorthand phrase for all management practices concerning non-routine phenomena and developments and is most often associated with the hectic moments of crisis decision-making, but it also covers the managerial areas of prevention, preparation, and, following the immediate crisis response, the sensitive domain of recovery and change (Comfort, 1988; Rosenthal, Boin and Comfort, 2001). Each phase of crisis management poses specific governance challenges.

The phases of crisis management can be delineated as follows

- 1) ***Preventive Diplomacy***: This denotes the diplomatic initiatives that serve to prevent the outbreak of crisis. The diplomatic initiatives can contain: disarmament of the crisis area, launching at humanitarian aid activities, providing a political dialogue for the adversary governments, providing

economic and social development plans, carrying out mediation initiatives, and proposing programmes, which aim to support democratic structures.

- 2) ***Preventive Deployment:*** This stage is characterised by deployment of operational forces (military or police, and, possibly civilian, personnel) possessing adequate prevention capabilities.
- 3) ***Peace Making:*** Peace making operations (including the use of military forces in order to end a violent conflict) take place if the outbreak of any conflict was not prevented by means of diplomatic initiatives or preventive deployment.
- 4) ***Peacekeeping:*** This phase is marked by the settling of disputes. This involves the deployment of military or police, and frequently civilian, personnel to aid in the execution of agreements reached between governments or warring parties who have been engaged in conflict.
- 5) ***Peace building:*** Peace building denotes the phase, in which operations to establish permanent peace in the areas where the peace making and peacekeeping operations have been carried out. It is the longest phase, which indicates establishing a legal and “de jure” peace status in the crisis area (Snodderly 2011:15).

According to Pfaltzgraff,

“Crisis management requires the ability to draw on a large number of capabilities depending on the type of crisis. Crisis management brings into play a broad range of people, organizations, capabilities, and perspectives that otherwise may be seen as separate and unconnected with each other. These capabilities may include medical personnel, military forces, fire-fighters, police, airport security teams, and other resources for the protection of vital infrastructure, among many others. Crisis management capabilities may consist of military forces (armies, navies, air forces, and specialized units), diplomacy and diplomats, and intelligence collection and analysis” (Pfaltzgraff 2008:11).

1.1 (d) Conflict Resolution

Conflict resolution, on the one hand, refers to an interdisciplinary academic field aiming to analyze the causes of developments of social conflict with a propensity to violence. On the other hand, within this academic sub discipline the term conflict resolution depicts a particular stage within the life cycle of social conflicts.

Against the historical backdrop of the Cold War rivalry and nuclear threat, conflict resolution as a distinct field of study emerged in the 1950s and 1960s, aiming to develop strategies for a regulated and peaceful settlement of social conflicts in general and international conflicts in particular. This might include preventive activities or direct influence, such as attempts or mediation or arbitration. Conflict resolution as a social science began to emerge in 1956, with the foundation of the Journal of Conflict Resolution.

Tom Woodhouse and Hugh Miall (2008:29), for instance, argue that,

“Conflict resolution...implies...that the deep rooted sources of conflict are addressed and transformed. This implies that behaviour is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed”(Woodhouse and Miall 2008:29).

Thus, conflict resolution is a stage within the life cycle of a conflict, following the emergence, escalation and attempts of managing a conflict. In conflict management, third party intervention seeks to deescalate conflict by providing the conflicting parties with alternative strategies to regulate the conflict through agreements with at least some formality. In contrast, conflict resolution addresses the deep rooted causes of conflict, and aims at a mutual understanding of the conflicting parties towards peaceful dispute settlement that ultimately transforms the incompatibilities at the heart of the conflict, rather than two merely manage them peacefully. This is reflected in Peter Wallensteen’s definition of “Conflict Resolution as a situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other’s continued existence as parties and sees all violent action against each other”(Wallensteen 2007:8).

1.2. APPROCHES TO CONFLICT RESOLUTION

There are different approaches of conflict resolutions in international relation:

1.2(a) *Realist Approaches*- Realist interpretations of the causes of ethnic conflict and the role of third parties in managing it are rooted in similar assumptions about state-centrism and the rationality of the actors involved. For ‘hard’ realists, the dynamics of ethnic conflicts are rather similar to the processes who shape interstate rivalries, that

is to say, they are motivated by, and act in accordance with the security dilemma. ‘Softer’ approaches of realism to ethnic conflict management advocate the use of non-coercive forms of third –party intervention such as mediation, the provision of good offices and other confidence – building measures (Siniver 2011: 188).

1.2(b) Liberal Approaches- While variants of realism emphasize the use of force and balancing strategic security dilemmas as keys to manage conflicts; liberal approaches stress the importance of creating democratic institutions and mechanisms of governance. Here causes of ethnic conflict are understood as the lack of the authority and legitimacy of pluralist structures, violations of human rights and the breakdown of the rule of law. In order to achieve these objectives, third parties must engage not only at the state level with local governments but, perhaps more importantly, with grass- roots actors, civil society leaders and the private sector (Siniver 2011: 189).

1.2(c) Social-psychological Approaches- The important contribution of social-psychological approaches to the study of ethnic conflict management is the added dimension of image formation of the other. In other words, here the key to understanding the root causes of ethnic conflicts is not in the security dilemma or the breakdown of state authority , but rather in the development and reinforcement of ‘ enemy images’, or ‘ us versus them’ mentality. Successfully managing ethnic conflicts according to this social-psychological framework seems a particularly difficult task given the knowledge and sensitivity which is required of the third party. Since conflict is caused by deep- rooted stereotypes and ethnocentric views of other, it does not necessarily follow a rational pattern, and instead must be understood as a subjective and context dependent social process (Siniver 2011: 189).

1.3. THE EUROPEAN UNION AND CRISIS MANAGEMENT

The European Union’s involvement in crisis management differs from that of the other international organizations active in this field (like the UN, OSCE and other non-European regional organizations) and it takes place in the framework of the Union’s ‘external action’. According to Bretherton and Vogler,

“In many ways, the EU, from its original conception in the form of the European Coal and Steel Community, was always in the business of

providing security. This role derived from its presence. However, significant developments from the late 1990s through to the first deployment of forces under the European Security and Defence Policy (ESDP) in 2003 can be regarded as a transformation in which the Union acquired not only an unprecedented military capability but a security strategy to inform its use” (Bretherton and Vogler 2006:184).

Security and defence issues played a pivotal role from the very onset of the post war European integration project. The early 1950s saw the launch of European Defence Community (EDC). The EDC failed partly because “it was too ambitious, if not revolutionary” (Zielonka 1998:9). After the EDC failure, European integration was dominated by economic affairs and a ‘European’ effort to act together in the field of international politics became muted. To fill the security void, the Western European Union (WEU) was created, which was a minor modification of the 1948 Western Union. The WEU performed two main functions; firstly, it aimed at providing guaranteed control over Germany’s rearmament; second, it aimed at enabling Germany to integrate into some form of defence arrangement in a manner acceptable to Germans, British and French (Duke 1996: 168). However, the WEU remained a dormant institution, until, in preparation for the Single European Act, in the Rome Declaration of 27 October 1984, it stated that it would ‘make better use of the WEU framework in order to increase cooperation between member states in the field of security policy’ (Wilson 1998: 53).

In 1988, WEU conducted its first military operation, which was dispatching mine-sweepers to the Persian Gulf during the Iran-Iraq War. Then, it participated in the naval blockade of Iraq during the 1991 Gulf War, and also started to help to enforce sanctions on Yugoslavia both along the Danube and in the Adriatic Sea in 1992 (Gordon 1997: 132).

During the Cold War years, European defence was coterminous with NATO, based on collective defence among its members and deterrence of its enemy. With the end of the Cold War and the disintegration of the Soviet Union. The post Cold War period lead to a restructuring of EU-NATO relations as well developed of an ‘exclusive’ European security mechanism. It was in this context that in June 1992, Petersburg Declaration was formulated.

The Petersburg Declaration listed possible tasks (“Petersberg Tasks”): humanitarian and rescue tasks; peacekeeping; and tasks of combat forces in crisis management,

including peacemaking (Western European Union 1992). At this time, within NATO there were extensive discussions on the ways in which “alliance facilities could be used by a group of European states in crisis intervention not directly involving the US- the European Security and Defence Identity (ESDI) and the related notion of constructing *ad hoc* Combined Joint Task Forces (CJTF)” (Bretherton and Vogler 2006: 196-197).

In the 1990s, there were talks of a Franco-British cooperation in fostering the EU’s capabilities of autonomous action. These were given a formal status in St. Malo declaration in 1998 by the then French President Chirac and UK Prime Minister Tony Blair. The St. Malo Declaration stated that “ European Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crisis” (Haine 2004: 143).

In June 1999, EU member states agreed at European Council at Cologne to develop and strengthen the ESDP as a part of CFSP (Bailes 2008:120-21). In Helsinki in December 1999 the European Council took the decision to improve the crisis management capabilities by setting what became known as the ‘Helsinki Headline Goal’ an army corps of 50,000-60,000 troops, available at 60 days’ notice and sustainable in threat for up to one year (Cornish and Edwards 2005: 202).

The EU contribution to crisis management is primarily associated with the European Security and Defence Policy (ESDP) as enshrined in Article 17(2) of the Treaty of the European Union (TEU) “*Questions referred to in this article shall include humanitarian and rescue tasks of combat forces in crisis management, including peacemaking*”. The Petersburg Tasks (the areas covered by the EU contribution to crisis management) that the TEU inherited from the WEU Petersburg Declaration are not limited to the military dimension but also include civilian tasks. The military dimension of EU crisis management has been developed since 1999 within ESDP and has clearly an intergovernmental character. The notion of crisis management is therefore used as a qualification of the third type of military action envisaged in Article 17(2). It shows that the Union may deploy military forces in any kind of acute crisis threatening international peace and security.

Annex III of the Feira Council Conclusions (June 2000) stipulated that the reinforcement of EU civilian capabilities should provide the Union with adequate means to face complex political crises at different phases by “ensuring complementarily between the military and civilian aspects of crisis management covering the full range of Petersburg tasks”(Official Journal of the European Union C-8 2010: 39).

In 2003, the ESS added a dimension and prompted the discourse on enhancing EU civilian-military cooperation, when discussing the threats to the EU which it saw as neither “purely military; nor [as] tackled by purely military means”, but rather as “require[ing] a mixture of instruments”(Solana 2003:3). The deployment of the EU military mission (EUMM) - EUFOR Althea - in BiH in 2004 is a case in point. Strategically, it reaffirms the EU’s normative commitment to democracy, the consolidation and promotion of human rights, and good governance (Ioannides 2009:37).

The origins of ESS have essentially three dimensions. First, ESS can be perceived as a critical self reflective exercise on the part of European Union of its role in Yugoslav crisis. Second, ESS can be perceived as a response to US National Security Strategy(NSS) and lack of consensus within the EU and transatlantic relations over Iraq. Third, ESS can be seen as a framework for future approaches to regional and global security (Ellner 2005:223).

It is in the field of military crisis management that EU has met with some success and actions The EU is now able to perform a more proactive role in crisis management. Since 2003, the EU has taken three military crisis management operations which have met with considerable success. They are operation Concordia in Macedonia, in cooperation with NATO. It was completed on 15th December 2003 and was replaced by police mission named Proxima. Concordia marked a significant shift as it demonstrated now that EU had a clear capacity for security assistance. Operational Artemis (12 June 2003) in the Democratic Republic of Congo (DRC) is significant because for the first time EU military operation was done without military assistance from NATO and also for the fact that it was the first instance when EU intervened outside Europe (Bava 2006). Operation Althea (2004) in BiH has been also regarded as a success. Also the EU’s role in Aceh, Indonesia in conflict-resolution has gone

some way in establishing EU as a global actor. But there have been instances where the EU could have but has not played a peacekeeping role. The prominent examples are those of Somalia and Rwanda. For several European states, the experiences were deeply traumatic and the result was an almost complete withdrawal from military engagement in African countries.

While it might be too early to proclaim the overall success of the EU in conflict management in the former Yugoslavia, there are some indicators suggesting that the EU has emerged as a crisis management actor. First, institutional reforms within the Union (such as the revisions to the Common European Security and Defence Policy by the 1997 Amsterdam Treaty, the agreement, and gradual implementation of the Helsinki Headline Catalogue, the establishment of a rapid reaction funding mechanism, and institutionalized cooperation with NATO on sharing assets and information) have furthered the development of credible crisis management policies and instruments. Second, the EU's overall approach to the conduct of international affairs—combining multilateralism (both within and outside the EU), capacities for short-term crisis management with long-term structural conflict prevention, and appropriate balance between civilian and military strategies—has been shown to be effective.

1.4. The EU as A Security Actor

During the post-Cold War period, under a state of falling direct military threats, the EU first time devised a mechanism for ensuring security, developed decision making procedures, and created an institutionalized security domain. It continued to increase its stake in European security by extending an area of freedom, security, and justice in Europe.

The security role of the Union develops at three levels: an institutionalized security domain, the (CFSP); an “external anchor” for the periphery; and direct military capacity. Gunnar Sjöstedt defined actor capability as a ‘capacity to behave actively and deliberately in relation to other actors in the international system’ (Sjöstedt 1977: 16). While he viewed this capacity primarily as a function of internal resources and internal cohesion, Bretherton and Vogler have argued that actorness is constructed

through the interplay of both internal and external factors (Bretherton and Vogler, 2006: 2). According to Reiker (2009:703-719), an analysis of the EU as a security actor can be done if the concept of “capabilities” is elaborated.

March and Olsen in their seminal work distinguish between four broad types of capabilities (March and Olsen 1995:92–5). The first type is what they refer to as rights and authorities. Rights and authorities are capabilities that are supposed be enshrined in formal rules. Second, they emphasize the need for resources. By resources, they mean the assets that make it possible to achieve the objectives. Such assets may include money, property, time, information, facilities and equipment, and have both individual and institutional attributes. The third type of capability is, competencies and knowledge on the part of individuals, professions and institutions. Finally, they point to the need for organizing capacity. While this capacity is dependent on the availability of the other capabilities, it is also a condition for making effective use of them. As March and Olsen argue, ‘[w]ithout organizational talents, experience, and understanding, the other capabilities are likely to be lost in problems of coordination and control ...’ (March and Olsen 1995: 95).

“If the EU is becoming an increasingly more important security actor, we expect to find that these capabilities exist, that they are of a certain size and that they increase over time” (Reiker 2009:703). According to Reiker (2007:11), “If the EU is indeed a security actor, we would expect to find (1) that rights and authorities have been developed for the CFSP and ESDP; (2) that resources in terms of budget, staff and equipment are allocated to the CFSP and ESDP; (3) that the CFSP/ESDP staff possess the necessary expertise and experience in this field; and (4) that the EU has the organizing capacity to make effective use of its formal rights, resources and competencies”. After examining various policy measures and some empirical data, Reiker posits his arguments. First, he is of the opinion that EU has developed a set of formal rights, institutions and rules to regulate this policy area, and that these have increased over time. Second, with regard to resources (budgets, staff and equipment), the overall conclusion is that the EU has limited but increasing resources in this sphere. Taking the specific case of police missions in Bosnia, from 2003 -2005 itself, the EU has allocated significant resources, giving the EUPM an annual budget of €38 million for the period 2003-05, significantly more than the €20million allocated to the Office of the High Representative (OHR), which then oversaw the implementation

of the Bosnian peace process (Lyon 2005:1). Third, regarding competences and knowledge, EU has developed a comprehensive approach to security, and has also established various structures intended to improve its performance in executing such an approach

1.5. EU and Civilian Crisis Management

The Crisis Management Concept (CMCO), which constitutes the ‘conceptual framework describing the overall approach of the EU to the management of a particular crisis’, is central to CMCO. European concept, “civilian crisis management” is a subject that falls firmly under the framework of the Union’s CFSP, whose objectives as set out in the Lisbon Treaty of the European Union encompass: *“to consolidate and support democracy, the rule of law, human rights and the principles of international law; and preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders”* (Official Journal of the European Union C 83 2010: 29).

The actual notion of EU “civilian crisis management” remains ambiguous and has not been defined in EU documents. One of the first reports devoted to the issue defined it as “the intervention by non-military personnel in a crisis that may be violent or non-violent, with the intention of preventing a further escalation of the crisis and facilitating its resolution” (Bono and Ulrissen 2004:395-403).

Civilian crisis management lies at the heart of the EU discourse on the human security-based approach to global security and provides an important step towards a common EU understanding on democratic governance. Specifically, it has promoted the mainstreaming of human rights and fundamental freedoms, good governance and rule of law in all policy sectors. As the European Security Strategy of December 2003 noted; ‘civilian crisis management helps to restore civil government’. The December 2004 Brussels Council established the ‘Civilian Headline Goal 2008’ and added monitoring and support of EU Special Representatives to the EU’s Civilian

capabilities to respond the international crisis. This term of civilian crisis management can be understood under the four priority areas of:

- 1) Police
- 2) Strengthening the rule of law
- 3) Strengthening the civilian administration
- 4) Civilian protection, as per se European Union Council at Feira in June, 2000.

Crisis Theory tells us there are more aspects to crisis management than providing an immediate solution to the crisis. Crisis management is thus a long term process. EU's Crisis management capabilities in BiH can be tested on the basis of Crisis prevention⁴, Crisis preparation⁵, Crisis Coping⁶ and Crisis aftermath⁷ (Bonis, Mangus and Mark 2006:4).

The development of the civilian aspects of crisis management followed behind the military aspects, commencing with the decision to establish the Committee for the Civilian Aspects of Crisis Management at the 1999 Helsinki European Council and it first met on 16 June 2000. The development of the Police Unit was complemented by coordination between five EU Member States to create a gendarmerie type force, at the disposal of the EU and other security organizations, like NATO and OSCE, for civilian crisis management operations.

The development of both military and civilian aspects of crisis management in CFSP was heavily reactive in nature responding to existing crises in BiH and Kosovo respectively. The development of civilian and military capacities was prompted, respectively, by the difficulties of responding militarily in BiH and supporting the UN police presence in Kosovo in the United Nations Mission in Kosovo (UNMIK) context. The development of Civilian Crisis Management (CCM) capacities was inherently more complicated than the primarily military ones.

⁴The timely recognition and early warning of emerging threat patterns, and the ability to intervene effectively to nip crises in the bud (Bonis, Mangus and Mark 2006:4).

⁵The capacity to prepare for the unknown, to put plans in place, and update those plans based on practice and dimension (Bonis, Mangus and Mark 2006:4).

⁶The response stage of crisis management, requiring critical decisions and getting them implemented (Bonis, Mangus and Mark 2006:4).

⁷.Learning lessons from crises, maintaining accountability, and restoring legitimacy to weakened government institutions (Bonis, Mangus and Mark 2006:4).

1.6. EU and Crisis Management: The Bosnian War Context

The EU is increasingly engaged in civilian crisis management operations. Initially involved in a variety of peacekeeping and law enforcement tasks, these missions have gradually evolved towards the promotion of good governance in the security sector. They roughly cover three areas: police, justice and borders assistance.

ESDP police missions are one of the instruments of the civilian dimension of the European Security and Defence Policy. This aspect was developed at the European Council of Feira in June 2000. Member states agreed on four priority areas where the EU should become an actor in civilian crisis management: police, strengthening the rule of law, civilian administration and civilian protection. The Presidency Conclusions noted that “Intensified work on police must necessarily be accompanied by work in other areas that are felt as necessary if a positive outcome of a police mission is to be ensured. The area most specifically concerned is assistance for the re-establishment of a judicial and penal system” (European Council 2000). The Goteborg European Council of 2001 laid the foundations of “successful conduct of the conferences on military capability improvement and on police capabilities” (European Council 2001).

Table 1.1: Different European Council Meeting on Civilian Dimensions and the Outcomes

Name of the Council Meeting	Place	Date	Outcomes
Feira European Council	Feira, Portugal	June, 2000	a) Police b) Strengthening the rule of law c) Strengthening the civilian administration d) Civil protection, by formation of a corps of around 5,000 police officers who would be sent to State in Crisis.
Goteborg Council Of European Union	Goteborg	June, 2001	a) Creation of a database of national pools of experts for general administrative functions, social functions, and infrastructure functions; b) Development of common standards and unified modules for training of national experts
Civilian Headline Goals(CHG), 2008	Brussels	June, 2004	a) Introducing Civilian Response Teams(CRT); b) Concretizing post-conflict reconstruction; c) Defining military operations more clearly
Civilian Headline Goals(CHG), 2010	Brussels	November, 2007	More elevating qualitative levels and the civilian capacity in crisis management

Source: European security and defence policy: the civilian aspects of crisis management <http://www.consilium.europa.eu>

A major development took place when Political and Security Committee (PSC) dealing with all CFSP and ESDP issues, was given the political control and strategic direction of crisis management operations, including the civilian aspects. A new body, the Committee for Civilian aspects of Crisis Management (CIVCOM) was created in the Council Secretariat as a coordination mechanism, fully interactive with the Commission services.

Police missions are at the forefront of the functioning of the civilian component of ESDP, not only by the number of personnel on the ground but also by the number of ongoing missions. The first ESDP crisis management operation the EUPM in BiH was established in 2003.

According to Mounier, “Bosnia and Herzegovina (BiH) represents a very specific challenge for the EU. On the one hand, this is a country in transition from a recent and violent civil war which unleashed destructive ethnical and nationalist feelings” (Mounier 2007:55).

BiH is a federation of Republic Srpska and the Federation BiH. The case of BiH and the ensuing lessons learned regarding EU crisis management policies are more complex, both an account of the legacies of the war and the EU’s resulting reputation and due to the operational challenges for EU crisis management. The Dayton Agreement of 1995 put in place an institutional set-up that was to avoid ethnic domination by anyone one of the three ethnic groups, resulting in a highly decentralized state structure.

In addition to having to contend with the precarious situation of the Bosnian state system and the enduring legacy of the war in the 1990’s, EU’s crisis missions launched in BiH have also been more complex and challenging than those in Former Yugoslav Republic in Macedonia (FYROM). Not only is it a more complex environment, but a military operation and a civilian one are taking place concurrently. Two missions have been launched in BiH: EUPM and European Union Force (EUFOR) ALTHEA.

In 2003, apart from undertaking its first ever civilian crisis management operation, the EUPM in BiH , and first military crisis management operation, *Concordia* , in Former Yugoslav Republic of Macedonia, the EU, for the first time extended its ESDP operation beyond the Europe by undertaking the a peacekeeping mission in Democratic Republic of Congo. All previous operation involved a lengthy period of advance planning and has not really tested crisis decision-making capability (Bretherton and Vogler 2006: 202). *Operation Artemis* was first fully autonomous EU crisis management operation without any recourse to NATO assets. Most significantly, the EU’s successful Congo operation signalled the fact that the ESDP has now changed its dimension. It was no longer only a tool of crisis management in

the Balkans. Changed dimensions suggests that future ESDP operations are likely to not only be limited to the theatre of necessity in the Balkans but also extend the theatre of choice in other parts of the worlds thereby enabling the EU to become a more responsible global player. An assessment of the European Union Police Mission will be examined in detail in the latter sections of this research.

CHAPTER 2

HISTORY OF THE BOSNIAN WAR

“BiH ... it is a country where the three worlds meet ... Islam, Orthodoxy and Catholicism, the East, Byzance (Byzantine) and comfort with each other in Bosnia . Bogomils gravestones, mosque minarets and Franciscans and monasteries are all equally symbolizing the country’s past. This cultural colourfulness and diversity of Bosnia has been its richness and its burden. Hence, a thousand years long history of conflicts vengeance and expulsions”¹

Alija Izethgavic, the President of Bosnia (AmirPasic 1993: 4).

In the early 1990s the state of Yugoslavia began to disintegrate, a process, which is still not fully resolved and has resulted in a series of civil wars in the Western Balkans. The conflicts have been characterized by brutal violence between the different ethnic groups in the region.

The Former Yugoslavia consisted of six republics and two autonomous regions. These regions were Bosnia and Herzegovina (BiH), Croatia, Macedonia, Serbia, Montenegro, and Slovenia. Of Yugoslavia’s six republics, BiH was the most diverse. With an area of 51,129 square kilometres (19.741 square miles), BiH presently shares boundaries with just two countries. To the northeast it is adjacent to the Yugoslav republic of Serbia, while to the southeast it borders the Yugoslav republic of Montenegro ²(Schuman 2004: VI-VII). With the exception of the tiny stretch of Adriatic Sea coastline, the rest of BiH borders Croatia, Croatia surrounds BiH like the thumb and forefinger of a hand; a thin stretch of Croatian land separates BiH from most of the Adriatic Sea³ (Schumann 2004:VII- VIII).

The three constituent peoples of BiH are Bosniaks, Serbs, and Croats, and the languages are Bosnian, Serbian and Croatian. The religions include Islam, Serbian Orthodoxy, Roman Catholicism, Judaism, some Protestant sects and some others. In

¹A United states report that during the War period in Bosnia and Herzegovina as many as 35,000 people were killed in Bosnia as a result of “ethnic cleansing” (Pasic 1993: 4).

²Together the two republics make up the present -day nation known as Serbia and Montenegro.

³Bosnia has a tiny coastline along the Adriatic Sea, measuring just 20 kilometres, or approximately 12.5 miles.

many ways, it bears a resemblance to a Yugoslavia in miniature. However there were significant changes in demographic profile of the region. Rogel highlighting this difference gives the following figures “the 1991 census recorded a population of 4,364,574, of which 43.7 percent were Muslim, 31.4 percent Serb, and 17.3 percent Croat; 5.5 percent identified themselves as Yugoslav” (Rogel 1998: 29).

Map 2.1: Map of Yugoslavia



Source: Emerson (1990:150).

2.1. History of Bosnia and Herzegovina

Originally the name Bosnia comes probably from the Bosnia River which flows across the middle of the republic while Herzegovina is related to the German word for

nobility (documented for the first time in 1999)- Herzog⁴ (Schuman 2004: 9).BiH's political experience was also diverse, more so than that of Yugoslavia's other republics. For the first centuries of the Christian era, present-day Bosnia was part of the Roman Empire. After the fall of Rome, it was contested by Byzantium and Rome's successors in the West. Slavs settled the region in the 7th century.

Map 2.2: Bosnia and Herzegovina



Source:<http://www.sacred-destinations.com/bosnia-herzegovina/bosnia-herzegovina-map>.

⁴ Herzeg is derived from the German *Herzog*, meaning “duke”. - Dominion of Stephen Vukcic known as Herzegovina.

The medieval kingdom of Bosnia emerged in the 12th century and ended in 1463, when Ottoman Turks conquered the region. When the Turks came, they encountered besides the Orthodox, the Serbs- a large sect of Slav Christian heretics the Bogomils⁵ who had been persecuted under the Orthodox Church. Thus the adaptation of Islam can be traced to the Ottoman rule in this region which remained till 1878 (Schuman 2004:7). Under Austro- Hungarian rule, the rulers apprehensive of the ethnic consciousness amongst Muslims had tried to encourage “Bosnianness” to weaken the ties between the Muslims and the Ottoman Empire. Muslim Community was mobilized by the continuous conversions to Catholicism which took place in the 1890s (Ramet 2010: 309).

The following section examines the history of BiH under the Ottoman and Habsburg rule in detail.

2.2. Bosnia and Herzegovina under the Ottoman Rule

Medieval Bosnian kingdom was abolished in 1463 when the Ottoman Turks conquered the region and the region was ruled by the Ottomans until 1878. (Cuvalo 2007: XXX). Bosnia, under the Ottoman rule was an enactment ground for a series of offensives into Central Europe. However, during the subsequent centuries (17th and 18th), Bosnia was transformed into a defensive settlement against the aggression of Western powers of Habsburg and Venice. In the 19th Century, Bosnian province was transformed into a conflicting zone for many combating forces⁶ (Cuvalo 2007: XXXV).

The first hundred years of Ottoman rule were marked by large scale conversions to Islam. But, the primary reason behind this early conversion was economic and social rather than religious zeal. (Cuvalo 2010:8). Many native upper classes, as well as some sections of the peasantry converted to Islam. Many noblemen, who were Christian, entered the royal service as feudal cavalry, but in the course of time, they became converts to Islam. As Schuman argues that, “The process was also linked to

⁵ Bogomilism was once the religion of much of the Balkan region of Europe. It rejected the Catholic claim that the world was evil and asserted that there were two gods, one evil and one good. Thus, it can be considered as a dualist religion.

⁶ There was the imperialistic power struggle between Russia and the Habsburgs, the revolts of the neighbouring Christian peoples, and the aspirations and revolts of Bosnia’s own Christian’s subjects.

the beginning of urbanization, sparse as it was. The Ottoman Turks did not treat other religions as equals to Islam, but they were more tolerant than Spanish Christians”⁷(Schuman 2004:10).

The period was also marked by an intensification of national consciousness among Christian population. There were protests, at the root of which lay social and economic grievances, as well as ethnic aspirations. Among the orthodox population, Serbian nationalism was on the rise, and also Croatian nationalism was on the rise among the Catholic population. Each group wanted to unite with their co-nationals in either Serbia or Croatia and laid claim to BiH as their homeland. Serbia and Montenegro also played a major part in fuelling the revolt among the Serbs of Bosnia. There were also the periodic invasions from Montenegro into Herzegovina to “liberate” the land. As a result of all these, Muslims became apprehensive of Christians and this led to a deepening of ethnic differences. In the year 1813, there were violent clashes between the newly appointed governor and the Bosnian aristocracy, marked by uprising and bloody disturbances in the region of BiH by the Muslims and Christians (Cuvalo 2010:11).

The rebellion of Croatian and Serbian peasants in 1875 inaugurated a crisis that brought an end to Ottoman rule in BiH. However, the peasants had to pay a heavy price in life and property⁸ (Cuvalo 2007: XXXVIII).

The growing ethnic conflict among the Muslims and Christians was seen as an opportunity by Russia to spread its frontiers, on the alleged reason of protecting the Christian interests in Ottoman Bosnia. Ottoman Turks were also faced by a series of risings, instigated mainly by the ‘Christian’ European powers. In 1875, the Ottomans faced the Bulgarians. In 1876, Serbia and Montenegro declared war on Ottomans with the aim of acquiring BiH. However, the Ottomans emerged victorious against both the opponents. It was only due to a timely Russian intervention that the defeated powers were saved from a total disaster (Cuvalo 2010:12).

⁷ Non- Muslims could not vote nor own property and had to pay taxes Muslims were not required to pay. However, they were permitted to peacefully practice their own religion.

⁸ It started in Herzegovina in response to a brutal tax collection that followed a disastrously poor harvest a year earlier. The revolt spread to other regions of the province. Estimates are that about 5,000 peasants were killed and over 10,000 became refugees.

In 1877, Russia declared war against the Ottoman Empire, and was guaranteed the neutrality of Austria- Hungary on the condition that it would recognise the latter's claim to occupy BiH. Russia emerged victorious in the Russo- Turkish war of 1878 and as result emerged as a major European power. The Berlin Congress in July 1878 recognised the complete independence of Serbia, Montenegro, and Romania, while Bosnia still remained under the dominion of the Sultan, but was to be administered by Austria- Hungary. On 29 July 1878, Austro-Hungarian army units crossed Bosnia's borders, defeated a weak Muslim and partially Orthodox resistance, "took Sarajevo on 19 August 1878, and subdued all of BiH by October of that year" (Cuvalo 2010:12-13).

2.3. Bosnia and Herzegovina under the Habsburgs Empire (1878-1918)

One of the major outcomes of the Congress of Berlin 1878 was that the Habsburg Empire of Austria- Hungary secured the authority to occupy Bosnia. From the start of the Habsburg rule, the new rulers of BiH faced many problems regarding the administration of the land. The immediate challenge was the pacification of Muslim and some orthodox resistance. Once this was achieved, the newly acquired region was kept under the rule of Joint Imperial Finance Ministry.

The Habsburgs maintained the Ottoman administrative divisions of the land. According to Malcolm, this Austria-Hungary policy could be described as one of "continuity and gradualism" (Malcolm 1996: 138). At the same time, many new reforms were introduced in an attempt to drive the economy as the Habsburg Empire looked upon Bosnia as a permanent possession. First, and foremost, the Habsburgs unified the province of BiH into one administrative unit. Other reforms included the construction of railways, roads, bridges, development of coal mining and industry, introducing modern techniques of agriculture, setting up of primary schools, and introducing compulsory education (Knezevic 2006 : 276).

While on one hand, policies in BiH were centred on administrative efficiency, economic and educational improvements, the Habsburg also aimed the reduction of Serbian and Croatian national influences, and in turn, the affirmation of Bosnia identity as a separate political and ethnic unit.

By the beginning of the 20th century, a considerable number of Bosnian Muslim intellectuals identified themselves as Croats, a smaller number as Serbs, but most of the people remained ambiguous regarding their national orientations. Islam, not ethnicity, remained for them the main identity.⁹ Their main goal was to retain BiH as a separate political unit in which they could preserve their Islamic tradition and thereby preserve their privileged status. The Serbian national ideologues claimed not only that the Orthodox were Serbs, but that all three groups in BiH were actually Serbs. Therefore, according to them, BiH, as well as most of Croatia, should be united with Serbia. The Croatians also claimed BiH as their land on the principle of historical rights and the argument that the Muslims were Islamized former Croats¹⁰(Cuvalo 2007:XCI).

The idea of unifying BiH with Croatia and making the two an equal partner to Hungary and Austria under the Habsburgs (known as Trialism) also circulated as a possibility. Such Trialism was supposed to provide a balance among the German, Hungarian and Slavic sections of the Empire. But it remained unacceptable to the Hungarians, Serbs and majority of the Muslims for different reasons. While the Hungarians were cautious of strong Slav power in their realm, for the Serbs, it would end the dream of unification of Bosnia with Serbia. As far as the Muslims were concerned, they perceived Trialism as a threat their Islamic tradition and their privileged position (Donia and Antwerp 1994: 103).

The Muslim community continually opposed the legitimacy of a Christian monarchy to rule BiH. They were still hopeful that the Ottoman Empire would do something to improve their status, or that BiH would become a predominantly Islamic religion. Much of this faint hope prevailed on account of Sultan's nominal suzerainty in BiH until 1908.

The Muslims were also concerned by incidents of conversion of Christianity among some members of the Muslim society. While the ruling powers viewed this entirely as a private matter, according to the Muslims, it was a threat for their religion. They used this issue as a means to exert pressure on government for improving their political

⁹While the Croats and the Serbs wanted to be unified with their "mother" countries, the Muslims had no desire to unify either with Serbia or Croatia, or to form a larger Slav state.

¹⁰ The concept of Yugoslavism was an attempt to create a new and supranational identity with a program of unifying the entire South Slavs in single state.

position. In 1881, Bosnian military units from the Ottoman period were combined with the Austro-Hungarian imperial armed forces, and a general recruitment was ordered in BiH. However, the Muslims raised strong objections to serve in a Christian army. This opposition combined with certain other grievance, resulted Muslim revolt in the Mostar region.

The end of the 19th and the beginning of the 20th centuries, in the Balkans and in Europe, were marked a series of political crises and shifting alliances among the major European powers. This period was also marked by growth of mistrust among the formerly allied Russians and Habsburg, and an intensification of hostile activities in the Balkans. Events in Serbia and Croatia and the ensuing Balkan wars, all had a deep impact on BiH.

The first significant crisis erupted when Austro- Hungary, impelled by the 1908 revolution of the Young Turks, decided to annex BiH. In Oct 1908, Austria- Hungary formally annexed Bosnia, even though objections were raised at the international level. This action of Austria- Hungary almost brought Europe on the verge of a war. The Muslim opposition was to an extent reduced within less than a year by agreement with the Turkish government ¹¹(Cuvalo 2007: XCIV).

The tensions between Austria and Serbia however intensified deeply. If the Russians were not defeated in the war with Japan in 1905, Serbia, in all probability would have stirred up a war with the Habsburgs in 1908 over the annexation of Bosnia. However it was not long before the Balkan wars broke out. According to Hall, “Balkan Wars of 1912-1913 initiated a period of conflict in Europe that would last until 1918 and would endure in one form or another until 1999” (Hall 2006: 163).

The First Balkan War erupted less than four years after the annexation of Bosnia by Austria Hungary in 1908. The first Balkan war was fought between the Ottoman Empire and the Balkan League. The Balkan league was a loose confederation of small nationalist states of South Eastern Europe, most of which had attained independence from the Ottoman Empire at some stage before. The Balkan league comprised of Bulgaria, Serbia, Greece, and Montenegro. They were assured of a Russian support. The first Balkan war resulted in the victory for the Balkan league. The war came to an

¹¹ The Turks were given monetary compensation for the provinces, the *sandžak* of Novi Pazar was left in Turkish hands and Bosnian Muslims were guaranteed freedom of religion.

end by the Treaty of London of 30 May 1913 by which the Ottoman Empire in Europe was reduced to a small territory in south Eastern Europe (Hall 2006: 164).

The victory, however, led to another war among the allies over the spoils. In the Second Balkan War (1913), Serbia, Montenegro, and Greece, joined by Romania, defeated Bulgaria, depriving it of sizable territories. By the Treaty of Bucharest of 10 August 1913, Serbia acquired major portions of Macedonia from Bulgaria.

Victory in both Balkan wars and acquiring a large amount of territory led an aggressive Serbia to continue its expansionist policy. “While the pro-Yugoslavs among the Croat and Muslim intelligentsia in BiH looked towards Serbia as the Piedmont of the South Slavs, the others saw it as an aggressor and wished to achieve their national aspirations within the Habsburg dominion” (Cuvalo 2010:16-17).

Serbian national resistance to the Austro-Hungarian rule in Bosnia continued. This culminated in the assassination Archduke Francis Ferdinand in Sarajevo on 28 June 1914, by young Serb nationalist, Gavrilo Princip (Cuvalo 2007: 200). This led to the outbreak World War I, in which BiH found itself on the side of Austria-Hungary. One of the major results of the First World War was (1914-1918) was the dissolution of the Austro-Hungarian Empire. On 5 November 1918, Bosnian delegates participated in the “Council of Slovenes, Croats, and Serbs” in Zagreb. The Zagreb Council declared that an independent state reuniting all the Southern Slavs, (who were till now under the Habsburg Empire) would be created as a newly created South Slavic state. On 1 December 1918, an agreement was signed in Belgrade unifying Serbia and the “States of Slovenes, Croats, and Serbs”, and this united Slavic State later came to be known as ‘Yugoslavia’ (Grade 2006: 399). BiH was now a part of this newly created South Slavic state.

2.4. Bosnia and Herzegovina: Between the Two World Wars

The First World War that was to have devastating effects on the European subcontinent started when Arch Duke Ferdinand was assassinated at Sarajevo. Even though war started at Sarjeavo, there was not much war action that happened in Bosnia. As mentioned earlier, after the war a South Slav state was created in 1918. According to Schumann, this new state was “more of a calculated result of the post

World War I peacemakers than the will of the people who became a part of it” (Schumann 2004: 19). The newly formed Southern Slav state comprised parts of Austria-Hungary (Slovenia, Croatia, Vojvodina, and BiH) and the kingdoms of Serbia and Montenegro.

This new Slavic state comprised many nationalities, and each of these nationalities had their own idea of the nature of the state. The presence of three major ethnic groups, Bosnian Serbs, Croats and Muslims had a considerable effect on the political situation in Bosnia. Each of three ethnic groups had their own interests that were conflicting with the interests of the other two groups. The Bosnians Serbs supported the Serbians. The Croats of BiH favoured a federalist political structure which was opposed by the Serbian unitarism and Muslim leadership. According to Cuvalo, “The forced union of various peoples with different cultures and religions was from the very outset susceptible to failure” (Cuvalo 2007: XCV). Inevitably, a few days later, and violence erupted in many places.

During World War I, BiH was visualised by some statesmen in Vienna, and also by some prominent Muslim intellectuals as either an autonomous entity directly under the Hungarian crown, or indirectly. Slovene and Croatian politicians established a National Council for the unification of the South Slavs (5 October 1918). A branch of the same National Council was constituted in BiH. On 4th November 1918, the first national government of BiH was formed.

To safeguard their interests in the region, the Muslims of Yugoslavia formed the Yugoslav Muslim Organization (JMO) in 1919. It was the largest Muslim political formation. Its primary objective was to begin the process of politicising the Muslim population and protecting the interests of the Muslim community in the newly created South Slavic state. In the early years of its formation, JMO leadership had a pro-Serb inclination. According to Cuvalo, the reason for this was that by “collaborating with the ruling Serbian party, the Muslims attempted to secure Bosnia’s territorial unity, to retain Muslim unity, to have freedom in Muslim religious and educational institutions, and to diminish the impact of the impending land reforms on the Muslim landlords” (Cuvalo 2007: XCVI-XCVII). However, Pan-Serbian policies also were a factor behind divisions among the Bosnian Muslims. All the Muslim deputies to the

parliament in Belgrade from this faction, except Spaho,¹² who went so far as to declare themselves in 1924 to be of Croatian nationality.

The period after the elections of 1923 saw the formation of a Federalist Bloc, the members of which were the Croatian, Slovene, and Bosnian Muslim political parties. In 1924, the Serb Democratic Party (SDS) joined the Federalist bloc, strengthening the opposition to government. This 'opposition bloc' was successful in bringing down the government of the Serbian Radicals, and the subsequent formation of a new coalition government, under the leadership of Serbian Democrats in March 1924. This government was able to continue in power till October 1924. The JMO occupied a position of considerable power in this short tenure government, as a result of which there were many incidents of Serbian anti- Muslim violence in the Bosnian countryside.

Although it was clearly stated in the constitution of the newly formed state that "BiH would be divided into districts within her present [1921] borders," in actual practice this remained a distant reality and the "administrative integrity" of the region was only one of superficial appearance (Schumann 2004: 150).

The administrative division of Bosnia was devised in such a way so as to ensure a Serbian majority in each of the district, apart from one division that had Croatia majority. The "administrative integrity" of the region finally came to an end in 1929. In the 1930's, the policies showed a clear favouritism towards Pro-Serbs Muslims, and general Muslims, as well as the Croat political representatives were not included in the King's personal cabinet. This indifference showed to these sections, combined with the revolutionary movement of Ustashe resulted in the growth of a strong political consciousness among Croatian and Muslim and masses in the 1930s. They now started to favour the idea of breakup of Yugoslavia. This idea found support among Bosnian Muslims too. However, the Serb- Croat deal took no notice of safeguarding the interests of Bosnian Muslims.

In 1937, Josip Braz Tito became the general secretary of the Communist Party of Yugoslavia (that later came to be known as League of Communists of Yugoslavia. On 10 April 1941, the Axis Power led Italy and Germany proclaimed an independent

¹²Spaho, who resigned from the Belgrade government in 1922, claimed to be a "Yugoslav."

Croatian State, and Bosnia was now a part of this new state “ The unification of BiH with Croatia was justified by the claim that those were Croatian historic lands and also by an ideology that the Muslims were Croats of Islamic faith” (Cuvalo 2010:19) . The Italian Duke of Spleto was proclaimed as the king of this new state, and a government under Ante Pavelic, leader of the Ustache movement was installed. This period was witness to one of the greatest violence in Bosnian history. The interwar period was marked by persecution of the non-Serbs, as well as emergence of Serb-Croat conflict. These led to straining of relations between Serbs, Croats, and Muslims and culminated in retaliatory actions and acts of violence among the Serb, Croats, and Muslims.

The new territorial organisation further increased ethnic tensions between Muslims and Croats).While some Bosnian Muslims lent their support to the Independent state of Croatia, other sections of the community plainly accepted the new situation. The Muslims also attempted for the setting up of an autonomous Bosnian province under a German protectorate, but this proposal did not materialize. However, the Germans did organize a separate volunteer Muslim military division in 1943. By the end of 1944, there were widespread protests by the Muslims of Sarajevo against the Ustache regime. The Muslims demanded an equal status, and a land that was governed by rule of law.

The new territorial organisation further increased ethnic tensions between Muslims and Croats. After a violent struggle and strong resistance showed against Serbs and Ustache regime, Tito’s Partisans¹³ (National Liberal Army) formed its own government in Bosnian town of Jajce. Much of Eastern Bosnia also came under their influence (Palmer 1999: 914).

2.5. Bosnia in the Post World War II Period

On 29 November 1945, elections for the Provisional Assembly were held in the newly liberated region. After the elections, the Federative People’s Republic of Yugoslavia was proclaimed, and Tito was chosen as the first Prime Minister of this Republic. In

¹³ The Communist Party of Yugoslavia organized itself as Partisans, the main rebel group against Ustache regime.

the next year, 1946, a constitution was drafted and this constitution was very similar to that of the constitution of the USSR. The Constitution established a federation of six Republics, one of which was BiH. Two autonomous regions were also established as per the provisions of the constitution. In the same year, the new Communist regime imposed a ban on the “Young Muslim” organisation. Although the Young Muslim organisation stated that its objective were to safeguard the interests of the Bosnian Muslims, it was categorised as a terrorist outfit, and a threat to peace and stability in the region. In April 1963, a new Constitution was adopted and by this constitution, the new name of Yugoslavia was proclaimed as Socialist Federal Republic of Yugoslavia (SFR).

After the Serbian hardliners were subdued (1966) and Croatian nationalist voices silenced (1967 and 1971), Tito began to favour the affirmation of Bosnian Muslims as a new political base. In 1968, the Bosnian Muslims were recognised as one of the constituent nations of Yugoslavia. This was proclaimed officially by the 1971 census. From 1971 onwards, the Slav Muslims were recognised as a distinct ethnic entity. Further, in 1971, major administrative changes took place and many federal units were granted a greater degree of autonomy. As regards the Federation of BiH a system of collective leadership and regular rotation of administrative posts was adopted. A new Federal constitution was again adopted in 1974. According to Gallagher “BiH, after being neglected for a few decades, enjoyed a fresh infusion of economic growth as well as enhanced political importance” (Gallagher 2003:69).

With the death of Tito on 4 May 1980, an era ended in Yugoslavia. After Tito’s death, the Federal State Presidency and the Presidium of the LCY (League of Communists of Yugoslavia) collectively took over the government responsibility (Palmer 1999: 215).

The end of the Tito regime was a major turning point in post World War II Yugoslavia. Conflicting views began to emerge among various ethnicities about the nature of the Yugoslav republic.¹⁴ Among the Muslims, there was a strong assertion of their identity, the resultant of which was the Islamic Declaration of BiH¹⁵. The

¹⁴The Serbs pushed for recentralization, and the non-Serbs, primarily Croatia and Slovenia, championed further decentralization (Cuvalo 2007: CI).

¹⁵A group of Muslim intellectuals in BiH, headed by Alija Izetbegovic, undermined the position of their secular Muslim leaders by publishing an *Islamic Declaration*. In it, the group indicated its displeasure

assertion of a Muslim identity had a deep impact on the BiH region. The Muslims of Bosnia contemplated two choices- either unification with Serbia or Croatia that would keep the territory of BiH intact or a division between the two powerful neighbours.

Another distinct possibility was that of opting of outright independence,¹⁶ following the examples of Slovenia and Croatia. It was in such a scenario that elections to the State Presidency of BiH were held on 18 November 1990. All of the seven seats were shared among the three nationalist parties, each of which represented an ethnic group- the Bosnian Muslims, Serbs and Croat. In the final round of voting for 240 seats, the Party of Democratic Actions (PDA) that represented the Muslim interests won 86 seats. The Serb Democratic Party (SDP) won 72 seats, and the Creation Democratic Union of Bosnia and Herzegovina (CDU –BiH) won 44 seats. Izetbegovic, the PDA leader was to act as the President of the Republic State Presidency. Jure Pelivan of the CDU-BH assumed the office of the Premiere, while Momano Krajisnik of the SDP was to function as the President of the Assembly.

The first signs of political crisis in the region occurred in 1991, when the Serb-majority districts proclaimed a ‘Municipal Community of Bosanska Krajina’. This met with opposition by the republican authority, as they were concerned about the effects of Serb ethnic aspirations. Meanwhile at the same time, violence had erupted in Slovenia and Croatia.

On 30 June, 1991, the European Community was able to secure a ceasefire in Slovenia and Croatia, both of which had proclaimed them as independent countries, about a week ago. However, fighting still continued in Croatia. Bosnia also was not free from ethnic tensions as many Serb dominated regions formed Serb Autonomous Region (SAR). There were frequent incidents of violence on the borderlands, which resulted in the proclamation of a declaration of neutrality by the State Presidency.

with Muslim secularism, stressed the superiority of Islam over Christianity and Communism, and called for a return to the basic teaching of the Koran in order to achieve a true Islamic society. The supporters of the *Declaration* were tried in 1983 and sentenced to long terms of imprisonment.

¹⁶As Izetbegovic declared in an election rally in September that, “.....there are three options for Bosnia: Bosnia in a federal Yugoslavia, an acceptable option; Bosnia in a co federal Yugoslavia also an acceptable option; and finally an independent and free Bosnia. I must say openly that if the threat that Croatia and Slovenia leave Yugoslavia is carried out, Bosnia will not remained in a transcendent Yugoslavia. In other world Bosnia will not tolerate staying in a greater Serbia and being part of it. If it comes to that we will decide, then in what new constellation Bosnia will find itself, as a sovereign republic that will use its sovereignty (Shoup 1999:47).

In 1991, when the war in Yugoslavia began, Croats and Serbs from Bosnia were one of the major warring parties. “The Croats began provide training to the Muslims for war in Bosnia and JNA also provide training and armaments to the Serb reservists throughout Bosnia this led to the chaotic war in BiH. Although the army did not disintegrate but simply transformed itself into an all-Serb military force in 1991” (Burg & Shoup 1999:45-47, 62).

Table 2.1: Ethnic Composition of Bosnia in 1991

<i>Ethnic Group</i>	<i>Percentage of the Population (%)</i>
Muslim	44
Serbs	31
Croats	17
Others	8

Source: Woodward (1995: 33).

On 15 October 1991, the Assembly declared that BiH was a sovereign state with clearly defined border. However, this was not acceptable to the SARs, which rejected it. A referendum was held on 29 February 1992. About 63% of the electorate voted supporting full independence¹⁷. On 1 March 1992, the country was declared independent and was renamed the Republic of Bosnia and Herzegovina. On 5 April 1992, the Serbian forces began the siege of Sarajevo. On 7 April, EC and USA recognised the country’s independence, and on 22 May 1992, the Republic of BiH was accepted as a member of the UN.

By the end of 1991, Bosnian Croats had begun to organize self defence and this achieved with some success in defending some regions of the country. However, as the war grew, Sarajevo government was unable to provide an effective solution. The Bosnian Croats then aimed at filling the power void in the regions where they were in

¹⁷In the referendum of February 1992 more than 64 percent of the eligible voters participated, and 99.7 percent of them answered affirmatively to the question, “Do you support a sovereign and independent BiH?”

majority. They were hoping for double political gains. In the first case, if BiH survived the war, they aimed at securing their national equality with the Muslims/Bosniacs and Serbs, and then aspire for a regional self rule. In the second case, in which the country could collapse and then divided, they could form a Croat majority state and unite that with Croatia. However, it was the first option that appealed to Bosnians Croats, and it was the second option that found favour with Croats from Herzegovina.

As far as the Muslim leadership was concerned, it wanted a unitary state as it perceived the Muslims as the only true protectors of the state. The Muslims were of the opinion that just like Serbia was formed for Serbs, and Croatia was formed for Croats, in a similar way the Bosniacs (Bosnian Muslims) should have Bosnia formed as their nation-state. According to Ante Cuvalo,

“This sometimes explicit but more often implicit integralist message contributed to the distrust and the growing gap between the Muslims and Croats and others who remained willing to support the independence of BiH on the basis of national/ethnic equality. Realizing the (in) actions of the EC and UN and the seeming willingness of the world to accept the result of military conquest, the Muslims began to grab the land held by the Croats (1993) and were even on the verge of proclaiming a separate Bosnian Muslim Republic at the beginning of 1993. The world was staring at the worst human disaster in Europe since World War II and was seemingly helpless to do anything about it” (Cuvalo 2010:24).

The war in Bosnia was a war against civilian in order to create pure ethnic areas. Local violent incidents turned into a serious war when Serbs were engaged in a systematic ethnic cleansing of the Non- Serbs. The EC recognition of Slovenia and Croatia, and then of BiH, as independent states precipitated the outbreak of war in Bosnia.

2.6. International Response in Bosnia and Herzegovina

According to Cuvalo, “The response of the world, particularly of the EC and the UN, to the war in BiH was one of ambivalence, impotence, and some would say even deceitfulness” (Cuvalo 2007: CVI). The major European powers perceived the war as a civil war having roots in the conflicting history of the Balkan region rather than

viewing it as an act of aggression on a sovereign state. Cuvalo remarks that, “Only the horrifying pictures from concentration camps and the public outcry that followed forced the EC and UN leaders to convene the London Conference at the end of August 1992 to address the crisis” (Cuvalo 2007: CVI). The London Conference of 27 August 1992 issued the following statement on Bosnia:

“The participants in the London Conference on the former Socialist Republic of Yugoslavia condemn the continuing violence in BiH and the attempts to gain territory by the use of force. They reject as inhuman and illegal the expulsion of civilian communities from their homes in order to alter the ethnic character of any area” (John 1992).

The London Conference also indicated the provisions that were to be a part of any political settlement in BiH. They were as follows:

- a) A full and permanent cessation of hostilities and an end of all violence and repression, including the expulsion of populations;
- b) Recognition of Bosnia-Herzegovina by all the former Yugoslav Republics;
- c) Respect for the integrity of present frontiers, unless changed by mutual agreement;
- d) Implementation of guarantees for the rights of persons belonging to all national communities and minorities in accordance with the UN Charter and CSCE provisions;
- e) Just and adequate arrangements for people who have been forcibly expelled from their homes including the right to return and compensation for their losses;
- f) Democratic and legal structures which properly protect the rights of
- g) Assurances of non-intervention by outside military forces whether formed units or irregulars, except as provided for in relevant UN Security Council Resolutions;
- h) Respect for all international Treaties and Agreements;
- i) Restoration of trade and other links with neighbouring countries; (John 1992).

The Geneva Conference of 1992, appointed two mediators, Lord Owen and Cyrus Vance on the behalf of the EC and UN, respectively and they were assigned the task of finding the solution to the Bosnian crisis in a way such that the Bosnian state could be preserved. They were also to seek solution to the question of determining an

arrangement that could be acceptable to the Serbs, and also could be accepted by Muslim led government and Croats through pressurising. The plans formulated by the EC and UN did not achieve a great deal of success. Rather, Croats and Muslims, unwilling allies in normal times, were pushed into a war for the remaining thirty per cent of land under their control. This action of Croats and Muslims was used a strong argument by those who viewed the Bosnian conflict as an internal civil war of the Balkan region, and were against any external intervention (Cuvalo 2007: CVI).

Table2.2: Civil War in Bosnia and Herzegovina

Action	Outcome
War	Bosnia government vs. Republika Srpska vs. Croats
Dates	March 1992- November 1995
Casualties	250,000 total deaths. Between 55,000 (Lacina and Gleditsch 2005) and 150,000 (Doyle and Sambanis 2000) battle deaths.
Regime type prior to War	Not applicable; Bosnia did not exist as a state prior to the war. Score of -5 for Yugoslavia in 1991.
Regime type after to War	Not applicable; although several elections have occurred since the war ended, administration of Bosnia has been overseen by the international community, represented politically by the Office of the High Representative (OHR) and militarily by a variety of foreign military powers.
Insurgents (combatants)	Bosnian Serbs, Bosnian Croats , Bosnian Muslims
Issue	Ethnicity, secession
Rebel Funding	Neighbouring states Serbia and Croatia, illegal smuggling, stockpiles of weapons inherited from parent states
Role of Geography	Approximately 60.5 percent of Bosnia's terrain is mountainous, but geography played a limited role.
Role of resources	Bosnia has no natural resources of note, although looting was a way for irregular forces to sustain their activities.
Immediate Outcome	Negotiated settlement in which state is independent but broken into autonomous "entities"
Outcome after 5 years	Stable, internationally monitored peace, elections
Role of UN	UNPROFOR deployed; troops sometimes taken hostage by the Serbs
Role of regional Organization	The EC, NATO, and the Contact Group were key players
Refugees	Up to 1.7 million internally, 1 million externally
Prospect for Peace	Good in the short term, but core issues remain unresolved; given the region's history, a return to war in the long term would be unsurprising.

Source: Derouen and Heo (2007:189).

All the UN Security Council decisions regarding BiH, however, were a reaction to some major human disaster.

“The UN’s involvement in Bosnia focused mainly on humanitarian needs. Besides some 1,500 UN troops already in Bosnia, in September 1992, the UN Security Council approved the expansion of the existing 15,000 UN Protection Force (UNPROFOR) in Croatia by six thousand in order to protect humanitarian aid in Bosnia, including the opening of the Sarajevo airport. By the summer of 1995, there were approximately 23,000 “peacekeepers” from 18 nations in BiH” (Cuvalo 2007:108). The major UN Security Council Decisions regarding BiH were resolutions imposing economic sanctions against Serbia and Montenegro (May 1992), creating the no fly zone over Bosnia (October 1992), and establishing six UN “safe areas” in Bosnia (May 1993)” (Cuvalo 2010:25).

The resolutions imposing economic sanctions against Serbia and Montenegro (May 1992), creating the no fly zone over Bosnia (October 1992), and establishing six UN “safe areas” in Bosnia (May 1993). According to Cuvalo,

“All the UN Security Council decisions regarding BiH, however ... lacked a clear mechanism of implementation, a well-defined command, or a measure of response to provocations. These and other resolutions were passed to pressure the Serbs to accept a negotiated settlement, while being careful to avoid any direct UN involvement in the war” (Cuvalo 2007: CVIII).

The situation BiH was also made difficult due to the varying political positions of the major international players: the UN, United States, EC, North Atlantic Treaty Organization (NATO) and Russia. Each of these powers had its own set of agendas to implement in the Balkans. In the case of UN, the then Secretary General Boutros Boutros-Ghali wanted to play a key role in the conflict and did not want to give the impression that UN worked under the influence of US. The British and French resisted American intervention in European matters and called for European nations to play a greater role in solving the conflicts that took place on European land. Russia took the sides of Serb, and used this war to assert its presence on the global level.

“By the agreement with the UN, NATO was authorized to patrol the declared no-fly zone and use air strikes when called upon. But in order to prevent a more decisive solution to the problem and to lessen the impact of U.S. leverage, the key command to air strikes was in the hands of the UN civilian chief in the former Yugoslavia until July 1995. For such reasons, it took the international community almost three years into the war to undertake a direct action against Serb

military targets. In February 1994, NATO (U.S.) jets shot down four Serb military planes over Bosnia. It seems that the main concern of the international players was to contain the war and hopefully choke it off in BiH, regardless of human suffering, rather than resolve the Bosnian question in a meaningful manner” (Cuvalo 2010: 25).

In April 1994, a five-nation Contact Group was assembled that comprised of United States, Britain, France, Germany, and Russia. This group revived the peace talks in the region with UN and EC approval. These talks however did not meet with any great success on account of the rigid demands of the Bosnian Serbs.

“Meanwhile, some major shifts were in the making regarding the Bosnian peace initiative. Slobodan Milosevic, the prime mover of the war in the former Yugoslavia, shifted his policy and became “an advocate of peace,” in order to preserve his hold on power in Serbia and to salvage for the Serbs in Croatia and Bosnia through peace what he could not gain through war. At the same time, the United States began to support Croatia in order to attain a balance of power in the region. As a result, by mid-August 1995, the Serbs lost almost all of the territory they held in Croatia and large parts of western Bosnia. Moreover, the Bosnian Serb attacks on the UN safe areas in eastern Bosnia (July 1995), which resulted in one of the worst human disasters of the war and a Sarajevo marketplace massacre (28 August 1995) prompted massive NATO air raids, under U.S. initiative, against Serb military positions and installations. Thus a combination of NATO actions, a successful Croat and Muslim ground offensive, and active U.S. diplomatic efforts finally brought some concrete results to the people in BiH. Although the leaders of the Bosnian Serbs were not ready to make a deal, it was done for them by the president of Serbia, Slobodan Milosevic. Finally the fighting was over” (Cuvalo 2010: 25-26).

2.7. The Dayton Peace Accord

The war came to an end by the American peace proposals, initiated by the Presidents of BiH¹⁸. As Adriana Camisar et al argues that, “After almost four years of ineffective diplomatic efforts by the European Union, the United Nations, and the United States, the Clinton administration finally decided to take the initiative and sent Richard Holbrooke the Assistant Secretary of State for Canadian and European Affairs to lead an “all out negotiating effort” to end the war in Bosnia” (Camisar 2005:2). The accord was signed at Dayton, Ohio on 21 November 1995. The involved parties signed the

¹⁸Bosnian President Alija Izetbegovic, the Serbian President Slobodan Milosevic and the Croatian President Franjo Tudjman, ended the worst conflict in Europe since the Second World War.

Dayton peace accords in Paris on December 14, 1995. The agreement provides the sovereignty and status of a 'single state' to BiH within its single boundaries at the international level (Cuvalo 2007: CIX). But it established two autonomous political entities in the nation, the Muslim Croat in Federation of BiH and the Serb in Republic Spraska. The first controlled 51 percent and the second 49 percent of the total territory and as per the accord, each was to enjoy considerable powers.¹⁹ There were arrangements of the U N High Representative to monitor the operations and ensure that the agreement would be implemented with respect (Grade 2006:403).

However, the Dayton accord was not devoid of its shortcomings. Every side interpreted the accord to its own advantage, trying to create an illusion of cooperating while implementing only the parts of the Agreement that benefited their position of power. Four years after the signing of the DPA, the International Crisis Group conducted an assessment of the Agreement and identified several flaws. They claimed that there are structural problems inherent in the treaty itself. One of its flaws was its failure to address a primary cause of the wars of Yugoslav dissolution (1991-present), which was the inability of Yugoslavia's economic and political structures to provide economic growth, prosperity and free political expression. As it mentioned in the ICG report that the , " second flaw of Dayton accord was the misguided hope that the three warring Bosnian factions would put aside their differences, cooperate and live together in peace and harmony in a unified state" (ICG 1999: 51).

It is not so that Dayton accords were a complete failure. The implementation of these accords was situated in two main tracks, military as well as civilian. These dimensions initiated an array of civilian and military missions, like the NATO led IFOR, and the Peace Implementation Council. Such missions were not exclusively confined to NATO, but global institutions like the United Nations and the European Union also became key players. The role of these actors, in particular the EU, will be examined in detail in the next chapter.

¹⁹The central government has responsibility over foreign policy and trade, customs, immigration, monetary policy, international law enforcement, communications, transportation, and air traffic control (Cuvalo 2007: CX).

CHAPTER 3

INTERNATIONAL RESPONSE TO THE BOSNIAN CRISIS: ROLE OF THE EUROPEAN UNION

December 2005, marked a decade from the end of the Bosnian war, a “hurricane of violence that engulfed this country”.

The Guardian (2005)

Bosnia and Herzegovina (BiH) has been an active ground, where all the major international actors have played some role. During the conflict in Bosnia, all the key international political players had attempted to resolve it through the military as well as civilian means. According to Burg and Paul,

“International responses to the war in BiH were dominated by the great powers. Britain, France, Germany as well as United States and Russia, played a critical role in shaping collective response to the crisis. Throughout the crisis, each of these actors pursued their own, often conflicting national interests. But, they also acted in concert. They dominated the activities of the multilateral organizations and institutions most directly involved in the conflict. Through these organizations, they attempted to define the political framework within which the war in BiH had to be fought, and within which its solution had to be found. They imposed limits on the actions of the warring parties, on each other, and on other interested parties. But even within these limits they faced resistance and even opposition; from within the UN, from the warring parties themselves, who sought at every turn to manipulate outside intervention to suit their own goals” (Burg and Paul 2000: 190).

The Bosnian conflict has played a very important role in the international security scenario. It provided the chance to the international actors to show their peacekeeping and conflict management capacity in a war situation. Not only European Union intervened to stop the war in order to protect their own borders but also the United States of America as well as the United Nations also aspired, though for different reasons and interests, to end the Bosnian War, as part of a larger agenda to maintain peace in the world. Greenberg and McGuinness remark: “The war in Bosnia is a manifestation of not only the virulence of nationalism in the hands of unprincipled

leaders, but also the challenges of coordinating an effective, principled international response to such conflicts. Bosnia, more than any other conflict, shattered the optimism of the international community and exposed fatal weaknesses in the very institutions that were to have sustained peace and democracy in the new world order” (Greenberg and McGuinness 2000: 35).

Although there were a large number of continued and demanding mandate that were imposed from the European side but Europe largely failed to provide an external military or political solution to the Bosnian crisis. UN peacekeeping forces, whose principles of consent and consensus represented the optimism of post–Cold War international military thinking, were exposed as a “poor fig leaf for the Western powers’ lack of military and political will to bring about a peace that could be kept” (Greenberg and McGuinness 2000: 36). Only when the United States, backed up by the military capabilities of NATO, finally undertook the intervention did the crisis begin to lift in Bosnia. Greenberg and McGuinness further remark that the,

“History of intervention in Bosnia is one of missed opportunities, failure of the international institutions charged with the maintenance of international peace and security, and lack of political will on the parts of the parties and the mediators to enforce agreements. In the end, the case demonstrates how war-weariness of the parties, combined with the political and military clout of the United States and NATO, finally resulted in an end to the fighting” (Greenberg and McGuinness 2000:36).

3.1. Role of UN in Bosnia and Herzegovina

In the early 1990s, when the Bosnian conflict had just begun to escalate, the UN did not show great concerns towards the problems of Yugoslavia. Various reasons have been stated for the little concerned allayed by the UN during this period. The following reasons can be cited for this initial response of UN to the Bosnian conflict: The initial response of the UN to the Bosnian conflict was conditioned by the following dynamics in international politics. The UN was primarily preoccupied with the ongoing Gulf War of 1991. Slovenia and Croatia declared their independence at about the same time. Meanwhile, European Community portrayed the conflict as a “European” conflict, and led UN to believe that it would be to solve the crisis by the initiatives of EC representatives (Goga 2006: 1-2).

The UN became involved in the Yugoslav crisis in 1991 when the UN Security Council adopted resolution No.713 imposing an arms embargo on the entire territory of Yugoslavia. According to Carl Cuellemans, “Resolution 713 was the first resolution that concerned the breakup of Yugoslavia” (Cuellemans 2005:41). In December 1992, the Secretary-General requested an expansion of the mandate and strengthening of the United Nations Protection Force (UNPROFOR), which until then had been operating only in Croatia and BiH, to establish a preventive presence of the UN in the Former Yugoslav Republic of Macedonia. The mandate was to monitor and report any developments in the border areas of the republic with Albania and the Federal Republic of Yugoslavia (FRY) (which comprised Serbia and Montenegro) that could undermine confidence and stability in the republic and threaten its territory. UNSC resolution No.743 established United Nations Protection Forces to be deployed in certain areas in Croatia with headquarters in Sarajevo, the capital of Bosnia. According to Glenn, “the reason for having headquarters there was probably firstly to underline UN’s impartiality but secondly also to prevent the conflict from spreading to Bosnia” (Glenn 1996: 200).

The military constituents of UNPROFOR deployed in the republic comprised of armed troops and unarmed military observers. Since the border with the FRY had not been conclusively defined, one of the early objectives UNPROFOR military had to undertake was to smooth out apprehensive situations arising from illicit border crossings and encounters between military patrols from both sides. In 1994, UNPROFOR negotiated a military administrative boundary between the two parties to manage the border-crossing incidents. UNPROFOR also monitored developments inside the country with a view to promoting reconciliation among various political and ethnic groups.

The UNPROFOR mission was initially deemed ineffective because of the problems of understaffing, financial constraints, and The unwillingness of UN representatives to get UNPROFOR troops involved deeper in the conflict (i.e. not as peacekeepers but as peacemakers) (Goga: 2006).

In the wake of the above problems and also to justify the multifaceted peacekeeping tasks in the former Yugoslavia, UNPROFOR was renamed and reorganized into three separate but inter-linked peacekeeping operations: one in Croatia, the second in BiH

and the third in the former Yugoslav Republic of Macedonia. The last was called the United Nations Preventive Deployment Force (UNPREDEP) with essentially the same mandate and tasks that UNPROFOR had in the republic (United Nations 2003: 71).

After the signing of the Dayton Peace Accords (1995), the UN role in the aforesaid crisis underwent a significant shift. The Dayton accords created a different form of foreign military presence through the Implementation Force (IFOR) with some 70,000 troops which was lead by NATO and authorized by UNSC resolution No.1031. IFOR existed for one year, to be replaced in December 1996 by the Stabilization Force (SFOR), authorized by UNSC resolution No.1088 (initially about 32,000 troops, in the end 7,000), and finally EUFOR which took over in December 2004 and continues its mission since then (based on UNSC resolution No.1575). With the formation of IFOR, UN role was restricted to that of a civilian crisis manager. The UN established a new mission to Bosnia, the UNMBiH. Apart from dealing with humanitarian relief and refugees, demanding, human rights, elections and rehabilitation of infrastructure and economic reconstruction, the UNMBiH comprised mainly two activities:

- 1) The International Police Task Force which was supposed to monitor law enforcement, train local law enforcement personnel and advise Bosnian authorities on how to reform the law enforcement sector and
- 2) The Judicial System Assessment Programme (JSAP) which was created in 1998 to help with the much needed legal and judicial system in Bosnia.

In retrospect, it can be said that UNMBiH has been comparatively more successful than the UNPROFOR. According to a view, the main reasons behind this are the non inclusion of military aspects, the cooperation of UN member states and the changing security context (Goga 2006).

Table 3.1: UNPROFOR and IFOR Comparison

Points of Comparison	UNPROFOR	IFOR
<i>Principles operation premised upon</i>	<ol style="list-style-type: none"> 1. Consent of the parties 2. Impartiality 3. Use of force in self defence 	<ol style="list-style-type: none"> 1. Consent of the parties 2. -Even handedness 3. Use of force beyond self defence
<i>Principles operative (that is workable in the context of mandate)</i>	<ol style="list-style-type: none"> 1. None of the above 	<ol style="list-style-type: none"> 2. All of the above
<i>Military Context</i>	<ol style="list-style-type: none"> 1. Weaker and stronger party ongoing combat 	<ol style="list-style-type: none"> 1. Balance of power among parties 2. Cease fire in place
<i>Equipment and force size</i>	<ol style="list-style-type: none"> 1. Inappropriate to military Context (lightly armed and insufficient number of troops) 	<ol style="list-style-type: none"> 1. Appropriate to military context (more heavily armed and sufficient number of troops)
<i>Command and control arrangements</i>	<ol style="list-style-type: none"> 1. Divided chain of command between UN and NATO 	<ol style="list-style-type: none"> 1. Unified chain of command within NATO
<i>Outcome</i>	<ol style="list-style-type: none"> 1. Mission failure 	<ol style="list-style-type: none"> 1. Mission success

Source: Solan 1998:113.

3.2. Role of U.S. in Bosnia and Herzegovina

Post Cold War America followed an 'inward' policy whereby domestic issues gained prominence, while the 'foreign obligations and burdens' were avoided. Partly, the experiences of US in Vietnam led the American foreign policy practitioners to believe that Yugoslavia would be the "tar baby of Vietnam" (Bert 1997: 106-107). "For over four years following the breakup of Yugoslavia and the onset of war, first in Croatia and then in Bosnia, the United States refused to take the lead in trying to end the violence and conflict" (Daalder 1998).

Bosnian independence was supported by the United States but they refused the recognition of Slovenia and Croatia. As Rogel Carole remarks, "The United States refused to recognize Slovenia and Croatia in January, maintaining that all of Yugoslavia's republics should have been offered the option of independence ... The United States strongly supported Bosnian independence¹ and may even have urged the Bosnian government to seek it" (Carole 1998:59).

War of Bosnia had a special character, although international community had differences on many points related to the war but they agreed on one common point: the opposition of military involvement in the area. They supported the military mission under the leadership of UN and EC. UN appointed Cyrus Vance and EC provided the initiative to Lord David Owen. They both replaced the former Carrington plan,² which was refused by the Americans because it provided much facility to the Serb aggressors. Next diplomatic initiative was headed by Lord Owen and Thorvald Stoltenberg³ of Norway provided its results in March 1994. It divided Bosnia with three ethnic components' on the name of Bosnian Peace Settlement, based on an outline proposed by Milosevic and Tudjman. In the same month there

¹Bosnian independence was recognized by the EC on April 6, while United States recognized all the three former Yugoslav republics- Slovenia, Croatia and Bosnia Herzegovina the following day. The UN would accept the three as members on May 22nd. Neither recognition nor UN membership, however, saved Bosnia from the JNA; the war began there on April 6th.

²The plan proposed the recognition of Bosnia- Herzegovina into ten cantons- three for each of the national groups and a separate one for the Sarajevo while still preserving Bosnia's unity and multiethnic character. The plan was turned down by the Americans because it granted too much to the Serb aggressor and by the Bosnian Serbs because they wanted more.

³In 1993 Thorvald Stolen berg appointed Special Representative of the UN Secretary-General for the former Yugoslavia and UN Co-Chairman of the Steering Committee of the International Conference on the former Yugoslavia after replacing the Cyrus Vance.

were also a plan named by the Contact Group⁴, to deal with the ongoing problem of the Yugoslav Republic” (Rogel 1998: 64). The plan was rejected by the Serbs and the Contact Group, with the United States in the lead, thereafter handled the international community’s dealings with former Yugoslavia.

Thus, it can be observed that in the United States, the Bush administration formulated policy toward Yugoslavia until January 1993 favoured Yugoslav unity and opposed involvement in that country after it began to disintegrate. Although the next President, Bill Clinton was very critical of Bush’s inaction there but also did not offer much.⁵ Americans rejected the Vance-Owen plan for Bosnia because they opposed rewarding the Serbian aggressor, yet they offered no alternative. As Gearoid O’Tuathail remarks:

“The U.S. leadership initiative worked and on 30 May 1992 the U.N. Security Council passed comprehensive sanctions against Yugoslavia, including an oil embargo. An international crisis had been recognized and described Bosnia as a ‘humanitarian nightmare’ and a collective international response formulated comprehensive sanctions against Yugoslavia. But the nightmare would not disappear. Bosnia’s horrific violence would splatter across the West’s media for years to come and periodically unsettle its conscience” (Gearoid O’ Tuathail 2002:603).

During the early phase of the war, US leaders posed a threatening stance to interfere in Bosnia’s matter, if the Serbia continued on its aggressive war path. In the Adriatic, as also in the Adriatic air base, a significant number of forces were deployed that were to assist in the enforcement of sanctions against Serbia. However, the US threats were not backed by concrete and absolute actions. Druckman even goes on to the extent of calling them as “vague” threats that “increased Serb intransigence” and the Serbs continued their policy of territorial expansion through seizure (Druckmann 2000).

Sobel describes the early US intervention in the Bosnian conflict as follows:

“For efforts like air drops of humanitarian aid, for which the justification was compelling, or for air strikes, where the risk to U.S. soldiers was low, support was fairly strong. Between 1992 and 1995,

⁴Its member was Britain, France, Germany, Russia and the United States. “Contact Group produced the proposal for redrawing the map of BiH. It allowed only 49% territory for the Serbs although they held about 72% at that time.

⁵Clinton’s foreign Policy team was new, learning on the job, and dealing with what Warren Christopher, the new secretary of state, called a “problem from hell”.

there generally was majority support for U.S. assistance in providing humanitarian aid and protecting UN peacekeepers. Most Americans were also willing to use U.S. airpower to protect UN troops or Bosnian Muslims in safe havens. Support grew for active U.S. involvement and specifically for the use of U.S. combat troops, although it stayed in the minority. Because a key issue for Americans has been unilateral versus multilateral intervention, Yet, Americans have been conflicted about UN or NATO command of U.S. forces” (Sobel 1998:251).

It was the horrid events of Zepa and Srebrenica in 1995 that led the US to take the peacekeeping efforts in the region more seriously. “Despite the U.N. flag flying over the enclave, the Bosnian Serb assault in July 1995 met no U.N. resistance either on the ground or from the air. Within 10 days, tens of thousands of Muslim refugees streamed into the Muslim-controlled city of Tuzla. Missing from the stream of refugees were more than 7,000 men of all ages, who had been executed in cold blood-mass murder on a scale not witnessed in Europe since the end of World War” (Daalder 1998).

Srebrenica was declared as the “greatest shame” of the West. “Bosnia was always much more than a ‘humanitarian nightmare.’ It provoked the leading actors in US foreign policy to proclaim Bosnia as a “globally significant place ... and as a ‘test’ of America’s global leadership.” (Gearóid Ó Tuathail 2002: 611).

The US policy practitioners and also the allies now decided that it was time for a concerted military action. “This could be achieved either by deploying U.S. forces alongside European troops or forcing the withdrawal of the U.N. force. Since the president had consistently ruled out deploying American ground forces to Bosnia except to help enforce a peace agreement, the only way significant military pressure could be brought to bear on the Bosnian Serbs would be after UNPROFOR had been withdrawn. Lake agreed with this assessment and proposed that his staff begin to work on a “post-withdrawal” strategy-the steps that the U.S. should take once UNPROFOR was gone.”(Daalder1998). The then National Security Advisor Anthony Lake now started contemplating on a ‘post withdrawal’ strategy -the actions that US would take once the UN forces were withdrawn. It was now evident that the “diplomatic, logistical and technical aspects of the mediation adhered strictly to the models of shuttle and later proximity talks facilitated by an active third-party mediator, the United States” (Greenberg and Margret 2000:39).

Lake, along with prominent National Security Council members, worked out a three pronged strategy:

- 1) UNPROFOR was no longer required. Either a new NATO Force could be deployed that would enforce the peace agreement, or a concerted military action would be undertaken by US and NATO.
- 2) There was to be now minimal use of diplomacy. “A diplomatic solution that reversed every Bosnian Serb gain simply was not possible”.
- 3) “The success of a last-ditch effort to get a political deal would depend crucially on bringing the threat of significant force to bear on the parties” (Daalder 1998).

Repeated air strikes were launched. What followed was an extended NATO bombing campaign. On August 30, Operation Deliberate Force was launched by NATO. More than 60 aircrafts from seven countries and additional French and British artilleries hit pre-planned targets around Bosnia. “U.S. diplomatic efforts that exploited the changing military balance of power, the Croation-Bosnian counteroffensive, and repeated air strikes were successful in bringing the Serbian, Croats, and Bosnian Muslims for peace talks. The result of these peace talks culminated in the Dayton Peace Accords on November 21 1995 (Phillips 2005:13).

By the end of 1995, U.S. new strategy of active military intervention in Bosnia was successful in the transformation of Bosnia into a country at relative peace a peace enforced by 60,000 U.S. and NATO forces. In December 1995, when implementation of Dayton began, IFOR replaced the UNPROFOR.

Table 3.2: Series of Mediation in Bosnia and Herzegovina

Time of Proposal	Mediators	Major Content	Outcome
February 1992	Carrington-Cutileiro	Devolution of central government to local ethnic communities	Rejected by the Bosniaks
May 1993	Vance-Owen	Division of Bosnia into ten semi-autonomous regions	Rejection by the Bosnian Serb assembly
August 1993	Owen- Stolenburg	Territorial Partition among Bosnian Serbs (52%), Muslims(30%), Bosnian-Croats(18%)	Rejected by Serbs
October 1994	Contact- Group	Partition between the Muslim/Croat Federation (51%) and Serb Republic (49%)	Rejected by Serbs
November 1995	Contact – Group	New Territorial division among Bosnian Serbs (49%), Muslims (30%) and Croats (21%)	Signed in Paris , December 1995

Source: Jeong 2010:179.

3.3. Operations of the European Union in Bosnia and Herzegovina

The European Union's approach towards BiH is very unique and different in nature because its first Civilian Crisis Management operation EUPM replaced the NATO led Police Mission and also that it had a military mission named EUFOR ALTHEA at the same time in BiH. This was the third mission and to date the largest and most enduring European Union military operation. This had the mandate to ensure compliance with the 1995 Dayton-Paris Peace agreement, to support the international community's High Representative, who is also the EU Special Representative in BiH and also to assist local authorities in a number of tasks, such as mine clearance and control of lower airspace. According to Bertin, "It represents a major step forward in the development of the military dimension of the ESDP, confirming the Union as an actor in international security affairs" (Bertin 2008: 61).

Before describing European Union Police Mission in detail, it is essential to summarise the preceding missions of similar nature, deployed by other major international organizations. NATO was operational in the country since 1995, when 60,000 troops were deployed under the Implementation Force (IFOR). SFOR (Stabilisation Force) numbering 30,000 replaced the IFOR in December 2006. SFOR strength was gradually reduced. In June 2004, at its Istanbul summit, NATO announced that SFOR was to be replaced by an EU Peacekeeping Force (EUFOR), by end of the same year. The transition phase for handover of SFOR to EUFOR took a period of six months, primarily due to variance in the exact meaning of EU access to NATO's resources (Koehane 2009: 212).

The military operation *Althea* in BiH was launched on 2 December 2004 following the decision by NATO to conclude its SFOR-operation and the adoption by the UN Security Council of Resolution 1575 authorizing the deployment of an EU force in BiH which was carried out with access to NATO assets and capabilities under the 'Berlin Plus'⁶ agreement. The EU deployed 7,000 troops under Chapter VII of the UN Charter to ensure continued compliance with the Dayton Peace Agreement and to contribute to a safe and secure environment in BiH.

⁶Berlin plus agreement gives the EU military ESDP access to NATO planning capabilities and other assets without any participation of the NATO in the said operations.

According to Koehane, “EUFOR essentially inherited the same robust mandate as had been given to SFOR, the primary role being to ensure compliance with the 1995 Dayton accords” (Keohane 2009: 215). In spite of the fact that the security scenario had shown significant improvements since 1995, the EU governments agreed for the use of force, if it was required as a preventive action to avoid war.

Even though EUFOR had a vigorous authorization officially, in practice many observers expected it to play more of a policing role-assisting the Bosnian authorities with countering organised crime for example-relative to the predominantly military deterrence role played by SFOR(International Crisis Group: 2004).For example, the then US Secretary of Defence, Donald Rumsfeld, said that EUFOR would have a ‘distinctly different mission’ from SFOR, one that would be ‘less military and more police in its orientation.’(Rumsfeld and Sanader: 2004 cited in Keohane 2009: 214). A particular challenge was how EUFOR would assimilate the Integrated Police Unit (IPU), the armed police unit of SFOR.

From a functional perspective, the EU was confronted with two key planning amendments. The first challenge pertained to the replacement of approximately 1000 American troops, which were about to leave SFOR once its mandate ended. Related to this, the other problem was to find a viable alternative to the USA that could serve as the framework nation of Task Force North.

The Union met both these challenges successfully. It attained success in generating a number of troops sufficient enough to fill the void that had occurred as a result of the withdrawal of US forces. Among European nations, Finland demonstrated a strong sense of commitment to the ESDP by their actions of deploying Task Force North at the time when there was a change of command from NATO to EUFOR. European Nations contributed to around 80 percent of SFOR troops (Bertin 2008: 64).

When the transfer of authority took place, most of the SFOR troops just had to change their NATO/SFOR logo to that of EU. Operation Althea had its central headquarters situated near Sarajevo, like the preceding NATO force. The central headquarter along with three further subordinate territorial headquarters were assigned different Areas of Responsibility (AoR), which were namely Task Force North-West (situated in Banja Luka), Task Force North (located in Tuzla) and Task Force South-East (situated in Mostar region) (Bertin 2008:64). In February 2007, it was decided that

the strength of Althea was to be reduced to 2,500 troops and with its new composition it was to be concentrated in the vicinity of Sarajevo. Most operations in the first year of its deployment were conducted under the command of the task forces. These task forces over the years had acquired a certain degree of autonomy. According to Bertin,

“Task forces could almost be compared to ‘independent Republics’, still subordinate to SFOR HQ but using the room for manoeuvre granted to a military echelon of command to the maximum extent possible. For instance, the speciality of Task Force North west was operations in support of the fight against organized crime” (Bertin 2008: 65).

34 nations had supplied the troops of the EU force by the end of 2006, a few months ago before it was decided to reduce the size of Althea. Three EU member states⁷ did not furnish troops to the EU⁸. Apart from the European nations; eleven non-EU member states⁹ also supplied their troops to Althea (Soder 2010:5). Turkey provided the largest third country contingent, with approximately 450 soldiers. There were also some small contributions¹⁰. Bertin highlights the fact that the contributions of the non-European countries in the early EUFOR was almost identical to the number of troops provided by non-NATO countries to SFOR and remarks that this was not just incidental as the non- EU states now perceived ESDP as a significant medium by which they could play a major role in the collective action that aimed at maintaining international peace and security order (Bertin 2008: 66).

When Althea was a year and a half old, many states announced that they intended to withdraw their troops from the mission. However, no country that had provided a substantial number of troops to EUFOR has withdrawn unilaterally.

This collective decision-making was evident in December 2006, when the EU member states decided to reduce EUFOR composition. By the end of February 2007, it was reaffirmed that the reduced composition would be in effect by May in the same year.

⁷These states are Denmark, Cyprus and Malta.

⁸Denmark in 1993 had opted out of the Common Foreign and Security Policy, Malta and Cyprus were denied participation because of their lack of a bilateral security agreement with NATO, which did not comply with the Berlin plus Agreement criteria of participation in any of the EU’s military operation.

⁹These non-EU member states are Bulgaria, Canada, Norway, Romania and Turkey; Albania, Argentina, Chile, Morocco, New Zealand and Switzerland.

¹⁰Macedonia provided helicopters while Argentina’s contribution one officer was symbolic.

According to its mandate, two types of activities are assigned to Althea, key military tasks, and key supporting tasks (Council of European Union 2004). The Commander is under the obligation to give priority to the key military task, while key supporting tasks are those which are at the discretion of the commander to carry out, within the available resources and capabilities, on the prerequisite that such tasks effectively contribute to the successful accomplishment of the primary military mission.

The two major key supporting tasks that are distinctive by their presence are: 1) The conduct of regular operations that aim to track down and catch those charged of war crimes and also interrupt their support base. By this task, Althea aims to prevent Bosnia from being a secure shelter of war crimes accused. 2) Countering organised crime-Organised crime has been identified as a major impediment to restoration of normalcy in Bosnia, and also significantly reduces the prospect of Bosnia' accession to the EU. General Leaky, the first EUFOR commander has commented that "organized crime was a real hindrance to peace and stability in Bosnia, not least because war criminals and their networks were thought to be sustained by illegal criminal activities such as drugs, people and weapons smuggling (Leakey 2006: 61).

Thomas Bertin gives the significance and also the assessment of EUFOR as follows:

"An important aspect of any military reassurance posture is the credibility with the local population. For the EU, the goal of establishing the credentials of its operation in Bosnia was a challenge. After the inability of the European countries to contain the violence triggered by the break-up of Yugoslavia, the EU was perceived by locals as politically and militarily weak. Indeed, the population in the early 1990s, particularly the Muslims, resented the EU member states for not stopping the 1992–95 war. Under these adverse conditions, how did Althea go about demonstrating its resolve and capacity to guarantee peace in the country? It did this in two ways in particular. First, by engaging in a high operational tempo (i.e. patrols, exercises) to show EUFOR strength and capabilities, and pro-actively communicating the positive results of EUFOR activities in the Bosnian media. Second, by emphasising that EUFOR was practically the same in terms of size, types of personnel and capability as the NATO run SFOR had been"(Bertin, 2008:63).

However, EUFOR was not alone sufficient and it required some coordination with other peacekeeping missions, if the challenges of organised crimes were to be met. At this time, the "major EU crisis management" actor was the European Union Police Mission .

3.4 Need for Police Reform in Bosnia and Herzegovina

The main question is that why the police reform in BiH was important or what is the importance of use of police intervention by EU? The answer is only in the conditions and environment which Bosnia had as a post conflict region. Although there were Police already present in Bosnia and Herzegovina, but they had a lot of problems till its formation as there were a lot of multiethnic fragmentations. Bosnian police was divided on the ethnic ground. Under this division of ethnicity it was very difficult for them to work in a coherent manner and not to be biased towards a particular ethnic community. As Ivkovic and Shelly explain, "Some BiH police have misused their authority with the purpose of antagonizing ethnic minorities. Such acts include: impeding minority freedom of movement via roadblocks, telling minorities they do not belong, telling minorities to leave a city/village/area, discouraging or preventing minorities from voting; and occupying homes owned by minorities" (Ivkovic and Shelly 2005:436). In Bosnia the absence of uniform and single norms and code of conduct it also creates the problem for the Bosnian police personnel.

When Dayton Peace Agreement left Bosnia as a complex, de-centralised, multi-layer and mainly ethno-political power-sharing model , in this situation in order to stabilize BiH, EU intervened by its Police means. Bosnian Police officers were not able to respond the violence, harassment and criminal activity committed against ethnic minorities by members of the ethnic majority (Ibid: 435).

After the introduction of the criminal justice system, BiH police personnel manipulated the system and they start to serve the politicians, they also help a lot to promote the organized crime or their own ethnic biases. They used to make false arrests against minorities, they didn't follow the proper investigation process, they purpose fully loss the crime evidences, they refuse to put the name of the suspects in the crime reports and sometimes they also not cooperate with the prosecutors. Although the police was suppose to stop the organised crimes, illegal trafficking of women into brothels and stealing incidents but in BiH the police was also involved in these activities. They not only stole the equipment and money from their office but they also submit false bills and accept bribes to ignore criminal activity (Ivkovic and Shelly 2005:436).

Low salaries, a very common problem in most of developing countries which are in transition is another additional contributing factor which creates the problem of Corruption more and more visible in the Bosnian Police. In the post war period most of the officers didn't get their salaries on time. These payment problems limit the attractiveness of policing as an occupation and made officers vulnerable to corruption (ICG 2002, cited in Ivkovic and Shelly 2005:444).

3.5. Role of the European Union Police Mission (EUPM) in Bosnia and Herzegovina

From the early time of its creation European Union has engaged in crisis management and conflict prevention. The EU today continues to struggle for peace, security, and prosperity across the European continent and often beyond in order to secure its own border from the threats. To promote the rule of law, democracy and accountability in the conflict region of Bosnia, Police mission becomes an important instrument because it works on the basis of Civilian Crisis Management strategy of the EU. Police operations can entail advice, assistance, training, and even substituting for local police forces as EUPM mentions in its agenda to "monitor, mentor and accountable" police and it also fight against organized crime which is one of the greatest threats identified by the ESS for the EU.

EU is one of the main players in BiH. EU Policies were aimed at managing the conflict situation in BiH not only by military intervention but also through their police and civilian crisis management missions and the EUPM was one of them.

Map 3.1: EUPM Headquarters in Bosnia and Herzegovina



Based on the map of Bosnia and Herzegovina No. 3729 Rev. 6 produced in March 2007 by the UN Cartographic Section

Produced by the EUMS For EU official use only

Source: EU Council Secretariat (2009:2).

A new form of peacekeeping mechanism has emerged in the post cold war era, whereby the “international community has provided international police assistance through multilateral and unilateral mechanisms” (Serafino 2005:14). According to Bayley,

“During the 1990s, the template for police reform and reconstruction in foreign countries was developed and codified for the first time. It is now universally referred to as “democratic policing”¹¹. Little more than a mantra in the beginning, democratic policing was first defined by UNCIVPOL in BiH in 1996” (Bayley 2006:7).

United Nations Civilian Police (UNCIVPOL) outlined seven principals of democratic policing that guided police mission in BiH. “These principles were:

- 1) Police must be oriented in accordance with the principles of democracy;
- 2) Police, as recipients in public trust, are professionals whose conduct must be governed by a professional code of conduct;
- 3) Police must have as their highest priority the protection of life;
- 4) Police must serve the community and are accountable to the community they serve;
- 5) Protection of life and property is the primary function of the police operations;
- 6) Police must conduct their activities with respect for human dignity and basic human rights of all persons;
- 7) Police must discharge their duties in a non-discriminatory manner” (cited in Bayley 2006:8).

BiH has been a testing ground for the ESDP. Juncos terms it as “a laboratory (for the ESDP) to check its crisis management capabilities” (Juncos 2007: 46). Further, BiH is directly relevant to two of the five threats identified in the European Security Strategy (ESS), namely state failure and organized crime (Solana 2003: 4). The EU sees state failure as a fertilizer for organized crime. Hence, ‘restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organized crime is one of the most effective ways of dealing with organized crime within the EU’ (Solana 2003: 4).

¹¹The concept of ‘democratic policing’ represents the idea that the police are a service, not a force, with the primary focus on the security of the individual rather than the state. Its defining characteristics are ‘responsiveness’ to the needs of individuals, and ‘accountability’ for its actions to the public it serves.

The failure of Kosovo prompted EU to take action itself for the solution of the problem of BiH and formulate a Civilian Crisis Management mechanism in the form of EUPM. The Kosovo conflict (1998) clearly demonstrated to the EU that it was high time it focused on the security scenario in the western Balkan region, and offer prospects of EU accession for the countries in those regions, thereby aiming to promote peace and stability in the region. Juncos remarks that “The involvement of the EU in the country is one of the most ambitious associations to date and here the Union has gone beyond being a traditional civilian power towards a more robust role with the deployment of several instruments under the European security and defence policy (ESDP)” (Juncos 2007: 47).

BiH occupies a special position due to the fact that it was here that the first police mission ever was launched by the EU. The EUPM was launched in January 2003, as EU’s first ever civilian crisis management operation, which ended on June 30 2012. EUPM was perceived as a different mission having its own prominent features, despite the fact that it took over from the from the UN’s International Police Task Force (IPTF)¹² in BiH.

There were some issues pertaining to transition from the IPTF within the context of European Security and Defence Policy (ESDP) missions. The EU expressed its willingness to continue from the UN police mission, the IPTF in 2002. IPTF was operational in the country from 1996 – 2002. It was an executive police mission that aimed at the implementation of rule of law BiH. A major challenge before it was to implement a “certification process” that aimed at the creation of an independently functional police force guided by the principle of rule of law. The IPTF achieved success in improving the standards of Bosnian police forces, beginning a public oversight mechanism, and setting up of setting up the State Border Service (SBS) and the State Investigation and Protection Agency (SIPA) (Juncos 2007:52).

After the completion of the ‘certification process’ in BiH, a mission was required that could observe and at the same time recommend the reform process of Bosnian police forces, rather than a mission that was largely executive in nature. EUPM aimed to

¹²The IPTF, which had been working on the reform of the police structures in the country for seven years (1996–2002), was an executive police mission with police officers in the field to support the implementation of the rule of law in BiH. One of its main tasks was to carry independent and legitimate police force under the rule of law.

disassociate itself from the main features of the IPTF. This proved to be a difficult task because of two reasons. First, this disassociation was affected by the incompleteness of the certification process. Second, at the time of its formulation, the EUPM was not perceived as an alternate to UNMIBH/IPTF (Juncos 2007: 56).

According to an Office of the High Representative (OHR) report,

“A successor mission should focus on ‘qualitatively raising police standards, motivation and performance to the level where police independently uphold law enforcement standards expected in a multi-ethnic and democratic society’”(Office of High Representative: 2001 cited in Celador 2007: 8).

Despite the fact that the mission was of a smaller size, many of the EUPM programs resembled those of UNMIBH/IPTF. These programs were formulated in order to achieve the basic goal of the EUPM of sustainable police reform in BiH and nearer to local ownership. However it is not so that UNCIVPOL had left behind a complete framework of democratic policing, that the EUPM could easily inherit. Third, since most of EUPM’s personnel had been previously engaged in other missions before, it was very difficult to change the official mindset from old to new engagements (Osald 2004: 553).

The EUPM mandate attempted to make the Bosnian authorities more autonomous in its functions and thereby reduce its reliance on decisions enforced from abroad. However, this mandate was vague and this vagueness was the main reason behind the problems of lack of orientation experienced by EUPM in the first year of its mandate. Commissioner Celador cites how a senior EUPM officer acknowledged the vagueness of the mandate and interpreted the mission’s desired end-state as follows,

“To leave in place under BiH ownership, sufficient capacity to achieve a modern, sustainable, professional and multi-ethnic police force, trained, equipped and able to assume full responsibility and to independently uphold law and enforcement at the level of international standards expected in a democratic society”(Cited in Celador 2006:10).

However, the official quoted above viewed the vagueness of the mission as a positive factor, as it permitted an elastic approach in the formulation of programmes that were best suited to Bosnian requirements. A notable example of this is the setting up of a war crime unit within EUPM soon after the mission was deployed in the country (Celador 2006:1-12).

The EUPM aimed at supporting the reform of the Bosnian police forces in order to establish sustainable police arrangements, adhering to the best European and international standards. According to Osland, “EUPM represents both a milestone and a crucial test for the civilian crisis mechanism of the EU in general and its police initiative in particular” (Osland 2004: 544).

3.6. Planning of the EUPM

With the inauguration of the EUPM, the EU’s objective of developing an autonomous civilian crisis-management framework became functional. Since the EUPM was the Union’s first ever crisis management program situated with the ESDP framework, its planning and execution were influenced to a great extent by the “need to make credible the EU’s pledge to develop its crisis management capabilities” (Juncos 2007: 48), as articulated in the Helsinki (1999), Feira (2000), and Goteberg (2001) European Council meetings. The planning of this mission was “an important learning experience for the EU and the first test of its crisis management concepts, procedures and instruments” (Council of the European Commission 2003: 1 cited in Juncos 2007: 48).

The Planning Team and the Police Unit (situated within the Council Secretariat) were assigned the responsibilities of the operations. Here, it is significant to note that the EU lacked a well defined and a precise crisis management procedure at that time. It was in the process of preparing a blueprint for such a procedure. Accordingly to Juncos “it effectively had to ‘learn by doing’ the tasks of how to launch an operation from scratch ... Nevertheless, the planning of the EUPM demonstrated the convoluted character of the decision-making process surrounding the launch of an EU operation, with several bodies involved in Brussels” (Juncos 2007: 49).

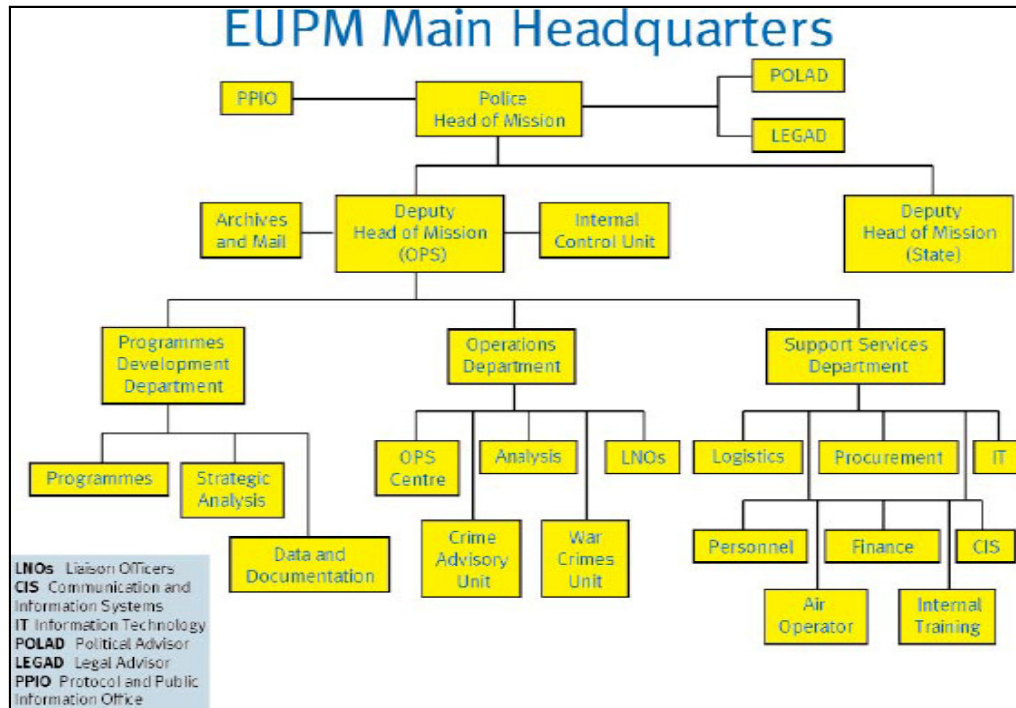
3.7. Structure of the EUPM

The official composition of EUPM was 512 police officers, seconded by EU member states as well as third countries¹³, and around 60 international civilians, most of them being directly contracted. In addition to this, there was around 330 national staff, working primarily in support functions, but sometimes also as legal and political advisors. The EUPM was headed by the head of mission and two deputies who reported to the Union's High Representative for the CFSP, Javier Solana, through the European Union Special Representative (EUSR), Lord Ashdown, who was also designated as the High Representative for Bosnia. The headquarters of the EUPM was in Sarajevo. In order to put into practice its mandate effectively, it was decided following the IPTF example that most EUPM staff should be concentrated with their local counterparts throughout the length and breadth of the country rather than being confined to just a single headquarters (Müllmann 2008: 48).

The headquarters comprised of different departments that were assigned various function. The most significant department was the programme development and co-ordination department that was responsible for project designing as well as their implantation. The responsibility of information distribution between the headquarters and collocation was assigned to the communications centre and the reporting cell. The political (policy advice), legal (legal advice) and media departments (interface with the local media) comprised almost entirely of civilians, and were not directly related to the police mission. As Müllmann argues, "The EUPM operated as the leading project in the field of police reform, as part of the programme of rule of law reform launched by the high representative in BiH, with the aim of creating independent, professional and sustainable police forces" (Müllmann 2008: 48). The goal of the EUPM was "to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice" (EUPM Factsheet 2006:11).

¹³These third countries are Iceland, Norway, Switzerland, Canada, the Russian Federation, Ukraine, Bulgaria, and Turkey.

Chart 3.1: EUPM Main Headquarters



Source: PPIO Review 2003: 8.

3.7(a) EUPM I

The EUPM mandate has been subject to extensions. The first mandate provided for the launch of EUPM was on January 2003, which remained in effect till December 2005. The EUPM identified four strategic priorities:

- 1) Developing autonomous, independent, and n accountable police machinery;
- 2) Combating the threats of organized crime and corruption;
- 3) Making the Police forces financially viable;
- 4) Enhancing the institution and capacity- building; (Council of the EU 2002: L70/5; EUPM 2004: 6, cited in Celador 2010:234).

EUPM 1 designed seven capacity-building programmes which together comprised about 120 reform projects. These capacity building programmes covered institutional and operational police issues, ranging from the modernization of the criminal police

and the police administration to the improvement of public order policing (Mullmann 2008:43-60 and Merlingen 2006:165).

These objectives were pursued through programmes on seven themes:

- 1) Crime police
- 2) Criminal justice¹⁴
- 3) Internal affairs
- 4) Police administration
- 5) Public order and security
- 6) State Border Service (SBS)¹⁵
- 7) The State Information and Protection Agency (SIPA)¹⁶ (Cited in Juncos 2007: 62).

In other words, at the operational level the EUPM strived to leave in BiH, upon the end of its original mandate, a professional police force that represented the society it served, acted in accordance with relevant legislation and regulations, was free from political interference, was qualified and accountable to the public for its actions, and enjoyed an institutional framework that allowed for an effective management of personnel and resources (Council of the European Union 2002:L70/5; EUPM, 2004:6 and Celador 2007: 10).

These Objectives were very similar to those included in the UNMIBH/IPTF Mission Implementation Plan (MIP) for 2000-02.¹⁷ The seven programmes were the centrepiece of the EUPM reforms. Yet its monitoring, mentioning and inspecting activities were not limited to project implementation.

It also carried out a number of additional tasks, the most important of which are listed below:

¹⁴In 2003 the programme “Criminal Justice” was substituted with a programme on “Police Training and Education System”.

¹⁵In March 2007 it changed its name to BiH Border Police.

¹⁶In 2004 SIPA was re-named State Investigation and Protection Agency. Similarly, since 2003 the programme “Criminal Justice” has been substituted with a programme on “Police Training and Education System”.

¹⁷Six core programmes were identified in UNMIBH/IPTF MIP 2000-2002: (1) police reform (of individual police officers); (2) police restructuring (of law enforcement institutions); (3) the relationship between the police and the criminal justice system ; (4) institution building and inter-police force cooperation; (5) public awareness; and (6) participation in UN peacekeeping operations.

- 1) The mission looked after the investigation of complaints against police officers as permitted by its available human resources;
- 2) The mission reported incidents of criminal behaviour and misconduct by the public officials or politicians to the High Representative of the international community in Bosnia;
- 3) It checked criminal investigation, with political connotations, at the request of the High Representative;
- 4) It provided assistance to the local police in formulating dialogues between conflicting parties to reduce ethnic tensions;
- 5) It monitored the proceedings of the Srebrenica Working Group, which was established as a fact finding team to study the atrocities committed in the town of Srebrenica in 1995;
- 6) It provided assistance to the local police in dealing with security-related issues that concerned those who were returning to the country;
- 7) It provided a common ground between the local police and NATO's Stabilization Force and also with the military ESDP operation Althea;
- 8) It played a major part in the development of an native intelligence community;
- 9) It gave advise to local police leaders on the subject of maintaining peace at major public events, primary such events being reopening of the old bridge in Mostar in 2004, the football world cup qualifier between Bosnia and Serbia-Montenegro in 2004 or the tenth commemoration of the Srebrenica atrocities in 2005 (Müllmann 2008: 51).

The EUPM's mission aimed at making the local police more efficient by providing them education, instructions, assistance and also monitoring and advising them, thereby embarking upon a long term institutional program that had its objective of bringing substantial change in the police structure. Thus, the EUPM was not a short term programme but rather had long term objectives of strengthening institutions, capacity building and the sustainability of Bosnian police forces (Juncos 2007: 62-63; Merlingen and Ostrouskaite 2005: 222).

The staffs of the EUPM were located alongside with that of indigenous officials. They were assigned a variety of functions such as monitoring the implementation of the reform, supervising street police, and mid level management police, advising senior

police officials on improving the police operation capacity. It also provided recommendations on devising mechanism to improve the areas of criminal justice and security reforms.

The EUPM was also successful in creating a need for an effective intelligence mechanism and also the significance of intelligence exchange among law enforcement agencies. It also met with some success establishing an improved communication network at the state and entity level, which was a significant step in fighting organized crime and corruption. The EUPM also aimed at giving a large role to local police, by the establishment of a Police Steering Board at the level of the Police commissioner/ director of police. EUPM thematic programmes aimed at improving the operational capacities and effectiveness of the local police forces. The programmes focused on the following goals:

- 1) It aimed at a restructuring of the criminal police department
- 2) It aimed at greater degree of cooperation between the police and law enforcing agency
- 3) It aimed at enhancing capabilities in the fields of crime prevention, crime reporting, witness protection, and investigation
- 4) It aimed at strengthening the country's external border
- 5) Another of its goal was to make local police more accountable
- 6) It provided training in order to improve the administration and management related capabilities of Bosnian police (Juncos 2007: 64).

3.7(b) EUPM II

The second mandate of the EUPM in January 2006 extended its tenure. Now, the composition of the mission was reduced by around 200 international police force and civilian experts. The objectives were essentially the same as outlined in EUPM 1 and like the former, aimed at the establishing of an organized police service. According to Merlingen,

“The inclusion of the task of police reforming the mandate was premised on the expectation that the necessary laws would be passed by the parliamentary assembly early in the lifetime of EUPM” (Merlingen 2006: 165).

Another area that gained prominence in mission's objective was related to the external dimension of the area of freedom, security, and justice. This pertained to protection of the EU against the "negative externalities of organized crime". EUPM II also sought to increase the capacity of local police in dealing with organized crime. It provided for the setting up of the post of mission crime advisors, who are supported by criminal justice experts developing the police-prosecutor interface. As Merlingen remarks, "This link is crucial in Bosnia because prosecutors are the lead actors in crime investigation" (Merlingen 2006:168). Besides, EUPM II aimed at making the local police more accountable. EUPM II was brought to an end in December 2007.

3.7(c) EUPM III

The third extension of the EUPM was mandated for a further two years from January 2010. The approximate cost of the mission was estimated at €14.1 million for 2010. Like EUPM I and EUPM II, the extended mission among its objective refocused the mandate on the fight against organised crime. Six associated key tasks were formulated in EUPM III. They were:

- 1) Strengthening the operational capacity and joint capability of Law Enforcement Agencies which were engaged in the fight against organised crime and corruption;
- 2) Supporting the struggle against organised crime;
- 3) Assisting and enhancing of criminal investigative capabilities of BiH;
- 4) Enhance police-prosecution cooperation;
- 5) To strengthen the police-penitentiary system cooperation;
- 6) Making the entire process more accountable and transparent (European Scrutiny Committee 2011).

According to Merlingen,

"EUPM 3 has benefited from long-awaited progress towards police reform. The two police laws passed in April 2008 establish a series of state-level institutions, notably a Directorate for Coordination of Police Bodies. Among the other new bodies are a police training agency and a public complaints bureau. The implementation of the laws has proved slow and difficult. The politicized context notwithstanding, the EUPM

has eagerly jumped on the opportunity to monitor and assist in the further consolidation of the Bosnian police” (Merlingen 2010: 164).

3.7(c) EUPM IV

At the end of June 2012, the EU decided to close the 300 member-police mission. This decision was taken by the national ambassadors at a meeting of EU’s Political and Security Committee a year earlier on 14 July 2011. The European Council decision of 1 Dec 2011 adopted the resolution- that the EUPM was to close on June 30 2012. The same council decision identified the following key tasks for EUPM IV:

- 1) Provide strategic advice to Law Enforcement Agencies (LEA) s and political authorities in BiH on combating organised crime and corruption;
- 2) Promote and facilitate coordination and cooperation mechanisms vertically as well as horizontally between relevant LEAs, with a particular focus on State level agencies;
- 3) Ensure a successful hand-over between EUPM and the EUSR office and;
- 4) Contribute to the coordination of Union and member States effort in the field of the rule of law” (Official Journal of the European Communities 2011: 51-52).

Table 3.3: Staff of EUPM at various steps of the mission's history

	Jan-03	Nov-03	Nov-04	Nov-05	Nov-06	Nov-07	Nov-08	Nov-09	Nov-10	Nov-11	Jun-12
EU Police Officers	356	404	438	317	151	144	146	98	82	71	12
Non-EU Police Officers	75	94	51	45	27	23	17	16	6	4	1
Total PO	431	498	489	362	178(12F, 66M)	167 (13F, 154M)	163 (14F, 149M)	114(11F, 103M)	88 (9F, 79M)	75 (8F, 67M)	13 (2F, 11M)
Seconded Civilians	25	24	21	12	5	5	6	4	15	9	7
Contracted Civilians	22	34	43	38	24	23	26	22	20	20	14
Total Civilians	47	58	64	50	29 (7F, 22M)	28 (7F, 21M)	32 (8F, 24M)	26 (5F, 21M)	35 (10F, 25M)	29 (6F, 23M)	21 (4F, 17M)
Total INT Staff	478	556	553	412	207	195	194	140	123	104	34
Total EUPM National/Local Staff members	296	333	333	312	218 (129F, 89M)	217 (131F, 86M)	219 (133F, 86M)	211 (125F, 86M)	154 (97F, 57M)	146 (90F, 56M)	49
Security Guards (*)									8	8	0
TOTAL EUPM staff	774	889	886	724	425	412	414	351	285	258	83

Source: European Union External Action (2012: 2).

As regards the structure of EUPM IV, it was to consist of the following:

- 1) main headquarters in Sarajevo, composed of the Head of the Mission and staff as defined in the Operation Plan (OPLAN);
- 2) our Field Offices in Sarajevo, Banja Luka, Mostar and Tuzla (Official Journal of the European Communities 2011: 52).

“Over the last decade, more than 2,300 men and women participated in EUPM BiH: 1,786 police officers and 154 international experts of various professional backgrounds from all 27 EU member states, Canada, Iceland, Norway, Switzerland, Turkey and Ukraine, as well as 487 staff from BiH. On 25 June, the Foreign Affairs Council restated its explicit support for BiH’s EU perspective as a sovereign state enjoying full territorial integrity” (*eupm.org 2012*). *As EUPM ended its last mandate on 30 June 2012, then it also left a lots of question whether it is the success of the EU or it is still a failure of the EU in the field of Civilian Crisis management. Evaluation of the EUPM only can answer these questions which can be seen in the next chapter.*

CHAPTER 4

ANALYSIS OF EUPM IN BOSNIA AND HERZEGOVINA

The European Union is gradually emerging today as a major player on the international scene, with a strategic vision embodied in the European Security Strategy, and a diplomatic civilian and military crisis management instrument, which compliment the other available tools¹. It is not only present on the European Continent in the western Balkans and Southern Caucasus but also in Africa, the Middle East and Asia. These developments the radically changing the political nature of the EU, which is now capable of carrying its founding values of peace and security beyond its borders.

Sylvie Berman, Ambassador Representative of France to the European Union Political and Security Committee.

Due to the changing nature of Conflict, establishment of internal security in post conflict societies is a major challenge for the international players. Since the 1990s, the world has witnessed the diminishing importance of traditional military forces. Instead greater importance has been attributed to the non-traditional military forces such as the police missions and the civilian missions. These missions provide much room for the regional player to become a global actor in the field of security deploying civilian means. A plethora of regional organisations have ambitions or capacities to be involved in peace and security issues. Among such organisations, the European Union, “in a position today to consider the type of role that it might play in mediation efforts, it is first and foremost because it has itself not without difficulty, but with unswerving determination-managed to build peace within its own borders” (European Parliament: 2012).

The European Union’s involvement in Bosnia serves two purposes: stability and transformation. The instruments of the EU’s second pillar, Security Defence Policy (ESDP), aim to maintain the stability of Bosnia, while the community instruments are tasked with the handling of the accession process. It is hoped that the EU integration perspective will bring in much needed momentum for the redefinition of post-conflict

¹Other available tools for the crisis management are economic, commercial, humanitarian and development etc.

politics in Bosnia. BiH is a unique case as a future EU candidate country whose political and territorial integrity is under the guarantee of the Peace Implementation Council (PIC) of the International Community maintained by the EU security instruments. The security instruments of the EU, the European Union Force (EUFOR) Althea and the European Union Police Mission (EUPM), have a mandate to enforce the full implementation of the Dayton Agreement. It is the most crucial element of the International community's presence that could transform the inoperative political institutions of BiH into efficient, competent political bodies that would follow through with the implementation of reforms all over Bosnia. A regional approach and conditionality principles constitute the underpinnings of the EU approach to the Western Balkans, and BiH in particular. These two principles are clearly present in the Stabilization and Association Process (SAP).²

The Dayton Peace Accord, which brought an end to the war in Bosnia, establishes Bosnia and Herzegovina as a single, democratic and multiethnic state with two entities: the Federation of Bosnia and Republika Srpska. From then on, the UN's International Police Task Force maintained local stability in Bosnia and Herzegovina. EUPM in BiH was the successor of UN's IPTF. On 18-19 February 2002, the General Affairs Council meeting announced the EU's readiness to deploy an EU Police Mission to Bosnia and Herzegovina (BiH) to take over from the UN International Police Task Force in January 2003³.

The inaugural EU civilian crisis management operation was the EU police mission in Bosnia and Herzegovina; it began in January 2003 and was set to run through 2005. It took over the functions of the previous UN mission there while expanding its rule of law tasks and responsibilities. Initially, EUPM worked, under the security umbrella of the NATO-led military forces in BiH (SFOR), to build and mentor the national BiH police and rule of law institutions. By the end of 2004, the EU took over the mission of SFOR in BiH. Therefore, EUPM was thus working under the security umbrella of the European Union.

²For the Stabilisation and Association Process (SAP) is the European Union's policy towards the Western Balkans, established with the aim of European integration. Western Balkan countries are involved in a progressive partnership with a view to stabilising the region and the eventual establishment of a free-trade area. The SAP sets out common political and economic goals although progress evaluation is based on countries own merits.

³The EUPM Planning Team had been in the region for more than eight months to plan the transition from the IPTF, which had been deployed there for seven years.

The Police Mission in BiH had a 3 fold mandate to monitor, mentor and inspect the management and operational capacity of the Bosnian Police Force. The mission proved more difficult than expected and forced the EU to increase the quality of the police it sent on its mission (Nowak 2006:26). The EUPM in BiH provided training to BiH police officers to improve their working standards and effectiveness in the fight against organized crime. The aim of EUPM, as Missiroli (2003a: 12) defines, is to support the local authorities in training their police forces to the highest European and international standards through monitoring, mentoring and inspecting the management and operating of the police. The aim of EUPM is to establish sustainable policing arrangements under BiH ownership in accordance with the best European and international practice based on a management approach.

The EUPM aimed to ensure that the domestic policing structures, put in place by IPTF, were functioning effectively by monitoring, mentoring and inspecting managerial and operational capacities of the BiH police. In addition to this work, the EUPM Police Commissioner identified two key issues to be addressed by EUPM: ensuring that the BiH police provide a secure environment for returnees, and enabling the BiH police to tackle organized crime and corruption. As Javier Solana High Representative of the European Security Strategy stated, “BiH is directly relevant to two of the five threats identified in the European Security Strategy (ESS): state failure and organized crime” (Solana 2003:4). The EU sees state failure as a fertilizer for organized crime. Hence, ‘restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organized crime is one of the most effective ways of dealing with organized crime within the EU’ (Solana 2003:6).

The ESS is clearly built on European values and visions of the world. A basic premise is that, in order to create a democratic society, it is important to focus on multilateralism as an instrument to promote values such as good governance and a legitimate state with coercive control of its executive powers (Solana 2003:9-10). However, in the ESS these values are also instruments to be used to face and reduce the threats to the EU. One aim of the engagement in the Balkans from the early 1990s and onward has been to prevent the export of the conflict and its negative implications to Western Europe. As argued by Susan Woodward, “the myriad of reforms and programmes in south-eastern Europe are aimed at providing security for Western

European states and citizens in defence against south-eastern Europe” (Woodward 2003: 297).

The EUPM mission is an experiment for the EU to put its civilian crisis management concept into practice. The European Union Police Mission (EUPM) is the most visible mission and one of the most ambitious attempts of the EU to test its civilian crisis management competencies in the area of rule of law in BiH. The EUPM I and II missions can be regarded as part of a broader effort undertaken by the EU and other actors to address the whole range of rule of law aspects in BiH.

As regards an overview of the structure of the mission, the mission comprised approximately 500 police officers from more than 30 countries, estimated at an annual budget of 38 million Euros. (Penone, Fabien and Xaviour Domino 2006:33). Approximately 80% of the police officers were nationals of EU member states and the remaining 20% came from so-called “Third States” (i.e. non-EU countries).⁴ The mission cooperates closely with the EU Special Representative (EUSR), the OHR, EUFOR Althea, the Organisation for Security and Cooperation in Europe (OSCE), the EU Monitoring Mission (EUMM)⁵, and the International Criminal Tribunal for the former Yugoslavia (ICTY).⁶

In line with the general objectives of the Paris/Dayton Agreement, the EUPM sought to establish sustainable policing arrangements under Bosnian ownership. The EUPM, the first mission under the ESDP, was launched on January 1, 2003, for an initial period of three years. In 2006, the mission’s mandate and size were modified; the EUPM II mission is expected to last until the end of 2009. The mandate of the mission is as follows:

⁴In 2003 the group of “Third States” participating in EUPM with personnel included Canada, Cyprus, Bulgaria, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Switzerland, Turkey and Ukraine. These countries had the same rights and obligations as contributing EU member states but the senior decision-making positions in the mission could only be occupied by EU nationals.

⁵European Union monitoring mission was established in Western Balkan in 1991 by the name of European Community Monitoring Mission and it transformed in EUMM after the adaptation by the Council of the European Union on the 22 December 2000 of Joint Action 2000/811/CFSP European Union Monitoring Mission as a generic tool could be used in all different phases of crisis management and ‘*consists of a mission whose primary activity is to observe, monitor and report to the sending organization on the general and security situation in the host country or in relation to specific agreement*’.

⁶ Also, the EUPM is supported by the European Commission’s institution-building programs—notably, the police-related activities funded by the Community Assistance for Reconstruction, Development, and Stabilisation (CARDS) program. CARDS aims, inter alia, at modernizing the material resources available to domestic police (information technology, vehicles etc.) and at upgrading police management, training, and crime-fighting techniques.

“Under the direction of the EUSR, the EUPM coordinates the policing aspects of the European Security and Defence Policy (ESDP) efforts in the fight against organized crime and as part of the broader rule of law approach in BiH and in the region, aims through mentoring, monitoring, and inspecting to establish a sustainable, professional and multiethnic police service in BiH, operating in accordance with the best European and international standards. This police service should operate in accordance with commitments made as part of the Stabilization and Association Process with the European Union, in particular with regard to the fight against organized crime and police reform. It assists local authorities in planning and conducting major and organized crime investigations.”(Council of the European Union: 2007).

By 2003, when the EU took over the police mission, it was argued that the immediate post-conflict era was over, and that the task of policing was to be transferred to local police structures. For that reason, the mandate of the EUPM is more political and focused on institution-building compared to its predecessor, the more technical and action oriented International Police Task Force (IPTF) mission of the UN⁷ and following the decision of the peace implementation council and Steering Board⁸. Adopted on 11 March 2002, the Council Joint Action outlines the rather general and unfocused but ambitious goals set in the EU Police Mission’s mandate, according to the following provisions:

“The EUPM, supported by the Commission’s institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH standards” (Council of the European Union: 2002). The EUPM defined its mandate at a political and strategic level as helping establish “sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards” (Council of the European Union:2002).

⁷Security Council Resolution 1396 of 5 March 2002 authorized the transfer of international policing from the UN to the EU.

⁸ For the day-to-day management of the peace implementation, a Steering Board was created which is made up of the United States, Canada, Russia, Germany, Great Britain, France, Italy, Japan, the Presidency of the European Union, the European Commission as well as Turkey as representative of the Organisation of Islamic Countries. The Steering Board was also meant to be responsible for identifying and prioritising projects from the thematic areas covered by the Working Groups. There was scope for EUPM to contribute its own ideas to the discussions, and mentor the Working Groups on project development, but it was never entitled to prescribe solutions.

The significance of the EUPM mandate lay in the fact that it encouraged BiH to start taking over the business of ‘doing’ things for itself rather than having decisions imposed from abroad (Brljavac:2012). The EUPM presence in BiH has three strategic components: *supporting the local police in the fight against organized crime, increasing the accountability of local police and providing support to the implementation of police restructuring* (Council of the European Union:2007). The EUPM assistance through these strategic pillars aims to strengthen Bosnian ownership and set up functioning institutions for rule of law. As Javier Solana remarked in the opening ceremony of the EUPM, “The framework for a democratic and professional police is crucial to providing all citizens of Bosnia with a safe and stable environment. A peaceful and stable Bosnia and Herzegovina is our first common goal in EUPM” (Solana 2003: 1).

EUPM further sought to establish effective policing arrangements under BiH ownership in accordance with best European and international practice. EUPM aim through mentoring, monitoring, and inspecting to establish a sustainable, professional and multiethnic police service in BiH.

4.1. Evaluating the EUPM: The Coherence between Objectives and actual Functions

The tasks of the EUPM mission were be refocused on the fight against organised crime, through strengthening BiH operational capacity and assisting in the planning and conducting of major and organised crime investigations, and the implementation of police reform, which will create a single structure of policing, improve law enforcement co-operation and reduce corruption and waste. EUPM, EUFOR and the EUSR will strengthen their co-ordination in line with agreed principles, under the overall political direction of the EUSR (Council of the European Union 2005:3). The following section attempts an evaluation of EUPM, locating its functioning within the paradigms of its three strategic pillars:

4.1(a) EUPM and support to local Police in the fight against organization crime and corruption

One of the major objectives of EUPM was to combat organized crime and corruption. The UN Convention against Transnational Organized Crime 2000 defines the organized criminal group as a,

“structured group of three or more persons, existing for a long period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit” (United Nations, 2000: Art. 2). According to the document, a structured group is “a group that is not randomly formed...and that does not need to have formally defined roles for its members, continuity for its membership or a developed structure” (UNGA: 2000).

Organized crime involves trafficking of drugs and people, extortion, kidnapping for profit, environmental crime such as illegal toxic waste dumping, “sophisticated” credit card fraud, smuggling to evade excise tax on alcohol and tobacco, intellectual copyright theft and corruption to achieve these offences (Levi 2002: 880).

The mandate of EUPM has been specially strengthened to enhance the ability to support domestic support agencies to fight against organized crime. EUPM is main coordinating agency of the ESDP’ all policing aspects who look after the fight against organized crime. Officers of EUPM provide operational advice and support by monitor and inspect the police operations on their early planning stage (EU Council Secretariat 2006).

The practice of organized crime in the Western Balkans has a *transnational* or *cross-border* characteristic. BiH, being situated in one of the busy crossroads between Central Europe and the Middle East, is faced with threats of trafficking of drugs, humans and illegal log cutting and exports. The main focus of the mission is to help BiH in the fight against corruption and organised crime (EUPM: 2010).

The EUPM provide its support to BiH’s struggle against organized crime through its strategy of mentoring, monitoring and advising the local police structure. Newly established state level security institutions such as the State Investigation and

Protection Agency (SIPA)⁹, Ministry of Security (MoS) and the State Border Service (SBS)¹⁰ were empowered by these strategic components, through transfer of know-how and sharing necessary expertise. According to the official line, the EUPM helps build the operational capacity with enhanced executive powers to fight major and organized crime, corruption, financial viability and sustainability and the development of institution and capacity building at management level (Penksa 2006: 4). SIPA became the country's central institution in the fight against organized crime and its first state-level law enforcement body. In its second term (2006–2007), EU member states finally gave EUPM a mandate to fight organized crime. EUPM's most recent extension until late 2009 continues with this policy priority and aims to develop local capacity and regional cooperation in the fight against organized crime (Schroeder and Friesendorf 2009: 147). According to Eralp 2012, "The start of a limited sharing of intelligence as had a positive impact on the success of organized crime network".

However, EUPM's role in combating organized crime had certain shortcomings. First, the EUPM's remit was performed according to the principle of local ownership and sustainability with "monitoring, mentoring and inspecting" activities focusing on mid- and senior management levels of local police (EUPM 2010). Second, EUPM did not have a mandate to directly engage in police restructuring (Collantes and Gemma 2007:13). As compared to the EUPM, the UN mission had coercive and binding measures against organized crime that had much closer relations with the war criminals. The IPTF was very useful with its robust approach against the war criminals in police structures, and for its effective crackdown organized crime networks (ICG: 2005 a).

This phenomenon subsequently weakens the emergence of real cooperation between the BiH police authorities and the EUPM in launching an effective campaign against the criminal networks. The EUPM provides assistance to investigation techniques, facilitating relations and improving cooperation between the police and the prosecution by focusing on the means rather than the ends. But the transitional nature

⁹The general and the desired end state are to leave in place under BiH ownership sufficient capacity to achieve a modern, properly trained and equipped, self-sustaining, professional and multiethnic Law Enforcement Agency at State level to co-ordinate all crime fighting police capabilities.

¹⁰The desired end state is to leave in place under BiH ownership sufficient capacity to achieve a modern, properly trained and equipped, self-sustaining, professional and multi-ethnic Law Enforcement Agency at State level to control BiH borders.

of organized crime in BiH requires a regional pooling of intelligence among the Western Balkan countries (Mühlmann 2008:45).

Third, there are some obstacles in cooperation with local police. The language barrier and the short-term appointments of the police officers to the EUPM mission obstruct the development of a productive relationship through which an active learning process could be possible for the Bosnian police.

4.1(b) Accountability of Police:

The second major strategic pillar pertains to making the police mechanism more accountable and transparent. This strategic pillar is related to addressing the issue of corruption and violation of human rights in the conduct of normal policing. In BiH both international community and the Bosnian politician identified that the corruption is an important problem which is the main reason of low level of accountability and trust in the police institutions. EUPM sets its main agenda to improve the level of awareness against corruption in its rule of law area. An essential component of sustainability is local ownership since imposed police reform measures are difficult to maintain if they are not supported by local actors. The case of the EUPM undertakings based on local ownership, however, clearly shows that this is not an objective which can be attained easily and without trouble. The process of transferring from “parental care” to “ownership” brings along different dilemmas, which mutually reinforce each other and this makes the process even more difficult (Donais 2009:117-131).

The EUPM had an ambitious mandate, namely to modernize the Bosnian police according to best international and European practice (Council Joint Action: 2002). As Celador remarks, “EUPM’s trademark was from the very beginning greater local ownership, something that has acquired with time more importance as Bosnia’s accession to the EU cannot be based on top-down, imposed reforms” (Celador 2009:234).

EUPM’s approach based on local ownership and best European and international practices along with the EUPM mandate to mentor, monitor and inspect, without any executive or enforcement powers. Although EUPM is very much involved in the

monitoring the local police in BiH but in nature EUPM was not a monitoring mission. While the monitoring missions can vary depending on their activities, they are distinct from other operations because they lack coercive capacity, do not have inspection authority and are not involved in implementing programmes. They are also characterised by their objective (impartial) stance and are reactive rather than proactive (Council of European Union: 2003 a). To raise the level of accountability,

“the EUPM inspects and monitors police operations from its early planning stages, through investigations or operations, until the case in question reaches court. The EUPM also monitors the situation inside the police situations that are perceived as unlawful, misconduct or contrary to the best practice or generally applied rules of engagement” (EUPM 2009:2).

Frequent interaction with people in the field is essential in identifying recurrent problems that improve the need of police accountability in BiH. In order to improve police accountability in BiH European Union is taking the help of audit department. The members of the Inspection Department are the eyes and ears of the mission. Besides constantly taking the pulse of police work in the field, they also carefully monitor the media as a source for sensitive or controversial cases. Additionally Head of Mission regularly receives letters of complaints in which police officers or citizens draw the EU Police Mission’s attention to certain types of improper behaviour .According to Pierrard, the Deputy Head of the Inspection Department “*Ensuring police accountability is really our main concern*”(Mission Mag 2008: 2).

Merlingen (2009) is of the opinion that the mission has made the local police more accountable, for example by setting up, training and mentoring internal control units which investigate misconduct. It has also professionalised police training. Ultimately, the Mission’s aim is to help counterparts reach EU standards so that they can join the European Union. Therefore, they need to learn to “*swim alone*” and “*prove their own police accountability*”. To insure the Police accountability the Inspection Department gets an extraordinary amount of support from their counterparts in the internal control units of SIPA and the Border Police. (Ibid: 3).

As Orsini remarks,

“EUPM seldom comes into contact with the public; it has assisted the local police in developing community policing. Measures promoted by EUPM include identifying and developing partnerships with local

NGOs and the media; establishing Consultative Committees made up of members of civil society; appointing individual police officers as points of contact for local communities, and organising regular meetings with local communities and Consultative Committees with a view to developing crime prevention strategies.....In its dealings with local authorities, EUPM should make more use of its direct link to Brussels in its capacity as an instrument of the EU's foreign policy" (Orsini 2004:11-12).

4.1(c) Police Restructuring: EUPM Role

The EUPM supported institutional capacity building. It supported the creation of entity regions for efficient, centralized and cost-effective policing. The idea of a single police structure was central for the EUPM. Although there were police present in the post-conflict region of BiH but it was divided on the ethnic grounds. There were poor law and order situation, corruption and criminality, these problems provide a lot of room for the police restructuring in BiH police. The lack of transparency, accountability and corruption also present there. So it was necessary for the police to go beyond the ethnic lines and fight against organized crime and illegal trafficking of women which was identified as a greatest threat for the European security.

The performance of the EUPM in the political tasks of producing a police reform document for the examination of the Police Reform Directorate and of encouraging the BiH Police to own the fight against organized crime is disappointing. EUPM's revised mandate in accordance with police restructuring made a number of achievements. New setting up Police Steering Board (co-chaired by the EUPM and local authorities) with the coordination of the Directorate for the Implementation of Police Restructuring (DIPR)¹¹ made significant increase in local ownership of the reform process in BiH. The significant role in the overall harmonization and coordination efforts is played by the Steering Board (Maras 2009: 13). Orsini is however critical on EUPM's role in Police restructuring and remarks that:

“The Bosnian public's ownership over the local police structures in its present form contradicts the strategic component of the EUPM mandate for assisting the restructuring of police structures. In its dealings with local authorities, EUPM should make more use of its

¹¹The police mission continues to play a significant advisory role ahead of a future agreement on police restructuring.

direct link to Brussels in its capacity as an instrument of the EU's foreign policy. Political support from EU institutions, but also from Member States, for the mission's objectives should be openly expressed in times of difficulty with local political authorities, and EUPM should enhance its ability to call on that support. This would help make the connection between police reform and EU integration clearer to Bosnian authorities. This kind of support will be increasingly needed as the international community's way of working continues to shift from intrusive peace implementation by the High Representative to pre-accession reform under the aegis of EU institutions" (Orsini 2004:13).

An overall assessment of EUPM's functioning with reference to the objectives outline in the mission's statements reveals that it can be credited with some success. From an evaluating perspective, the EUPM ought to be credited with at least two achievements. First, "it has advanced the transformation of the Bosnian police from an instrument of ethnic warfare into a professional service"(Merlingen 2009:162).Second, it contributed significantly to the change of 'Bosnian policing mentalities, institutions and practices', as well as bringing them closer to the 'European norms and standards'(Ibid).

At the same time, some issues, such as organized crime and corruption, have remained high on the list of problems the country is faced with, and are therefore the key problems that EUPM missions have been focusing on (Lostroscio 2011:1). In view of this, because there is lack of substantial and sustainable reforms certain major criticisms can be levelled against EUPM.

4.2. CRITICISM

4.2(a) Relation of EUPM with other Organizations: The problems of coordination

It is not easy for any organization to resolve the problems by its own, it are compulsory for them that they coordinate each other to get the better results. Cooperation has greatly increased in BiH, not only under the ESDP organizations but also Non ESDP organizations among the OSCE, UNHCR, OHR and EUPM within the Rule of Law Pillar with the introduction of new Criminal Codes and Criminal

Procedure Codes in Bosnia with best European Practice (Orsini 2004:24). According to Orisini,

“Co-operation with OSCE, which monitors the implementation of judicial reforms, has been increased in order to ensure that criminals are not only investigated and arrested, but also tried and convicted in accordance with international human rights standards.....As the security of returnees is one of EUPM’s strategic priorities, each EUPM office has now a ‘return co-locator’ who liaises with UNHCR and EUPM’s Headquarters on return-related issues. At the same time, it is important to view the EUPM within the broader context of increased EU activity in region-wide activities, aimed at tackling organised crime, strengthening the rule of law and supporting post-conflict reconstruction” (Ibid: 24).

EUPM has received much criticism from groups such as the International Crisis Group, and the Bosnian State Investigation and Protection Agency. Sredoje Novic, the SIPA director in 2005 speaking at the force’s temporary headquarters in Sarajevo, remarked that Bosnia has paid a heavy price for failing until now to start unifying the country’s fragmented security forces and highlighted the then lack of coordination amongst the various units as well with other organisation.

The EUPM in BiH is not only directly looked at the operations of policing but it also aim to maintain the establishment of sustainable, professional and multiethnic police service in BiH and also concentrated on supporting the preparation and implementation of domestic police reform .In order to fulfil this expectation EUPM also contributed in police managerial and operational capacities at the common ground of state (Recchia 2007:18). In addition, EUPM cooperates with EUFOR in assessing any threats to public order and consequently advising domestic as well as international authorities (EU Council Secretariat: 2006).

It is very difficult to maintain two different peacekeeping missions in a country without any policy clash, even if they are different in their nature, structure and outlook. Council of the European Union assigned EUPM a non-executive monitoring, mentoring and inspecting role at the medium and senior level, which was to assist in the building of the capabilities of the Bosnian police forces, according to European and International standards with a long term capacity building of the police reforms(Council of the European Union 2002:1-6). On the other hand EUFOR Althea provides a safe and secure environment by the military means, and to implement other

aspects of Annex 1A and 2 of the Dayton Agreement. It has a short term executive mandate with appropriate enforcement tools (Council of the European Union 2004). Although there is a very good coordination between the two missions and in theory the mandates of the two missions did not clash. But the reality is different. As Juncos mentioned,

“In spite of the different mandates and approaches, in practice some tensions arose between EUPM and EUFOR. The implementation of these operations revealed that there were still some grey areas between the EUPM and EUFOR mandates, especially regarding the fight against organized crime” (Juncos 2006:14).

EUFOR’s mandate identified the fight against organised crime as one of its supporting tasks, but from the outset, the involvement of EUFOR in the fight against organised crime was considered by the Force Commander to be a fundamental task. Since EUFOR took over from SFOR in December 2004, it conducted different operations together with local law enforcement agencies to fight illegal activities like weapons’ smuggling, drug trafficking, human trafficking and illegal logging(Jari 2008:10-16).

From the point of view of EUPM, the activities that EUFOR was carrying out to fight organized crime were beyond its mandate and had to be put to an end. They argued that EUFOR was interfering with EUPM’s mandate. By participating in organised crime operations, they were doing the job of the local police forces, instead of promoting long-term capacity-building and ownership of the reforms (Ibid: 21).

In September 2005, the representatives of EUPM, EUFOR and the EUSR agreed on *for co-ordination* and on *General Guidelines for Increasing Cooperation between EUPM-EUFOR and EUSR* (EUPM, EUFOR, EUSR, 2005).

Table 4.1: *Seven Principles for the coordination between the EUPM, EUFOR and the EUSR*

1. The EUPM, EUFOR and the EUSR/Office of the High Representative will strengthen their complementing and coordinating roles in the fight against organised crime.
2. The EUSR will take responsibility for this coordination and will chair the Crime Strategy Working Group.
3. The relevant EU players will observe the general guidelines for increasing cooperation.
4. The EUPM will play a more proactive role and take the lead in coordinating the policing aspects of ESDP in BiH.
5. The EUFOR will coordinate and align its future anti-organised crime operations with the EUPM.
6. A task force will be set up to develop a joint action plan delineating the tasks, goals and benchmarks for the relevant EU instruments.
7. This joint action plan will align with and support the efforts of the BiH authorities.

Source: EUPM, EUFOR and EUSR (2005), cited in Juncos 2007:60

The problems of coordination between EUPM and EUFOR show the inability of the EU in providing a comprehensive civilian and military approach to crisis management. These Seven Principles outlined above provide the leading role to EUPM in policing aspects of the ESDP with the supporting tasks in tackling organized crime. While the EUPM assisted the local authorities by mentoring and monitoring the planning of these operations, EUFOR provide the operational capabilities. All these operations happened under the political coordination of EUSR. Operational Guidelines was adopted on 11 May 2006 and these guidelines specified the new “adjustment roles” of the EUPM and EUFOR to support Bosnian Law enforcement agencies to fight against organized crime and corruption. Under these guidelines EUFOR had very less work in the field of organized crime and it left these

tasks for the Bosnian Police forces in accordance with the *Seven Principles* as mentioned above. With new coming mandates of EUPM, it tried to overcome the problems that it faced earlier. By the new mandate EUPM increased the accountability of the local police by strengthening its inspecting component. Although the nature of EUPM is still a police mission but now it is more coherent and also has some rule of law experts. (Juncos 2007:60). According to the council of the European Union:

“refocused on the fight against organized crime, through strengthening BiH operational capacity and assisting in planning and conducting of major and organized crime investigations, and the implementation of police reform, which will create a single structure of policing, improve law enforcement co-operation and reduce corruption” (European Council 2005: Paragraph 8).

4.2(b) EUPM and the Administrative Challenges

The external assessments of the EUPM highlighted some serious limitations in the running of the operation during the last three years (International Crisis Group 2005 b: 50-51). With reference to administrative mechanisms the EUPM was faced with the following challenges that limited the scope of its operation:

- 1) The problem of implementation is of the mandates of EUPM was faced because it takes the legacy from IPTF. With the first Head of Mission of EUPM being the former Commissioner of the IPTF, and many officers transferred from one mission to the other, the line of distinction in the eyes of the public was rather blurred, often leading to confusion where the IPTF’s mandate stopped, and EUPM’s started.
- 2) EUPM had a non-executive mandates in its initial days. It can only monitor, mentor and inspect and bring the problematic cases in the knowledge of the HR/EUSR, but could not took disciplinary or criminal investigations against police officers ¹²(PIPO Review: 2003).

¹²EUSR had the authority to remove the person in question from the function.

According to Stavrevska,

“This created confusion among the EUPM personnel, who were unsure of what benchmarks were to be met, and marked the overall mission mandate implementation. The ‘learning by doing’ was confusing not only for the EUPM personnel, but even more so for local police, because the system allowed for measuring the progress made, not but said little about the actual quality” (Stavrevska 2010:5).

- 3) According to the ICG report the EUPM mandate monitoring, mentoring and inspecting the management and operational capacities of Bosnia’s Police aimed at ensuring that the Bosnian police would by the end of 2005 have become a professional, politically neutral and ethnically balanced law-enforcement system, was weak and premature (ICG :2005 a). International Crisis Group Report argued that the EU, being keen to score an early success for its nascent ESDP, underestimated both the size and complexity of the task in Bosnia.

This section attempts to explore the conditions under which the EU is deploying its normative power and the use of force. It thus attempts to evaluate the EU as a normative power taking the case study of EUPM peacekeeping and crisis management activities in BiH. However, before doing such an analysis, it is first imperative to understand the meaning of the term norms, and then explain the connotations of the term normative power Europe.

Finnemore and Sikkink define norms as “a standard of appropriate behavior for actors with a given identity” (Finnemore and Sikkink 1998: 891). Laidi defines “Norms are standards aiming at codifying the behaviour of actors sharing common principles and this in order to generate collective disciplines and to forbid certain conducts in the different fields of public policies” (Laidi 2008:4). Norms can be classified into regulative, constitutive, and prescriptive (evaluative) and practical norms. Constitutive norms are those norms that create new actors, and new modes of action. Regulative norms are such norms that control as well as limit/restrain the behaviour. Evaluative norms stress on the question of right and wrong and as such have a sense of “morality” attached with them. Finally, there are practical norms which are

“commonly accepted solution to a problematic solution” (Katzenstein 1996 cited in Finnemore and Sikkink 1998: 891).

Having examined the various connotations and categories of norms in the introduction, this section will now analyse the extent to which the EU adheres to these characteristics and further, to what extent is the European Union (EU) a normative power. According to Laidi in recent years, there has been a significant growth in the “normative character” of European Union. This is clearly discernable from EU’s deep penetration in its member states. “ It has grown both quantitatively and qualitatively, making recourse to norms more and more constraining and affecting sensitive fields for the member states” (Laidi 2008: 4). Manners, in similar terms remarks that that ‘the notion of a normative power Europe is located in a discussion of the ‘power over opinion’... and the desire to move beyond the debate over state-like features through and understanding of the EU’s identity’; effectively a series of principles and shared beliefs that the member states adhere to and set an example with (Manners 2002: 239). These remarks of analysts get substantiated when we look at some of official European Union policy pronouncements. A prime example of this is the European Consensus of Development that states:

“EU partnership and dialogue with third countries will promote common values of: respect for human rights, fundamental freedoms, peace, democracy, good governance, and gender equality, the rule of law, solidarity and justice. The EU is strongly committed to effective multilateralism whereby all the world’s nations share responsibility for development” (European Commission 2006).

In recent times, the pertinent articles of the Treaty of Lisbon too highlight the normative function that the EU has set for itself. Article 1 of the Lisbon Treaty explicitly states that the EU adheres to ‘universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law’ (Official Journal of the European Union 2007).

Ian Manners (2002) was an influential work in the analysis of EU as a normative power. If the core tenets of Manner’s as outlined in the definition above are used, then it “can be argued that as the EU has enshrined its core norms in its constitution and adheres to these norms, as stipulated by various articles explaining their meaning, then it will be acting as a normative power. Its insistence that new members must comply with its constitutional norms gives credence to the argument that the EU is a

normative power; it is changing the norms of world politics away from state-centricity through leading by example” (Hardwick 2011).

In the context with the above mentioned demands, this section now attempts to analyse the ways in which the EU articulates its preference for norms. First, the EU strongly adheres to global normative norms, as stated in the various international texts, treaties, and documents that are the basis of global governance. This can be further gauged from the fact that Europe, as a global power is a signatory to almost all of the 40 documents that defines the principles of global governance. Second, the EU shows a strong commitment to multilateral institutionalism, via which it enters into partnership and cooperation dialogue with third countries to promote the common values of respect for human rights, fundamental freedoms, peace, democracy, good governance, and gender equality, the rule of law, solidarity and justice (Laidi 2008:5).

From the above discussion, it is evident that the maintenance of peace, promotion of democratic principles and adherence to rule of law are a part of the integral components of normative behaviour of the Union. According to Ian Manners, the notion of a normative power Europe was evident from the very inception of the Union,

“The prime EU normative principle of sustainable peace is to be found throughout the history of European integration. Robert Schuman’s opening words on 9 May 1950 provided the historical *raison d’être* for European integration; ‘world peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it’. Reiterated again in the preambles of the European Coal and Steel Community (ECSC), the Treaty establishing the European Community (TEC), and the Treaty on European Union, article 2 of the Treaty of Lisbon was to establish peace as the EU’s primary objective: ‘ The Union’s aim is to promote peace, its values and the wellbeing of its peoples’ (Manners 2008: 32).

Related to the norms of maintenance of peace, promotion of democratic principles and adherence to rule of law is the process of peace building. It was in Balkan region that the EU has been involved in democracy promotion, peace building, and bringing about a fundamental democratic transition.

The primary lesson drawn from the Bosnian conflict for the EU was that if the EU wanted to be a successful international player having the capability of promoting norms , it necessitated that the diplomatic efforts of the EU were backed by

concerted military actions. The High Representative, Javier Solana, has asserted this argument on several occasions:

“(T)he Union has to be prepared to use military assets and resources [...] The deployment of troops will only ever be undertaken when the situation absolutely demands it. But our credibility in being able to offer a comprehensive response depends on our ability developing a military crisis management capacity at a European level [...] We are not in the business of doing this for its own sake. But in support of the values and principles for which the European Union is respected world-wide” (Juncos 2005: 99).

The case of BiH is helpful to survey the circumstances under which the EU is deploying its normative power and the use of force. An examination of the EU’s concern in BiH demonstrates the EU’s predilection for civilian instruments as also the promotion long-term structural approaches to conflict prevention. According to Manners,

“Theoretical accounts of the militarisation of the EU would presume that maxim norms explain the rationale for both military capability and action in terms of rules and principles reflecting hegemonies within the EU ... Theoretical accounts of the militarisation of the EU would presume that social norms explain the motivations for both military capability and action through the constitution and projection of the self-identity of the EU ... military external action within a discourse frame is narrated through reference to the ‘good’ values and norms that the EU represents compared to ‘evil’ values and norms that military action seeks to eradicate” (Manners 2004: 6-7).

According to Juncos, “the European Union’s involvement in Bosnia has “served as a scenario to foster the emergence of an EU whose international identity is that of a regional normative power. The EU’s intervention in BiH, supported by significant economic assistance and using military instruments, has proved essential to endorsing the institutional-building process currently taking place in BiH” (Juncos 2005: 1). The European Union Police Mission in BiH was also seen as a way to improve its credibility in the region, which was badly damaged during the war.

The EU could not expect to be considered a global player if it was not able to bring stability to its own neighbourhood, as Solana has noted:

“I make no apologies for concentrating on the Balkans. They are on our doorstep. The security of Europe depends on stability in the Balkans. They are also a test case for Europe’s enhanced Common

Foreign and Security Policy. Nowhere more than in the Balkans is the EU expected to deliver” (Solana: 2001).

In Bosnia, the EU has played a major role in enforcing the norms of peacekeeping, democracy promotion, and maintaining the rule of law, and it has met with some success in these respects. The EU’s role moved beyond the impact of the Dayton Agreement of November 1995, which enforced peace through the principle of separation. In contrast to the Dayton model of ‘norm promotion’ that “that managed to avoid mentioning ‘the people’ and referred to the three communities: a state without a subject and a democracy without demos” EU has devised a more integrated polity with “a single army, single police and a simplified and accountable decision-making process.” (Juncos 2005: 54-55).

Bosnia has become the testing ground where the EU has put to test its crisis management capability under the ESDP. Under, the ESDP guidelines, the first EU police mission was launched in BiH in January 2003 and the largest EU military operation, EUFOR Althea, was deployed in December 2004, taking over from SFOR. The ESDP missions in BiH endeavoured to reinforce the role of the EU in the country so as to promote EU’s values and norms. As Juncos argued, “In particular, they are supporting the rule of law (EUPM) and helping to maintain stability in the country (EUFOR), as a way to reinforce democracy and respect for human rights” (Juncos 2005: 99).

The European Union operations since 2003 represented a major breakthrough for ESDP, particularly for crisis management capability of the Union. For the first time, the Union actively engaged in security affairs, covering a variety of tasks that extend from policing tasks to military intervention. As Missiroli (2003b: 500) remarks, “The missions show that the EU is capable of reacting to ongoing or emerging security crises”. As such, the police missions of the EU in Bosnia can be regarded as a means by which EU has enforced norms promotion in the region. One of the strategic objectives of EUPM was supporting the process of nation building, and thereby contributing to peace enforcement, reconstruction and stabilization in Bosnia. Clearly, this is in consonance with the EU norms.

According to Ginsberg,

“The EUPM focuses on fighting organized crime, inspecting and monitoring police operations and investigations and offering assistance to enhance the operational capacity of the BiH police system. The mission helped to work and establishes coordination with new state agencies, such as the Ministry of Security and the State Border Service. It also helped transform the BiH police academy into one with enhanced powers to fight organized and other major crime” (Ginsberg 2010: 334).

Thus the EU’s police mission in BiH is targeted at implementing security sector reforms, especially in the context of Operation Althea continues to reduce the size its force presence. The importance of EUPM in Bosnia as a norm promoter can gauge by the fact that it diminished the importance of Operation Althea. In keeping line with the EU norm, the fight against corruption and crime is the top priority for Bosnia and Herzegovina. In this context, the EUPM did much to assist, but the fight against organized crime is not yet complete and a lot of work is left to be done in that field.

It may be mentioned here that the EU has played its role of a normative power just by deploying concerted security actions. The EU has also highlighted the prospects of accession and compliance with the conditionality criteria of membership. It was during the conflict in Kosovo, that EU devised the strategy of offering the prospects of accession, with the expectation that it would enforce peace in the region. In April 1999, the European Union (EU) agreed a Stability Pact for South Eastern Europe as its main response to the Kosovo crisis and NATO’s bombing campaign. A major constituent of the Pact was the offer of the prospect of EU membership to all the countries of the Balkan region (Friis and Murphy 2000).

Membership was considered to be the strongest incentive that would propel the process from stabilisation to association and, one day, to integration. The “membership carrot” should promote the required internal changes that would bring BiH into line with the EU standards, both political and economic.

The prospect of future membership for the countries of the Western Balkans, including BiH, was endorsed by the European Council in Feira in June 2000 and reconfirmed by the European Council in Thessaloniki in June 2003.

As Juncos argued,

“The criteria and the process which were established followed the strategy used in the recent enlargement to the Central and Eastern European countries: ownership or the “regatta principle” (each country proceeds towards membership on its own merits and at its own speed) and conditionality” (Juncos 2005).

4.3. Conclusion

Although, the EU took notice of the complex situations in the Balkans, as well as the problems of the challenge of post-conflict management and peacekeeping, it was not until its missions in Bosnia and Herzegovina, that it in actual practice developed the policies, institutions and mechanisms for an integrated crisis management mechanism—one that was built around EU “norms” The EU Police mission concluded on June 30 2012. The EUPM, in recent years, assisted in achieving greater security for BiH citizens, and in achieving higher democratic and professional standards in BiH security sector. As High Representative Catherine Ashton said,

“EUPM BiH has in many respects contributed to shaping our common security and defence policy and the EU's role as a security provider. Since 2003, we have developed the capacity to deploy efficiently both civilian and military means on various continents, and our neighbourhood has always been a priority. The completion of EUPM reflects the progress achieved by Bosnia and Herzegovina in strengthening the rule of law” (eupm.org 2012).

At the same time, it cannot be said that EUPM was a flawless crisis management mechanism. Although nature of EUPM was related to the civilian crisis management and it also experience the flexibility in the procedures and concepts but in planning phase of EUPM all aspects of crisis management is not followed as per they mentioned/ elaborated in different EU concepts papers (Nowak 2006:27).Lyon appropriately sums up the EUPM assessment in the following words: “the police missions have just have been a partial success story with many scopes for improvement” (Lyon 2005).

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Appendix 1: Main International Actors involved in Peace Building

Name of Agency	Key Threats	Relevant Annex Of DPA(if applicable)
EUFOR (formerly IFOR/SFOR)	Monitor security situation on the ground; ongoing deterrence; until recently direct execution of law enforcement activities in the fight against organised crime.	1A; <i>Military aspects</i> 1B; <i>Regional stabilisation</i> 2; <i>Boundary line & related issues</i>
HR/EUSR	Coordinate civilian peace implementation. Since 1997, special 'Bonn powers' to impose legislation and dismiss local officials (currently being phased out). EUSR's political coordination role will increase substantially.	10; <i>Civilian implementation</i>
EUPM (formerly IPTF)	Train law enforcement personnel; assess threats to public order; inspect local police and promote overall reform of the police sector; no executive policing.	11; <i>International policing</i>
European Commission	Deliver financial aid; monitor compliance with EU conditionality through annual progress reports.	-----
OSCE	Confidence and security-building; organise post-war elections; implement human rights; contribute to civil society development, and coordinate education reform.	1B; <i>Regional stabilisation</i> 3; <i>Elections</i> 6; <i>Human rights</i>
UNHCR	Coordinate return of refugees and internally displaced persons.	7; <i>Refugee and displaced persons</i>

Source: Rechhia 2007:13.

Appendix 2: United Nation General Assembly Definition of Organised Crime

Resolution adopted by the General Assembly

[Without reference to a Main Committee (A/55/383)]

55/25. United Nations Convention

Article 2

Use of terms

For the purposes of this Convention:

- (a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- (c) “Structured group” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;
- (d) “Property” shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;
- (e) “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;
- (f) “Freezing” or “seizure” shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or

control of property on the basis of an order issued by a court or other competent authority;

(g) “Confiscation”, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;

(h) “Predicate offence” shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 6 of this Convention;

(i) “Controlled delivery” shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence;

(j) “Regional economic integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to “States Parties” under this Convention shall apply to such organizations within the limits of their competence.

Appendix 3: Logo of European Union Police Mission in Bosnia and Herzegovina



Source: PPIO Review (2003 :6)