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## The EUPM and EUFOR Althea missions in Bosnia and Herzegovina: An evaluation

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**THE EUPM AND EUFOR ALTHEA MISSIONS  
IN BOSNIA AND HERZEGOVINA:  
AN EVALUATION.**

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**Thesis submitted to the  
Eberly College of Arts and Sciences  
At West Virginia University  
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**Master of Arts  
in  
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## **ABSTRACT**

# **The EUPM and EUFOR Althea missions In Bosnia and Herzegovina: an evaluation.**

**Ewa Mączyńska**

The political changes in Europe and the shift in the world's balance of power brought about by the collapse of the Soviet Union forced the European Union in the early 1990's to redefine the possible role it wanted to play in the international arena. From being an organization focused mostly on economic cooperation, the European Union quickly transformed itself into a player interested also in the security realm. The first place where the EU attempted to prove itself as a new crisis management power was post-war Bosnia-Herzegovina, a country that needed physical, political and social reconstruction. As a result in 2003 Brussels launched its first-ever civilian crisis management mission, the European Union's Police Mission in Bosnia – Herzegovina (EUPM). It was quickly supplemented by the military crisis management mission – EUFOR Althea, launched in 2004.

This study evaluates the successes and failures of the EU's crisis management missions in Bosnia with a special emphasis on their impact on Bosnian social and political life. It argues that when deploying its police officers on the ground Brussels was not ready to handle the complex problems of the country. As a result the EU failed to provide Bosnia with the best possible assistance with its transition into a sustainable country. The shortcomings of the mission exposed the weaknesses of the EU and consequently undermined its role as a power able to help to resolve Bosnia's political deadlock and hindered cooperation between Brussels and Sarajevo.

Fortunately, the military component of the EU's crisis management in Bosnia proved to be much more successful than the civilian one. EUFOR Althea was able to secure the situation in the country and prevented the possible outbreak of renewed violence. On the other hand, it can be argued that much of its success was due to the limited scope of its tasks and good coordination with the previous NATO mission. Moreover, the relationship between Althea and EUPM left much to be desired. Whereas for Brussels the shortcomings of the mission served as a lesson for further improvement, they proved to be fatal for Bosnia's political life. Thus, although the EU may have learned how to conduct crisis management missions, it has yet to learn how to assist Bosnia with resolving its problems.

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## **LIST OF ABBREVIATIONS**

BICC - Bonn International Center for Conversion  
BiH – Bosnia – Herzegovina  
CIMIC – Civil – military coordination  
civ-mil – civil - military  
CCM – civilian crisis management  
CMCO - Civil Military Cooperation  
CSDP – Common Security and Defense Policy  
CSFP – Common Security and Foreign Policy  
DPA - Dayton Peace Accords  
ESS - European Security Strategy  
EUFOR Althea – European Union Force Althea  
EU ISS – European Union Institute for Security Studies  
EUMC – European Union Military Committee  
EUMP - European Union Police Mission  
EUSR – European Union Special Representative  
HHG – Helsinki headline goals  
HR – High Representative  
HQ – Head Quarter  
ICG – International Crisis Group  
ICMPD & TC - International Center for Migration Policy Development and Team Consult  
ICTY - International Criminal Tribunal for the former Yugoslavia  
IFOR – Implementation Force  
IPTF - United Nations' International Police Task Force  
IPU – Integrated Police Unit  
LOT – Liaison and Observation Team  
MICC - Mines Information Coordination Cell  
MIP - Mission Implementation Plan  
MTF – Multinational Task Force  
NATO – North Atlantic Treaty Organization

OHR – Office of High Representative  
OPLAN – Operational Plan  
OSCE – Organization for Security and Cooperation in Europe  
PIC – Peace Implementation Council  
PISM – Polish Institute for International Affairs  
SAA - Stabilization and Association Agreement  
SALW – Small Arms and Light Weapons  
SAP – Stabilization and Association Process  
SBS – State Border Service  
SFOR – NATO’s Stabilization Force  
SFYR - Socialist Federal Republic of Yugoslavia  
SHAPE - Supreme Headquarters Allied Powers Europe  
SIPA – State Investigation and Protection Agency  
TEU – Treaty of the European Union otherwise known as Treaty of Maastricht  
UNMBIH - United Nations Mission in Bosnia and Herzegovina  
UNHCR – United Nations High Commissioner for Refugees  
UN – United Nations  
UNMASA - United Nations Mine Action Service  
UXO - Unexploded explosive ordnance  
WEU - Western European Union



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# INTRODUCTION

In 1991, in the face of the War in the Persian Gulf, Belgian Foreign Minister, Mark Eyskens, sarcastically recapitulated the European Community's significance on the international arena by saying: “Europe is an economic giant, a political dwarf, and a military worm.”<sup>1</sup> Much has changed since then, both in terms of the European Union's internal and external policy as well as its role as an international actor. The European Community developed into the European Union, grew from 12 member states that signed the Maastricht treaty into 27 member states that ratified the Lisbon Treaty, and shifted from being a “purely civilian actor” into one with not only civilian but also military ambitions.<sup>2</sup> One of the most significant demonstrations of this shift is the development of the Common Security and Defense Policy (CSDP) which “empowers the EU to respond proactively to international crises through a broad mix of civilian and military crisis management and conflict prevention operations.”<sup>3</sup> By emphasizing a need to develop both *civilian* and *military* tools in order to *manage* and *prevent* conflicts, the EU not only suggests that it is ready for new challenges that require “hard power” but most importantly it underlines its holistic approach to unstable regions. As Javier Solana stated in 2009: “this is the European way of doing things: a comprehensive approach to the crisis prevention and crisis management; a large and diversified tool box; a rapid response capability; playing our role as a global actor.”<sup>4</sup>

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<sup>1</sup> Craig R Whitney, “War in The Gulf: Europe; Gulf Fighting Shatters Europeans' Fragile Unity”, *The New York Times*, January 25, 1991, accessed April 01, 2012. <http://www.nytimes.com/1991/01/25/world/war-in-the-gulf-europe-gulf-fighting-shatters-europeans-fragile-unity.html?pagewanted=all&src=pm>

<sup>2</sup> Jolyon Howorth, *Security and Defense Policy in the European Union*, New York, Palgrave Macmillan, 2007, p.2.

<sup>3</sup> Before the Lisbon treaty the Common Security and Defense Policy was known as an European Security and Defense Policy (ESDP); Delegation of the European Union to the United States, “The EU’s Common Security and Defense Policy Contributing to Peace and Security Worldwide”, *EU Focus*, September 2011, Accessed March 30, 2012. <http://www.eurunion.org/eu/EU-Focus-and-EU-Insight/EU-Focus-and-EU-Insight.html>

<sup>4</sup> Javier Solana, *Address by the High Representative for the Common Foreign Policy, Javier Solana, to the*

The very first place where the EU was able to play its new role as a global actor and to prove itself as a new civil-military (civ-mil) power was Bosnia – Herzegovina.<sup>5</sup> In 2003 Brussels launched in Bosnia its very first CSDP operation – a police mission, European Union Police Mission, EUMP, that was a successor to the United Nations' International Police Task Force (IPTF). A year later, in December 2004, the EU took over the responsibilities of overseeing military implementation of the Dayton Peace Accords (DPA) from NATO's Stabilization Force (SFOR) forces and deployed its own military mission – European Union Force, EUFOR Althea. By engaging both its civilian and military policies and instruments, the EU turned Bosnia into a “trailblazer and a guinea pig” of the coherent concept of crisis management.<sup>6</sup> The main goal of this paper will be to evaluate the efficiency of the EU's crisis management operations in Bosnia and analyze the co-ordination between them.

This evaluation is important for several reasons. First of all, as mentioned before, Bosnia was the first country where the EU was able to prove itself as a civ-mil power; thus analyses of the main problems and challenges on the ground can serve as a lesson for the future operations. As Chris Patten clearly stated in 2001 “whether we succeed or not [in the Balkans] is a key test of our nascent common foreign and security policy, our ability to project stability beyond our borders and into our immediate neighborhood.”<sup>7</sup> This approach reveals also the symbolical meaning of the EU's intervention in Bosnia. Although Jacques Poos already in 1991 claimed that “the hour of Europe” had finally come, the next eleven years could not prove him more wrong. Brussels was not only unable to successfully react to the war in the Balkans that took place between 1992-1995, but was also unprepared to take over

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*European Parliament*, Brussels, 18 February 2009, Doc. S045/09.

<sup>5</sup>Hereinafter BiH or simply Bosnia.

<sup>6</sup>Giovanni Grevi, Helly Damien, Keohane Daniel, eds., *European Security and Defense Policy, The First Ten Years (1999 - 2009)*, Paris EU Institute for Security Studies, 2010. Accessed on-line March 25, 2012. [www.iss.europa.eu](http://www.iss.europa.eu).

<sup>7</sup>Chris Patten, *EU strategy in the Balkans*, speech to the International Crisis Group, 10 July 2001, Brussels. Accessed on-line March 20, 2012.

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/01/338&format=HTML&aged=0&language=EN&guiLanguage=en>

responsibilities for stabilizing the region immediately after the conflict. Brussels' inability to act as a regional power was also proven by Kosovo conflict in 1999. It was therefore "the crises in the Balkans, which dominated the entire decade of the 1990s (that) created a powerful exogenous stimulus behind ESDP".<sup>8</sup> The final decision to take over the civilian and military missions from the UN and NATO in 2003 and 2004 in Bosnia was for the EU a symbolical test that that was supposed to reveal whether Brussels was ready to act as a regional power. The significance of this test was emphasized by Solana who said just before the EU established its EUMP mission in Bosnia: "I make no apology 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."<sup>9</sup>

The crisis management operations in Bosnia also have a significant meaning due to their interrelationship with the EU enlargement policy.<sup>10</sup> As Stefano Recchia stated in 2007: "the EU involvement in BiH today is unique not only with regard to the level of political, military and economic commitment that have been forthcoming. (...) BiH today advanced beyond the stage of immediate post-war recovery and has begun its path towards European Integration."<sup>11</sup> And he later concluded that the EU's "long term strategic objectives consist in promoting a stable, viable and democratic Bosnia that will be able to join the EU as a full member."<sup>12</sup> Thus, the EUMP and EUFOR missions serve not only the purpose of "supporting the process of reconstruction of the country both in political and psychological sense", as Ana J. Juncos describes the main goal of a crisis management, but also to draw BiH closer to

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<sup>8</sup>Howorth, *Security and Defence Policy...*, p. 55.

<sup>9</sup>Javier Solana, Europe: *Security in the Twenty – First Century*, The Olof Palme Memorial Lecture, 20 June 2001, Stockholm. Accessed on-line March 05, 2012.

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/discours/ACF332.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/discours/ACF332.htm)

<sup>10</sup>As Christopher J. Bickerton writes "Foreign and security policy (...) needs to be seen as the next phase in European integration." Christopher J. Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality*, (New York: Palgrave Macmillan, 2010), p. 6.

<sup>11</sup>Stefano Recchia, "Beyond International Trusteeship: EU Peace building in Bosnia Herzegovina", Occasional Paper 66, EU Institute for Security Studies (ISS), ( February, 2007), p. 24.

<sup>12</sup>Ibid, p. 24.

Europe.<sup>13</sup> They can serve therefore as lenses through which one can analyze the general ability of the EU to develop a coherent and holistic foreign policy towards its neighborhood. This significance of the EU presence in BiH is stated clearly in the Comprehensive Policy for BiH, which reads that “while the ultimate objective of this policy is to make Bosnia - Herzegovina an integral part of the European Union, the process contributes to building security in our neighborhood: one of three strategic objectives for the Union identified in the EU Security Strategy.”<sup>14</sup>

The last thing that makes the evaluation of EUMP and EUFOR missions especially important is the fact that EUFOR Althea is still ongoing and EUPM, after having its mandate extended several times, was only recently terminated.<sup>15</sup> Therefore, on the one hand, their analysis can serve as an illustration of the evolution the EU crisis management concept went through due to “on the ground” challenges. On the other hand, the analysis of the mission's successes and failures will reveal the main problems contemporary Bosnia faces and thus will allow us to better understand the main challenges the EU must face in order to achieve one of its main goals: to help Bosnia to become a sustainable and stable country.

The EU's need to turn Bosnia into a country that would be able to fulfill Brussels requirements for integration is closely related to the question of how to judge the EU's crisis management. An exhaustive evaluation of the EU's crisis management missions, regardless of the country they are deployed in, requires a good understanding of the region. After all, the goal of the crisis management is not only to build the EU position as a global player, but most notably, “developing the civilian dimension is part of the EU’s overall approach in using civilian and military means to respond coherently to the whole spectrum of crisis management

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<sup>13</sup> Ana E. Juncos, “The EU's post – Conflict Intervention in Bosnia and Herzegovina: (re)integrating the Balkans and/or (re)inventing the EU?” *Southeast European Politics*, vol. VI, no. 2, November 2005, p. 101.

<sup>14</sup> European Council, *European Security Strategy – Bosnia and Herzegovina/ Comprehensive Policy*, Brussels, 17-18 June 2004.

<sup>15</sup> The mission officially ended on June 30 2012. It was so far the longest crisis management mission ever launched by the European Union.

tasks such as conflict prevention, peacekeeping and tasks of combat forces in crisis management including peacemaking and post-conflict stabilization.”<sup>16</sup> In other words, as Annemarie Peen Rodt points out, in order to evaluate the success of a crisis management mission it is necessary to analyze both its “internal success [which] refers to an operation, which is successful from the point of view of the EU (and) external success, [which] indicates a positive impact on the conflict situation on the ground. Both of these aspects of success are necessary for an operation to be an overall success.”<sup>17</sup> Yet, while there is quite a substantial number of studies devoted to analyzing the “internal success” of the crisis management missions and to presenting the evolution of the crisis management concept there is still a lack of focused case studies that elaborate the impact of the mission for the country in which it was launched. Thus this thesis will try to fill this void by analyzing crisis management in Bosnia from the perspective of both external and internal success.

The first chapter of this thesis will present a short history of the development of the EU's CFSP with a special emphasis on presenting EU's crisis management concept, its main goals, means, and tools. It will also focus on presenting the main problems of BiH. The second chapter will be devoted to analyzing EUMP police mission in Bosnia. It will take under the scrutiny its main goals and achievements. It will present its main shortcomings and their impact on the Bosnian society. The third chapter will focus on the EUFOR military mission. It will not only analyze the mission itself but it will also provide a comparison between EUFOR Althea and EUPM pointing out the main differences between European Union's military and civilian crisis management mission. It will be followed by a summary.

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<sup>16</sup> The Council of The European Union, *Civilian Headline Goal 2008*, EU Doc. 15863/04, Brussels, December 7, 2004, p. 2.

<sup>17</sup> Annamarie Peen Rodt, *EU Performance in Military Conflict Management*, Paper presented at the EUSA Twelfth Biennial International Conference, Boston, Massachusetts, March 3-5, 2011, p. 4.

# CHAPTER I

## EU'S ROAD TO BOSNIA AND HERZEGOVINA

### 1. Introduction to the EU crisis management concept

The term “crisis management”, although used repeatedly in the context of the EU's military and civilian external missions, still lacks a clear definition. Steven Blockmans and Ramses L. Wessel define “crisis management” as a concept that “refers to the organization, regulation, procedural framework and arrangements to contain a crisis and shape its future course while resolution is sought.”<sup>18</sup> Their definition is based on the Treaty of Maastricht (Treaty of The European Union, TEU) and thus, accordingly, makes a distinction between conflict prevention, conflict management and conflict resolution. This distinction is common among scholars, yet, it seems to be rather a rhetorical one as “the dividing lines between the different categories are often blurred in practice.”<sup>19</sup> Therefore as Blockmans and Wessel conclude, “in the EU context, the notion of 'crisis management' serves as a catch-all phase for both military and civilian ESDP operations, whether they are deployed to prevent conflict from bursting into crisis, assist in enforcing the peace, keep the peace or build the peace.”<sup>20</sup> Jolyon Howorth broadens this definition by adding that the “management of (...) crisis might involve the deployment of diplomatic or economic instruments, the dispatch of police or administrative agents, or even the deployment of combat troops.”<sup>21</sup> Both EUMP and EUFOR mission definitely fit into such a broad definition. On the other hand some of the scholars

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<sup>18</sup>Steven Blockmans, and Ramses A. Wessel, *The European Union Crisis Management: Will the Lisbon Treaty Make the EU More Effective?*, *Cleer Working Papers* 1/2009, p. 11. Accessed on-line April 02, 2012, [http://www.asser.nl/default.aspx?site\\_id=26&level1=14467&level2=14468](http://www.asser.nl/default.aspx?site_id=26&level1=14467&level2=14468)

<sup>19</sup>Ibid, p. 11.

<sup>20</sup>Ibid, p. 11.

<sup>21</sup>Howorth, *Security and Defence Policy*, p. 10.

argue that those missions should not be treated as an example of a conflict management due to their duration. Muriel Asseburg and Ronja Kempin suggest that “because of its long run-up, operation Althea cannot really be described as ‘crisis management’ in the true sense of the word.”<sup>22</sup> Yet, as there is no real “true sense of the word” crisis management and its definition points rather to its goals than its duration this paper will treat EUMP and EUFOR as an example of EU's crisis management missions.

The concept of EU crisis management is further divided into military and civilian crisis management concept (CCM). Whereas the military dimension had been an integral part of the crisis management concept since it was first developed by the European Community, the civilian dimension developed later and for many reasons it is quite difficult to define. Maïke Kuhn tries to explain it as an “instrument for international actors to help create structures and capacities that enable the state to provide for the security and safety of its population. It is not a soft option but a fundamental element of building sustainable peace.”<sup>23</sup> Renata Dwan is more skeptical in this regards and writes that civilian crisis management “potentially, denotes any policy or instrument directed at the management of crises that is not a military policy or military instrument – a description that raises more questions about the definition of 'military' and 'non-military' than it provides answers.”<sup>24</sup> Also Agnieszka Nowak underlines the fact that because the “CCM potentially comprises multiple stages and multiple actors and that there is no agreement on its definition has resulted in some confusion over the

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<sup>22</sup> Muriel Asseburg, and Ronja Kempin, “Introduction: A systematic Stocktaking of ESDP Missions and Operations” in *The EU as a Strategic Actor in the Realm of Security and Defence? A Systematic Assessment of ESDP Missions and Operations*, ed. Muriel Asseburg, and Ronja Kempin, German Institute for International and Security Affairs, December 14, 2009. Accessed on-line March 20, 2012. [http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/esdp\\_missions\\_an\\_assessment.html](http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/esdp_missions_an_assessment.html)

<sup>23</sup> Maïke Kuhn, “The System of EU Crisis Management – From Bringing Peace to Establishing Democracy?”, in *Max Planck Yearbook of United Nations Law*, ed. Armin von Bogdandy, and Wolfrum Rüdiger Wolfrum, vol 13, (Martinus Nijhoff Publishers, 2009.), pp. 253- 254.

<sup>24</sup> Renata Dwan, *Civilian tasks and capabilities in EU operations*, paper presented in Berlin, May 2004, p.1. Accessed on-line March 26, 2012, <http://www.slideshare.net/Nostrad/civilian-tasks-and-capabilities-in-eu-operations>



definition of CCM at the EU level.”<sup>25</sup> The confusion is also brought about by the fact that the EU's idea of a crisis management has “no equivalent in the lexicons of the United Nations, the Organization for Security and Cooperation in Europe (OSCE) or non- European regional organizations.”<sup>26</sup> On the other hand it is the uniqueness of the concept that EU builds its international position on – a position of a civ-mil power. Yet, in order to play its new role successfully EU has to be able to make the cooperation between the civilian and military aspects fully operational. The case of BiH will enable us to see if EU is really a civ-mil power or if it is rather a power that tries to deploy at the same time military and civilian operation.

## **2. The development of the EU’s crisis management concept**

The history of the development of the EU's CFSP (that further lead to the development of a crisis management concept and helped the EU to define itself as a civ-mil power) can be best illustrated by the words of Harold Macmillan, UK prime minister in years 1957 - 1963. Once asked “by a young journalist what can most easily steer a government off its chosen course (he) replied: “Events, dear boy, events!”<sup>27</sup> In the case of the European Union, it was the events of the late 80's and 90's that dramatically changed European politicians' perspective on the future role of the European Community. The first stimulus was the dissolution of the Soviet Union between 1989 and 1991. It marked not only the end of the cold war, but also the end of an era in which “Europe was, the facto, at the heart of global

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<sup>25</sup>Agnieszka Nowak ed., “Civilian crisis management: the EU way”, *Chaillot Paper* no 90, EU Institute for Security Studies, Paris, June 2006, p. 16. Accessed on-line March 17, 2012 <http://www.iss.europa.eu/>

<sup>26</sup>Maike Kuhn, “The System of EU Crisis Management...” p. 253.

<sup>27</sup>Christopher Hill, and Michael Smith, *International relations and the foreign Union*, (New York, Oxford University Press, 2005), p. 182.

geo-strategic reality.”<sup>28</sup> With the fall of the Berlin Wall Washington was able to take Europe off of NATO's “security” radar and thus it had no more reason to serve as a guarantor of the European security. The period in which Europeans “enjoyed (...) free-riding (which effectively reduced their sense of responsibility for security)”<sup>29</sup> and were protected by the NATO shield ended.

The second driver behind the creation of the ESDP was the series of the conflicts that erupted in the early 90s. Not only was Europe called a military warm in the face of the Iraqi invasion on Kuwait but it was also incapable of handling its own backyard. As Federiga Bindi argues, “the war in the former Yugoslavia, which had started in June 1991, is a text book case of the failure of European foreign policy.”<sup>30</sup> Christopher Hill and Michael Smith, although less categorical, are also far from labeling European engagement in the presented conflicts as successful. They write that “although WEU carried out some joint European minesweeping actions in the Gulf in 1988-90 and monitoring police activities in former Yugoslavia in the early 1990s, it did not presume to deliver EU 'collective defense’”.<sup>31</sup>

The events of the late 80s and early 90s forced the leaders of EU to think more comprehensively about their role on the global arena and their goals in the field of the foreign security. In his commentary to the way Europe responded to the Gulf war Jacques Delors stated that “the only option compatible with the complete vision of European union was to insert a common security policy into this framework.”<sup>32</sup> The first step towards creating a coherent EU Common Foreign and Security Policy was signing the Maastricht treaty, which established an intergovernmental Common Foreign and Security Policy, which served as the second of three pillars that constituted the European Community. As Title I of the Common

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<sup>28</sup>Howorth, *Security and Defence Policy*, p.52.

<sup>29</sup>Ibid., p. 16.

<sup>30</sup>Federiga Bidni, *The Foreign Policy of the European Union, Assessing Europe's Role in the World*, (Brookings Institution Press, December 18, 2009), p. 31.

<sup>31</sup>Howorth, *Security and Defence policy*, p.180.

<sup>32</sup> Dennis Gyllensporre, “competing and complementary perspectives on the eu as a crisis management actor: An Examination of the Common Security and Defence Policy through the Lenses of Idealism and Realism” Phd diss, Maastricht University, 2010, p. 19.

Provision stated, one of the goals of the European Community was “to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the *eventual* framing of a common defense policy, which might in time lead to a common defense.”<sup>33</sup> Title V stated clearly that “The objectives of the common foreign and security policy shall be: to safeguard the common values, fundamental interests and independence of the Union; to strengthen the security of the Union and its Member States in all ways; to preserve peace and strengthen international security.”<sup>34</sup>

The same year as the WEU's member states worked on the Maastricht Treaty they also agreed on signing a Petersberg Declaration that is believed to be the foundation of the future EU crisis management. In order to make Western European Union (WEU) more capable of acting as a crisis manager in the new conditions of the post-cold war era, the declaration stated that “apart from contributing to the common defense in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member States, acting under the authority of WEU, could be employed for: - humanitarian and rescue tasks; - peace keeping tasks; - tasks of combat forces in crisis management, including peacemaking.”<sup>35</sup> As Howorth argues, “it implied radical transformation of the EU's existing capacity to provide deployable, professional intervention forces geared to 'out of area' crisis management.”<sup>36</sup> Yet, although the declaration had symbolized the change in EU's perception of its global role and the Maastricht treaty did establish intergovernmental Common Foreign and Security Policy, the European Community was still lacking a common European Security and Defense Policy.

The next step towards shaping European Community's role as an active crisis manager

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<sup>33</sup> Treaty on European Union, Official Journal C 191, 29 July 1992, Title V, Common Provisions, art J. Accessed on-line March 17, 2012 <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0001000001>

<sup>34</sup> Treaty on European Union, Official Journal C 191, 29 July 1992, Title I, Provisions on a Common Foreign and Security Policy, art J1. Accessed on-line March 17, 2012 <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0001000001>

<sup>35</sup> Western European Union Council of Ministers, *Petersberg Declaration*, Bonn, 19 JUNE 1992.

<sup>36</sup> Howorth, *Security and Defence Policy*, p. 85.

was signing the Amsterdam Treaty in 1997 (came into force in 1999). Instead of repeating the Maastricht Treaty's suggestion of "*eventual* framing of a common defense policy, which *might in time* lead to a common defense" the new treaty stated that "The common foreign and security policy shall include all questions related to the security of the union, including the *progressive* framing of a common defense policy, which *might* lead to a common defense."<sup>37</sup> It also incorporated the Petersberg Tasks into Title V of the the Maastricht Treaty (by doing so it defined EU's possible crisis management missions) and established the office of the High Representative for the CSFP. Shortly after its establishment the office was taken by Javier Solana, who held it for almost ten years (18 October 1999 to 1 December 2009). Yet, the Amsterdam Treaty, although it "amended the Maastricht Treaty with slightly more engaging language", was still far from being revolutionary.<sup>38</sup>

The real revolution in the creation of the European Security and Defense Policy came with the meeting between British prime minister, Tony Blair, and the French president, Jacques Chirac, on the 3-4 of December 1998. In the French sea town of Saint Malo Tony Blair and Jacques Chirac signed the Saint Malo Declaration. The document paved the road towards further European cooperation in the field of security by openly calling upon the European Council for a "progressive framing of a common defense policy in the framework of CFSP" and stating that "the 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 crises."<sup>39</sup> The EU had crossed the Rubicon. Great Britain, for some 50 years extremely reluctant towards building European military capacity outside the NATO, realized that it was time for Europe to act. London's change of mind was due to the political changes brought about by the collapse of the Soviet Union, the lesson learned from the

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<sup>37</sup> Michael Emmerson, and Eva Gross Eva, "Introduction " in *Evaluating the EU'S Crisis Missions in the Balkans*, ed. Michael Emmerson, and Eva Gross, Centre for European Policy Studies, Brussels, 2007. p. 3.

<sup>38</sup>Ibid. p. 2.

<sup>39</sup> *Joint Declaration Issued at the British-French Summit*, Saint-Malo, France, 3-4 December, 1998. p. 1.; Ibid. p. 1.

Bosnian war, the strong signals from Washington that in order for NATO to survive “Europe has to get its security act together”, and finally due to the tense atmosphere in Kosovo .<sup>40</sup> Regardless of which of these events was the main impulse, the change brought about was not, in Howorth's opinion, “a strategic calculation; it was historical necessity.”<sup>41</sup>

The Helsinki European Council meeting in 1999 was another milestone for the development of EU crisis management. The European Council adopted “the two Presidency progress reports (...) on developing the Union's military and non-military crisis management capability as part of a strengthened common European policy on security and defense.”<sup>42</sup> The military dimension of the crisis management became visible in a decision that “Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year military forces of up to 50,000–60,000 persons capable of the full range of Petersberg tasks.”<sup>43</sup> (So called Helsinki Headline Goals, HHG) The need to build the civilian dimension of the crisis management was underlined by the Council's decision that “a non-military crisis management mechanism will be established to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States.”<sup>44</sup>

The concept of the civilian crisis management was further developed during the European Council meeting at Santa Maria da Feira on 19-20 June, 2000. Whereas in Helsinki the EU agreed to be able to deploy military forces at Santa Maria de Feira member states “have undertaken that by 2003 they will to be able to provide up to 5,000 police officers for international missions across the range of conflict prevention and crisis management

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<sup>40</sup>Howorth, *Security and Defence Policy*. p. 53.

<sup>41</sup>Ibid. p. 53.

<sup>42</sup> European Council, *Presidency Conclusions of the Helsinki European Council of 10-11 December*, II. Common European Policy On Security And Defense, art 25, SN 300/1/99, Brussels, 1999. Accessed on-line April 02, 2012. [http://www.europarl.europa.eu/summits/hel1\\_en.htm](http://www.europarl.europa.eu/summits/hel1_en.htm)

<sup>43</sup> European Council, *Presidency Conclusions of the Helsinki European Council of 10-11 December*, II. Common European Policy On Security And Defense, art 28, SN 300/1/99, Brussels, 1999. Accessed on-line April 02, 2012. [http://www.europarl.europa.eu/summits/hel1\\_en.htm](http://www.europarl.europa.eu/summits/hel1_en.htm)

<sup>44</sup> *Ibid.*

operations. Member States have also undertaken to be able to identify and deploy up to 1,000 police officers within 30 days.”<sup>45</sup> During the meeting the EU also addressed four priority areas in which the civilian aspects of crisis management should be developed: police, strengthening of the rule of law, strengthening civilian administration, and civil protection.<sup>46</sup> Furthermore a committee of civilian aspects of crisis management (CIVCOM) was created.

The development of the Crisis Management, with a special emphasis on the Civilian Crisis Management, was sped up by the Swedish Presidency, which during the Gotenborg summit in 2001, “introduced a Police action Plan intended to allow the EU to deploy police officers rapidly in international operations led by UN or OSCE as well as autonomous operations.”<sup>47</sup> The Gotenborg project further developed during the first Police Capabilities Commitment Conference in November 2001.<sup>48</sup> A month later, in December 2001, the Laeken council announced that by 2003 the EU's crisis management would be fully established and in 2002 Brussels stated that it would be ready to deploy its very first crisis management mission (EUMP in Sarajevo) by January 2003. On January 1<sup>st</sup> 2003 the European Union's Police mission took over the responsibilities from the UN's IPTF. Brussels' baptism of fire had started. A year later, in June 2004 the Helsinki Headline Goal was replaced with a Headline Goal 2010 which stated the member states “must be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union. ...[Minimum] force packages must be militarily effective, credible and coherent and should be broadly based on

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<sup>45</sup> *European Parliament, Santa Maria Da Feira European Council 19 And 20 June 2000 Conclusions Of The Presidency, I. Preparing the Future, C. Common European Security and Defense Policy, art 11. Santa Maria Da Feira, June 2000, Accessed on-line April 01, 2012. [http://www.europarl.europa.eu/summits/fei1\\_en.htm](http://www.europarl.europa.eu/summits/fei1_en.htm)*

<sup>46</sup> B.a., *Civilian crisis management*, European Union External Action, Accessed on-line March 23, 2012. <http://www.consilium.europa.eu/eas/security-defence/civilian-crisis-management?lang=en>

<sup>47</sup> Howorth, *Security and Defence policy*, p. 127.

<sup>48</sup> Gustav Lindstrom, “The Headline Goal”, *EU Institute for Security Studies (ISS)*, p 3. Accessed on-line March 29, 2012. <http://www.iss.europa.eu/>

the Battle groups concept”.<sup>49</sup> Within five months from the announcement of the new HG, the EU was ready to complement its civilian crisis management mission in BiH with a military one – EUFOR Althea.<sup>50</sup>

In order to fully comprehend the EU's presence in BiH it is important to understand that Brussels decision to engage in the Balkans was strongly connected with the emergence of a concept of a 'new world order' and with the EU's sudden realization that in order to secure it's neighborhood it needed to develop a comprehensive policy towards it. The idea of a “new world order” was brought to life by US president G.W. Bush in 1990 and implied "new ways of working with other nations...peaceful settlement of disputes, solidarity against aggression...and just treatment of all peoples."<sup>51</sup> This somewhat pompous statement was quickly picked up by contemporaries and became a theoretical foundation for the EU “crisis management concept”. The “Westphalian system” based on the “principle of the sovereignty of nation-state”<sup>52</sup> was replaced by the new system in which it became acceptable to intervene “in the internal affairs of sovereign states in order to safeguard human rights.”<sup>53</sup> This reconceptualization of international affairs helped the EU to define its “unique role in the international security, and in particular its ability to integrate the civilian and military tools within a holistic concept of complex twenty – first century security.”<sup>54</sup> The first place where EU was able to test its holistic approach was BiH. As Juncos states “The EU has deployed in BiH the full spectrum of instruments at its disposal, including political tools like conflict mediation (EU special representative); economic carrots (humanitarian aid and long term economic assistance); and crisis management instruments (police and military mission).” As

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<sup>49</sup>Michael Emmerson, and Eva Gross, “Introduction ”p. 3.

<sup>50</sup>As the goal of this paper is not to deliver a comprehensive analysis of EU's CFSP but to evaluate EU's crisis management missions in Bosnia – Hercegovina, the further development of EU's CFSP will not be presented.

<sup>51</sup> Michael Elliott, *Son of the New World Order*, Time.com, October 09, 2001, Accessed on-line April 02, 2012 <http://www.time.com/time/world/article/0,8599,178726,00.html#ixzz1qPuGuWTG>

<sup>52</sup>Howorth, *Security and Defence Policy*, p. 25.

<sup>53</sup>Howorth, *Security and Defence Policy*, p. 54.

<sup>54</sup> Christopher J. Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality*, (New York, Palgrave Macmillan, 2010). P. 68.

we can see the crisis management mission in BiH is deep-set in EU comprehensive policy towards the country and thus “it goes well beyond crisis management, advocating a transformation of the political and social – economic context in the target (country).”<sup>55</sup>

The theoretical foundation of the EU's role as modern conflict manager able to deliver a holistic solution for all kinds of problems, ranging from armed conflicts to administrative issues, sounds promising. Yet, the question is how does it prove itself on the field? Many scholars believe that the analysis of the EU's work on the ground suggests that EU is nothing more but a paper tiger. Bickerton sarcastically comments on the EU holistic approach by saying: “what underpins the EU's complexity is its own institutional confusion about mandates and roles.”<sup>56</sup> Muriel Asseburg and Ronja Kempin are less skeptical and claim that in case of EU's presence in BiH they “cannot identify for the country fundamentally more effective policy options than those chosen by the EU since 2002.”<sup>57</sup>

### **3. Towards the regional approach.**

The idea of a unique and holistic approach towards BiH was brought about not only by the emergence of a new, post-Westphalian world order, but also by the EU's need to stabilize the political situation in the Balkan peninsula in order to ensure peace in Europe. The Balkans are often referred to as Europe's backyard, which suggests that they are somehow “outside” of Europe. This could not be more misleading – in the 90's the Western Balkan countries were

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<sup>55</sup> Recchia, “Beyond International Trusteeship”, p. 24.

<sup>56</sup> Bickerton, *European Union Foreign Policy*, p. 68.

<sup>57</sup> Muriel Asseburg, and Ronja Kempin, *The EU as a Strategic Actor in the Realm of Security and Defence? A Systematic Assessment of ESDP Missions and Operations*, German Institute for International and Security Affairs, December 14, 2009, p. 27. Accessed on-line March 20, 2012. [http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/esdp\\_missions\\_an\\_assessment.html](http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/esdp_missions_an_assessment.html)



surrounded by EU from two sides – in the south by Greece and in the West by Italy.<sup>58</sup> Thus it is only natural that the experience of the war in Bosnia and the unstable situation in Kosovo forced EU politicians to start developing in the 90's a regional approach towards Balkans. In 1995, after the Dayton Peace Agreement ended the war in BiH, the EU expressed its support for the Western Balkans by offering help with reconstruction of the region.<sup>59</sup> A year later, in 1996 the EU adopted a regional approach, which main goal was to improve relations between the Balkan countries in order to attain stabilization of the region. It was worth noticing that with the regional approach of 1996 the EU also started to develop its policy towards BiH. As the document stated: “In view of its immediate needs, Bosnia-Herzegovina requires priority attention and a significant effort of rehabilitation before the elections, for the benefit of all ethnic groups. Without waiting for the outcome of the Donors' Conference, aid for the rehabilitation of Bosnia-Herzegovina - the bulk of which is currently being provided by the European Union - should be stepped up, as a supplement to Community programs, to meet pressing needs, especially everything required to facilitate the resettlement of refugees and displaced persons.”<sup>60</sup> From 1996 BiH, as well as other countries of the region, were also receiving from EU financial support offered through the PHARE and OBNOVA programs (in 2001 they were replaced with CARDS).

In 1997 the EU complemented its regional approach with the concept of “conditionality”, which in the future, became one of the main elements of EU's policy towards countries aspiring for EU membership. The goal was to “set economic and political conditionality as the instruments for improvement of the relations and as a prerequisite for receiving reconstruction and development assistance from the Community Budget in the

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<sup>58</sup>With the Hungarian and Slovenian accession to EU followed by EU's enlargement of Romania and Bulgaria, the Western Balkans became almost an enclave within integrated Europe.

<sup>59</sup> Beata Górka-Winter, *Polityka zewnętrzna UE wobec Bałkanów Zachodnich - wniosek Chorwacji o przystąpienie do UE*, Polski Instytut Spraw Międzynarodowych, June 16, 2006. Accessed on-line March 16, 2012. <http://www.pism.pl/index/?id=2dace78f80bc92e6d7493423d729448e>

<sup>60</sup>Preparation For The European Council Meeting In Turin And The Intergovernmental Conference, Accessed on-line March 17, 2012. [\\_ttp://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/028a0001.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/028a0001.htm)

Western Balkans, and BiH in particular.”<sup>61</sup> In 1998, during the Vienna Summit, the EU developed a common strategy towards the Western Balkans, yet it was not until 1999, when EU decided to offer the region more than just economic assistance. In 1999 in Cologne a Stability Pact for South - Eastern Europe was launched and in its “founding document (...) the EU, which assumed a leading role in the Pact, undertook to draw South Eastern Europe ‘closer to the perspective of full integration ... into its structures’, including eventual full membership.”<sup>62</sup> It was the first time when the integration perspective was introduced to the Balkan countries. In 2000, the European Council meeting at Santa Maria da Feira described the Western Balkans countries as “potential candidates”. As noted earlier this was the same meeting during which EU addressed the main goals of the civilian crisis management. A few months later, in November 2000 during the Zagreb summit the EU established the Stabilization and Association Process (SAP) based on three main elements – the Stabilization and Association Agreement, financial assistance and mechanisms of trade.<sup>63</sup> From the EU perspective SAP was supposed to serve as a “policy tool that would help the establishment of democracy based on the rule of law, the development of a market economy and combating organized crime.”<sup>64</sup>

The Thessaloniki Summit in 2003 confirmed the Balkan states prospective membership in the EU. The Thessaloniki declaration clearly stated that “the Stabilization and Association Process (SAP) will remain the framework for the European course of the Western Balkan countries, all the way to their future accession. The process and the prospects it offers serve as the anchor for reform in the Western Balkans, in the same way the accession process

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<sup>61</sup> Ulas Doga Eralp, “The Effectiveness of the EU as a Peace Actor in Post-Conflict Bosnia Herzegovina: An Evaluative Study”, Phd diss. George Mason University, 2009, p. 193.

<sup>62</sup> Stability Pact for South – Eastern Europe, Stability Pact. Accessed on-line April 02, 2012.  
<http://www.stabilitypact.org/about/default.asp>

<sup>63</sup> Paweł Szelaąg, *Balkany a Unia Europejska. Perspektywy integracyjne państw bałkańskich*, w: *Balkany u progu zjednoczonej Europy*, pod red. Paweł Czubik, Kraków, Instytut Europeistyki UJ 2008, p. 28.

<sup>64</sup> Eralp, “The Effectiveness of the EU”, p. 195.

has done in Central and Eastern Europe.”<sup>65</sup>

As the EU's engagement in the region went hand in hand with Brussels' development of the crisis management concept as well as with defining EU's role on the international arena as a normative power with hard power tools, it is not surprising that when the EU finally decided to deploy its crisis management missions in BiH it wanted them to be fully coordinated with other EU policies towards the region. Therefore it is almost impossible to separate the goals of the missions themselves from the EU's long - term goals, one of them being integrating BiH into EU structures. It is well visible in the case of the police reform which at first was one of the goals of the EUMP mission, though soon it was incorporated into conditions set by Brussels for Sarajevo in order to sign the Stabilization and Association Agreement (SAA). Therefore EUMP became in fact one of tools used by Brussels in order to “integrate BiH into the Euro-Atlantic structures.”<sup>66</sup> Similarly EUFOR became a part of a “membership mechanism” as the fight against organized crime also became an necessary element for Sarajevo's integration with Brussels. As Howorth notes, “in medium term, the mission aimed to help BiH move towards EU membership, through the signature of the Stabilization and Association Agreement; and in the long term to create a stable, viable and multiethnic BiH working harmoniously with its neighbors.”<sup>67</sup> The correlation of different EU's goals and tools and the interdependence between crisis management missions and the integration process makes the evaluation of the EUMP's and EUFOR's presence in BiH quite difficult. The goals of the missions became hard to point out, as they are a mix of short and long – term goals, and without clear goals it is difficult to evaluate whether the missions are successful or not. It is also necessary to set those missions in the context of political,

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<sup>65</sup>European Commission, *EU-Western Balkans Summit – Declaration*, Thessaloniki 21 June 2003, Press release 10229/03 (Presse 163). Accessed on-line March 17, 2012.  
[http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/sap/thessaloniki\\_summit\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_summit_en.htm)

<sup>66</sup> Ana E. Juncos, “The EU's post – Conflict Intervention in Bosnia and Hercegovina: (re)integrating the Balkans and/or (re)Inventing the EU?” *Southeast European Politics*, vol. VI, No. 2, November 2005, p. 101.

<sup>67</sup>Howorth, *Security and Defence Policy*, p.236.

economic, and social problems of post-war Bosnia.

#### **4. What is Bosnia – the overview of the country.**

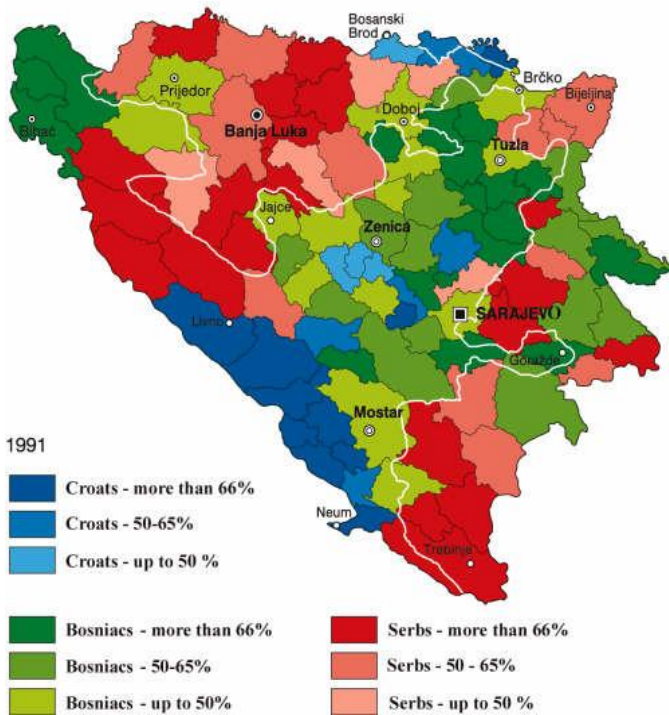
The Dayton Peace Accords signed on the 14<sup>th</sup> of December, 1995 officially ended the Bosnian war - the third and the most brutal stage of the dissolution of the Socialist Federal Republic of Yugoslavia. In 1991 Slovenia and Croatia, as the first of the Yugoslav republics, declared independence and were recognized as sovereign states by the international community. Their succession fueled the Bosnian independent movement. Yet, the situation in BiH was much more complicated, because unlike Croatia or Slovenia, it did not consist of one dominant nation. Out of 4,366,00 of Bosnia's inhabitants, 43,7% were Bosniaks, 31,4% Serbs and 17,3% Croats.<sup>68</sup> While the leading regionally – based political parties - Party for Democratic Action representing mostly Bosniaks and the Croat Democratic Community representing Croats supported BiH's independence, the Serb Democratic Party, representing Serbian interests, categorically opposed the idea. The division among Bosnians regarding the future of the country was confirmed by the result of the referendum held on March 1, 1992. Roughly one third of the country voted against the independence. Yet, as the majority of Bosnians supported the creation of an independent Bosnian state, at the end of May 1992 the international community recognized BiH as sovereign country. Shortly thereafter that the civil war broke out between Bosnian Serbs, supported by the Yugoslav National Army, and Croat and Bosniak's military troops. Within a year the coalition between Croats and Bosniaks collapsed and the parties also plunged into war.

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<sup>68</sup> Hereinafter the term “Bosnians” will be used to describe the citizens of the country regardless of their ethnicity or religion. The term “Bosniaks” will be used to describe the South Slavic ethnic group, known also as Bosnian Muslims. The term “Bosnian Muslim” is being replaced by “Bosniak” to best describe an ethnic group without necessarily pointing to its religion.; World Bank, *Bosnia and Herzegovina: Towards Economic Recovery*, World Bank Publications, June 1996, p. 2.

Throughout the war Serbs conducted systematic ethnic cleansing on the captured territory. As a result it became possible after the war to draw an ethnically - based boundaries between two separate parts of the Bosnian state – Serbs occupied mostly the northern and southern Bosnian territory connected with each other through the eastern corridor, whereas Croats and Bosniaks held the western and central parts of the country.<sup>69</sup>

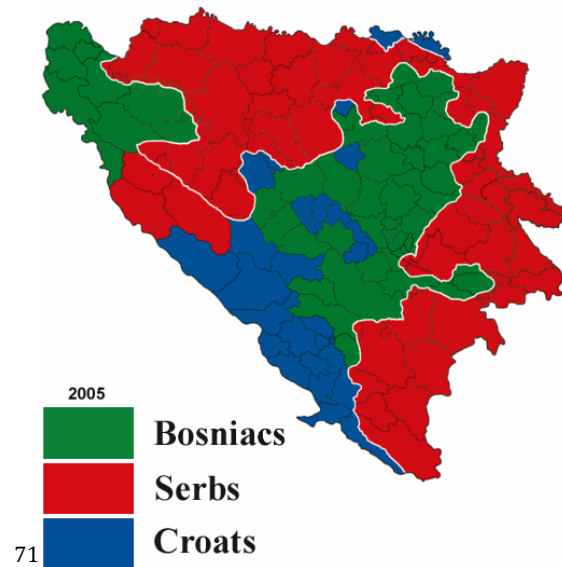
**Map 1. Ethnic Composition of Bosnia before the War (1991)** <sup>70</sup>



<sup>69</sup>The west majority of the Croats were to be found near the western border with Croatia, while Bosniaks inhabited mostly the central parts of the country.

<sup>70</sup> B.a. *Dictionary of Gross Human Rights Violations*, Shared Humanity.org., Accessed on-line March 29, 2012. <http://www.sharedhumanity.org/LibraryArticle.php?heading=Bosnia,%20Gross%20Human%20Rights%20Violations%20in>

Map 2: Ethnic Composition of Bosnia after the War (2005)



Under Annex 2 of the DPA, the country was divided along those ethnic lines (“inter-entity boundary lines”) constituting the creation of Republika Srpska, Bosniak – Croat Federation and district of Brcko. The reason for such a division was to secure the fire cease line, yet in the long - term it contributed to the establishment of an ethnically divided country in shape caused by ethnic cleansing.<sup>72</sup> Under the Annex 4 of the Agreement, which serves as a Constitution of BiH, the Bosniak – Croat Federation was further divided into cantons and Republika Srpska “remained organized in a unitary, centralized fashion, with the Entity – level government dealing directly with the municipalities.”<sup>73</sup> Under the agreement “the two entities (...) retained significant autonomy (...), with exclusive authority over their own armed forces, internal affairs (including police), judiciary, and a wide range of social

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<sup>71</sup> B.a. *Dictionary of Gross Human Rights Violations*, Shared Humanity.org., Accessed on-line March 29, 2012. <http://www.sharedhumanity.org/LibraryArticle.php?heading=Bosnia,%20Gross%20Human%20Rights%20Violations%20in>

<sup>72</sup>The General Framework Agreement, December 14, 1995, Office of the High Representative, Accessed on-line April 01, 2012, .://www.ohr.int/dpa/default.asp?content\_id=370

<sup>73</sup> World Bank, *Bosnia and Herzegovina*, p. 4.

sectors.”<sup>74</sup> This division of authority, especially over the armed forces and police, soon became a thorn in the EU's flesh. The police reform became a condition for signing SAA and thus one of the main goals of EUMP mission.

Annex 4 of the agreement established also state - level government. The legislative organ, a bicameral Parliamentary Assembly, consists of the House of People and the National Assembly. The presidency, a triple body serving as a head of the country, is responsible for “conducting the foreign policy of BiH”<sup>75</sup> and “representing BiH in international and European organizations.”<sup>76</sup> The state – level government was supposed to represent all of the three constituent peoples. Yet, due to its very limited powers as well as constant disagreements between the Serbian, Croatian and Bosniak politicians the central government is often perceived as highly inefficient.<sup>77</sup> Tuathail, O'Loughlin and Djipa argue that this description should apply to the whole administrative structure of the country. In their opinion “the (Dayton Peace) agreement established what has been described as 'one of the most complicated and wasteful systems of government ever advised', namely a weak and meager central government, two state – like ethnonationalist entities (...), 10 cantons within the Federation of Bosnia and Herzegovina (...) and 142 local municipalities.”<sup>78</sup> Yet, the complicated structure of the Bosnian administration is not the main, and definitely not the only reason for the repeating political deadlock. The main problem is that the shape of the country, its constitution and main symbols do not reflect the true will of the Bosnian people. Stanisławski and Szpala underlines that there is an ongoing debate “concerning the legal force of the constitution. The act was drafted by US constitutionalists and signed by three

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<sup>74</sup>Elizabeth M Cousens, and Charles Cater, *Toward Peace in Bosnia, implementing the Dayton Accords*, (London: Lynne Rienner Publishers, 2001), p. 36.

<sup>75</sup>The General Framework Agreement, Annex 4, December 14, 1995, tpOffice of the High Representative, Accessed on-line April 01, 2012,. ://www.ohr.int/dpa/default.asp?content\_id=370

<sup>76</sup>Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention*, (New York: Oxford University Press, 2002) p. 64.

<sup>77</sup> *Ibid.*, p. 65.

<sup>78</sup>Gerard Toal, and John O'loughlin, and Djipa Dino, “Bosnia ten years after Dayton: Constitutional Change and Public Opinion” *Eurasian Geography and Economics*, 47, no. 1, (2006), pp. 61-62.

presidents, two of whom (the leaders of Croatia and Serbia) represented neighboring countries. The constitution was never formally adopted in a vote or referendum by the citizens of post-war Bosnia themselves.” (sic!)<sup>79</sup> Also the Bosnian flag, a most prominent symbol of the state, reflects rather the international community’s role in the country than Bosnian values or history. Although the blue and yellow does resemble the flag of the Independent Republic of Bosnia and Herzegovina between 1992 - 1998, the yellow stars on the navy - blue background makes the association with EU and NATO definitely stronger. Due to the fact that the international community seemed to be much more engaged in reaching the agreement than were the conflicted parties, Cousens and Carter state that “the central implication for peace implementation was clear: having been brought to the table by varying forms and degrees of coercion, the parties had little more than tactical commitment to settle (...) any chance for implementation would depend on international third parties.”<sup>80</sup>

The role of the international community in the peace implementation (and in some cases within the country's political system) had been secured from the very beginning. The following table presents the list of the international actors involved in post-war Bosnia and their main duties outlined by the General Framework Agreement.

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<sup>79</sup>Wojciech Stanisławski, and Marta Szpala, “Bośniacki Chaos. Źródła kryzysu politycznego we współczesnej Bośni i Hercegowinie” *Prace OSW*, no. 31, (October 2009), p. 94.

<sup>80</sup> Cousens and Carter, *Toward Peace in Bosnia*, p. 27.



Table 1. The Dayton Peace Accords and its implementers.<sup>81</sup>

Annexes	Key International Implementers
1A Military Aspects	NATO-led IFOR
1B Regional Stabilization	OSCE
2 Inter-Entity Boundary Line (IEBL) and Related Issues	International Arbitrator
3 Elections	OSCE
4 Constitution	European Court for Human Rights, International Monetary Fund
5 Arbitration	OSCE, Council of Europe, UNHCHR, European Court of Human Rights
6 Human Rights	UNHCR
7 Refugees and Displaced Persons	UNESCO
8 Commission to Preserve National Monuments	EBRD
9 Bosnia-Herzegovina Public Corporations	International High Representative
10 Civilian Implementation	UN
11 International Police Task Force	

Annex 10 of the General Framework Agreement established the office of a High Representative (OHR), whose main goal was to oversee the implementation of the peace agreement. Due to the annex the role of OHR was “to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set (within the Agreement).”<sup>82</sup> Thus, HR was mostly supposed to serve as a consultant – the lack of more direct powers was often criticized by commentators. The more “strategic oversight was meant to come from a newly established Peace Implementation Council (PIC) composed of implementation – friendly governments, to

<sup>81</sup> Cousens and Carter, *Toward Peace in Bosnia*, p. 32.

<sup>82</sup> The General Framework Agreement, Annex 10, December 14, 1995, Office of the High Representative, Accessed on-line April 01, 2012, .://www.ohr.int/dpa/default.asp?content\_id=370

whom the High Representative would report.”<sup>83</sup> The body was set during the Conference for the implementation of the peace, held in London on 8-9 December 1995 and one of its responsibilities was to appoint the High Representative.<sup>84</sup> In 1997 the scope of High Representative's powers were broadened by the Bonn Prerogative. It enabled the HR to dismiss any Bosnian politician “suspected of violating the law or sabotaging the peace process, dissolve political parties and impose legal solutions (...) including amendments to the constitutions of the entities.”<sup>85</sup> Thus, the High Representative became one of the main sources of law in Bosnia, turning the country into an “international community's informal protectorate.”<sup>86</sup>

Under the General Framework Agreement the role of peacekeeping was handed to the multinational Implementation Force (IFOR) led by NATO. It consisted of 60,000 troops. Its authority and responsibilities were quite extensive, varying from stabilizing the cease-fire and separating the arm forces, through supervising “human and non-discriminatory law enforcement”, to carrying out the “return – related responsibilities of the UN High Commissioner for refugees (UNHCR).”<sup>87</sup> In 1996 IFOR was replaced by SFOR, a stabilization mission also lead by NATO, and in 2004 by EU's EUFOR. Due to the Annex 11 of the General Framework Agreement the UN established an International Police Task Force (IPTF). The main goal of IPTF was “maintaining civilian law enforcement agencies operating in accordance with recognized standards and with respect for internationally recognized human rights and fundamental freedoms.”<sup>88</sup> It was supposed to serve as a supervisor and advisor for the reforms Bosnian police needed to go through. In 2003 its responsibilities were taken over by the EU's EUMP.

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<sup>83</sup>Cousens and Carter, *Toward Peace in Bosnia*. p. 41

<sup>84</sup> Here I will explain what countries are part of the PIC

<sup>85</sup> Stanisławski and Szpala, “Bośniacki Chaos”, p. 101.

<sup>86</sup> Ibid., p. 103.

<sup>87</sup>Cousens and Carter, *Toward Peace in Bosnia*, p. 38.

<sup>88</sup>Fidelma Donlon ed. *EUMP and EUNAVFOR Missions in Bosnia – Herzegovina: Analytical Report*, British Institute of International and Comparative Law, (July 2010), p. 19.

The extensive presence of international actors proved to be insufficient for solving Bosnian post-war problems. Due to the fact that the peace agreement and its provisions were forced on the parties, the national rhetoric was, after the war, still commonly heard on all three sides of the conflict and within this rhetoric (especially on the Serbian side) the international community was often portrayed as an enemy. Thus, Ana Juncos argues that in post-war Bosnia “the main line of confrontation has been between Bosnians (of all three groups) and (representatives) of the international community.”<sup>89</sup> As a result, the international community did not only have to deal with the reconstruction of the country, but also with the insubordination of its politicians.

The next problem of the country, strongly connected with the national rhetoric, is the broad question of the legacy of the war. Many of the high - ranking Bosnian politicians as well as members of the armed forces and police were actively involved in the war. Thus those who after the war were supposed to bring people together were often war criminals. Moreover, they were responsible for the crimes committed against a large part of the society they were after the war supposed to serve.<sup>90</sup> Furthermore, the four years of conflict resulted not only in a vast amount of victims, but also created a group of war profiteers, who during the war were able to earn both power and money through various illegal activities.<sup>91</sup> They quickly became an important element of Bosnian organized crime. Fisher connects the criminalization of the country with the national rhetoric by writing that “the local conflict parties’ continued support for ethnic segregation should not only be seen as an expression of ethno-political ideology and power interests. There is strong evidence that striving for ‘perpetuating the “mafia-type” war economy by other means’ has played a part, and this is reliant on the sanctuary provided by the ethnic community: a polity based on ethnic

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<sup>89</sup>Ana E. Juncos, “The EU's post – Conflict”, p. 92.

<sup>90</sup>Kari M. Osland, “The EU Police Mission in Bosnia and Herzegovina”, *International Peacekeeping*, vol. 11, no. 3, (Autumn 2004.), p. 548.

<sup>91</sup>Peter Andreas, *Blue Helmets and Black Markets: The Business of Survival in the Siege of Sarajevo*, (Ithaca: Cornell University Press, 2008), p. 28.

community and solidarity allows a wider scope for semi-legal or illegal business activity than a legal and bureaucratic state with its anonymous organs.”<sup>92</sup>The illegal businesses in BiH varied from drugs, weapons and human trafficking to the embezzlement of international financial support.

Another aspect of the legacy of the war was the question of prosecuting the war crimes. Parties often idealized them as national heroes (as it was in case of Radovan Karadzic or Radko Mladic) and thus were very resistant to their capture. The full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) quickly became one of the conditions for BiH for the integration with Euro-Atlantic structures, yet, the results were still rather unsatisfying, especially on the Serbian side. The fight against organized crime and criminal prosecution became an agenda for the EU crisis management missions as they were indispensable elements for reconstructing and securing the country and an important part of the EU's field test. As Oswald suggests, “If the EU should fail to build a state in BiH capable of fighting the organized crime the European Security Strategy (ESS) will lose credibility. It will be perceived as strategy not sufficient to face important threats.”<sup>93</sup>

During the first years after the conflict the international Community was able to solve many of the most urgent problems of the country, preventing it from the renewal of military conflict and stabilizing it economically. Yet, many of the questions of the post-war Bosnia remained solved. When the EU deployed its police and military missions in Bosnia the reform of Bosnian police forces and the fight against organized crime was still on the agenda. Up until now BiH still needs international assistance – the EU is unable to withdraw its missions (although it did substantially cut down the EUFOR mission) and the OHR office remains in place. The lack of consensus among main politicians regarding the future of the country still

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<sup>92</sup> Martina Fisher, *Peacebuilding and Civil Society in Bosnia-Herzegovina. Ten Years after Dayton*, (Berlin: Berghof Foundation, 2007), p. 450.

<sup>93</sup>Osland, “The EU Police Mission”, p. 54.

remains one of the main problems blocking Bosnia's transformation. The repeated deadlocks in the political life of the country are a result of, the conflict among the main ethnic groups (rooted in the war), the international community's incompetence, and the mistakes of the DPA. As Juncos suggests, “one of the main problems threatening the process towards EU integration is the unresolved issue regarding the status of the country. The Dayton Peace Accords is under continuous challenge in the process towards European integration. It is common knowledge that only the sovereign and self-sustained states can become members of the EU. But the DPA established a highly decentralized state, with weak, sometimes non-existent state level institutions”<sup>94</sup>

## **5. Summary**

It was not until '90 that EU became an important player on the international scene. The newly developed security and defense policy was supposed to help Brussels to respond to the erupting conflicts both outside the old continent as within it. One of the very first places where EU was able to test its crisis management abilities was Bosnia. Yet, the complicated ethnic structure of the country, the unresolved hostility between the main constituent nations and the peculiar political system made Bosnia a test that would be difficult to pass even for those more experience in the conflict resolution. Seventeen years after the war Bosnia is still far from being sustainable. For Brussels a failure in Bosnia would not only mean a failure as a crisis manager but also a failure as a regional and international player. It is Sarajevo where all EU policies meet – the enlargement policy, regional approach and crisis management measures. Yet, the wide range of the tools used by Brussels in Bosnia has its upsides. EU missions in Bosnia are dependent on the bureaucracy, their responsibilities often overlap and

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<sup>94</sup>Juncos, “The EU's post – Conflict Intervention” p. 92.

the goals, both long and short term, are often hard to define. Thus, some scholars argue that Brussels “holistic approach” should be rather described as holistic bureaucracy.

As it was presented throughout this chapter, along with the theoretical discussion about EU abilities it is also important to deliver a “ground analysis” of the missions, as it is the only way to check whether Brussels is succeeding or failing in Bosnia. The “bottom approach” to the problems allows also shift the focus from EU to the country that needs its assistance – after all EU in Bosnia is supposed to serve not only its own interests but more notably to help the country become sustainable.

# **CHAPTER II**

## **CIVILIAN CRISIS MANAGEMENT MISSION.**

### **THE EVALUATION OF EUPM.**

On January 1, 2003, the European Union launched its first -ever civilian crisis management mission under the European Security and Defense Policy (ESDP) – European Union Police Mission I (EUPM I) in Bosnia – Herzegovina. The operation was established by the decision of the Council of the EU on March 11, 2002, and it took over the responsibilities from the United Nation’s International Police Task Force. Initially it was expected to last for three years and was judged by many scholars as “the most ambitious attempts of the EU to test its civilian crisis management competencies in the area of rule of law.”<sup>95</sup>As we speak, the EUPM is still present in Bosnia – the suggested three years proved not to be enough for Brussels to achieve its goals. The question of how well the EU passed the test on its crisis management competencies remains open. In order to evaluate the mission it is necessary to understand the broader political and social context in which it was deployed, analyze its goals, define the meaning of success and present the outcome of its nine years on the ground.

#### **1. A general overview of post-war Bosnia.**

The Dayton Peace Accords (DPA) that ended the Bosnian war in 1995 were presented to the public as a great international success. Yet, the price paid for peace quickly proved to

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<sup>95</sup>Ulas Doga Erlap, *Politics of the European Union in Bosnia – Herzegovina: Between Conflict and Democracy*, (Maryland: Lexington Books, 2012), p. 97.

be extremely high. As the study presented earlier, in accordance to the DPA, the country was divided along the ethnic lines into two entities. It recognized de facto the ethnic cleansing that took place during the war and thus ensured that hostility among the main nations would continue. The territorial division went hand in hand with the power-sharing agreements. In order to satisfy all the parties, DPA granted the entities significant autonomy and left the central government extremely weak and administratively dysfunctional. As a result “the ethnic *self-rule* was (...) clearly emphasized at the expense *shared rule* (...) putting into question the very viability of the common state for several years.”<sup>96</sup>

The question of the redistribution of power was also strictly connected with the problem of the future police structure. None of the three nations welcomed the proposition to create the common police forces enthusiastically, yet it was the Bosnian Serbs who opposed the idea the most. Their strong stand on this matter can be easily explained. According to Max Weber’s theory, the “monopoly of the legitimate use of physical force” is one of the elements that constitute the state.<sup>97</sup> Thus, for the Serbs, such as it would for any other group demanding sovereignty, resigning from control over the police forces meant to surrender. The term “surrender” seems to fit in this context quite well. It helps to explain the extent of the hostility within the Bosnian post war society. As Timothy Donais points out, “the Dayton agreement failed to resolve the core issues around which the war was fought”; thus, quoting Susan Woodward, it can be argued that in post war Bosnia the parties were “still fighting the war for statehood; only their means of securing territory and national survival have changed.”<sup>98</sup> Quite understandably, if the “post-war war” was still being fought, the police was an important element of the parties power. Control over the police forces helped to legitimize the autonomy of

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<sup>96</sup> Stefano Recchia, “Beyond International Trusteeship: EU Peace building in Bosnia Herzegovina”, Occasional Paper no. 66, EU Institute for Security Studies (ISS), ( February, 2007), p. 8. Accessed June 11 2012 <http://www.iss.europa.eu/uploads/media/occ66.pdf>

<sup>97</sup> H.H. Gerth, C. Wright Mills, eds, *From Max: Weber Essays in Sociology*, (Oxford: Oxford University Press, 1958) , p.1.

<sup>98</sup> Timothy Donais, “The Politics of Privatization in Post-Dayton Bosnia”, *Southeast European Politics* Vol. III, No. 1 (June 2002), p. 2. ; Susan Woodward, “Bosnia”, *The Brookings Review*, (June 1997), p. 29.



the entities. Brussels, pushing for the centralization of the law enforcement agencies, logically started to be perceived by many, especially the Bosnian Serbs and Croats, as an opponent trying to impose laws that had no legitimacy among the people and that were harmful for the parties to the conflict.

The discussion over the future shape of the police forces was also closely connected with the broader question about the criminalization of the post – war politics. During the Bosnian conflict police forces were actively engaged in the combat. According to the International Crisis Group (ICG), between “1992-1995 (...), the police were a *key* instrument of ethnic cleansing – particularly in Republika Srpska and the Croatian areas of the Federation.”<sup>99</sup> Police officers actively participated in the war crimes and were involved in establishing some of the concentration camps. After the embargo imposed by the international community on Federal Republic of Yugoslavia in 1992, police forces became also an important element of the black market. They were involved in arms smuggling, human trafficking and black-marketing. The power over those illegal activities was exercised by warlord, who, in turn, were mostly politicians. It lead to enriching and politicizing the police structures. As a result, in the post war period the police forces played a significant role in the criminalized political life.<sup>100</sup> Thus, for the politicians, retaining the control over the police forces meant securing their own position. It’s only logical that Slobodan Milosevic, later accused of crimes against humanity, in signing the Dayton Peace Accords on the behalf of another fugitive, Radovan Karadzic, would never agree on creating common, democratic and transparent police forces.

Due to the lack of willingness among the parties to unify the police, the DPA established a highly scattered police structure. As a result, after the creation of Brcko district, “13 autonomous law enforcement agencies (were created): 1 unique centralized police force in

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<sup>99</sup> International Crisis Group, *Bosnia’s Stalled Police Reform: No Progress, No EU*, Europe Report no. 164 (September 2005), p. 10.

<sup>100</sup> Gemma Collantes Celador, “Becoming ‘European’ through police reform: a successful strategy in Bosnia and Herzegovina?” *Crime, Law and Social Change*, vol. 51, no. 2, (2009), p. 233.

Banja Luka, (...), 1 federal police force in the Federation (...), 10 cantonal police agencies (...) and 1 district police force.”<sup>101</sup> In practice the DPA constituted a highly dysfunctional system that was not satisfactory for any of the parties. According to Woodward “for three warring (...) parties, the General Framework Agreement for Peace (...was) only a cease-fire. They did not accept the accord as definitive politically, seeing it only as an insecure stepping-stone.”<sup>102</sup> The agreement was perceived similarly by the international community, which believed that it “was designed as the least bad solution at that time, with the hope that one day it would serve to overcome actual partition on the ground. (...) (It) believed that nationalist politics would progressively fade away.”<sup>103</sup>

## **2. From IPTF to EUPM.**

The criminalized political scene, the hostile atmosphere between the three constituent nations and the lack of support for the DPA made the presence of the international community in Bosnia both necessary and extremely difficult. One of the goals of the international actors involved in post-war Bosnia was to “provide a safe and secure environment for all persons in their respective jurisdictions.”<sup>104</sup> In accordance with annex 11 of DPA this task was granted to United Nations International Police Task Force (IPTF). It became responsible for “maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental free-

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<sup>101</sup> Dominique Wisler, “The Police Reform in Bosnia and Herzegovina” in Anja Ebnother and Philipp Fluri, *After Intervention: Public Security Management in Post – Conflict Societies – From Intervention to Sustainable Local Ownership*, (Vienna and Geneva: PfP Consortium Working Group “security Sector Reform” August 2005), p. 140.

<sup>102</sup> Woodward, *Bosnia...*, p. 29.

<sup>103</sup> Ana E. Juncos, “The EU’s post – Conflict Intervention in Bosnia and Herzegovina: (re) Integrating the Balkans and/or (re)Inventing the EU?”, *Southeast European Politics*, vol VI, no.2, (November 2005), p. 92.

<sup>104</sup> B.a. *The General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 11: International Police Task Force*, Office of High Representative, Accessed July 02 2012, [http://www.ohr.int/dpa/default.asp?content\\_id=367](http://www.ohr.int/dpa/default.asp?content_id=367)

doms.”<sup>105</sup> Due to the very low standards of the post – war police forces in Bosnia, IPTF was mostly engaged in dealing with individuals within the process of demobilization and restructuring the police forces.<sup>106</sup> Its most notable successes were the removal of “many officers accused of war crimes or having criminal records” and quite successfully weakening the relationship between politics and the police.<sup>107</sup> The International Crisis Group also points out that IPTF “was a major force for change in the war-torn country, managing to halve police numbers (and) installing training course.”<sup>108</sup> The IPTF’s overall presence on the ground is mostly perceived as a successful immediate post – conflict intervention.<sup>109</sup> Responding to the most visible problems of the Bosnian society, the IPTF worked, using Dominic Wisler’s terminology, on the micro level, focusing mostly on “training and monitoring” individuals.<sup>110</sup>

Despite many its many successes, when in 2005 IPTF left the country, several of Bosnia’s problems remained unsolved. The police forces were highly decentralized and there was almost no cooperation between entities themselves, and between the entities and the Federation.<sup>111</sup> Also the relationship between the police forces and administration of justice was unsatisfying.<sup>112</sup> Organized crime, including human trafficking, corruption and smuggling – remained an issue. Although organized crime had a regional character and Bosnia was only a part of the criminal network, it had an visible impact on the internal problems of the country. As EU External Affairs Commissioner Chris Patten pointed out, “this pernicious web of crime” feeds “nationalism and extremism – and vice versa – corrupting and emasculating pub-

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<sup>105</sup> B.a., *The General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 11: International Police Task Force...*

<sup>106</sup> Fidelma Donlon ed., *EUPM and EUNAVFOR Missions in Bosnia – Herzegovina: Analytical Report*, British Institute of International and Cooperative Law, (July 2010), p. 20.

<sup>107</sup> Dominique Wisler, “The International Civilian Police Mission in Bosnia and Herzegovina: From Democratization to Nation – Building”, *Police Practice and Research*, vol. 8, no. 3(July 2007), p. 256.

<sup>108</sup> International Crisis Group, *Bosnia’s Stalled Police...* p.12.

<sup>109</sup> Due to the scope of this paper IPTF achievements are only covered cursorily. The paper judges the mission’s overall work positively, especially in comparison to its successor. It does not mean however that IPTF had no shortcomings.

<sup>110</sup> Wisler, *The International ...* p. 256.

<sup>111</sup> International Crisis Group, *Policing the police in Bosnia: a further reform agenda*, Balkans Report no. 130 (May 2002), p. 11. Accessed 1 June 2012 <http://www.crisisgroup.org/~media/Files/europe/Bosnia%2046.pdf>

<sup>112</sup> Patrycja Sokołowska, *Policja w Bośni I Hercegowinie jako przykład niewydolności system bezpieczeństwa narodowego*, (Wrocław: Forum Polityki Wschodniej FPW, June 2011), p. 4.

lic administrations”.<sup>113</sup> Due to the high level of corruption and still well-heard nationalistic slogans, popular confidence in government as well as its police forces was rather low. One of the challenges for IPTF’s successor was to first reform the police and later change its image among the society. The goal was to present the police as apolitical, trustful, free from corruption and serving Bosnians, not the politicians.<sup>114</sup> This was strictly connected with a broader problem of the country – the legitimacy of the war. As Judy Batt rightly pointed out: “Bosnia was still a post-conflict society, and the traumas of the recent past overshadow everything and permeate every issue.”<sup>115</sup>

As a result of the complexity of its problems Bosnia needed assistance from an international organization that would be able to understand the core issues of the country and develop a holistic response to them. Thus, when IPTF’s mandate came to an end the question arose about what agency would be best suitable to build on its successes, and at the same time move to the next levels of intervention. Despite many suggestions that the Organization for Security and Co-operation in Europe (OSCE) should continue IPTF’s work, it was the EU that finally won the mandate. On one hand it seemed quite logical that with Bosnia’s geopolitical position and its European aspirations, Brussels would be the best candidate to assist the country with the much needed reforms. On the other hand “the key issue was whether the EU was politically willing or functionally capable of mounting such a mission.”<sup>116</sup> In its 2002 report the International Crisis Group (ICG) suggested that although “the EU is developing a capacity for intervention under the Common Foreign and Security Policy (CSFP), (...) (it) may

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<sup>113</sup> Chris Patten “EU Strategy for the Balkans; Disengagement or Drawing New Borders is not the Right Answer”, speech by European Commissioner for External Affairs Chris Patten to ICG, Brussels, 10 July 2001 (available at [www.crisisweb.org](http://www.crisisweb.org)), p. 19

<sup>114</sup> Karim M. Osland, “The EU Police Mission in Bosnia and Herzegovina”, *International Peacekeeping*, vol. 11, no. 3 (Autumn 2004), p. 548.

<sup>115</sup> Judy Batt, “Seminar on police reform in Bosnia and Herzegovina”, in: *Seminar on police reform in Bosnia and Herzegovina, Security Sector Reform and the Stabilization and Association Process*, ed. Andreja Dolnicar Jeraj, Ivana Boštjančič Pulko, Tobias Flessenkemper, (Sarajevo: Center For European Perspective, June 2008), p. 21.

<sup>116</sup> International Crisis Group, *Bosnia: Reshaping the International Machinery*, Balkans Report no. 121 (November 2001), p. 15, Accessed April 10, 2012, [http://www.crisisgroup.org/~media/Files/europe/Bosnia%2043](http://www.crisisgroup.org/~/media/Files/europe/Bosnia%2043)

not (be) ready in time for Bosnia.”<sup>117</sup> Yet, for Brussels, taking over the responsibilities from the UN was a question of to be or not to be an international player and a crisis manager. As Javier Solana stated at the opening of the EUMP mission: “for us, it is not without some emotion that we will see for the first time our European colors adorn the national uniforms of our police officers in a mission on the ground. It is a strong symbol of the collective will of Europeans to act jointly in this key task of consolidating stability and security in our continent.”<sup>118</sup> There is no doubt that the decision to grant the police mission to the EU was based not only on its real capacities to perform such a duty, but was also deeply rooted in the international politics.

### 3. The beginning of the mission

The EUPM mandate began on January 1, 2003, and was initially supposed to last for three years. On the January 1, 2006, Brussels decided to establish a two years follow – on mission, called EUMP II.<sup>119</sup> Later the mission was extended on annual basis and will probably be extended at least until the end of the year 2012. In accordance with the Joint Action of the Council of the European Union, the budget for the year 2002, the start – up of the mission, was estimated at 14 million euro. Another 38 million euro were designed “for yearly running costs for the years 2003 to 2005.”<sup>120</sup> The European Union Institute for the Security Studies (EU ISS) estimated that in 2006 the mission’s budget amounted to 12 million euro, in 2007 to

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<sup>117</sup> International Crisis Group, *Bosnia: Reshaping ...* p. 15.

<sup>118</sup> Javier Solana, Remarks by Javier Solana, EU High Representative for CFSP, on the start of the European Union Police Mission in Bosnia and Herzegovina, Brussels, 27 December 2002, accessed on-line 13.06 2012, <http://www.consilium.europa.eu/uedocs/cmsUpload/start%20of%20the%20EUMP.pdf>

<sup>119</sup> With the deployment of the EUPM II, first phase of the mission came to be called EUMP I.

<sup>120</sup> Council of the European Union, *Council Joint Action of 11 March 2002 on the European Union Police Mission*, Brussels (11 March 2001), accessed 20 June 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:070:0001:0006:EN:PDF>,

12.5 million euro, in 2008 to 14.8 million euro and in 2009 to 12.4 million euro.<sup>121</sup> In comparison, The UN General Assembly, assigned 144.7 million dollars (approximately 165 million euro) for maintaining its United Nations Mission in Bosnia and Herzegovina (UNMBIH) in the period between July 2001 to June 2002.<sup>122</sup> According to the International Crisis Group, the estimated annual cost of maintaining IPTF (the major organization within UNMBIH) was 121 million dollars (around 137, 8795 euro.)<sup>123</sup> Also the number of police officers deployed on the ground was substantially different in both cases. IPTF was composed of around 1600 officers, whereas EUMP in its first phase consisted of around 700 staff members. The size of the European mission was later systematically reduced. The table below illustrate the decrease in number of police officers deployed by the mission.

Table 2. The number EUPM's of police officers by year.<sup>124</sup>

	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, 166M)	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
<b>TOTAL EUPM staff</b>	<b>774</b>	<b>889</b>	<b>886</b>	<b>724</b>	<b>425</b>	<b>412</b>	<b>414</b>	<b>351</b>	<b>285</b>	<b>258</b>	<b>83</b>

Despite the visible disproportions in both the budget and the staff provided by UN and EU, EUMP duties were even broader than its predecessor's. To begin with the EUMP decided

<sup>121</sup> Giovanni Grevi, Damien Helly, Daniel Keohane, eds. European Security and Defense Policy, The First Ten Years (1999 – 2009), Paris: EU Institute for Security Studies (ISS), (2010), p. 161, Accessed on-line June 21, 2012, [http://www.iss.europa.eu/uploads/media/ESDP\\_10-web.pdf](http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf)

<sup>122</sup>The exchange rate between US dollar and Euro was based on the exchange rate from March 2002, taken from Oanda, <http://www.oanda.com/currency/historical-rates/>; United Nations Security Council, *Report of the Secretary General on the United Nations Mission in Bosnia and Herzegovina*, 29 November 2001 (S/2001/1132), p. 6. Accessed July 03, 2012, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/N01/666/51/PDF/N0166651.pdf?OpenElement>

<sup>123</sup>The exchange rate between US dollar and Euro was based on the exchange rate from March 2002, taken from Oanda, <http://www.oanda.com/currency/historical-rates/>; International Crisis Group, *Policing the police ...*, p. 3.

<sup>124</sup> B.a., *Overview*, European Union Police Mission in Bosnia and Herzegovina, Accessed 11 June 2012, <http://www.eupm.org/Overview.aspx>

to move its intervention from a micro level, to the meso and macro level. As Wisler explains, “the meso level is the level of organization (...) dealing with the internal structure of a police force (...) (whereas) macro – level projects deal with the redistribution of power between agencies or levels of government.”<sup>125</sup> In other words, instead on focusing on individuals, European Union decided to present a holistic and very comprehensive plan for reorganization of the police structures. Moreover, the EU was eager to make the EUPM mandate a part of Brussels’ broader approach towards Bosnia, an approach that would extend beyond the Dayton Agreement. The goal was to move Bosnia from the “Dayton to European period” by taking over UN and NATO responsibilities and establishing in 2002 the post of European Union Special Representative. Since then it was Brussels, not the Dayton Peace Accords that was supposed to serve as a main source of law. Unfortunately, although in the case of police restructuring the move from the micro to the macro level was unquestionably necessary, and the holistic approach to Bosnia was also very much needed, many scholars argue that it was done too early and by an organization that was too little experienced. The International Crisis Group, in its highly critical 2005 report towards the EUMP, states that “keen to score an early success for its nascent European Security and Defense Policy, the Union underestimated both the size and the complexity of the task in Bosnia.”<sup>126</sup> In order to evaluate the failures and successes of the first EU civilian crisis management mission it is necessary to first understand what were its goals.

#### **4. EUPM, its goals and structure.**

When in 2003 the EUMP was taking over from the IPTF its main goal was to “establish sustainable policing arrangements under BiH ownership in accordance with the best

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<sup>125</sup>Dominique Wisler, *The International ...* p. 256.

<sup>126</sup> International Crisis Group, *Bosnia’s Stalled Police...*, p. 13.

European and international practices and, thereby raising current BiH police standards.”<sup>127</sup> Its primary objectives came down to four points:

- a. The development of police independence and accountability
- b. The fight against organized crime
- c. The financial viability and sustainability of the local police
- d. Institution and capacity building<sup>128</sup>

And were pursued in seven main areas:

1. Criminal police
2. Criminal justice
3. Internal affairs
4. Police administration
5. Public order and security
6. SBS (State Border Service)
7. SIPA (State Investigation and Protection Agency)<sup>129</sup>

UE policemen had no executive power, which visibly differentiated them from the UN officers and EUFOR Althea staff. They were widely dispensed, working in 33 units co-located both in the state level institutions as well as within the entity level structures. As the Joint Action of the Council of the European Union states, the officers were deployed in “Public Security Centers, Cantons, State Investigation and Protection Agency, State Border Services and within the Breko district.”<sup>130</sup>

Such a co-location of EU staff members was highly criticized by the international observers. As the British Institute of International and Cooperative Law wrote, “the organiza-

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<sup>127</sup> Council of the European Union, *Council Joint Action of 11 March 2002...*

<sup>128</sup> Fidelma Donlon ed., *EUPM and EUNAVFOR...*, p 22.

<sup>129</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina”, in: *Evaluating the EU crisis management missions in the Balkans*, ed. Michael Emmerson, and Eva Gross, (Brussels: Center for European Policy Studies, September 2007), p. 62.

<sup>130</sup> The Council of The European Union, *Council Jointed Action of 11 March 2002...*



tion of the mission was poor and it seemed officers were dispatched around the country rather arbitrary.”<sup>131</sup> In addition the tasks were often assigned randomly. Due to the lack of a well - defined common program, the EUPM was not treated as an unified force, but as group of different units from different countries.<sup>132</sup> Thus, the system of allotting the tasks was based on the countries’ individual capabilities rather than on the EUPM’s holistic plan. As Dominique Orsini states “It creates the impression that EUPM was not much more than an umbrella for bilateral policing cooperation.”<sup>133</sup> Moreover, the unintended division of the tasks based on the nationality of the officers clearly indicated that EUMP was not ready to offer a holistic solution for Bosnia’s problems. The fact that the EUPM officers were supposed to be allocated in multi-national teams, but in practice were working in national groups proved that Brussels was unable to control its own mission.

Due to the high criticism received by the EUPM I from the international observers, when in 2005 the mission’s mandate came to an end the EU decided to replace it with EUMP II. Both the goals and the structure of the follow-up mission were redefined. The new mandate of EUMP II was built on three pillars:

- e. Supporting the local police in the fight against organized crime;
- f. Conducting inspections and monitoring of police operations;
- g. Supporting the implementation of police restructuring.<sup>134</sup>

The fight against organized crime quickly became one of the most important elements of the EUPM II mandate.<sup>135</sup> In 2009 “the council of the EU declared that EUPM in BiH (...) will

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<sup>131</sup> Fidelma Donlon ed., *EUPM and EUNAVFOR...*, p. 28.

<sup>132</sup> Gemma Collantes Celador, *The Role of Police Reform in Bosnia and Herzegovina’s Post-War Reconstruction: Ten Years After*, Paper presented in Panel SC02, “Quality Governance for Lasting Peace” (3 March, 2007), 48<sup>th</sup> The Annual ISA Convention, Chicago, 28 February – 3 March 2007, p. 6. Accessed on-line 11 April 2012, [http://citation.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/1/8/0/7/3/pages180733/p180733-1.php](http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/8/0/7/3/pages180733/p180733-1.php)

<sup>133</sup> Dominique Orsini, “Future of ESDP: Lessons from Bosnia”, *European Security Review*, no. 29 (June 2006), p. 2.

<sup>134</sup> Kirsi Henriksson ed., “Yearbook 2008 on Civilian Crisis Management Studies”, *CMC Finland Civilian Crisis Management Studies*, Volume 1: No. 6 (2008), p. 49

primarily support State Level Law Enforcement Agencies in the fight against organized crime.”<sup>136</sup> In order to do so, EUPM specified six goals which included:

- h. strengthening the operational capacity and joint capability of Law Enforcement Agencies engaged in the fight against organized crime and corruption
- i. assisting and supporting the planning and conduct of investigations in the fight against organized crime and corruption through a systematic approach
- j. assisting and promoting the development of criminal investigative capacities of BiH
- k. enhancing police-prosecution cooperation
- l. strengthening the police – penitentiary system
- m. contributing to ensuring a suitable level of accountability.<sup>137</sup>

EUPM II had also a modified structure. The former method of placing officers was replaced with a regional approach. Instead of assigning officers to various institutions, they were sent to one of the four regional centers, corresponding to those of SIPA: Sarajevo, Tuzla, Banja Luka and Mostar.<sup>138</sup> Although the reorganization was unquestionably necessary, the study will argue later on that the changes were only cosmetic and did not deal with the core shortcomings of the operation.

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<sup>135</sup> Council of the European Union, *Council Joint Action on the European Union Police Mission, 19 November 2007* (2007/749/CFSP), (19 November 2007), Accessed June 11, 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:303:0040:0044:EN:PDF>

<sup>136</sup>Fidelma Donlon ed., *EUPM and EUNAVFOR...*, p. 24.

<sup>137</sup>Fidelma Donlon ed., *EUPM and EUNAVFOR...*, p. 24.

<sup>138</sup> Susan E. Penksa, *Policing Bosnia and Herzegovina 2003-05, Issues of Mandates and Management in ESDP missions*, CEPS Working Document no. 255/ December 2006, Center For the European Policy Studies CEPS (December 2006), p. 16. Accessed July 3, 2012, [www.ceps.be](http://www.ceps.be)

## 5. What does “success” mean for EUPM?

In order to evaluate the effectiveness of the EU civilian crisis management mission in Bosnia it is first necessary to define the ideal outcome of the operation. Although it seems obvious that it should have been done before both deploying the mission and analyzing its results, in practice one can get the impression that the EU representatives as well as scholars were unable to agree upon a common definition of success. As the study presented earlier, for Brussels the deployment of the crisis management missions in Bosnia was “the test ground (...) for the new ESDP project.”<sup>139</sup> If the EU was about to send its troops in order to prove that it was capable of playing a role of an international crisis manager, then it can be argued that by virtue of its presence in Bosnia it has reached its goals. As Eva Gross suggests, “a minimalist standard of success would be of a purely administrative nature internal to the EU, namely achieving the deployment of military or police forces (or both) with necessary equipment and resources to the various theatres of operation.”<sup>140</sup> This is a highly cynical and extreme definition of EU’s success in Bosnia and it would probably have more opponents than supporters among EU officials. Yet, undoubtedly there is a grain of truth in its twisted logic.<sup>141</sup> As Isabelle Maras argues, “the need for an objective evaluation of the mission’s achievements is blurred by the political interests of the European Union (...) to present a mission with an European flag as successful.”<sup>142</sup> Many studies focusing on the evaluation of the

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<sup>139</sup> Juncos, “The EU’s post – Conflict Intervention ...”, p.94

<sup>140</sup> Michael Emmerson, Eva Gross, “Introduction” in: *Evaluating the EU’s crisis management missions in the Balkans*, ed. Michael Emmerson, Eva Gross, Brussels: Center For the European Studies,(2007), p,12.

<sup>141</sup> In his remarks on January 15th 2003 Javier Solana suggested that the Mission had three key goals to fulfill. These were to: (1) contribute to "a peaceful and stable Bosnia and Herzegovina, (2) firmly establish "the Rule of Law," and (3) develop "the EU's external identity."; Stefan Feller, “Genuine Partnership is a key to success, Reflections on a Decade of EUPM with Head of Mission Stefan Feller”, , no. 95, (19 June 2012), p. 4. Accessed June 20, 2012, <http://www.eupm.org/FCKeditor/Images/Media/Mission%20Mag/MissionMag%20095.pdf>

<sup>142</sup> Isabelle Maras, *Exploring European Union-assisted Police Reform in Bosnia-Herzegovina A Preliminary Assessment of the European Union Police Mission to Date*, Paper presented at the 50th Annual Convention of the International Studies Association, New York City, (15-18 February 2009), p. 11.

EU ESDP missions from the perspective of the European Union's role in the international arena, more or less, use this "minimalistic" definition of success.<sup>143</sup>

Another definition suggests that the goal of the EU crisis management mission's presence in Bosnia was to prevent the export of the conflict to the other parts of the old continent. Securing peace in Bosnia meant securing the whole of Europe.<sup>144</sup> This definition corresponds with the main goal of the EUMP, which quickly proved to be the fighting against organized crime. As the European Security Strategy clearly indicated in 2003, "Europe is a prime target for organized crime. This internal threat to our security has an important external dimension: cross-border trafficking in drugs, women, illegal migrants and weapons accounts for a large part of the activities of criminal gangs."<sup>145</sup> Following this logic it is possible to create a precise definition of mission's success, based purely on the goals that the EUMP was supposed to achieve. In that case the EUMP mission would be called successful only if it were able to develop police independence and accountability, fight organized crime and apply European standards of policing and the rule of law.<sup>146</sup>

Due to the focus of this thesis the last, and most precise definition will be applied. The evaluation of the mission will be mostly based on EUMP's actions on the ground and its ability to tackle its goals.

## **6. EUPM I, the main problems and achievements.**

One of the fundamental shortcomings of the EUPM mission in Bosnia was its inability to deliver a clear definition of its tasks. As this study mentioned earlier, the mission was sup-

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<sup>143</sup> Grevi, Helly, Keohane, eds. *European Security and Defense Policy...* p. 162.

[http://www.iss.europa.eu/uploads/media/ESDP\\_10-web.pdf](http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf)

<sup>144</sup> Osland, "The EU Police Mission in Bosnia..."p. 545.

<sup>145</sup> Council of the European Union, *A secure Europe in a better world, European Security Strategy*, Brussels (2003), p. 4, Accessed July 12, 2012, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

<sup>146</sup> Emmerson, Gross, "Introduction"... p.14.

posed “to apply the concept of ‘European police standards/practices.’”<sup>147</sup> Yet, the EU never clearly explained the concept and it also failed to deliver a definition at the operational level.<sup>148</sup> In Orsin’s opinion it showed “a lack of any serious thinking about defining what kind of policing ‘product’ the EU should offer (to Bosnia).”<sup>149</sup> It also caused frustration among the EUPM officers.<sup>150</sup> Moreover, there was a visible discrepancy between the type of mandate EUPM received and the kind of work it was supposed to deliver. Unlike the IPTF, the EUPM was not supposed to deal with individual policemen, but was charged with the institutional reforms and capacity – building of the police forces. Thus, many of its tasks were administrative in nature. Moreover, they were aimed not only at changing the institutions, but also the culture among their personnel. Those were clearly long-term goals that needed a long-term mandate. As one of the EUPM officers noticed: “[I]t is very easy to create structures and institutions, but you also have to change the mindset and that takes time. The more you go on to the substance and the cultures, the more it takes time.”<sup>151</sup> Following this logic another of the EUPM officials claimed that “[B]ringing the Bosnian police standards to the European ones in three years was unrealistic.”<sup>152</sup>

The complexity of the EUPM’s goals required highly experienced staff that possessed knowledge of administrative reforms, finances and project management, among others. Unfortunately, EUPM did not have the time and resources for advanced planning of its operation. Therefore, “many of police officers lacked experience in program development/evaluation, survey and regional politics in the Balkans.”<sup>153</sup> The British Institute of Comparative Law harshly evaluated EUPM’s staff as well, writing that: “under qualified officers from contributing states were tasked to design and implement public administration reform

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<sup>147</sup>Collantes Celador, *Becoming ‘European’ through ...* p. 237.

<sup>148</sup> Collantes Celador, *Becoming ‘European’ through ...* p. 237.

<sup>149</sup> Orsin, “Future of ESDP: Lessons...” p. 2.

<sup>150</sup>Penksa, *Policing Bosnia and Herzegovina 2003-05...* p. 8.

<sup>151</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina...” p. 63.

<sup>152</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina...” p. 64.

<sup>153</sup>Penksa, *Policing Bosnia and Herzegovina 2003-05...* p. 6

without any training skills.”<sup>154</sup> The low standards of education and a lack of expertise among the EUPM’s staff can be partially blamed for the lack of a “standby” police unit that EU would be able to deploy if needed. Most of the EUPM members were volunteers from various countries and did not receive the necessary training in human rights, fighting against organized crime, Bosnia’s complex history and social problems before the deployment.<sup>155</sup> Moreover, as Center for European Policy Studies argued “in the case of EUPM I, officers were sent into the field offices without implementation guidelines and assessment protocol.”<sup>156</sup>

The effectiveness of the EUPM mission was also hindered by the language barrier experienced by many of its staff members. It had been reported that many of the officials lacked sufficient knowledge of the English language, the official language of the mission.<sup>157</sup> As it was noticed in the 2006 European Security Review those unacceptable communication problems were a natural result of the EUPM recruitment process, which did not include a English language test for the potential mission members.<sup>158</sup> Moreover, almost none of the EUPM officers spoke Serbian, Croatian or Bosnian. Thus, “seconded police officers communicated in English with their counterparts in the Bosnian police agencies, and often through a translator.”<sup>159</sup> It made the relationship between local and European officials more difficult and thus slowed the learning process.

The possible results of the mission were also undermined by the short – term appointments of the EUPM members.<sup>160</sup> Most of the officers were staying in Bosnia between 6 to 12 months, a period that proved to be insufficient to learn the projects, understand them, and most notably establish a relationship with local officers and enjoy their confidence. It meant in practice that European policeman had “to move to their home countries just around

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<sup>154</sup>Fidelma Donlon ed., *EUPM and EUNAVFOR...*, p. 28.

<sup>155</sup> Osland, “The EU Police Mission in Bosnia and Herzegovina”, p. 551.

<sup>156</sup> Penksa, *Policing Bosnia and Herzegovina 2003-05...*p. 10.

<sup>157</sup>International Crisis Group, *Bosnia’s Stalled Police...* p. 12.

<sup>158</sup> Orisin, “Future of ESDP: Lessons...” p. 1.

<sup>159</sup> Doga Ulas Eralp, *Politics of the Europa union in Bosnia – Herzegovina ...* p. 107.

<sup>160</sup>Ulas Doga Eralp, “The effectiveness of the EU as a peace actor in post-conflict Bosnia – Herzegovina: an evaluative study”, Phd diss. George Mason University, 2009, p. 246.

the time they finally familiarized themselves with the conduct of Bosnian police.”<sup>161</sup> The short term appointments and language barriers proved to be an obstacle, especially in the fight against corruption. EUPM officers did not have sufficient time to fully understand on-going corruption processes. They were also unable to understand the language of the local officers; thus, corruption among them was commonly overlooked.

Finally EUPM was also strongly criticized for the way it took over from IPTF. In order to secure a smooth transition the EU sent a planning team led by Sven Fredriksen, who was, at the same time a head of the IPTF mission, and later became a head of the EUPM mission.<sup>162</sup> In theory having the commander of a former mission also as head of a new one was supposed to make the process of “passing the lesson learned” between those two operations possible. In practice however, it “blurred the picture concerning who should be responsible for actions taken or decisions made or not made by the IPTF.”<sup>163</sup> Additionally, a vast number of the officers employed earlier by the IPTF were also hired by the EUPM. Finally, the European mission continued many of the UN programs, instead of establishing new ones.<sup>164</sup> Consequently it was difficult to distinguish those two missions, which led to a series of confusions between both the EUPM staff and local officers and authority.

The lack of clear separation between IPTF and EUPM was also connected with the EU inability to present a coherent “plan for Bosnia”. As one of the officers later stated, “I would be more careful in planning and understanding what the mission is about. Because [in] the first 18 months it was not really going anywhere. After that, the focus of the mission changed and it was better, but still it was not as focused as it should [have been].”<sup>165</sup> EUPM was also criticized for its weak mandate. The mission was only to “monitor, mentor and inspect”. Fur-

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<sup>161</sup> Eralp, *Politics of the European Union in Bosnia...* p. 102

<sup>162</sup> General Secretariat of the Council of the European Union, *Bosnia and Herzegovina / EU Police Mission (EUPM): EUPM planning team to begin work in Sarajevo; EUPM chief-designate to become head of IPTF*, Brussels, (May 2002), Accessed on-line June 11 2012, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/misc/70427.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/70427.pdf)

<sup>163</sup> Osland, “The EU Police Mission in Bosnia and Herzegovina”, p. 553.

<sup>164</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina”, p. 53.

<sup>165</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina”, p. 53.

thermore, officers, lacking clear guidelines, interpreted an already weak mandate “in the narrowest possible fashion to avoid the assumption of responsibilities.”<sup>166</sup>

Surely, the vague goals of EUPM and its inefficiency cannot be blamed simply on the mission itself. The operation should have been planned by the EU officials and the officers on the ground should have been provided with clear guidelines and necessary training. Unfortunately, the mission was not planned properly, but it was not Brussels but the officers deployed in Bosnia who received the criticism. As the International Crisis Group wrote, “Bosnian police in both entities regard the EUPM as a laughing stock.”<sup>167</sup> It also suggested at the end of 2005 that “EUPM has proven so ineffective and has acquired such a negative reputation among both Bosnians and internationals that it should not be extended.”<sup>168</sup>

Even those scholars and international observers who do not share the International Crisis Group’s radical verdict have trouble in pointing out EUPM I achievements. Penksa argues that “it furthered the institutionalization of the BiH State Investigation and Protection Agency (SIPA), as a police agency able to fight organized crime.”<sup>169</sup> In practice though the agency was established before the EUPM I mandate started and were reformed after it ended.<sup>170</sup> As Penksa further points out EUPM also “enhanced the development of other state – level agencies such as the State Border Service (SBS), Ministry of Security (MoS) and established the Police Restructuring Directorate.”<sup>171</sup> Yet, those were successes that EUPM I was sharing with the High Representative for Bosnia and Herzegovina (HR). For a mandate that

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<sup>166</sup> Donlon ed., *EUPM and EUNAVFOR...*, p. 28.

<sup>167</sup> International Crisis Group, *Bosnia’s Stalled Police ...* p. 12.

<sup>168</sup> International Crisis Group, *Bosnia’s Stalled Police...* p. 14.

<sup>169</sup> Penksa, *Policing Bosnia and Herzegovina 2003-05...* p. 4.

<sup>170</sup> B.a. SIPA, State Investigation and Protection Agency (SIPA), Accessed on-line June 01 2012, <http://www.sipa.gov.ba/en/onama.php>

<sup>171</sup> Penksa, *Policing Bosnia and Herzegovina 2003-05...* p. 4.



lasted for three years it's a short and unsatisfactory list of achievements. It is quite safe to agree that the mission "fell short of expectations."<sup>172</sup>

## **7. EUPM II, the new face of the mission.**

Despite the International Crisis Group's strong suggestion to end the European Police presence in Bosnia, in 2005 Brussels launched the second phase of the operation – EUPM II. As it was presented earlier the redefined mission were mostly supposed to support the implementation of the police restructuring and to focus on the fight against organized crime.

### **a. The police reform by the police officers?**

Reforming the Bosnian Police was one of the most complex tasks of the international community. As the OECD DAC handbook on security reform points out, "the police play a linking role in the criminal justice system, and as such provide a means of developing sector-wide strategies. There are also important linkages with civil society, private security companies, oversight bodies, the defense and intelligence services, and border management agencies."<sup>173</sup> Thus, police reform in Bosnia needed to be strictly connected with the rationalization of other elements of the state. Thus, understandably, it quickly became highly politicized. Moreover, when it became one of the conditions for Sarajevo to sign the Stabilization and Association Agreement (SAA) with the European Union, it also started to play a significant role in Bosnia's integration process with EU. Due to the complexity of the problem various

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<sup>172</sup> Gemma Collantes Celador, *The European Union Police Mission, The Beginning of a New Future for Bosnia and Herzegovina*, Working Paper, Institute Barcelona d'estudis internacional (IBEI): Barcelona, (June 2007), p. 20.

<sup>173</sup> OECD, *OECD DAC handbook on security system reform, supporting security and justice*, OECD (2007), p. 163, Accessed on-line June 13, 2012, <http://www.oecd.org/dataoecd/43/25/38406485.pdf>

actors were involved in the reform. Among the most important were OHR/EUSR, the European Commission, and the Police Restructuring Directorate and EUPM. It is important to underline that due to its mandate, the latter “did not have primary responsibility for the political process of facilitating the agreement on police reform in BiH.”<sup>174</sup> Its main role was to support the implementation of the reform and suggest technical and functional improvements.

Serious discussion over reforming Bosnia’s police forces started in 2003 with a feasibility study in which the EU pointed out the main deficiencies of the Bosnian police forces.<sup>175</sup> In 2004 a special report prepared by International Center for Migration Policy Development (ICMPD) and Team Consult (TC) and requested by the European Commission presented three possible ways of reforming the organizational structure of the Bosnia’s police forces. It suggested either centralized police forces, a model based on entity forces or a highly decentralized structure based on the cantonal forces.<sup>176</sup> The report also suggested that, as all of the three models were highly acceptable, the final decision which to apply should be based on a political consensus. In the authors’ opinion “local ownership is more important than a perfect solution on paper.”<sup>177</sup> A proposal for the police reform was also presented by EUPM. It suggested the creation of a “police director, supervised by a state-level Ministry of Security” and five police regions.<sup>178</sup> Whereas the ICMPD and TC report stressed the importance of the local ownership, the EUPM underlined the technical aspects of the future police structure, arguing that five police regions are optimal - more “would cause coordination difficulties”.<sup>179</sup>

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<sup>174</sup> Penksa, *Policing Bosnia and Herzegovina 2003-05*...p. 16.

<sup>175</sup> The main deficiencies listed in the Feasibility study included “complex structures, cost, lack of central databases, use of different information system by different agencies.” from: Martina Fisher, *Peacebuilding and Civil Society in Bosnia-Herzegovina. Ten Years after Dayton*, (Berlin: Berghof Foundation, 2007), p. 55.

<sup>176</sup> Juncos, “Europeization by Decree? ...” p. 376. ; ICMPD, TC, *Financial, Organizational, and Administrative Assessment of the BiH Police Forces and State Border Service, Final Assessment Report*, ICMPD, TC, (June 2004), p. 12, Accessed June 13

[http://www.esiweb.org/pdf/bridges/bosnia/EU\\_Functional\\_Review\\_of\\_Police.pdf](http://www.esiweb.org/pdf/bridges/bosnia/EU_Functional_Review_of_Police.pdf)

<sup>177</sup> ICMPD, TC, *Financial, Organizational, and Administrative*... p. 135.

<sup>178</sup> International Crisis Group, *Bosnia’s Stalled Police* ..., p. 7.

<sup>179</sup> International Crisis Group, *Bosnia’s Stalled Police*..., p. 7.

Unfortunately, none of the conclusions proved to be obvious for the EU politicians, eager to find a quick solution for Bosnia's problems. Shortly after the ICMPD and TC report was published, the High Representative, Paddy Ashdown, created a Police Restructuring Commission which proposed a highly centralized police structure. The Commission based its plan on a model presented earlier by EUPM, yet instead of promoting the idea of five police regions, Commission decided to create ten of them. Thus, as International Crisis Group noted "not only did the (...) proposal envision more police regions than practical, but the multi-ethnic character of its proposed regions was significantly diluted, thereby defeating much of the original purpose."<sup>180</sup> The European Commission favored a highly centralized police structure as well. It established three conditions on which reform was supposed to be based: 1) legislative and budgetary competencies for all Bosnian police matters must be at the state level; 2) no political interference in any operational police matter; 3) the establishment of local police areas according to purely professional technical criteria."<sup>181</sup>

The response from Bosnia's politicians was to be expected, especially since Bosnia's Serbs from the very beginning categorically rejected the idea of centralizing the police forces. The model of police reform suggested by the EU was in conflict with the idea of local ownership. Unfortunately, instead of reformulating the model in order to make it more adequate to the political environment of the country, the EU decided to find new ways in forcing through its plan. Believing that the prospective EU membership was one of its most powerful tools of persuasion, at "the beginning of 2005 the European Commission (...) tied the conclusion of Stabilization and Association Agreement with Bosnia – Herzegovina to concrete criteria for centralizing the police structure."<sup>182</sup> The police reform became one of the conditions for Bos-

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<sup>180</sup>International Crisis Group, *Bosnia's Stalled Police...*, p. 9.

<sup>181</sup>Celador, "Becoming 'European' through...", p. 238. ; Ana E. Juncos, "Europeization by Decree? The case of Police reform in Bosnia", *Journal of Common Market Studies JCMS*, Vol 49, no. 2 (2001), p. 377.

<sup>182</sup>Muriel Asseburg, Ronja Kempin, „Introduction: A systematic stocktaking of ESDP Missions and Operations” in: *The EU as a Strategic Actor in the Realm of Security and Defence? A Systematic Assessment of ESDP Mis-*

nia to sign the SAA. Yet Brussels visibly miscalculated the power of its enlargement carrot. For Bosnia's politicians, especially Bosnia's Serbs, possible integration with EU was less important than maintaining their autonomy within the country. As Juddy Batt argues "the case of police reform in Bosnia and Herzegovina is a story of the failure of EU conditionality."<sup>183</sup>

The High Representative's decision to politicize the police reform by making it one of the conditions for signing the SAA was also highly criticized by the EUPM officials. The mission was supposed to support the implementation of the reform and help to apply the technical improvements. As was presented earlier, EUPM believed that from a technical point of view the centralization of the police structure was not the best solution. It also knew that the international and political dimension added to the already sensitive problem will only make its technical aspects less visible. The HR's strong support for police centralization was in contradiction to EUPM's objectives and his actions "blocked progress at the technical/ functional level."<sup>184</sup> As EUPM was granted very few restructuring powers and its role was to support the reform rather than create it, it needed to conform to the OHR's decision. Consequently, it was unable to assist the Bosnian police with the very needed technical improvements, as they were contradictory to the broader plan of police restructuring presented by the OHR. For EUPM the need to actively engage in the police reform also meant that it was unable to pursue other goals, such as the fight against organized crime.

The discussion over the police reform stalled for almost two years, causing several political deadlocks, deepening conflicts between Bosnia's constituent nations and strengthening the perception of the EU as an external, hostile power trying to impose laws that had no public support. By many Bosnians "the police restructuring process was regarded (...) as constitutional reform by other means, where politics has often mattered more than the needs of

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sions and Operations, ed. Muriel Asseburg, Kempin Ronja, German Institute for Interantional and Security Affairs, December 14, (2009), p. 18

<sup>183</sup> Dolnicar Jeraj, *Seminar on Police Reform in Bosnia and Herzegovina...* p. 17.

<sup>184</sup> Asseburg, Kempin, „Introduction: A systematic stocktaking ...”, p. 25.

Bosnians.”<sup>185</sup> The story of police reform seems to have no happy ending. Even when in 2008 an agreement was finally reached, it proved to be little more than a paper declaration agreed upon in order to allow Bosnia to sign the SAA.

The police reform was strictly connected with the broader question of the country’s political structure and constitutional reform. In order to fully apply police reform Bosnia was supposed to first have undergone political centralization. Without constitutional reform the agreement over restructuring police forces meant very little. Muriel Assenburg and Ronja Kempin even argue that “in this context the police reform can actually be regarded as a step backward, because it had accomplished nothing but the creation of additional bureaucratic structures.”<sup>186</sup> Similar conclusion was drawn by Juncos, who wrote that “after the years of political wrangling, the EU has only obtained (...) a vague political commitment dependent upon the outcome of future constitutional reforms, which may turn out to be even more sensitive than police restructuring”<sup>187</sup>

In 2012 the situation does not seem to be more optimistic. The discussion over the police reform was replaced by the discussion over the constitutional reform, yet the core problem remains the same— there is no agreement over strengthening the country’s central government, and as Tadeusz Joniewicz and Tomasz Żornaczuk argue in the PISM (the Polish Institute for International Affairs) bulletin, it is very improbable that one will be reached soon.<sup>188</sup> Moreover, the European Commission has been restrained when evaluating the outcome of the police reform. In its 2011 progress report it stated that “some progress was made in police matters. Implementation of the police reform laws is slowly advancing.”<sup>189</sup> A left-

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<sup>185</sup> Celador, “Becoming ‘European’ through...”, p. 241.

<sup>186</sup> Assenburg, Kempin, „Introduction: A systematic stocktaking ...”, p. 24.

<sup>187</sup> Juncos, “Europeization by Decree? ...”, p. 378.

<sup>188</sup> Tadeusz Joniewicz, Tomasz Żornaczuk „Przełamanie impasu politycznego w Bośni i Hercegowinie”, *Biuletyn PISM*, Polski Instytut Spraw Międzynarodowych PISM, no. 12 (February 2012)

<sup>189</sup> European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report, Accompanying the document Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2011-2012*, Brussels (October 2011), p. 56, Accessed June 10, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/ba\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ba_rapport_2011_en.pdf)

handed compliment taking under consideration that the reform was agreed upon three years ago. The commission's conclusion is clear – “some progress in the field of police (was made) , albeit uneven. (...) The lack of institutionalized cooperation between all law enforcement agencies and the limited strategic guidance remain challenges to achieve more efficient policing.”<sup>190</sup> Yet, it is important to keep in mind that the failure of the police reform cannot be directly translated as a failure of the EUPM. The police mission was only a supportive body. The main decisions were made by the OHR and the European Commission and the reform required institutional and social changes that were beyond EUPM's competencies. The technical improvements that fell within EUPM cognizance were slowed by international politics and OHR's misjudgments. Thus, it is difficult to evaluate EUPM effectiveness based on its performance as one of the Bosnia's police reformers.

### **b. The fight against organized crime.**

In 2003 Javier Solana, the EU's High Representative for the Common Foreign and Security Policy, as keys threats to global security pointed out state failure, characterized by “bad governance – corruption, abuse of power, weak institutions and lack of accountability” and organized crime, with special emphasis on a “Balkan criminal network.”<sup>191</sup> Bosnia was “directly relevant to (...) those threats”.<sup>192</sup> In 2005 the country ranked 22<sup>nd</sup> on the Failed State Index, it was corrupt, unstable politically, and was a part of an organized crime network.<sup>193</sup> For Brussels securing Bosnia meant securing the old continent. When in 2003 EU deployed

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<sup>190</sup>European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report...* p. 57

<sup>191</sup>Javier Solana, *A Secure Europe in a better World*, European Security Strategy, The European Union Institute for Security Studies (ISS) (December 2003), pp 8-9, Accessed on-line June 12 2012, <http://www.iss.europa.eu/uploads/media/solanae.pdf>

<sup>192</sup>Osland, “The EU Police Mission in Bosnia and Herzegovina”, p. 543.

<sup>193</sup>The Fund for Peace, *Failed State Index 2005*, Accessed July 5, 2012, <http://www.fundforpeace.org/global/?q=fsi-grid2005>

its police mission in Bosnia, Javier Solana had high hopes. On January 15, 2003, he suggested that the main goals of the mission were to “contribute to "a peaceful and stable Bosnia and Herzegovina (and) firmly establish "the Rule of Law."”<sup>194</sup> In order to do so, the EUPM needed to fight organized crime. In 2009, the fight against organized crime became one of the main goals of the mission and on the April 26, 2010, the Council further narrowed down the mission mandate by “refocusing (it) on the *support* to the fight against organized crime and corruption as well as results achieved so far in this area.”<sup>195</sup>

It’s important to underline that the mission from the very beginning had no executive power and its objective was only to support the local agencies. As Stefan Feller, the Head of the Mission, argued in 2010, the operation “focuses on improving those elements which all the different law enforcement agencies and other parts of the criminal justice system in BiH have to develop, to make them better able to fight organized crime and corruption.”<sup>196</sup> A very different approach to the problem was presented by the EUFOR Althea staff, who, having an executive mandate, were much more involved in fighting organized crime by themselves. The conflict that arose between those two operations will be presented in more detail in subsequent chapter.

Due to the limited scope of the EUPM’s mandate the mission’s achievements in the fight against organized crime come down mostly to the strengthening of the local agencies. The official website of the mission mentions as some of its successes:

- “Law enforcement agencies at state and entity level have reached joint strategic and operational capacity;

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<sup>194</sup>Stefan Feller, “Genuine Partnership is a key...”, p. 3.

<sup>195</sup> Council of the European Union, *Press release*, Accessed on-line June 12, 2012,

<http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eupm/press-releases?lang=en>

<sup>196</sup> Steffan Feller, “There Are Deficiencies, BiH needs a joint approach to the fight against organized crime and corruption — and fast”, *Mission Magazine*, no. 75, (July 2010),p. 2, Accessed June 13, 2012, <http://www.eupm.org/FCKeditor/Images/Media/Mission%20Mag/MissionMag%20075.pdf>

- The police and judiciary at state level have developed and applied investigative capability in consistent cooperation with police and judiciary at other levels;
- The number of large scale anti-organized crime operations conducted by BiH police, including cross-border operations, has significantly increased.”<sup>197</sup>

The European Commission seems to have quite different perspective on those achievements. In its 2011 progress report it states that “the lack of institutionalized cooperation between all law enforcement agencies and the limited strategic guidance remain challenges to achieve more efficient policing.”<sup>198</sup> Moreover, it described the “cooperation between police and prosecutors (as) weak.”<sup>199</sup> Also the “large scale anti-organized crime operations” mentioned on the official website are not as spectacular as suggested. The most successful pointed out by Feller were Operation Network 2010’ and the ‘Operation Light’.”<sup>200</sup> However, especially the latter one had mostly PR value. The aim of the operation was a raid on a remote village Gornja Maoca, inhabited mostly by the followers of Sallafism. Bosnia’s authorities suspected the villagers to be linked with the Al-Qaida network.<sup>201</sup> The raid, planned for weeks, was supposed to be an important part in the fight against terrorism and organized crime. In practice however no evidence of a criminal network was found in the village; the police arrested a only couple of villagers and seized some arms, cell phones and computers. In a commentary on this action a “U.S. diplomat (...) said that "based on the stuff police are pulling out of there, the Salafis from Gornja Maoca do seem a bit like amateurs.””<sup>202</sup>

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<sup>197</sup>EUPM, *Overview*, European Union Police Mission, Accessed June 13 2012, <http://www.eupm.org/Overview.aspx>

<sup>198</sup> European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report...*, p. 57.

<sup>199</sup> European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report...*, p. 58.

<sup>200</sup>Steffan Feller, “There Are Deficiencies, BiH needs...”, p. 3.

<sup>201</sup> Vlado Azinovic, *The True Aims of Bosnia’s Operation Light*, Radio Free Europe/ Radio Liberty (RFE/RL), (Febuary 2010), Accessed June13, 2012

[http://www.rferl.org/content/The\\_True\\_Aims\\_Of\\_Bosnias\\_Operation\\_Light/1954254.html](http://www.rferl.org/content/The_True_Aims_Of_Bosnias_Operation_Light/1954254.html)

<sup>202</sup> Vlado Azinovic, *The True Aims of Bosnia’s...*



Also, the statistics suggests that under the guidance of EUPM Bosnia's police and law enforcement agencies made little progress in the fight against organized crime. For the purpose of this study, organized crime will be divided into three categories: narcotics trafficking, human trafficking, and corruption.

### **Narcotic trafficking**

In the case of narcotic trafficking, in a 2007 report International Narcotics Control Board presented Bosnia as an important hub for narcotic redistribution connecting Western Europe with Afghanistan.<sup>203</sup> The European Commission in its 2010 report also underlined that "Bosnia and Herzegovina remains a transit country for international trafficking of narcotics. Organized crime groups linked with drug trafficking continued to operate through its territory" and that "little progress was made in the fight against drugs."<sup>204</sup> The US Department of State in its 2011 International Narcotics Control Strategy was a little less critical. It described Bosnia's Border Police as "one of the more effective border services in Southeast Europe" and pointed out that Bosnia's "law enforcement agencies made some significant drug – related arrests during 2010."<sup>205</sup> The police data suggest that in 2010 75,6 kg of heroin had been seized and 150,3 kg of marijuana.<sup>206</sup> Yet, it did not seem to be enough. According to the report, the "underfunding, lack of staffing, and ill-equipped BP and SIPA remain a challenge."<sup>207</sup> Those shortcomings allowed drug lords to arrange "shipments of cocaine coming from Co-

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<sup>203</sup> International Narcotic Control Board (INCB), *2007 Report*, (Vienna: International Narcotic Control Board, 2007). p. 101.

<sup>204</sup> European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report...*, p. 56

<sup>205</sup> United States Department of State, *International Narcotics Control Strategy, vol 1, Drug and Chemical Control*, United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, (March 2011), pp.147 – 148.

<sup>206</sup> United States Department of State, *International Narcotics Control...* p. 149.

<sup>207</sup> United States Department of State, *International Narcotics Control ...*p. 147.

lombia” to Bosnia and left the country with many unsecured illegal border crossings.<sup>208</sup> All in all, the report evaluated Bosnia’s efforts to fight narcotic trafficking as inadequate. It blamed “the weak state institution, lack of personnel in counternarcotics units, and imperfect cooperation among the responsible authorities” as the main shortcomings.<sup>209</sup> All of those elements were part of the EUPM program of strengthening law enforcement agencies; thus their inability to function effectively signifies a failure of EUPM efforts.

### **Human trafficking**

In the fight against human trafficking BiH also does not seem to fulfill the European Union’s expectations. The 2010 progress report estimated that the country “remains at an early stage in the fight against trafficking of human beings” and that it “continues to be a country of origin, transit and destination for trafficking in women and girls.”<sup>210</sup> Unfortunately, instead of further improving the effectiveness of its law enforcement agencies and strengthening the cooperation between NGOs and public agencies in preventing human trafficking, Bosnia took a step backward. If in 2010 the US Department of State judged that the country “fully complies with the minimum standards for the elimination of trafficking. The government made clear progress in its anti-trafficking law enforcement efforts (...), employed proactive systematic procedures to identify potential victims”, in its 2012 report stated that the country “does not fully comply with the minimum standards for the elimination of trafficking (and that the) government failed to demonstrate appreciable progress in its prosecution and protection ef-

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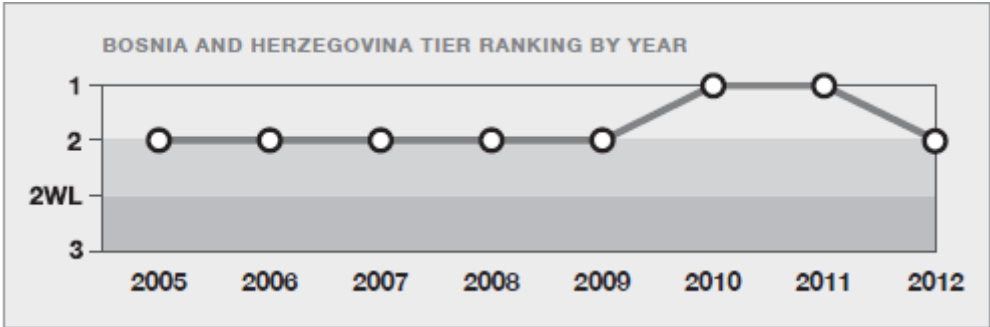
<sup>208</sup>United States Department of State, *International Narcotics Control...* p. 148.

<sup>209</sup>United States Department of State, *International Narcotics Control...* p. 147

<sup>210</sup> European Commission, *Commission Staff Working Paper Bosnia and Herzegovina, 2011 Progress Report...*, pp. 58 – 59.

forts during the year.”<sup>211</sup> Therefore, Bosnia, which in 2010 was placed by the US Department of State in TIER 1, a group of “Countries whose governments fully comply with the Trafficking Victims Protection Act’s (TVPA) minimum standards”, in 2012 was moved back to TIER 2, a group of ” Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.”<sup>212</sup>

Table 3.: Tier Ranking by year, Bosnia and Herzegovina<sup>213</sup>



Such a decline of standards and effectiveness in the fight against human trafficking should be considered as a failure of both Bosnia’s authorities and the EUPM, charged with supervising the country’s law enforcement agencies.

<sup>211</sup> United States Department of State, *Trafficking in Persons Report 2010*, (Washington: United States Department of State, June 2010), p. 86.; United States Department of State, *Trafficking in Persons Report 2011*, (Washington: United States Department of State, June 2010), p. 91.

<sup>212</sup> United States Department of State, *Tier Placement*, US Department of State, Diplomacy in Action, Accessed 13 June 2012, <http://www.state.gov/j/tip/rls/tiprpt/2010/142755.htm>

<sup>213</sup> United States Department of State, *Trafficking in Persons Report 2012*, (Washington: United States Department of State, June 2012), p. 60.

## Corruption

EUPM's actions can be also evaluated based on the level of corruption among the police officers, as one of the missions goals was to tackle the problem of bribery. In 2004 a “study by Transparency International showed that BiH citizens perceive corruption as the second biggest problem in the country.”<sup>214</sup> The corruption was especially widespread among police officers. Based on the surveys and interviews conducted between 2005 and 2006 Dalzer, Muralbegovic, Maljevic and Budimlic estimated that “44.3% (of police officers) were familiar with cases of corruption in police (...) and altogether, over 50% of respondents were aware of corruption.”<sup>215</sup> Since then not enough has changed. In 2006 Bosnia placed 93 in a Corruption Perception Index scoring 2.9 and in 2011 it placed 91<sup>st</sup>, with a 3.2 score.<sup>216</sup> The improvement, although visible, cannot be described as fully satisfying. According to the European Commission in 2011 the corruption in BiH was still “prevalent in many areas and continues to be a serious problem, especially within government and other State and Entity structures, linked to public procurement, business licensing, in the health, energy, transportation infrastructure and education sectors.”<sup>217</sup> In 2010 EuroActive warned that, based on the Gallup surveys, 81% of Bosnia's citizens believed that the government was corrupt and that “more than a quarter of respondents (...) said they are personally affected by organized crime in their day-to-day life.”<sup>218</sup> The level of corruption among the police officials can be partially blamed

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<sup>214</sup> Darko Dalzer Almir Maljevic, “Factors influencing Police officers perception of corruption: a Bosnia Perspective”, *Journal of Criminal Justice and Security*, Volume:8, Issue:3,4 (December 2006), p. 295.

<sup>215</sup> Darko Dalzer Almir Maljevic, “Factors influencing Police...”, p. 295.

<sup>216</sup> Transparency International, *Corruption Perception Index 2006*, Transparency International, Accessed June 13, 2012, [http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://archive.transparency.org/policy_research/surveys_indices/cpi/2006); Transparency International, *Corruption Perception Index 2011*, Transparency International, Accessed June 13, 2012 <http://cpi.transparency.org/cpi2011/results/>

<sup>217</sup> Commission of the European Communities, *Commission Staff Working Paper Bosnia and Herzegovina, 2009 Progress Report, Accompanying the document Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2009-2010*, Brussels, (2009), p. 14, Accessed June 26, 2012 [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/ba\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/ba_rapport_2009_en.pdf)

<sup>218</sup> B.a. *Perception of corruption in Western Balkans 'increasing'*, Euractive, Accessed June 13, 2012, <http://www.euractiv.com/enlargement/perception-corruption-western-ba-news-495141>

on the EUPM. The mission was supposed to fight bribery among the local police, yet, due to the language barriers and short terms of service it was unable to tackle the problem.

### **Who does the police serve?**

The EUPM was also unable to achieve another of its goals - to “helped the police to develop its outreach activities and to raise its image, integrity and accountability towards the citizens through public information campaigns”.<sup>219</sup> According to UNDP Early Warning Report, “dissatisfaction with police assistance received was up in urban areas: up from 16.1% of the relevant sample in late 2007 to 27.2% in late 2008. There was a similar increase in rural areas, up from 19.6% in November 2007 to 26.3% in November 2008.” On the other hand the growing dissatisfaction did not have to be a negative symptom, as it might have been a result of the rising awareness among Bosnia’s citizens regarding their rights. Moreover, in case of Republika Srpska, the police was perceived as a guardian of autonomy; the dissatisfaction there might have been in response to the changes within the police structures requested by the European Union. Yet, even if the results of the surveys are less alarming than one might think at first, they are still not satisfying. As Maljevic points out “it is often said that the police are a reflection of the state’s (im)proper functioning.”<sup>220</sup> If so, Bosnia’s police clearly indicates that the state does not function the way it should.

## **8. Summary**

As was argued above, the EUPM lacked visible achievements, especially regarding the police reform and fight against organized crime. Most of the scholars and international observers judge the mission’s presence in Bosnia as unsatisfying, pointing out its lack of a co-

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<sup>219</sup> EUPM, *Overview...*

<sup>220</sup> Dalzer, Maljevic, “Factors influencing Police...”, p. 300.

herent plan, weak mandate, under qualified staff and inconsistencies. As an example of EU double standards Celadors presents the problem of female police officers. The EU requested Bosnia to fulfill the requirement of a 10% female rate among police personnel, yet, the EUPM itself did not meet this standard.<sup>221</sup> The British Institute of International and Comparative Law reminds that “although human rights and gender mainstreaming were two distinct areas of work there was only one Gender and Human Rights Advisor in EUPM.”<sup>222</sup> Finally, Eralp summarize the EUPM presence on the ground by writing that the EU clearly showed that it was “not experienced in dealing with a post conflict country with complex, multiple layers of governance structure based on a delicate balance among the three constituent nations.”<sup>223</sup>

Sadly, the list of EUPM achievements is incomparably shorter than the list of its failures. Juncos points out that “the EUPM managed to create at least an understanding of the need for intelligence in fighting crime and a culture of exchanging intelligence among law enforcement agencies.”<sup>224</sup> It also helped the EU to realize that in order to help the country with a transformation process Brussels needs to develop a coherent plan, coordinate actors’ presence on the ground and make them work with each other. EUPM and EUFOP Althea, as it will be argued later in the study, were perfect examples of a lack of cooperation between missions that should have worked together and complemented each other’s programs. In the opinion of the British Institute of International and Comparative Law, the main achievement of the mission was that the “presence of so many international police officers in BiH helped to create a safe and secure environment.”<sup>225</sup> A doubtful compliment taking into consideration that the EUPM mission has been present in Bosnia for the past nine years (and its mandate

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<sup>221</sup> Celador, “Becoming ‘European’ through...”, p. 237.

<sup>222</sup> Donlon ed., *EUPM and EUNAVFOR...*, p. 25.

<sup>223</sup> Eralp, “The effectiveness of the EU ...” p. 230.

<sup>224</sup> Juncos, “Police Mission in Bosnia and Herzegovina...”, p. 63.

<sup>225</sup> Donlon ed., *EUPM and EUNAVFOR...*, p. 26.

will probably be extended) and that the total cost of the mission between 2002 and 2009 is estimated at 122.31 million euro.<sup>226</sup>

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<sup>226</sup> Grevi, Helly, Keohane, eds. *European Security and Defense Policy...*, p. 161.

# CHAPTER III.

## MILITARY CRISIS MANAGEMENT MISSION.

### THE EVALUATION OF EUFOR ALTHEA

The European Union Police Mission in Bosnia was the first, but not the only EU crisis management operation in the country. Already in 2002, during the Copenhagen Summit, Brussels expressed its willingness to deploy in Bosnia a military operation that would take over the responsibilities from NATO's Stabilization Force (SFOR).<sup>227</sup> As in case of the police mission the decision was "judged, particularly by the US and UK government as too premature".<sup>228</sup> A year later, in August 2003, NATO general, James Jones, confirmed this fear by stating that "EU troops (are) not ready to take on Bosnian role."<sup>229</sup> The US was mostly worried about the EU capability to fight terrorism, a problem that after the 2001 attacks on the World Trade Center, became one of Washington's priorities. As one of the US officials stated in 2003: "Washington sees the (Balkan) region as increasingly important for counter-terrorism operations, and has been less enthusiastic about the EU's military ambitions"<sup>230</sup> Despite US second thoughts regarding the reduction of its forces in the Balkans, during the 2004 NATO

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<sup>227</sup> Council of the European Union, *Copenhagen European Council 12 and 13 December 2002, Presidency Conclusions, 15917/02*, Brussels: (January 2003), p. 7. <http://ec.europa.eu/research/era/docs/en/council-eu-27.pdf>

<sup>228</sup> Joahim A. Kopps, "Union as a Security Actor", in: *The Influence of International Institutions on the Eu: When Multilateralism Hits Brussels*, ed. Costa Oriol, Erik Jorgensen Knud, (New York: Palgrave Macmillan, May 2012), p. 167.

<sup>229</sup> Karen Carnstens, *EU not ready for Bosnia*, EuropeanVoice, Accessed July 07 2012 <http://www.europeanvoice.com/article/imported/eu-not-ready-for-bosnia-says-us/47631.aspx>

<sup>230</sup> Clair Tailor, *European Security and Defense Policy: Developments Since 2003*, Research Paper 06/32, (June 2006), House of Commons Library, p. 52., Accessed July 08 2012, <http://www.parliament.uk/documents/commons/lib/research/rp2006/rp06-032.pdf>



Istanbul Summit, the alliance announced a willingness to terminate its SFOR operation.<sup>231</sup> It also supported the EU decision to deploy its mission in the country.<sup>232</sup> On 9 July, 2004, the UN Security Council adopted Resolution 1551, in which it also welcomed the EU follow-up mission.<sup>233</sup>

Four months later, on 22 November, 2004, the UN adopted Resolution 1575, “defining EUFOR’s mandate for an initial 12 months as the legal successor to the Multinational Stabilization Force (SFOR) led by the North Atlantic Treaty Organization (NATO).”<sup>234</sup> As a result, on December 2, 2004, based on the EU council decision from November 25, 2004, Brussels launched in Bosnia the military operation EUFOR Althea.<sup>235</sup> The decision was welcomed by Brussels with enthusiasm. Javier Solana called it an “important day” for the European Union and a “moving day” for the people of Bosnia.<sup>236</sup> The day was especially important also because the EU was about to test itself again as a crisis manager. It is worth noticing that it had the bar set high by the previous NATO mission. During the press conference of December 2, 2004, Secretary General of NATO, Jaap De Hoop Scheffer, called the terminating of the

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<sup>231</sup> Bringing SFOR to conclusion did not mean a total withdrawal of NATO forces from Bosnia. The alliance decided to remain in the country by establishing a new Military Liaison and Advisory Mission (NATO HQ Sarajevo). The goal of the mission was to assist Sarajevo with fulfilling the requirements for participation in NATO’s Partnership for Peace program, and in the future in fulfilling the conditions for NATO membership. Moreover, it undertook “certain operational tasks such as counter-terrorism while ensuring force protection, support to the International Criminal Tribunal for the former Yugoslavia, with the detention of persons indicted for war crimes, and intelligence-sharing with the European Union”; B.a. *Peace support operations in Bosnia and Herzegovina*, North Atlantic Treaty Organization (NATO), Accessed June 13, 2012,

[http://www.nato.int/cps/en/natolive/topics\\_52122.htm](http://www.nato.int/cps/en/natolive/topics_52122.htm)

<sup>232</sup> Heads of State and Government participating in the meeting of the North Atlantic Council, *Istanbul Summit Communiqué*, 28 June 2004, , North Atlantic Treaty Organization (NATO), Accessed June 13, 2012,

<http://www.nato.int/docu/pr/2004/p04-096e.htm>

<sup>233</sup> United Nations Security Council, *Security Council Authorizes Nato Force In Bosnia And Herzegovina For Further Six Months, Welcomes European Union Follow-On Mission, Unanimously Adopts Resolution 1551 (2004)*, Accessed July 03 2012, <http://www.un.org/News/Press/docs/2004/sc8144.doc.htm> ; United Nations Security Council, *Security Council Authorizes Nato Force...*

<sup>234</sup> United Nations Security Council, *Security Council adopts resolution defining mandate of European Union force to take over stabilization role in Bosnia and Herzegovina*, (November 2004), Accessed June 09 2012, <http://www.un.org/News/Press/docs/2004/sc8250.doc.htm>

<sup>235</sup> B.a. *Summary of Treaty*, European Union External Action, Accessed July 14, 2010,

<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=2181>

<sup>236</sup> *Press conference with NATO Secretary General Jaap de Hoop Scheffer and the EU High Representative Javier Solana at the SFOR transfer of authority ceremony*, North Atlantic Treaty Organization (NATO), Accessed July 01 2012, [www.nato.int/docu/speech/2004/s041202d.htm](http://www.nato.int/docu/speech/2004/s041202d.htm)

SFOR operation a “great success”.<sup>237</sup> Some of the international observers, following the alliance’s optimism, were even describing the NATO operation a “mission accomplished.”<sup>238</sup> Although, the EU officials were more skeptical, pointing out that there was still much left to be done, they were well aware that EUFOR Althea’s actions would be judged in comparison to NATO’s SFOR.<sup>239</sup> Thus, in order to evaluate the EU military mission in the country it is important to look closer at what had been done during the alliance’s nine years in Bosnia, and what Brussels was expected to deliver.

## **1. IFOR and SFOR – NATO’s presence in Bosnia.**

In order to secure the situation in the post-war Bosnia and to ensure, that there would be no further outbreak of violence among the feuding parties, Annex 1-A of the Dayton Peace Accords was fully devoted to its military Aspects. The Agreement welcomed NATO- led Implementation Force (IFOR) as a body supervising the implementation of the Annex 1-A. The soldiers were supposed to ensure that the cease-fire will continue and that the parties would withdraw forces and heavy weapons to their respective cantons. Moreover, IFOR was granted a “right to carry out its mission vigorously, including with the use of force as necessary (and) (...) unimpeded freedom of movement, control over airspace, and status of forces protec-

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<sup>237</sup> *Press conference with NATO Secretary...*

<sup>238</sup> David Leakey, “ESDP and Civil/Military Cooperation: Bosnia and Herzegovina 2005”, in: ed. Andreas Wenger, Victor Mauer, *Securing Europe? Implementing the European Security Strategy*, Center for Security Studies ETH Zurich nr 77, (2006), p. 143.

<sup>239</sup> Thomas Bertin, “The EU military operation in Bosnia”, in: *European Security and Defence Policy an Implementation Perspective*, ed. Michael Merlingen and, Rasa Ostrauskaite, (New York: Routledge 2008), p. 66.

tion.”<sup>240</sup> In addition IFOR was charged with assisting the civilian authorities in searching for war crime suspects and helping with refugee resettlement.<sup>241</sup>

IFOR consisted of 54,000 troops from all of the NATO members and 18 non- NATO states. When after a year the IFOR mandate came to an end the alliance decided that Bosnia was ready to move from the implementation to the stabilization phase. Thus, on the December 12, 1996, under the UN Resolution 1088, IFOR was replaced by the Stabilization Force (SFOR). The new mission was established as a legal successor to IFOR and was also operating as a peace enforcement mission, under Chapter VII of the UN charter.<sup>242</sup> The mission was significantly smaller than its predecessor and consisted of 32,000 troops. Its main goal was to “to provide a continued military presence in order to deter renewed hostilities, stabilize and consolidate the peace, and thus contribute to a secure environment and provide and maintain broad support for civil implementation plans.”<sup>243</sup> Similarly to IFOR, SFOR was supposed to provide a “support for the civilian aspects of the Dayton Agreement” and to take “an active role in efforts to return people to their prewar homes in areas controlled by another ethnic group, detain persons indicted for war crimes, (...) and to stop the flow of arms.”<sup>244</sup>

As the United States Institute of Peace estimates, during the Bosnian war “approximately 100,000 people were killed, 1 million became refugees, and half the population was displaced.”<sup>245</sup> Unfortunately, from the very beginning of its mandate SFOR did not undertake serious measures in protecting the refugees. It started to be on SFOR’s agenda not earlier than in 1999, yet, despite the delay, “there were many examples of SFOR units successfully

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<sup>240</sup> B.a., *Summary of the General Framework Agreement*, Operation Joint Endeavour (IFOR), Accessed July 16, 2012 <http://www.nato.int/ifor/gfa/gfa-summ.htm>

<sup>241</sup> Steven R. Bowman, *Bosnia: U.S. Military Operations*, Congressional Research Service The Library of Congress, (July 2003), p. 7, Accessed June 14 2012, <http://www.au.af.mil/au/awc/awcgate/crs/ib93056.pdf>

<sup>242</sup> B.a., *History of the NATO-led Stabilisation Force (SFOR) in Bosnia and Herzegovina*, Stabilization Force SFOR, Accessed July 02 2012, [www.nato.int/sfor/docu/d981116a.htm](http://www.nato.int/sfor/docu/d981116a.htm)

<sup>243</sup> Bowman, *Bosnia: U.S. Military Operations*... p. 8.

<sup>244</sup> United States General Accounting Office, *Bosnia Peace Operation, Mission, Structure, and Transition Strategy of NATO’s stabilization Force*, (Washington, United States General Accounting Office, 2003), p. 2

<sup>245</sup> Patricia Weiss Fagen, *Refugees and IDPs after Conflict. Why They Do Not Go Home*, (Washington: United Institute for Peace, 2011), p. 4.

providing security to returnees.”<sup>246</sup> As the British Institute of International and Cooperative Law points out “SFOR played a vital role in the return of refugees and displaced persons, in particular to areas of eastern Republika Srpska where some of the most odious war crimes had been committed and which were therefore considered impervious to return.”<sup>247</sup> The table below presents the number of minority returns in the years 1996 – 2006.<sup>248</sup>

Table 4. Minority Returns.<sup>249</sup>

YEAR	FEDERATION OF BIH	REPUBLIKA SRPSKA	BRCKO DISTRICT	TOTAL BIH
1996 – 1997	44,398	1,125		45,523
1998	32,605	8,586		41,191
1999	27,987	13,020		41,007
2000	34,377	27,558	5,510	67,445
2001	46,848	40,253	4,960	92,061
2002	51,814	41,345	8,952	102,111
2003	25,130	18,051	1,687	44,868
2004	5,881	8,045	273	14,199
2005	2,807	3,008		5,815
2006	1,009	1,632		2,641
Total	272,856	162,623	21,382	456,861

Yet, despite SFOR’s efforts to minimize the acts of aggression and violence against those who decided to return to their homes and despite its strong support for the repatriation

<sup>246</sup> International Crisis Group, *No Early Exit: Nato's Continuing Challenge In Bosnia*, ICG Balkans Report N°110, (International Crisis Group, May 2001), p. 7, Accessed July 18 <http://www.crisisgroup.org/~media/Files/europe/Bosnia%2040.pdf>

<sup>247</sup> Fidelma Donlon ed., *EUPM and EUNAVFOR Missions in Bosnia – Herzegovina: Analytical Report*, British Institute of International and Cooperative Law, (July 2010), p. 32.

<sup>248</sup> B.a. *Minority Returns in Bosnia and Herzegovina in Years*, Migration Citizenship Education, Accessed July 15 2012, <http://migrationeducation.de/20.6.html?&rid=84&cHash=9c5b4a8cd9ae2188530cc7a2148857ec>

<sup>249</sup> B.a. *Minority Returns in Bosnia and...*

process, at the end of SFOR's mandate "almost half of the refugees and displaced BiH citizens were outside their prewar homes"<sup>250</sup>

SFOR has also significantly contributed to the disarmament program. In 1998 it launched "Operation Harvest", changed in 1999 into "Project Harvest", aimed at gathering unregistered weapons and ammunition. In 2004, when handing over its responsibilities to EUFOR, SFOR was able to pride itself on destroying "20,000 illegally-held SALW [Small Arms and Light Weapons] and 7,500,000 rounds of ammunition".<sup>251</sup> Thus, the operation can be judged quite successful, especially since according to the Bonn International Center for Conversion (BICC) survey, "43 percent answered that voluntary weapons collection programs(i.e. Passive Harvest) had improved security in their local areas."<sup>252</sup> However it did not mean that by the end of SFOR's mandate the problem had been solved. BICC estimated that at the time when EUFOR was being deployed there was still between 248,381 and 494,252 illegal weapons.<sup>253</sup>

SFOR was also able to "detain approximately 27 persons indicated for war crimes"<sup>254</sup>. Moreover it significantly contributed to securing the situation in postwar Bosnia. In accordance with BICC surveys conducted in 2004, "Most respondents felt fairly safe in their neighborhoods with 54 percent of all respondents claiming that the situation had improved since the end of the war."<sup>255</sup>

For EUFOR the results of SFOR mission had various consequences. On the one hand SFOR left the country far more stable than it was right after the war; thus, the EU mission did

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<sup>250</sup> Nada Simanic, *Forced Migration And Ethnic Conflicts In Bosnia And Herzegovina*, Migration Citizenship Education, Accessed July 15 2012, <http://migrationeducation.de/20.0.html>

<sup>251</sup> Jennifer Perry, *Small Arms and Light Weapons Disarmament Programs: Challenges, Utility, and Lessons Learned*, (Washington: Defense Threat Reduction Agency, July 2004), p. 3.

<sup>252</sup> Wolf-Christian Paes, Hans Risser, Tobias Pietz, *Small Arms and Light Weapons Survey (SAS) Bosnia and Herzegovina*, Bonn International Center for Conversion (BICC), July 2004, p. 10, Accessed June 14 2012, [http://www.seesac.org/uploads/salwsurveys/SALW\\_Survey\\_BiH.pdf](http://www.seesac.org/uploads/salwsurveys/SALW_Survey_BiH.pdf) p. 10

<sup>253</sup> It is extremely difficult to measure properly the amount of illegal arms in a country. In case of Bosnia BICC based its assessments on the surveys among the local population. Thus, it is very probable that the real number of illegal weapons was much higher. Paes, Risser, Pietz, *Small Arms and Light Weapons...* p 24.

<sup>254</sup> Donlon ed., *EUPM and EUNAVFOR...* p.33

<sup>255</sup> Paes, Risser, Pietz, *Small Arms and Light Weapons* p... 10.

not have to undertake any serious military measures and was able to work in a quite stable environment. On the other hand, the situation in Bosnia was still far from satisfying, yet, as the most visible and easier to tackle problems had been already solved, the EU was left with the difficult and unrewarding process of further stabilizing the country. Moreover, its actions were being judged in comparison to the earlier SFOR successes.

## **2. From SFOR to EUPM.**

When in 2004 Brussels deployed its military crisis management mission in Bosnia it needed to both, maintain continuity with the earlier NATO mission and legitimize its presence by proposing a new approach to the country's changing problems. The High Representative for Bosnia and Herzegovina, Paddy Ashdown, explained the transition between NATO and EU by using a medical metaphor. He stated that "BiH was out of "emergency surgery" following the end of its war, with a major emphasis on NATO's military stabilization to create the conditions for civilian reconstruction. It was now in 'rehabilitation' with the main emphasis on civilian institution building supported by military and security reassurance. Nevertheless, a robust international military presence was still necessary to guarantee Bosnia's stability."<sup>256</sup>

Understandably, if the EU was to serve as Bosnia's rehabilitant it needed to have a full insight into the country's medical record. Thus, when preparing its mission, Brussels "relied largely, on the knowledge and assessments of NATO's SFOR, which had acquired an invaluable understanding of the Bosnian theatre since its deployment there at the end of 1995."<sup>257</sup> The close cooperation between NATO and EU was visible from the very beginning, when EUFOR Althea was first announced to be established within the framework of the "Berlin Plus Agreements". The agreements, reached on the 17 December, 2003, facilitated "EU access to NATO planning, NATO

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<sup>256</sup>Leakey, "ESDP and Civil/Military...", p.143.

<sup>257</sup>Thomas Bertin, "The EU military operation.." p. 63

European command options and use of NATO assets and capabilities.”<sup>258</sup> Unquestionably, the possibility to draw on NATO knowledge allowed the EU, which lacked expertise in most of the military strategies and actions, to plan and conduct a mission that was not doomed to failure.<sup>259</sup> One of the EU officials who worked on creating the Operational Plan (OPLAN) for Bosnia evaluates the transition between SFRO and EUFOR as very satisfying. He recalls that “the (operational) planning process was very, very comfortable; we had the transition plan from SFOR and I had the whole SHAPE (Supreme Headquarters Allied Powers Europe) at my disposal; I had Naples, I had the SFOR FHQ. It was a piece of cake. Berlin Plus works perfectly well, as long as you stay within the box, that is. It is perfect on the technical side: it is the best planning and conduct option the EU has by far.”<sup>260</sup>

On the other hand, some scholars have argued that the Berlin Plus Agreement uncovered the EU’s inability to conduct a military mission and made it clear that without NATO EUFOR Althea would never be a success.<sup>261</sup> As one of the EU officials argued, “Operation *Althea* is completely dependent on NATO’s assets for CIS (Communication and Information Systems) functionality. The EUFOR relies on NATO for communications, from the OHQ down to Naples and Sarajevo.”<sup>262</sup> This critique does not seem entirely fair. It is possible to argue that EU honestly judged its defects and in order to deliver the best military crisis management mission possible, it decided to fix its shortcomings with a help from a more experi-

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<sup>258</sup> Council of the European Union, *Eu-Nato: The Framework For Permanent Relations And Berlin Plus*, Council of the European Union, Accessed July 17 2012, <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>

<sup>259</sup> R. Zięba *Europejska Polityka Bezpieczeństwa i Obrony*, (Warszawa: Wydawnictwo Sejmowe, 2005), s. 82.

<sup>260</sup> Luis Simon, *Command and control? Planning for EU Military Operations*, International Crisis Group, Occasional Paper 81, January 2010, p. 29, Accessed June 15, 2012,

[http://www.iss.europa.eu/uploads/media/Planning\\_for\\_EU\\_military\\_operations.pdf](http://www.iss.europa.eu/uploads/media/Planning_for_EU_military_operations.pdf) ; In Naples European Union established its “EU Command Element”. Brussels has chosen Naples as NATO had there its Joint Force command for Balkan operations, which, after 2004, was renamed a Joint Force Command Headquarters. The decision to set the EU command element in the same town as NATO had its command was supposed to help Brussels to smoothly take over NATO responsibilities in Bosnia and ensure the cooperation between both organizations.

<sup>261</sup> Paweł Koperek, *Berlin Plus w Działaniu*, Polityki Unii Europejskiej w Procesie Tworzenia, Accessed July 04 2012, [http://eup.wse.krakow.pl/?page\\_id=204](http://eup.wse.krakow.pl/?page_id=204)

<sup>262</sup> Simon, *Command and control?* ...p. 30.

enced player.<sup>263</sup> From Bosnia's perspective it matters less who provides the assistance than the quality of the assistance itself. Thanks to EU – NATO cooperation the country received more valuable help than it would have if Brussels had been the only one to plan the mission.

### 3. The structure of EUFOR Althea

In order to provide a smooth transition between SFOR and EUFOR missions Brussels decided to set up its headquarters in Sarajevo, in the same building SFOR occupied for nine years and in which NATO, after SFOR termination, decided to keep its HQ.<sup>264</sup> Thus, as Thomas Bertin argues, “the EU Planning Team, which set up camp inside SFOR headquarters (HQ) in June 2004, benefited from significant support from its NATO colleagues. The good working relationship contributed to the fact that EUFOR was ready to take over from SFOR as scheduled on 2 December 2004.”<sup>265</sup>

The smooth transition was also secured by that fact that 80% of the SFOR troops were European, thus, when EU took over it had most of its men and women already on the ground.<sup>266</sup> In the opinion of the British Institute of the Comparative Law, it “ensured a certain degree of continuity.”<sup>267</sup> The continuity was also provided by the fact that EU troops, just as NATO's, were divided into three Multinational Task Forces (MTF) and located in the three

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<sup>263</sup> It does not mean that the Berlin Plus mechanism works smoothly. Most often the framework was criticized for not applying “when the EU and NATO carry out two simultaneous but separate land or sea operations in parallel” and for not providing “the possibility of combining civilian and military instruments.” European Security and Defence Assembly, *The EU-NATO Berlin Plus Agreement*, Assembly factsheet no. 14, Accessed June 07 2012, [http://www.aco.nato.int/resources/4/documents/14E\\_Fact\\_Sheet\\_Berlin\\_Plus%5B1%5D.pdf](http://www.aco.nato.int/resources/4/documents/14E_Fact_Sheet_Berlin_Plus%5B1%5D.pdf) Moreover, many scholars argued that the agreements did not cover all of the aspects of cooperation. See more in: Zdenek Kriz, Jan Zavesicky, „Althea’: operacja symptomatyczna dla Europejskiej Polityki Bezpieczeństwa i obrony”, in: ed. Mateusz Gniazdowski, *Europejski Protektorat? Bośnia i Hercegowina w perspektywie środkowoeuropejskiej*, (Warszawa: Polski Instytut Spraw Międzynarodowych, 2008), p. 88.

<sup>264</sup> Thomas Bertin, “The EU military operation...” p. 65.

<sup>265</sup> Thomas Bertin, “The EU military operation...” p. 65.

<sup>266</sup> Kirsten Soder, *EU Military Crisis Management: An Assessment Of Member States' Contributions And Positions*, Draft for the COST Action meeting on 10 June 2010, p. 9. Accessed July 27 2012, <http://www.peacekeeping-cost-is0805.eu/siteweb/images/ACTIVITIES/Publications/100331%20-%20+Article+Soder.pdf>

<sup>267</sup> Donlon ed., *EUPM and EUNAVFOR*...p. 34.



main regions of the country. Accordingly around 1,300 troops of Multi-National Task Force (North) were based in Tuzla, 1,000 members of Multi-National Task Force (North West) were based in Banja Luka, and 1,400 members of Multi-National Task Force (South East) were based in Mostar.<sup>268</sup> In Sarajevo there were stationed around 500 officers and another 2,000 were “spread across various locations throughout BiH in Liaison and Observation Teams (LOTs).”<sup>269</sup>

In 2007, with the reduction of the troops (from around 7,000 to 2,000), the EU decided also to restructure the mission. The three Multinational Task Forces were closed down and instead the EU established one Multinational Maneuver Battalion of Camp Butmir in Sarajevo.<sup>270</sup> The Battalion was comprised of troops from Austria, Hungary and Turkey. The EU decided to leave the Integrated Police Unit (IPU), charged with supporting “the implementation of civilian aspects of the General Framework Agreement of Peace, in accordance with EUFOR tasks.”<sup>271</sup> Another component of the mission were the Liaison and Observation Teams (LOTs), but their size was also significantly reduced - from around 44 LOTs composed of 2000 staff in 2004 to “29 LOTs with a composition of two to ten members” in 2011.

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From the very beginning Althea had a clear chain of command. The Council of The European Union was responsible for launching and extending the mission after approving its Operational Plan (OPLAN) and the Rules of Engagement (RoE). It could also, with assistance of EU Special Representative (EUSR) (serving also as a High Representative (HR)) decide on the goals of the mission as well as its termination. The next in line was the EU’s Political and Security Committee (PSC), which “exercises the political control and strategic direction of the

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<sup>268</sup> B.a. *Operation ALTHEA*, EUFOR, Accessed July 13 2012, [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=13&Itemid=133](http://www.euforbih.org/index.php?option=com_content&view=article&id=13&Itemid=133)

<sup>269</sup> B.a. *Operation ALTHEA*...

<sup>270</sup> Janik Knauer, *EUFOR Althea: Appraisal and Future Perspective of the EU’s Former Flagship Operation in Bosnia and Herzegovina*, EU Diplomacy Paper 07/2011, (Bruges: Collage of Europe, 2011), p. 14.

<sup>271</sup> B.a., *Integrated Police Unit (IPA)*, EUFOR, Accessed July 13 2012, [www.euforbih.org/index.php?option=com\\_content&view=article&id=626&Itemid=140](http://www.euforbih.org/index.php?option=com_content&view=article&id=626&Itemid=140)

<sup>272</sup> Knauer, *EUFOR Althea: Appraisal ...p.* 15.

operation, under the responsibility of the Council”.<sup>273</sup> The responsibility of controlling the implementation of the mission was granted to the EU Military Committee (EUMC). Finally the commander of the mission received support “of the EU OHQ at SHAPE, again under the Berlin Plus arrangement”<sup>274</sup>

In regards to the budget of the mission it had been decided that Althea’s cost will be “administered by the "ATHENA" mechanism (contributions by Member States on a GDP-based key to finance costs of EU operations having military or defense implications).”<sup>275</sup> The total cost of the operation in years 2005-2007 had been estimated at 76.280.000 €. <sup>276</sup> Aware of the possible extra costs of the operation the Commission of the European Union decided that in financing the mission it would follow the principle that "costs lie where they fall.”<sup>277</sup>

At the beginning of the mission, the main challenge for Brussels was to find replacement for the US troops, who served as the framework nation for Task Force North. It was an important challenge as “a framework nation supplied the majority of the officers manning an HQ as well as the key command and control capabilities such as communication and information systems.”<sup>278</sup> Finally it was Finland which decided to take over the responsibilities.<sup>279</sup> The decision was quite understandable, taking under consideration that Helsinki, during the Finnish presidency in the EU in 1999, was responsible for speeding

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<sup>273</sup> B.a. *Political/Military Background*, EUFOR, Accessed July 07 2012,

[http://www.euforbih.org/index.php?option=com\\_content&view=article&id=12&Itemid=132](http://www.euforbih.org/index.php?option=com_content&view=article&id=12&Itemid=132)

<sup>274</sup> John McColl, “EUFOR Althea, Successful Contribution to Stabilization”, *Bulletin of the EU Military Staff IMPETUS*, Issue 7, Spring/Summer 2009, p. 22.

<sup>275</sup> B.a., *Integrated Police Unit...*

<sup>276</sup> B.a. *European Union Military Operation In Bosnia And Herzegovina*, Centro Studi Sul Federalismo, Accessed June 23 2012, <http://www.csfederalismo.it/index.php/it/eufor-althea>

<sup>277</sup> B.a. *Political/Military Background...*

<sup>278</sup> Thomas Bertin, “The EU military operation...” p. 80.

<sup>279</sup> Thomas Bertin, “The EU military operation ... p. 63. ; B.a. *Finland to participate in the EU's military crisis management operation in Bosnia-Herzegovina*, Finland, Government Information Unit, FORMIN, Accessed July 16 2012, <http://formin.finland.fi/Public/Print.aspx?contentid=62154&nodeid=15146&culture=en-US&contentlan=2>

up the development of the ESDP. The Task Force North- West was led by British and the Task Force South – East, by the Spanish.<sup>280</sup>

All in all, the EU was able to deploy its mission without any serious problems or delays. The British Institute for Cooperative Law judged that “in general the transition from SFOR to EUFOR appears to be a considerably less contentious and criticized process than the transition of UN IPTF to EUPM.”<sup>281</sup> On the other hand, the price paid for the smooth transition was a lack of clear distinction between the NATO and EU missions. Just like in case of EUPM, the fact that the staff did not change simultaneously with the change of missions was confusing for both international and local observers. Moreover, both of the missions had HQ in the same building, thus “the distinction between SFOR and EUFOR had not been very clear for the Bosnian public.”<sup>282</sup> Also the fact that NATO did not fully withdraw from Bosnia after SFOR termination further strengthen the confusion. Nevertheless, taken as a whole the transition between SFOR and EUFOR should be assessed positively. Yet, it is important to state that it is so largely due to NATO’s efforts. EU was evidently a less experienced military crisis manager than NATO. The difference between EU and NATO abilities to plan and conduct military operations was best seen when Brussels was about to set the goals for EUFOR Althea.

#### **4. The goals of the mission.**

When Brussels was deploying its EUFOR Althea mission, the situation in Bosnia was already stable. Thus, many scholars argue that from the theoretical point of view, Althea was a

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<sup>280</sup> Stefano Recchia, “Beyond International Trusteeship: EU Peace building in Bosnia Herzegovina”, *Occasional Paper 66*, EU Institute for Security Studies (ISS), Paris, February 2007, p. 14.

<sup>281</sup> Donlon ed., *EUPM and EUNAVFOR*...p. 36.

<sup>282</sup> Ulas Doga Eralp, “The effectiveness of the EU as a peace actor in post-conflict Bosnia – Herzegovina: an evaluative study”, Phd diss. George Mason University, 2009, p. 260.

peacekeeping operation.<sup>283</sup> Its main role was to build on NATO's achievements and bring Bosnia closer to becoming a sustainable country. It was also supposed to serve as an important element of an EU holistic approach to the country's problems. As "Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina" stated, "the operation should reinforce the EU's comprehensive approach towards BiH, and support BiH's progress towards EU integration by its own efforts, with the objective of the signing of a Stabilization and Association Agreement as a medium-term objective."<sup>284</sup>

Under the UN Security Council Resolution (2004) 1575 Althea was given quite a robust mandate and was presented to the public as SFOR's successor. Yet, due to the already stable situation on the ground " many observers expected it to play more of a policing role – assisting the Bosnian authorities with countering organized crime for example – relative to the predominantly military deterrence role played by SFOR."<sup>285</sup> US politicians were especially keen on limiting Althea's military actions. It was partially dictated by Washington's fear that the EU would try to compete with NATO for the role of a main military player in the international arena. Donald Rumsfeld, the US Secretary of Defense, openly stated that Washington expected Althea to be "distinctly different mission' from SFOR, one that would be 'less military and more police in its orientation."<sup>286</sup>

Brussels too was well aware of the fact that Althea's role in Bosnia should be quite different than that of SFOR. As in the case of many other military operations, the tasks of the EUFOR mission were divided into key military and key supporting tasks, with the former being "those to which commander has to give priority" and the latter being "activities which he may

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<sup>283</sup> Zdenek Kriz, Jan Zavesicky, „'Althea': operacja symptomatyczna dla Europejskiej Polityki Bezpieczeństwa i obrony”, in: ed. Mateusz Gniazdowski, *Europejski Protektorat? Bośnia i Herzegovina w perspektywie środkowoeuropejskiej*, Warszawa, Polski Instytut Spraw Międzynarodowych, 2008, p. 91.

<sup>284</sup> Council of the European Union, *Council Joint Action 2004/570/Cfsp Of 12 July 2004 On The European Union Military Operation In Bosnia And Herzegovina*, Accessed July 18 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004E0570:20071108:EN:PDF>

<sup>285</sup> Giovanni Grevi, Damien Helly, Daniel Keohane, eds. *European Security and Defense Policy, The First Ten Years (1999 – 2009)*, Paris: EU Institute for Security Studies (ISS), (2010), p. 213, Accessed on-line June 21, 2012, [http://www.iss.europa.eu/uploads/media/ESDP\\_10-web.pdf](http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf)

<sup>286</sup> Grevi, Helly, Keohane, eds. *European Security and Defense...* p. 214.

decide to carry out, within the constraints of available means and capabilities, on the condition that such pursuit contributes to the accomplishment of the main military mission”.<sup>287</sup> In accordance with this division Althea’s key military tasks were “to provide deterrence and continued compliance with the responsibility to fulfill the role specified in Annexes 1A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH) and to contribute to a safe and secure environment in BiH (SASE), in line with its mandate, and to achieve core tasks in the OHR’s Mission Implementation Plan (MIP) and the Stabilization and Association Process (SAP).”<sup>288</sup> Moreover it was charged with conducting “information operations (INFO OPS) in support of the EU political objectives” and managing “any residual aspects of the DPA including airspace management, advice on de-mining and ordnance disposal, and weapon collection programs.”<sup>289</sup>

The key supporting tasks were to “provide support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, including the detention of PIFWCs; provide the security environment in which the police can act against the organized criminal network.”<sup>290</sup> Although, the tasks sounded quite reasonable on paper, in practice they proved not to be fully planned.

The mission’s first commander, Major General David Leakey, wrote in 2005 for the Center For Security Studies, ETH Zurich an extensive analysis in which he pointed out all the mistakes of the first year of the mission. Leakey recalls that the only guidance he received from Javier Solana about how to conduct the mission was that it should “make a difference” and be “new and distinct.”<sup>291</sup> Although he later describes this suggestion as “pertinent” it is hard not to agree that a commander of the EU military crisis management mission should be able to expect a more complex and well considered guidance from a Secretary General and High Representative for EU

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<sup>287</sup> Leakey, “ESDP and Civil/Militray...”, p. 144. ; Thomas Bertin, “The EU military operation...” p. 68.

<sup>288</sup> B.a. *Political/Military Background...*

<sup>289</sup> Council of the European Union, *Concept for the European Union (EU) Military Operation in Bosnia and Herzegovina (BiH) - Operation ALTHEA*, 12576/04, (Brussels, Council of the European Union, 2004) p.6.

<sup>290</sup> B.a. *Political/Military Background...*

<sup>291</sup> Leakey, “ESDP and Civil/Militray...”, p. 143.

CFSP. Leakey was also quite surprised to hear that one of his key military, not supporting tasks, was to “support High Representative’s Mission Implementation Plan” (MIP).<sup>292</sup> In order to fulfill this duty, he was trying to find in the MIP an area in which Althea would be able to support OHR. As he recalls “the MIP was in four sections dealing respectively with the economy, the rule of law, the police, and defense reform. The first two seemed unlikely for military engagement. The police section seemed to be more properly a concern of the EU Police Mission. Finally, assisting the Defense Reform process was the main role for the small residual NATO presence in BiH.”<sup>293</sup> Leakey’s revelation clearly presents the EU’s lack of a carefully thought out plan for its presence on the ground. If not for Leakey’s personal willingness to find for Althea a niche were it would be able to present its capabilities, the mission might as well have served only as a dummy of the EU military crisis management operation.

In Leakey’s opinion supporting the MIP (and keeping the peace) and fighting against organized crime “were two sides of the same coin” and thus, he decided to put most of Althea’s effort into supporting the local agencies in the fight against organized crime.<sup>294</sup> He also argued that by doing so he was providing support to the International Criminal Tribunal for the Former Yugoslavia (ICTY), as most of the fugitives were being protected by those involved in the criminal networks. Thus, his goal was to send the war criminals a clear message, that “they run a serious risk of being caught if they are in Bosnia.”<sup>295</sup> Although it is hard to evaluate the real impact of the EUFOR Althea’s action on the criminal network, especially in regards to the war criminals, it is true that two of the most wanted fugitives, Radko Mladic and Radovan Karadzic were captured not in Bosnia, but in Serbia, where they were thought to be living for years before the arrests.<sup>296</sup>

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<sup>292</sup> Leakey, “ESDP and Civil/Military...”, p. 144.

<sup>293</sup> Leakey, “ESDP and Civil/Military...”, p. 144

<sup>294</sup> Leakey, “ESDP and Civil/Military...”, p. 144.

<sup>295</sup> Thomas Bertin, “The EU military operation...” p. 68.; B.a., *EUFOR Operation Against Mladic Target*, EUFOR, Accessed June 12 2012,

[http://www.euforbih.org/index.php?option=com\\_content&view=article&id=714:eufor-operation-against-mladic-target&catid=105:press-statements&Itemid=70](http://www.euforbih.org/index.php?option=com_content&view=article&id=714:eufor-operation-against-mladic-target&catid=105:press-statements&Itemid=70)

<sup>296</sup> B.a., *Ratko Mladic arrested: Bosnia war crimes suspect held*, BBC News Europe, Accessed July 16 2012,

<http://www.bbc.co.uk/news/world-europe-13561407>  
; Ellie Tzortzi, *Karadzic arrested in Serbia, worked as doctor*, Reuters, Accessed July 29 2012,

<http://www.reuters.com/article/2008/07/22/us-warcrimes-karadzic-idUSL2196241820080722>

Despite the fact that EUFOR Althea was granted an executive mandate Brussels expected the mission not to fight the organize crime itself, but only to support the local agencies. Following this logic Leakey wanted his soldiers to “create the conditions in which the BiH law enforcement agencies not only ‘could’ but ‘would have to’ do their duty.”<sup>297</sup> He also wanted to help Bosnians to “tackle some of the ‘untouchables’” – people, who due to their financial or political status were difficult for the local agencies to arrest.<sup>298</sup> Despite Brussels’ suggestion to limit the mission’s involvement on the ground, Leakey openly wanted Althea to present a hands-on-approach, promoting active participation in solving Bosnia’s problems. Thus, as Stefano Recchia notes „during its first year of operations, EUFOR has participated in or directly conducted several high-profile operations against organized crime in Bosnia through its Integrated Police Unit (IPU).”<sup>299</sup> Obviously, EUFOR’s interpretation of its mandate significantly differed from EUPM’s rather narrow interpretation of its role. In effect during the first year on the ground the military mission was in constant opposition to the civilian one, and instead of cooperating they were struggling over competencies. Despite some of its flaws, it was EUFOR Althea that proved to be more active and effective than EUPM. Convinced of this supremacy, Leakey in 2005 called “the first year of EUFOR [a] multi-dimensional success story” and boldly stated that “it is beyond doubt that EUFOR established itself as the military force in charge in BiH and continued to be at least as militarily effective as its predecessor NATO forces.”<sup>300</sup> More skeptical about the mission itself, but highly fond of Leakey, Brickenton summarize the first year of EUFOR Althea by writing that “what was portrayed as an instance of the EU’s unique ‘holistic’ approach to the post – conflict stabilization and development was in fact a pragmatic response by commanders on the ground, forced to fill in their own mandates as their orders from above were little more than ‘do something new’.”<sup>301</sup>

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<sup>297</sup> Leakey, “ESDP and Civil/Military...” p. 144.

<sup>298</sup> Leakey, “ESDP and Civil/Military...”, p. 143.

<sup>299</sup> Recchia, “Beyond International Trusteeship...” p. 14.

<sup>300</sup> Leakey, “ESDP and Civil/Military...” , p. 147.

<sup>301</sup> Christopher J. Brickerton, *European Union Foreign Policy, From Effectiveness To Functionality*, (New York: Palgrave Macmillan, 2011), p. 67.

All in all, in years 2004-2005 EUFOR Althea did surprisingly well, taking into consideration the poor guidance it received from Brussels. The mission successfully took over from SFOR, and avoided “security gap”, conducted several operations, launched a “wide-ranging information campaign (that) ensured EUFOR’s visibility throughout BiH” and “provided continued deterrence and reassurance.”<sup>302</sup> Yet, due to the mission’s conflict with EUPM, Brussels decided in 2005 to reformulate Althea’s goals and redefine its role as a component of the EU “holistic approach to Bosnia.

## **5. Military vs. civilian. The redefined goals of Althea.**

From the very beginning the relations between EUFOR Althea and EUPM were quite difficult. The bone of contention was the fight against organized crime – one of the goals of EUPM, which later became also an important element in EUFOR’s agenda. In the opinion of many EUPM officers by getting involved in the fight against organized crime EUFOR over interpreted its mandate. Moreover, in the opinion of many police officers “EUFOR was interfering with EUPM mandate” and “stepping onto civilian turf.”<sup>303</sup> EUPM was also dissatisfied with EUFOR’s hands-on approach, arguing that “by participating actively in operations against organized crime, the EUFOR was actually doing the locals’ job.”<sup>304</sup> Indeed, many scholars argue that Leakey interpreted its mandate too liberally and that he was carrying out various anti criminal operations without informing either EUPM or local police units.<sup>305</sup> Althea on the other hand was dissatisfied with EUPM’s narrow interpretation of its already weak mandate. It accused the police mission of “neglecting the fight against organized crime” and was argued that EUPM “promotes long-term capacity-building and ownership” of the local agencies only in order to hide its inability to act on

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<sup>302</sup> B.a. “Interview with Major General David Leakey, Commander of the stabilization force (EUFOR)”, *ESDP Newsletter European Security and Defence Policy*, Issue 1 | December 2005, p. 23.

<sup>303</sup> Juncos, *Learning by doing: civil-military ...* p.15; Donlon ed., *EUPM and EUNAVFOR...* p. 37.

<sup>304</sup> Ana Juncos, “Police Mission in Bosnia and Herzegovina”, in: *Evaluating the EU crisis management missions in the Balkans*, ed. Michael Emmerson, and Eva Gross, (Brussels: Center for European Policy Studies, September 2007), p.59.

<sup>305</sup> Grevi, Helly, Keohane, eds. *European Security and Defense...* p. 164.



more concrete problems.<sup>306</sup> This perception was also widely shared among other local and international actors on the ground. As the British Institute for Cooperative Law states, “many interviewees from outside EUPM remarked that the involvement in the fight against organized crime during 2004-2005 was necessary due to both the limitations of the BiH law enforcement agencies and the inability of EUPM-I to coordinate the activities among the various agencies involved.”<sup>307</sup>

The differences between EUPM’s and EUFOR’s interpretation of the EU’s involvement in Bosnia were also visible in the mission attitude towards Bosnians themselves. According to the interviews conducted by Penksa with the staff of both the military and civilian missions, “EUPM officials were told to increase their trust of local police and transfer more authority to the locals, while EUFOR officers were given the message that the local police were not to be trusted.”<sup>308</sup> Predictably it resulted in growing disagreements between the two missions, giving Bosnians the impression that the EU had no coherent plan and that it was internally divided. Therefore, the conflict between EUPM and EUFOR was undermining Bosnia’s trust and respect for Brussels, seriously jeopardizing the EU’s efforts to reform the country.

Understandably, EU officials quickly decided to solve the problem. On 13<sup>th</sup> September 2005 EU formulated the so - called Seven Principles which were to govern the relationship between military and civilian crisis management missions. They also helped to clarify what kind of engagement in BiH the EU was looking for. Although it was EUFOR, which had more successes on the ground than EUPM, Brussels clearly stated that “the local police ownership of operations regardless of their operational effectiveness is ABSOLUTELY CRITICAL” and thus decided to strengthen the EUPM role at the expense of the EUFOR’s mandate.<sup>309</sup>

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<sup>306</sup> Donlon ed., *EUPM and EUNAVFOR*...p. 37; Ju p. 15

<sup>307</sup> Donlon ed., *EUPM and EUNAVFOR*...p. 36.

<sup>308</sup> Susan E. Penksa, *Policing Bosnia and Herzegovina 2003-05, Issues of Mandates and Management in ESDP missions*, CEPS Working Document no. 255/ December 2006, Center For the European Policy Studies CEPS (December 2006), p. 12.

<sup>309</sup> Council Of The European Union, *Common Operational Guidelines for EUPM-EUFOR support to the fight against organized crime*, Brussels, 25 March 2010, Accessed July 13 2012, <http://register.consilium.europa.eu/pdf/en/06/st10/st10769-re01.en06.pdf>

In line with the “Seven Principles for Co-ordination” and later agreed “General Guidelines for Increasing Co-operation between EUPM-EUFOR and EUSR” “the EUPM (...) (was to) take the lead in the policing aspects of the ESDP-supporting efforts in tackling organized crime. The EUPM would assist the local authorities by mentoring and monitoring the planning of these operations, while EUFOR would provide the operational capabilities to these operations, all under the political co-ordination of the EUSR.”<sup>310</sup> At the same time, in 2006 Brussels started to refocus EUPM’s mandate by strengthening its role in the fight against organized crime. As Juncos argued it also reflected the EU decision to reduce EUFOR engagement in Bosnia.<sup>311</sup> This notion was quite understandable, taking under consideration the fact that Bosnia already had passed an immediate post – war stabilization phase and needed civilian guidance rather than military help. Surely this does not mean that after its first year EUFOR was pushed aside. It was still engaged in many operations, including searching for war fugitives and fighting organized crime, but its actions were supposed to be subordinated to those of EUPM. As the “Guidelines for Increasing Co-operation between EUPM-EUFOR and EUSR” suggested “the initiative to launch crime-busting operations lied with the local law enforcement agencies. Should a law enforcement agency judge that it needs EUFOR’s support to conduct an operation, its request must be reviewed and endorsed by the EUPM.”<sup>312</sup> Moreover “EUFOR also worked very closely with the EUSR, even though the EUSR was not formally part of EUFOR’s chain-of-command.”<sup>313</sup>

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<sup>310</sup> Ursula C. Schroeder, “Converging Problems –Compartmentalised Solutions: The Security Development Interface in EU Crisis Management”, *FORNET*, vol4, Issue 3, May 2006, p. 3, Accessed June 14 2012, <http://www.eu-consent.net/library/FORNET/CFSP%20Forum%20vol%204%20no%203.pdf>

<sup>311</sup> Schroeder, “Converging Problems –Compartmentalised... p. 6.

<sup>312</sup> Thomas Bertin, “The EU military operation...” p. 71.

<sup>313</sup> Daniel Keohane, „EUFOR ALTHEA (Bosnia andHerzegovina)The European Union militaryoperation in Bosnia andHerzegovina (Althea )”, in: Giovanni Grevi, Damien Helly, Daniel Keohane, eds. *European Security and Defense Policy, The First Ten Years (1999 – 2009)*, Paris: EU Institute for Security Studies (ISS), (2010), p. 218, Accessed on-line June 21, 2012, [http://www.iss.europa.eu/uploads/media/ESDP\\_10-web.pdf](http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf)

On the December 11, 2006, The Council of the European Union agreed to further re-define its military crisis management mission.<sup>314</sup> Following this decision, on the February 27, 2007, the Council adopted a revised Operations Plan (OPLAN) for EUFOR Althea.<sup>315</sup> Within 6 months the mission was downsized to 2,500 staff from 22 states. Great Britain decided to withdraw almost all of its soldiers. Germany and Italy opposed this notion and became the two most engaged contributors. All in all, the restructuring of the mission was conducted very ably – “The implementation of the first phase of the transition, (i.e. reconfiguration and reduction) of EUFOR, started on 28 February and was completed on 28 April, ahead of schedule.”<sup>316</sup>

The structural changes reduced the mission capabilities and thus gave it a new, less active role within the Bosnian society. Since 2007 “the EUFOR presence in BiH was (...) about providing psychological reassurance as the country moved from the post – conflict stage to the democratic transition stage.”<sup>317</sup> The Althea’s role as a symbol of security is best portrayed by the surveys conducted by the UNDP among the Bosnian society. For example in 2007 Early Warning Reports UNDP writes that “the tense political situation was reflected in the considerable rise in the percentage who believe that the withdrawal of EUFOR might reopen the possibility of war, up 11% amongst Bosniaks, 7% amongst Croats. The RS result was down on a year ago.”<sup>318</sup> Also due to the 2009 Early Warning System EUFOR was still playing a reassurance role, as the belief that the “war could break out after the withdrawal of EUFOR has

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<sup>314</sup> Council Of The European Union, *Presidency Report on ESDP*, Brussels, Council of the European Union, June 2007, Accessed July 08 2012, <http://register.consilium.europa.eu/pdf/en/07/st10/st10910.en07.pdf>

<sup>315</sup> European Union Council Secretariat, *Factsheet, Eu military operation in Bosnia and Herzegovina (Operation EUFOR - Althea)*, ATH/08 (update 8) , 28 February 2007, Accessed July 13 2012, <http://www.consilium.europa.eu/uedocs/cmsUpload/070228AltheaUpdate8a.pdf>

<sup>316</sup> Council Of The European Union, *Presidency Report on ESDP...*

<sup>317</sup> Eralp, “The effectiveness of the EU as a peace...”. 258.

<sup>318</sup> UNDP, *Early Warning System Annual Report 2007 Bosnia and Herzegovina*, UNDP, p. 14, Accessed July 14 2012, <http://www.undp.ba/upload/publications/EWS%20Annual%202007%20web%20edition.pdf>

been constantly growing over the past two years. In September 2008 the number was 17%, whereas in November 2009 it had risen to 25%.<sup>319</sup>

The mission was further transformed in 2010. Aware of the EUFOR's symbolical role and at the same time eager to slowly terminate the mission, "on 25 October 2010, the Council of the EU confirmed the EU's commitment to a continuing executive military role to support Bosnia and Herzegovina's efforts to maintain the safe and secure environment, under a renewed UN mandate; and, building on Althea's achievements, to the continuing provision of non-executive capacity-building and training support in order to contribute to strengthening local ownership and capacity."<sup>320</sup> The new, non-executive dimension of Althea emphasized Brussels' willingness to transform the mission into less a military and more civilian one, with reassuring, mentoring and training tasks. As Janik Knauer argued in 2011 "this new dimension that aims at enhancing the local ownership and autonomy of the BiH authorities might well be the next step towards a major restructuring or even (...) conclusion of the operation."<sup>321</sup> Yet, despite these predictions, the Council of the EU announced in 2011 that the "CSDP missions, namely the EU Police Mission (EUPM) and EUFOR ALTHEA, (are) important elements of its overall strategy for Bosnia and Herzegovina."<sup>322</sup> The chances for a total withdrawal of EUFOR Althea forces are rather slight. Especially, as Martina Fisher once sarcastically pointed out in her commentary to the EU involvement in Bosnia, "most assessments draw the paradoxical conclusion that the intervention has been sufficiently successful to be worth con-

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<sup>319</sup> UNDP, *Early Warning System Annual Report 2009 Bosnia and Herzegovina*, UNDP, p. 94, Accessed July 14 2012 <http://www.undp.ba/upload/publications/Early%20Warning%20System%202009.pdf>

<sup>320</sup> B.a., *EU Common Security and Defence Policy (CSDP)*, European Union External Action, Accessed June 27, 2012, <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/althea?lang=en>

<sup>321</sup> Knauer, *EUFOR Althea: Appraisal...* p. 12.

<sup>322</sup> B.a., *EU military operation EUFOR ALTHEA in Bosnia and Herzegovina*, European Union External Action, Accessed July 14 2012, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/missionPress/files/april2012%20Factsheet%20EUFOR%20Althea%20\\_%2027\\_EN\\_new.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/april2012%20Factsheet%20EUFOR%20Althea%20_%2027_EN_new.pdf)

tinuing, but not successful enough to allow Bosnia to take charge of its own destiny.”<sup>323</sup> It seems that in 2012 those words still apply.

## 6. Did Althea heal Bosnia?

Unlike in the case of EUPM, most of the scholars and international observers evaluate the EUFOR Althea performance positively. For example Daniel Keohane argues that “EUFOR Althea has been a very successful peacekeeping operation.”<sup>324</sup> Also Annmarie Rodt stated that “Althea has until now been successful in its external goal attainment” and that it “has done far more good than harm in BiH.”<sup>325</sup> Indeed, despite some of its flaws, the mission was able to achieve many of its goals and conduct various victorious operations.

### a. Disarmament

Since its deployment EUFOR Althea had become actively engaged in disarmament projects and activities focused on gaining control over small arms and light weapons (SALW). Most notably it continued SFOR’s “Operation Harvest” aimed at collecting weapons from Bosnia’s citizens. The goal of the operation was to encourage people to voluntarily hand over their weapons, in exchange for a guarantee that they would not face any consequences for their earlier possession. EUFOR divided the operation into three phases – in the first one soldiers were announced in the villages that arms would be collected on a certain day so everyone could drop off unwanted weapons. During the second phase, so called “door-to

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<sup>323</sup> Martina Fisher, “Bosnia’s Challenge: Economic Reform, Political Transformation and War-to-Peace Transition”, in: *Martina Fischer ed. Peacebuilding and Civil Society in Bosnia-Herzegovina. Ten Years after Dayton.* (Berlin: Berghof FUNDation, 2007), p. 442.

<sup>324</sup> Keohane, „EUFOR ALTHEA (Bosnia and Herzegovina)...”, p. 217

<sup>325</sup> Annamarie Peen Rodt, “EU Performance in Military Conflict Management”, in: Richard Whitman, Stefan Wolff, ed. *European Union as a Global Conflict Manager*, (New York, Routledge, 2012), p. 180.

door”, EUFOR asked in every household if the family had any weapons it would like to turn in. Finally, the last phase, called “information – based”, was conducted by LOTs, which after receiving information about alleged possession of arms conducted raids on the indicated houses.<sup>326</sup> Already in December 2004 EUFOR’s MTF South-East together with Bosnia’s Police authorities took over SFOR’s “door-to- door” operation, called “Operation Free Entrance 11.” As a result of the operation “two-hundred and eight small arms, 1,055 hand grenades, 193 rifle grenades, 8 anti-personnel mines, 76,502 rounds of ammunition, 79 anti-tank rockets and 119kg of TNT were collected.”<sup>327</sup>

A year later, in February and March 2005 EUFOR launched in the area of Sarajevo “Operation Free Entrance 12.” Throughout the operation “more than 243,000 rounds of ammunition, about 3,900 hand grenades, 658 small arms, 167 rifle grenades, 17 rockets and 40kg of bulk explosive” had been collected.<sup>328</sup> It is worth mentioning that the operation should be considered a success not only due to the large amount of seized weapons, but also because Althea was able to persuade the local authorities, police forces and Republika Srpska officials to become actively engaged in the operation.

Later on, Operation Harvest was complemented with the Operation Harvest Plus, aimed at seizing illegally possessed weapons. From 2005 to 2006, in accordance with “EUFOR reports (...) 2,500 weapons have been collected and destroyed as a result of Operation Harvest.”<sup>329</sup> Moreover, in accordance to the 2006 South East Europe SALW monitor, EUFOR was also actively engaged in the destruction programs. In 2006 it helped to establish a new site for weapons destruction at the BiH Ministry of Defense’s ‘GOF 18’ factory.<sup>330</sup>

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<sup>326</sup> Beth Kampschorr, *EUFOR Continues SFOR's Operation Harvest*, Setimes, Accessed June 13 2012, <http://www.setimes.com/cocoon/setimes/xhtml/bs/document/setimes/features/2005/01/31/feature-03>

<sup>327</sup> Michael Ashkenazi, Julie Brethfeld, Tobias Pietz, *European Union SALW and ERW Programs in the Western Balkans*, Bonn International Center for Conversion, United Nations Institute for Disarmament Program, 2003, p. 4. Accessed July 16 2012, [http://www.unidir.org/pdf/EU\\_background\\_papers/EU\\_BGP\\_03.pdf](http://www.unidir.org/pdf/EU_background_papers/EU_BGP_03.pdf)

<sup>328</sup> Ashkenazi, Brethfeld, Pietz, *European Union SALW and ERW...* p. 4.

<sup>329</sup> B.a. “Bosnia and Herzegovina”, in: *South Eastern Europe SALW Monitor 2006*, SEESAC, p. 28, Accessed June 03 2012, [http://www.seesac.org/uploads/salw\\_monitor/Bosnia%20and%20Herzegovina-06.pdf](http://www.seesac.org/uploads/salw_monitor/Bosnia%20and%20Herzegovina-06.pdf)

<sup>330</sup> B.a. “Bosnia and Herzegovina”, in: *South Eastern ...* p. 24.

Taking into consideration the overall seizure and destruction of the SALW, Austrian Armed Forces, evaluated that “Operation Harvest led by SFOR and EUFOR is considered to be one of the most successful SALW destruction campaigns in the Balkans. The total number of SALW destroyed in all three destruction processes during the reviewing period 2003 to August 2006 amounts to 107,049 pieces.”<sup>331</sup>

Although those numbers are definitely impressive, they do not mean that the situation in Bosnia regarding the possession of small arms is satisfying. Unfortunately, EUFOR’s work can be considered an uphill struggle. The UNDP 2010-2011 Small Arms Survey estimated that in 2011 there were “1,224,142 individual weapons in Bosnia and Herzegovina: 1,098,762 pieces were in civilian possession.”<sup>332</sup> In accordance with the collected data every third person possessed a weapon in their household and every fifth citizen was an owner of an illegal firearm.<sup>333</sup> Such a number of guns can be easily explained by historical and modern processes. First of all, during the era of Former Socialist Federal Republic of Yugoslavia “Bosnia was home to more than 40 per cent of the federal republic’s defense industry, employing some 38,000 workers. The bulk of SFYR (Socialist Federal Republic of Yugoslavia) small arms production took place in Bosnia.”<sup>334</sup> With the outbreak of war in 1992, weapons obviously became highly desirable possessions. The embargo put on Former Yugoslavia by the UN Security Council in 1991, instead of reducing the flow of armaments only contributed to the flourishing of a black market. The criminal networks established between 1992 – 1995 became after the war an important part of Bosnia’s political and economic life. Among other illicit activities they are responsible for weapons trafficking. Thus, thanks to the criminal networks operating throughout Bosnia, weapons in the country are easily accessible on the black

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<sup>331</sup> Erwin Kauer, “Weapons Collection and Destruction Programmes in Bosnia and Herzegovina”, in: *Small arms – big problems: A global threat to peace, security and development*, ed. Peter Hazdra, Vienna, 2007 (Schriftenreihe der Landesverteidigungsakademie; 5/2007), p. 92.

<sup>332</sup> UNDP, *Small Arms Survey 2010-2011*, UNDP, 2011, p. 5. Accessed July 12 2012, <http://www.undp.ba/upload/publications/Small%20Arms%20Survey%202010-2011.pdf>

<sup>333</sup> UNDP, *Small Arms Survey 2010-2011* ...p. 5.

<sup>334</sup> Graduate Institute of International Studies Geneva, *Small arms survey 2003, development denied*, (Oxford University Press, 2003), p. 43.

market. In 2011 Bosnian could purchase a rifle on black market for as little as 300 BAM. For the same rifle in Austria he would have to pay 4,300 BAM.<sup>335</sup>

On the other hand it is important to remember that in 2006 EUFOR successfully handed over the responsibilities of weapons collection to the local agencies.<sup>336</sup> This decision was in line with the EU's need to strengthen the local ownership and instead of solving problems for Bosnian teach them how to solve the problems by themselves. Thus, the statistics presented by UNDP do not reflect EUFOR's lack of engagement or inability to decrease the number of weapons, but rather the local agencies' shortcomings.

## **b. Organized crime**

The vast amount of illegal weapons and their accessibility for regular citizens was strictly connected with another of Bosnia's problems – the widespread network of organized crime. As was presented earlier in the study, from the very first day as an EUFOR Althea commander, Leakey knew that in order to secure the country he had to first target those involved in the illicit activities. Therefore, already in January 2005 EUFOR launched Operation Spring Clean, aimed at “supporting local authorities and the local police in their fight against organized crime and corruption.”<sup>337</sup> The operation was focused mostly on preventing the trafficking of weapons and illegal fuel and was later followed by several similar operations.<sup>338</sup> Unfortunately, the operation has been classified, which means that there are no data or operational details available for the public.<sup>339</sup> EUFOR was also responsible for addressing a problem of illegal timber trade – an important element of the organized crime network in Bosnia.

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<sup>335</sup> UNDP, *Small Arms Survey 2010-2011*...p. 12.

<sup>336</sup> UNDP, *Small Arms Survey 2010-2011*...p. 62.

<sup>337</sup> Paes, Risser, Pietz, *Small Arms and Light Weapons*...p. 4

<sup>338</sup> B.a., *Details/Information for Canadian Forces (CF) Operation BOREA*, National Defense and Canadian Forces, Accessed July 17 2012, <http://www.cmp-cpm.forces.gc.ca/dhh-dhp/od-bdo/di-ri-eng.asp?IntlOpId=338&CdnOpId=411>

<sup>339</sup> Paes, Risser, Pietz, *Small Arms and Light Weapons*...p. 6.



Thanks to EUFOR's efforts a vast number of logs has been confiscated.<sup>340</sup> Moreover, as Briton rightly points out "Althea's proactive stance made a difference to the prevailing culture of impunity in which organized crime flourishes." Althea helped the local agencies to address the problems and then became actively engaged in solving them. Despite many critical voices that Althea was doing the job of locals, it in fact did significantly contribute to "developing local capacities, changing local perceptions" and supporting local ownership.<sup>341</sup>

### c. De-mining process

Althea was also actively engaged, especially after it was downsized in 2007, in the actions aimed at raising the local population's awareness of mines and unexploded explosive ordnance (UXO). In 2011 the European Parliament in its report on the Progress of Mine Action "Applauded EUFOR Althea and its Mines Risk Education Instructors for having provided training to several thousands of people, and encourages them to continue their efforts."<sup>342</sup> In October 2011 "Mines Information Coordination Cell (MICC) of Headquarters EUFOR in cooperation with NGO "Stop Mines" organized a five-day MRE (Mine Risk Education) Instructor course (...) in Camp Butmir"<sup>343</sup> EUFOR was charged with supporting the de-mining process from the very beginning of its deployment. Just after the war in Bosnia "international agencies (...) estimated that there were more than 4,200 square kilometers of minefields in Bosnia and Herzegovina – meaning that some 8.2 percent of the country's total territory was mined. According to available records at the time, there were nearly 20,000 minefields, which

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<sup>340</sup> Thomas Bertin, "The EU military operation...", p. 70.

<sup>341</sup> Thomas Bertin, "The EU military operation...", p. 70.

<sup>342</sup> Geoffrey Van Orden, *Report On Progress on Mine Action (2011/2007(INI)) Committee on Foreign Affairs*, European Parliament, Plenary Sitting, August 06 2011, Accessed June 13 2012,

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0211&language=EN>

<sup>343</sup> Stuart Cantellow, *EUFOR supports Mine Risk Education (MRE) Instructor course*, EUFOR, Accessed July 17 2012, [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=1930:eufor-supports-mine-risk-education-mre-instructor-course&catid=182:local-community-involvement&Itemid=150](http://www.euforbih.org/index.php?option=com_content&view=article&id=1930:eufor-supports-mine-risk-education-mre-instructor-course&catid=182:local-community-involvement&Itemid=150)

was considered to be approximately 50-60 percent of the real number.”<sup>344</sup> Predictably such an intensity of mines resulted in a high rate of casualties: “according to the Red Cross figures, 4,866 individuals were killed or injured by mines or unexploded ordnance (UXO) in Bosnia and Herzegovina, 1,520 since the end of the war.”<sup>345</sup> Thanks to a series of de-mining actions, including those of an educational character, such as EUFOR’s MRE training, the number of casualties caused by mines has been decreasing every year. The table above present the number of mine casualties in the years 2008 -2011.

Table5: Mine casualties in Bosnia - Herzegovina in years. <sup>346</sup>

Casualties	KILLED	INJURED
October 2011	5	7
2010	6	8
2009	9	19
2008	34	29

<sup>344</sup> Anes Alic, *Minefield Mayhem*, International Relation and Security Sector ISN ETH Zurich, Accessed July 16 2012, <http://www.isn.ethz.ch/isn/Security-Watch/Articles/Detail/?lng=en&id=108421>

<sup>345</sup> B.a., *International day for mine awareness and assistance in mine action - Mines still a threat in the region, Bosnia and Herzegovina*, UNDP, Accessed June 03 2012, <http://europeandcis.undp.org/aboutus/show/3FA4752C-F203-1EE9-BA3B2F6581236449>

<sup>346</sup> B.a., *Mines Information Coordination Cell (MICC)* EUFOR, Accessed July 17 2012, [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=1324:mines-information-coordination-cell&catid=197&Itemid=177](http://www.euforbih.org/index.php?option=com_content&view=article&id=1324:mines-information-coordination-cell&catid=197&Itemid=177)

Moreover, between 1995 and 2010 the international and local organizations were able to reduce the number of minefields. If just after the war minefields covered approximately 8 per cent of the country's territory, in 2010 it was only 3.04 per cent.<sup>347</sup>

Surely, the demining process is not solely EUFOR's achievements. Many other organizations and agencies have been involved in the action. Most notable are UNMASA (United Nations Mine Action Service), OSCE, NATO, BiH Ministry of Civil Affairs (MoCA), Bosnia and Herzegovina Mine Action Service. Thus, EUFOR has to share the successes of reducing the contaminated areas with other players. It does not mean though that its work is less valuable. As the Commission of the European Union decided when deploying its military mission, one of EUFOR's tasks was to provide "advice on de-mining"<sup>348</sup> Althea did meet Brussels' expectations.

#### **d. Providing secure environment**

The missions achievements should not only be measured by the projects it launched. One of the main goals of the mission was to "provide a continued military presence in order to deter renewed hostilities, stabilize and consolidate the peace, and thus contribute to a secure environment."<sup>349</sup> In 2004, nine years after the war with a constant presence of NATO forces, the situation in Bosnia regarding the ethnic violence could have been considered stable. Surely, there were cases of aggression, especially concerning the returnees, yet those were rather individual incidents. Thus, in many cases the simple presence of EU military forces was enough to secure the situation, allow people not to feel threatened and contribute to a safe return of those displaced during the war. According to the Commission for Human

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<sup>347</sup> B.a., *Conflict Prevention and Resolution, Peace and Security Sector, Donor Coordination Forum, Bosnia and Herzegovina*, p. 2, Accessed June 04 2012, <http://www.donormapping.ba/pdf/conflict-sector.pdf>

<sup>348</sup> Council of the European Union, *Concept for the European Union (EU) Military...*

<sup>349</sup> Bowman, *Bosnia: U.S. Military Operations...* p. 6

Rights of the Council of Europe in 2010, the “hostile reactions and acts of violence against returnees, who are members of minorities in their place of return, have reportedly diminished”, taking into consideration the number from previous years.<sup>350</sup> According to an Amnesty International report on violence in Bosnia and Herzegovina, “in one year, 290 minority-return related violent incidents were reported between August 2000 and August 2001 across the whole of Bosnia-Herzegovina. One hundred and ninety-three of them occurred in the RS, according to the United Nations International Police Task Force (IPTF).”<sup>351</sup> Yet, in 2011 The Council of European Union recorded between “November 2010-April (...) (only) 28 such incidents. The Council found that *almost all cases* occurred in communities where the religious ethnic group represents a minority – attacks are in fact aimed at minority returnee groups/communities.”<sup>352</sup> This data clearly shows that the presence of international military forces, first SFOR and later EUFOR, did contribute to the significant decrease in the act of violence against minorities.

Yet despite a quite secure environment the rate of returns remains low. The Internal Displaced Monitoring Center estimated that in 2011 around 113,000 people still remained internally displaced. The low rate of returns is mostly caused by the bad economic situation of the displaced people, lack of proper education and programs supporting those who decide to return, lack of reintegrating programs etc.<sup>353</sup> On the other hand, when evaluating EUFOR’s contribution to the refugee return process, it is important to understand that the EU military

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<sup>350</sup> Thomas Hammarberg, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Bosnia and Herzegovina on 27-30 November 2010*, Strasbourg, 29 March 2011, Accessed July 17 2012, <https://wcd.coe.int/ViewDoc.jsp?id=1766837>

<sup>351</sup> B.a. *Bosnia-Herzegovina: Violence against minorities in Republika Srpska must stop*, Amnesty International, Accessed June 07 2012, <http://www.amnesty.org/en/library/asset/EUR63/013/2001/en/45a67b3c-fb1b-11dd-ac08-b50adaf01716/eur630132001en.pdf>

<sup>352</sup> Vlado Azinović, Kurt Bassuener, Bodo Weber, *Assessing the potential for renewed ethnic violence in Bosnia and Herzegovina: A security risk analysis*, Atlantic Initiative Democratization Policy Council, October 2011, p. 63

<sup>353</sup> Internal Displacement Monitoring Centre, Norwegian Refugee Council, *Global Overview 2011 People internally displaced by conflict and violence*, (Geneva, Internal Displacement Monitoring Centre, Norwegian Refugee Council April 2011), p. 66.; B.a., *Global Overview 2011: People internally displaced by conflict and violence - Bosnia and Herzegovina*, UNHCR, Accessed June 05 2012, <http://www.unhcr.org/refworld/docid/4f97fb679.html>

mission was responsible purely for removing the threat of violent attacks. It is not responsible for a current economic, social and educational situation of the returnees.

EUFOR's presence contributed not only to securing the minorities, but also to the general reducing the risk of violent clashes. As "a local faith leader felt (...) EUFOR was a positive presence in the country, because 'incidents that could spill over and have greater consequences could not happen, because we still have the international community'."<sup>354</sup> Also surveys conducted among the Bosnia's citizens "show that (EUFOR) enjoys a high level of support, comparable to that of SFOR. More than two-thirds of the population regard EUFOR as credible and useful."<sup>355</sup> Moreover, it is important to note that in 2011 in the opinion of many Bosnians "an international security presence had been invaluable immediately after the war, (but) EUFOR's current role in their daily security at a local level was negligible."<sup>356</sup> This widely spread opinion, although on first glance seems to be unfavorable towards Althea, can be in fact treated as a compliment for the EU military mission. It shows that most of the Bosnians no longer perceive violence as the main threat to their lives. They are more concerned about the country's economic situation, unemployment, standards of education etc. Thus, it appears, that the situation in Bosnia is stable enough to allow people not to worry about their lives, but about their standard of living.

Finally, EUFOR should be applauded also for the successful handing over of responsibilities for its military bases to Bosnia's authorities. Already in 2007 the mission transferred "the army bases in Banja Luka, Tuzla and Mostar to BiH military authorities"<sup>357</sup> Also UNDP in its 2010 Early Warning System evaluates that "Cooperation between EUFOR and the BiH

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<sup>354</sup> Nansen Dialogue Centre Sarajevo And Saferworld, *The missing peace August 2010 Report The need for a long term strategy in Bosnia and Herzegovina*, Nansen Dialogue Centre Sarajevo And Saferworld, (August 2010), p. 24, Accessed July 13 2012 <http://www.saferworld.org.uk/The%20missing%20peace%20-%20English%20reduced.pdf>

<sup>355</sup> Thomas Bertin, "The EU military operation..." p. 70.

<sup>356</sup> Nansen Dialogue Centre Sarajevo And Saferworld, *The missing peace August 2010...* p.24.

<sup>357</sup> Eralp, "The effectiveness of the EU as a peace...", p. 256.

Armed Forces has been assessed as excellent. (...) EUFOR transferred civil control over the transportation of arms to the BiH government and to the Armed Forces of BiH.”<sup>358</sup>

## **7. Summary. EUFOR Althea vs. EUPM.**

Unquestionably, taking into consideration EUFOR’s achievements the EU military mission seems to be much more successful than the civilian one. The question arises why this is so?

First of all it should be pointed out that “with respect to its objectives and timeframe the EUFOR mandate was a lot less precise than the mandate of the European Union Police Mission.”<sup>359</sup> Thus, the military mission was more able to adjust its goals to its capabilities than the civilian one.

Moreover, it can be argued that stabilizing the peace and providing a secure environment is easier than changing peoples’ mentality and reforming the country. In other words, EUFOR Althea needed to deal much less with locals than EUPM. It was providing help from the outside, whereas the police mission needed to provide the support inside the Bosnian society. Furthermore, when EUFOR stepped in, it was known that Bosnia did not need the robust military help as much as it needed administrative and civilian guidance. Therefore it can be argued that EUFOR took over the when the need for military presence was diminishing and EUPM was stepping in at the very beginning of Bosnia’s road towards being a sustainable country. The goals of the EUPM were clearly more advanced than those of EUFOR. It’s a pity, especially since in the case of the EU “the military component is far better established

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<sup>358</sup> Dina Duraković, Adnan Efendić, Nicola Nixon, Aleksandar Draganić, Senad Slatina, Edin Šabanović, *Early Warning System 2010, 10 Years, UNDP BiH*, p. 73, Accessed July 17 2012, [http://www.undp.ba/upload/publications/EWS\\_EN\\_final.pdf](http://www.undp.ba/upload/publications/EWS_EN_final.pdf)

<sup>359</sup> Muriel Asseburg, Ronja Kempin, „Introduction: A systematic stocktaking of ESDP Missions and Operations” in: *The EU as a Strategic Actor in the Realm of Security and Defence? A Systematic Assessment of ESDP Missions and Operations*, ed. Muriel Asseburg, Kempin Ronja, German Institute for Interantional and Security Affairs, December 14, (2009), p. 21

that the civilian one.”<sup>360</sup> This is partially due to the fact that civilian crisis management concept is much younger than the military one. Additionally, in regards to its EUFOR Althea mission Brussels was able to draw on NATO’s experiences. It also learned from its previous mission – Concordia in Former Yugoslav Republic of Macedonia (FYROM) and Artemis in the Democratic Republic of the Congo. Moreover EUFOR Althea had better trained personal than EUPM. Finally, with the 2005 Seven Principles EUFOR became subordinated to EUPM and its possibilities to act outside civilian control had been significantly reduced.

Taking into consideration all of the above aspects one can argue that EUFOR’s success was not due to that fact that it was better prepared to take over the assigned responsibilities than EUPM, but rather because its goals were quite limited. As much as this is true, it is important to remember that part of such a mission, whether civilian or military, is addressing the problem and evaluating, as precisely as possible, the missions strength and capabilities to solve it. Part of EUFOR’s success are in its responsibly assigned duties. EUPM on the other hand was charged with a mission that was definitely beyond EU civilian crisis management capabilities.

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<sup>360</sup>Brickerton, *European Union Foreign Policy* ...p. 69.

## CONCLUSION

On a grand scale the aim of the European Union's presence in Bosnia was to assist the country with physical, political and social reconstruction, to help it become sustainable and secure and consequently bring it closer to the European Union. In order to achieve its goals Brussels deployed in Bosnia a whole range of tools from as economic assistance to crisis management instruments. As the Council of the European Union stated in its "European Security Strategy: Bosnia and Herzegovina/Comprehensive Policy" adopted in 2004, "all EU actors/instruments, whether political, military, police-related or economic, will contribute to implementing this overall EU policy towards Bosnia and Herzegovina."<sup>361</sup> Thus, as both EUPM and EUFOR were parts of the EU's "complex plan for Bosnia", their performance should be judged in a context of EU overall presence in the country.

Unfortunately, after nine years of European assistance, Bosnia and Herzegovina as a state is anything but sustainable. It seems that the country can serve as a perfect example of what Christopher Hill called in 1993 a 'capability – expectation gap'. In Hill's opinion there was a huge discrepancy between what European Union was suggesting it can do and what it was really able to achieve.<sup>362</sup> The case of EUPM's presence in Bosnia is a perfect illustration of this problem. As it was presented earlier in this study, when deployed on the ground, the EU police mission was not ready to handle the difficult political and social situation in Bosnia. It lacked almost everything, from a general idea of what it should be and how it should implement its goals to well trained and suitable for the job officers. It was unable to reform

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<sup>361</sup> Council of the European Union, *European Council, 17-18 June 2004 - European Security Strategy: Bosnia and Herzegovina/Comprehensive Policy* (Brussels: Council of the European Union 15 June 2004 ) <http://register.consilium.europa.eu/pdf/en/04/st10/st10099.en04.pdf>

<sup>362</sup> Christopher Hill, "The Capability-Expectations Gap, or Conceptualizing Europe's International Role", *Journal of Common Market Studies*, Volume 3 1, No. 3 September 1993 <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-5965.1993.tb00466.x/pdf>



the Bosnian police, tackle corruption or seriously affect organized crime. Unfortunately, the failure of the mission was mostly hurtful not to the European Union, but to Bosnia itself. The weak mandate of EUPM and its even weaker interpretation, the lack of experts among EUPM's staff, language barriers and double standards taught Bosnia's authorities that the EU was incapable of maintaining its own mission, and thus, even less capable of influencing any serious changes in Bosnia. For those who opposed the EU's reforms, with Bosnian Serbs represented by Milorad Dodik being the most vigorous adversary, the EU incompetency was enough to hinder the whole process. In case of the police reform, the EU's lack of a carefully thought-out plan that would satisfy both Brussels and Bosnia, led to a situation in which it was the Bosnians who dictated the rules and the EU who was adapting to them. As Bedrudin Brljavac points out, "a number of local politicians re-modified the European standards in line with their 'Bosnian standards' built in particularistic ideological interests."<sup>363</sup> In case of police reform the result of this process was especially distressing - when the agreement was finally reached it had almost no value.

Due to the low standards of the EUPM mission, the EU lost a lot of credibility within Bosnian society. As presented throughout the study European officers were perceived as a laughing stock and their achievements minimal. On the other hand EUFOR, although better managed than the civilian crisis management mission, proved to be too liberal in the interpretation of its mandate. This meant in practice that at the early stage of the mission its commander, David Leakey, was acting on his own, individually deciding how to approach and solve problems. There is no one else to blame for this situation than Brussels, which was unable to give Leakey any other tips on how to conduct the mission despite making it new and distinct. This situation confirmed Bosnians in the belief that the EU is a weak player, unable to control its own personnel.

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<sup>363</sup> Bedruin Brljavac, "Assessing the European criteria in Bosnia and Herzegovina: a litmus test for the European Union", *Journal of Comparative Politics*, vol. 5, no. 1, January 2012, p. 5.

The nine years of EU involvement in Bosnia, instead of contributing to a serious transformation of the country, taught the Bosnian politicians how to manipulate the European Union in order to receive financial support without really meeting Brussels' requirements. Most of the scholars specializing in crisis management operations warn that a wrongly conducted mission can easily push a country into more troubles than help it. Recchia, for example, argues that "the longer international control over the domestic political process in a post war society actually lasts, the more it risks undermining local political ownership and responsibility."<sup>364</sup> Sadly it seems that it is the case of Bosnia and Herzegovina. The European Union treated the country as its training field. It took Brussels two years, from 2004 to 2006, to solve the disagreements between EUPM and EUFOR over the missions' competencies. From Brussels' perspective those were *only* two years, which helped the European Union to improve its crisis management concept. From Bosnia's perspective those were *crucial* years. Not only because they could have been devoted to solving some of the country's problems, but most notably because those were first years of the EU presence in Bosnia and thus, Bosnians were learning how they should perceive the European Union. Unfortunately, Brussels presented itself more as a baby in the woods than an experienced and strong player.

It is also important to mention that it took the EU a long time to agree on how it should conduct its civilian and military crisis operations. Although most scholars argue that "the cooperation and coordination between civilian and military organizations is a crucial factor for the success of crisis management operation", throughout most of its presence in Bosnia the EU was not able to coordinate its missions.<sup>365</sup> In 2002, before deploying its police mission in Bosnia Brussels developed a concept of civil-military coordination CIMIC, which "referred to a cooperation among actors on the ground."<sup>366</sup> In other words, CIMIC was aimed at regu-

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<sup>364</sup> Stefano Recchia, "Beyond International Trusteeship: EU Peace building in Bosnia Herzegovina", Occasional Paper 66, EU Institute for Security Studies (ISS), ( February, 2007), p. 10

<sup>365</sup> Juncos, *Learning by doing*: ...p. 2

<sup>366</sup> Juncos, *Learning by doing*: ...p. 4.

lating the relationship between civilian and crisis management components when already deployed in the country of interest.<sup>367</sup> Yet, predictably the EU quickly understood that, having ambitions to be an civilian and military player able to provide whole range of instruments, it needed more advanced tools than CIMIC. Thus, it decided to further developed a concept of Civil Military Cooperation CMCO, which was supposed to provide an “effective coordination of the actions of all relevant EU actors involved in the planning and subsequent implementation of EU’s response to the crisis”<sup>368</sup> Although the CMCO concept was first mentioned in the EU documents already in 2001, it was not before 2006 that Brussels made a concrete proposal how to ensure the cooperation on the tactical and institutional level.<sup>369</sup> The aim of CMCO was to help to “make policies, instruments and institutions work in an efficient and organized way.”<sup>370</sup> Despite the obvious advantages of the development of the concept for the EU, the only thing that Bosnia gained from this process was the knowledge that when Brussels first sent its people to Bosnia it was not ready for a such a complex operation.

Surely, criticism always comes easier than the praise. Bosnia’s political, social and economic situation was in 2004, and still is in 2012, extremely difficult. There is no easy solution for the country’s problems. Yet, it can be argued that the European Union crisis management missions, if better prepared and conducted, could have been more successful. This verdict especially applies to the civilian mission. As Brljavac argued in 2011, “if the EU does not define clearly and openly what it expects from the Bosnian government then the Bosnian politicians will understand the EU standards and criteria as they wish. Paradoxically, but they

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<sup>367</sup> Jari Mustonen, “Coordination and Cooperation on Tactical and Operational Levels Studying EU-ESDP Crisis Management Instruments in Bosnia and Herzegovina”, *CMC Finland Civilian Crisis Management Studies*, Volume 1: Number 1/2008, p. 5, Accessed July 15 2012, [http://www.cmcfinland.fi/pelastus/cmc/images.nsf/files/E236A8622F73B9F2C22575FC003CD706/\\$file/Studies\\_1\\_Mustonen.pdf](http://www.cmcfinland.fi/pelastus/cmc/images.nsf/files/E236A8622F73B9F2C22575FC003CD706/$file/Studies_1_Mustonen.pdf)

<sup>368</sup> B.a, *Civil-Military Co-ordination: Framework paper of possible solutions for the management of EU Crisis Management Operations*, 8926/06. Brussels, 2 May 2006, p. 3

<sup>369</sup> Wolfgang Benedek, “Special Focus, Sustainable Peace building”, *Human Security Perspective*, no 1 2011, p. 16. Accessed July 2012, [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/human\\_security/hs-perspectives/pdf/files/issue1\\_2011/MOESTL\\_Artikel.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/human_security/hs-perspectives/pdf/files/issue1_2011/MOESTL_Artikel.pdf)

<sup>370</sup> Juncos, *Learning by doing*: ... p. 4

will see the EU as a community allowing development of divided ethno-nationalist communities.”<sup>371</sup> In July 2012, when the EU Police Mission in Bosnia has been already terminated and the EUFOR Althea mission is also slowly coming to its end, Brljavac’s words not sound as a warning any more, but rather as a statement. EUPM left Bosnia ethnically divided, lacking reformed police forces, unable to amend the constitution and unprepared not only to join EU, but more notably to agree with the reforms Brussels’ proposes. The fact that EUFOR’s presence in the country was more successful offers little consolation. After all, its main goal was to secure the peace by simply being present. The EU should not probably use EUPM and EUFOR as its model crisis management missions. Yet, sadly, it will be easier for the EU than for Bosnia to forget Brussels’ questionable success in the country.

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<sup>371</sup> Juncos, *Learning by doing*: ...p. 20

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