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SPES Policy Papers

What Happens after the Mandate Completion? Evaluating Outcome Sustainability of ESDP Police Missions in the Balkans

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November 2010

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1. Introduction: Background and Central Research Question

The key issue is that we now know reasonably well what kind of actions can increase the chances of success and what kind of actions will diminish the chances of success. The problem is that we always seem to choose the latter rather than the former.

Lord Paddy Ashdown (5 July 2006),
International High Representative and EU Special Representative
to Bosnia and Herzegovina, May 2002 – January 2006

In the post-Cold War era, the world was faced with a political environment that significantly differed from the one before. Civil wars became a familiar characteristic of this new environment.¹ This change also influenced the manner in which the international community responded. Namely, with civil wars becoming a lasting problem of global politics, peace operations have become an area in which a lot of human and financial resources have been invested. Even though the United Nations (UN) has been the primary actor involved in peace support operations, several other governmental and nongovernmental organizations have been very proactive as well. Among the plethora of international organizations and individual countries taking part in such processes, the European Union (EU) has also stepped in. As Howorth (2001) concludes:

“[t]he presence around the EU’s periphery of an ‘arc of crisis’, running from the Baltic through the indefinable border between east and west, and down to the Balkan, the eastern Mediterranean and along the north African shoreline to Mauritania (in other words along the entirety of the EU’s ‘near-abroad’), offers multiple potential scenarios for crisis management” (Howorth 2001: 768).

The EU has not only been acting as a conflict manager and peacebuilder in its neighbourhood, but also at a broader, global level. The primary mechanism for this has been the European Security and Defence Policy (ESDP).²

Ever since its launch in 1999, the ESDP has been developing very rapidly. At the same time, the ESDP has probably been the most integral part of the Common Foreign and Security Policy (CFSP). Consequently, military and civilian missions, which are the main instruments of the ESDP, have become an essential characteristic of the EU’s foreign policy. In this respect, the military missions can be seen as short-term and the civilian missions as medium-term and long-term crisis management instruments. Until November 2010, as many as 24 operations within the ESDP framework were deployed to various conflict areas in the Western Balkans, South Caucasus, Middle East, Asia, and Africa. A significant proportion of them, as many as 13, is constituted by civilian missions. This, together with the three combined civilian-military missions and the significant attention of the EU devoted to developing its civilian crisis management aspect (Nowak 2005: 15), makes the civilian component somewhat a trademark of the ESDP.

At its Feira meeting in June 2000, the European Council identified four priority areas for ESDP Civilian Crisis Management (CCM): police, rule of law, Civilian Administration, and Civil Protection (Council of the European Union 2000). Consequently, police and rule of law seem to have become the two areas developing the fastest of the European CCM (Nowak 2005). However, with the rule of law requiring a domination of the security space first, the police missions have been vital in establishing secure post-conflict settings, and enabling longer-term reforms to take place.

More than ten years after the launch of ESDP in 1999, and seven years after the launch of its first mission, the European Police Mission to Bosnia and Herzegovina (EUPM) in 2003, it is of great importance to be able to assess the impact that the police missions have had on the situation of the host countries’ police sectors. So far, mission assessments have been conducted internally, by standards of the implementing actor, after concluding the mandate. However, there seems to be consensus among both academics and practitioners that it is problematic for the implementing actor to be the only evaluator of the mission outcomes (Baldwin 2000; Pushkina 2006). Relying solely on this kind of assessment is problematic for several reasons. Namely, setting one’s own benchmarks can be troublesome as it allows for setting the ‘bar’ too low in order to avoid failures. Furthermore, such reflection leaves no possibility for assessing the policy

1 This is not to be confused with the existing influential conventional wisdom that it was the change in the international system that sparked the outbreak of numerous civil wars. For more on this discussion and a counterclaim, see James D. Fearon and David D. Laitin 2003.

2 With the Lisbon Treaty entering into force, the European Security and Defence Policy was renamed to

Common Security and Defence Policy. However, ensuring consistency throughout this paper, the former name will be used.

options and the eventual policy choice. As a result, these internal assessments often do not coincide with the general public and even the academic assessment. Yet, “[t]he need to assess their impact is paramount, given that intervening often means becoming part of the local predicament” (Schwarz 2005: 431). More importantly, there is no consensus on what constitutes success in peace operations. Many evaluation criteria have been put forward. Oldrich Bures (2007: 414-415) has grouped the various criteria under four headings. One suggested criterion, for instance, is whether the purpose of the mission, as stated in the mandate, has been fulfilled (Brown 1993; Durch 1995; Ratner 1995; Bratt 1996). Furthermore, there are scholars who are in favour of including the impact on the local population in the criteria for evaluating peace operations (Durch 1995; Ratner 1995). A third proposed evaluation criterion is the way in which the mission outcomes have been reached, i.e. whether there were any casualties, how efficient the mission was, etc. The fourth proposed criterion is the contribution of the mission to broader values instead of self-serving gains (Pushkina 2006). These criteria, however, do not provide a generalizable standard that would allow for a systematic evaluation across missions, regardless of the location of their deployment and/or the implementing actor.

The situation is even more difficult when it comes to evaluating civilian missions, including ESDP police missions. First, most of the civilian missions focus on achieving goals that are difficult to quantify. Second, in instances when a particular actor is engaged in a ‘crowded’ field, as it is the case with many civilian missions, it is difficult to distinguish the results achieved by the mission from the influence of other international organizations’ forces deployed there. Third, it often happens that one actor acts through several different mechanisms, which also contributes to the difficulty in singling out the role the mission itself has played. To that end, in addition to assessing the situation at the moment of the mandate’s conclusion, it is equally crucial to assess the durability and sustainability of the reforms introduced and/or supported by the ESDP police missions after the completion of the mandate. In that sense, the involvement of the locals in the reforms and local ownership of the reform process also play a role. Therefore, the central research question of this paper is *how local ownership influences the differences in sustainability of police reforms after the completion of the ESDP mandate*.

Given that the programmes of an ESDP police mission directly relate to specific reforms in the police sector of the host country, ‘sustainability of reforms’ can be considered the same as (and hereafter used interchangeably with) ‘sustainability of programme outcomes’. In the context of this paper, ‘sustainability of reforms’ is understood as the reform remaining in place after the mandate has been completed.

By analyzing two missions that have taken place in the same time period (2003-2005), the institutional learning within the EU is assumed to be at the same level. Additionally, the implementing actor (EU) is also the same in both missions. Therefore, the answer is to be looked for directly on the ground. Rather than looking at the implementation of policy reforms only, this analysis focuses on the reform process from as early as the planning phase of the reforms and the missions. The paper argues *that the better locals are involved in shaping reforms, i.e. the earlier they are involved in the reform process, the more sustainable the reforms*. More concretely, a stronger involvement in the decision-making process is not only conducive to an early detection of the areas that need to be addressed, but also ensures a sense of local ownership of, and thus identification with the reform process and the reform outcomes.

Looking at the completed ESDP police mandates in the Balkans, as a place where EU conditionality is also at play (e.g. by using the signing of a Stabilization and Association Agreement (SAA) and/or granting a candidate-country status), which increases the leverage for successful reform implementation, the paper focuses on the EUPM I in Bosnia and EUPOL Proxima in Macedonia. Analyzing these two cases, this paper seeks to explain the differences in sustainability of mission and programme outcomes, shedding light on the role of local ownership.³

3 The paper is largely based on confidential interviews conducted by the author in Berlin, Brussels, Sarajevo and Skopje with Bosnian, Macedonian, EUPM, and former Proxima officials, officials from the European Commission and the Council Secretariat, and various experts in the field in 2009 and 2010. The author is truly grateful for the cooperation and assistance provided by the interviewees. While all of the interviewees have given consent to be quoted, for reasons of confidentiality their names and positions are not mentioned here.

2. Case Selection: Why ESDP Police Missions in the Balkans?

Ever since the launch of the CFSP on the eve of the breakout of the Yugoslav war(s), which was the first serious institutionalized attempt of the EU member states to coordinate their foreign policies, South East Europe (SEE) has been closely connected to the development of this policy. Even more so, this has been the case with the ESDP. As a response to Europe's inability to deal with violence in Bosnia on its own, and the EU's limited say in NATO's war in Kosovo, this region was to become the 'birthplace' of the ESDP. Furthermore, "[the] EU had its first military mission in the Balkans (Operation Concordia in Macedonia); developed integrated civil-military peace-building approaches (both in Macedonia and in BiH); and launched the biggest military mission to date (EUFOR-ALTHEA) and [the] biggest ever civilian mission (in Kosovo)" (Montanaro-Jankovski 2007: 141). That being said, the Western Balkans can easily be labeled as a 'testing ground' for ESDP. In addition to that, the role the EU has acquired through its missions in the region can be seen as the genesis of what is already perceived as a more influential role of the Union at the global level.

More importantly, the European Council in Thessaloniki in 2003 has clearly identified the SEE as the region to be integrated into the EU next (Council of the European Union 2003a) which gave strong impetus to the political elites of all SEE countries to have EU accession as their goal. At the same time, even though the relations of the EU with each of the so-called transition countries are at different stages, there is the paradox of 'postmodern ambiguity' — 'Europeanization' being discursively constructed (Busch and Krzyzanowski 2007). In essence, this implies that the meaning of being 'European' (e.g. action/behaviour) is derived from a certain discourse and is displayed by a certain kind of rhetoric. This certainly allows the EU, through an inter-institutional cooperation between the mission on the ground and the European Commission, to fit the missions' objectives into the construction of 'Europeanization'.⁴ In other words, without having a clear definition of what 'Europeanization' means, the term in these countries has been discursively constructed to the level of being synonymous to 'good' and as symbolic of breaking off from the past. Therefore, the reform process is seen as a process of Europeanization, and opponents to certain reforms are labeled as anti-European.

Contextualizing the link between the EU and

the Western Balkans historically, Chandler argues that after the Yugoslav wars

“[t]he international institutions, involved in stabilizing and integrating the SEE states within European structures, viewed the question of governance as one of the three central issues (along with security and economic reform) which needed to be addressed for a successful statebuilding outcome. Within the sphere of SEE state governance, it was the key issues of institution building and of civil society development, which attracted the focus of international regulatory bodies. Both institution building and civil society development were fairly new areas for international policy initiatives at the time and both reflected the existing power that the European Union had over the region which enabled external institutions to take an active interest in questions which were previously seen to be ones of domestic political responsibility” (Chandler 2007: 596).

Precisely this deep involvement and the power the EU has over the region, which creates solid grounds for successful reforms, make the ESDP civilian missions being deployed in the SEE countries interesting to be observed in terms of outcomes. With such a high leverage for successful reforms, the region provides empirical data for a potential 'reverse Sinatra test', i.e. 'if it can't make it there, it won't make it anywhere'.⁵ So far, the EU has had four civilian missions in the Balkans — EUPOL Proxima to Macedonia, and the follow-up police advisory team EUPAT, EUPM to Bosnia, and EULEX to Kosovo. Given that EULEX is an ongoing rule of law mission, and taking the small size of EUPAT in consideration, this paper focuses on EUPOL Proxima in Macedonia, and the first mandate of EUPM in Bosnia (2003-2005).

⁴ For a study on this phenomenon in Bosnia, see Majstorovic (2007).

⁵ The 'Sinatra test' in social science methodology is used in reference to the least likely case for a theory to hold, i.e. a strong indication for the validity of the theory. The phrase refers to the famous line of Frank Sinatra's song "New York, New York" — "if I can make it there, I can make it anywhere."

3. Case Studies: Bosnia-Herzegovina and Macedonia

3.1 Bosnia and Herzegovina (BiH)

3.1.1 Overview of the EU Involvement in BiH

The long and devastating war in Bosnia and Herzegovina was finally settled with the General Framework Agreement for Peace, commonly referred to as the Dayton Agreement, initialed at the Wright-Patterson Air Force Base in Dayton, Ohio on 21 November 1995, and signed in Paris on 14 December 1995. According to Annex IV of the Agreement, i.e. the Constitution of BiH, the country is composed of two entities — the Bosniak-Croat Federation of Bosnia and Herzegovina and the Serbian Republika Srpska — and Brcko District, which has a special status. Furthermore, the Federation has ten cantons with separate political and administrative institutions. According to the Constitution, all aspects of policing were left to the responsibility of the two entities (in the Federation further sub-divided into ten cantonal police forces, in Republika Srpska sub-divided into five public security centers) and Brcko District, which all together led to the country being left with a “multiplicity of overstuffed policing forces without provisions for structures co-operation, operation liaison or intelligence exchange” (EUPM 2006: 10).

In the newly created state structures in BiH, as laid down in Annex X of the Dayton Agreement, the Office of the High Representative (OHR) was to act as the Agreement’s guarantor and the one to facilitate the signatories’ efforts to implement the peace agreement. The High Representative (HR) was to be appointed by the international community, i.e. the Peace Implementation Council (PIC), and was meant to be a senior foreign diplomat able to settle disputes. As stipulated in Article II.9 of Annex X of the Agreement, the HR had no authority over any military or police forces. However, with the situation remaining unstable and calls for violence being broadcasted on public media, the PIC authorized the HR in May 1997 to stop these incitations — a decision that led to a surprisingly successful handling of the Republika Srpska public television broadcast (Knaus and Martin 2003: 64). Moreover, this success led to the PIC handing “new powers [to the HR] in the crucial areas of institutional reform, substantial legislation, and the personnel of public office — all for the sake of implementing the peace agreement — [without] substantive or procedural checks on the use of the new powers” (Knaus and Martin 2003: 64). These new powers came to be

known as ‘Bonn powers’.⁶

In grasping the overall EU presence in the country, it is important to note that since 2002 the HR is double-hatted as the EU Special Representative. In addition, the EU deployed its first mission to BiH in 2003, with the EU Police Mission (EUPM) taking over from the UN’s International Police Task Force (IPTF). The initial mandate of the mission was three years, between 2003 and 2005, which is the case this research will focus on. Since then, however, the mandate of EUPM has been prolonged and amended several times.⁷

Parallel to EUPM, the EU also deployed a military mission to Bosnia - EUFOR Althea. In November 2004 the European Council decided to launch Operation Althea (Council of the European Union 2004), which marked the transition from the NATO-led Stabilization Force (SFOR) to the EU Force (EUFOR). With the immediate goal being a smooth hand-over period between the two forces, Althea has two further objectives: to support BiH’s progress towards EU integration, simultaneously aiming at concluding the Stabilization and Association Agreement, and in the long run, to contribute to the goal of peace and stability in the country and its eventual accession to the EU. Having both Althea and EUPM on the ground at the same time has also required their close co-ordination, since both of them are meant to contribute to the full implementation of the Dayton Agreement, albeit one (EUPM) has a non-executive mandate and has to contribute to the long-term capacity building of the police forces, while the other (EUFOR) has an executive mandate in providing a safe and secure environment. This approach, however, has not always gone as smooth as envisioned by ‘Brussels’. Namely, with many ‘grey areas’ between the two mandates, especially in regard to the fight against organized crime, the coordination between EUPM and EUFOR was a very “distressing exercise” (Juncos 2007: 58). This lasted until the end of 2005 when general guidelines for coordination between EUPM, EUFOR and HR/EUSR were agreed.⁸

6 For a comprehensive analysis of the evolution and the scope of the Bonn Powers, see European Stability Initiative, “Bosnian Power Structures Part 2.”

7 For the legal basis of the mandates and their changes, see Council Joint Action 2002/210/CFSP, Council Joint Action 2003/141/CFSP, Council Joint Action 2003/188/CFSP, Council Joint Action 2005/824/CFSP, Council Joint Action 2007/749/CFSP, Council Decision 2009/906/CFSP.

8 For details on the agreement, see EU Police Mission (EUPM), EU Military Force in Bosnia and Herzegovina (EUFOR) and EU Special Representative (EUSR) (2005).

3.1.2 EUPM I

As noted above, the police reform in BiH began under the auspices of the UN's IPTF and then continued with the support of the EUPM. When discussing police reforms in post-war Bosnia one ought to keep three critical issues in mind. First, "security sector [including police] and rule of law reforms were not clearly articulated objectives among policy makers at Dayton, nor during the immediate post-war period" (Penksa 2008: 28). Second, in the case of BiH one needs to distinguish between police reform and restructuring. While implementing police reforms

EUPM I⁹

Duration: January 2003–December 2005

Budget: total allocated - €70.61 million; total spent - €47.54 million

International staff: peak capacity - 540 (a total of 1,361 international police officers and 97 international civilians deployed over 4 main rotations in the course of the mandate)

Contributing countries: 27 EU member states and 7 third states

within the old structures at moments looked like a Sisyphean task¹⁰, neither IPTF nor EUPM were mandated to initiate a political discussion about police restructuring. Over time, however, on the initiative of the OHR and in particular HR Lord Ashdown, the police reform agenda evolved to one focusing on police restructuring after all (Penksa 2008: 29). Third and closely related, the overall police reform began without a broader political agreement or a complete legal reform, which additionally impeded the activities in the police sector.

The planning of the EUPM was based on the reports of three fact-finding missions to Sarajevo in the pre-planning phase (December 2001 – January 2002) and on the information received from IPTF (EUPM 2006: 14). EUPM I took over from IPTF in January 2003. A clear distinction between IPTF and EUPM should be made in regard to their mandates and especially the fact that while the EUPM has been non-executive, the IPTF had a wide range of executive powers in regard to decertifying police officers and initiating investigations in certain circumstances. Despite this distinction, it took a considerable amount of time for the EUPM to detach

itself and its activities from its predecessor's legacy.

The overarching goal of the EUPM was "to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice" (Council of the European Union 2002). It had four strategic priorities: (1) development of police independence and accountability under political oversight, (2) fight against organized crime and corruption, (3) financial viability and sustainability, and (4) institution and capacity building at management level (EUPM 2006: 4). These four priorities were pursued through programmes on seven themes: (1) crime police, (2) criminal justice, (3) internal affairs, (4) police administration, (5) public order and security, (6) State Border Service, and (7) State Information and Protection Agency (Juncos 2007: 62).

The EUPM II (2006-2007) had different objectives, as well as differently organized portfolios, while readopting on the most important, uncompleted aspects of the EUPM I mandate, such as fight against corruption and organized crime. The same was the case with EUPM III (2008-2010), with each new mandate having a more and more focused approach, leading to the Bosnian police being the most reformed police sector in Europe.¹¹ Overall, the EUPM I was believed to be pursuing a long-term institutional reform strategy with the aim of changing the police structures (Merlingen and Ostrauskaite 2005: 8). This also led to the "perception of political bias: the police reform was suspected of a hidden agenda, of being used as a means to another end, namely, state centralization" (Batt 2008: 19).

3.1.3 Outcome Evaluation

According to the internal assessment of EUPM I, being a total of 452 projects that have been evaluated within 27 locations, "67.5% of all the selected projects recorded full implementation," but given that some of the assessments started as early as September 2005, it would be "safe to conclude that implementation of projects exceeded 70%" by December 2005 (EUPM 2006: 52). The outcome evaluation in this paper, however, puts the internal assessment in a broader perspective, looking at the overall achievements of the mandate, the hurdles encountered during the course of the implementation, and then focusing on the aspects of the mandate related to local ownership.

From an evaluating perspective, the EUPM I mission ought to be credited with at

⁹ Text box facts and figures from Merlingen (2009) and EUPM (2006).

¹⁰ EUPM official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

¹¹ EUPM official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

least two achievements. First, it “has advanced the transformation of the Bosnian police from an instrument of ethnic warfare into a professional service” (Merlingen 2009: 162). Second, it contributed significantly to the change of Bosnian policing mentalities, institutions and practices, as well as bringing them closer to the European norms and standards (ibid.). At the same time, some issues, such as organized crime and corruption, have remained high on the list of problems the country is faced with and are therefore the key problems that EUPM III has been focusing on.

However, looking at the planning phase of the mission, two factors have influenced the way the Planning Team carved out the EUPM I mandate, which ultimately negatively affected its effectiveness. First, the three fact-finding missions in the pre-planning phase were rather brief and visited the BiH capital only, which clearly had an impact on the proposals they prepared (EUPM 2006: 14). Second, in many instances “the Planning Team based its planning on the assumptions that the IPTF programmes would have reached an advanced stage of development by the end of 2002” which, according to an EUPM report on the first three years of the mission, proved to be inaccurate (EUPM 2006: 15).

Another problem the mission was faced with in the implementation of the mandate was, as mentioned before, the legacy of its predecessor, IPTF. With the first Head of Mission of EUPM I being the former Commissioner of the IPTF and many officers transferred from one mission to the other, the line of distinction in the eyes of the public was rather blurred, often leading to confusion where the IPTF’s mandate stopped and the EUPM I’s started.¹² The IPTF undertook a certification process of police officers after the war, setting certain standards and issuing certification only to those police officers that met these standards. The certification process was heavily disputed, which affected the image of the IPTF. Consequently, the IPTF legacy was not necessarily an asset for the EUPM when dealing with local police. Additionally, many of the IPTF field location officers that remained as parts of the EUPM were left to day-to-day operationally focused decisions instead of adopting the programmatic way that was foreseen for EUPM. This was one of the factors that delayed the programme and project implementation, and it was only after a rotation of a significant number of EUPM officers, former IPTF, that this was changed.¹³

Moreover, the initial structure and strategy

of EUPM I appear to be more compatible with an executive mandate than with a non-executive one of monitoring, mentoring and inspecting. Similarly, it is important to note that, while the EUPM I had a non-executive mandate and could not initiate disciplinary or criminal investigations against police officers, it could bring problematic cases to the attention of the HR/EUSR, who had the authority to remove the person in question from the function. To that end, the Bonn powers were an assisting mechanism, which could be invoked by the OHR if needed.

In addition, the mandate was broad, aiming at establishing a sustainable police in accordance with the best European and international practices. These practices, however, were not stipulated anywhere at the beginning of the mandate. This created confusion among the EUPM personnel, who were unsure of what benchmarks were to be met, and marked the overall mission mandate implementation.¹⁴

Finally, the reports and benchmarking system from 2003 did not provide reliable indicators that would allow for a comprehensive overview of the project implementation. The system allowed for measuring the progress made, but said little about the actual quality (Juncos 2007: 71). As a result, mission personnel did not make a secret of their disregard of projects. Consequently, the mission was left to improvise and develop a benchmarking system to meet the existing needs. The ‘learning by doing’ approach was confusing not only for the EUPM personnel, but even more so for the local police.¹⁵

Despite these problems, however, EUPM I “monitored the implementation of reform projects; mentored street police and mid-level management police in how to improve their work routines; advised senior police managers on how to overcome gaps in police operational capacity and improve police leadership and law enforcement strategies; and provided recommendations to political authorities on how to reform the security sector and the criminal justice system more broadly” (Merlingen 2009: 164). The mission was mandated to develop local capacity and ownership in the police sector, while depoliticizing the police itself. To that end, some of the activities undertaken could be regarded as one-off, such as, for instance, the development of the State Investigation and Protection Agency (SIPA), with full police powers and the capacity to investigate serious and organized crime cases in the country. This agency was literally established from scratch

12 EUPM official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

13 EUPM official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

14 Council Secretariat official, interview by author, January 2010, Brussels, Belgium.

15 Derived from interviews by author with Bosnian officials, October 2009, Sarajevo, Bosnia and Herzegovina.

during the mandate of EUPM I.

In addition, many programmes of EUPM I continued to be carried out within the mandate of EUPM II and III. The EUPM I is nowadays seen as a mission without which the reforms taking place nowadays would have been impossible to happen.¹⁶ In line with the mandate's focus on local ownership, during the first quarter of 2003, EUPM distributed the first needs-assessment questionnaire to all 33 different co-locations, the answers to which were entered into a central database in early March 2003 (EUPM 2006: 42). Despite the disparity in quality of answers, the questionnaire helped identify local police's needs. Nevertheless, according to the EUPM assessment, there were two obstacles to the questionnaire results significantly affecting the shaping of the reforms: (1) the questionnaire appeared to be a repetition of a similar IPTF questionnaire at the end of 2002, which is seen to have possibly negatively affected the quality of responses, and (2) most of the reform programmes were already decided on prior to any analysis of the answers to the questionnaire (EUPM 2006: 42).

Also related to the emphasis on local ownership, it was within the local — cantonal/ security center/Brcko District — police authorities' responsibility to decide whether the programmes, which were left out from the subsequent mission mandates, were needed further.¹⁷

Following the completion of the EUPM I mandate, concerned precisely with local ownership, it was decided for the Programme Development and Coordination Department (PDCD) of the EUPM to be re-formulated. Namely, the role of the PDCD during the second mandate was to oversee the completion of the programmes that were not completed during the EUPM I mandate and whose implementation had been left to the Bosnian police authorities.¹⁸ However, the actual decision on whether to implement a programme or not rested with the police authorities in BiH, which, given the complexity of police structures, allowed for a rather decentralized decision-making on this matter. This is precisely where the implementation differed.¹⁹ Namely, the different police authorities from the Federation, Republika Srpska and Brcko District were expected to cooperate closely with each other.

However, a reform being kept in place only in one of the entities or Brcko or only by some of the cantonal police forces in the Federation or some of the public security centers in Republika Srpska, would hardly facilitate the overall police cooperation.²⁰ In addition, some of the reforms, which were to be decided upon, might have been useful in the long run. However, the different police authorities at the time could hardly decide what was useful and needed at operational level, without taking the political implications of the reform into consideration.²¹ Given that possible political implications were allowed to play a crucial role in deciding which reforms were to be continued, the diverging, if not conflicting, political interests of the different administrative units contributed to differences in the implementation.

Another aspect that concerns local ownership was the establishment of the BiH Police Steering Board (PSB), a body established by the EUPM in order to allow for key decision-makers in the area of rule of law in BiH to discuss crucial issues, such as defining common policing strategies and identifying needs and operational priorities (EUPM 2006: 49). The PSB has six members: the Federation Director of Police, Republika Srpska Director of Police, the Police Chief of Brcko District, the Director and Chief of Service of the State Border Service, the Director of the State Investigation and Protection Agency and the EUPM Head of Mission (EUPM 2006: 49). This technically meant involving Bosnian police officials in the operational planning process, along with the execution of critical police operations. Moreover, related to the EUPM programmes, it was the PSB's task to identify problems affecting the policing in most, if not all, police administrations, and consequently develop solutions together with the EUPM.

Taking the above mentioned issues into account, the implementation of the overall mandate of EUPM I was problematic and implied certain predetermined outcomes given the impossibility of a total success without a meaningful reform of police structures, which was not within the EUPM I mandate. Moreover, it was unrealistic to achieve the planned outcomes within a three-year timeframe. With most of the one-off programmes still in place, some of the other reforms became subject to local authorities and have regressed or been left aside in the reform process in some parts of the country.²²

16 Derived from interviews by author with EUPM and Bosnian officials, October 2009, Sarajevo, Bosnia and Herzegovina.

17 EUPM official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

18 Former EUPM official, e-mail interview by author, January 2010.

19 Bosnian Ministry of Security official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

20 Bosnian Border Police official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

21 Bosnian Border Police official, interview by author, October 2009, Sarajevo, Bosnia and Herzegovina.

22 Derived from interviews by author with Bosnian officials, October 2009, Sarajevo, Bosnia and Herzegovina.

3.2 Macedonia

3.2.1 Overview of the EU Involvement in Macedonia

The Republic of Macedonia signed the Stabilization and Association Agreement with the EU on 9 April 2001. However, the whole Stabilization and Association Process (SAP) was placed on a standby with the outbreak of an ethnic conflict in the northwest of the country in the summer of 2001. The conflict started with sporadic and violent inter-ethnic incidents as early as March 2001. The clashes, primarily between the Macedonian security forces, composed mainly of ethnic Macedonians, and ethnic Albanian militia, continued until August 2001 (Flessenkemper 2008: 80). The successful negotiations under the EU and NATO auspices provided the basis for preventing further escalation of the conflict and paved the way for a peaceful conflict resolution. This resulted in the signing of the Ohrid Framework Agreement (OFA) on 13 August 2001 (Schneckener 2002). The Agreement stipulated several amendments to the Constitution and structural and administrative reforms that aimed at ameliorating the inter-ethnic relations and establishing a solid foundation for multiethnic cohabitation. The OFA included provisions about decentralization and delegating more power to local jurisdictions, improving the representation of minorities in the public administration, adapting the use of minority languages in public institutions at national and local level, and several other reforms. The provisions on minority representation in the state apparatus also required reforms in the security sector, including the police.

The conflict in Macedonia and its settlement created an environment in which the EU was in a position to assume greater responsibilities and a leading role in the region. Consequently, considering the growing aid that the EU was providing for the region, the Union was called for to coordinate the international efforts in monitoring and assisting in the implementation of the Agreement (Mace 2004). In this sense, Macedonia was the first country where the EU was asked and, more importantly, prepared to take on a leading role among the other international actors present in the country.

The EU itself, looking for an opportunity to test its crisis management capabilities (Bjorkdahl 2005) and having already invested substantially in stabilizing Macedonia, was willing and ready to take over from NATO in ensuring a secure and stable

environment in post-conflict Macedonia.²³

This led the EU to launch the Operation Concordia in Macedonia on 31 March 2003 (Council of the European Union 2003b), which was the first military mission deployed within the ESDP framework. Concordia was represented in Macedonia with personnel totalling 350 people from 13 EU member states and 14 third states. It was “to contribute to a stable, secure environment in which to implement the Ohrid Framework Agreement” (Gross 2009: 173). In practical terms, however, the mission had a rather limited mandate, focusing primarily on disarmament and activities such as “patrolling, reconnaissance, surveillance, situational awareness, reporting and liaison activities” (Gross 2009: 176).

At the same time, the EU was also present in the country through the EC Delegation, the European Agency for Reconstruction (EAR), as well as the EUSR (Ioannides 2007). In addition, Concordia was followed by EUPOL Proxima, and by EUPAT, the European Union Police Advisory Team, both assisting a reform of the police sector.

The overall police reform process in Macedonia was closely linked to the SAP and the OFA implementation process. Reforms in the security sector, including the police, were needed with the very adoption of the Constitution of the newly independent Republic of Macedonia in 1991 and the change of the political system. This also begged a change in the role ascribed to the police by the political sphere — shifting away from being a force protecting and preserving the public order and having the interests of the state as the guiding principle, towards one protecting the citizens and having the individual rights and needs at the core of its activities. However, the process was delayed, which contributed, to a certain extent, to the conflict in 2001 and the inability to prevent the violent outbreak thereof. Among other stumbling blocks, the conflict shed light on the unbalanced minority representation in the police forces, making the police predominantly ethnic Macedonian, which resulted in ethnically biased policing (Flessenkemper 2008: 80). With the signing of the SAA, and later the OFA, the Macedonian Government had taken up the responsibility to reform the security sector, specifically the police sector and to meet certain European standards, as well as to address the long-standing issues outlined above.

EU member states’ experts assisted the Macedonian Ministry of the Interior (MoI) in

23 In the immediate aftermath of the conflict and the signing of the OFA, NATO deployed the Operation Essential Harvest, which had two small follow-up missions, Amber Fox and Allied Harmony.

developing key strategic documents for police reform through the European Commission Justice and Home Affairs Team (ECJHAT) in 2003-2004 (Ioannides 2006: 72). Furthermore, the implementation of the police reforms in the MoI and the partner institutions in 2004 were guided by a European Commission Police Reform Project (ECPRP) (Ioannides 2006: 72).

In short, there was a great number of EU 'faces' on the ground. After the completion of the mandates of all ESDP missions in Macedonia, the EU remained represented in the country by a double-hatted representative, i.e. a person acting as both EU Special Representative and Head of the EC Delegation to the country. The double-hatting contributed to a more harmonized approach and better relations among the plethora of EU actors on the ground (Gross 2007: 137). On the contrary, the fact that these two positions were separate before added a lot of confusion and tension as to what the EU was standing and who was speaking on behalf of the Union.²⁴ Besides, the EU's role in Macedonia has become ever more important since the country received a candidate status in December 2005. On the one hand, the candidate status is seen as a 'carrot', enabling the EU to use 'sticks' in ensuring implementation of the reforms that would lead the candidate country to meet certain European standards. At the same time, it also reinforces the need for bigger local ownership given the importance of self-governance in the EU integration process.

3.2.2 EUPOL PROXIMA

The EU, as one of the main mediators to the OFA and one of the guarantors of its implementation, was invited by the Macedonian Government to provide assistance in the implementation of the reforms

EUPOL Proxima²⁵

Duration: Proxima I: December 2003–December 2004; Proxima II: December 2004–December 2005

Budget: total allocated - €15 million (Proxima I), €15.95 million (Proxima II)

International staffing: Proxima I: 186; Proxima II: 169

Contributing countries: Proxima I: 22 EU member states and 4 third countries; Proxima II: 24 members states and 4 third countries

in the police sector. On 15 December 2003, the EU deployed the EU Police Mission Proxima to Macedonia. Originally, Proxima was planned for one year, as a non-executive civilian follow-up mission to Concordia. However, the mandate was later extended for another year (see below).

With assistance of EC experts, as mentioned above, a Macedonian expert team developed a comprehensive National Police Strategy. The Strategy, being a key document in guiding the police reform process, was approved by the Macedonian Government at the beginning of 2004.²⁶ In this process, Proxima's legal team helped improve the Strategy by commenting on its draft.²⁷ EU experts also assisted in the development of the Macedonian Integrated Border Management Strategy (Ioannides 2006: 72).

Proxima's objective was to monitor, mentor and advise senior and mid-level management police officers, and in that sense, promote the implementation of the two strategies, both the National Police and the Integrated Border Management Strategy. To that end, while the EU was the main actor in providing support regarding the organization and the restructuring through EAR, the OSCE and the US Embassy (through the International Criminal Investigative Training Assistance Program, ICITAP) were in charge of training the police officers whereas Proxima monitored, mentored and advised the police in their day-to-day work.

The activities of Proxima stretched across five programmes: (1) uniformed police, (2) criminal police, (3) Department for State Security and Counter-Intelligence, (4) internal control, and (5) border police (Ioannides 2009: 190). Mission teams were deployed to regional and local police headquarters in the former conflict areas in the northern and the northwestern part of the country, as well as to the MoI.

With a mandate as ambitious as Proxima's, the mission faced challenges in completing all the programmes within one year, which led to the extension of the mission for another year. The 2004-2005 part of the mission came to be known as Proxima II, with a downsized staff deployed countrywide and a mandate covering but three, and not the previous five, programmes with a focus on: (1) organized crime, (2) public peace and order and (3) border police (Ioannides 2009: 191).

Both the deployment of Proxima and the extension of the mandate were accompanied by a concern of the Macedonian Government that having

²⁴ Former Macedonian MoI official, interview by author, September 2009, Skopje, Macedonia.

²⁵ Text box facts and figures from Ioannides (2009).

²⁶ Former Macedonian MoI official, interview by author, September 2009, Skopje, Macedonia.

²⁷ Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

a peace mission on its soil would undermine its aspirations for becoming a candidate-country for EU membership (Flessenkemper 2008: 90). This ultimately led to the termination of the mission on 14 December 2005.

3.2.3 Outcome Evaluation

In evaluating the outcome of the mission's mandate, this subchapter focuses on the overall achievements that the mission can be credited with and the obstacles it faced, while going further to relate the mandate to the role that local ownership played in its implementation.

Proxima's biggest contribution is twofold. First, a large portion of the mission staff was deployed in the field. It provided much needed data on how the reforms were accepted by the police authorities in the different parts of the country²⁸, and what the actual needs were.²⁹ These assessments are perceived across the board as the most valuable legacy of the mission and are often used even nowadays when it comes to certain investments in the police sector, especially by the EAR and other foreign donors.³⁰ Second, as already noted, Proxima was deployed in an already overcrowded theatre, with international donors often having different visions and different *modi operandi*. On numerous occasions this was confusing and frustrating for the local police.³¹ Proxima, however, became the dominant player in the sense of coordinating the foreign actors involved in the police sector, which was achieved primarily through regular expert briefings.³² These meetings of heads of the key international actors in the country guaranteed political coordination. In addition to the regular meetings, chaired by the EUSR, the coordination in the police sector was ensured through the creation of the so-called 'Police Experts Group' that brought together the Proxima Head of Mission, the ECJHAT/EPRP Coordinator, the EUSR Police Advisor, representatives from the EC Delegation, the EAR, EU member states, the OSCE, ICITAP and other international actors involved in the reform of the Macedonian police forces (Ioannides 2006: 79).

At the same time, aside of the already noted obstacles arising from the local context and the delay in passing the new police law in Macedonia, Proxima was faced with several hurdles in the implementation of its mandate arising from two key issues. First, the planning phase of the mission, which lasted for two months, did not provide a solid basis for a smooth kick-off of the mission.³³ As a consequence, Proxima had to dedicate the first three months of the mandate to do a detailed assessment of the state of the Macedonian police before any activities could be started (Flessenkemper 2008: 82). In addition, the mission was not equipped with "police reform knowledge base and an appropriate toolbox for programme management even though [the EU had] an inventory of standardized tools and methodologies". This meant for the mission personnel to develop their own programme and management methodologies. As a consequence, the reform projects started only six months later within the mandate, and many projects were incomplete at the end of the first year (Flessenkemper 2008: 82).

Second, the poor coordination among various EU actors on the ground and in Brussels also affected the mandate implementation. The mission, sharing its premises with the Office of the EUSR, had difficulties in preventing the EUSR Office members from interfering with the implementation of its mandate, which was at times very counterproductive.³⁴ In addition, the relations between Proxima and the EC Delegation were problematic, too. According to former Proxima officials, the mission was perceived as a competitor to the EC PRP.³⁵ To top it all, a great tension between the EUSR and the Head of the EC Delegation occurred, which was not kept secret from the public eye either (Flessenkemper 2008: 92).

However, beyond these problems, the mission accomplished some tangible results. To name but a few, Proxima's monitoring, mentoring and advising contributed to improve the skills of the local police in their fight against drug trafficking, strengthened internal control and increased capacity for cooperation with the judicial branch and the neighbouring countries (Flessenkemper 2008: 93-94). Additionally, due to the lack of a comprehensive benchmarking system at the EU level, the mission developed its own system by setting specific deadlines for result-oriented activities, which were

28 Former Macedonian MoI official, interview by author, September 2009, Skopje, Macedonia.

29 Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

30 Derived from various interviews by author, September-October 2009, Skopje, Macedonia.

31 Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

32 Former Macedonian MoI official, interview by author, September 2009, Skopje, Macedonia.

33 Council Secretariat official, interview by author, January 2010, Brussels, Belgium.

34 Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

35 Derived from interview by author with former Proxima officials, October 2009, Skopje, Macedonia.

monitored on a weekly basis.³⁶ This system, being approved *ex ante* by the MoI, led to a successful implementation of the reforms (Ioannides 2006: 76).

After the completion of the mandate, only few programmes were picked up and continued being carried through by the EC Delegation and some of the embassies in the country. Importantly, many of the programmes were completed as one-off, such as, for instance, the development of a vision and mission of the Macedonian police.³⁷ These, and other seemingly small things, are seen to have paved the way for the police reform process to progress and the crucial reforms to take place.³⁸ It is important to note that there has been no regress in the implementation (i.e. they are still in place) of any of the aspects covered by the mandate since its completion.³⁹

Finally, there appears to exist an agreement on what was essential for the Macedonian police to be able to keep up with the pace of reforms.⁴⁰ First, during those three years (2003-2005), the majority of the MoI personnel was trained through various international donors' programmes (including Proxima's) in different aspects of policing. This contributed to the overall capacity building, which allowed for the MoI to be at the core of the reforms and led the reform process further with less international assistance. Moreover, while changes related to the integration of minority representatives in the structures did slow down the process, as any structural change would, they did not affect the reforms in other negative ways. Consequently, as observed by a former Proxima and later EC Delegation official, who had been present in the country since the planning phase of Proxima, the level of development is tremendous; the discussions one can hear among the MoI officials nowadays are at a completely different and higher level than those after the conflict and reflect the state-of-the-art in the police field across Europe.⁴¹ While it is not easy in such a timeframe to go from disbanding paramilitary

bodies, in the immediate aftermath of the conflict, to human resource management at the MoI, there has been a significant change of horizon; "there was a lot of effort to get the ball rolling, but now the ball is rolling down the hill".⁴²

36 Derived from interviews by author with Council Secretariat officials, January 2010, Brussels, Belgium.

37 Former EC Delegation official, interview by author, October 2009, Skopje, Macedonia.

38 Former EC Delegation official, interview by author, October 2009, Skopje, Macedonia.

39 Various interviews by author, September-October 2009, Skopje, Macedonia.

40 Derived from interviews by author with former Proxima, EC and Council Secretariat, and Macedonian MoI officials, September 2009—January 2010, Skopje, Macedonia and Brussels, Belgium.

41 Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

42 Former Proxima official, interview by author, October 2009, Skopje, Macedonia.

4. Cross-Case Comparison

After having outlined the two cases, the final section of this paper analyzes findings of the research undertaken in Bosnia and Macedonia with regard to the outcome sustainability. It further proceeds to present the argument put forward in this paper (that greater involvement of the locals actors early on in the decision-making and the reform-shaping process contributes to longer-lasting and more sustainable reforms) in the context of the empirical data of EUPM I and EUPOL Proxima.

4.1 Caveats

In order to be able to compare and contrast two cases, it is imperative to first outline the similarities and what makes them comparable, as well as the obvious differences and caveats which have to be kept in mind when analyzing the two countries, Macedonia and Bosnia, and the two missions, EUPOL Proxima and EUPM I respectively.

A closer look reveals that the two countries have many similarities. Both have a multiethnic character and have gone through an ethnic conflict, even though the scope of the conflicts differed—the one in Bosnia lasted significantly longer, and was much more destructive both materially and in terms of human suffering, not to mention the state apparatus. In addition, the countries have similar histories, both being parts of the former Ottoman Empire, later the Kingdom of Serbs, Croats and Slovenes and consequently being parts of former Yugoslavia, both existing as federal republics. Moreover, they were at a similar level of economic development, significantly lagging behind the other Yugoslav republics. To that end, the economic stagnation is equally an obstacle for the development of both. Moreover, the International Crisis Group (ICG) country reports point to the problem of corruption even at the highest level of government, which is another obstacle for reforms in both countries (ICG 2002, ICG 1999). Starting from these similar circumstances, the conflicts in the countries differ and hence, so do the post-conflict settlements and the ESDP missions.

First, while the peace settlement for Bosnia, the Dayton Agreement, aimed to re-establish the state institutions from scratch, post-conflict Macedonia remained a functional state, with many reforms to be undertaken. At the same time, the level of centralization of the two countries is significantly different, and has critically affected the outcome of the reform implementation. Namely, while Macedonia has been a fairly centralized country until recently, with the decentralization process taking place parallel to the OFA implementation, Bosnia's state structure is so complex, that it allowed for a lot more 'spoilers' and profiteers from a dysfunctional state to exist, and measured against the capacity to

undertake reforms, the level was significantly lower.

Second, the two countries were at different stages in their relations with the EU at the time of the missions. Macedonia was struggling to get a candidate status, hence it was important to demonstrate its ability to govern its territory by itself. Bosnia, on the other hand, had only signed the SAA in 2008, and has only recently started to work towards harmonizing its legislation with the *acquis communautaire*.

Third, in both countries the EU has been present through various institutions and projects. However, one important difference can be found in the EU presence in Bosnia, which was somewhat streamlined and hierarchical, as it was led by the OHR. The OHR has the highest concentration of power among the various EU actors on the ground and has at times played a role as one of the most important political actors in the country (Knaus and Martin 2003). Such a high degree of hierarchy did not exist in the case of Macedonia.

Fourth, focusing on the police missions only, the mandate of Proxima was limited to monitoring, mentoring and advising, while EUPM's objective was to monitor, mentor and inspect. The qualitative difference is in the possibility for the EUPM 'to inspect', i.e. the option to initiate removal from office of a non-compliant police officer. While this has been done in general by the Head of Mission communicating the non-compliance to the local authority in charge (usually the Interior Minister), there have also been instances when the issues have been taken further. Namely, with the Bonn powers at hand, the OHR can remove people from office. Different High Representatives have used this power to a different extent. However, the very possibility of being able to use this mechanism equips the EUPM with an 'executive extended hand' and gives the non-executive mandate a different twist.

Fifth, each of the two missions, EUPM I and Proxima, developed its own benchmarking system for assessing the implementation of their mandate activities. Nevertheless, the EUPM benchmarking system was considered "complicated and unable to identify the objectives of activities" (Ioannides 2009: 192). The one in Macedonia, on the other hand, is seen as one of the tools that ensured the implementation of reforms (Ioannides 2009: 192).

Sixth, while the EUPM was deployed to Bosnia on the basis of a UN mandate, derived from the Dayton Agreement, Proxima was sent to Macedonia based on an invitation by the Macedonian Government. Deployment based on an invitation by the locals provides a more solid basis for a sense of local ownership to develop than when the mission is externally 'initiated'.

Seventh and foremost, while in the case of Macedonia the National Police Strategy and the Integrated Border Management Strategy, the main documents that led the reforms, were primarily

prepared by national actors, the reforms in Bosnia were rather introduced from the outside based on the assessment of primarily external actors. In addition, “Proxima’s interventions in the local policing field [...] were programmed together with senior local officials of the [Mol]” (Flessenkemper 2008: 86). Moreover, the benchmarking system of Proxima was endorsed by the Mol which ensured smoother implementation of the reforms and greater willingness to adapt to the changes at lower levels in the hierarchy of the Macedonian police. It is also worth noting that those segments of the police structure that are affected by the current mandate of EUPM, which are in fact the core areas of the police reforms, can only be assessed, in a similar manner as in the case of Proxima, once the mission personnel has been withdrawn from the country.

With these caveats in mind, EUPOL Proxima in Macedonia and EUPM I in Bosnia still allow for a cross-case comparison with some generalizable conclusions. The next section does this by comparing the assessments of the two cases.

4.2 A Comparative Assessment

Evaluating the present post-conflict situation, it is clear that in both cases there has been no return to violence and peace has been preserved. At the same time, definite conflict resolution has not been achieved by either one of the two. Instead, the two cases can be analyzed in terms of the progress made, and here with the focus on reforming the police forces.

In both cases, most of the reforms that have been introduced and were meant to remain (i.e. that were not merely temporary measures) are still in place. Those particular reforms are considered to be the decisive aspects for the overall reform. Apart from them, the effects of most of the one-off programmes of the missions – the ones, which did not continue to be carried through by another donor or within the subsequent mission mandate – are still present. Finally, the two cases differ in terms of the programmes that were neither one-off, nor continued to be carried out by another donor/subsequent mission mandate, and were handed over to the local authorities to decide on their continuation. In Macedonia, most of these reforms are still in place. In BiH, on the other hand, they differ across entities and even across smaller administrative units (cantons, public security centers and Brcko District).⁴³

This difference can be seen as a result of the origin of many of the reforms. Since, as explained above, in the case of Macedonia, the strategic documents for the police reform process were developed by national experts, while in the case of Bosnia, the reforms were not genuinely conceived by Bosnian authorities. This is clearly not to deny the existence and importance of the National Strategy on Community-Based Policing in Bosnia and Herzegovina, which was developed by Bosnian police experts in 2006 and endorsed by the PSB in 2007. However, it became operational only in 2006/2007.

To that end, what made the difference were the autonomy of the institutional decision-making and the level of local involvement, and consequently local ownership, in the actual shaping of the reforms. While the concept of local ownership is usually understood by the international community involved in peace operations as the locals taking responsibility of the outcomes of the peace process (Hansen 2008), in this paper the concept is used to refer to the ‘ownership’ of the locals of the actual reform process. This could mean local experts’ engagement in preparing the documents which guide the reforms and/or the locals’ involvement in the decision-making process regarding the reforms throughout the implementation. In that sense, a stronger participation of the locals in the document preparation and the decision-making ensures a stronger sense of local ownership of the overall reform process.

Regarding the three different types of reforms mentioned above — (1) one-off reform activities, (2) reforms that continued being carried through by other donors or subsequent mission mandates, and (3) reforms whose continuation was left to the discretion of local authorities — and considering that the first two types are still in place/undergoing in both Bosnia and in Macedonia, it is only the last category that differs. It is this difference, the sustainability of those reforms in Bosnia varying across the different units and the ones in Macedonia being preserved, this paper sought to explain. Accordingly, the core of the proposed argument is the following: the higher the degree of local involvement in shaping the reforms from an early stage, the longer lasting the reforms will be.

The argument is linked to a three-stage development, where each stage relates to a certain point where decisions take place, rather than to the degree of their importance. First, a higher autonomy or involvement of the local actors in the shaping of the reforms right from the beginning can lead to an early detection of the areas that need to be addressed. In most cases, however, the state institutions do not have the capacity to do so immediately after the conflict, as it is already very difficult to get the former conflicting parties around one table in order to decide on sensitive issues in the immediate aftermath of the conflict. Nevertheless, this provides an opportunity

43 Derived from interviews by author with Bosnian officials, October 2009, Sarajevo, Bosnia and Herzegovina.

for a political consensus to be built and sets the basis for the reforms to take place. Resistance to change is expected, but the intensity of resistance is lesser when the decision has the backing of the political leader of those affected by the changes, i.e. the police officers. Moreover, even if a political consensus is not reached, bringing the different parties to discuss these issues allows for detecting the most sensitive areas and finding feasible alternatives. The second stage is linked to the development of the key documents, which guide the reforms. In most cases the reforms are based on the peace settlement, but the specificities thereof are defined in detail in various other documents. Stronger involvement, if not autonomy, of local experts in the field when such documents are prepared affects the local police in not perceiving the reforms as something alien and consequently, taking a greater responsibility over their implementation. Finally, the third stage relates to the local police authorities' involvement in the decision-making during the actual reform process.

In Macedonia, the locals were involved in all three stages of the process. In Bosnia, they only became significantly involved in the third stage, i.e. after the reforms had already been defined externally. This alone is not sufficient for local ownership of the reform process, and consequently the reform outcomes, to develop. This paper argues that, as demonstrated above, at least participation in one more of the former two stages is necessary for such a development to unfold.

5. Conclusions and Policy Recommendations

With the EU gaining a more prominent role in peace operations, it was argued that it is important to be able to evaluate not only the completion of the mission mandates, but also the sustainability of what has been achieved. In doing so, this paper analyzed two completed police mandates in the Balkans, the 'place of birth' of the ESDP, thereby taking into account that the main mechanism of the EU in the field of peace operations is the deployment of civilian missions (including police). The mission mandates under analysis were EUPM I in BiH and EUPOL Proxima in Macedonia.

Acknowledging both the differences and the similarities in the contexts of the two countries, as well as in the mission mandates and the actual implementation of the reforms, the paper outlines three different kinds of reforms: (1) those that are seen as one-off activities; (2) those programmes picked up by other international actors or subsequent mission mandates; (3) those aspects that were left to the decision of the local authorities as to whether they should be continued or not. The research shows that the first two groups of reforms have remained in place, or have continued to be implemented in both cases. The third group, however, has proven to vary in terms of implementation in Bosnia, while it has been kept in place in Macedonia.

From analyzing these differences, the paper concludes that the stronger the engagement of locals in the planning and the decision-making during the reform process, the more sustainable the reforms will be. It further develops three chronological stages of involvement: (1) consulting locals during the mission planning and building political consensus for the reforms, (2) involving local expertise in developing key reform documents and (3) engaging local authorities in the decision-making throughout the reform process. This is a modification of the so-called principle of local ownership in the sense that it does not only focus on the responsibility for the outcomes, but also for the entire reform process from planning to implementation. This means that the local authorities are present in the early conceptualization of the reforms, rather than inheriting certain pre-done 'homework'. Consequently, the third stage alone is not sufficient to ensure reform sustainability.

Before proceeding to identify some policy recommendations for the EU, it is important to acknowledge all the improvements that have already been made in the field of ESDP operations at a general level. Namely, while at the beginning the EU opted for an excessive deployment of missions, recently there have been a lot of reflexive actions, resulting in improved internal evaluation mechanisms. To name but a few, the EU police concept, which dates back to 2002, was updated in 2009, a comprehensive benchmarking and reporting system was developed and adopted in 2008, etc. In addition, the approach

the EU chooses for police missions seems to have become broader, reflecting on the fact that deploying a "simple police mission" may not be enough, if one does not take into consideration the wider rule of law situation in the country.⁴⁴

In order to achieve further progress in ESDP missions, the following recommendations might be helpful: Firstly, local actors (e.g. experts, politicians, civil society, etc.) should be involved in the planning process of the missions as early as possible. That is to say, local actors should not only be contacted during the exploratory missions, but also be actively engaged. This would not only help to improve the mapping-out of the situation on the ground and to detect the needs of the local authorities, but also to build a political consensus on the reforms and lessen the impression that reforms are being imposed upon the locals thus intensifying the sense of local ownership. Local ownership would not be limited to the reform outcomes, but extended to the actual reform process.

Secondly, the EU should develop a systematic approach of how to identify the local actors to be consulted during the planning missions and those to be involved in the decision-making on the reforms. So far this has been done on an ad-hoc basis, based on internal recommendations from within the EU apparatus.⁴⁵ While a broad spectrum of actors is usually approached in this process, a systematic selection that would reflect not only power constellations, but also the concentration of knowledge would be desirable. This would tremendously strengthen the legitimacy of the suggested reforms.

Thirdly, the EU should develop a regional approach when deploying several civilian missions in the same geographical area. This should be done not only because criminals know no borders, but also because countries in the same region often face similar problems. The same applies to post-conflict situations in the Balkans where a systematic reporting by ESDP mission personnel to the coordinating structures in Brussels could prove useful for future missions, especially concerning EULEX in Kosovo. Finally, the EU should encourage cooperation between the authorities of the countries to which it deploys police missions because the locals could both share the lessons learned and provide collective feedback of a more general nature to the EU officials.

44 Council Secretariat official, interview by author, January 2010, Brussels, Belgium.

45 Derived from interviews by author with Council Secretariat Officials, January 2010, Brussels, Belgium.

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7. Abbreviations

BiH – Bosnia and Herzegovina
CCM – Civilian Crisis Management
EAR – European Agency for Reconstruction
EC – European Commission
ECJHAT – European Commission Justice and Home Affairs Team
ECPRP – European Commission Police Reform Project
ESDP – European Security and Defense Policy
EU – European Union
EUFOR – European Union Military Force
EULEX – European Union Rule of Law Mission
EUPAT – European Union Police Advisory Team
EUPM – European Union Police Mission to Bosnia and Herzegovina
EUPOL – European Union Police Mission
EUSR – EU Special Representative
HR – High Representative
ICG – International Crisis Group
ICITAP – US International Criminal Investigative Training Assistance Program
IPTF – International Police Task Force
Mol – Ministry of the Interior
NATO – North-Atlantic Treaty Organization
OFA – Ohrid Framework Agreement
OHR – Office of the High Representative
OSCE – Organization for Security and Cooperation in Europe
PDCD – Programme Development and Coordination Department
PIC – Peace Implementation Council
PSB – Police Steering Board
SAA – Stabilization and Association Agreement
SAP – Stabilization and Association Process
SEE – South East Europe
SFOR – NATO Stabilization Force
SIPA – State Investigation and Protection Agency
UN – United Nations