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THE EUROPEAN UNION POLICE MISSION:
The Beginning of a New Future for Bosnia and Herzegovina?

Gemma Collantes Celador

2007/9

INSTITUT BARCELONA D'ESTUDIS INTERNACIONALS

Gemma Collantes Celador

Post-doctoral Research Fellow at the Institute Barcelona d'Estudis Internacionals (IBEI)

gcollantes@ibei.org

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THE EUROPEAN UNION POLICE MISSION: THE BEGINNING OF A NEW FUTURE FOR BOSNIA AND HERZEGOVINA?

Gemma Collantes Celador

Abstract: The creation, reform and/or restructuring of the police in post-conflict societies remains one of the key challenges for practitioners and scholars in the contemporary fields of peace and security, particularly due to the changing nature of conflicts. Since the 1990s the world has witnessed a proliferation of international police missions, with regional organisations gradually acquiring a prominent role. This paper analyses the 2003-2005 period of the European Union Police Mission (EUPM) in Bosnia and Herzegovina. Much is at stake in this mission, both in terms of the development of the EU´s external identity but also for Bosnia and Herzegovina's road to EU membership and sustainable peace. This paper will argue that by 2005 the balance sheet was mixed. EUPM fell short of fulfilling its overall goal of 'Europeanising' Bosnian police services, and of its desire to be seen as providing that additional ingredient in police matters that would set it apart from the earlier UN mission. Nevertheless, despite its shortcomings, the Mission did not merit the harsh criticisms it was faced with. Its lack of success was not entirely the Mission's doing. The paper focuses on three aspects: political and economic viability and sustainability, security levels in Bosnia and Herzegovina, and institution and capacity building. The explanatory framework used in this paper is based on the democratic policing discourse. In doing so the argument developed here will also shed light on the nature of so-called "best European practices" in police matters.

Key words: European Union, United Nations, Bosnia and Herzegovina, Police Reform, Security, Institution Building, Capacity Building, Local Ownership, Sustainability.

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Abbreviations

CIVPOL: (International) Civilian Police
EC: European Commission
ESDP: European Security and Defence Policy
EU: European Union
EUFOR: European Union Force in Bosnia and Herzegovina
EUMM: European Union Monitoring Mission
EUPM: European Union Police Mission
EUSR BiH: European Union Special Representative in Bosnia and Herzegovina
ICG: International Crisis Group
IPTF: International Police Task Force
MCMPM: (Inter-Entity) Ministerial Consultative Meeting on Police Matters
MUP: Ministry of Internal Affairs
NGO: Non-Governmental Organisation
OHR: Office of the High Representative
OSCE: Organization for Security and Co-operation in Europe
PPIO/PPID: Protocol and Public Information Office or Press and Public Information Office / Press and Public Information Department
PRC: Police Restructuring Commission
PSC: Public Security Centre
RS: Republika Srpska
SBS: State Border Service
SIPA: State Investigation and Protection Agency (formerly known as State Information and Protection Agency)
STTs: Short Term Targets
UNMIBH: United Nations Mission in Bosnia and Herzegovina

1. Introduction

December 2005 marked a decade from the end of the Bosnian war, a "hurricane of violence that engulfed this country" – as described by *The Guardian* – and that led to some of the worst crimes committed in mainland Europe since the end of the Second World War (The Guardian, 2005). The decade of the 1990s culminated with Bosnia and Herzegovina (henceforth Bosnia or BiH) beginning the negotiating process with the EU for a Stabilization and Association Agreement. This step closer to EU membership was in large part due to the final acceptance in October 2005 by all Bosnian political authorities of the three European Commission police principles.[1] However, this 'happy' ending hides ten turbulent years of police reform, summarised by former High Representative Paddy Ashdown in 2005 as, "Let me tell you, the criminals are winning and the police are losing . . . It is as simple and as brutal as that" (Wood, 2005). Similarly the International Crisis Group (ICG) evaluated the outcome of the UN mission, including the International Police Task Force (IPTF), as,

Despite more than six years of increasingly intrusive reforms carried out at the behest of the UN Mission in Bosnia & Herzegovina (UNMIBH), the local police cannot yet be counted upon to enforce the law. Too often – like their opposite numbers in the judiciary – nationally partial, under-qualified, underpaid, and sometimes corrupt police officers uphold the law selectively, within a dysfunctional system still controlled by politicised and nationalised interior ministries (ICG, 2002: i).

This judgement came in May 2002, just over half a year before this UN mission was due to leave the country. This report nevertheless had some 'sympathetic' remarks to make, describing UNMIBH/IPTF as a "major force for change" while acknowledging the very difficult situation on the ground when it first arrived in Bosnia, and the seriousness with which it had treated its task of reforming the police during the period through 2002 (ICG, 2002: 2). Unfortunately, the same cannot be said about the ICG's judgements on the European Union Police Mission (EUPM). The report published in September 2005 concluded that the work of this European mission was in all respects "depressing" (ICG, 2005a: 12). It recommended shutting it down at the end of its mandate in December 2005 and replacing it with an entirely new mission, still under European control but with a mandate at least as extensive as that enjoyed by UNMIBH/IPTF, including the power to remove recalcitrant local police officials. Otherwise, according to the ICG, police reform was unlikely to succeed in the years to come (ICG, 2005a: 13-14). At a time when EUPM's possible extension beyond its original deadline (the end of 2005) was being considered, and when crucial police developments were taking place in Bosnia, this ICG report was not welcomed by EUPM. Nevertheless, the Council of the European Union decided to extend EUPM's mandate, albeit with adjustments in scope and size, until the end of 2007 (Council of the European Union, 2005).

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[1] The three principles are: (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; and (3) The establishment of local police areas should be done in accordance with purely professional technical criteria.

The aim of this article is to evaluate whether a mission that means so much not only for the development of the EU´s external identity but also for Bosnia's road to EU membership merited such harsh criticisms. There were numerous problems that worked against EUPM during the 2003-2005 period, including the overambitious nature of the mandate, the elusive nature of the standards introduced, the EU´s inexperience in the field of civilian crisis management, coordination problems within the EU family, the role of personalities, EUPM's slowness at times to correct its own mistakes, the lack of adequate resources and personnel, and the difficult local context (Personal interviews, Sarajevo, 2006). Nevertheless, there were some tangible results arising from these three years of involvement, including EUPM's work on the development of state-level police agencies; the strengthening of community policing practices in at least some parts of the country; progress in the areas of police accountability, professional skills and police management; and the introduction of technical reforms to harmonise police standards and procedures and thus, enable the police to cooperate effectively nationwide despite the complex fragmentation of the system.

The first part of the article will set the context, providing an overview of the growing role played by the EU in the ever-expanding field of police assistance in failing and failed states. The second part examines EUPM activities in Bosnia in the period 2003-2005 (i.e. the original mandate)[2], focusing on three specific aspects: political and economic viability and sustainability, security levels and institution and capacity building.[3] The objectives set out in the mandate for these three areas will be contrasted against the results obtained by the end of 2005, using the "democratic policing" discourse as the conceptual paradigm.

2. Setting the context

The challenge of establishing sustainable internal security in post-conflict societies remains one of the key issues for practitioners and scholars in the contemporary fields of peace and security, particularly due to the changing nature of conflicts. Since the end of the Cold War the international community has witnessed an increasing number of intra-state conflicts of an ethnic, religious or ideological nature.[4] In addition, there is a significant deterioration in the capacity of many states to deliver services – the so-called phenomenon of "failing states" – which results in internal unrest, continuously threatening to break out into armed conflict or even lead to regional tensions. Gross violations of individual human rights have become a common occurrence during, and often also after the end of, such conflicts due to the emergence of a "security vacuum" in which police forces and other structures within the security sector are unable or unwilling to stop violence against civilians.

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2 This paper will not discussed the refocused EUPM follow-on mission, 2006-2007, or what will be happened if the Mission is extended again beyond the end of 2007, as it is expected by many EU officials in Brussels and in Bosnia. In May 2007 Vicenzo Coppola, EUPM Head of Mission, suggested to the Political and Security Committee that the Mission should be extended for another two years (EUPM, 2007: 1; Personal interviews, Sarajevo, 2006 and 2007).

3 Due to space constraints this paper cannot provide a more comprehensive account.

4 The "international community" is defined in this paper as including a wide range of international actors, from multilateral and regional organisations to bilateral donors, governments, and non-governmental organisations (NGOs). Nevertheless, this definition does not presuppose that these actors are homogeneous; on the contrary, there are stark differences among them.

In 1999, and again in 2000, the UN Secretary-General Kofi Annan urged the international community to find a consensus on the best approaches for external intervention in the internal affairs of countries that are unable or unwilling to protect their own citizens amidst the new vocabulary of the 1990s: "ethnic war", "ethnic cleansing", "mass murder and rape", "war crimes", "crimes against humanity", and "genocide". The ensuing International Commission on Intervention and State Sovereignty concluded in its 2001 report that in those situations the broader community of states must bear the "responsibility to prevent", the "responsibility to react", and the "responsibility to rebuild". In terms of post-intervention obligations, this Commission observed that the restoration of public safety and order is paramount to build a durable peace and promote good governance and sustainable development (2001: 39, para.5.1). Indeed, without the establishment of security for people, communities and the state, long-term policy agendas encompassing political, economic, and social reconstruction and rehabilitation cannot take place.

The importance of restoring internal security in conflict-ridden and other fragile societies is clearly demonstrated by the proliferation of international civilian police (CIVPOL) missions, and other police reform assistance programmes, with mandates that have steadily expanded to include a wide range of roles, ranging from educating to training, monitoring, advising and reforming - from individual police officers to the Ministry of the Interior - on democratic policing values and practices.[5] In some occasions CIVPOL missions have also carried out "executive policing" tasks. The ultimate aim is always to change the orientation and ethos of the local police according to best international law enforcement standards, including respect for internationally recognised human rights and fundamental freedoms.

The UN is the leading actor in the field of police reform but it is increasingly sharing this responsibility with regional organisations and individual governments/bilateral donors. The *Brahimi Report* as well as subsequent reports have called for greater cooperation with regional organisations in order to alleviate the UN problem of overstretched resources, which is partly due to an overload of commitments (The Challenges Project, 2005: Chapter 2). In this respect, the EU is becoming a key partner as illustrated by the plurality of operations launched in recent years as part of its European Security and Defence Policy (ESDP).[6]

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5 Democratic policing represents the idea that the police are a service for individuals, not the state. In addition to ensuring minimal safety to citizens by restoring order in society, police practices embody democratic policing values when they are responsive (and effective) to the needs of individual citizens and private groups over those of government; actions conform to law; accountability to external oversight is well developed; and the protection of international standards of human rights is upheld, particularly political rights as guarantors of the processes of democratic government (Bayley, 2006).

6 For a list of completed and ongoing ESDP operations, consult the Council of the EU´s website, http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&lang=en. Although at times unrecognised, the European Commission has a much longer history of assistance in security sector reform, including law enforcement, with programmes in over seventy countries (European Commission, 2006: 6).

3. The role of EUPM in Bosnia

EUPM occupies a special position within the ESDP framework. It was the first mission ever launched by the EU under its crisis management mechanisms. It therefore carries a great psychological weight in the EU´s process of carving for itself a leading role in the international scenario. From its inception EUPM was presented as a mission that would follow, not replace, UNMIBH/IPTF. This was indeed the rhetoric of most of the declarations made by the EU High Representative for the Common Foreign and Security Policy, Javier Solana, in early 2003 during the launch of the mission. According to an Office of the High Representative (OHR) report, "A successor mission should focus on 'qualitatively raising police standards, motivation and performance to the level where police independently uphold law enforcement standards expected in a multi-ethnic and democratic society'" (OHR, 2001: 7). Officially all EUPM programmes were therefore oriented towards achieving its prime goal of bringing police reform in Bosnia closer to sustainability and local ownership, while preserving the achievements attained by the UN mission. However, as explained later in this section, although EUPM represented a 'different' mission in terms of overall mandate, mission size and specific target group, developments at the operational level told another story.

EUPM defined its mandate at a political and strategic level as helping establish "sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards" (Council of the European Union, 2002).[7] A senior EUPM officer interpreted the Mission's desired end-state as:

To leave in place under Bosnian ownership, sufficient capacity to achieve a modern, sustainable, professional and multi-ethnic police force, trained, equipped and able to assume full responsibility and to independently uphold law enforcement at the level of international standards expected in a democratic society (Personal interview, Brussels, 2003).[8]

In other words, during the 2003-2005 EUPM tried to break with the more executive style that predominated during the UN period. At least in the early stages of the Mission, the nature of the mandate prompted apprehension amongst experienced members of the international community in Bosnia, who interpreted its generality and flexibility as a sign of weakness, of "vagueness". For example, according to some, the nature of the mandate explains the lack of orientation or the slow start experienced by EUPM during its first year in Bosnia (Personal interviews, Sarajevo and Banja Luka, 2003). This came despite the fact that since spring 2002 (over six months prior to the departure of the UN) an EU Planning Team was deployed in Bosnia to ensure a smooth transition; that the EU had sent various fact-finding missions even before the Planning Team arrived; and that many of the

7 EU representatives seem to prefer the term "best European practices" over "best European standards" given the wide range of country differences in police matters, even within the EU. This is an issue that will be elaborated later in the paper. I am grateful to Isabelle Ioannides for pointing this out.

8 This statement includes various examples of the policy application of the democratic policing discourse. A more explicit allusion to this concept can be found in an EUPM internal document, "the general goal of the programme . . . to reform and restructure the Local Police agencies in accordance with democratic society standards in order to leave in place under BiH ownership, sufficient capacity to achieve a modern, sustainable, professional, and multiethnic police force trained, equipped and able to assume full responsibility and to independently uphold law enforcement at the level of international standards" (2002: 8).

members of the EU police mission had already served under the UN mission, including the late Sven Frederiksen who served as the last IPTF Commissioner and the first EUPM Commissioner.[9] Even some Bosnian police authorities considered that EUPM was taking too much of a "low profile" at least compared with what they were used to until then (Personal interview, Sarajevo, 2006).

The EU mission believed that the best way to attain its mandate, as defined at the political and strategic level, was by monitoring, mentoring and inspecting police managerial and operational capacities. It relied on co-location at mid- and senior-management levels in Bosnian police institutions and Ministries at the State, Entity, Canton/Public Security Centre (PSC) and Br?ko District levels. Unlike IPTF, EUPM was not present in every single local police station at the municipal level. It deemed that the UN mission had already completed the intense co-location needed to ensure the establishment of a framework of democratic policing in Bosnia.[10]

In order to carry out this new mandate successfully EUPM was originally provided with around 500 police officers, 50 international civilian experts and 300 local staff.[11] Approximately 80% of the police officers were nationals of EU member states and the remaining 20% came from so-called "Third States" (i.e. non-EU countries).[12] In the first year of mandate there were 33 contributing states. EUPM took great care in selecting senior, highly qualified and experienced police officers to serve in the mission. Indeed, the "job descriptions" were very detailed, which yielded some good results but could not totally avoid Member States sending some lower-level police officers, particularly at latter stages in the process, that lacked the knowledge and skills required by the "programmatic approach" developed in this EU mission (Personal interview, Sarajevo, 2006).

The fact that EUPM was a mission overwhelmingly dominated by police officers was sometimes considered a weakness. By the time the UN police mission left some of the most difficult tasks within the reform of the Bosnian police had still not been tackled. These included reforms relating to the structure of the police services, their financing, and their relationship to the courts. Monitoring, mentoring and inspecting Bosnian police authorities on these types of reforms requires skills that are more likely to be found among civilians specialised in the fields of management consulting and organisational change, than among police officers. A

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9 According to Michael Merlingen and Rasa Ostrauskaite the exact number of IPTF police experts that moved to EUPM was 119 (2006:61).

10 According to a EUPM member that previously served under UNMIBH/IPTF, the co-location strategy under the EU mission was better because it places many co-locators at higher levels in the police chain of command. The UN mission had very few CIVPOL officers at the higher levels and thus was not targeting all the "right" people. The existing police literature points out that reforms are not sufficient in themselves to develop democratic policing behaviours in a given police institution. They need to be accompanied by adequate "entry points", including targeting power holders in order to avoid wasting time and resources unnecessarily (Hansen, 2002: 100-101). Other police experts in Bosnia have nevertheless argued the opposite, on the basis that local police stations were not ready at the beginning of 2003 to carry out their jobs adequately without international supervision. Their argument was reinforced by the fact that the inspection side of EUPM's first mandate was not really implemented to monitor the activities of local police officers. This has been redressed in the refocused, follow-on mandate through the introduction of mobile inspection teams (Personal interviews, Sarajevo, 2003 and 2006; Collantes Celador, forthcoming).

11 The numbers did not change much during the 2003-2005 period, at least for the international staff.

12 In 2003 the group of "Third States" participating in EUPM with personnel included Canada, Cyprus, Bulgaria, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Switzerland, Turkey and Ukraine. These countries had the same rights and obligations as contributing EU member states but the senior decision-making positions in the mission could only be occupied by EU nationals. Up to date personnel numbers coming from "Third States" can be found in EUPM's website. According to a EU senior police official there were two main reasons why these "Third States" were accepted into the mission: (1) EU countries did not have sufficient police officers with the appropriate skills to spare for one year, which was the term of service in EUPM during the first mandate; (2) The participation of pre-accession EU countries was deemed a useful exercise in their preparation for membership (Personal interview, Brussels, 2003). Interestingly, an EU document argues that the contributions of "Third States" were not needed to fully recruit or fund the Mission. Instead, it was a sign of the inclusiveness of EU-led crisis management (Council of the EU & European Commission, 2003: 16).

larger presence of civilians, as well as a different civilian-police dynamic within the mission, could have assisted in the good work carried out in the preliminary stages by senior police officers and helped redress some of the problems encountered when more junior police officers began to arrive.[13]

This problem was already present at the time of the EUPM Planning Team. Out of 28 members (23 internationals, 5 local staff), only six were civilians while the rest were seconded police officers. According to a joint paper by the European Commission and Council of the EU, "Additional civilian experts would have been beneficial in at least two areas: procurement and financial management; programme development (especially the capacity-building areas such as financial management)" (2003: 7). This paper underlined the fact that few Member States responded to the Call for Contributions to the EUPM Planning Team with seconded civilian personnel, which means that in the future the EU needs to ensure a closer interaction between civilian and police secondment mechanisms for civilian crisis management.

So far this paper has illustrated that the mandate orientation, mission size and target group provide evidence of a qualitative step forward at the political and strategic level, as called for by the OHR, in order to develop local ownership and sustainability among Bosnian law enforcement agencies. However, at the operational level the programmes developed bared a great resemblance to those under UNMIBH/IPTF. This could be explained by the UN´s non-completion of its mandate by the time it left, despite statements to the contrary at the end of 2002. At best, only a partial framework of democratic policing was left behind by the UN mission. Consequently, EUPM had to fill that vacuum. Moreover, it was the UN – before it left Bosnia – that carried out the assessment of what was still left to do in terms of police reform and, as mentioned earlier in the paper, a group of former UNMIBH/IPTF officers (both civilian and police) were transferred to EUPM. As summarised by a EUSR official, the "modus operandi did not change" (Personal interview, Sarajevo, 2006).

EUPM had four mission objectives: (1) the development of police independence and accountability; (2) the fight against organised crime and corruption; (3) the financial viability and sustainability of the local police; and (4) institution and capacity building. In other words, at the operational level EUPM has sought to leave in Bosnia, upon the end of its original mandate, a professional police force that represented the society it served, acted in accordance with relevant legislation and regulations, was free from political interference, was qualified and accountable to the public for its actions, and enjoyed an institutional framework that allowed for an effective management of personnel and resources (Council of the EU, 2002: L70/5; EUPM, 2004: 6). This was indeed what the UN mission strove for during its mandate, although the political situation did not allow it to go as far as it would have liked in terms of structural reforms (Personal interview, Sarajevo, 2006). EUPM translated its four mission objectives into six main programmes: (1) Crime Police; (2)

13 In UNMIBH/IPTF civilians played key strategic roles, whereas under the EUPM 2003-2005 period their role varied depending on the composition of the senior ranks. Personal interviews, Sarajevo, 2003 & 2006.pped and able to assume full responsibility and to independently uphold law enforcement at the level of international standards" (2002: 8).

Criminal Justice[14]; (3) Internal Affairs; (4) Police Administration; (5) Public Order and Security; (6) State Border Service (SBS)[15]; and (7) State Investigation and Protection Agency (SIPA).[16] Again, these were very similar to those included in the UNMIBH/IPTF Mission Implementation Plan for 2000-02, albeit with different names.

The next three sections will look at specific examples of EUPM areas of engagement to provide further material with which to analyse how far EUPM had gone by the end of 2005 in fulfilling its mandate.

3.1 Political and Economic Viability and Sustainability

The guiding principle of all EUPM programmes during the 2003-2005 period was to bring Bosnia police closer to so-called "best European practices". This section focuses on one facet of what EUPM meant by European police practices: the promotion of "local ownership" as a means to ensure the viability and sustainability of the police reform process. EUPM inherited a system that, due to the practices of UNMIBH/IPTF, had developed a political/structural dependency syndrome on the international community. A EUPM senior official portrayed the situation as, "They [Bosnian police officials] kept coming back to us to ask what to do" (Personal interview, Sarajevo, 2003). Unlike UNMIBH/IPTF, EUPM was clearer from the beginning on what it meant by local ownership:

If the Mission seriously wants to foster the independence of the people and authorities of Bosnia and Herzegovina, if it really wants to achieve the sustainability of the local police, it must address the principle of local ownership. In other words, the EUPM is not the sole problem solver for the local police, and the International Community cannot continue to play the role of financier for law enforcement projects […] The EUPM has to convince our local counterparts to truly take over responsibility for rule of law problems and to work hard in coming up with solutions. The local police have to take the initiative, while the EUPM stay in the background as advisors and mentors, but still pursuing our mandate vigorously (EUPM, 2004: 20).

In January 2003 a meeting was held between EUPM and the senior Bosnian police principals with the aim of establishing coordination mechanisms that would engage Bosnian police authorities in finding solutions for the needs of the institutions in which they served. The end result was the so-called BiH Police Steering Board composed of high-ranking Bosnian police officers, with EUPM senior staff co-chairing the meetings with a rotating Bosnian member. By the end of 2004 this mechanism constituted the backbone of EUPM's efforts to develop Bosnian ownership, independence and sustainability. Indeed, the Steering Board represented the operational level of Bosnian law enforcement agencies with the mission to:

14 In 2003 the programme "Criminal Justice" was substituted with a programme on "Police Training and Education System".
15 In March 2007 it changed its name to BiH Border Police.
16 Unlike SBS, by the time the UN mission left Bosnia in 2002 SIPA only existed in paper. The development of this state-level agency, originally called State Information and Protection Agency, has therefore been the product of EUPM's work.

- Decide the direction on which the EUPM programmes will be developed;
- Bring these decisions to the attention of the respective Ministers;
- Give directives to the Working Groups (EUPM website: "Mission Overview" section Discontinued).[17]

The Working Groups were created to conduct research and consult experts and institutions in order to adequately advice the BiH Police Steering Board on the design and implementation of projects in a number of thematic areas, which in turn coincided with EUPM's programmes. Each police organisation represented in the Steering Board was offered the opportunity to provide EUPM with a list of their priorities, which were fed into the Working Groups´ fields of activity. The Steering Board was also meant to be responsible for identifying and prioritising projects from the thematic areas covered by the Working Groups. There was scope for EUPM to contribute its own ideas to the discussions, and mentor the Working Groups on project development, but it was never entitled to prescribe solutions. The EU mission was equally restrained in its input into the membership selection for the Working Groups. The composition of the groups was limited to eight police members per group: five representatives from each organisation on the Steering Board, two Police Commissioners and a EUPM representative. Additional experts could be called in to join in an *ad hoc* basis. While the Bosnian Police Commissioners had the responsibility for deciding the membership of each Working Group, there were a number of conditions monitored by EUPM. First, members could not be selected by rank but by expertise. Second, there was a regional/organisational representation requirement by which each team needed at least one member from the Federation and one from the RS police *(EUPM website: "Mission Overview" section - Discontinued)*.

The idea of local ownership was further developed by offering the Bosnian lower management levels the chance to participate in the EUPM's initial needs assessment exercise. In March 2003, three months after the start of the mission, an extensive questionnaire exercise was carried out throughout 31 EUPM field co-locations, which resulted in approximately 15,000 answers. The subsequent analysis of the questionnaires led to the identification of a number of needs that were arranged into possible areas for projects, including the design of initial "Short Term Targets" (STTs) where EUPM sought to accomplish results by the end of July 2003. These findings were also used to develop a Questionnaire Assessment Guide as a basis for the elaboration of mid and long term targets. Additionally, the first draft of the STTs was sent back to the field and the comments received helped in the final selection of STTs (EUPM, 2003: Executive Summary; EUPM, 2004: 14).[18] Many of the projects originating from this strategic planning exercise were placed under local police ownership but, as always, with EUPM co-locators as mentors.

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17 EUPM sought to clearly distinguish the BiH Police Steering Board, limited to police representatives, from the Inter-Entity Ministerial Consultative Meeting on Police Matters (MCMPM), with a more political role. The MCMPM was established on 1 March 2000 by UNMIBH/IPTF and after becoming inoperative was re-launched by EUPM and OHR in July 2004. It was originally created to facilitate inter-entity law enforcement agreements and to establish procedures for the recruitment and voluntary redeployment of minority police officers. The Minister of Security – responsible for state-level law enforcement agencies - became the Chairman of the MCMPM in the second half of 2004. The MCMPM was renamed in 2005 and its membership expanded. This clear delineation of the nature and role of the BiH Police Steering Board was intended to help EUPM in its efforts to mentor, monitor and advise police authorities on best approaches to develop proper public oversight mechanisms and to limit political interference on police matters (UN, 2000: para.5; Merlingen and Ostrauskaite, 2006: 63).

18 As an EU senior police official put it, the questionnaire exercise was meant to give the Bosnian police management cadre an opportunity to "give us an update of the situation". As part of this exercise there was also some scope for Bosnians to express their own views on what the weaknesses of their system were. However, EUPM was careful on this issue because it did not want the questionnaires to become a "shopping list" (Personal interview, Brussels, 2003).

EUPM has claimed that its approach to local ownership represents "an international police cooperation model which can serve as an example in years to come" (2004: 24). EUPM should be given credit for the two abovementioned initiatives. However, there were other areas where its 'success' is debatable, at least during the 2003-2005 period. The EU mission did not widen sufficiently the definition of local ownership in any meaningful sense, instead adopting a state-centric approach similar to that of UNMIBH/IPTF. EUPM's limited powers, compared with the UN mission, inevitably allowed for a wider role for certain specific civil society institutions that had previously remained in the margins in police matters and could now exercise fully their mandates, such as the Human Rights and Entity Ombudsmen. However, if NGOs were incorporated into the process at all, it was often in subordinate roles (Personal interviews, Sarajevo and Brussels, 2002, 2003 and 2006; EUPM, 2002: 14). This situation supports empirically the growing consensus among some scholars, best exemplified by the work of Merlingen and Ostrauskaite, that policies under the ESDP have paid insufficient attention to activating citizens and institutionalising local NGOs' views on police matters (2005: 232). Trying to cover the reasons for this attitude towards consultation with civil society would be too long to include in this paper. However, it should be mentioned that various officials of the EU, EUPM Planning Team and EUSR consulted on this issue questioned the "added value" for EUPM of building working relationships with a wider range of local actors (Personal interviews, Sarajevo and Brussels, 2002, 2003 and 2006).

From a financial point of view, some progress was made in developing sustainable arrangements. However, this progress was limited by the fact that EUPM did not have a mandate to directly engage in police restructuring. This EU mission planned to conduct from February/March 2003 onwards periodic audits to assess progressive results culminating in a final audit in September 2005. These audits would include an assessment of local police needs at a tactical level (e.g. equipment and specialised skills assistance) as well as at a strategic level (e.g. issues of integrity and financially viability of the local police). EUPM's desired achievements by the end of its 2003-2005 mandate included:

To assign dedicated financial resources to BiH LEAs [law enforcement agencies]; to create the capacity within BiH LEAs to manage their budget; to develop transparency; to harmonise country-wide provisions regulating police salaries and benefits (EUPM, 2004: 15).

According to the EC-funded functional police review of the Bosnian police forces and SBS, by 2004 9.2% of the overall public expenditure was spent on public security.[19] This was said to be too high compared to new EU members. In Slovenia public security spending was at that time a third of the Bosnian figure, and in Hungary it was half. The Bosnian figure was even higher when compared with older EU members, where the average stood at 2% by 2004. In the cantons of the BiH Federation, particularly in the smallest and most rural, the budget share allocated to

19 This study was funded by the European Commission and carried out by a team of international and local experts together with representatives of Bosnian law enforcement agencies.

public security was even larger, with at least 20% going to policing at the expenses of the health, social and education sectors. Furthermore, of the allocated money to policing, on average 79% went by 2004 to paying gross salaries and various types of allowances such as daily meals, separation allowances, fieldwork benefits, transportation costs, vacations, sick leaves, participation in the work of expert commissions, contracted services, and so on. That meant that on average law enforcement agencies had 21% left for other expenses, including equipment and training (European Commission, 2004: 9; Wisler, 2005: 20).

The police budget shares by the end of 2004, and probably 2005, were economically untenable for two main reasons. First, given Bosnia's bleak economic situation, police budgets depended on public expenditure budgets that had been maintained in Bosnia at an unsustainable level and that, as part of the negotiations with the World Bank, would have to change radically by 2010. Second, the breakdown of law enforcement agencies' budgets was inefficient and untenable. Devoting much of the financial resources to operational processes had negatively affected the police's role in Bosnia, starving it of the necessary equipment and structures that could enable them to carry out their jobs adequately. The EC-funded functional police review set sustainable levels at 5% for the policing share of the total public spending, and within policing budgets argued that ideally 70% should go to personnel costs, 15% to running costs and 15% to new investments. This review proposed an internal reorganising and restructuring of Bosnian law enforcement agencies that would increase productivity and adaptation while reducing personnel costs (European Commission, 2004: 12).

The Police Restructuring Commission (PRC) final report added impetus to these proposals by advocating centralisation and rationalization as a means to obtain significant cost savings.[20] In particular, it proposed a unified procurement system that would allow bulk purchasing of equipment; improved internal financial controls; the centralisation of certain aspects of police administration, such as forensics, data processing and personnel management; the reorganisation of Bosnian law enforcement agencies into a smaller number of Police Areas; and downsizing further the number of police officers and civilian staff. This last proposal was also suggested by the EC-funded functional police review. The PRC report estimated that, if adequately implemented, all these reforms could save the Bosnian state between 2005 and 2006 39% of the overall police budget, which in 2004 equalled KM360 million (€184 million). The downsizing of police numbers alone could yield KM15 million (or €7.7 million) per 1000 officers made redundant (PRC 2004: 82-85). Some of that money could be used to improve the salary system for active police officers given that it is an ongoing obstacle to the success of the police reform process. Low salary levels have forced officers into finding a second job, prioritising some work locations at the expense of others,

20 The Chairman of the Council of Ministers Adnan Terzi? requested the establishment of a Police Restructuring Commission (PRC) to develop proposals for a single police system under the overall political oversight of a ministry or ministries in the Council of Ministers. This request materialised on the High Representative's decision of 2 July 2004. It provided the PRC with a mandate and a composition that included Bosnian political, civil and police representatives form all the main communities in addition to the EUPM Commissioner working under the presence of international observers, chaired by Wilfred Martens, former Prime Minister of Belgium and financed by the European Commission. The PRC final report (or 'Martens report') began a long and arduous process that, at the time of writing, has gone as far as achieving local police agreement on a common plan for the implementation of police restructuring – based on the three EC-established principles mentioned in footnote 1 – pending its implementation on its political and parliamentary endorsement.

becoming vulnerable to corruption, while discouraging individuals with certain expertise needed in the police – such as lawyers, economists, social scientists – or from certain groups from joining the Bosnian police.

3.2 Security Levels in Bosnia

Although the fight against organised crime and corruption was identified as one of the four mission objectives for the period of 2003-2005, safeguarding security levels in Bosnia from other crime and violence-related threats was also among the goals of this EU mission. Its programme on "Public Order and Security" targeted the Uniform Police, Traffic Units and Special Forces in order to strengthen the Bosnian police's capacity to control situations of rapidly escalating civil disorder and/or major confrontation between ethnic groups, to enhance the crime-prevention capabilities of the Local Police management and to ameliorate existing capacities for the safe return of refugees. Among the projects developed one can include community-based policing activities (including the Charter of Public Information), a train the trainers programme on crowd control, and guidelines for handling public events.

The 2004 EC-funded functional police review of the Bosnian police forces and SBS provided a very positive picture of the level of ordinary crime in Bosnia. Indeed, it argued that it was lower than in the EU and candidate countries. Obvious exceptions were organised crime, corruption and terrorism (2004: 6). This conclusion has been supported by key figures, including former High Representative Paddy Ashdown, the late EUPM Commissioner Sven Frederiksen and Dragomir Jovicic, former Minister of Police, Republika Srpska Ministry of Internal Affairs (RS MUP). However, the situation is not as simple as it seems given that there is a range of opinions on the matter. Based on statistics gathered by local police agencies, the International Crisis Group argued that in 2004 alone ordinary crime rose 22% in the RS and 32% in the Federation of Bosnia. This NGO admitted that the statistical methods used by entity police forces to calculate these figures might not be entirely reliable. However, given that the same methodology had been used in previous years, the figures were considered of value. Furthermore, the International Crisis Group relied as part of its argument on the statements of the EUPM Chief of Quality Control at the time who admitted that since the EU mission began in January 2003 there has been roughly a 40% increase in crime incidents (ICG, 2005a: 13). Moreover, rising crime rates, particularly theft and armed robbery, combined with ongoing low faith in the existing security system are allegedly behind the increasing demand for private security services in Bosnia (Saferworld, 2005: 18-19). Some of these allegations have been labelled as "unfair" on the EUPM on the basis of socio-economic arguments[21], scepticism over the reliability of police statistics in Bosnia, and the possibility that the increase in crime levels might be a result of EUPM's advising on reporting skills (Personal interview, Sarajevo, 2006). These counter-arguments resort to indicators such as the crime resolution rate, that remained

21 This is the argument that other societies in transition have experienced similar increases in criminality, particularly as poverty levels begin to rise due to low or non-existent economic growth. These socio-economic trends are beyond EUPM's control (Email exchange with a former EUPM member, 2006).

constant and above the European average during EUPM's first mandate. In the words of a former EUPM officer, "at worst, the ability of the police to resolve petty crime has not decreased under EUPM" (Email exchange, 2006).

Another dimension that needs to be considered is the security of minority returnees, not least because it was mentioned as one of the objectives under EUPM's programme on "Public Order and Security". At the beginning of 2003, at EUPM's opening ceremony, Adnan Terzi?, Chairman of the Bosnian Council of Ministers, admitted that there were still many attacks on returnees (2003). In addition, the European Commission Feasibility Study for Bosnia identified the reinforcement of returnee security as a EUPM priority (2003: 26). A study of the European Commission against Racism and Intolerance that covered the period through June 2004 condemned the continuing occurrence of return-related incidents, although it echoed the opinions of many police experts in Bosnia when it added that these were happening at a lower rate than in previous years. In fact, ethnically-motivated crimes are no longer considered as one of the main security problems in Bosnia. Nevertheless, at the end of 2004 EUPM set up the first refugee forum as part of the "Security Forums" that were created, as a community-policing initiative, in various parts of the country, particularly the RS, to deal with citizens´ concerns (Council of Europe, 2005: para.41; Personal interviews, Sarajevo, 2006).

The reinforcement of community-based policing activities did become an important goal for EUPM in the 2003-2005 period. This prioritisation took place despite the fact that, as also happened with UNMIBH/IPTF, there were differences of opinion on the utility of this concept amongst the personnel of the Mission, calling into question to what extent community-policing could be considered a "best European practice" (Personal interviews, Brussels, Sarajevo, Zenica, Banja Luka, 2003). EUPM's programme "Public Order and Security" stated that the mission would "improve the 'community policing' capabilities and capacities of the Uniform Police to build trust of the community toward the Police". It further noted that within community policing it would support "prevention projects aimed at communities" (EUPM, 2002: 25). This latter point is an example of the increasing trend within the international community that views community policing as a useful conflict prevention tool.[22] However, given that most Bosnian communities remain largely mono-ethnic, it remains to be seen how community policing can play a conflict prevention role by fostering a reconciliation process between Bosnia's ethnic communities.

As part of its commitment to crime control and community policing, EUPM developed a new hotline allowing citizens to make free, anonymous calls about possible crimes.[23] This project, designed using British and Canadian police hotlines as models, and launched in March 2004, was soon hailed as a success.[24] During its first three months of operation the so-called *Krimo-Lovci* (Crime Hunters) hotline led

22 Community policing represents the idea of policing *with* and *for* the community, rather than policing *of* the community (Einstein & Amir, 2001: 15-78).
23 According to David Bayley emergency telephone systems are the clearest sign of a police service devoted to meeting the needs of individuals and private groups, rather than those of government (2006: 20-21). This is the essence of democratic policing.
24 A senior member of the EUPM Protocol and Public Information Office (PPIO) described this project as a "big test for the credibility of the police and the willingness of the public to work with the police" (Personal interview, Sarajevo, 2003).

to several arrests and charges, drug seizures and the recovery of stolen property. The EUPM spokesperson at the time, Kilian Wahl, even mentioned the case of an anonymous citizen who reported a police officer who was then arrested for alleged smuggling. He added that compared with British police hotlines, the proportion of calls that were valuable was quite high (Prlenda, 2004).[25] The development of the Krimo-Lovci hotline since then, under SIPA´s responsibility from 2005, seems to have proven the EUPM spokesperson right given its ongoing effectiveness in combating crime. It has also set a model for the development of other projects of this kind, such as *Nerijesen Slucaj*, a TV programme on unsolved crime cases aired for the first time in October 2005 (EUPM 2006: 2-3).

EUPM played an important role in combating organised crime in Bosnia, through the introduction of a number of projects as part of its "Special Project on Major and Organised Crime" as well as new organisational structures for criminal investigation departments that prioritise this type of crime over regular crime (EUPM, 2002 and 2003; Merlingen and Ostrauskaite, 2006: 65-66). Furthermore, combating organised crime became one of the three priorities of the new EUPM mandate for the 2006-2007 period. One of the main problems during the 2003-2005 period was the difficulties that developed between EUPM and EUFOR Althea due to their different approaches to the fight against organised crime. It took over a year to solve this coordination problem, which ended up necessitating the intervention of the EU Special Representative in order to find a suitable solution (Juncos, forthcoming). This coordination problem added to the difficulties already imposed by the fact that EUPM is operating in a context and area (organised crime) where good local intelligence if of utmost important.

3.3 Institution and Capacity Building

Following from the work carried out by UNMIBH/IPTF, in the period 2003-2005 EUPM implemented a number of programmes to strengthen the police as an institution. This mission was committed to further downsize the police as part of its goal of creating sustainable police services in Bosnia (EUPM, 2004: 26). Under EUPM supervision the Bosnian authorities were responsible for this process, which again shows the strong commitment this Mission had – and continued to have during its second mandate - to the end goal of promoting local ownership and sustainability. This programme constituted a continuation of the police reductions carried out by UNMIBH/IPTF under the certification process as a means to 'clean' the police institution from unwanted members: former soldiers, police officers with war crimes and other criminal offences, etc. By 2002 15,786 officers were left in the police, out of 44,000 present at the end of the war (Collantes Celador, 2005). This number still exceeded the police to population ratios deemed necessary to promote sustainable and democratic force levels. The problem is that determining the appropriate ratios is in itself a complex task. Depending on the organisation, the so-called "European

25 This is one of those examples that confirm the usefulness of Bosnia's closely knitted societal connections, which were summed up by an international police expert as, "everybody knows their neighbours" (Personal interviews, Sarajevo, 2002 & 2003).

police-population ratio" varied. The EC-funded functional police review used a police-population ratio (1 officer per 1000 inhabitants in urban areas, 1 per 2000 in rural areas), based on 'best' European practices, that differed substantially from that used by the Bonn International Centre for Conversion and the International Crisis Group (1:330). These two organisations also claimed to be employing 'best' European practices. Their ratios were closer to those employed by UNMIBH/IPTF in the Systems Analyses of Law Enforcement Agencies (1:300 to 1:500), which the UN defined as the prevailing international standards (European Commission, 2004: 34; Paes et.al., 2004: 18).[26] This disparity in so-called police-population ratios has added unnecessary difficulties to an already complex exercise when one takes into account that Bosnia does not have exact population figures and therefore it is difficult to determine appropriate police strength levels.

Another example of the measures taken by EUPM to strengthen the Bosnian police institutionally is its monitoring of police recruitment processes under its "Police Administration programme" to ensure an equal representation of all ethnic groups as well as women. The goal was to turn Bosnian law enforcement agencies into institutions that represent the society they serve. An April 2003 document stated that the Mission would continue to ensure, as had previously done the UN mission, the observance of ethnic balance by the local police.[27] This could be done in accordance with the 1996 agreement with the Federation of Bosnia and the OHR Supervisor Order for Br?ko District, which were still in force. The problem was the 1998 agreement with the RS since, according to EUPM, it was technically no longer valid because it had been signed between the RS Ministry of the Interior and UNMIBH. Furthermore, this agreement contained a provision that specified that new recruits must be born on the territory of the RS, and which had become unconstitutional following the 2000 Decision on "constituent peoples". This constitutional decision included requirements on ethnic representation for all public institutions in Bosnia that, in theory, superseded in importance all the above agreements on ethnic police recruitment (EUPM, 2003: 14).

Regardless of the ethnic benchmarks used, the feeling in the ground is that EUPM had made progress by the end of 2005 in recruiting minorities to the two police academies, although the process was not without its difficulties. For example, it took a while for the programme to begin as illustrated by the fact that half way through the first year of the mandate it was still not operational despite its priority status. Similarly, the nationalist agenda of the RS authorities was behind EUPM's discovery in 2003 that, of the Serb percentage allowed into the RS Police Academy, the cadets accepted that year had been chosen in the majority of cases according to their political connections. This constituted a violation of the RS Police Academy's Book of Rules (Personal interviews, Sarajevo, 2003 & 2006). When dealing with the issue of minority recruitment one should bear in mind that if what EUPM is trying to foster through monitoring, advising, and mentoring is the creation of police services that represent the society they serve, then pushing the minority recruitment

26 Perhaps these differences are to be expected if we take into account that, despite the existence of Council of Europe policing guidelines, "European best practices" are not codified and thus, their meaning remains elusive (Personal interview, Sarajevo, 2006).
27 For a detailed account of the UN minority recruitment policy consult Collantes Celador, 2005.

policy too far might not be realistic or sustainable give the reality of the country. Most cities in Bosnia are nowadays mono-ethnic. In Sarajevo the police service is more ethnically mixed than the city itself, largely Bosniak (Personal interview, Sarajevo, 2006).

The gender balance example, on the other hand, provides a clear illustration of the artificial nature of so-called "best European practices". The UN police mission carried out recruitment campaigns to encourage female enrolment in the academies, and offered financial incentives to attract and retain female officers. Although improvements were made, by the end of 2002 the percentage of female police officers was still substantially below the European average level of 10% in all Bosnian police services that was used by the UN as the benchmark to measure progress.[28] In the Federation women constituted almost 4% of the police services and in the RS only 2%. The RS figure was particularly low when considering that UNMIBH allowed the RS authorities to diminish the number of minority cadets accepted on a yearly basis into the Banja Luka academy provided that the difference would be made up of Serb female cadets. At the state level, the SBS gender balance stood at 4% by the end of 2002 (Personal interview, Sarajevo, 2002; UN, 2002: para.15; UNMIBH, 2002: 30).[29]

During 2003, the situation left by the UN did not change much. According to the EC-funded functional police review of Bosnian police forces and SBS, in 2003 only two cantons in the Federation had reached or were very closed to reaching the Europe female target of 10% (Canton 2 and 5). All other cantons in the Federation, as well as Entity, Br?ko and state-level police institutions, had underperformed in this aspect of their recruitment policies (European Commission, 2004: 63).[30] A bleaker evaluation arises when one looks at the number of policewomen in senior positions during 2003. Since then there have been some improvements but, as acknowledged by a EUPM internal document, "too few women and female students are ready to apply for this profession. The society is still traditionally formed" (EUPM, 2005:3). Given the differences between EUPM values and local traditions, achieving the European 10% female target will necessitate that EUPM provides the Bosnian police and the local population more generally with a stronger set of reasons on the merits of working towards this gender target. In this sense, EUPM should begin by ensuring that the 10% target is met within its own ranks. Between the 2003-2005 period it was a largely dominated male mission (Personal interview, Sarajevo, 2006; Valenius, 2007). This is not EUPM's fault but probably that of Member States who decide the police officers to second. However, as pointed out in the previous paragraph, EU countries do not count with huge numbers of policewomen, which might explain the lack of women in Member States' secondment policies to EU police missions. Nevertheless, it is an important issue to bear in mind when analysing EUPM's effectiveness in pushing forward certain reform areas or when pondering about the "European nature" of some of those measures.

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28 In Spain the female ratio stands on average at approximately 12%, in the Netherlands at 18%, and in Slovenia at 8.3% (Email exchange with a former EUPM officer, 2003; European Commission, 2004: 60).

29 The UNMIBH Systems Analysis report for Brcko did not mention the female ratio attained by the end of 2002.

30 This EC-funded report did not mention the female ratio reached by the SBS in 2003. The figure for Canton Posavina was mentioned under the name of Orasje, which is a municipality and the capital of this Canton.

4. Conclusion

Based on the conclusion that the EU is increasingly playing an important role in international police missions working towards the development of sustainable peace and good governance in war-torn societies, and using the democratic policing discourse as the conceptual paradigm, the aim of this paper has been to evaluate to what extent EUPM has succeeded in bringing Bosnia a step closer to European membership. The findings made in this paper are mixed. EUPM was not an appalling failure as some scholars and practitioners have described it. To the contrary, as concluded by Merlingen and Ostrauskaite, this mission "reached deep into the most elementary dimensions of policing, bringing the tiny details of quotidian policing in Bosnia into the governance of the powerful machinery of the EU" (2006: 72). However, at the same time, in the 2003-2005 period this EU mission fell short of expectations. It ended its first three years in Bosnia with local police services still at a long distance from the "European" ideal that was driving EUPM. Many factors played against this mission, particularly the mismatch between an ambitious set of goals that wanted to change the police culture in three years on the basis of an inadequate mandate[31], and the problems encountered as a result of the poorly specified nature of the so-called "European best practices" that in some instances not even the EUPM met. These problems were the EU´s own making and, as a result, a number of changes were introduced during the 2006-2007 period in terms of mandate objectives as well as cooperation arrangements with other EU family members (Collantes Celador, forthcoming). But other shortcomings resulted from the complex local environment, primarily in terms of the political situation, that openly challenged the Mission's ultimate goal of developing sustainable law enforcement structures based on local participation and ownership. This is a problem that has continued during the 2006-2007 mandate as illustrated by the police restructuring process.

31 This problem is clearly illustrated in the following quote by a senior EUPM officer: "EUPM is in effect politically impotent, and we only aided OHR in technical matters during this process" (ICG 2005b: 51). This view was made when commenting on EUPM's "subordinate role" - to use his own words - during the process that lead to the Police Restructuring Commission final report.

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