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Assessing the Impact of Orthodox Security Sector Reform in Bosnia-Herzegovina

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ABOUT THE PROJECT

This paper is the product of a multi-year CSG research project, titled *Exploring the transition from first to second generation SSR in conflict-affected societies*. The project assesses and evaluates the impact of orthodox security sector reform (SSR) programming in conflict-affected countries. Employing a common methodology, the project features original research on four case study countries: Bosnia-Herzegovina, El Salvador, Sierra Leone and Timor-Leste. The case study countries chosen each feature two broad characteristics: they are recovering from conflict and making transitions from war to peace; and they are mature cases of SSR, in that they have been subjected to at least ten years of externally supported SSR programming of some form. It is also important to note that geographical diversity played an important role in case study selection, with four distinct regions represented— Balkans, Central America, West Africa, and Asia-Pacific.

The SSR model as it is applied in war-to-peace transitions and broader state building projects is in the midst of a period of change. Over a decade of case study analysis, particularly in conflict-affected environments, has shown that the SSR model, as outlined in formative documents like the *OECD DAC Handbook on Security System Reform*, has had a meager record of achievement. A survey of key SSR implementation cases demonstrates a distinct conceptual-contextual gap. The principal tenets and features of the SSR model, like its holistic character, focus on governance, and human security orientation are rarely translated into practice in conflict-affected SSR settings. It can be argued that the SSR model in its fundamental form has never actually been applied as designed in conflict-affected environments, prompting many scholars and practitioners to explore new approaches seen as more viable in difficult implementation settings. This thinking is often loosely grouped under the heading of second generation SSR, involving a move to a new, more contextually attuned reform approach. This second generation SSR discourse is still nascent and ill-defined but rapidly taking form and gaining momentum.

The dominant objective that has united the still disparate second generation SSR thinking is the imperative of narrowing the conceptual-contextual gap. This discourse has already spawned some ad hoc programmatic initiatives in conflict-affected settings, often revolving around notions of empowering non-state security and justice providers as a means to build more sustainable and locally legitimate reform outcomes, or employing interim stabilization measures to help shape conditions for more conventional SSR interventions. In spite of the SSR model's mixed record, SSR stakeholders and observers are not calling for its jettisoning, but rather a refashioning of the model's core methods and good practices to make it more applicable in conflict-affected environments.

This project seeks to contribute to the gradual shift or transition in SSR policy and practice, through comparative analysis of four prominent conflict-affected SSR cases. By investigating the impact of conventional SSR and tracking entry-points for alternative approaches, the project aims to generate innovative, evidence-based insights and practical recommendations to improve SSR policy and programming in conflict-affected contexts. Importantly, the project will provide a detailed evidence base on how SSR has been applied to transform the security and justice architectures of states making war-to-peace transitions. The project will ascertain what works and does not work in the application of the orthodox SSR model, and by extension if and how a second-generation SSR approach could deliver better results in conflict-affected environments.

As already mentioned, alternative or second-generation SSR initiatives are already emerging organically in many reform contexts, thus part of the purpose of the project will be to identify these instances and investigate whether they can inform changes to the wider SSR model. On a broader level the project seeks to advance constructive dialogue on the future of the SSR model, which has come under increasing scrutiny and pressure among policy-makers, practitioners and analysts in donor and recipient states alike due to its mixed record of achievement in conflict-affected environments.

The project seeks to answer the following main research questions for each case:

1. To what extent and how have SSR efforts followed the orthodox SSR model as described in the *OECD-DAC Handbook on SSR*? In assessing SSR efforts in each case study country, how have orthodox SSR approaches succeeded and failed and why?

2. What alternative approaches or entry-points for security and justice development programs are available? Are they used, and if so, how? If not, why?

The project has produced two reports per case study country—eight in total—one for each of the aforementioned research questions. The final report of the project—the ninth in the series—will synthesize the results of the case study research, drawing conclusions about the efficacy of orthodox SSR approaches and the potential for second generation SSR ideas.

ABOUT THE AUTHOR

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EXECUTIVE SUMMARY

Some twenty years from the signing of the Dayton Peace Agreement and the start of the peacebuilding process, security sector reform (SSR) remains incomplete in Bosnia and Herzegovina. This paper assesses the application of orthodox norms and principles to SSR in the Bosnian case noting the effectiveness of the various efforts. It highlights the role of international actors in designing and shaping the SSR process in the absence of domestic consensus on the reforms. It points out the uneven results across the different sectors, particularly in establishing centralized institutions, in policing and judiciary. This paper argues that while many of the reforms would likely not have been achieved without the imposing international presence, the lack of local ownership poses a concern for the sustainability of the reforms already completed and those that are still needed. A key challenge to the SSR efforts are the competing visions for the future of the Bosnian state by the local actors. In addition, international actors have also used the SSR as a tool for political change by pushing for centralization and linking reforms to European Union membership. As such, Bosnia's divided political context continues to pose challenges in ensuring that the reforms that have been carried out are sustained and that further reforms of the police and judiciary sectors are completed.

ACRONYMS & ABBREVIATIONS

AFBiH	Armed Forces of Bosnia-Herzegovina
AID	Agency for Information and Documentation
BiH	Bosnia-Herzegovina
CoE	Council of Europe
CSS	Centre for Security Studies
DPA	Dayton Peace Agreement
DRC	Defence Reform Commission
EUPM	European Union Police Mission
FBiH	Federation of Bosnia and Herzegovina
HR	High Representative
IBTF	Institution Building Task Force
ICG	International Crisis Group
IJC	Independent Judicial Commission
IMF	International Monetary Fund
IPTF	International Police Task Force
IRIS	Intelligence Reform Implementation Section
JSAP	Judicial System Assessment Program
LIA	Law on Internal Affairs
OHR	Office of the High Representative
OSA	Intelligence and Security Agency
OSCE	Organization for Security and Cooperation in Europe
PfP	Partnership for Peace
PIC	Peace Implementation Council
RS	Serb Republic (Republika Srpska)
SAA	Stabilization and Association Agreement
SBS	State Border Services
SCMM	Standing Committee on Military Matters
SCPWG	Common Security Policy Working Group
SDP	Social Democratic Party of BiH
SDS	Serb Democratic Party
SFOR	Stabilization Force
SIPA	State Investigation and Protection Agency
SNSD	Alliance of Independent Social Democrats
SSR	security sector reform
UNMIBH	UN Mission in Bosnia and Herzegovina
TI BiH	Transparency International Bosnia-Herzegovina

INTRODUCTION

Security sector reform (SSR) has been an elusive piece of the post-conflict reconstruction puzzle in Bosnia-Herzegovina (hereafter, Bosnia or BiH). Bosnia's SSR process has been largely internationally led and supported and was part of an extensive international effort to aid Bosnia in the war-to-peace transition. Moreover, international actors have remained engaged in the country and continue to support the reforms. While there has been some success in areas such as defence reform, in other sectors, such as policing and judiciary, there has been limited progress despite the international support. In assessing the impacts of orthodox SSR in Bosnia, this paper draws on a variety of official documents, media reports and academic scholarship as well as research interviews conducted in Bosnia in September 2013 and July 2015 with key informants, such as local members of security institutions and civic leaders, as well as international representatives.

Bosnia is a prominent test case for contemporary international approaches to crisis management and post-conflict reconstruction; however, its peace-building experience has not proceeded as international donors expected. The significant international presence in the country has meant that SSR has been overwhelmingly externally led and driven and little actual local ownership emerged. While local ownership featured prominently in the aspirations of the international community, in practice it has not been fully realized. For the most part, reforms of Bosnia's security institutions have been designed and implemented by external actors. As a result, the meaning of local ownership in most sectors has been watered down to mean that there has been some local consultation on an already-designed reform agenda. This watering down reflects the broader state-building trend where ownership is really participation in the form of compliance with the international regimes (Richmond, 2012). However, given that there was an absence of domestic consensus on SSR, many of the reforms that have been achieved would likely not have happened without the imposing international presence. Still, a crucial concern given the lack of local ownership is sustainability of the reforms that have been achieved.

Moreover, the key goal of establishing state-level security institutions has had uneven results. While some centralized institutions have been established, in the defence sector, for example, in the areas of policing and judiciary there remain ongoing challenges to centralization efforts. A key challenge to the SSR agenda has been the competing visions for the future of the Bosnian state by the local actors. For their part, international actors have used SSR as a tool for political change by, for example, pushing for centralization and linking reforms to European membership. This has, in some cases, such as police and judiciary reform, led to pushback from some Bosnian political elites. Therefore, the Bosnian case illustrates the limits of externally driven agendas and the challenges in overcoming divisions in divided societies.

OVERVIEW OF THE SSR PROCESS IN BOSNIA

The signing of the Dayton Peace Agreement (Dayton or DPA) in 1995 launched a significant international peace-building mission in Bosnia.[1] SSR was built in to the peace-building efforts. Indeed, Dayton itself provided some "initial guidance" on specific security sector issues such as weapons holdings, police reform, oversight provisions and some discussion of the military (Perdan, 2008: 254). Still, many other aspects of SSR were not mentioned at all. For example, reforms of judicial, customs, border services and intelligence services were completely absent from the document (ibid.). Beyond the few provisions in Dayton, there was little domestic consensus on the SSR agenda (ibid.: 253).

Following the 1992-1995 war, Bosnia's security sector was divided along ethno-national lines and was deeply politicized (Perdan, 2006: 108). The recent experience of conflict and the scale of violence meant that there was little trust among the Bosnian communities. Each had created parallel security institutions for their communities. The parallel security institutions reflected the broader divides in the country, and different ethnic communities preferred maintaining ownership of "own" security institutions. Given the divided political context, the international community led SSR in Bosnia. Still, the greatest obstacle in carrying out the reforms was the weak central authority and the relative independence of the entities and cantons.[2]

At the outset, the international community was primarily concerned with maintaining peace and stability in the country. In the three years following the signing of the DPA, the International Crisis Group (ICG) (2014: 2) estimates that the international community was spending some US $9 billion annually on the mission, with most of the funds being spent on the NATO-led stabilization force. As the peace took hold, international actors focused on bolstering the security sector by creating state-level institutions.

Early efforts at reform were primarily piecemeal and involved a diverse number of international actors. However, a more heavy-handed approach to the reforms is visible from the early 2000s on. From 2000 and on, key international actors such as the Office of the High Representative (OHR), focused on different security sector reforms, in particular defence and policing.[3] Still, the sheer number of foreign actors involved in the post-conflict reconstruction of Bosnia increased the risks of duplication and contradictory efforts. Over time, there was a recognition of the need to co-ordinate the different efforts and to approach the reforms in a more systematic way. However, a single comprehensive agenda for SSR did not develop.

Problems Intended to be Addressed by SSR

The reform of the security sector was necessary for several reasons. A key factor was that the legacy of the conflict needed to be addressed in order to prevent a return to conflict. This meant reducing the significant numbers of military and police personnel in the country and ensuring that those individuals who committed war crimes were no longer active in the security institutions. Large-scale atrocities and human rights abuses committed by the military and police during the war meant that there was low citizen trust in these institutions. As a result, there was a need to entrench democratic principles and ensure a strengthened rule of law in the country. This included, among other things, promoting human rights norms and dealing with the high levels of corruption in policing and lack of independent judges and prosecutors. Equally important was the need to tackle the presence of parallel security institutions that represented the formerly warring groups.

Most importantly, SSR in Bosnia centred on addressing the high levels of fragmentation in the security sector and improving the competency of Bosnian security institutions. Divisions across entity lines existed across all sectors — police, judiciary, defence and intelligence. Policing was deeply fractured in the country, with the police split along ethnic lines and controlling areas dominated by their respective ethnic communities (see ICG, 2002b). Following the war, each canton in the federation had its own police service and Ministry of Interior, and the RS had its own police service. In addition, the Brcko District also had its own police and Ministry of Interior. The lack of state-level police institutions, lack of coordination between the different police forces and need for more democratic policing were identified as problems to be addressed by the police reform. Judicial reform also faced similar challenges. The entities were largely in charge of administering justice and there was no state court. This was further complicated in the Federation as each of the 10 cantons had a significant amount of autonomy. Representatives of the two legal systems rarely interacted with each other and only in special circumstances met to address issues at the state level (ICG, 2002a).

In terms of the defence sector, the main concern was the military division in the country. Following the war there were two militaries, the Army of the Federation of BiH and the Army of the RS. In practice, the Army of the Federation was divided into two, with a Bosniak and Croat force. It was clear that a common defence force was necessary to cement the peace process. The international community was aware that as long as the different armies existed, the overall security situation in the country would not improve. This resulted in a focus on the "structural defence reform," meaning that international efforts were concentrated in developing the necessary structures to unify and improve the capacity in the defence sector (Vetschera and Damian, 2006). Similar efforts at centralization were prominent in the intelligence sector reform. Each entity had its own intelligence services: unification was necessary to improve the capacity of these services.

A crucial challenge facing the reform process has been the need to build state-level security infrastructure. The building of state-level institutions was complicated by the broader political structure in the country enshrined in the DPA. The crux of the issue is that the Constitution (Annex 4 of Dayton) did not include provisions for state control of the security sector. The only reference relevant to military governance was the provision on the Standing Committee on Military Matters (SCMM).[4] Moreover, the Constitution enshrined the right of the entities to ensure a secure environment for their citizens. The entities were quick to interpret these provisions as meaning that the security sector fell under their competency.

While defence reform was eventually successful in creating a unified force, police reform uncovered that – at least in the Serb Republic – the changes to policing were interpreted as proxies for constitutional change. The different outcomes in the two cases brought out another problem that SSR process would encounter: the political interference by Bosnian elites. Indeed, Bosnia's domestic political context provides a key explanation for why the defence reform was a success while the police reform became stalled. As Louis-Alexandre Berg (2014) suggests, the reason for the different experiences in regards to defence and police reform was due to the political constraints in the latter case. He explains, "While cohesive, ethnically based political parties with close links to the police forces blocked efforts to centralize authority over the police, fragmentation of party networks and their relationships to military officers enabled reform of the defence sector" (ibid.:150). Berg's point about political constraints in the Bosnian context is important as interference by political parties has continued to be a challenge across the security sector (see ICG, 2002a).

Initial Structure of the SSR Agenda and Priorities

The structure of the SSR agenda in Bosnia and its evolution are best understood by examining the different sectors that underwent reform. Initially, the international community was primarily interested in the stability of the state. As such, first steps included monitoring the post-war structures and drawing up plans for their reform. In some cases, as in policing and defence, downsizing the respective forces was prioritized. Subsequently, the lack of centralized institutions and coordination mechanisms between the different organizations came to feature prominently across the different sectors. Over time, international actors also focused on promoting good governance across the different sectors. While there was no overarching approach to the reform of the security sector, common challenges faced by the security institutions meant that a push for centralization of institutions and increased professionalism were at the heart of the reforms. The lack of an overarching SSR strategy is partly due to the lack of consensus among donors. Each had different visions and experiences based on their own security systems, but the post-war political divisions in Bosnia were a more crucial reason for the absence of a coherent SSR

strategy. Drawing up a strategy that the different ethnic parties would agree on proved to be virtually impossible. As a result, the preferences and views of donors, sponsors and mentors greatly impacted the first generation of security sector reforms.[5]

Police Reform

From the outset, police reform received much attention. Indeed, the International Police Task Force (IPTF) was set up as part of the DPA (Annex 11) and was an arm of the UN Mission in Bosnia and Herzegovina (UNMIBH). Initially, the IPTF had a weak mandate to advise, monitor and observe the local police (Bieber, 2010: 9). IPTF police officer were unarmed and their authority was to be "moral rather than coercive" (Donais, 2006: 169). As Timothy Donais (2006: 169) points out, "Not only were they not empowered to enforce the law, their leverage in compelling Bosnia's own police forces to enforce the law was severely limited." As a result, the IPTF's mandate was strengthened in 1996, with UN Security Council Resolution 1088. The resolution allowed the IPTF to investigate human rights abuses by police officers, and to also report on local authorities cooperation with the UNMIBH (Celador, 2005: 370).

However, on the ground, the IPTF faced some internal challenges. IPTF monitors came from UN member states and at the outset in March 1996 there were only 400 monitors out of the 1,700 that were needed (Donais, 2006: 169). It would take until 1997 for the IPTF to have its logistics in place, such as vehicles and interpreters (ibid.). By 1999, the IPTF had more than 2,000 officers from some 43 countries (United Nations, 1999). Another concern was that many of the monitors did not have the necessary qualifications for the job (ibid.). For example, some of the international officers from the developing countries could not speak English or drive (ibid.). The quality of officers from the developed world was also in question. Dyncorp, a private military firm, was given a contract by the US State Department to hire US personnel for the mission. It would later emerge that some officers, including those hired by Dyncorp as well as UN peacekeepers and international bureaucrats, were involved in sex trafficking and forced prostitution (Barnett and Hughes, 2001). Richard Monk, a former commissioner of the IPTF, stated that, "I found it incredible that I had to set up an internal affairs department to investigate complaints that officers were having sex with minors and prostitutes" (quoted in Barnett and Hughes, 2001). All of this impacted local perceptions.

Despite these challenges, the IPTF did contribute to police reform. It was involved in reducing the number of police, vetting police officers, ensuring a professionalization of the service and respect for human rights norms. As such, the IPTF also removed individuals who were guilty of human rights abuses, criminal activity or war crimes. This was important, as some 70 percent of human rights abuses committed during the war in Bosnia could be attributed to the police (Ivkovic and Shelley, 2005: 430). The number of police was reduced from some 44,000 to a little less than 15,800 in 2002 (Celador, 2009: 233). This

was done through a certification process, which along with ensuring that those officers who had committed abuses or crimes were removed, also was meant to rebuild public confidence in policing (Padurariu, 2014). This process included several checks, including educational credentials as well as completion of IPTF compulsory training (ibid.).

However, while some certification of officers was needed as the numbers of police had swelled during the war, not everyone was satisfied with the international ownership of the process. Local actors were dissatisfied with the certification exercise as they felt excluded from the process. They also pointed out that little effort was made to "localize" the certification process by incorporating it into domestic law (ibid.). Most concerning was that the decertified officers could not file complaints either at the local or international level (Latal, 2013: 52). In other words, they could not appeal their decertification.[6] This led some to question the legitimacy of the international actions, particularly as the broader goals of peace building were aimed at building a more democratic Bosnian state. For example, when a union representing police officers in Canton 4, the Zenica-Doboj Canton, attempted to organize a protest against the desertification process, the response was the suspension and firing of the president of the union (Hećimović, 2001). Much of the police officers' anger was directed at the IPTF and the former IPTF commissioner, Vincent Coeurderoy, a French general, who was described in the local media as "handing out pink slips" (ibid.).

Another concern was that this externally driven process meant that problems would emerge when it came to the transition to national actors and their practices of selection and recruitment (Mayer-Rieckh, 2007; Padurariu, 2014). Nonetheless, the reduction in numbers of police and the training of the police were seen as important first steps in professionalizing the service and making it more accountable to citizens. However, according to a survey of the Bosnian population carried out by the NATO-led Stabilization Force (SFOR) in 2003, some 36 percent had "little confidence" in the ability of Bosnian police to respond to problems, 19 percent of individuals had "a lot of confidence," and 36 percent had "some confidence" (Celador, 2005: 371).

The IPTF also initiated state-level institution building by creating the State Border Services (SBS) in 2000 and the State Investigation and Protection Agency (SIPA) in 2002 (Juncos, 2007: 56). The SBS brought together border police officers from the two entities who had undergone specialized training prior to joining the organization (Padurariu, 2014: 17-18). The creation of the SIPA was an important achievement as it was the first institution to have control over the complete territory of BiH (Marijan and Guzina, 2014: 4). The creation of these state-level institutions was disputed by the RS, which continued to challenge the creation of state-level institutions. Eventually, both the SBS and SIPA were imposed by the decision of the HR (Padurariu, 2014). As such, local actors did not present alternative options for police reform and much of the reform was carried out by the international monitors and by the decisions of the HR.

Judicial Reform

The reform of the judicial sector was slow to start. While Annex 6 of the DPA established an Ombudsman for Human Rights and a Human Rights Chamber – a special court to address human rights abuses – the rebuilding of the judiciary was not mentioned (see Smith-Hrle, 2015).[7] Still, a few years following the signing of the DPA, the international community, led by the OHR, initiated the painstaking process of rebuilding the judiciary, and focusing on creating state-level judicial institutions. Similar to the other sectors, the judiciary mirrored the fragmented constitutional structures. This meant that two entities had separate legal systems, which rarely met at the central level (ICG, 1999: 2). Within the Federation, the cantons had a great deal of autonomy in the formulation of laws (ibid.: 3). What was needed then was a complete overhaul of Bosnia's legal system. In this way, the judicial reform efforts in Bosnia "broke new ground" due to the extent of the reform and the restructuring of the court system (Pimentel, 2008: 107).

Many of the key initial reforms were taken in the period between 1998 and 2003. In 1998, the OHR created the Judicial Reform Working Group to coordinate international activities related to the judicial sector. Up to that point, different international organizations were involved in promoting rule of law and supporting projects on the justice sector. Much of this work was ad hoc and was not adequate in bringing about the necessary changes (Doyle, 2007: 249). Nonetheless, the co-ordination of different efforts remained a challenge for the international support of Bosnia's judicial sector.

The July 1998 UN Security Council Resolution 1184, which approved the establishment of a program by the UNMBIH to monitor the Bosnian court system, jump-started the reform process (UN Security Council, 1998). As a result, the Judicial System Assessment Program (JSAP) was created in November. JSAP included national and international legal representatives who monitored court proceeding and assisted judges across the country. JSAP members published "thematic reports" based on their findings, which shaped much of the subsequent reform agenda (Doyle, 2007: 249; Pimentel, 2008: 110). The reform process was further strengthened at the PIC's meeting in December 1998, when the December 31, 1999 deadline for legislation on inter-entity judicial cooperation to be passed by both entities was set (ICG, 1999: 2). In 1999, the OHR published its Comprehensive Judicial Reform Strategy for Bosnia and Herzegovina. The strategy delineated the OHR's priorities into different tiers, with tier 1 including the development of plans for state-level judicial institutions as well as the establishment of judicial training in the Federation and laying the groundwork for a similar centre in the RS (OHR, 1999). The PIC Declaration in 2000 reiterated the need for a state court, among other state-building goals (PIC, 2000).

In 2000, a draft law on the establishment of a trial court at the state level was introduced in Parliament. However, given that the law would not be considered before the dissolution of Parliament ahead of the elections in November, the HR imposed the Law on the Court

of BiH (Smith-Hrle, 2015; Nettelfield, 2010: 236). The OHR made further amendments to the law in the years that followed. In 2002, special panels on organized crime and corruption were added and in 2003 the court was given jurisdiction over violations of criminal law of the entities (ICG, 2014: 27). Along with this, a criminal code and code of criminal procedure were also imposed (ibid.).[8] However, the code was based on "Anglo-American adversarial norms" that were unfamiliar to Bosnia's lawyers trained in the "continental inquisitorial system" (ibid.). Several Bosnian legal experts describe this importing of different legal systems and norms as problematic, contributing to further confusion for local actors.[9]

Local legal personnel also underwent scrutiny as part of the reform process. In 2001, then HR Wolfgang Petritsch created the Independent Judicial Commission (IJC) (see ICG, 2002a: 8). The role of the IJC was to review the process in appointing judges, provide legal education and reform court administration, among other things (ibid.). The IJC had an initial staff of some 70 personnel, of which 30 were international and local lawyers (ibid.). Much of the funding was provided by the United States and the European Union. The IJC highlighted the need for a re-appointment process for all judges and prosecutors in BiH (excluding Brcko District) that would see "an open competition for all judicial and prosecutorial posts and would be implemented by an independent high council to effectively obviate political interference" (Mayer-Rieckh, 2007: 196; Smith-Hrle, 2015: 67). In order to satisfy the different structures in the country, the HR in fact ended up creating three councils: a state council and one for each entity to implement the process (Mayer-Rieckh, 2007:196-197). The IJC served as the secretariat of the councils (Mayer-Rieckh, 2007: 199). The councils had 17 national members, including six from each entity and five at the state level, and eight international members (ibid.: 197). The aim of the reforms was to ensure a more efficient and professional judiciary. Based on assessments of case load, the councils reduced the number of judges by some 30 percent (ibid.). The open competition was rolled out for different posts and sitting judges had to reapply for their post. In addition, an Office of the Disciplinary Prosecutor was created to address any complaints against judges and prosecutors.

One of the more sensitive aspects of the re-appointment process was the goal of a more balanced judiciary, in terms of ethnic representation. Prior to the reappointment, the judiciary in the RS was predominantly Serb, some 91.2 percent, and the FBiH judiciary was predominantly Bosniak, with some 64.8 percent (Mayer-Rieckh, 2007: 201). The number of Serb judges in RS was reduced to 65.6 percent, and the number of Bosniak judges was reduced to 56.5 percent (ibid.). While political parties were not supportive of this process, the structure of the councils and IJC, with strong international support, meant that they could not really interfere in this process (see Mayer-Rieckh, 2007).

Still, despite the success in overcoming political interference in the re-appointment process, it has remained an issue for other aspects of the reform. For example, although

both the RS and FBiH agreed to transfer power over their judicial councils to the state council, the High Judicial and Prosecutorial Council, in 2004, the RS has continued to challenge its authority (Smith-Hrle, 2015: 67). In general, the RS has sought to prevent much of the centralization of the judiciary.

From 2006 on, the HR also sought to have a more hands-off approach and to encourage local actors to take on more ownership (Smith-Hrle, 2015: 68). Local actors, notably the Council of Ministers, with the support of the UK government and local consultants, were willing to take on this task and develop a national justice strategy (Smith-Hrle, 2015: 68). However, although, a justice strategy was adopted by the Minister of Justice in 2008, there were key unresolved issues (ibid.: 69). These centered around harmonization of practices and laws as well as consolidation of financing (ibid.: 68). They were not supported by the RS, which opposed the strengthening of state-level institutions and control. As such, although much had been achieved in the reform process, the views of the RS would continue to pose a problem for further reforms.

Also touched on during the judicial reforms was the prison/correction system. The prison system was also divided by entity, with prisons in the FBiH and the RS. However, the Brcko District does not have any correctional institutions; individuals sentenced in Brcko are transferred to either FBiH or RS prisons. The Council of Europe (CoE) led the assessments of Bosnia's prison system and CoE experts provided recommendations for further improvement. In 1998, the CoE assessment was submitted to the Federation Ministry of Justice and the ministry revised the law on the execution of punishments in the Federation (OHR, 1999: 44-45). In addition, CoE experts assessed the prison system in the RS and pointed to the need to ensure that European standards were met. In general, prisons were overcrowded; in the FBiH, in particular, there were poor conditions of imprisonment and there was little protection for vulnerable individuals (see European Commission 2011). As such, the Comprehensive Judicial Reform Strategy specifically highlighted the need for this system to meet international standards.

Defence Reform

Defence reform was understandably at the top of the post-conflict reconstruction agenda. However, given the divided structures, initial efforts attempted a military balance between the entities, as outlined in Annex 1-B of the DPA (Orsini, 2003: 80). In order to ensure the same level of professionalism as in the RS military, a "train and equip" program was agreed upon by Bosnia and the United States for the FBiH Army (Caparini, 2004: 151). This program was carried out by US Military Professional Resources Incorporated, a private military company, from 1996 until 2002 (ibid.). Some analysts suggest that this program further exacerbated the distrust of the reforms by Bosnian Serb officials and arguably undermined the integration process (Orsini 2003: 80; Caparini, 2004: c151).

Initial steps to control the military division and to allow for future reforms and institution building were also taken in 1996. Two documents, the Agreement on Confidence and Security Building Measures in Bosnia and Herzegovina ("Art. II/Vienna Agreement"), and the Agreement on Sub-Regional Arms Control ("Art. IV/Florence Agreement") signed in early 1996 provided the first building blocks for reform. Whereas the former document involved the entities and the Bosnian state, the latter's focus on including regional actors, crucially Croatia and Serbia, was important in further addressing both internal and external security of BiH.

Equally important was the establishment in 1999 of the coordinating body for international actors involved in the reforms, the Common Security Policy Working Group (SCPWG). The SCPWG emerged from an informal group set up by the OHR, the NATO-led SFOR, and the Organization for Security and Cooperation in Europe (OSCE) (Vetschera and Damian, 2006: 31). In 2002, the PIC supported the creation of the Institution Building Task Force (IBTF). As the IBTF included a defence and security working group, and often duplicated the work by the SCPWG, the two were merged into the Defence and Security Steering Group (ibid.). The goal of the international community was to push for centralization of the defence sector.

A necessary first step was downsizing the entity militaries. While some 300,000 combatants had voluntarily disarmed in 1996 without much external assistance, there was still a significant number of personnel in the defence institutions (Martin-Ortega, 2013: 141). As a result, the OSCE mission's Department for Security Cooperation oversaw the downsizing process, which SFOR carried out. With the completion of the downsizing, carried out in 2001-2002, the reforms slowed down (Caparini, 2004: 152). However, even after the reduction in number of personnel, the cost of maintaining the parallel defence institutions was unsustainable. From the signing of the DPA, Bosnia was spending some five percent of its GDP on defence (ibid.: 151).[10] This is particularly striking when compared to the fact that NATO's goal for its members' defence spending is two percent of GDP. However, most NATO members spend only about one percent of GDP on defence. Unsurprisingly, the international community stressed that Bosnia's defence spending needed to be reduced as the country did not have the resources to maintain forces of this size. Complicating matters further, the armed forces of the entities were the largest employers in Bosnia (Orsini, 2003: 81). Local actors also recognized the financial realities, albeit reluctantly.[11] This allowed to reforms to gain some ground and provided some leverage to the international community in the push for the merger of the armed forces.

However, perceived attempts at centralization by the international community were met with resistance at the local level. Most vocally, RS representatives insisted on maintaining their own armed forces, regardless of the size. Once again, the desire to maintain as much independence as possible and the trappings of statehood on the part of the RS stalled the

reforms. Serb representatives were also concerned that the numerically stronger Bosniak population would end up dominating any centralized institutions. As such, they wanted to keep the military under entity control to provide protection for the Serb population (Koneska, 2014: 88). For their part, the Croats wanted to ensure that they were fairly represented in the institutions as they also feared being outnumbered (Orsini, 2003: 81). These concerns by the Serb and Croat representatives were not unfounded. Bosniak leaders, who were most supportive of the integration, were demanding more commanding positions given their majority in the country (ibid.).

As such, the international actors, led by the OHR, shifted their focus to the SCMM with the goal of making it the state-level Ministry of Defence. Some local partners had concerns about this approach because it challenged several constitutional provisions. Namely, it challenged the divisions between the presidency and the Council of Ministers as well as the role of the SCMM as a coordinating body between the presidency and the entities (Vetschera and Damian, 2006: 32). Still, the OHR and its partners, SFOR and the OSCE, saw this as an important route of action to pursue and held several informal meetings to champion the cause with local stakeholders.

The real push for defence reform came with the creation of the Defence Reform Commission (DRC) in 2003 by the HR Lord Paddy Ashdown. The DRC was an ad hoc forum that brought together local stakeholders, namely representatives of the different ethnic communities, and international actors, and was chaired by former US Assistant Secretary of Defense James R. Locher (Koneska, 2014: 88). The mandate of the DRC was to examine the necessary legal measures to reform the defence structures as well as to propose legislation (OHR 2003b). The Commission was also mandated to recommend necessary legislative and policy changes that would ensure that Bosnia met the necessary requirements to join NATO's Partnership for Peace (PfP) (ibid.).

Due to its ad hoc nature, the DRC was able to open up a genuine dialogue between the different sides (ibid.). It also worked to resolve the differing views on the defence sector prior to them being proposed in the institutional setting. This was important as each side could potentially invoke their right of veto if they deemed that the proposed reforms were harming their national interest. The Commission concluded its work in 2003, and published its report on September 25 that year (Vetschera and Damian, 2006: 34). The Parliamentary Assembly adopted the Defence Law of Bosnia and Herzegovina, based on the Commission's report, on December 1, 2003 (ibid.). Crucially, the law established a state Military of Defence. However, the entity ministries were not abolished and kept most of the key competencies, such as managing the armies in each entity (Koneska, 2014: 92). Rather than centralizing the defence institutions, the result was yet another institution. As a result, an invitation to join the PfP was not extended to Bosnia in 2004 (Nettelfield, 2010: 214).[12] However, this round of reforms was crucial in setting the stage for later events.

Namely, the DRC did further the consensus among local politicians that there was a need to cut costs and there was an agreement that Bosnia should join the PfP. The "manner" of reform was disputed by the different sides, with Bosniak politicians calling for state-level institutions and the dominant Serb political parties arguing for smaller changes but maintaining the status quo (Koneska, 2014: 90).

Once again, the international community put pressure on Bosnia to abolish the entity militaries. As such, a second DRC was set up and worked on the transfer of functions from the entities to the state level (Nettelfield, 2010: 214). Moreover, the second DRC called for arrests of war criminals and their transfer to the International Criminal Tribunal for the former Yugoslavia, something that the first DRC overlooked (ibid.: 215). Entity militaries were wound down by the end of 2005. A joint command structure took over from January 1, 2006 (ibid: 216). This was seen as an important victory for the SSR agenda. As promised, NATO invited Bosnia to join the PfP by the end of 2006. The success of the second DRC was due to at least two reasons worth mentioning here. One, the second DRC furthered the relationship building started with the first DRC. Namely, the co-chairs of the second DRC, US State Department Official Raffi Gregorian and Bosnian Defense Minister Nikola Radovanovic, worked closely with the different military leaders and officials to build trust and support for the reforms (Berg, 2014: 157). The support from these key stakeholders allowed them to overcome the opposition from the political elites. Two, external actors, including Turkey, Russia, the United States and NATO, were committed to the reforms and applied pressure on the different politicians (ibid: 157-158).

Intelligence Reform

At the same time as the push for defence reform, there was also a focus on intelligence reform. While military intelligence was to be dealt with as part of the defence reform, civilian intelligence services were also divided into three ethnically based services and needed their own framework. In 2002, the Bosniak and Croat services, the Agency for Information and Documentation (AID) and the National Security Services, merged to form the Federation Intelligence and Security Services. However, this still left two intelligence services for the country. Prior to the merger, there was also much concern about the functioning of the services, with, for example, allegations that AID had in 1996 trained Iranian agents (Lurås, 2014: 606). Moreover, the intelligence services in the RS were found to have spied on international officials in Bosnia and to have been involved in supplying arms to Iraq, which violated the UN embargo (Traynor, 2003). In response to the scandals and the divided structures, the HR established the Expert Commission on Intelligence Reform in 2003. The Commission's role was to draft and amend legislation and develop regulations that would allow the implementation of this legislation (OHR, 2003a).

The primary goal of the reforms was to create a single intelligence agency for the whole of BiH. The Commission was composed of seven members. While the chair was appointed by

the HR, each of the entity services were to appoint three members. The HR appointed the former Hungarian intelligence chief, Kalman Kocsis, to chair the Commission (Lurås, 2014: 606). Entity services members were chosen by the respective directors of the intelligence services based on their professionalism and expertise. In this way, while the reforms were initiated by the international actors, local ownership was built into the process and local leadership emerged in the process (see Lurås, 2014). As such, the Commission functioned effectively and there was a high degree of professionalism amongst the different representatives (Lurås, 2014: 606). Moreover, there was little political interference from Bosnian politicians as the intelligence services were not considered as important as defence and police institutions in providing protection should violence break out again (ibid.). Still, the HR had to step in when the Council of Ministers delayed the submission of the draft law, and instead submitted it to the Parliamentary Assembly (Vetschera and Damian, 2006: 35). In addition, in early 2004, the OSCE set up its Intelligence Reform Implementation Section (IRIS), a four-member team, to support the OHR's initiative (Beglerovic, 2006). IRIS was led by Drago Fers, a Slovenian security expert. Under Fers' leadership, IRIS created rule books to guide the work of the new security service on such matters as internal control and operational methods, among other issues. The Law on Intelligence and Security Agency of Bosnia and Herzegovina was adopted on April 14, 2004. Following this, the single state Intelligence and Security Agency (OSA) started its work on June 1, 2004.

Main External and Internal Champions

As is perhaps already clear, international bodies in Bosnia, such as the OHR, the OSCE and NATO, championed the SSR process in Bosnia. In particular, the HR, through the use of the Bonn powers, has played an important role in pushing forward the SSR process. It is commonly acknowledged by Bosnian and international analysts that Wolfgang Petritsch and Lord Paddy Ashdown were the most prolific in their use of the Bonn powers.[13] Incidentally, the two were the HRs during the intensified efforts at reform of the security sector.[14] Still, it was Lord Ashdown who played a more prominent role in revitializing the SSR agenda.

The highly visible role of the HR and international actors has not been without criticism. From the local citizens' perspective, it has allowed the local politicians to become overly reliant on the international actors, and to blame the international community for any shortcomings (see also Doyle, 2007: 232). From the outset, the different actors pursued their own agendas according to their domestic experiences. This led to at times confusing and contradictory measures.

In terms of domestic actors, the Bosniak politicians tended to be the most supportive of the efforts seeking to centralize the security institutions, as this supported their overall vision of a unified Bosnian state. This, however, does not mean that the Bosniak political parties did not exercise political pressure on certain security actors, such as police officials or judges, but rather that when it came to the international agenda for state-level institutions, Bosniak politicians tended to be most supportive as the goals of centralization supported their visions of a unified Bosnian state. Bosnian Croat representatives were supportive of the defence reforms as they hoped to gain more influence in the state institutions. However, when it came to police reform, they also argued for greater independence in their own areas. As such, what is clear is that the support for the reform process among internal actors was present often only when it supported their own goals. In this way, the reform process was used by the local actors to further their different visions for the future of the state.

Over time, civil society actors also became more involved in overseeing and supporting reforms. For example, in the development of the national justice strategy, civil society actors were invited to participate in the meetings on the strategy. However, in terms of direct engagement with security institutions, a challenge is that only a few of the non-governmental organizations are specifically focused on SSR. Most notably, the Centre for Security Studies (CSS) in Sarajevo has followed the different reforms and provided assessments. Other organizations, such as Women to Women, have also become more involved in calling for greater gender representation in security institutions.

Spoilers

Domestic politicians have acted as spoilers by, for example, resisting any reforms that challenged their visions for the state. In particular, representatives of the Serb Republic have been reluctant to give up powers to the central state. This has been the case in the security sector as having control over these institutions furthered the claims to greater independence of the RS. For example, in terms of defence reform, the Serb Democratic Party (SDS), in power during the key period of 2000-2006 in the RS, was reluctant to give up control over the military. However, the Alliance of Independent Social Democrats (SNSD), the opposition party at that time, and its leader, Milorad Dodik, argued for a complete demilitarization (Koneska, 2014: 88). Dodik suggested that there was no need for Bosnia to have a military as its neighbouring countries, Serbia and Croatia, which Bosnia would most likely use force against, had signed the DPA and were committed to maintaining the peace in the country (ibid.). Still, there has been some suggestion that both the SDS representative, Dragan Cavic, the leader of the RS from 2002 to 2006, and Dodik were supportive of the defence reforms in private with international actors but did not voice their support publicly (Berg, 2014: 157). However, in terms of policing and

later judiciary, Serb representatives and Dodik have been opposed to centralization. Similarly, Croat representatives have been most concerned with their representation and have pushed for more control in policing their own areas. While the external actors championing defence reform remained committed and applied pressure on spoilers, the same did not happen with police reform: external actors, led by the OHR, accepted a watered-down version of the deal they sought, thereby appeasing the local spoilers.

EVOLUTION OF THE SSR PROCESS

As the SSR process matured, there was a shift to Bosnia's European future. This has been described as the goal of moving Bosnia "from Dayton to Brussels" (Donais, 2013). Indeed, the European Union Police Mission (EUPM) replaced the IPTF, and following this the European Union Force Althea replaced the NATO-led stabilization force. Along with the emerging role of European actors across the different sectors there was also a call to ensure that the security sector was brought in line with European standards. As Amelia Padurariu (2014: 8) notes in relation to the police reform, the trouble was that there was no single understanding of what European standards were given the differing national ones. Still, there was a general understanding that Bosnia would one day join the EU and as such needed to start aligning its security sector with the EU requirements.

The police were first on the Europeanization agenda. As the IPTF mission wound down in 2002, the EUPM took over in January 2003. The transition was not without problems. The EUPM had a limited mandate to "monitor, mentor and inspect" and could not "decertify" officers as the IPTF had done (ICG, 2005). Moreover, some 119 IPTF staff were kept on as part of the EUPM in order to ensure a smooth transfer between the different missions (Padurariu, 2014: 6). However, this affected the development of the EUPM's own identity as it was influenced by the IPTF organizational culture. These growing pains were eventually resolved as the EUPM developed its own approach. Still, the EUPM was particularly influenced by the approaches to police restructuring of the HR, Lord Ashdown.

Namely, Lord Ashdown pushed for centralization of policing and this was reflected in the European agenda as well. In order to sign the Stabilization and Association Agreement (SAA), Bosnia needed to meet three principles for police reform. These were: "1) exclusive competence (including legislative and budgetary) for all police matters at the state level; 2) no political interference in policing; and 3) Local Police Areas (regions) designed on the basis of technical, policing considerations, rather than politics" (ICG, 2005: 5). In 2004, the OHR established the Police Restructuring Commission tasked with reviewing policing in Bosnia and providing recommendations on a "single structure of policing" (ibid: 6). The support for this goal of the HR was evident among Bosniak politicians as it suited the overall vision for the state. Predictably, the RS did not support such an agenda and giving

up powers that the entity had over the police. The Croats were also keen on protecting their control in majority Croat cantons, but did suggest that they would support the agenda if the entity forces were reformed (ibid: 7).

Still, the EUPM worked to support the agenda set by the HR and shared by the EU, by suggesting five regions for policing that would cross entity lines.

However, the linking of Bosnia's European future and police reform was a crucial mistake with lasting consequences (Marijan and Guzina, 2014). First, the push for centralization did not reflect European realities. European countries have several different models of policing and, in some cases, the police and political jurisdictions are in line with each other (see Donais, 2013: 200). As such, centralization cannot be deemed to be a European standard (ibid.). Indeed, in other countries, such as Macedonia, the EU had called for decentralization (Koneska, 2014: 131). Second, and most importantly, the EU lacks an *acquis communautaire* for police matters (Bieber, 2010: 16). The goal of centralization, therefore, was to overcome the fragmentation in policing and the divisions in the country.

It became clear that the internationally led police reform had a specific political agenda of strengthening the state-level institutions, thereby weakening the power of the entities and the RS, in particular. As such, as Donais (2013: 200) points out, RS politicians perceived that they were being asked to make a choice between the RS and the EU. Bosnian Serb opposition was also hardened by the attempt of then (from 2007 to 2009) HR Miroslav Lajcak to relax the power-sharing veto requirements in the BiH Parliament to push through the police reform (Koneska, 2014: 131). RS politicians recognized that such a decision would mean that other parties could adopt legislation even if there was RS opposition, thereby effectively undermining the power-sharing arrangement as set up by Dayton (ibid.). In response, Bosnian Serb politicians threatened to resign from state institutions and the HR's decision was taken back. Lajcak's decision was also seen as an attempt by the international community to restructure the country through police reform, therefore creating suspicion amongst Bosnian Serbs about the actual intentions of the reforms. In addition, during this time — from 2006 to 2010 — the Bosniak leader in power was Haris Silajdzic, a member of the Party for Bosnia and Herzegovina, who called for the abolition of the RS and refused to cooperate with the RS on the reforms.

Still, police reform remained a focus for the EU. The SAA was signed in 2008, but only after two police reform laws were signed. Several state-level agencies were created: the Directorate for Coordination of Police Bodies, the Agency for Forensic Examinations and Expertise and the Agency for Education and the Advanced Training of Personnel (Padurariu, 2014: 9). However, the police at the entity and canton level remain unchanged, as does the level of political interference in policing. Some state-level institutions, such as the Ministry of Security and the Directorate for Coordination of Police Bodies, have been described as existing in an "institutional twilight zone" (Weber, 2015: I). That is, any

cooperation between these institutions as well as the other entity and cantonal services is dependent on "goodwill" (ibid.). As such, the international community accepted a watered-down agreement and allowed for the non-compliance of the local politicians. Police reform has, to a large extent, remained in a "dead zone" ever since.[15] The EUPM closed down in 2012 and described its mission as a success.

However, few would agree that the EUPM was a success given the remaining challenges. In fact, Bodo Weber (2015: I-II), a political analyst with the Democratization Policy Council based in Sarajevo, suggests that there have been "massive reform rollback attempts by the ruling political parties since 2011. Weber (2015: II) points to two new laws in the RS that have led to greater political control of policing, the Law of Police Officials and Law on Internal Affairs (LIA). These have strengthened the role of the RS minister of interior in regards to police staffing (UN Security Council, 2014: 22). Following the 2014 elections, RS President Milorad Dodik is perceived to have appointed the current RS minister of interior due to his loyalty to Dodik's political party (Weber, 2015: II). This, in turn, is seen as increasing Dodik's control over the police. Indeed, there were some reports in 2014 that the RS police had arrested several individuals who had been critical of the RS authorities and the RS president (see UN Security Council, 2014: 19). In addition, the SNSD released on its website a list of individuals and organizations, such as Transparency International, that are said to threaten the RS constitutional order (ibid.).

In the Federation, the Social Democratic Party of BiH (SDP), one of the key parties in the country, also attempted to gain more control over the police through new entity and cantonal LIA (Weber, 2015: II). However, the SDP was not successful and the 2014 elections ended its rule in FBiH. Instead, the LIA adopted was championed by the OHR and gave greater operational and budgetary autonomy to the Federation director of police (United Nations Security Council, 2014: 22). Still, the Herzegovina-Neretva Canton was without a police commissioner for a year, from September 2013 to September 2014. The canton is ethnically mixed, and the Bosniak and Croat political parties could not come to an agreement over the appointment. Namely, the Bosniak political parties do not want to see a Croat appointed to the post as they feel that all other key security positions are filled with individuals of Croat ethnicity ("Izabran komesar policije," 2014). A police commissioner, Ilija Lasic, has been appointed, but without the presence of the Bosniak members of the selection committee ("U krnjem sastavu," 2014). The Bosniak parties have described the appointed commissioner as an illegitimate representative as the selection was done without their input. Despite this, he remains in power.

Political disagreements also continued to stall the reform of the judicial sector. In particular, RS representatives challenged the power of the state-level judiciary.[16] Their main grievances were that the state court prosecuted a large number of Serbs for war crimes but did not address the crimes committed against them (ICG, 2011: 7). Another issue

was the sentences being applied for war crimes were in accordance with the new harsher Criminal Code rather than the Yugoslav laws in effect during the war (ibid.). Nonetheless, the judiciary reforms moved along until 2009. At that point, the leader of the RS, Milorad Dodik, started to stall the process. As Meagan Smith-Hrle (2015: 71) explains, the source of the turmoil was a 2008 preliminary investigation by international prosecutors in the BiH Prosecutor's Office into the alleged misconduct by Dodik. Moreover, in 2009, the SIPA had claimed that Dodik and other key officials in the RS were guilty of abuse of office in relation to several construction projects and filed a criminal report with the BiH Prosecutor's Office (ibid.). Dodik challenged the competence of the BiH Prosecutor's Office to investigate him and representatives of the RS, and suggested that this was politically motivated (ibid.). By the end of 2009, international prosecutors no longer had a mandate and the issue was left to the local actors to handle. In June 2011, the case was transferred to the RS Special Prosecutor's Office, where the charges were subsequently dropped due to insufficient evidence (ibid.).

This decision to drop the charges was preceded by a crisis in April 2011, when the RS Parliament passed a resolution calling for a referendum on the powers of the HR and state-level judiciary (Sebastian, 2011: 4). In response, the HR publicly stated that he would use his Bonn powers to annul the referendum (ibid.). The EU stepped in to manage the crisis and the former EU foreign policy chief, Catherine Ashton, came to Bosnia and even made a surprise visit to Banja Luka, the RS capital (ibid.). Ashton highlighted that a dialogue on judicial reform would be introduced to address Serb concerns (ibid.). In response, Dodik backed down from the referendum calls and agreed to cooperate in the dialogue on judiciary reform (Hadzovic and Remikovic, 2011). This intervention was portrayed by the EU as a successful diplomatic outcome. However, by appearing to appease Dodik the EU created another problem. As Sofia Sebastian (2011: 4) argues, "the EU sent the wrong message to local authorities – namely that political obstruction and nationalist rhetoric might be rewarded." Indeed, this would prove to be a lesson that Bosnian political elites would learn well.

The first Structured Dialogue on Justice was held in Banja Luka, the largest city of the RS, in June 2011 (Smith-Hrle, 2015: 74). The second session followed in November 2011 and the third in July 2012 (EUBiH, 2016). The dialogue is a bilateral mechanism involving EU and Bosnian representatives. It is meant to be a way for Bosnia to further the necessary reforms in the justice sector and bring them in line with the requirements for EU membership (ibid). However, so far, the process has not made any impact on the stalled reforms. Bosnian political elites are preventing any attempt to create a more independent judiciary that would be able to hold them accountable (Smith-Hrle, 2015: 77).

In addition, the RS has once again "vowed" that it will hold a referendum on the state level institutions but it remains unclear when such a referendum would be held (Dzidic,

2015a). So far, the RS has stated that the referendum will ask if citizens support "anti-constitutional and laws imposed by the High Representative of the international community, especially the laws imposed relating to the Court and the Prosecutor's office of Bosnia and Herzegovina" (Dzidic, 2015b). Bosniak political parties have stated that this referendum would "destabilize the country" (Dzidic, 2015a). The OHR and the EU have also condemned such a referendum, and the current HR, Valentin Inzko, has suggested that if held, it would be against the peace agreement (OHR, 2015). The latest events show the remaining challenges in developing centralized institutions.

Prison reform remained in the background of the more visible police and judiciary reforms. In 2013, the EU and the CoE started a joint program, Harmonisation of BiH Sanctions Policies and Practices with European Standards, focusing on the prison system. The title of the program is telling and points to the continued efforts at harmonization of standards and ensuring respect for human rights. The goal is to improve the capacity of prison personnel, promote non-custodial sanctions and strengthen capabilities of prisons and staff to provide assistance to those with special needs (CoE, 2016). This involvement by the EU and CoE has led to amendments to laws and regulations bringing them in line with European standards. However, in practice, many of the staff are not well trained; for example, few are able to respond to the needs of inmates with psychiatric issues (see Tulic, 2013).

IMPACTS OF THE SSR PROCESS

The following section assesses the impacts of the process in terms of operational effectiveness, governance, economic viability and public perceptions.

Operational Effectiveness

Security trends in Bosnia show a relatively stable security environment. According to the latest report on the state of security in BiH published by the BiH Ministry of Security, there has been an overall reduction in crimes committed in the country: in 2014, the overall crime rate decreased by 7.57 percent in comparison to the previous year (Ministarstvo Sigurnosti Bosne i Hercegovine, 2015: 27).[17] Bosnia's stability is rightly presented as an important achievement for a post-war country. However, in order to more accurately understand the success of the SSR process, a wider picture of the security sector's functioning is needed.

Despite the overall stable security environment, there have been some worrying instances of hate crime. In 2014, there were 200 cases of hate crimes reported to the police. Of these, 36 have been prosecuted and 23 individuals have been sentenced. In 2013, there were

350 instances of hate crimes, 77 of which were prosecuted, leading to the sentencing of 88 individuals. In general, many feel that hate crimes, particularly hate speech, remains under-reported.

Organized crime networks that operate across the Western Balkans also impact the security in Bosnia and the functioning of security institutions. Given the divided and weak state structures, organized crime groups are particularly threatening to Bosnian security. Most concerning is the BiH Ministry of Security report's finding that criminal networks have infiltrated the judicial sector, with some judicial personnel regularly receiving bribes from these criminal organizations (CIN, 2015).[18] While Bosnia has harmonized its laws to be in line with international conventions on corruption, much remains to be done. The BiH office of Transparency International (TI BiH) (2014b) points out that while the indictments of corruption increased by some 19 percent from 2012 to 2013, the number of investigations fell by almost half. The data regarding sentencing shows a decline in the prosecution of corruption. In 2013, in the Court of BiH, only three judgments were rendered on corruption offences, one of which was an acquittal (ibid.). TI BiH also finds that the prosecutions that do occur are at lower levels of government, which means that major corruption scandals in the country are not investigated and prosecuted. This, in turn, means that the public confidence in the judiciary is constantly being undermined (ibid.).

Procedural errors are also of great concern. In 2014, 11 cases were dismissed on appeal due to procedural errors, nine were partly dismissed, and only 11 were upheld in full ("U ovoj godini," 2014). Case backlogs are also quite high, with unpaid utility bill cases accounting for 79 percent (some 1.7 million) of the unresolved cases (European Commission, 2014: 13). However, there was some improvement in 2013, with seven courts bringing their cases up to date (ibid.).

In terms of the defence sector, downsizing of security forces was successful. The Armed Forces of Bosnia-Herzegovina (AFBiH) have some 16,000 members (Ministry of Defence BiH, 2011). Of these, 10,000 are professional military members, 1,000 are civilians and another 5,000 are reservists. Ethnic representation is set at 45.90 percent Bosniak, 33.60 percent Serb, 19.80 percent Croat and 0.70 percent other (ibid.). However, the total number of women serving within the AFBiH is 607, with only two women with the rank of colonel. There is significant interest in joining the AFBiH, with an average of six applicants for each listed position (ibid.: 22).

The salaries in the security sector are close to or above the Bosnian average (€450 euros monthly). There are differences between the entities: the pay is generally around 800 KM (about €400) a month for the police officers in the RS, compared to some 1,285 KM (about €660) a month for the police officers in the Federation (Vukic, 2012). Still, it is important to consider that the minimum monthly cost of living is approximately €750 euros a month ("Bosnia Families," 2010). Moreover, Bosnian parliamentarians earn six times the national

average (Jukic, 2014c). However, the judiciary is well paid and judges and prosecutors receive higher salaries than their colleagues in Serbia and Croatia (Sisic, 2013).

In terms of efficiency, it is widely acknowledged that border police are the most efficient. In 2014, Bosnia's border services identified 533 individuals for questioning based on international, local and regional watch lists (Ministarstvo Sigurnost BiH, 2015: 12). Upon further investigation, 407 of these individuals were found to have active warrants for their arrest. As such, border services are seen as capable of intercepting individuals identified by international and local police services. In general, Bosnia's police services rank well in terms of reliability of police services in the region ("Policijske snage," 2012). According to the World Economic Forum Global Competitiveness Report 2015-2016, Bosnia ranks 27 out of 140 countries in terms of reliability of police services (World Economic Forum, 2015). In comparison, Serbia ranks number 87 and Croatia ranks number 53. Still, there have been complaints that police do not inform people of their rights upon arrest, and that influential suspects are often released shortly after their arrest (Freedom House, 2015). Moreover, there have been reported cases of police mistreatment of detainees. There are mechanisms where citizens can file complaints against the police and there are units set up internally to address any cases of misconduct (United States Department of State, 2014: 2). For example, the RS Ministry of Interior has investigated several cases where individuals had been mistreated by the police in the RS (ibid.: 4).

The prison system faces a number of challenges. Overcrowding is common and there is a lack of resources and staff (Freedom House, 2015). The Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (2015: 75) reports that there have been abuses of prisoners, and that some prison personnel see the international standards as imposed. In other words, they do not see them as suitable to the domestic context and have a spotty track record of implementing them. While discussions regarding a need for a National Preventative Mechanism for prevention of torture have been occurring since 2008, a strategy has not yet been implemented (ibid.). Prisons are poorly managed; for example, the Busovaca prison, a facility in the Federation, has some 112 prisoners in a place meant to accommodate 88. The prison has a new pavilion that could accommodate 70 prisoners but it is not being used due to lack of staff (ibid.: 76-77). In 2014, the Human Rights Ombudsman received 200 complaints from detainees and prisoners about their treatment by the authorities, this was up by 30 cases from the previous year (United States Department of State, 2014: 5). Construction of a new state prison started in 2014, a decade after authorities agreed that there was need (Jukic, 2014b). The new prison will be the first in the country to meet European standards and will have a capacity of 300 (ibid.). It is expected to be completed in 2016.

Governance

Security policy development and oversight capacity are generally weak across the different sectors. A main obstacle is the different political viewpoints and consensus in the country that inevitably end up affecting security policy. For example, representatives from the RS do not support initiatives and policies that they see as seizing "operational control" from the entities (Huseinovic, 2011). Representatives from the FBiH point to the RS actions as a main roadblock in the centralization and development of common security strategies and policies. An on-going dispute exists regarding the registering of military property as state property. Namely, in 2010, the RS adopted a law stating that military property on its territory, which had belonged to the Yugoslav republic of BiH, now belonged to the RS (Jukic, 2013). The Bosnian Constitutional Court struck down this law. The SNSD opposes the Constitutional Court's decision that 22 locations of military property in the RS should be registered as state property and transferred to the Ministry of Defence (ibid). NATO has also stated that Bosnia must register military property as state property as a condition for joining the organization (NATO, 2016). Within the Joint Committee on Defence and Security of Bosnia and Herzegovina, the members are divided along the respective political lines on this issue (Karabegović, 2015).

Political parties also exercise a great influence on the police. As part of earlier reforms, police officers could not join political parties (Weber, 2015: 4). However, there was no enforcement mechanism put in place and key positions, such as those of police commissioners and directors, are held by individuals linked to the dominant political parties in that area (ibid.). This selection based on political suitability has arisen due to the failure to prevent political interference in the creation of the Independent Boards. The Independent Boards were introduced in 2008 and were meant to be comprised of independent experts, members of civil society and academics. The primary role of the Independent Boards was the selection of police chiefs. However, Parliaments in the entities and cantons have not selected individuals who are independent but rather those with ties to the ruling parties (Weber, 2015: 4). This, in turn, impacts the selection process of key figures in the police and further politicizes policing.

In addition, the levels of SSR expertise among both parliamentarians and professional staff serving on oversight bodies is low.[19] In terms of oversight, the BiH Parliamentary Assembly includes the Joint Committee on Defense and Security and the Joint Committee for the Oversight of the work of the OSA, Bosnia's national intelligence agency. These committees are supported by the OSCE in regards to training and information on SSR. While they provide oversight over defence institutions and the OSA their work is also impacted by the political environment in the country. For example, in protest over the selection of members for the intelligence committee, three Serb members boycotted the House of Peoples in March 2015 (UN Security Council, 2015). Namely, the SNSD suggested that

rules were violated in the appointment of members to the intelligence committee. Local media reported that the SNSD was in fact arguing for the selection of one of its members, Nikola Spiric, a former prime minister of BiH, to the intelligence committee (RTVBN, 2015). However, Spiric was not selected due to the perceived conflict of interest – namely his son works for the intelligence service (ibid.).

A very small community of individuals in Bosnia understand the SSR process. While the international community, in particular the OSCE, has supported different training programs, the local partners have not developed their own training and capacity-building programs. As a result, there is no follow-up training for those who complete the seminars administered by the international organizations. As such, while there is capacity and individuals capable of furthering their expertise in SSR, there is no political will to support such an initiative.

Economic

As noted earlier, the decrease in military spending was focused on by the international community in order to ensure the sustainability of the reforms. As a result, Bosnia now spends roughly 1.2 percent of its GDP on defence (Rogers, 2012). This places Bosnia well in line with the other countries in the region. For example, Croatia spends some 1.7 percent and Serbia 2.2 percent of their respective GDPs on the military. Still, the oversight of defence spending and availability of information are constrained. According to the World Bank (2014: 44), there is currently limited capacity for internal audits within BiH institutions and most audits are focused on compliance, rather than performance.[20] Moreover, managers are seen as unresponsive to the recommendations made in the audits.

A greater issue facing the security sector is the state of the economy and reliance on international funds. Bosnia is one of the poorest countries in the region, with high unemployment rates. The unemployment rate is estimated to be about 28 percent, with the youth unemployment rate reaching close to 60 percent. There is some debate concerning these rates as many individuals work in the "grey economy.", that is earn income without being registered as officially employed. The presence of the grey economy is seen as further evidence of institutional inefficiency in the country (Efendic and Hadziahmetovic, 2015). The economic outlook remains bleak and the levels of growth are not likely to reach the pre-global crisis levels (International Monetary Fund [IMF], 2015).[21] Moreover, due to the political in-fighting between the country's politicians that stalled or blocked necessary reforms, the IMF halted payments that were needed to cover the budget deficit (Jukic, 2015).

Bosnia's weak economy and relatively low salaries in the security sector contribute to the high levels of corruption in the country. According to Transparency International, Bosnia

ranks eightieth out of 175 countries in the world (TI BiH, 2014b). Actual rates of corruption are difficult to gauge due to under-reporting. For example, only 6.6 percent of bribes paid by businesses are reported to the police (United Nations Office on Drugs and Crime, 2013: 6). Of the bribes paid to public officials by businesses, the rate for police officers is among the highest at 6.1 percent (ibid: 10). The overall picture is bleak for all civil servants. The BiH Ministry of Security reports that some 298 cases of bribery involving public officials were registered in 2014; this represents some 43.6 percent of all corruption cases (Ministarstvo Sigurnost Bosne i Hercegovine, 2015: 8). Again, the number of cases is likely only a fraction of the actual numbers as few are reported.

Public Perceptions

While the official statistics on the crime rate and other security trends point to a relatively positive picture of Bosnia's post-war security environment, the view of the public is mixed. In general, Bosnians tend to describe the security situation in the country as riddled with crime, corruption and inefficient security institutions. According to a 2014 study carried out by the CSS, a local civil society organization focused on the security sector, some 69 percent of respondent across the country felt that corruption and organized crime contributed to their sense of insecurity (CSS, 2014: 7). This was followed by armed violence, such as robberies, and street or petty crime, such as theft and pickpocketing. These concerns can be contrasted with the fact that some 42.9 percent of respondents reported feeling safe in their places of residence (ibid.). At the same time, more than 27 percent stated that they feel unsafe and 6.5 percent stated that they felt very unsafe in their places of residence (ibid.). These differences in security vary across the cantons and regions.[22] However, regardless of the place of residence, corruption and organized crime were identified as key contributors to feelings of insecurity.

Public concern with corruption is most evident in regard to the police and the judiciary. According to Transparency International's 2013 Global Corruption Barometer, 62 percent of respondents felt that the police were corrupt/extremely corrupt and 65 percent said the same for the judiciary. In comparison, only 26 percent felt that the military was corrupt/extremely corrupt. Moreover, some 32 percent reported paying a bribe to the police, and some 16 percent paid bribes to the judiciary. The perception that public officials and civil servants were corrupt/extremely corrupt was also high, with 67 percent of respondents agreeing. An even high number, some 77 percent, felt that the political parties were corrupt/extremely corrupt. These findings are also echoed in the local Transparency International's 2014 report on the perceptions of public administration in BiH. Political parties, government institutions, judiciary and the police are perceived to be the most corrupt (TI BiH, 2014a: 21).

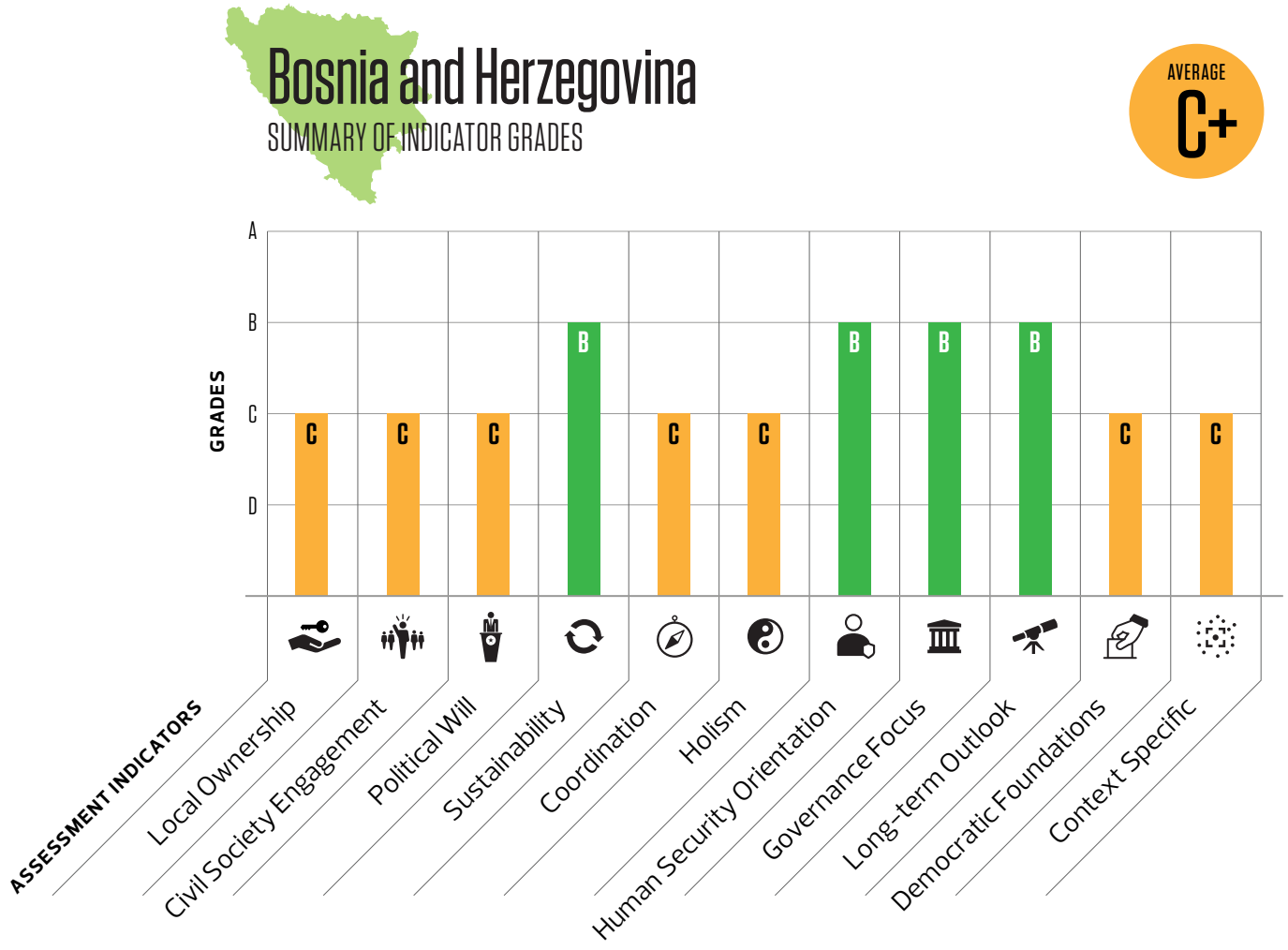
These concerns regarding corruption and the links between public officials and criminals affects the perception of the efficiency of security institutions. As noted by the CSS (2014: 7), 60 percent of respondents felt that the BiH authorities are not adequately responding to the problem of organized crime and corruption. Interestingly, 76.8 percent stated that the judiciary lacks the will and courage to try senior officials who are alleged to have links to criminal networks (ibid).[23] In contrast to the views on police and judiciary, military institutions are seen as trustworthy, a common view shared across the countries of the Western Balkans (PASOS, 2015).

The fragmented nature of the judiciary and police is seen as a key reason for the inefficiency. Indeed, some 54.4 percent point to this as an issue in regards to the judiciary and some 51.4 percent blame the complex structures, namely the number of police institutions, for the short-comings in policing (CSS, 2014: 7-8). For example, a Bosnian journalist explains that there have been several cases in Sarajevo where an individual will call up a particular police station to be told, "you are a few feet from our jurisdiction, call the other station."[24] Perhaps most worrisome was the police response to the attack on the US Embassy in Sarajevo in 2011. On October 28, 2011, Mevlid Jašarević, an Islamist sympathizer, attacked the embassy with an assault rifle, wounding a Bosnian police officer but causing little damage to the actual premises (Weber, 2015: 13). However, the various police services in Sarajevo were in disarray as no one was sure who had the jurisdiction of foreign diplomatic buildings and government institutions (ibid.). This was seen as further evidence of the fragmented police structures by local analysts and ordinary citizens.[25]

EVALUATION FRAMEWORK: ASSESSING ORTHODOX SSR IN BOSNIA

The following section provides an assessment of the application of SSR norms and principles in Bosnia. The evaluation framework for this project comprises 11 indicators that mirror the core SSR norms and principles.[26] These 11 indicators are assessed and a letter grade (A, B, C, D) is assigned for each indicator, with an 'A' grade representing the most effective possible application of the core SSR norm/principle in the country and the 'D' grade signifying the worst. A summary of the assessment for this case study is provided in Table 1.

Table 1: Summary of Indicator Grades



Local Ownership

Indicator grade: C

Local ownership received a great deal of rhetorical support. Despite this aspiration, in practice SSR was primarily undertaken by the international community as is visible throughout the different sectors. In most cases, the OHR pushed forward the reforms. Over time, there was more focus on local ownership and sustainability of the reforms. However, to a large extent, this has meant attempting to obtain local buy-in for what has remained an externally driven process. The perception among local civil society representatives as well as local members of international organizations is that the international community continues to set the parameters for the reforms. At the same time, local actors have not proposed alternatives that would have popular support in both entities. A key factor for the lack of ownership is the political division in the country.

Civil Society Engagement

Indicator grade: C

Civil society engagement has also been weak but has been improving over time. Security institutions and civil society organizations do, at times, attend the same seminars and conferences organized by the international actors. However, there is still a long way to go before civil society organizations are seen as important partners in the provision of security. A notable exception has been the joint initiative of the CSS in Sarajevo and the Ministry of Interior of the Sarajevo Canton to establish an online reporting mechanism for corruption ("Aktiviarana aplikacija," 2015). The CSS in Sarajevo is the most active civil society organization in regards to the security sector. Furthermore, there seems to be emerging involvement of women's groups in regards to issues of gender and provision of security. Still, there is some resistance in engaging civil society and the public in the security sphere.

As reforms moved from technical issues, such as reducing numbers of military and police officers and training, to focusing on gender and human rights training, donors started to engage civil society actors. But local officials have been much slower in adopting this approach. Local security analysts explain that civil society involvement in security institutions is novel for local officials, in part due to the previous political system. However, the Bosnian press regularly reports on security sector issues. Much like everything else in the country, the press is divided along ethnic lines but, despite this, the different newspapers do monitor developments regarding security in the country. A local journalist explains that, for the most part, security institutions do respond to requests for information. Still, social media use by different security agencies to inform the public

is not common. For example, the OSA, Bosnia's national intelligence agency, has not published any plans of its activities since its creation and has not informed the population about any security threats (Jukic, 2014a).

Political Will

Indicator grade: C

Many of the reforms have been stalled due to the lack of political will and consensus. While Bosniak politicians would like to see further centralization, RS politicians have resisted giving up control over the police and judiciary. Croat politicians would like to gain greater control over policing in their own areas. The differing opinions have recently played out in regard to judicial reforms. The RS leader, Milorad Dodik, pushed for a referendum to be held on November 15, 2015 on the "authority of state and international institutions" (Panic and Latal, 2015). Voters in the RS will be asked if they support the "anti-constitutional and unauthorised laws imposed by the High Representative of the international community, especially the laws imposed relating to the [state] court and the prosecutor's office of Bosnia and Herzegovina" (as quoted in Panic and Latal, 2015).[27] Most Bosnian officials and the international community have said that this is illegal and unconstitutional as the RS is challenging institutions that are not within its jurisdiction. The High Judicial and Prosecutorial Council highlighted that this action would undermine the rule of law in the country (Dzidic, 2015a). Still, in early 2016, the referendum has not been held and it is unclear if it will happen at all. Nonetheless, the leading RS politicians, such as Dodik, have remained adamant that it should happen at some point. As such, there is no will on part of the politicians to further the SSR agenda.

Sustainability

Indicator grade: B

In the defence sector, the international community paid particular attention to the question of economic sustainability. The reforms were also realized once the local actors recognized the financial burden of having separate defence forces. In regards to policing, the EUPM did pay attention to strengthening the institutional capabilities related to the management of finances. However, since the police restructuring plan was rejected, the continuation of the number of forces means that they are not financially viable. Moreover, some 31 government officials use police escorts, which has attracted criticism from foreign diplomats, most notably the Japanese Ambassador to Bosnia (Vukic, 2014; "Japanski ambasador," 2014). In June 2015, the Una-Sana Canton police union organized a strike to demand a part of their pay and some transportation costs be paid out by the local

government ("BiH: Policija USK," 2015). The local government did not have the adequate resources and was waiting for a short-term loan to cover the costs.

Coordination

Indicator grade: C

In terms of international coordination of SSR, key international donors, such as the OHR and the EU, do have a good working relationship. However, individual EU members may have different priorities that shape EU activities. The OSCE acts primarily as a supporter of SSR through training and as an advocate for better governance. Ultimately, the lack of a coherent SSR strategy hinders coordination of the remaining reforms. For the most part, coordination between different police services in the FBiH is ad hoc. The Directorate for Police Coordination Bodies — while intended to facilitate the coordination between different services — is only responsible for state-level institutions, such as SIPA (Padurariu, 2014). As a result, coordination between entity services varies and, in some cases, there is little cooperation between the different services in the FBiH. Up until a few years ago, the agencies did not contribute to a shared electronic database.

Holism

Indicator grade: C

The sector-focused reforms have resulted in a "lack of synergy" between the different parts of the security sector.[28] Although some efforts were made by the international community to ensure that, for example, judicial reform and prison reform occurred at the same time, this does not mean that close attention was paid to integrating the two. As a result, some disconnection exists between the judicial and penal systems.[29] Once again, the lack of an overall strategy contributed to this absence of holism.

Human Security Orientation

Indicator grade: B

The security of local populations has been prioritized by the international community involved in the SSR process. Human rights norms and values were highlighted in the training of personnel. Still, the dominant view by the international actors was that stable institutions would in turn lead to more security for the population. As such, a broader understanding of human security did not emerge in the reforms. The bulk of the resources were ultimately focused on conventional regime-centric initiatives.

Governance Focus

Indicator grade: B

Good governance initiatives received a great deal of attention from the international community. In many of the sectors, the OHR supported governance initiatives, and the OSCE still focuses on these issues. Many other organizations, such as the CoE and the United States Agency for International Development, also promote the good governance agenda. However, as David Chandler (2006: 96) suggests, the highly visible role of the international community in promoting and, in the case of the OHR, imposing good governance mechanisms has, to some extent, undermined the local capabilities. In his words, "The process of imposing decisions that the international community feels are in the public interest has strengthened external mechanisms of international governance but undermined domestic Bosnian institutions of government, weakening political institutions and discouraging public participation in the political sphere" (ibid.). As such, while the SSR process in Bosnia went beyond the "train and equip" programs, an unintended consequence has been the exclusion of local populations.

Still, throughout the reforms, there has been a focus on establishing oversight mechanisms. For example, the Parliamentary oversight of defence and the intelligence agency is an important development in terms of ensuring accountability and transparency in the security sector. In addition, both the Parliament of the FBiH and the National Assembly of RS have security committees that examine the functioning of the security sector. There are also 14 independent oversight bodies that monitor human rights, the budget and communications in the public sector (Hadzovic and Dizdarevic, 2012: 59).[30] The most prominent in terms of human rights is the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, established in 2007 as a state-level oversight mechanism for the public sector (ibid.). However, the Ombudsman does not have a specific mandate for the security sector (ibid.). A greater challenge is that when the Ombudsman provides recommendations such as on the treatment of prisoners, these are not implemented (ibid.: 60). A key gap exists in the enforcement of the decisions made by the independent bodies (ibid.: 61).

Long-term Outlook

Indicator grade: B

Long-term goals for SSR in Bosnia exist and are tied to the Euro-Atlantic integrations of Bosnia. Still, many of the reforms undertaken have been focused on the short-to-medium term. This is visible, for example, in the case of the IPTF, which had an initial mandate for one year (1995-1996) and then had its mandate extended several times (Padurariu,

2014). Currently, donor support, particularly by the EU, is seen as reliable, although other donors have, over time, cut back on their support. For example, in 2009, the Canadian International Development Agency closed its Sarajevo offices and there was an indication that other donors, such as the Netherlands and the United Kingdom, would scale back development assistance (Nansen Dialogue Centre Sarajevo and Saferworld, 2010: 10). Further pulling out of donor support is to be expected, as the country has stabilized and donor attention is focused on other conflict.[31]

Democratic Foundations

Indicator grade: C

The imposition of laws and reforms by the HR has meant that the promotion of liberal democracy in Bosnia has been pursued through illiberal actions (see Belloni, 2009). While it was at times necessary, it has created a dependency on external actors. Local elites are aware that the international community will step in and do not engage in dialogue with each other to resolve issues. Although some civilian oversight of the security sector exists, it is limited and security institutions are influenced by the different political parties. In 2014, the Border Police and Directorate for Coordination of Police Bodies were left without leadership as the Council of Ministers failed to transparently elect the heads for these institutions ("Blokiran rad Granicne," 2014).

Moreover, despite the fact that accountability, transparency and human rights norms have been enshrined in various documents, in practice there are significant gaps. A remaining challenge is the presence of nepotism and a lack of transparency in the hiring decisions in the security sector and beyond. This is visible at all levels and across the different sectors. Most interviewees noted that in order to obtain senior positions the individual has to be "suitable" (*podobni*), which usually means from the right political party. However, even junior positions require connections ("Granicna policija," 2014). Part of the challenge is also the need to follow ethnic quotas. From the perspective of the applicants, the issue is that these are not made clear when the positions are posted.

Context Specific

Indicator grade: C

The overwhelming presence of international actors following Bosnia's war meant that, for the most part, the reforms were developed in a top-down manner. Local actors were often simply recipients of international formulas. This is most visible in regard to reforms of the judiciary, where Anglo-American norms were adopted despite the fact that the

lawyers in Bosnia are trained in a different legal system — European-style code law. While attention was paid to the political elites and their differing agendas, broader attention to the local context was largely absent. As one local member of an international organization explains, the work on engaging communities is often removed from the concerns of rural populations in particular.

CONCLUSION

Bosnia's SSR experience is best described as ambiguous. While much progress has been made in rebuilding Bosnia's security institutions, there are also continuing challenges in establishing state-level institutions and coordinating the fragmented security system. In comparison to some other post-war contexts, Bosnia certainly seems to have a functioning security sector. Indeed, the overall security environment in Bosnia is stable, as the security trends discussed above show. However, serious concerns remain in the police sector and judiciary that show the limits of internationally driven reforms. There are still large gaps in coordination between the different police institutions in the country. Most of the cooperation is done on an ad hoc basis. Moreover, the professionalism of the police remains questionable. In February 2014, Bosnians took to the streets to protest the high levels of corruption and unemployment in the country. While the protests were peaceful for the most part, violent clashes occurred between the protestors and the police for a few days. The police were all too quick to use excessive force, prompting local Bosnian analysts to question the effectiveness of the international training for more democratic policing.

Differing political visions for the country get to the heart of the stalemate in all areas of Bosnian political life. Bosnia's politicians pull the country in different directions and continue to oppose reforms that undermine their goals. It is also important to highlight that many of the Bosnian national political parties continue to exercise a degree of political interference in the work of the police and judiciary, in particular. As such, even where good governance programs have been implemented, the political influence of national parties remains an obstacle in building truly democratic institutions. Bosnian political elites have also learned that international actors — namely the OHR and EU — will back down from certain demands if the Bosnian elites push back hard enough. This is visible, for example, in Dodik's pushback against judicial reforms and the response by the EU to seek to promote dialogue on these reforms.

However, not all the blame can be placed on the Bosnian political elites, although they certainly hold a great deal of responsibility for the permanent state of uncertainty in the country. Heavy-handed approaches by the international community have also made Bosnia overly reliant on external actors. At the same time, a lighter approach is unlikely to have led to a more effective outcome given the lack of consensus among Bosnian elites.

Still, international actors could have done more to achieve a Bosnian elite consensus on SSR. The success of the Defence Reform Committees showed the importance of relationship building and dialogue by skilled mediators. External actors have also not considered an effective handover to local actors and some local security experts are questioning how long the international engagement will last.[32] Moreover, decisions by former HRs such as Paddy Ashdown and Miroslav Lajcak also politicized the SSR process. Ashdown, for example, pushed for centralization of policing in order to overcome the divisions in the country. Lajcak sought to undermine veto powers in the BiH Parliament in order to circumvent Serb opposition and push through police reform. In other words, these HRs used the SSR process as a tool for political change. As a consequence, there have been few bottom-up initiatives and SSR did not emerge from changes in the domestic political context.

Some efforts at a second-generation approach to SSR can be noted, although these are still nascent. In terms of policing, there has been a promotion of community policing, which has, in some cases, resulted in greater engagement with the local population. A limited number of civil society organizations are also starting to engage with the security sector in developing tools to tackle relevant challenges, such as corruption. However, donors should have engaged more with the civil society in order to build a local expert community that could monitor and provide oversight of the security sector. For the most part, donors relied on foreign experts and did not pay enough attention to the need to develop those skills amongst local civil society actors. The OSCE has taken the lead in training security sector professionals in BiH on SSR, but wider donor engagement from the outset would have made a great impact.

The Bosnian model for SSR holds two valuable lessons for other contexts. First, the impact of SSR in Bosnia shows that despite a strong international presence, local actors and context always shape the success of any reform. Second, and related, SSR is not a short-term process, nor is it necessarily linear. In some sectors, such as judicial reform, backtracking can occur. In other words, local conditions shift and if critical issues remain unresolved, external actors may not be able to prevent further spoiling by local political elites. This is related to the first point that no amount of imposed laws and institutions can truly be effective in the long term if there is not local buy-in and support for these institutions.

NOTES

1. A Peace Implementation Conference was held in London on December 8-9, 1995. The event led to the creation of the Peace Implementation Council (PIC). The PIC is composed of 55 donor countries and organizations, including Canada, the European Union, Russia, the United States and the Organization of Islamic Cooperation, represented by Turkey.
2. Bosnia, as structured by the DPA, is comprised of two entities, the Federation of Bosnia and Herzegovina (FBiH) and the Serb Republic (RS), as well as the special status Brcko District. In addition, the FBiH is further divided into 10 cantons adding an additional layer of decentralization.
3. The OHR, whose role is outlined in Annex 10 of the DPA, oversees the implementation of the DPA, and reports to the PIC. The PIC's Steering Board selects the High Representative (HR) and the Security Council approves the selection. In its December 1997 meeting, the PIC gave the OHR the ability to remove elected officials from office and to implement legislation; these are widely known as the "Bonn powers."
4. The provision (Annex 4, article V, section 4 (b) of the DPA) states that, "The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee."
5. Interview with a Bosnian retired high-ranking military official, Sarajevo, July 30, 2015.
6. There was some attempt by the decertified officers to file complaints to the IPTF and ask the domestic courts to assess the legality of their dismissal. The appeals were not responded to as there was no mechanism set up by the IPTF to address these appeals. Still, Mayer-Rieckh suggests that by March 2004, some 150 officers had asked the domestic courts to look into their dismissal (Mayer-Rieckh, 2007: 194). Some of the courts found that they had no jurisdiction over the decisions made by the UNMBIH while others ruled that that the decertified officers should be reinstated (ibid.). The exact numbers on the outcome of these cases are not clear. In 2007, then president of the Security Council, Emyr Jones Parry, ended the ban on decertified officers applying for and working in law enforcement for life that came with decertification (Ahmetasevic, 2007). This move was seen as a compromise of sorts, but fell short of admitting that the IPTF actions were not just and it did not call for reopening the cases.
7. Annex 4 of Dayton also included a Constitutional Court of Bosnia and Herzegovina. It is also important to note the supranational institution, the International Criminal Tribunal for the Former Yugoslavia, was created in 1993 by the United Nations, in order to prosecute war crimes committed during the Yugoslav wars.
8. A war crimes department was added in 2004 (ICG, 2014: 27).
9. Interviews with lawyers and legal experts in Sarajevo, Bosnia, September 2013 and July 2015.
10. The OSCE had suggested that the number was likely even higher, with defence spending accounting for six to 10 percent of GDP (Orsini, 2003: 85).
11. Interview with a Bosnian retired high-ranking military official, Sarajevo, July 30, 2015.
12. The ICG (2005: 5) suggests that a key reason for the rejection was the fact that the RS had not arrested any Hague indictees.
13. In his last three days in office, Petritsch passed 246 decisions, including 43 laws (Zahar, 2009: 119).
14. Petritsch was the HR from August 1999 to May 2002. Ashdown took over from him in May 2002 and remained in office until January 2006 (OHR, 2015).
15. Interview with a member of an international organization, Sarajevo, September 10, 2013.
16. There was some controversy when the Constitutional Court upheld the law on the creation of the Court of BiH (see ICG, 2011: 8). The issue was that the three international judges joined two Bosniak judges in voting for the upholding of the law creating the state-level body, against four Croat and Serb judges (ICG, 2011: 8).
17. In 2014, there was a total of 34,705 crimes registered. This was down from 37,551 crimes registered in 2013 (Ministartsvo Sigurnosti Bosne i Hercegovina, 2015).

18. In one case, Zeljka Bukmir, a clerk at the Court of BiH, revealed information from on-going investigations to the suspects (Pavlovic, 2014). She only received a six-month suspended sentence (Freedom House, 2015). However, Bukmir had received access to the information, which she should not have been able to access, through close personal relationships with higher ranking judges and officials, none of whom received any sanctions for their actions (ibid.). In addition, there have been allegations that some state prosecutors wiretapped their colleagues and judges of the Court of BiH in order to influence outcomes in cases where they received bribes (Freedom House, 2015; Brkic-Cekic, 2014).
19. Interview with a member of an international organization, Sarajevo, July 28, 2015.
20. In the Ministries of Finance and Defence, the Swedish International Development Administration has provided practical assistance with the internal audits (World Bank, 2014: 85).
21. From 2000 until the global economic crisis in 2008, Bosnia was averaging a healthy growth rate of five percent annually (Efendic and Hadziahmetovic, 2015: 117).
22. The respondents who felt safest were from the West-Herzegovina Canton, followed by Herzegovina-Neretva Canton and the Posavina Canton (CSS, 2014: 61). The West-Herzegovina Canton and the Posavina Canton have a primarily Croat population, while the Herzegovina-Neretva Canton is mixed. These understandings of the demography can only be fully supported by the 2013 Bosnian census. However, to date, the statistics regarding the ethnic makeup of the population have not been released. Only preliminary information on the census has been released without any specific details on the current demographic picture of the country (see Agency for Statistics of Bosnia and Herzegovina, 2013).
23. For example, Zivko Budimir, the president of the FBiH, was arrested and charged with accepting bribes to pardon convicts ("Bosnia president, 2013"). However, he was later freed on the order from the Constitutional Court. This contributed to the public perception that the courts were not serious or united in tackling corruption when it came to senior politicians.
24. Interview with Bosnian journalist, Sarajevo, July 27, 2015.
25. Interviews with civil society members and citizens, Sarajevo, September 2013.
26. For more information on the evaluation framework applied to the four case studies for this project see Annex I, which details the criteria that informed the grading for each of the eleven SSR indicators.
27. The issue at hand is that the state court can take over cases from the entity courts if the criminal acts in the case undermine national security, territorial integrity and the sovereignty of Bosnia.
28. Interview with a Bosnian retired high-ranking military official, Sarajevo, July 30, 2015.
29. Interview with a Bosnian legal expert, Sarajevo, July 2015.
30. At the state level these include: Institution of Human Rights Ombudsman of Bosnia and Herzegovina, Parliamentary Military Commissioner, Independent Police Board of Bosnia and Herzegovina, Board for Complaints of Police Officials Bosnia and Herzegovina, Public Complaint Board Bosnia and Herzegovina, Personal Data Protection Agency Bosnia and Herzegovina, State Auditor, Anti-Corruption Agency Bosnia and Herzegovina, Central Election Commission Bosnia and Herzegovina, and the Communications Regulatory Agency of Bosnia and Herzegovina. In the Federation, there is the Independent Police Board FBiH and the Public Auditors Office FBiH. In the RS, there is the Independent Police Board RS and the Public Auditors Office RS. In the Brcko District, there is also the Independent Board of Brcko District. See Hadzovic and Dizdarevic (2012) for more details.
31. Interview with a representative of an international organization, Sarajevo, July 28, 2015.
32. Interview with two local Bosnian legal experts, Sarajevo, July 29, 2015.

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ANNEX I - EVALUATION METHODOLOGY

The evaluation framework applied to the four case studies for this project - Bosnia-Herzegovina, El Salvador, Sierra Leone and Timor-Leste -comprises 11 indicators that mirror the core SSR norms and principles. Taken together these SSR norms and principles provide a good lens to assess the efficacy of SSR programming, and thus form the backbone of the methodology for this project. While it may be difficult to determine with any precision the short-, medium-, and long-term impacts of SSR programming on local security, development, and political conditions given the range of other variables at play, it is possible to assess the extent to which reform processes have adhered to the core norms and principles of the SSR model.

Based on their field research, the case study researchers were tasked to assign a letter grade (A, B, C, D) for each SSR indicator, with an 'A' grade representing the most effective possible application of the core SSR norm/principle in the country and the 'D' grade signifying the worst. This annex details the criteria that informed the grading for each of the eleven SSR indicators.

1. Local Ownership

A - SSR process was fully designed and led by local stakeholders with state and non-state engagement. There is a clear consensus on the goals and end state of the process among domestic stakeholders. External donors limited to a supporting role.

B - Local ownership and leadership of the process was limited, with the bulk of local stakeholders buying into an externally designed and led process across much of the sector. Non-state engagement is confined to a narrow set of issues.

C - Little state engagement in the SSR process altogether. State involvement centers on a small coterie of reformist leaders (primarily Western oriented) supporting an externally designed and driven reform agenda. Very limited engagement of non-state actors.

D - An entirely externally designed and driven, top-down reform process with little local legitimacy. Local capacity or will to engage in the process is practically non-existent

2. Civil Society Engagement

A - Broad-based grouping of civil society actors actively engaged as a full partner/ stakeholder in the planning, implementation and oversight of every aspect of the SSR agenda.

B - Diverse set of civil society actors involved in the SSR process, but it is limited to

particular issues and institutions. Civil society not perceived as a full partner in the process. Rather, it has been engaged on an ad hoc basis to fulfill particular tasks such as monitoring and evaluation or project implementation.

C - Limited outreach to narrow grouping of civil society actors in the form of information sharing, not planning, implementation or oversight. Noticeable hostility among government actors toward a more concerted civil society role in SSR. Civil society engaged only peripherally by external donors.

D – No meaningful engagement with civil society actors as a part of SSR. They are viewed as a competitor for authority and external funds by most government stakeholders and largely ignored by external donors.

3. Political Will

A - There is robust political consensus surrounding the SSR project within the executive and legislative branches of government, with external donors investing significant political capital to consolidate that consensus. SSR was included in all major peace agreement(s) and treaties.

B - Significant political will for SSR expressed by certain constituencies in government and across the state, with some donor investments of political capital. Few significant political spoilers have emerged.

C – SSR only supported by a narrow stratum of elites, and largely in rhetoric only, with powerful factions opposing the process. Donors investing limited political resources to advance the process. Several spoilers have sought to obstruct parts of the process.

D - No natural SSR constituency, with widespread distrust of a process seen as a form of external interference. Open political opposition to SSR activities with meager and ineffective donor political interventions.

4. Sustainability

A - SSR process designed with explicit consideration of long-term economic sustainability. Direct attention provided to government budget capacity over the short, medium and long-term. The security sector is projected to be completely self-sufficient in the medium to long-term. Strong emphasis placed on building public finance management practices and procedures in the security sector.

B -Significant but not universal consideration provided to economic sustainability of the security sector. Some reform projects and institutions of the security sector more attentive

to sustainability concerns than others. Some external subsidies will be required in the medium to long-term for the continued development of the security sector. There has been modest engagement to build public finance management systems in the security sector institutions.

C - Marginal consideration given to economic sustainability issues. Concern is expressed in government and donor policy and public statements, but there are few concrete plans for translating policy into practice. The security sector projects will be significantly dependent, although not entirely so, on external subsidies for the medium to long-term. There has been little effort to develop public finance management capacity.

D - Almost no attention paid to issues of economic sustainability. Reforms being implemented are not sustainable on a financial basis. The security sector will be an external dependency for the foreseeable future. No effort to construct sound public finance management systems.

5. Coordination

A - Comprehensive and holistic coordination system established that engages donors, the state, and civil society actors. Involves the establishment of coordination bodies with oversight and enforcement capabilities.

B - Modest coordination systems established surrounding particular segments and actors of the security sector. Coordination structures have some capacity and influence, but lack teeth for enforcement.

C - Ad hoc approach to coordination dependent largely on opportunistic alliances and agreements between different constellations of like-minded actors within the security sector. Few if any institutional structures established.

D - Coordination almost totally absent, with various actors advancing their own interests with little consideration of broader coherence within the sector. There have been many instances of duplication, waste and clashing interests in the security sector.

6. Holistic

A - Strong linkages have been developed across the various pillars of the SSR process, reflected in unified strategies and mechanisms for joint assessments, project implementation and monitoring and evaluation. Communication lines between stakeholders in the various security sector pillars are strong. The SSR process has been advanced according to a coherent common vision for change.

B - The SSR strategy is holistic in character, but there are few practical mechanisms to facilitate cross-sectoral coherence in implementation. There is some cross-sector dialogue, but joined up implementation activity among the various security sector pillars is modest in scope. A common vision for the security sector is recognized across its various pillars but there is uneven adherence to it in practice.

C - The references to a holistic approach in SSR strategies, policies and plans are weak. Divisions and contradictory interests within the security sector and among external donors have obstructed constructive cross-sectoral dialogue and there is no joined-up implementation. A common vision for the security sector exists, but it is largely window dressing that is not taken seriously by domestic or external stakeholders.

D - The SSR process is entirely siloed and compartmentalized in policy and practice, with no connectivity between the various pillars of the process. There is very little communication between the various SSR pillars and no joined-up implementation. A common vision for the process was never articulated.

7. Human Security Orientation

A - The SSR process in both planning and implementation has a clear people-centered vision, prioritizing human above regime security. The process has accorded equal emphasis to regime-centric and people-centric reform processes.

B - The main SSR stakeholders have articulated human security principles, but only modest headway has been made to mainstream those principles into concrete reform programming. Significant emphasis on people-centric reform programs, although the bulk of resources invested in conventional regime-centric initiatives.

C - Human security principles recognized in SSR policy and planning, but little influence on reforms, where regime-centric approaches are the norm. With the exception of a few ad hoc initiatives, the process is regime-centric and heavily statist in orientation.

D - The process is wholly regime-centric with human security considerations an afterthought at best.

8. Governance Focus

A - Good governance promotion is a central pillar of the SSR process, receiving commensurate funding and support as security force train-and-equip programs. Robust, well-funded initiatives have been established to improve governance capacity (human and institutional) within the executive, legislative and judicial branches of the state.

B - Strong attention provided to good governance promotion in the security sector, but with some variance in impacts across institutions. Still, levels of funding provided to governance projects have been disproportionately low as compared to train and equip initiatives.

C - While rhetorical support has been provided to good governance initiatives, they are clearly a secondary priority for donors and the government. Improving governance across the security sector is largely perceived as a long-term objective rather than an immediate priority. The bulk of the resources for the SSR process are channeled to developing the operational capabilities of the security forces.

D - Good governance promotion is largely ignored in the SSR process, an afterthought in policy and practice. This is typically justified with references to security or political crises that militate against complex and disruptive governance programs. The SSR process has an overwhelmingly technical focus on improving the operational capabilities of the security forces.

9. Long-Term Outlook

A - Donor and government planning is clearly long-term, with programs and strategies projected at least a decade into the future. Funding and resource commitments are extremely durable. Planning takes into account short, medium, long-term time horizons.

B - Long-term ramifications of SSR programming are considered, but most initiatives are short to medium-term in focus and duration, projecting five years into the future. Donor resourcing is perceived as reliable but no guarantees of protracted engagement exist.

C - SSR outlook is predominantly short-term, with planning and programming cycles typically 1-2 years in duration. Stakeholders aspire to long-term approaches, but these rarely materialize, principally due to adverse conditions on the ground. Donor funding is fragile and prone to cuts.

D - SSR programming and donor funding is entirely reactive and short-term. No long-term planning, and donor funding commitments are tenuous.

10. Democratic Foundations

A - Core democratic principles, including accountability, transparency and respect for human rights, are mainstreamed throughout the SSR agenda and unconditionally embraced by all major stakeholders. The sector has effectively been subordinated to democratic civilian control and is seen as a vanguard of the democratic transition.

B – The SSR process has a strong foundation in democratic principles, as reflected in planning and policy documents, but these principles have been unevenly applied in SSR programming. The sector has largely been placed under democratic civilian control although some deficits exist.

C - Democratic principles are observed on a selective and opportunistic basis by stakeholders and reformers, an outgrowth of a mixed commitment to those principles. Many aspects of the SSR agenda could be considered illiberal and undemocratic. Democratic civilian control of the security sector is largely hollow, with security sector actors wielding significant independent power.

D - Democratic principles of SSR are observed in rhetoric only, with little to no demonstrable effort to mainstream them in practice. Illiberal practices are widespread in the security sector with few remedies being considered. Violations of fundamental rights are commonplace. Security sector actors are not beholden to democratic civilian authority and have the power to undermine the civilian government at will.

11. Context-Specific

A - Strong efforts have been made to tailor SSR programming to the local context, based on robust initiatives to assess and map the security sector. Attention has been paid to local culture, historical tradition and political dynamics in programming, as well as engagement with a plurality of local actors, and security/justice traditions (including non-state actors).

B - A concerted emphasis has been placed on contextualizing reforms, but the impact on programming has been piecemeal. Adequate assessments and mapping have been undertaken to inform planning and reform design, although with limited engagement of a broad cross-section of societal actors.

C - Limited efforts have been made to contextualize the SSR process. External actors demonstrate inconsistent desire to understand and engage local context. Assessment and mapping exercises were weak and had little influence on planning and programming. Little engagement with local non-state actors and traditions.

D - SSR processes and programs have been largely transplanted from other contexts with marginal adjustments for local conditions. No adequate assessments or mapping done to inform programming and societal actors outside of a narrow clique of elites within the state were largely ignored.

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