

Assessing the potential for renewed ethnic violence in Bosnia and Herzegovina:

# A security risk analysis

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Democratization Policy Council

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## **Executive summary**

The Atlantic Initiative and Democratization Policy Council's security risk analysis, conducted Spring-Fall 2011, assesses a full range of factors in Bosnia and Herzegovina that have a bearing on the potential for interethnic violence and renewed armed conflict. The following is a brief summary of the study's conclusions.

### The international community role – creating a rules-free environment

The assumptions that predicated the current international policy toward Bosnia and Herzegovina and the resulting shift posture since early 2006 were pivotal factors in creating the current political and social environment. The unwillingness to maintain and employ Dayton implementation and enforcement mechanisms – the OHR and EUFOR – and a move to a “soft power” approach have generated a rules-free environment, in which political leaders feel free to pursue their unfulfilled agendas without restraint. While the current approach is clearly not working, there is no collective political will to revisit its foundations. The result is an increasingly divided Peace Implementation Council Steering Board, divided between those members which believe the EU enlargement toolbox will be sufficient to prevent further deterioration (Germany, France, Italy, Spain, Russia and the EU institutions themselves) and those who are increasingly sceptical and frustrated by this approach (US, UK, Turkey, Japan, Canada, and sometimes the Netherlands). Lacking unity or leadership, the policy remains on bureaucratic autopilot with a course set in 2005. This has increased the likelihood, and potential gravity, of political miscalculation by Bosnia's leaders.

### Domestic environmental factors

#### *Inflammatory political rhetoric and hate speech*

An analysis of hate speech and political rhetoric clearly shows that the political and public discourse in Bosnia has radicalized over the last three years (2009-2011), increasing sharply since the October 2010 elections. The political elites and most of the media in the country have played an active role in this deterioration. The analysis also reveals the increasing questioning of the state of BiH itself. Discussion of the political crisis degenerating into violence – in effect, talk about “war” – has also increased, with politicians and media figures using the 1992-1995 as the interpretive lens and employed as a political instrument. Yet there is little to no factual assessment of the conflict potential – physical, social, or political – in contemporary BiH. Popular fears appear to be rising: public talk of potential future violence seems to have reached beyond political and other elites to the general public, with the 1990s war the dominant reference point. All such public discourse is disconnected from the reality on the ground. Use of the term “war” inevitably harks back to 1992. Since the current circumstances and forces available are substantially different, this often leads to the conclusion that since war in the manner of 1992 is not possible, organized violence is also not possible. This second conclusion does not necessarily follow the first, and may allow a false sense of security both domestically and internationally.

#### *Capacity of state institutions and the role of political elites*

Parallel to the escalation of political rhetoric over the past five years, the political elites' confrontational relationship has delivered poor and deteriorating performance in governing institutions. This holds true at the state, entity, and cantonal levels, on a host of indicators: the governments' own legislative agendas, EU integration, the 5+2 requirements for OHR closure, constitutional reform and compliance with the ECtHR's Sejdić-Finci ruling, passing a census law, meeting the requirements to access external credits, and protecting the domestic economy. A new state government has yet to be assembled a year after general elections. Political leadership at all levels has been unwilling to compromise on policies that would serve the public good – the basic needs, interests, and expectations of citizens vis-à-vis government are not met. Not only does this negatively affect citizens' ability to identify with their own state (and political elites), it must certainly also have a negative effects on citizens' perception of security – and their real security.

#### *Effects of the global economic crisis – danger of social unrest?*

The global economic downturn hit Bosnia hard. The vulnerability of the economy was radically exacerbated by the policy priorities of ruling elites, who diverted new revenues from 2006 into transfer payments to preferred constituencies – war veterans (defined expansively) in particular. The onset of the recession – and reduction in remittances – accelerated an already certain reckoning. Budgetary shortfalls, especially at the entity level, have ballooned. The lack of a state-level government compounds the damage by impeding sovereign borrowing. Political elites in Bosnia and Herzegovina have increasing difficulty in dealing with the weak economy. While the global economic crisis has exacerbated the problem, the patronage system that dominates the political system as well as the ruling elites' relationship with the economy is the main cause. BiH's governments face a stark choice: either depart from the existing political system and culture or face serious budgetary problems, possibly insolvency. How close the latter is, especially in the RS, is difficult to ascertain given domestic and international unknowns, such as the future development of the Euro

crisis. There are many unknown variables. What has become clear is that the politics of ethnic confrontation and absence of compromise pursued by RS President Milorad Dodik and others over the last five years is increasingly having self-destructive economic, and thus also potentially political effects. This is best demonstrated by the financial consequences of the inability to form a new Council of Ministers. Whether rising social tensions will ultimately lead to larger-scale – and potentially violent – social unrest is hard to predict.

What is clear is that the substantial rise in inflammatory rhetoric, continued and deepening government dysfunction, rising economic problems and social tensions have all put major additional pressure on the ruling elites and increase the possibility – and potential gravity – of political miscalculation.

### Potential sparks

Substantial interethnic violence can be generated either by design or spontaneously and instrumentalized. The study assesses several hot spots for a potential outbreak of violence.

#### *Football hooliganism and juvenile delinquency*

Youth in BiH are victims of a dysfunctional state, a poor economy, and of nationalist indoctrination. Juvenile delinquency – which is on the rise and increasingly violent – represents an individualized, direct product of this situation. Football hooliganism adds ethnicity and organization to the mix.

Hooligan and criminal groups have already been used for political exploits in the country, as they are semi-organized and relatively easy to mobilize. The FBiH Government building incident in particular shows that young football hooligans can be an “X-factor” that could make otherwise peaceful public gatherings – including political demonstrations – violent. One can only assume that, should there be a need, these groups and individuals could readily serve as the vanguard of a wider movement in a potential internal conflict.

#### *Minority returnees*

Minority return has lost the central political relevance it previously had. Yet minority returnees remain a vulnerable social group; their relationship with the ethnic majority population in their communities is often difficult. While they face structural discrimination, relations between minority returnees and the dominant local populations have normalized considerably in the past decade. The increasingly heated political environment has clearly added to a subjective feeling of insecurity among minority returnees, negatively affecting relations with the ethnic majority populations in their communities – not only, but especially, in the RS. It is not clear whether this has led to a marked rise in the number of violent incidents, at least not to a level close to the one present during the time when minority return was at the center of political conflict a decade ago. Nevertheless, the quality of some of the incidents singled out here is worrying. Given the current political context, some of them clearly have the potential to spontaneously escalate into wider inter-ethnic violent conflict.

#### *Terrorism and Islamist radicalization*

Unsubstantiated allegations of an increased terrorism threat in Bosnia, based on the preposterous claim that some 100,000 Wahhabis reside in the country, are not aimed at deterring such a threat but rather at pigeonholing Bosniaks as terrorists and delegitimizing their political aims. In response, the Bosniak “side”, and particularly the official Islamic Community, has descended into default denial of any security threat that may be posed by the presence of dangerous individuals and ideologies associated with Islam, calling all such references hostile and Islamophobic. Consequently, law enforcement officials have been left to balance between two opposing, and equally flawed, perceptions – and they have adjusted their analysis and reaction to the terrorism threat to suit the outcomes desired by their respective political elite. The real empowerment of radical, extreme, or violent groups and their opportunity to have visible impact on a society comes when political elites exploit them in pursuit of their own agendas. Opportunities for such exploitation in BiH are substantial since the same political elites, through formal and informal ties, exert control over both law enforcement agencies and some militant groups. Effective deterrents remain few, while enablers of terrorism and political violence are many. They include a weak (failing) state, an abundance of readily available arms and ammunition, widespread corruption, weak border controls, and the mobilization of uncontested ideologies.

### Public security setting

#### *Police*

Police services in BiH have gone a long way towards re-professionalization, modernization and democratization. But their professional evolution is far from complete, not least due to the remaining institutional-legal disassociation of the now 16 police agencies. In the current political framework, police are subjected to increasing political pressure, both to relinquish their relatively new operational autonomy and to submit to ethnic political loyalties. The first major roll-

back in more than a decade of substantial police reforms occurred this year. These developments raise questions about the capacity of the police agencies to successfully combat serious problems such as organized crime and corruption, particularly in cases where members of the political elite and representatives of state institutions might be involved. Police capacity to uphold public order and security in the event of violent inter-ethnic incidents is also in question. While all policing experts and officials interviewed for this study agree that the police in its current shape would not be the first to take up arms to “defend” its ethnic group, but try to keep public order, they all agreed that given sufficient pressure, the police forces would split along ethnic lines. The European Union is in the process of dismantling its institutions dealing with local police and reducing its leverage. Since it signed the SAA in return for the local political elites’ mere declaration of will to reform, Brussels is clearly reluctant to seriously engage on policing issues at all.

### *Judiciary*

The judiciary has so far failed to effectively deal with the most prominent of all problems that hinder the effective rule of law in BiH – the systemic corruption and the widespread organized and economic crime. It has revealed that it is not immune to corruption itself. In spite of the presence of many courageous judges, prosecutors and attorneys investing their expertise and courage in upholding the rule of law, there is a clear, worrying trend of substantial erosion of the judiciary and the rule of law more generally. The single most important factor responsible for this development is the ongoing political crisis in the country: the undermining of the state, political attacks and pressure on the judiciary, on judicial institutions and on the achievements of previous judicial reforms, as well as a problematic general attitude and behavior of political elites vis-à-vis the judiciary and the rule of law. Contrary to its proclaimed aims to strengthen rule of law and fight organized crime and corruption, the international community has effectively contributed to a rules-free environment. The failure of the judiciary to hold public officials accountable contributes to the breakdown of a sense of limits.

### *The BiH Armed Forces*

The result of a reform inconceivable when Dayton was signed, the AFBiH had the misfortune of coming into being just as the reform process in BiH ground to a screeching halt – and in many areas shifted into reverse. The development and professionalization of the force has been stunted by politics, including mixed signals from Banja Luka on whether BiH should even enter NATO, let alone meet its requirements.

The AFBiH are unlikely to pose a first-instance security problem. But given the increasing political polarization of the environment, it could be an ingredient in a volatile “cocktail” of factors: political actors, entity and cantonal security forces, veterans’ organizations, and private security firms. The structure of the force, with ethnicized infantry battalions, lends itself to disintegration under pressure, absent external stabilization of the overall political environment. In that sense, it is truly a microcosm of the state.

In the event of organized violence, the best that could be hoped of the AFBiH would be for it – and the considerable range of arms and munitions it possesses and secures – to remain out of it.

### *Surplus arms and munitions*

Thousands of tons of unstable munitions and explosives remain dispersed throughout BiH, along with surplus arms in varying states of repair. As of July 2011, the Expert Working Group (including EUFOR, the OSCE, UNDP and NATO HQ) calculated the total AFBiH stockpile as including: 3,275 pieces of heavy armament, 89,625 pieces of small arms and light weapons (SALW), and 29,246 tons of ammunition. Of these, the AFBiH was deemed to require 396 heavy weapons, 23,747 SALW, and 7,500 tons of ammunition. The surplus was then calculated to include 3,329 pieces of heavy armament, 65,878 SALW, and 21,746 tons of munitions. Of the surplus munitions, 4,500 tons were already deemed unsafe by the Expert Working Group (EWG). The composite picture of control of arms and munitions by public authorities is cause for alarm – in terms of the volatility of the ordnance on hand (78% is presently assessed as unstable), the security of the facilities in which it is housed, and the lack of professionalism or active criminality of some of those entrusted to protect these stockpiles. Also worrisome and indicative of the deterioration in the security environment is the expressed desire by ruling political parties in the Federation to expand domestic production capacity of arms and munitions.

### *Privately-held weapons*

The abundance of arms and ammunition that remain from the 1992-1995 war in Bosnia and Herzegovina, and the relative ease with which they can be obtained, continues to be one of the most disconcerting side effects of that conflict. In the immediate aftermath of the war, many of these weapons – mostly AK-47 assault rifles, rocket-propelled grenades, handguns, and hand grenades – were stashed illegally out of a fear of renewed conflict, and for the protection of family and property. This practice was particularly widespread in the countryside, where the terrain and the structure of typical village houses provide more opportunities to hide weapons and ammunition. Gradually, though, small arms and light weapons (SALW) have also been acquired for sport, hobby, or as a result of traditional gun culture.

Recent research indicates that out of 1,224,142 total pieces of small arms and light weapons in BiH, 1,098,762 are in civilian possession. Of those, 349,366 are legally owned, while 749,366 are owned illegally. These numbers suggest that every third citizen of BiH owns arms. Given the size of an average Bosnian household, this effectively means that nearly every household in the country owns a gun. In addition, every fifth citizen (19.5%) owns an illegal firearm. Screening procedures are questionable. The presence and easy availability of firearms is another unwelcome addition to an already complex security situation, with little or no effective deterrents to their sale or ownership.

#### *Private security companies*

Substantial consolidation and regulation in recent years have made the private security sector less of a known unknown. But all international security officials in BiH to which the authors have spoken believe that members of PSCs would be among the first to take up arms in case of a violent ethnic conflict. They consider PSC personnel – especially special forces and intelligence veterans – to be among the best trained among the security agencies in BiH, public or private. Many also note they are well-equipped, having access and skill to use weapons that their firms do not (at least officially) possess. A group of 100 people from one of the smaller (and less scrutinized) PSCs could have a major impact if activated in the early stages of a conflict.

#### EUFOR – going, going, gone?

EUFOR has shrunk from 7,000 troops at its launch in December 2004 to an estimated 1,300 today. The downsizing of the force in early 2007 left it without forward bases outside Sarajevo, making it dependent on roadbound transport. It lacks helicopter lift for operational purposes. Unilateral withdrawals of contingents by troop contributing countries since 2007 have left the force incapable fulfillment of its Annex 1A obligations under the Dayton Peace Accords. Major EU members such as Germany and France wish to abandon the UN Security Council’s Chapter 7 executive mandate altogether. This would amount a unilateral abrogation of the commitment the EU made when taking on the peace implementation task of maintaining a “safe and secure environment.” Britain would like to see the current force mandate maintained and augmented. Austria, which holds EUFOR’s command, has made a proposal together with 4 other EU members to stabilize the force at its current level.

EUFOR’s current configuration, strength, deployment plan and posture put it in danger of failing under even moderate strain. It has lost its ability to provide a credible deterrent; its reactive capacity is threadbare. Given the accelerating political deterioration and the increased possibility – and potential gravity – of miscalculation by BiH politicians, it is more than a mere theoretical possibility that EUFOR may be called upon to act to maintain or restore a safe and secure environment. Without the political will to prepare for such a challenge, the EU’s Common Security and Defense Policy (CSDP) may face yet another Balkan humiliation, as it did with EULEX in Kosovo in July/August 2011.

#### Conclusion and recommendations

The deterioration of the prevailing political dynamic is not only continuing, but accelerating one year after the general elections of October 2010. The mix of variables makes political miscalculation all the more likely. The costs of such miscalculation by local political actors are likely to be far greater than they were prior to 2005 because of the perceived potential to realize long-held – but previously forbidden – goals. Social pressures, particularly on issues of employment and transfer payments, may also compel political actors to move more precipitously to redirect popular anger that might otherwise be directed at them. There are numerous potential ingredients that could come into play to produce significant violence. Given the reduction of countervailing external deterrence, this creates – as one interviewee put it – “a very dangerous cocktail.”

The shift in international posture in BiH since early 2006 has directly contributed to the current instability. While recognizing a problem, the PIC Steering Board agreed to disagree on the nature of that problem and what to do about it, muddling along rather than adjusting its policies to the ground reality. The undermining of international institutions and their credibility – both for peace implementation (OHR, EUFOR) and for European integration (EUPM) – has continued. The result is that the international community (encapsulated in the PIC and EU) has never had less credibility – or on-the-ground capability: a deterrence failure. There is little appetite for honest analysis, since findings might run contrary to the desired policy outcome – reduced responsibility and justification for current policies. In essence, there can’t be a security threat in BiH, since it would belie the declarations of progress made since 2005.

The costs of catastrophic failure – meaning organized violence (perhaps not contained to BiH) – exponentially outweigh the costs of effective prevention and deterrence. What’s more, there is no downside to restoring deterrence – except to those invested in the current policy. A policy shift will require senior political engagement in PIC SB capitals, wresting policy formation from the bureaucracies that have driven to this dead end. This is first and foremost – but not solely – a question of political will, posture, and messaging.

At the policy level, this shift would mean accepting, at least implicitly, that the path pursued since 2005 has failed and must be redesigned, starting from the identification of the strategic goal. That goal must be that BiH function well enough to meet the requirements to join the EU and NATO. Until that goal of durable functionality is reached by popular consent and demonstrated, it should be clear to all in BiH that the Dayton rules will continue to prevail and be enforced. That the country will not be allowed to fall apart, and that efforts in that direction will bring appropriately strong responses, needs to not only be articulated forcefully and clearly, but be believed.

To that end, EUFOR's strength, posture, mobility, and deployment pattern all require reinforcement. A professional threat assessment and needs assessment should be conducted by the EU, in conjunction with NATO and force contributing countries, to determine the proper force strength and configuration. Without prejudice to such an assessment's outcome, the authors believe that restoring EUFOR's capacity to perform its deterrent mandate would necessarily involve the following elements:

- Additional troops from EU and non-EU members. EU/NATO member PIC SB countries not presently participating in EUFOR should make significant contributions.
- Sufficient helicopter lift for a quick reaction force based at Butmir of at least platoon, preferably company, strength.
- Forward deployment in company strength to obvious potential flashpoints: Brčko and Mostar.
- Regular patrols between Tuzla airfield and Brčko, also to areas of minority return.
- De-emphasis of EUFOR activities not directly linked to the Chapter 7/Annex 1A SASE mandate.

Restoration of credible deterrence would not only prevent a return to violent conflict, but would create the potential for forward movement on the political and social fronts by stripping the entrenched political elites of their current ability to leverage fear. This would create space for citizens and potential leaders who want to find a way to make the country function consensually. Restored, credible deterrence is the *sine qua non* of any political and social progress in Bosnia and Herzegovina.

## Foreword: rationale and methodology of the study

Members of the Peace Implementation Council and its Steering Board, along with the European Union, broadly recognize that the political situation in Bosnia and Herzegovina has deteriorated considerably over the past five years. Yet while official statements and analyses recognize and sometimes chastise the lack of progress on reform, the fact that state institutions are inert and in the process of being hollowed out, and the rise in inflammatory rhetoric employed by political leaders, these facts are rarely believed to carry with them any security implications.\* This disconnect strikes the authors as curious in a country that remains traumatized by a wrenching war, increasingly polarized, and heavily armed. Furthermore, threat assessments, to the extent they are conducted at all, seem to focus primarily on the *intent* of potential instigators of organized violence, attempting to get into the heads of political leaders and others who could play important roles. Actual *capabilities* – and the interaction of intent, capabilities, and other factors that could influence both – seem not to be taken into account in official assessments of what international capabilities are required in Bosnia and Herzegovina.

The Atlantic Initiative has conducted and showcased independent research and analysis to inform policy-makers in the Euro-Atlantic community and within BiH, as well as the public at large, of the nature of the security situation and how best to address it. At a policy roundtable co-organized by the Democratization Policy Council (DPC) in Berlin in May 2010, a large number of those assembled rebuffed the dominant international assessment that the country's security situation is stable, drawing attention to the huge grey area between full-fledged war *a la* 1992-1995 and a complete lack of violence. Participants identified a considerable number of security threats, including a number of violent and contentious interethnic incidents, a rise in hate speech, and a consequent rise of fear among citizens – a condition which some fear makes further violent incidents more likely. Participants warned that due to the international community's willful ignorance, there is little reliable information on the security situation in its totality.

The rationale of the present study is to look more deeply into these questions. In particular, the authors – the Atlantic Initiative and DPC – have attempted to weigh the capabilities of potential conflict actors as well as

intent, framing the security situation in the overall political and economic context. The role of international actors, particularly those who have a responsibility to uphold the Dayton Peace Agreement and to maintain a safe and secure environment in BiH, is a dynamic variable in the overall equation. The aim of the assessment is to provide decision-makers, particularly those in EU and PIC Steering Board capitals, with information to give them a fuller appreciation of the potential for organized violence in BiH. With it, the authors believe that these countries could better calibrate their policies and posture in the country.

The study was designed to analyze a wide range of security-relevant factors and areas. These include: aspects of the current deep political crisis that contribute to a general sense of insecurity; agencies, institutions, and other actors that play roles in upholding public order and security; potential hot spots for the outbreak of ethnic violence, selected on the basis of the recent history of violent incidents that have, thus far, remained below the threshold of generating widespread violence; and finally the international community's role in ensuring a peaceful, stable environment in BiH and the state of its main institutions charged with the implementation of that task.

In conducting their research into the various areas and aspects of this study, the authors have made use of publicly available material and literature, as well as media sources. In addition, a number of interlocutors provided the authors with relevant documents that are not publicly available. As a central element of the research, the authors conducted numerous interviews with domestic and international officials and experts. Interviewees were assured of anonymity to ensure candor; they are cited in generic terms, though the interviews are dated in the endnotes. The authors have made an effort into checking information received from interview partners against other available sources. No information is contained in the text that is not based on at least two independent sources. However, given the sensitive nature of the research topic, the authors cannot absolutely guarantee the accuracy of all information provided to them.

The authors wish to wholeheartedly thank all those who granted interviews or otherwise facilitated their research. This study would not have been possible without the support of the Royal Norwegian Embassy in Bosnia and Herzegovina, the Open Society Foundation BiH, the Geneva Center for Democratic Control of Armed Forces (DCAF) and the Embassy of the Republic of Turkey in Bosnia and Herzegovina. The authors wish to thank them for their generous support.

The opinions expressed in this study are solely those of the authors.

*Sarajevo and Berlin, October 2011*

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\* See "USNATO-USEU: NAC-PSC Meeting Highlights Concerns Over Fragile BiH Political Situation," leaked diplomatic cable, October 27, 2008, at <http://wikileaks.org/cable/2008/10/08USNATO403.html>, in which then-EU military commander/DSACEUR Gen. McColl described the situation in BiH as "stable." See also page 39 of the 2010 testimony of then-US Director of National Intelligence Admiral Dennis Blair at [http://www.dni.gov/testimonies/20100203\\_testimony.pdf](http://www.dni.gov/testimonies/20100203_testimony.pdf)

## **I. Dismantling the Dayton instruments: is the international community contributing to a rules-free environment?**

The approach of the international community<sup>1</sup> toward Bosnia and Herzegovina (BiH) evolved from the signature of the Dayton Peace Accords onward, as it became increasingly involved in both enforcing the provisions of Dayton and in efforts to retro-engineer the capacities of the state and municipalities. This process accelerated in the year following the Kosovo war, after which the EU and NATO formally opened their doors to the eventual membership of the Western Balkan countries, pending their meeting of their requirements.<sup>2</sup> This allowed the use of the requirements of these organizations, along with those of the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE), as drivers for the state-building process. From 2000-2005, the pace of this process quickened; it benefitted from a more conducive regional environment following the democratic transitions in Croatia and Serbia and the discovery of illicit activities of entity-level security services, which allowed radical security-sector reform.<sup>3</sup> These efforts reached their apogee under the leadership of High Representative and EU Special Representative Paddy Ashdown. New state institutions were set up, including an intelligence service (the Intelligence and Security Agency, OSA), a state police service (the State Information and Protection Agency, SIPA), the Court of BiH with specialized chambers for war crimes and organized crime/corruption, a State Prosecutor, the High Judicial and Prosecutorial Council, the Ministry of Defense, and a unified Defense Forces of BiH (OSBiH).

At the end of Ashdown's tenure, over the course of 2005, the prevailing view among members of the Peace Implementation Council (PIC) was that the implementation of the Dayton Accords and of state-building was an overwhelming and irreversible success. There was recognition that there was some unfinished business, most notably the European Commission (EC) requirement of police restructuring, and there was also a recognized need to reform the Dayton Annex 4 constitution to clarify and strengthen state competences and meet Council of Europe standards.<sup>4</sup> But neither of these was seen as unattainable in the short term. There was a prevailing sense that BiH had progressed so much as a result of the state-building effort and the improved regional context that its governance structures were capable and willing to respond to the incentive of potential membership in the EU and NATO. The push of Dayton would be replaced with the pull of Brussels. The only question was how long this process would take.

Based on this assessment, the international actors in BiH determined that the executive capacities embodied in the Office of the High Representative (OHR) and

EUFOR (established in December 2004 to take over from NATO's Stabilization Force, SFOR – presaging the shift toward the EU) could reduce their footprint and be discontinued in a relatively short period of time, to be replaced by an EU-led effort for Euro-Atlantic integration.

The first visible element of this approach was the selection of Christian Schwarz-Schilling, a former German politician and former mediator in the Federation of BiH, as Ashdown's successor. In his opening speech on BiH television upon taking the post, he made clear that he intended to use his executive "Bonn Powers" only in specific circumstances, and that he would generally "step back."<sup>5</sup> Over the course of his first year in office, it became evident that he meant what he had said – and that the EU intended to maintain that approach. But then, the challenges began mounting.

In what seemed a foolhardy move to some at the time, the leader of the Union of Independent Social Democrats (SNSD), Milorad Dodik, became Prime Minister of the Republika Srpska (RS) in March 2006, seven months in advance of general elections. Cooperation from Banja Luka on previously agreed (and internationally required) reforms ground to a halt at this point.<sup>6</sup>

The following month, a set of constitutional reforms negotiated among eight political parties since late 2005, initially driven by a non-governmental initiative, was put to the BiH House of Representatives, garnering 26 of 42 votes – two votes shy of the required two-thirds majority. Numerous factors contributed to the failure of what became known as "the April package," including political opportunism ahead of general elections. Among these was the fear of the international community, particularly the United States, "checking out," and the joint position of the three main RS parties that this was the last such reform they would support.

Whatever the reasons for the failure to pass the "April package," the event launched the electoral campaign and drove the political discourse in a decidedly retrograde direction, surprising many citizens of BiH and internationals alike, who had thought that the time for such ethnically divisive rhetoric had passed. Particularly inflammatory was the launch of discussion of an undefined referendum by Dodik (following Montenegro's independence referendum in May 2006) and statements of former foreign minister and future member of the BiH Presidency Haris Silajdžić. These two politicians effectively generated votes for each other and worked to polarize the overall atmosphere, reintroducing a sense of insecurity. The international posture through the campaign was aloof, which did little to reassure citizens that the gains of the past decade would be protected, whatever the outcome of the elections.

The SNSD's electoral gains shocked many: it completely supplanted the Serb Democratic Party (SDS), long the ruling party in the RS, as the dominant political factor, with Dodik in tight control. Silajdžić's Party for BiH (SBiH) performed decently, even though it failed to replace the Party of Democratic Action (SDA) as the predominant Bosniak party, but more importantly to him, his own candidacy for the Bosniak member of the state presidency was successful.<sup>7</sup> The state-level government that was formed in 2007 was by any measure ineffectual in terms of policymaking and implementation, falling far behind the pace needed to maintain its lead over all its Western Balkan neighbors, save Croatia, in meeting EU and NATO requirements.<sup>8</sup> Council of Ministers Chair Nikola Špirić was a Dodik loyalist. The center of power for political decisions at the state-level was now unequivocally Banja Luka. Any reforms to the state structure or practice became increasingly unlikely, let alone constitutional reform.

Police restructuring had become an EC requirement for talks on a Stabilization and Association Agreement (SAA) to begin. Yet there was no agreement toward the end of Ashdown's term in late 2005 from the RS on how the three principles of police restructuring – state budgetary control, no political interference in policing, and jurisdictional areas based on functional criteria – would be met. The fudge in late 2005 that allowed these talks to begin was to get then-RS President Dragan Čavić to commit to the three principles at a meeting of the PIC, and then establish a Directorate for police restructuring to work out the details of a plan, including the EU Police Mission and OHR along with all relevant BiH authorities. Soon after Dodik became RS Prime Minister, the RS withdrew its participation in the Directorate and reduced it to observer status, effectively (though not formally) scuppering the exercise. A 2007 high-level negotiation brokered by international actors came close to a deal, only to be rejected by Haris Silajdžić because it maintained the formal existence of the RS police.<sup>9</sup>

In 2007, new HR/EUSR Miroslav Lajčák wanted to sidestep a stalled process and shift gears. His effort to shift the narrative to Dayton implementation by imposing changes to the quorum rules of Council of Ministers meetings met fierce resistance from the RS Government, which had previously withdrawn from the state government to protest a lack of international support for an investigative report similar to the previous Srebrenica report on the fate of Sarajevo Serbs during the war. The EU wanted to avoid confrontation in BiH while Kosovo's status was under discussion. In the end, HR/EUSR Lajčák engaged in what he called an "authentic interpretation" of his own order – effectively a negotiation with the RS. To change the subject, the EU initialed the SAA with Bosnia and Herzegovina in December 2007. It was signed in June 2008, following an EC decision that two minor cooperation bodies be-

tween the entities would constitute their requirement of police restructuring.<sup>10</sup> The avowed hope was that the SAA would generate momentum for reform processes. This launched the trend of declaring progress in the hope that doing so would conjure real progress.

The international hope to "transition" from its executive instruments of OHR and EUFOR (which drew down considerably in early 2007) was stalled by the deteriorating political environment. The shift from a time-driven to a standard-driven approach was adopted at the PIC Steering Board meeting in February 2008, with the adoption of five objectives and two conditions that must be met to the satisfaction of the PIC SB before OHR closure.<sup>11</sup> These objectives were chosen with the goal of being able to meet them by the end of 2008; other potential ingredients were discussed, such as constitutional reform and implementation of the BiH Constitutional Court's "constituent peoples" ruling, but left out as too ambitious.<sup>12</sup> The reaction of the RS Government was swift, denouncing the conditions, stating that it would not respect any use of the Bonn Powers, again talking of secession, and initiating a unilateral bond issue for wartime foreign currency account reimbursement.<sup>13</sup> Yet there was no international reaction to these statements, showing the PIC SB's October 2007 statement that it would counter "attempts to undermine the Dayton Peace Agreement" to be hollow.<sup>14</sup> The EC Delegation's attitude toward "completed" objectives was that once done, they could not be revisited, despite backsliding or even reversal.<sup>15</sup> This negative trend continued through 2008 and well into 2009, despite initial hopes that the discussions among the three leading nationalist party leaders, Milorad Dodik, the HDZ's Dragan Čović, and SDA's Sulejman Tihić (the so-called "Prud Process" begun in November 2008) would result in progress toward the completion of the 5+2 and other international requirements, including a census. In January 2009, HR/EUSR Lajčák abruptly announced he would leave his post to become Slovak foreign minister, admitting that the 5+2 were nowhere near completion.

In May 2009, US Vice President Joseph Biden came to Sarajevo as the first stop on a Balkan tour, declaring American concern that things in BiH were going in the wrong direction and castigating the country's politicians for their irresponsibility. He also outlined some baseline state competences the country needed, including the legal supremacy of the state and its "authority to negotiate with the EU and other states and implement its obligations."<sup>16</sup> Many, including the authors, took Biden's visit as a hopeful sign that the US would act as a catalyst with the EU members and institutions to develop a coherent strategy for Bosnia.<sup>17</sup>

It was not to be. The US government failed to follow up with a clear effort to realize the potential of Biden's message, and pushback from both within the EU and

the Republika Srpska filled the void.<sup>18</sup> The West continued to struggle in the face of continued backsliding on reforms and provocation from the RS, including regarding the strategic Brčko District. The High Representative and the Brčko Supervisor both employed their executive powers, to react to challenges to Dayton's enforcement structures and the stipulations of the Brčko Final Award.<sup>19</sup>

In desperation, the EU Presidency under Swedish Foreign Minister (and former High Representative) Carl Bildt and US Deputy Secretary of State James Steinberg came to Sarajevo to chair a meeting of Bosnia's political party leaders, in the hope of reaching a deal to end the impasse. The effort included the EU institutions in a leading role, but not the member states or the EU Special Representative in Bosnia. The aim was to achieve a deal in one session at the Butmir NATO/EUFOR base adjoining Sarajevo Airport. However, even before Steinberg and Bildt arrived, this plan was jettisoned in favor of a "process." The package initially included a set of minor constitutional reforms (derived from the failed "April package" of 2006<sup>20</sup>) and measures to allow the international community to claim completion of the "5+2" criteria and closure of the OHR.

OHR closure – "transition" – was clearly Bildt's primary goal. The Butmir process was from the outset a marriage of competing imperatives, with the US focused on a minimal package of constitutional changes and meeting 5+2 criteria, and the EU Presidency and institutions aimed at the bare minimum to be able to transition – and it showed. Bildt gained the upper hand. But despite flailing international efforts to water down the package to a sufficient degree that Dodik might be willing to sign on, the effort failed. Dodik repudiated the very concept of internationally convened constitutional discussions, but attended the second meeting at Butmir on October 20-21 regardless, at which he mooted the "peaceful dissolution" of the state.<sup>21</sup> In so doing, he showed he had taken the measure of an international community desperate for a "deliverable," and continued to manipulate it into further lowering the bar while giving nothing away. At the PIC meeting a month later in Sarajevo, he claimed that Bildt had told him that *any* constitutional change, however minor, would suffice.<sup>22</sup> Throughout the process, the EU and PIC ordered High Representative Valentin Inzko to avoid provocative actions – essentially not to act as High Representative.<sup>23</sup> So long as the EU and US believed there was a shadow of hope it might deliver any results, this remained the policy.

Though Butmir was dead, such high-level involvement precluded openly admitting as much. It thereby produced collateral damage in the December 2009 High Representative decision to only impose three-year extensions on the mandates of those international judges

and prosecutors in the Court of BiH's special chamber for war crimes – and not for those in the organized crime and corruption chamber. Prior to Butmir, the US had supported an imposed extension for both.<sup>24</sup> Its new position to let this go in the hope of reviving the dead Butmir process was decisive among the Western PIC SB members, with only Turkey and Canada openly backing full extension. The American shift essentially left the UK, the Netherlands, Japan and even Spain to consider whether they wanted to maintain their positions against the US. The decision was justified on the basis of "ownership."<sup>25</sup> The Russian Ambassador openly stated he was "happy" about the decision.<sup>26</sup> RS Prime Minister Dodik immediately attacked extension of the war crimes personnel, stating that he would call a referendum on it.<sup>27</sup>

The overarching signal given through Butmir and its aftermath to BiH's political leaders and citizens was to underscore what many had already concluded over the preceding four years: that there was no will on the part of the international community to meet its obligations and enforce the rules that had governed behavior through Dayton implementation. The American shift following Butmir was particularly hard felt among Bosniaks, whose faith in the EU was never high regarding defense of the state or security matters, but who had believed the US would defend certain red lines. A common theme over the course of the winter of 2009-10 and later could be summed up as: if the Americans aren't going to defend the state and us, we will have to take care of ourselves.<sup>28</sup>

The October 3, 2010 general elections saw Dodik's SNSD lose some ground but maintain its relative strength in the RS, with Dodik now elected RS President. The elections heralded a major gain for the Social Democratic Party (SDP), a weakened but still formidable SDA, and an HDZ BiH threatened for only the second time since Dayton with being excluded from power in the Federation and state. Government formation was widely expected to be protracted, especially in light of Dodik's vow not to enter a state government with the SDP and his backing of the HDZ's claims on the Chair of the Council of Ministers and within the Federation.

US Secretary of State Hillary Clinton visited Sarajevo little more than a week after the elections on the first stop on her Balkan tour in October 2010. Her decision to overrule her own deputy on whether to support BiH's receiving NATO's Membership Action Plan (MAP) at Tallinn in April 2010 led many analysts (including the authors) to believe she might signal a break from the Butmir policy and demonstrate a willingness to lead the Western members of the PIC.<sup>29</sup> She did reportedly back the use of the Bonn Powers by the High Representative.<sup>30</sup> But the opportunity to lay down publicly new markers on BiH's sovereignty was lost. Over

the course of 2010 and 2011, the US quietly distanced itself from the Butmir failure and strengthened its position in the PIC SB, but did not act decisively to catalyze a new alternative policy. Its policy remained reactive.

In addition, over 2010-2011, individual contributors to EUFOR began unilaterally withdrawing or radically shrinking their contributions to the force, cutting deeply into an already thin operational and deterrent capacity.

In early 2011, the struggle between a coalition of parties formed around an SDP-generated platform – SDP, SDA, the Croat Party of Rights (HSP) and Working for Improvement (RzB) (the Platform Coalition) – and a post-election alliance of bitter rivals HDZ BiH and HDZ 1990, amplified tension and uncertainty in the Federation among Croats and Bosniaks. The failure of four cantons to form assemblies by December 3, 2010 (thereby impeding the process of constituting the FBiH House of Peoples) put these cantons in violation of the Federation Constitution. But international pressure was not applied at the time, since there were hopes of a broad deal that would draw together a sufficient parliamentary majority to pass a minimal set of constitutional and other reforms. German Chancellor Angela Merkel's office drove this effort in the winter of 2010-11. While it produced no results, it did run the clock, putting the Federation in a budgetary and constitutional crisis. The Platform Coalition vowed to have a government in place by March 31 to avoid default on obligations, and proceeded through the steps to do so, beginning with electing a Federation President, the HSP's Živko Budimir. The Central Election Commission ruled the election was illegal. The High Representative and PIC SB overruled this decision in the interests of legal clarity. The two HDZs challenge Budimir's election before the FBiH Constitutional Court. An OHR-devised and internationally supported compromise was proposed that split the two camps' bottom lines and positions in the FBiH Government. The HDZs rejected the deal as it failed to hand them all the positions slated for Croats (though an overwhelming majority of them). This allowed the Platformists to form a FBiH Government without the HDZs, which later withdrew their FBiH Constitutional Court challenge. Essentially, the HDZs made a bad bet and lost everything.

While the Federation was consumed with the government formation crisis, the RS Government and Assembly raised the stakes by passing conclusions which characterized the entire post-Dayton state building effort as unconstitutional and the result of "legal violence."<sup>31</sup> RS President Milorad Dodik also vowed to hold a referendum on the constitutionality of state-level legal structures, including the Court of BiH – as he'd threatened in December 2009. In early May 2011,

it appeared that High Representative Valentin Inzko had the backing of all PIC SB members except for Russia to annul the referendum order and the related conclusions if they were not withdrawn by RS authorities. But on May 13, EU High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, went to Banja Luka to meet with Dodik, after which Dodik agreed to refrain from holding a referendum "for now" while waiting to see what the results of the promised EU "structured dialogue" would deliver.<sup>32</sup> The move undercut the High Representative/EUSR, who had believed he had EU backing for his policy. Soon after, the EU Delegation in Sarajevo demanded a 10% across-the-board cut from the OHR budget, aiming to close or radically curtail OHR activity in rule of law, economics, and Brčko supervision, on the grounds that the "reinforced" EU Delegation, taking on the EUSR powers and personnel, would likely handle these matters. The unilateral move was resisted by the US, Turkey and Japan, and a compromise was reached that left these functions intact. The friction among PIC SB members reached new heights.

### Conclusions

The idea that EU enlargement alone is capable of inducing reform and dissuading divisive and polarizing politics should be discredited after five years of demonstrated failure. But its advocates continue prescribing EU "soft power" orthodoxy as the solution, claiming that the taint of hard power tools – executive mandate-bearing institutions – is the problem. For Brussels and many EU member capitals, doctrinal purity (with the convenient bonus of reducing political responsibility) is the answer.

The overall impact on the mindset of BiH leaders and citizens at large of the events of the past five and a half years and of the international posture on bureaucratic autopilot cannot be underestimated. Leaders have concluded they can pursue their agendas unimpeded by external actors. This has increased political risk-taking and potential for miscalculation.

Citizens are well aware that the certainties of the first decade after Dayton no longer apply – the international community cannot be relied upon any longer to maintain security or stability. Most BiH politicians are embracing the new rules-free environment, while many, perhaps most, citizens are unnerved by it, whatever their views on what shape the state should take.

## II. Inflammatory political rhetoric and hate speech – political elites and the media

Political rhetoric has become increasingly heated and divisive in Bosnia and Herzegovina in recent years, reflecting the deepening political crisis that began in 2006. The language and messages used by political players, amplified and echoed by the media in reporting and commentary, has strong nationalist overtones, radicalizing public discourse. The dominant theme is the very future of the state, raised by those questioning its durability – and even desirability. The word “war” has re-entered public discussions on current political developments. To the authors’ knowledge, no publicly available study has been recently conducted to analyze hate speech and measure its rise.<sup>†</sup>

Hate speech is commonly understood as “any form of expression regarded as offensive to racial, ethnic and religious groups and other discrete minorities, and to women.”<sup>33</sup> The following chapter documents the development of hate speech and inflammatory public speech in Bosnia and Herzegovina from 2009 to date – September 2011 – and assesses its influence on public security. It analyzes both the performance of political representatives in their public appearance and of the media in their role as opinion-makers.

The main source for this chapter is the Media Center Archive, a Sarajevo-based online media database that includes four of the most influential daily papers,<sup>‡</sup> along with most of the relevant weekly and bi-weekly magazines. Internet media outlets and portals, especially those contributing to the radicalization of public discourse and with a high level of hate speech, were also reviewed (also to compensate for those lower-circulation dailies not included in the Media Center database). In addition, a number of press-clipping services working for international organizations have been studied, mainly to cover important public statements by politicians given to electronic/broadcast media that have not or were only partly been reported in the press. The research covers the period of 2009-2011 (ending in August 2011), with a particular concentration on 2010 and 2011. In this period, BiH’s political crisis began to draw international and domestic recognition.

The database and other sources were searched for articles and references dealing with current political developments and events and including terms “state de-

struction,” “dissolution,” “division” (*raspad države, rušenje*, etc.), “secession” as well as “war” and “violent conflict.” The research then moved on to more general terms and themes of hate speech directed at upholding or deepening inter-ethnic antagonisms (collective threats and victim myth patterns). Beyond these more general themes, key political events from the last 12 months were selected as case studies: the formal general election campaign (September 2010), the conflict over Federation government formation (esp. January-March 2011) and the Republika Srpska referendum attempt (March-May 2011).

Qualitative content analysis was employed in assessing identified texts.<sup>34</sup> Hate speech patterns were analyzed by the authors based on their background knowledge on ethnic nationalist ideologies, hate speech and war propaganda during the 1990s. The original idea – to quantitatively measure the public use of the term “war” – was changed during the course of research, in part because the Media Center’s online database was not fully representative. This concept was also discarded because war narratives of the 1990s and WWII have been omnipresent in the BiH media, but much of this bears no direct relationship to current political developments. Instead, the research concentrated on the qualitative analysis of main themes of political discourse, its main actors, and its relevance in shaping the contemporary public discourse in BiH.

### State destruction, secession

RS President (and formerly RS Prime Minister) Milorad Dodik, leader of the ruling Union of Independent Social Democrats (SNSD), has been a central actor in the political deterioration in BiH since 2006. Dodik has occupied much of the political and public space by leading attacks on the state, questioning its sustainability, and mooted possible future RS secession. His leading role in radicalizing the public discourse is demonstrated by the following statements and interview excerpts:

“We see Bosnia is falling apart and it will fall apart in the same way Yugoslavia did. That will become a political fact. What will remain will be just the part that functions, and what functions is RS – unlike Bosnia, which does not function.”<sup>35</sup>

“BiH is still an experiment created by foreigners... the only way forward is dissolution... it is no longer a state and it could never be a state.”<sup>36</sup>

“We believe BiH is unsustainable in the long term... I definitely think the RS will exist forever, BiH for as long as it has to... we proceed slowly. We have passed referendum legislation and I am convinced the RS will have a referendum on its status... When the RS is in a position to do it, it will.”<sup>37</sup>

<sup>†</sup> Over the last few years only one study on hate speech has been conducted. It analyzed hate speech in the reporting on two singular events from 2009 – violent clashes ahead of a soccer game in the Herzegovinian town of Široki Brijeg and violent protests against a gay parade in Sarajevo. Apart, no more generalized study on hate speech has been conducted. See: *Strategija isključivanja: Govor mržnje u BH javnosti*, Mediacentar Sarajevo, July 2010.

<sup>‡</sup> *Oslobođenje*, *Dnevni Avaz* (both Sarajevo), *Nezavisne Novine* (Banja Luka) and *Dnevni List* (Mostar).

“[the Intl. court of Justice’s ruling on Kosovo’s independence] has created a precedent on the basis of which the RS can secede. This could take place in the course of the next four years.”<sup>38</sup>

These sorts of statements are strikingly similar in structure to the political discourse established by Serbian President Slobodan Milošević on Yugoslavia in the late 1980s, creating an aura of inevitability and generating ethnic polarization which played an important role in the breakup of the SFRJ. This usurpatory character of the discourse on the Bosnian state – the state will either be the way I say (in the name of my ethnic people, territorial unit, and self-interest), or it won’t be at all, is clearly in evidence in the following quotations:

“Bosnia, as it used to be, cannot exist. A discussion on a different internal structure must begin. Bosnia may survive as a territorially unified country, but with strong confederal units and wide autonomy for the RS, extending to the degree of full independence within BiH. That is our future goal. For this we have the support of the people... If someone wants to preserve Bosnia – it can be done *just in this way*.”<sup>39</sup> [author’s emphasis]

“BiH can only survive if the rights of RS obtained by the Dayton Agreement are respected. Bosniaks should also embrace the Dayton Agreement and in that manner preserve BiH. The way they are doing it is the best way for this country to disappear... At this moment BiH is a divided country. There is no chemistry that can unite it, and that is confirmed by its history. As for us, BiH can be a successful confederation or union<sup>§</sup> whose entities would transfer a part of their statehood and powers to the common bodies.”<sup>40</sup>

Dodik developed and employed these themes since becoming RS Prime Minister in March 2006 and the subsequent general election campaign, contributing to the deterioration in political discourse. Yet the frequency of such public messages has markedly increased recently, particularly since the October 2010 general elections. These themes and argument are presented on a weekly, often even a daily basis in interviews and public speeches given and held mostly in the RS and Serbia.

As another pattern reminiscent of the 1990s, Dodik’s message is further radicalized by lower-ranking party affiliates, leaving him appear as a (more) moderate political figure. In the case of the SNSD and the RS regime this role frequently falls to SNSD General Secretary Rajko Vasić. Vasić, who regularly publishes his comments in blogs on the SNSD website and opinion pieces on the radical Croat nationalist internet news portal *Poskok*, invented the terms *naseobina* (an as-

sembly of dwelling, too coincidental and negative-sounding to be able to call it a state or even a proto-state) and *raspadište* (from *raspadanje* – something dissolving from within) to express his political disrespect for the Bosnian state, stating that “BiH today can hardly be subsumed under any collective organizational-territorial form of human organization.” He continues with an illustration that “For me BiH is an ordinary waiting room. My relationship towards BiH is that of a cold realist. This is like in an anatomy lesson in the morgue, in which I am the surgeon-demonstrator and Bosnia is the corpse/cadaver.”<sup>41</sup>

With the failure of Bosniak member of the BiH Presidency Haris Silajdžić to get re-elected in October 2010, Dodik lost Bosniak foil in radicalizing the political discourse, which suited them both in the 2006 general election. Neither the biggest Bosniak party, the Party for Democratic Action (SDA), nor the multiethnic Social Democratic Party (SDP) have since filled that void. But since the 2010 election, the two biggest Croat ethnic parties, the Croatian Democratic Union BiH (HDZ BiH) and bitter electoral rivals HDZ 1990 have employed rhetoric similar to that coming from the RS in their reaction to the SDP’s Željko Komšić’s re-election to the Croat seat in the BiH Presidency. Another major motive for this aggressive rhetorical reaction was the prospect of the HDZs being excluded from a Federation Government that could coalesce around the coalition of the SDP and SDA, with the requisite reduced patronage potential this would entail. After the elections, Dragan Čović, leader of the HDZ BiH (the largest Croat national party) adopted a usurpatory style similar to that of Dodik.

“Bosnia has a future *exclusively* as a country of three equal people” ... all those that think to create it differently, on a civic concept and a concept of a unitary state will absolute have condemned it to collapse.”<sup>42</sup> [authors’ emphasis]

His party’s spokesperson, Marinko Čavara, explained in regard to the SDP-SDA coalition that “if the methods of blackmailing and threats do continue, this means a safe path to the dissolution of BiH, and unfortunately probably also its disappearance.”<sup>43</sup>

As in the case of the SNSD, lower-ranking party officials take the lead on further radicalizing the discourse. In the case of the HDZ BiH, former BiH Presidency member and HDZ governing board member Ivo Miro Jović has this role. For example, in October 2010 he stated that “should the Bosniak political parties continue to dismiss talk on constitutional reforms that would enable to Croats to form their own entity according to the example of the RS and the FBiH, the possibility of the definitive partitioning of BiH cannot be ruled out,”

<sup>§</sup> These Bosnian Serb wartime positions were deliberately not included in the Dayton Peace Agreement.

\*\* In the exclusive interpretation of his party, this typically means forming a third, Croat, entity.

He stressed that the Croats destroyed Yugoslavia and that they are prepared to do the same to Bosnia.<sup>44</sup> In another statement, Jović demonstrates that he would not be averse to such a political option. He characterized the populist weekly political magazine “60 minutes,” broadcast on Federation TV, as being aimed at promoting Bosniak nationalism and destroying Bosnia. Jović explains that “such a project and policy... will result in the destruction of BiH... it is good that they continue with such a project and policy.”<sup>45</sup>

In parallel to the political environment, BiH’s media landscape has also taken a distinct turn for the worse since 2006, with media independence and pluralism diminishing and ethnic and political alignment of media outlets increasing. This was particularly visible in the reporting during the 2010 general election campaign.<sup>46</sup> The most important (but not sole) factors driving this shift were a) the consolidation of the press in the RS since 2006, leaving very little space for editorial independence and criticism of the RS authorities and b) the entry of Fahrudin Radončić, the owner of the largest Sarajevo-based daily *Dnevni Avaz*, into formal politics ahead of the 2010 elections with his own party, the Party for Bosnia’s Future (SBB). As a result, objective reporting and investigative journalism have substantially diminished, while sensationalism is on the rise. Media have taken up ethno-political rhetoric of conflict and hate speech, especially when it comes to political discussions over the future of the state.

Media in RS contribute no less than RS political leaders when it comes to making the prospect of the dissolution of the Bosnian state a key focus of public discourse. In early 2011, the influential *Nezavisne Novine* commentator Dragan Jerinić adds his view on the political clashes over government formation in Federation and on the state level, declaring the SDP’s approach a “suicidal policy by which the current state structure is going to be systematically destroyed.” He reveals his personal feeling towards the Bosnian state by concluding that “I have to honestly confess that I still haven’t made up my mind whether I should keep my fingers crossed for Lagumdžija and cheer ‘go for it Zlatko, destroy it’ or whether I nevertheless should believe that someone will call him to reason to accept to live with Serbs and Croats in the Dayton BiH.”<sup>47</sup> In another column entitled “Hatred will destroy BiH,” Jerinić comments on SDP Croat member of state presidency Željko Komšić’s speech at a World War II commemoration that the way Sarajevo politicians read the recent war history represents “the safe path into dissolution [of the Bosnian state].” He concludes by clearly crossing the line from hate speech into advocating political violence:

“Should I happen to meet Željko Komšić on the street I would slap him in the face, on the mouth, one of those civilized slaps that, as it seems he has never gotten from his teacher so that each time he

wants to talk about Serbs and fascism again he will bite his tongue.”<sup>48</sup>

In Sarajevo, Vildana Selimbegović, editor-in-chief of daily *Oslobođenje*, wrote an editorial following the 2010 general elections on the failure of owner of rival daily *Dnevni Avaz*, Fahrudin Radončić, to win the Bosniak seat of the BiH Presidency. The SDA’s Bakir Izetbegović won that post. She noted that HDZ leader Dragan Čović and SNSD leader Milorad Dodik “during the whole election campaign didn’t hide that they were looking for a third ally among the Bosniak electorate for their aim to destroy the state, and Radončić didn’t hide his ambitions to be this divider of BiH.” She added in another editorial that “[Radončić] has for years communicated to us that he is most interested in the division of BiH into Bosniak, Serb and Croat parts.”<sup>49</sup> A journalist for Sarajevo weekly *Dani* at the height of the Federation government formation crisis wrote an opinion piece reflecting desperation on the state of BiH:

“We are totally devastated. It is a big question whether a dissolution of the state - which is currently impossible but which many consider to be the worst possible scenario - would really represent a setback.”<sup>50</sup>

### “War”

Since the political crisis in Bosnia became openly recognized by the international community in 2009, the radicalizing public discourse after many years started to include the term “war” and discussion on whether the deepening crisis with its secession threats from Banja Luka could degenerate into violence.

Returning to the origin by media interviewers Milorad Dodik has been using the term “war” to appease the domestic and international audience on whether attacks on the Bosnian state could have violent, uncontrolled consequences, insisting that “any secession from BiH will not lead to war and violence”<sup>51</sup> – “What war? Who can be so insane?”<sup>52</sup> Yet while trying to present himself as a peacemaker, Dodik is simultaneously trying to convince his audience that Serbs and the RS are threatened by “the Bosniaks”’ lust for war:

“In the Bosniak federal media the war never ended...accompanied by the hailing of war, to get rid of the RS.”<sup>53</sup>

“If the Bosniaks had had arms, with their lust for vengeance, both in those times [1992-1995] and in recent years, they would have biologically eradicated the Serb people from these regions.”<sup>54</sup>

“Regardless of what they may say in Sarajevo, I think that they are deeply disappointed that NATO did not bomb Republika Srpska these days [when the OHR had threatened to use its Bonn powers to

prevent a RS referendum]. That is the only thing that could feed the vanity of the Muslim leaders in Sarajevo.”<sup>55</sup>

Both this theme and the martial rhetoric have been taken up by his party colleagues in the RS. When the “platform parties”<sup>††</sup> began their effort to form the Federation Government without the two HDZs, RS Peoples’ Assembly (RSNA) Igor Radojičić said: “if Lagumdžija succeeds to form a government...with his satellites, this then means that he will reach the doorsteps of the RS with his army.”<sup>56</sup> Rajko Vasić wrote on his SNSD blog an article about an alleged Bosniak campaign against Serbs: “We are occupied by a mobilization... [talking about the Sarajevo-based Federation broadcast media] a demonization of the RS...which is only another word for the demonization of the Serb people as a whole...The whole system is designed in a way to produce hatred against the Serbs on each day and on all fronts... the solution in the moment when the mobilization will be completed will be... – occupation, annexation, elimination, *Oluja*<sup>‡‡</sup>.”<sup>57</sup> Commenting on an ammunition theft case inside a Bosnian army compound, repeating the RS’s position to “demilitarize” Bosnia (that is, abolish the state-level army), Vasić adds a comment that can be read as both a warning and a threat: “if such theft occurred at 10 sites in BiH, that would be sufficient to accomplish a *coup d’état* or to start a war.”<sup>58</sup>

In autumn 2010, in the context of the re-election of Croat BiH Presidency member Komšić and the formation of the Federation Government, leaders of Croat ethnic parties began using the war of the 1990s as a prism to describe contemporary political developments. At the height of the collective Croat political hysteria following the formation of a Federation government without the two major Croat parties, HDZ BiH party leader Dragan Čović gave an interview in which on the surface he appears to be calming the atmosphere by insisting that no war or violence will occur. In fact, his statement did the opposite:

“In no way do I want to compare the gravity of the moment with the events of 20 years ago. Yet, unfortunately, there are many similar elements and in the meantime some roles have been changed... [On

<sup>††</sup> In December 2010, the SDP, SDA, NSRzB and HSP coalesced around a platform of principles and policies they would pursue in government at the Federation and state levels. There had been hope that the HDZ 1990 might be convinced to join; the Platform was written with them in mind. But by this time, the HDZ 1990 leadership’s *rapprochement* with its erstwhile bitter rival had been consummated. This coalition, now in government in the Federation (despite complaints of illegitimacy and illegality from the HDZs) is commonly referred to reflexively and in the media as the Platform Coalition (*platformaši*).

<sup>‡‡</sup> A reference to *Operation Storm*, the Croatian military campaign in summer 1995 to retake control of Croatian territory seized in 1991, ending in an almost total exodus of the Serb population from those areas, the Krajina.

the question whether Croats will be forced to emigrate from Bosnia due to “Bosniak domination policy”) I am convinced they won’t. I will also plea to those who are worried with the situation in recent days and have mentioned this as a possibility to refrain from it.”<sup>59</sup>

Čović gives no proof that any Croats really seriously started to think about emigration. In the same context, HDZ 1990 leader Božo Ljubić stated:

[It is ] “hard to foresee events in BiH that may follow in a chain reaction after this. It was also impossible to foresee events happening in the 1990s... The matrix as practiced by the majoritarian Bosniak parties SDP and SDA today inevitably reminds one of what policies Belgrade pursued at the end of the 80s, beginning of the 90s...almost all elements are there: political and media violence with a tendency toward centralization of the country. Thank God, military force is lacking.”<sup>60</sup>

The void created by Haris Silajdžić’s disappearance from the political scene after the 2010 elections has not yet been filled. SDA leader Sulejman Tihić and Bosniak presidency member Bakir Izetbegović have mostly abstained from inflammatory rhetoric, sending messages of moderation. Yet in a new development, representatives of the multiethnic SDP have taken up militant rhetoric since the elections, arguing from a position of (presumptive, then actual) power and control of government institutions, including security agencies. In an interview given in the immediate aftermath of the October 2010 election, SDP leader Zlatko Lagumdžija presented himself as the next Chair of the BiH Council of Ministers and sent a warning to Banja Luka:

“Either I am going to find a way to legitimately stop Dodik’s violation of the constitution with physical force, for which I have the authority, or I am going to be dismissed and some crazy radicals are going to assume my duty and do it.”<sup>61</sup>

In another interview, he combined an assessment with a thinly veiled warning:

“I don’t believe that Dodik is so naïve to try it [secession]... Any, even a verbal or political path towards the division of the country, would be a war that will be lost before it has even started.”<sup>62</sup>

The media first re-introduced the term “war” into the current political discourse. In one of the first articles dealing with it, *Dnevni Avaz* commentator Elvir Huremović in a 2009 article entitled “Will there be war?” reflects on it:

“RS Prime Minister Milorad Dodik continues with his anti-state rhetoric, creating a (pre)war psychosis with his public appearances... because of his totally primitive rhetoric... the ugliest word in the world – war – is more and more publicly used...”

Huremović asks the question whether there is reason for fear of the outbreak of a new war concluding that “the only way to partition and destroy the state of BiH is – war! ... All of those who count on such an option should be aware of the consequences.” He continues to analyze the differences in circumstances between the 1990s war and today that make it harder to start a war and succeed in it. According to Huremović, the major difference is that “Bosniaks indeed never in history have been stronger, politically and nationally more conscious,” ending his argument with a half-hidden warning: “Is there really anyone who thinks that they [Bosniaks] would today peacefully stand aside and allow someone to destroy the state?”<sup>63</sup>

In the western Herzegovinian town of Široki Brijeg, a clash between local soccer team supporters and FK Sarajevo in October 2009 left one Sarajevo fan, Vedran Puljić, dead.<sup>64</sup> The media reports of the incident played a key role in returning war rhetoric to the public discourse and to establish the Bosnian war as the frame of reference for interpreting current political events. Many media reports ethnicized the violent clashes, portraying them as a conflict between two ethnic groups – Croats and Bosniaks.<sup>64</sup> Sarajevo media commentators alleged a political background to the shooting, viewing it as a targeted provocation of violence by Croat political elites to destabilize the situation in the Federation. One such article stated that “the bloody history in the Western Balkans has taught us that ethnic conflicts and wars previously had their introductions and testing at stadiums and among hooligans.”<sup>65</sup> Meanwhile, both RS Serb and Bosnian Croat media suspected Bosniak elites of a plot: “street war...with political background... a well planned incident...morbid aims forcefully promoted over the last couple of months by the SDA, a party that has decided instead of political agreement to start to promote violence, first through the state institutions, then also through physical violence against members of the Croat and Serb people.”<sup>66</sup> The press with their headlines, especially those of the daily *Dnevni Avaz*, directly promoted war psychosis, employing phrases such as “The same as in 1992, only that there are no shells falling,” “like in the war,” and the like.<sup>67</sup> A major demonstration in Sarajevo after the incident shut down public transport and many roads, and reminded some Bosnians of the demonstrations prior to the outbreak of war in 1992.

“War” has since become a term regularly used in daily reporting and editorials by BiH media on the ongoing political crisis in the country, as can be seen from this selection of headlines:

“No partitioning of BiH without war”<sup>68</sup>

<sup>63</sup> For more on the incident, see the chapter on soccer hooliganism of this study.

“A new ‘war’ between Sarajevo and Banja Luka in sight”<sup>69</sup>

“The war isn’t over”<sup>70</sup>

“Lučić: on the verge of a new war between Croats and Bosniaks”<sup>71</sup>

Since the October 2010 election, media throughout BiH have amplified the war theme. In the RS, commentator Dragan Jerinić attacked SDP leader Lagumdžija for his interview threatening use of violence to prevent RS secession, adding a story about war plans by the SDP that had allegedly been revealed to him prior to the elections by a member of Lagumdžija’s inner circle. He claimed that there was “a strategy planned by Lagumdžija’s staff” and that the source explained the “SDP *blitzkrieg* strategy” thus: “You see, the Federation police has 600 vehicles in Tuzla Canton alone. Only a third of it would be enough for the Federal police to occupy Brčko and thus cut Republika Srpska into two halves. So this would be the end. No more Republika Srpska.” As is usually the case, this alleged revelation is presented as authentic and disseminated without revealing the source.<sup>72</sup> Another *Nezavine novine* commentator, Denis Kuljiš, analyses that the SDP’s political concept presents “radical visions” that “can only be realized by radical means – that is, war. Well, that war has already started at its political and propaganda plan.”<sup>73</sup> In March 2011, another commentator in the same daily prescribes to the SDP the use of “extrainstitutional methods [against Croats and Serbs]...It includes media war...fraud...and export of revolutions.”<sup>74</sup> These formulations are reminiscent of the “special war” (*specijalni rat*) theme, invented by the Cold War-era communist regime to militarize its population, which was inherited by nationalists in the 1980s and employed in the ethnicization of the Yugoslav crisis.

Sarajevo-based media, especially those with a Bosniak national orientation such as *Dnevni Avaz*, employ the same war terminology. One of its commentators, in an opinion piece dealing with the arrest of Bosnian wartime officials on warrants from Serbia, identifies behind it a continuation of the previous war. “Serbia counts on the war as not being finished. For Serbia this war is still continuing...via Dodik, Serbia is trying to gain what it did not achieve in the war.”<sup>75</sup> The more multiethnic-oriented press has also fallen back into the same matrix. Editor-in-chief of the weekly *Dani*, Faruk Borić, for example, in an article dealing with EU-US differences over western Balkan policy, quotes the Director of the European Commission’s Enlargement Unit for Albania, BiH, Montenegro, Serbia and Kosovo Issues, Pierre Mirel, from an interview he gave to RS media, commenting that his sentences “sounded like an echo from past times.” Borić asked himself and the readers whether “Mirel copied this [his words] from the wartime diplomats that were running around the Balkans?”<sup>76</sup>

### *Victim myth and the “Islamist threat”*

Among the themes underpinned by hate speech that have regained a prominent place in the public discourse in recent years, both in public statements by politicians and in the media, is the theme of collective ethnic victimhood. The victim theme, a staple from the 1980s in Yugoslavia (beginning in Serbia) was redeveloped by politicians in the RS, most prominently by Milorad Dodik, who constantly stresses that the RS and the Serbs in Bosnia are collectively threatened by various enemies, first and foremost by Bosniaks. Thus Dodik has explained:

“The arrogance coming from Sarajevo is looking for servility, and not for partnership... by advocating the civic concept, the Bosniak leadership in fact works in order to realize national domination.”<sup>77</sup>

“It’s about whether you respect one people, whether you strip them forcibly of their legitimate rights, pushing them into a position of being an object rather than subject of political and all other social processes...there are quite serious intentions, which is less known, to steal and annul identities. Almost forcibly, be it publicly or in a concealed way, the story is being pushed through that we are all Bosnians.”<sup>78</sup>

According to Dodik, the RS is endangered by “internationals ... [who] are only waiting for the right moment to continue with destroying RS,”<sup>79</sup> but also by the state of Bosnia itself, as the RS “alone could meet EU standards within five years, but within Bosnia we won’t do that within 30 years. We are the victims of Bosnia-Herzegovina.”<sup>80</sup> In April 2011, Dodik announced that the RS government would build facilities for the Serbs working in the state institutions in Sarajevo, whose safety in the Bosnian capital is allegedly not guaranteed, noting that the Director of the State Information and Protection Agency (SIPA) would refrain from a second mandate “because of threats he receives...as do all representatives from the RS in the joint organs of BiH, as well as all functionaries from the RS who are constantly exposed to lynching by the federal media.”<sup>81</sup> Neither Dodik nor any of the other Serb officials who later promoted that line offered any evidence of the alleged security threats.

Dodik has also included anti-Islamic elements in his attacks on Bosniaks and the supposed collective threat the pose to Serbs. For example, he raised “Saudi Arabian and Iranian centers, Islamic banking and sharia marriages that have for a long time become part of the Sarajevan Bosniak society,”<sup>82</sup> and quoted his son as referring to Sarajevo as “Teheran.” By equating Bosniaks, Islam, and Islamic fundamentalism, Dodik is reviving ideological motifs employed in wartime Serb anti-Muslim and anti-Bosniak propaganda. Nowhere did he better elaborate this than his speech at the 4<sup>th</sup>

session of the RSNA, in which he argued for his initiative for a referendum:

“It is known that the organizers and key people in the terrorist attack on September 11, 2001 in New York are linked with the war in BiH. Their terrorist path is linked with Bosnia and Herzegovina, it is a part of the Islamic strategy of Alija Izetbegović and Bosniak structures who needed just such people to create the Islamic state and Islamic society...attempts of the Bosniak political structures to create a state that would suit the wishes of the majority nation... a continuation of the policy of Alija Izetbegovic and the SDA... foundations and roots are in the Islamic Declaration... Nowadays the same is being done by Zlatko Lagumdžija and his SDP BiH... Creation of an Islamic state is a project of the Islamic community.”<sup>83</sup>

Rajko Vasić picks up the Islamism motif in an elaboration of the so-called “Srebrenization” thesis developed by RS officials in recent years. This is the alleged instrumentalization of the Srebrenica massacre (Dodik and his associates reject its international judicial characterization as genocide) as a political and social weapon against the RS and Serbs. In Vasić’s view,

“Srebrenica plays a double role... to homogenize and make aggressive the Islamic nation in BiH... To condition Serbs, the RS and Serbia into permanent humiliation and collective guilt for the civil war in BiH, respectively for the genocide committed on Muslims, as this is called in the fundamentalist theory the Sarajevo way... a conditioning on the occasion of the unproven genocide which aims at peacetime genocide [against Serbs] ... an aggression against the collective Serb national consciousness... that can have long-term negative effects on the relationship of Serbs with others. And with a history of concentrated excesses and wars nobody can guarantee for the good behavior of the Serbs.”<sup>84</sup>

As in the RS, the ethnic victim myth has become prominent in the public discourse of Croat national party representatives during 2010 and 2011, in the context of demands for a third Croat entity and during the post-election period. Thus, HDZ BiH leader Dragan Čović turned the political frictions over government formation in the Federation into a theme of Bosnian Croat collective discrimination, of Croats falling victim to Bosniak domination. Čović stated that SDP leader Zlatko “Lagumdžija... obviously wants to gain control over the Federation of BiH and its resources in such a way as to clearly turn it into a Bosniak entity.”<sup>85</sup> In an interview, his counterpart and erstwhile rival from the HDZ 1990, Božo Ljubić, spoke of the two HDZs’ plans for a kind of Croat ethnic self-organization in the Federation in reaction to their failure to enter the Federation Government. In those municipalities in which Croats can’t territorialize ethnicity, because they don’t constitute a majority of the population, Ljubić suggested that “we have to make use of

the positive example that Jews use to preserve their identity, through the organization of Jewish communities.”<sup>86</sup> The comparison with the historical fate of Jews has been a traditional element of the Serb victim myth during the 1990s wars.

The media in the RS and those close to Croat national thinking have been active in promoting themes of collective victimization and imminent threat. In RS dailies, particularly *Press RS*, alleged Islamist threats coming from radical Bosnian Muslims and Bosniaks in general take center stage. The tabloid manner in which this topic is approached and the journalistic techniques often used clearly give this reporting a campaign character. A vivid example of this approach is an article published by *Press RS* in January 2011 that deals with the succession of the current head of the Islamic Community in BiH, Reis-ul-ulema Mustafa Cerić. Cerić’s mandate expires early in 2012; the election of his successor was still a year away at the time of reporting, and no one had yet declared his candidacy. Yet the article names former BiH state Presidency member Haris Silajdžić and the controversial and populist Grand Mufti of Serbia from the Sandžak region, Muamer Zukorlić, as “the most serious candidates.” In presenting this “information” as a fact despite the lack of any evidence, the article makes the point that the appointment of a new Islamic Community head will lead to the “further radicalization of the situation in BiH and Serbia.” *Press RS* cites several “experts” on Islamic faith who identify “a classic plot to establish the so-called ‘green Islamic transversal’ [spanning the Balkans, warning that] the authorities in Serbia and the RS make catastrophic mistakes because they underestimate the danger of radical Islam.” *Press RS* clearly copies here the pattern and technique of anti-Bosniak hate speech and the wartime media propaganda of the 1990s, both with the propaganda thesis of a “green transversal” and by giving the report authority through the use of quotes from academics. It cites Belgrade-based Miroljub Jevtić, who played a key role in Serb anti-Muslim propaganda in Serbia and RS during the Bosnian war. An alleged Bosniak expert living in the RS also cited in the article seems to be a fabrication<sup>\*\*\*</sup> – the fabrication of academic authorities for propaganda purposes being another technique copied from the 1990s.<sup>87</sup>

The 12 months from September 2010 to August 2011 have seen a clear rise in hate speech in general and in the theme of the collapse of the Bosnian state and war in particular. This rise is linked to three key political developments, which we turn to now.

### The 2010 election campaign

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\*\*\* The academic’s name is not known to experts of Bosnian Islam contacted, nor have the authors’ efforts produced any proof that such a person actually exists in his listed place of residence.

With the media almost completely demonstrating clear ethnic and political affiliation,<sup>88</sup> the public discourse underwent a marked radicalization in the campaign for the general election that took place on October 3, 2010. On a practically daily basis, key actors in the SNSD sent messages at campaign rallies threatening BiH’s survival. The party’s campaign slogan was “RS forever, Bosnia as long as necessary.”

During the campaign’s final month, Dodik (among others) talked about his political engagement being focused on “unity as the RS is the place of all of us and without it we won’t exist. In the RS lives an honest and beautiful people that loves itself, and there is no force existing that can abolish the RS.”<sup>89</sup> He explained that “for BiH it is best if we split peacefully and that the RS remains by itself... nobody can say at present when that is going to happen, but it will happen.”<sup>90</sup> At a rally in Srebrenica, Dodik claimed that his government and party succeeded in preventing the “global Srebrenization of the RS that is undertaken by political circles in Sarajevo and parts of the international community.”<sup>91</sup> At a rally two days later, SNSD state Presidency member Nebojša Radmanović threatened that the “RS will either be equal inside BiH or Bosnia won’t be.”<sup>92</sup>

In the Federation, the Croat national parties’ campaigns escalated political tension. The HDZ BiH candidate for the Croat seat on the BiH Presidency and acting President of the Federation, Borjana Krišto, explained at a rally that “we are fighting for reform in BiH, a reform of the unjust and imagined creation that we call a state, which it in fact isn’t.”<sup>93</sup> HDZ leaders even resorted to visiting Dario Kordić, a former high-level party member convicted by the International Criminal Tribunal for the former Yugoslavia in The Hague to 25 years in prison for war crimes. HDZ leader Dragan Čović said at a rally in Kordić’s home town Busovača that “Dario Kordić, who we had the chance to visit a few days ago... called the Croat people to stand together in unity... (and) relayed to us that we assemble all political parties under the leadership of the HDZ BiH.”<sup>94</sup> At their campaign events, HDZ 1990 representatives attacked the SDP for “destroying the constitution” by nominating only a candidate for Croat member of the state Presidency. At the same time, they attacked the HDZ BiH and its leader Dragan Čović for cooperating with SNSD and RS leader Dodik, calling it “a devil’s pact, it is the introduction to the strangling of the Croat people. It’s the pact of those that betrayed us with those that attacked us and that are working against us.”<sup>95</sup>

*Nezavisne Novine* commentator Dragan Jerinić illustrated the media’s role in promoting certain political actors and further radicalizing the discourse in the run-up to elections. In a text published just four days before election day, he essentially declared victory for

the SNSD. He also propounded the theme that the SNSD's political enemies were puppets of the international community: "the RS opposition...some kind of instant radicals...are in fact the project of international agents that have only one aim, and that is to make the RS government senseless and thus weaken the position of the RS in future constitutional talks."<sup>96</sup>

### The Federation government-formation crisis

The post-election wrangling between the previously conflicting, now unified "Croat bloc" of the HDZs and the Platform parties over formation of a government in the Federation escalated political rhetoric to a level unseen in a decade, when a "third-entity movement" led by the HDZ BiH was quashed.

At the first indication that a government might be formed without the HDZ BiH, nationalist hardline member Ivo Miro Jović reacted stating that "Lagumdžija wants a centralized, Muslim, Bosniak state... he wants war, as he has announced a few months back...the SDP with such a determination will destroy BiH."<sup>97</sup> HDZ spokesman Mišo Relota stated some months later, in February 2011, that the "activities undertaken by the bloc assembled around the HDZ represent the prevention of the dissolution of BiH."<sup>98</sup> The HDZs prevented the formation of the Federation House of Peoples by impeding the formation of four (later three) cantonal assemblies. Following fruitless negotiations between the two blocs, SDP president Zlatko Lagumdžija began employing radical rhetoric, too. He stated that "after the HDZ made public that its blocking of government formation is aimed at destroying BiH", the Federation would nevertheless form its institutions within the deadline given by the law, "which will secure the collapse of the destructive plans of the HDZ". He said that this would happen irrespective of the role of the international community, which he accused of behaving "similar to UNPROFOR at the beginning of the 90s"<sup>99</sup> – a reference to United Nations peacekeepers. Lagumdžija justified the formation of a Federation Government without the House of Peoples deputies, who are delegated by the cantons, on the basis of administrative and economic necessity – the 2011 budget could not be passed, and civil servants and pensions could not be paid without a government. He warned that otherwise, social unrest on a massive scale would result, comparing it with events in Libya: "Tripoli would be Disneyland compared to what was going to happen in the Federation should no government be formed in time." HDZ representatives characterized this as a declaration of war.<sup>100</sup> Jović threatened that Croats would form a separate entity or declare the re-establishment of the wartime "Republic of Herceg-Bosna," stating that the SDP's move could represent "the final days of BiH...what they work are fascist methods of media manipulation. This is a classical Goebbels-style approach to the situation." The hysteri-

cal tone forced his party president, Čović, to explain there were no Croat secession plans.<sup>101</sup>

Čović labeled the formation of the Federation Government "a state coup", while Ljubić claimed to see "part of political Sarajevo" displaying the "syndrome of political Belgrade from the end of the 80s and the beginning of the 90s," comparing the Platform coalition's policy in the Federation with that of the Milošević regime in former Yugoslavia.<sup>102</sup> Joining in on the attacks on the Platform parties and the new Federation government, the SNSD's General Secretary Rajko Vasić outlined an alleged wider plan, according to which:

"Lagumdžija opts for the destruction of the political and national being of the Croats...Lagumdžija accelerates total domination over the Federation... today it is easier to devastate the Croat national and political being than that of Serbs. The RS's turn can be later."<sup>103</sup>

In late March 2011, Croat and Serb national parties met in Mostar to establish common positions on the formation of a state government. At the joint press conference that followed, Čović repeated his interpretation of the Federation political crisis and Dodik stressed his now familiar thesis that "Bosnia isn't a real state."<sup>104</sup> While representatives of the SDA, the largest Bosniak ethnic party, have generally refrained from inflammatory rhetoric, the meeting provoked the party's general secretary, Amir Zukić, to comment that it had taken place

"exactly on the date where 20 years before Tudjman and Milošević met at Karadjordjevo and tried to divide up Bosnia...there is reason to wonder whether the public message sent out is precisely that they are systematically working to continue the politics of two decades ago."<sup>105</sup>

As during the election campaign, the media in BiH added to the tense atmosphere, with Serb and Croat media siding with their ethnic national representatives, and Bosniak media split between those supporting the Platform coalition (*Oslobodjenje*, *Dani*, FTV) and entrepreneur-politician Radončić's *Dnevni Avaz* attacking them.

*Nezavisne Novine* commentator Dragan Jerinić at the beginning of 2011 presented "his" view on the political clashes over government formation in Federation and on state level, stating that the SDP's policy was a

"suicidal policy by which the current state structure is going to be systematically destroyed, with the ultimate aim being the creation of a unitary BiH. Currently the focus is on the first phase, the deconstruction of the Federation, as an effort to totally eradicate the Croat national and political identity... the second phase...the deconstruction of the RS up

to the final abolition...the establishment of a strong Bosniak entity.”

He added that the Croats are threatened with “total extinction.”<sup>106</sup> In March 2011, *Dnevni Avaz* commentator Fadil Mandal attacked the policy of SDP and SDA leaders as meaning the *de facto* acceptance of a Bosniak republic, the ethnic division of BiH, something that according to him means “the safe path into the disappearance of the Bosniaks.”<sup>107</sup>

The radical rhetoric conveyed in the mainstream media (both print and broadcast) is taken to the extreme on internet news platforms (and the comments even on the mainstream media websites). The Croat nationalist site *Poskok.info* from Western Herzegovina is an exemplar of this type. In a blog titled “Affiliatory democracy as a model for euthanasia of the Croats,” commentator Nikola Zirdum turns the HDZ’s theme of Bosnian Croat “majorization” into a full-fledged ethnic-victim theory. In an article dated June 10, 2011, Zirdum opines that the struggle over forming a Federation government represents

“the transformation of a political nation into European Indians [native Americans]...Croats in BiH are pent-up in a European reservation. Under the control of the Bosniaks and the patronage of Turkey...[the] Tibetanization and Indianization of Croats [is taking place]... Not only have the rights of a representative democracy been taken away from them, but also the right to think politically ... majorization in fact means nothing else but quiet fascism... performed on the Croats of BiH. A pre-fascism of the modern Bosniak state... Still they are not forced to wear badges on their shirts like the Jews in the pre-WWII period, but there are some similarities. They are accused of having too much. Their head circumferences are measured. They are openly told to emigrate... they are told they should be happy that they have any rights at all... they expect a classical economic and the physical persecution.”<sup>108</sup>

Another media outlet in BiH carried and recycled accounts of an alleged survey at the height of the government-formation crisis according to which 54% of the population saw the outbreak of a new war as a realistic possibility. No source or methodology was cited.<sup>109</sup>

### RS referendum threat

The RSNA decided on March 14, 2011 that a referendum would be scheduled to decide whether state-level judicial institutions (the Court of BiH, Office of the Prosecutor, and High Judicial and Prosecutorial Council) and the powers of the High Representative were legitimate. On May 13, EU High Representative for Foreign Affairs and Security Policy Baroness Catherine Ashton went to Banja Luka in an effort to get the

referendum withdrawn (but not the attendant Conclusions of the RSNA, which proclaimed its view that these institutions and many more, as well as the High Representative, were indeed illegitimate). The EU declared success in getting the referendum taken off the RS agenda (“for now,” according to Dodik); the visit nevertheless added fuel to the fire in the BiH political discourse, for which the referendum had been a major accelerant.

The RSNA’s decision to hold a referendum was vehemently attacked by a wide range of politicians in Sarajevo. SDA leader Sulejman Tihić called it “the most serious attack on BiH since the signing of the Dayton accord and the biggest breach of the Dayton agreement... means playing with fire,” while his SDP coalition partner Zlatko Lagumdžija declared it to be “an attempt to destroy the constitutional order of BiH.”<sup>110</sup>

In the Federation, media ran such headlines as “‘Open war’ between the SNSD and the international community on the referendum.”<sup>111</sup> Despite differing political alignments, Sarajevo-based media were unanimous in attacking the referendum. *Dnevni Avaz* commentator Fadil Mandal explained that the referendum “is the logical continuation of the original Greater Serbian policy [of the 1990s]...[It is] a general rehearsal for the more serious [referendum] to follow – on the secession of the RS.” Mandal compared the relationship between RS President Milorad Dodik and Serbian President Boris Tadić with that between Slobodan Milošević and Radovan Karadžić during the Bosnian war.<sup>112</sup> *Oslobodjenje* commentator Dževad Hodžić asked himself and his readership whether “the (greater) Serb politics has achieved more in previous wars... or is achieving more at present?”<sup>113</sup>

While in the RS, media almost unanimously supported Dodik’s move to initiate a referendum, for the first time it provoked an RS opposition party representative to express fear of the potential consequences of Dodik’s policy of escalation: the outbreak of ethnic violence. Party for Democratic Progress (PDP) founder and leader Mladen Ivanić warned that “there was no reason at all to enter into a situation that can result in conflicts, there are extremists on all sides – and I don’t mention this out of the blue.”<sup>114</sup>

### Conclusions

This analysis of hate speech clearly shows that the political and public discourse in Bosnia has radicalized over the last three years (2009-2011), with a marked increase since the October 2010 elections. The political elites and most of the media in the country have been playing an active role in this deterioration. The analysis also reveals the increasing questioning of the state of BiH itself.

Our study also shows the emergence of a discussion of the political crisis degenerating into violence – in effect, talk about “war.”<sup>†††</sup> This discussion is almost exclusively approached by politicians and media figures through the lens of the 1992-1995 war. It finds use in different forms: as an expression of opinion on the possibility (or impossibility) of the outbreak of a new war, as an instrument of threat against political opponents and other ethnic groups, and as an argument to defend oneself against accusations that one’s statements and actions could have unforeseen consequences. Yet there is little or no factual assessment of the conflict potential – physical, social, or political – in contemporary BiH.

A novelty that has appeared after the elections and in the context of the party conflicts over forming a government is the talk about and the threat of the use of violence expressed by representatives of Sarajevo-based political parties that programmatically define themselves as advocating a multiethnic, democratic Bosnia.

Our study can only partially assess the impact of hate speech on public security in BiH. Whether threats of violence can be realized is assessed in terms of domestic and international capacities elsewhere in this study. In a limited number of cases, the rhetorical political battle over forming a Federation government generated incidents of political violence. In one case, the victims openly accused media organizations of being directly responsible for the attack through their reporting.<sup>‡‡‡</sup>

To the authors’ knowledge, there are no major, methodologically sound surveys which measure the effect of the rise of hate speech, discussion of state dissolution, and renewed violent conflict on BiH citizens’ perception of security.<sup>§§§</sup> We can nevertheless offer

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<sup>†††</sup> Use of the term “war” (*rat*) inevitably carries the mental frame of reference back to 1992-1995. Since the current circumstances – and forces available – are substantially different, this often leads to the conclusion that since war in the manner of 1992 is not possible, organized violence is also not possible. As our study argues, this has generated a false sense of security, both with BiH and international actors.

<sup>‡‡‡</sup> In April 2011 there was a bomb attack in Zenica on the car of a cantonal MP from the HDZ BiH. The bomb produced only material damage, and the alleged perpetrators were soon arrested. At least one of them had previously been a member of one of the smaller parties that have come under attack by the HDZ for taking part in the coalition government in the Federation. At the end of August 2011, the Croat president of the Federation of BiH, Živko Budimir, member of the small Croat party HSP, reported an attack on him and one of his party colleagues during a private party that took place near Mostar. In a subsequent press conference he accused a Croat newspaper to be directly responsible for the attack by having created an atmosphere of lynching against his party. He also accused the HDZ BiH for being behind this media performance. “Večernji list sukrivac za linč”, *Oslobodjenje*, September 1, 2011.

<sup>§§§</sup> The only surveys which in post-war Bosnia included questions on the perception of public security were those conducted as part of the UNDP Early Warning System. They included a question on whether citizens fear the outbreak of a new war in case the UN-

some preliminary observations based on our empirical findings in researching the topic with citizens and representatives from different social groups. Popular perceptions of insecurity and worry about the future of the country seem to have risen significantly in recent years, driven by the political and media discourse. Public talk of potential future violence seems to have reached beyond political and other elites to the general public, with the 1990s war the dominant reference point. With some citizens, it provokes martial talk of “we will show them this time” and the like. With others, it instills fear and sparks memories of previous traumatic experiences, leading to responses such as “this time we will not stay, we will pack our things and leave.” Still others refuse to even consider the possibility of current political conflicts devolving into violence, using the 1992-1995 war as reference point (“the Americans won’t allow it to happen a second time”). What all these reactions seem to have in common is being disconnected from the reality on the ground. Rarely have the authors heard objective analysis of the current socio-political circumstances for potential organized violence. Only with such an assessment of the facts can citizens, members of various elites, and international actors actively prevent any such violence, should that potential indeed exist.

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mandated international troops would leave the country, yet this question was taken off the questionnaire a few years ago. See: <http://www.undp.ba/index.aspx?PID=14>.

### III. Capacity of state institutions and the role of political elites: serving citizens' interests?

While political rhetoric directly affects citizens' perceptions of political stability and their subjective sense of personal security, the actual performance of elected officials and civil servants is also crucial. Have political elites developed state institutions and other government institutions to meet the interests and needs of citizens?

Parallel to the escalation of political rhetoric over the past five years, the political elites' confrontational relationship has delivered poor and deteriorating performance in governing institutions.

#### Performance of governments and parliaments

From 2006 on, ethnopolitical polarization among coalition partners increasingly paralyzed governance at both state and entity levels. These pervasive conflicts reduced productivity, often below that of the governments and legislatures that preceded them.

This was particularly noticeable at the state level. In the 2007-2010 mandate of the BiH Council of Ministers only 40 percent of its planned activities foreseen in annual work plans were realized. It sent only 131 of the planned 370 laws to the BiH Parliamentary Assembly – about 35%. Of these, only 82 passed, reducing the total delivery rate to 22%. Of all BiH ministries, the least productive was the Ministry of Foreign Affairs, which was to submit seven laws for parliamentary approval. It only submitted three, all of which failed to pass. In the first eight months of 2010, prior to the official campaign period beginning in September, performance worsened still, with only 10% of draft laws presented for parliamentary debate and approval, none of which passed.<sup>115</sup> By the end of 2010, only 27 of a planned 111 laws had been passed.<sup>116</sup>

Ongoing struggles between the major Croat and Bosniak parties in the ruling coalition in the Federation regularly paralyzed the entity government's work and that of the legislature as well. Only 40% of the 260 laws that the FBiH Government had planned to put to a vote over the course of its four-year term had been sent to the floor of the FBiH Parliament by the end of 2010. Of these, slightly more than half became law, a completion rate of 21%.<sup>117</sup>

In Mostar, governing institutions remained blocked long after local elections in October 2008. Croat and Bosniak parties in the city council proved unable to find a compromise solution to elect a new mayor for over a year. The city's 2010 budget was also blocked in the city council. City services and salaries would have had to cease altogether, with serious potential for social unrest. The deadlock and risk in this volatile city

compelled the OHR to intervene, but this did not resolve the underlying political stalemate.

In the RS, the SNSD – under the charismatic leadership of then-Prime Minister Milorad Dodik – dominated the RS People's Assembly (RSNA) and government in a coalition with smaller parties. Freed from major internal friction, both institutions' work proceeded more smoothly. Yet the higher efficiency was only relative. In its four-year mandate, the RS Government managed to realize only slightly over 50% of the planned set of laws – 63 out of 123.<sup>118</sup>

Considering that the Stabilization and Association Agreement (SAA) signed with the EU in 2008 imposed a heavy burden of new EU standards to process, the productivity and responsiveness of BiH governments from 2007-2010 looks even more grim.

Political conflicts between the parties and entities left many important state-level institutions blocked or limited in their functionality. Newly established institutions remained only partially staffed and the planned establishment of other state-level bodies was prevented. Many of these were necessary to meet EU requirements.<sup>119</sup>

Governments in BiH from 2007-10 were faced with key challenges that directly touched citizens' basic interests: stabilizing state budgets, reforming unsustainable social funds, minimizing the effect of the world economic crisis on the domestic economy, curbing high unemployment and creating new jobs, and promoting economic growth and foreign direct investment. By late 2010, the policy product on these challenges by all BiH levels of government was uniformly deficient.<sup>120</sup>

In the period following the October 2010 general elections and up to the time of this writing (September 2011), the main political parties and their leaders have proven incapable of forming a state government, leaving the previous ineffective Council of Ministers as a *de facto* caretaker government. This has reduced law-making even further: the BiH Parliamentary Assembly did not pass a single law in the first six months of 2011.

#### EU Integration

The most important determinant of the BiH reform agenda is the EU integration process. A vast majority of BiH citizens recognize an interest in EU membership.<sup>121</sup> Bosnia signed an SAA and a parallel interim agreement on trade in June 2008. Since then, it has failed to implement the necessary reform conditions to take the next step in the EU integration process, and has fallen behind its neighbors. Only reforms required for visa liberalization were delivered – more than one year later than almost all of its neighbors and follow-

ing intense diplomatic pressure from the side of the EU as well as public criticism.<sup>122</sup>

Political elites have failed to agree on key reforms required to apply for candidate status – a law on state aid, the organization of a census, and the amendment of the Bosnian Constitution in accordance with the Sejdić-Finci ruling of the European Court for Human Rights (ECtHR). Because these reforms have yet to be implemented, Bosnia is in breach of the interim trade agreement since July 2010. This would have had palpable negative consequences were it not for the European Union's indulgence. Bosnia's SAA would have been suspended following completion of member state ratification in late 2010 were it not for the European Commission delaying its entry into force.<sup>123</sup>

The EU-related reform process in BiH almost completely broke down in 2010, with only three "European laws" passing the BiH Parliamentary Assembly. Summing up its findings, an independent analysis of Bosnia's EU integration process for 2010 by the Bosnian-Herzegovinian think tank Foreign Policy Initiative concluded: "Unlike the previous reporting period when we established that the process of harmonization with the Acquis and harmonization between different levels of government in BiH is proceeding very slowly, in 2010 we established a total regression in implementation of defined obligations, which is most clearly reflected in the fact that the legislative process at the state level is fully blocked and obstructed."<sup>124</sup>

### IPA Funds

Underutilization of Instruments for Pre-Accession (IPA) funds is another indicator of the political elites' unwillingness to develop government functionality to serve the public interest. IPA Funds are the EU's key pre-accession instrument of financial assistance for candidates and potential candidates. Through the IPA program, the EU aims primarily to strengthen candidate countries' institutional capacities and governmental capability to fashion national development strategies, so as to be able to absorb and apply effectively funds that become available after membership (e.g. structural funds, Common Agricultural Policy, etc.). This poses special challenges for BiH, given its complex constitutional structure.

The current IPA program started in 2007 and runs until 2013. IPA funding for BiH is implemented by the European Commission Delegation in Sarajevo instead of local institutions, which is not the norm. Publicly available data so far includes only the years 2007-2009 and do not show the level of really implemented IPA-funded projects in relation to planned funds. Yet the record available to date points to poor implementation.<sup>125</sup> A dispute between the RS and FBiH governments in 2011 over a package of proposed IPA pro-

jects put forward by the BiH Council of Ministers to the EC places the country in danger of not receiving any IPA funding in 2011.<sup>126</sup>

### 5+2

There has been precious little progress in meeting the so-called 5+2 set of conditions for the closure of the Office of the High Representative (OHR). In 2006, the Peace Implementation Council (PIC) announced its intention to close the OHR and "transition" to an EU-led international presence. In February 2008, the PIC selected a handful of outstanding policy issues out of a list of 46 reform topics the OHR had defined as necessary to implement to make BiH a more functional and self-sustaining state and turned them into a set of 5 "objectives" and 2 "conditions" that BiH authorities must fulfill prior to OHR closure.<sup>127</sup> The announcement of 5+2 heralded a shift from a time-driven to a benchmark-driven approach to "transition" – the shift from OHR-supervised peace implementation to EU-led integration. The goals were set with the expectation that they could be completed within a year. OHR has continued to be extended as they remain unfulfilled.

The first condition – the signature of an SAA with the EU – was fulfilled in 2008. The second, a stable political situation in compliance with the DPA, is a flexible condition open to interpretation. Consequently, negotiations between BiH authorities and political elites were centered on meeting the five objectives. In 2009, the PIC Steering Board stated that two of them – Fiscal Sustainability and Entrenchment of the Rule of Law – had been met. However, reform achievements in both areas have since been undercut by conflicts between the different BiH authorities and among the political elites, reflecting the easing of international pressure. Of the remaining three objectives, only one has since seen progress – the completion of the Brčko Final Award. The issue had been blocked due to resistance from the RS government against solving outstanding issues of the Brčko arbitration. While some remaining issues were resolved in 2010, the unwillingness of the RS Government to give assurances it will abide by the Award and intimations that it hopes to take control of some or all of Brčko District has deterred the Brčko Supervisor from advising the international Arbitrator that the need for supervision is fulfilled. On the two outstanding objectives – a reasonable agreement on the apportionment of civilian property inherited from the previous socialist state between the Bosnian state and the sub-state governments and a similar agreement on military property – there has been no progress at all over the last four years. On the contrary, RS authorities have undercut a possible agreement and undertaken steps to appropriate the part of this property located in their entity. These steps not only led to the OHR mandate being prolonged but also compelled the High Representative to use his executive power to intervene.<sup>128</sup>

## Constitutional reform

Reform of BiH's Dayton Annex 4 Constitution has long been recognized by the international community as a necessity to make the country functional and financially sustainable. The EU has stressed the need for constitutional reform in order to make Bosnia's state institutions capable to deal with the multiple reforms necessary to become a member of the Union. Changes to meet all these criteria would directly serve the interests of BiH's citizens. Yet since 2006 there has been no serious constitutional reform process taking place, let alone any agreement. In 2006, a package of constitutional reforms known as the "April package," which was negotiated among a broad spectrum of leading political parties narrowly failed to attain the necessary qualified majority in the BiH Parliamentary Assembly. A number of initiatives have been pursued since: the Prud process of three ethnic party leaders in 2008, the Swedish-American-EU Council Secretariat initiated-Butmir process at the end of 2009, the initiative of the Spanish EU presidency in early 2010, and the German Chancellor's office initiative begun in late 2010. None of these initiatives ever reached the level of proposed or discussed constitutional reforms of the April package; in each successive instance the bar was lowered. The Spanish initiative in the end came down to the idea of a non-binding good will declaration of the major political parties, while the German government in its initiative abstained from even entering into discussions with any reform proposal at all. None of these initiatives delivered any substantial agreement. In the case of Prud, an initial deal to make agreements on the 5+2 and other issues fell apart within months, due to disputes among the three leaders as well as lack of support from parties not directly engaged.<sup>129</sup> This lack of political will among elites to compromise for the benefit of BiH citizens is currently on display with the continued unwillingness to compromise on constitutional amendments to implement the Sejdić-Finci ruling of the European Court for Human Rights.<sup>130</sup>

## Census

Censuses have been organized on a regular basis in BiH since the late 19<sup>th</sup> century – in the Ottoman era. During socialist Yugoslavia, a census was held every decade, the last one taking place in 1991. Bosnia underwent dramatic demographic changes during and after the war of 1992-1995, yet in the 16 years since the end of the war, no census has been organized due to political disagreements over various census details and their potential political impact. Bosnia remains the only country in the region that has not had a census in the post-Yugoslav era. Its leaders again failed to agree in time to organize a census in 2011, a year in which most EU member countries held theirs. Apart from direct negative effects on the performance of domestic

state institutions, the lack of updated census data also impedes the country's EU integration process.<sup>131</sup>

## State access to credits

The performance of the political elites and its negative impact on the functioning of governing institutions also has negative effects on the country's ability to attract and use credits from international financial institutions. Thus due to the failure to form a new state-level government after the October 2010 elections, BiH cannot make use of credit granted by the International Monetary Fund (IMF) for 2011. Bosnia has also acquired credits which it is not capable to spend, and thus has to pay fines to lending institutions. According to data from the Ministry of finance and treasury BiH in 2010 left almost 2 billion KM in loans unused, for which it paid 3,9 millions in fines.<sup>132</sup>

## Protecting the domestic economy

The political elites have to date completely failed in protecting domestic producers throughout the post-war trade liberalization. Thus BiH has totally liberalized its trade, leaving its economy and consumers completely unprotected. In the framework of the Central European Free Trade Area (CEFTA), BiH is the only country that has a customs rate of 0%. At the same time BiH authorities have never used the instruments foreseen under the CEFTA agreement for the temporary protection of its producers due to a lack of vision and of agreement among the ruling parties at state level over such a strategic policy. As a consequence, domestic producers, especially in the agricultural sector, find themselves unprotected by their own state institutions and in an almost colonial position vis-à-vis the neighboring countries, which also benefit from economies of scale. Domestic producers only provide 40% of the food consumed in BiH, down from 75% before the war – when the agricultural sector was already recognized as underdeveloped.<sup>133</sup>

## Conclusion

The preceding indicators illustrate that BiH's political leadership at all levels has been unwilling to compromise on policies that would serve the public good. Very little in the way of laws or policies have been generated. As a consequence, the basic needs, interests, and expectations of citizens vis-à-vis the state are not met. There are clear trends of stagnation, even regression in the last two years. Not only does this negatively affect citizens' ability to identify with their own state (and political elites), it must certainly also have a negative effects on citizens' perception of security – and their real security.

#### **IV. Bosnia in the global economic crisis – moving toward social unrest?**

The post-war economy in Bosnia and Herzegovina developed under difficult conditions, affected by large-scale destruction from the war period, the heritage of an unfavorably structured pre-war economy, a complicated governing system, a strong dependency on external assistance, and political instability. By 2004-5, the economy demonstrated some stabilization and recorded respectable growth. But the situation deteriorated with the arrival of the world economic crisis in late 2008. While global events certainly contributed to the depth of the economic difficulties, much of the problem was homegrown. Budgetary problems emerged, especially in the entities, and the social situation began to deteriorate as a result. While the economy returned to growth in 2010, these problems continue. The lack of a state-level government compounds the damage. Rising social tensions and unrest have become increasingly visible since 2010. The questions of whether the socio-economic situation could lead to larger-scale social unrest and what its potential consequences might be are now staples of public discourse in BiH. Given the complicated overall political and security environment in the country, this is an essential element of any security risk assessment.

##### The post-war economy – structural problems and growth

The economy of post-war BiH faced a double challenge of reconstruction and transformation while also being burdened by a multitude of structural problems. Large parts of BiH's industrial and overall economic capacities were destroyed during the war and the infrastructure seriously damaged. The country suffered heavy population losses, both through war casualties and through wartime emigration to third countries, from which especially better-educated refugees never returned. In addition, Dayton BiH inherited an unfavorably structured economy: the socialist economy was based on outmoded heavy industry concentrated in the fields of energy, raw materials and military production.<sup>134</sup>

Bosnia entered the post-war transition to a market economy with much international assistance, but without institutions for a state-level macro-economic policy. The complicated Dayton state structure placed only customs regulation and monetary policy at the state level. With the establishment of the Central Bank, its Currency Board, and pegging the Bosnian currency – the convertible mark (KM) – to European currency (the German mark, later the Euro), the foundations for a stable Bosnian currency were laid. But the currency board system favored by international reformers prevented use of the monetary system for macro-economic policy. Fiscal policy was the exclusive au-

thority of entity and cantonal governments. In a divided economic system and market, the state level of governance was practically left without economic policy instruments.<sup>135</sup> The burgeoning public administration in a state with 13 governments seriously hampered economic development. The slow post-war recovery of public security, the weakness of the rule of law, and the persistence of systemic corruption all negatively affected the economy. Massive international support and the presence of tens of thousands of foreigners working in international organizations made a major contribution to the post-war recovery and reconstruction, but at the same time created a foreign-aid dependency and made structural reforms unattractive.

The BiH economy made its transition to a market economy and began to develop despite these constraints. Bosnia recorded stable economic growth averaging 6% of its GDP in 2004-8. Entity and state budgets stabilized and dependency on foreign assistance diminished.<sup>136</sup> The internationally driven reform of the tax system – the establishment of the Indirect Tax Authority (ITA) at the state level, the introduction of a single-rate VAT, and the Single Account – was an important reason for this recovery. In addition to transferring fiscal authority to the state level and unifying the tax system to a certain degree, it also strengthened the economic discipline and substantially reduced tax evasion.<sup>137</sup>

##### Sliding back into crisis

Bosnia slipped into a full-fledged recession with the rest of the world in 2009. Yet the domestic origins of this economic regression went back to 2006. Rising public revenues in 2004-6 generated fiscal surpluses, tempting the ruling elites in both entities to divert more resources to their patronage systems. Public fiscal management, which had been improving, deteriorated sharply, with public expenditure rising rapidly in 2007 and 2008. The politically motivated rise in social transfer payments and administration wage bills drove these negative trends.<sup>138</sup>

In the Federation, the ruling Bosniak and Croat parties adopted several laws that introduced new, very generous social benefits to serve their politically linked ethnic interest groups, among them the most important – the war veterans – prior to the 2006 elections. These non-insurance cash transfers rose rapidly in 2007 and 2008. Non-insurance transfer costs nearly doubled in two years, from 4.8% of the entity's GDP in 2006 to 7.5% in 2008.<sup>139</sup> Early on, these rising costs were compensated for by rising revenue. But when revenues began to drop in late 2008, these new payments resulted in a deficit of 4% of GDP and a serious budget crisis.<sup>140</sup> In 2009, the international and domestic recession was in full swing, rendering commercial borrow-

ing all the more difficult for the Federation. Under pressure from the international community, the Federation made several reforms to access IMF loan facilities – cutting public sector wages by an average of 10% in 2009 and agreeing to reform the social benefit system.<sup>141</sup>

The new Dodik government that took office in the RS in March 2006 maintained social benefit payments at a more stable level. Rapid fiscal expansion in the smaller entity was mainly based on increases in public wage costs. Between 2006 and 2008 the RS Government's wage bill rose by 40%.<sup>142</sup> While the deficit remained lower than in the Federation, the government could use the revenues from previous privatizations to cover it. The RS Government had earned more than a billion Bosnian marks (about half a billion Euros) from privatizing strategic public enterprises between 2004 and 2006, first and foremost the RS Telekom company. Instead of using the money to promote economic development, from 2009 it was used to finance the public deficit, a process that accelerated throughout 2010 and 2011.<sup>143</sup> In addition, the RS Government agreed in an arrangement with the IMF to cut wages of public servants by 10-25% in 2010 and started to approach the reform of the pension fund and veteran benefit system in 2011.<sup>144</sup>

#### Effects of the crisis

The economic effects of the recession in 2009 were dramatic, continuing through 2010. Economic growth in 2009 turned negative, with GDP growth falling from 6% to -3%. Modest growth of 0.9 percent was recorded in 2010. Though it rose toward the end of the year, industrial production fell by 3.3% in 2009 overall. Foreign direct investment dropped sharply in 2009 and reached an all-time low of 12.3 million Euro in 2010. Unemployment, already high, rose ever higher. In April 2011, unemployment was 6% than in 2008. The number of persons employed fell by 10% in two years.<sup>145</sup>

The full social impact of the economic downturn remains unclear. The World Bank in Bosnia conducted its last poverty survey in 2007. A smaller survey conducted in 2011 to measure developments since the economic crisis has not been published. In late 2009, the World Bank projected that half the gains in reducing poverty in 2004-7 – a 2% reduction – would be lost. The number of citizens defined as poor (based on a monthly income of less than 205 Bosnian Marks) in 2007 was expected to rise from 500,000 to 590,000.<sup>146</sup> The economically vulnerable were particularly hurt by rising inflation. Consumer prices rose by 3.1% in 2010; prices of many basic goods and services rose by a much larger margin.<sup>147</sup> In the RS, the average wage at the beginning of 2011 was about 800 KM, while

trade unions set the price of a consumer basket to support a family of four at 1,800 KM.<sup>148</sup> In addition, remittances from family members living abroad declined due to the effects of the global economic crisis on Western economies. Those transfer payments have traditionally played an important social stabilizing role, and became even more important to citizens after the war. Remittances were estimated to make up 15-18% of GDP before the crisis.<sup>149</sup>

#### Structural problems, political challenges

The economic crisis exposed the negative effects of a multitude of persistent structural problems in the BiH economy, forcing ruling elites to deal with them. The complex state structure created a burgeoning administration that puts a heavy burden on budgets at all governance levels. This is increasingly fiscally unsustainable – especially in the Federation of BiH, but not exclusively. The public sector is a major employer and key source of patronage, often pricing out the private sector in attracting workers. In 2010, despite all serious budgetary problems and painful reform measures, public employment still rose by 1.9% in the Federation.<sup>150</sup>

BiH has a problem of structural unemployment. With an official unemployment rate of 42%, and a real unemployment of around 25% (taking into account informal sector employment), BiH has one of the highest unemployment rates in Europe. 50% of these persons are long-term unemployed. Youth are especially affected, with almost 50% of young people under 25 unemployed.<sup>151</sup> The grey economy is another large problem. Estimated at 37% of GDP in the Federation and 21% in the RS, it is damaging public budgets and increases the already unsustainable burden on social security systems.<sup>152</sup>

Furthermore, despite numerous reforms, the business environment in BiH is highly uncompetitive. By some measures, it has even worsened. Business remains hampered by a fragmented administration, the weakness of the rule of law and systemic corruption, the lack of clear economic policy parameters, and political instability. The World Bank in its 2010 "Doing Business" report ranked BiH 116 out of 183 in terms of business environment and 160 for starting a new business. The report found that while it took 54 days in 2005 to start a new business, in 2010 it took 60 days.<sup>153</sup> Consequently, the Bosnian market has remained unattractive for large-scale foreign direct investment. As many BiH products are not competitive on international markets, the country suffers from a constant large trade deficit. Infrastructure remains poor with an antiquated and poorly integrated railway system and a lack of countrywide highways. Entity-administered social funds are in deep crisis, particularly pension and health-care funds. Pay-as-you-go systems financed with current workers' contributions have

become unsustainable under the current economic conditions. With fewer than 700,000 persons employed and 530,000 unemployed at the beginning of 2011, there are just too few people paying into these (inefficient and fragmented) systems. Pension funds are also heavily burdened by entity budget-funded privileged pensions granted to war veterans.<sup>154</sup> The ratio of those formally employed and paying social contributions to those entitled to health care is 1:5.<sup>155</sup>

The combination of the difficult economic situation and the lack of a state-level government following the October 2010 elections challenges the new entity governments and subjects them to rising pressure from social interest groups.

In the Federation, the government is facing a difficult budget situation and rising foreign debt. Over a dozen large strategic companies remain to be privatized, along with many loss-making medium-sized enterprises. These public firms have hidden unemployment.<sup>156</sup> Strategic investment projects have been blocked for years, such as the highway “corridor 5C,” and political compromises have yet to be found in the Federation’s complex and increasingly polarized governance system.

In the RS, the government is facing both a serious budget crisis and the collapse of its pension fund. With the overall number of pensioners and unemployed 52% higher than the number of those officially employed in the entity and with the additional burden of privileged veteran pensions, the pension fund created high losses, rendering it increasingly unsustainable. At the same time, the public debt in the RS is rising; it was 772 million KM in 2010, and is projected to rise by an additional 640 million in 2011. As the government had spent almost all the proceeds from privatization by mid-2011, it was forced to draft reforms of the pension fund system and of veterans’ benefits.<sup>157</sup>

Bosnia and Herzegovina as a whole is faced with rising economic effects of the post-election political crisis. The state-level parliament has not passed a budget for 2011. International ratings agency Standard & Poor’s downgraded BiH’s outlook from stable to negative due to the absence of a state-level Council of Ministers. The state and the entities have lost important credit arrangements with the IMF and the World Bank which they need to cope with budget problems.<sup>158</sup>

### Social interest groups – social tensions

Public protest against the economic and social situation has been sporadic through the postwar period, ending without solving the underlying structural issues. Links between social interest groups and the political elites are largely responsible for this.

In the socialist era, trade unions were more controlled

by company managers than workers; they are traditionally linked to the government and ruling elites. The dramatic fall in industrial production since the war has led to a steep fall in union membership. Veterans’ organizations throughout the country are both ideologically and financially linked to the ruling ethnic parties through various benefit payments to the organizations’ members and budget transfer payments to their organizations. The leaders of almost all relevant social interest groups have maintained close ties with the governments and ruling parties. But this traditional relationship between the regimes and the interest group leaderships has come under increased pressure following the recent economic and budget crisis, as their interests diverge.

In the Federation, the new government is under increasing pressure from striking workers of non-privatized public companies. For example, a strike by Sarajevo public transport company GRAS workers impeded normal city life for a day in late September, forcing universities and schools to close. These rising worker demands come mainly from companies that traditionally produce high losses. Government plans for fiscal stabilization put their subsidies on the chopping block. The Federation Government’s Veterans’ Ministry has begun a revision process of privileged veteran pensions. This process has generated resistance from, among others, Bosnian Croat war veterans’ organizations, who have announced public protests. They have also turned to the Croat parties that have remained outside government – the HDZ and HDZ 1990 – for support.<sup>159</sup>

In the RS, the government drafted new laws in the first half of 2011 on the pension system and on veterans’ benefits in order to stabilize the entity budget and save the pension fund from bankruptcy. This has produced the first visible signs of strained relations with customarily supportive interest groups. In January 2011, strikes by veterans’ organizations were halted after RS President Milorad Dodik attended a meeting of the RS veteran organization’s board. Dodik had previously publicly attacked the veterans for acting against the national interest of the RS. Yet continuing pressure from their rank and file forced the veterans’ leadership to reject the draft laws and refuse to participate in the parliamentary discussion in the RSNA.<sup>160</sup>

In addition, the new RS Government has been pressured by strikes in loss-making public enterprises such as the RS railroad company and the government-owned Banja Luka airport. Trade unions have also resisted pension and veterans’ benefit reforms. The President of the RS Trade Union Association, Ranka Mišić, spoke up in the RSNA against the government’s draft laws. In a remarkable September 2011 press conference, Mišić complained about private companies linked to the ruling elites receiving credits from the

entity budget without paying workers' social contributions. She refused to name any of these "tycoons," arguing that she "fears for her own safety."<sup>161</sup>

## Conclusion

The political elites in Bosnia and Herzegovina have increasing difficulty in dealing with the weak economy. While the global economic crisis has exacerbated the problem, the patronage system that dominates the political system as well as the ruling elites' relationship with the economy is the main cause. BiH's governments face a stark choice: either depart from the existing political system and culture or face serious budgetary problems, possibly insolvency. How close the latter is, especially in the RS, is difficult to ascertain given domestic and international unknowns, such as the future development of the Euro crisis.

There are many unknown variables. What has become clear is that the politics of ethnic confrontation and absence of compromise pursued by Dodik and others over the last five years is increasingly having self-destructive economic, and thus also potentially political affects. This is best demonstrated by the financial consequences of the inability to form a new Council of Ministers.

Whether rising social tensions will ultimately lead to larger-scale – and potentially violent – social unrest is hard to predict. Many commentators in BiH point to a traditional passivity of the country's citizens and to traditions of authoritarian personality. Whether the impact of a possible breakdown of the foundations of the link between governments and social interest groups might eventually overcome these factors remains unseen. Should the Euro crisis deepen, one can expect a drop in remittances to households in BiH – transfers which have hitherto moderated the social situation and diminished the motivation for social protests.

In any case, the substantial rise in economic problems and social tensions put marked additional pressure on the ruling elites and increases the possibility – and potential gravity – of political miscalculation.

## V. The Armed Forces of BiH (AFBiH)

### Introduction and brief history

The Armed Forces of Bosnia and Herzegovina (AFBiH) are regularly referenced as a signal achievement of the state-strengthening process that reached its apogee in 2005. In psychological terms alone, it was probably the greatest accomplishment in state-building. In 1996, the concept of unifying the recently belligerent armies into a single command and control structure, radically shrinking the active-duty force to 10,000, and ending conscription was inconceivable. But a confluence of events and leadership by both international (OHR, OSCE and NATO in particular) and BiH actors through the Defense Reform Commission made a BiH Ministry of Defense a reality by early 2004, and a unified AFBiH in 2006.<sup>162</sup>

Even prior to the unification of the entity armed forces into the AFBiH as an all-volunteer force in early 2006, a joint unexploded ordinance platoon was deployed to Iraq.<sup>163</sup> Participation in international peacekeeping and peace-support operations has been a focal point of the AFBiH's development, with a Peace Support Operations Training Command (PSOTC) co-located at Butmir with the AFBiH Operational Command (as well as EUFOR and NATO Headquarters).<sup>164</sup> AFBiH troops are entering their fourth rotation of forces serving with the Danish contingent in the International Security Assistance Force (ISAF) in Afghanistan, where they have learned valuable skills, operating in unfamiliar environments.<sup>165</sup> The third contingent of AFBiH troops has just been deployed to Afghanistan, in September 2011.

There is no doubt BiH is considerably more secure as a result of defense reform and the establishment of AFBiH. A number of interviewees compared the defense reform process favorably to the failure to achieve real police restructuring. As one military professional put it, "Defense reform was NATO-led, with a goal, a strategy to reach it, one voice – destroying the old, building the new."<sup>166</sup> Yet the political environment in which the Defense Reform Commission operated and the AFBiH was initiated was far more favorable than that in which it has been forced to develop – and even then many compromises were necessary to allow it to move forward. Many involved in the process lament the fact that it has not developed further due to political factors within BiH.<sup>167</sup> And it was far from "destroying the old." One interviewee opined wistfully, "it's not a *seed* (of future conflict) – it's a *flower* of the former armies we didn't decapitate when we should have."<sup>168</sup> Another was blunt: "The Army was a fudge... it just contained [the problem]."<sup>169</sup>

None of those consulted in the study believed the AFBiH would be an instigator of destabilization in BiH, but views varied on the force's reliability – or survival

bility – under acute stress. This chapter attempts to assess the factors affecting the AFBiH and its viability as a professional force under its legal chain of command, especially in situations of ethnic polarization. It also presents how the current polarization can influence the AFBiH through its own structures.

### Force structure

The AFBiH is not a large military, even by regional standards.<sup>\*\*\*\*</sup> According to figures presented by the AFBiH in 2011, the force's mandated strength is 10,000 professional soldiers (including officers, non-commissioned officers, and enlisted personnel), with a reserve of 5,000, and 1,000 civilian employees.<sup>170</sup> Experts consulted for this study said they would be surprised if the Armed Forces were up to their mandated strength, noting that with the required dismissal of those who did not clear the "up or out" hurdle last year, the staffing gap has yet to be filled. "We're still between retirement and recruitment," as one interviewee put it.<sup>171</sup> Others estimated the actual number of active troops at 8,500, adding that the reserves were inactive and without resources.<sup>172</sup>

The law that prescribes the force strength also determines the force composition. These quotas of "constituent peoples" are linked to the 1991 census, with some overrepresentation for Croats vis-à-vis their proportion of the population then.<sup>173</sup>

- Bosniaks: 45.90% or 4,826 persons
- Serbs: 33.60% or 3,533 persons
- Croats: 19.80% or 2,084 persons, and
- Other nationalities: 0.70% or 74 persons

The armed forces force structure is divided into operational and support commands. All command structures are multiethnic – even the monoethnic infantry battalions are subsumed into brigades that include battalions from all three constituent peoples. As of April 2011, the AFBiH is structured as follows<sup>174</sup> – the locations in which the commands and units are listed in parentheses:

#### **Joint Staff AFBiH (Sarajevo):**

Lt.Gen. Miladin Milojević – Chief of Staff

Maj.Gen. Rizvo Pleh – Deputy Chief of Staff, Operations

Maj.Gen. Slavko Puljić – Deputy Chief of Staff, Resources

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<sup>\*\*\*\*</sup> Bosnia's military is roughly equal in size or smaller than many NATO and EU members of similar demographic size – approximately 4 million (Denmark, Lithuania, Ireland). Regionally, not only do neighbors Serbia and Croatia (which is only about 20% larger in population than BiH) have significantly larger armed forces (roughly 200% and 100% larger, respectively). Even Macedonia, which has about half BiH's population, has a military that is substantially larger. See

<http://www.morm.gov.mk/morm/en/ARM/Organization.html>

### **AFBiH Operational Command (Sarajevo)**

- 4th Infantry Brigade (Čapljina)
- 5th Infantry Brigade (Tuzla)
- 6th Infantry Brigade (Banja Luka)

Artillery Battalions are located in Doboj, Mostar, and Žepče

- Air Forces and Air Defense Brigade (Zalužani, outside Banja Luka):
  - Air Defense Battalion (Sarajevo)
  - Air Surveillance and Warning Battalion (Zalužani, outside Banja Luka)
  - Air Forces Support Battalion (elements in both Banja Luka and Sarajevo)
- Tactical Support Brigade (Sarajevo)
  - Armored Battalion (Tuzla)
  - Communications Battalion (Pale)
  - Engineering Battalion (Derventa)
  - Military Intelligence Battalion (Sarajevo)
  - Mine Clearance Battalion (Travnik)
  - Military Police Battalion (Sarajevo)
  - Nuclear, Biological and Chemical Warfare Battalion (Tuzla)

### **AFBiH Support Command (Banja Luka)**

- Personnel Management Command (Banja Luka)
- Training and Doctrine Command (Travnik)
- Logistics Command (Doboj)
  - Logistical Support Battalions (Banja Luka, Čapljina, Tuzla, Sarajevo)

### The AFBiH in the current polarized political environment

While structural integration has been designed into the main body of the force, some observers believe this masks an undercurrent of division. At the field level, one seasoned observer related that officers and soldiers feel this tension between their official duty and their communal (and usually local) allegiance. When questioned whether an officer would attend a nationalist political gathering scheduled where he was based if invited, the officer replied “I will follow orders, but I live here.”<sup>175</sup> Another observer related that another infantry battalion consisting of a different constituent people was addressed by what he called an “ultranationalist politician” and told “you know why you’re here – you know what you have to do.” Wartime unit flags of a particularly controversial unit were displayed at the event.<sup>176</sup> Others questioned whether the national identity elements in the force impeded the necessary professional and human relationships to make the AFBiH functional, noting that in their experience “good working relationships” are the norm.<sup>177</sup>

Pressures are also applied at the command level by political forces, according to a number of experts in-

terviewed. One interviewee noted that generalships are politicized appointments; another senior official confirmed this view – “very much so.”<sup>178</sup> But the same interviewee related that such appointments in his own country required the approval of legislators.<sup>179</sup> He added that “officers are limited because of their constituent people identity. Sorry – this slot is for a Bosniak and you’re a Croat – that sort of thing.”<sup>180</sup> “Going against political ties” was one of the areas where the AFBiH, which he rated favorably overall, needed improvement in his view. He believed this problem was simply a reflection of the very constitutional construction of the state. “The Dayton Peace Accords need to be redone – we need constitutional reform. It ripples through everything.”<sup>181</sup> Other interviewees made the same basic assessment – that the AFBiH would be hampered in its development as a professional force until political reforms and the overall political environment allowed progress.<sup>182</sup> One noted that the process accelerated far more quickly than many thought possible from 2003-7, only to stall since then. “We’re... where we thought we’d be in 2007... This is about politics.”<sup>183</sup> Another said “four years ago, I saw enthusiasm. That’s gone. It’s worse now, because [the development of the AFBiH] is the same.” Still another foreign officer confirmed promotions were not strictly merit-based, adding that AFBiH officers have told him “if you’re not connected to a [political] party, you don’t get on.”<sup>184</sup>

The issue of immovable defense property and surplus arms and munitions, which is part of the 5+2 formula that the PIC Steering Board established as the hurdles to clear before OHR can be closed, remains unresolved. The lack of political agreement on this issue between RS and F BiH politicians also impedes the AFBiH’s ability to meet the requirements of NATO’s Membership Action Plan, which was conditionally granted at the Tallinn summit in 2010, with the resistance of Germany and the Netherlands, and – until Secretary Clinton shifted the American position – the United States.<sup>185</sup> The guarding of arms and munitions sites – some of which are empty, some of which remain loaded with (increasingly old and unstable) munitions dating to or before the war – costs the AFBiH manpower, resources, and ability to train and professionalize further (see following chapter). One interviewee estimated the number of troops guarding these sites<sup>††††</sup> at any given time to be about 700.<sup>186</sup> With the necessary rotations, this comes to about 2,000 – meaning about one-quarter of the force.<sup>187</sup> So the impact on training is significant. Handing the sites that the AFBiH does not require to the municipalities has been discussed for some time,<sup>188</sup> but to date the issue remains unresolved.

<sup>††††</sup> Between the sites the BiH Ministry of Defense says it will require (numbering 69) and those “non-prospective” sites that it does not need – but whose ownership is still in dispute – these number 223. See the State Property Inventory at <http://www.ohr.int/stateproperty/AnnexAENG.pdf>

## The regimental system – necessary containment or preserved antagonism?

Competing imperatives of containing elements of the entity armies and creating a new force led to compromises in the construction of the AFBiH. To get consensus in the defense reform process, while the entity armies were abolished, a “regimental system” was created as an echo of the three wartime armies – the Armija BiH, the HVO, and the VRS. The three regiments – the 1<sup>st</sup> Guards (Croat), 2<sup>nd</sup> Rangers (Bosniak) and 3<sup>rd</sup> Infantry (Serb) – were created to “throw the Serbs a bone” and accept overall defense reform.<sup>189</sup> “In 2005, the deal was to allow battalions to be formed on an ethnic basis – it was one of the compromises to get defense reform. It’s unfortunate from a NATO perspective...It’s not unprecedented for NATO. It was a Council of Ministers/Presidency decision, and a concession to get a unified force.”<sup>190</sup> Another said “the only consensus was to have ethnically-based infantry battalions. That was only the situation at the time; we didn’t follow up (and keep pushing for deeper integration).”<sup>191</sup> One more interviewee said his personal view was that the British system, in which regiments are drawn from specific regions, was the wrong model for BiH; that mixture in the units was the best way to ensure the new force didn’t mirror wartime division. He added that this would have taken a great deal of political leverage in 2005, but it is much harder to undo six years after the fact.<sup>192</sup>

Each regiment has a small headquarters staff; members of the regiments wear shoulder badges signifying their membership. Article 6 of the Law on Service stipulates that these three regiments are repositories of culture and heritage to which service members can belong. There are to be six non-infantry regiments for other branches of service without this culture and heritage link – but this is not happening. The regimental system does not have an operational character.

But there is an uncomfortable overlap with the operational AFBiH. Members of the regiments are concentrated in nine monoethnic infantry battalions, all of which are under the AFBiH Operational Command and included in the three (multiethnic) infantry brigades. Nevertheless, one interviewee held the view that the regiments are “the biggest threat” in – and to – the AFBiH.<sup>193</sup> It is also seen by some as making the force vulnerable to political manipulation.<sup>194</sup> Others note that the operational brigades, such as the 4<sup>th</sup> Infantry Brigade in Čapljina, are mixed, but one group predominates – in that unit’s case, Croats. In his estimation, 70% of the brigade’s personnel are Croat.<sup>195</sup>

Interviewees familiar with the AFBiH regimental structure note that despite hopes that recruits would see opportunities in developing their skills to rise in the

ranks, which requires one to “serve in a multiethnic environment” (e.g., outside the monoethnic infantry battalions), there has been a persistence of new trainees electing to be posted to these units.<sup>196</sup> Some of this seems an understandable gravitational pull to stay close to home. Unlike the Yugoslav People’s Army, where enlisted men were sent far from home by design, the AFBiH system doesn’t require them to “get away from mother’s kitchen;” they can choose to serve in the infantry battalion nearest to their hometowns.<sup>197</sup> But some interviewees stated that recruits are subjected to pressure to enlist in the units under the regimental system before leaving basic training. One interviewee states that the recruits trained at Rajlovac, outside Sarajevo, are “[W]ell-trained and choose their units. Then the ethnic pressure starts.”<sup>198</sup> Another said, “the problem is that they are under pressure to wear the ethnic badges. Infantry commanders are squeezed all the time to do ethnic regimental functions by politicians (and) veterans’ organizations.”<sup>199</sup> This is seen by some experts as an impediment to the development of the capabilities the force will need in the future. Furthermore, Deputy Defense Minister Marjanac reportedly would like to see all Serbs in the AFBiH wear badges signifying this fact.<sup>200</sup> “Personnel policy is still in flux,” as one interviewee put it.<sup>201</sup>

The lines between regimental events and commemorations undertaken by AFBiH personnel acting in their personal capacity can often be confusing, even to those attempting to unravel them and go beyond their presentation in the media. Regimental functions – involving serving AFBiH personnel – can create ample opportunities for misperception, appearing to blur the lines between ethnically polarized commemoration of wartime experience and the needs of a unified state-level force. In the research for this study, numerous incidents were cited of political leaders addressing AFBiH officers and troops with nationalist statements at events with nationalist symbols, including politicians from neighboring states. It may be that even some of those interviewed were unclear whether the events were regimental or conducted by veterans’ organizations.

For example, in June 2010, a memorial ceremony for fallen members of the HVO was held with members of (but not by) the 1<sup>st</sup> Guards Regiment in Stolac, at which the Croatian national anthem was sung by the troops and attendees.<sup>202</sup> The BiH anthem was not played. Senior FBIH politicians, then-Vice-Premier Vjekoslav Bevanda and Speaker of the House of Peoples Ilija Filipović, attended the event.<sup>203</sup> The reporting of the incident implied this was transgressive, although one expert noted that this was completely legal – a veterans’ rather than regimental event.<sup>204</sup>

## Assessments of military capability

Interviewees gave varying assessments of the AFBiH's capability. Most spoke in positive terms about the progress made and the will of the BiH Joint Staff to professionalize and modernize the force. One interviewee said that the AFBiH were "the highlight" of institutional reform processes: "the Commander and brigade commanders... are all very impressive. The Commander is a Bosnian Serb, but he has two deputies. They all get along and are after what's best for the Armed Forces – they're making good decisions."<sup>205</sup> The interviewee related that the AFBiH Chief of Staff Maj. Gen. Miladin Milojević wanted NATO to continue vetting general officers.<sup>206</sup> Another believed that while the force remained imperfect, "they're getting to a NATO-capable level of organization. They're not all there, but have procedures."<sup>207</sup> One expert noted that while the force had some operational capacity, it was "under development," noting progress in meeting the technical goals in NATO's Planning and Review Process (PARP). One such reform emphasis was to devolve more authority down to non-commissioned officers, as is the case in a number of Western militaries. On the more political requirements for reform embodied in NATO's Membership Action Plan, matters remain stalled.<sup>208</sup>

Others were less glowing. "The junior to mid-grade officers – lieutenants to lieutenant colonels – want to make it work, but don't have the resources. They want to keep benefits, [so] won't risk that from within. It's a social-welfare organization."<sup>209</sup> Another opined that there is "no vision of what they want the force to be, no leadership [by the Chief of Staff or Minister of Defense]...this is a management problem."<sup>210</sup> Still another stated baldly that "Minister Cikotać hasn't done anything since 2010."<sup>211</sup>

Many interviewees mentioned the problem of insufficient funding not only to develop the force to NATO standard, but to even maintain its current equipment and facilities. One stated that "The OSBiH is ill-equipped...The battalions have no capability to fight or move."<sup>212</sup> None of those interviewed for this study believed that the AFBiH is capable of large-scale operations. International forces have made their unused facilities – even unused portions of their current facilities – available to the AFBiH. Eagle Base, a military installation in Tuzla that predates the war and has a runway that can accommodate the world's largest military transport aircraft, is now in the AFBiH's hands. According to one interviewee, "They're using one-quarter of it; the rest is falling apart." However, he believes the runway remains in good condition.<sup>\*\*\*\*213</sup> Two interviewees said that the AFBiH lacks funds to deploy without other NATO members picking up the tab – when NATO's standard operating procedure is that each contingent in a multinational force is to cover

its own costs.<sup>214</sup> One of them noted that Bosniak AFBiH officers feared that the constant push from the RS to cut the defense budget amounted to demilitarization by stealth.<sup>215</sup>

None of those interviewed expressed concern that the command structures might give orders that might generate danger. One stated his view that "The AFBiH is firmly under control."<sup>216</sup> Another said that "there is no war-fighting capacity."<sup>217</sup> Many of those interviewed for this study also believed that the common interest of those serving in the military would deter precipitous action by those in uniform. One was emphatic: "There is no initiative in this society; it would have to be organized for them from on-high, politically... I don't think the AFBiH is an issue... They're not likely to take the risk. You need a social desperation trigger. The AFBiH doesn't have that."<sup>218</sup> Another separately concurred. "The OSBiH are not a major factor in destabilization. It's a quiet mess."<sup>219</sup> This was the consensus view.

The fact that AFBiH officers and soldiers from the RS participated in a NATO exercise in Georgia in 2009 despite then-RS Prime Minister Milorad Dodik exhorting them not to participate is often cited as an example of professionalism under public political pressure.<sup>220</sup> "There was real pressure," one interviewee noted. "These guys know that they are under military law; they'd be disciplined and risk being sacked. They had to ask themselves 'would Dodik cover me if I lose my job?'"<sup>221</sup>

Despite this general assessment, another view also prevails among the same professionals: that given significant stress and political pressure, the chain of command could break down and the AFBiH could disintegrate. This is common among many close to the defense reform process.<sup>222</sup> In early 2008, two senior AFBiH officers of different ethnicities told US diplomats the same, one mooted a scenario of soldiers under his command potentially arming civilians in the event of civil unrest in eastern Bosnia.<sup>223</sup> According to one source, even the Minister of Defense has doubts.<sup>224</sup> "If [the AFBiH] fell apart, it would be a fractured militia – essentially a rifle brigade," stated one interviewee.<sup>225</sup> Another opined that "if the balloon goes up, they'll go home and act – blow up telephone exchanges, or whatever."<sup>226</sup> This professional doubted even multiethnic units would stick together under heavy pressure, though he emphasized that he was "really skeptical" of such an eventuality ever coming to pass.<sup>227</sup>

The general fear is not that the AFBiH will generate instability, but rather that it could fall victim to deepening political instability. Interviewees believed that the AFBiH cannot retain cohesion beyond a yet-unknown threshold of social and political polarization.

\*\*\*\* This would be important should over-the-horizon forces be required for contingencies in nearby Brčko.

The view is that the more troops and officers are put in a position of divided loyalties – to their oaths or their constituent people – the more likely the chain of command is to break down.

The question of whether AFBiH troops could be relied upon to restore order in a civil disturbance is often raised. One interviewee stated: “I know there are some who don’t think the military should be called on for (such situations). But I think they could at least make a show of force. *Then* EUFOR.”<sup>228</sup> This was a distinctly minority view. The AFBiH is mandated to provide territorial defense for BiH.<sup>229</sup> Some interviewees stated that it is legally prohibited for the AFBiH to engage in internal security tasks; few thought it wise or even likely. “Technically, the Armed Forces of BiH should be able to help civil power. But could you see the Council of Ministers deploy them to Drvar [if it wanted to join the RS]? I have no real confidence in the defense reform process standing up if everything breaks down.”<sup>230</sup> In 2008, a senior AFBiH officer warned US diplomats that “the AFBiH would ‘break’ if called upon to assist civilian authorities with an internal security challenge.”<sup>231</sup> Given that the order to act would have to come from the BiH Presidency, in unanimity, it is hard to imagine the AFBiH being ordered to deploy in a politically polarized situation. Even if they were, one interviewee stated that the answer to the BiH Presidency would be that they could not act, for they have no doctrine or training for such actions.<sup>232</sup>

There have been several incidents over the past few years that have cast doubts on the cohesion, discipline, and susceptibility of AFBiH personnel to political manipulation. Disciplinary procedures can also be impeded by politics. According to one interlocutor, “politics got in the way” of disciplining a “high-level officer” for “doing stupid things an officer should not do.” Firm international support allowed the AFBiH to overcome politics to address it.<sup>233</sup>

There have been high-profile incidents of a more politically sensitive nature in recent years as well. In 2009, a video surfaced allegedly depicting Serb staff of the Defense Ministry and officers of the AFBiH on a visit to Hilandar Monastery in Greece and at a Serbian war memorial in Thessaloniki, including pictures in a chapel showing them with photographs of war crimes indictees Radovan Karadžić and Ratko Mladić. When the question was raised by journalists of the Sarajevo daily *Dnevni Avaz*, AFBiH Chief of Staff stated that it was not clear that the officers were serving with the AFBiH – that the images were not recent and might have been from the war period.<sup>234</sup> Elements of the AFBiH have also been exploited as political props by politicians of all three constituent peoples. For example, Defense Minister Selmo Cikotić allowed AFBiH troops and facilities to be used for the burial of former Armija BiH commander Rasim Delić the previous

month, who had been sentenced to three years imprisonment by the ICTY for failing to punish abuse of prisoners by forces under his command.<sup>235</sup> Cikotić in an earlier interview defended the honor guard and Delić’s lying in state at Dom Armija in Sarajevo (Ministry of Defense property) as not being in violation of the law.<sup>236</sup> His Deputy Minister, Živko Marjanac, said that he “privatized” the Ministry with this act.<sup>237</sup> Cikotić claimed Delić was never fully convicted, as he was appealing his sentence.<sup>238</sup> Yet his sentence was confirmed by the appeals body posthumously.<sup>239</sup> Sources interviewed for this study relate that Cikotić and the deputy Chief of Staff, Maj.Gen. Rizvo Pleh, were subjected to heavy political pressure “from the Bosniaks” to facilitate the honor guard for Delić.<sup>240</sup>

## Conclusion

The result of a reform inconceivable when Dayton was signed, the AFBiH had the misfortune of coming into being just as the reform process in BiH ground to a screeching halt – and in many areas shifted into reverse. The development of the force has been stunted by politics, including mixed signals from Banja Luka on whether BiH should even enter NATO, let alone meet its requirements.

The AFBiH are unlikely to pose a first-instance security problem. But given the increasing political polarization of the environment, it could be an ingredient in a volatile “cocktail” of factors: political actors, entity and cantonal security forces, veterans’ organizations, and private security firms. The structure of the force, with ethnicized infantry battalions, lends itself to disintegration under pressure, absent external stabilization of the overall political environment. In that sense, it is truly a microcosm of the state.

In the event of organized violence, the best that could be hoped of the AFBiH would be for it – and the arms and munitions it possesses and secures – to remain out of it.

## VI. Surplus arms and ammunition, domestic arms production, and theft

The Armed Forces of BiH are tasked with guarding numerous sites at which aging wartime or pre-war weapons and ordnance are stockpiled. As noted earlier, this drains manpower from training and other activities, impeding the professionalization of the AFBiH to NATO standards. In addition, the lack of political agreement on the ownership of defense property sites<sup>§§§§</sup> has impeded meeting the requirements of NATO's Membership Action Plan, conditionally agreed in April 2010.

Most relevant for the purposes of this study is the fact that thousands of tons of unstable munitions and explosives remain dispersed throughout BiH, along with surplus arms in varying states of repair. As of July 2011, the Expert Working Group (including EUFOR, the OSCE, UNDP and NATO HQ) calculated the total AFBiH stockpile<sup>241</sup> as including: 3,275 pieces of heavy armament, 89,625 pieces of small arms and light weapons (SALW), and 29,246 tons of ammunition. Of these, the AFBiH was deemed to require 396 heavy weapons, 23,747 SALW, and 7,500 tons of ammunition. The surplus was then calculated to include 3,329 pieces of heavy armament, 65,878 SALW, and 21,746 tons of munitions. Of the surplus munitions, 4,500 tons were already deemed unsafe by the Expert Working Group (EWG).

According to expert interviewees, the greatest concern is of that the degrading propellants in munitions could spark an uncontrolled explosion of these munitions, as occurred in Albania in 2008.<sup>242</sup> The exact amount of surplus ammunition is unknown, according to experts interviewed for this study (more on this below) – and stockpiled at 19 sites around the country.<sup>243</sup> Five of these sites are used for disposal of these munitions. The EWG lists six disposal sites: Pretis (Vogošća), Vitezit (Vitez), Binas (Bugojno), TROM Dobož, the Glamoč disposal range and the Manjača demolition area.<sup>244</sup> The first three are commercial; the latter three are owned by the AFBiH.

The BiH Presidency prescribed three methods for eliminating the stockpile: destruction, donation, and sale. The international preference is destruction in most cases. Disposal of this ordnance is far slower than desired by international donors and organizations. Theoretically, 5,200 tons a year could be demilitarized (dismantled into component parts) or destroyed. But the most one expert noted that could be expected realistically is 3,000 tons annually. At that rate, it would take seven years to eliminate this stockpile. At the current

§§§§ This concerns both “prospective” facilities, which the AFBiH claims a need to retain, and “non-prospective” sites – those in control of the MoD/AFBiH from 2006 that are not deemed necessary to perform the military's functions.

rate, it would take well over 15 years, with the munitions becoming increasingly unstable.<sup>\*\*\*\*\*</sup> “The reason it is going slower than it should is that there is no will to use the three commercial sites to their full capacity,” the expert stated.<sup>245</sup>

Other interviewees noted that local officials often have an unrealistic expectation that the weapons in stock can be refurbished and sold at a profit.<sup>246</sup> Numerous interviewees noted with frustration that political conflict over the ownership of the “residue” – material remaining after demilitarization or destruction – impeded the pace of liquidating the stockpile.<sup>247</sup> The OSCE Mission in June 2011 pressed the Ministry of Defense to continue and accelerate destruction, floating the idea of storing residue pending a resolution on its ownership.<sup>248</sup> The UN Development Programme is conducting disposal, but the US contracted with Sterling International in May 2011 to conduct destruction in parallel to speed the pace.<sup>249</sup> One interviewee doubted the UNDP would get deliveries for destruction because of the residue issue. “They don't want to get rid of this stuff yet.”<sup>250</sup> However, he expected a “major reduction” of the surplus by summer 2012.<sup>251</sup>

The number of surplus small arms and light weapons is of a number that could be destroyed in two to three months “with political will,” according to the EWG in July 2011.<sup>252</sup> Over 30,000 M-16A1s were destroyed in 2010.<sup>253</sup> Some 6,000 AK-47s with wooden stocks were donated to Afghanistan in 2011.<sup>†††††</sup> But experts note that in contrast to heavy weapons, rifles and other small arms can be preserved much longer, if done properly. There is probably hope on the part of BiH officials that some of these surpluses might yet be sold.

Opinions vary on how much of the weapons and munitions located at these sites could be used, though most recognize the majority of the munitions are “chemically unstable” and dangerous to use. One interviewee noted “78% [of the munitions are] more than 20 years old. NATO would not let you use it. But sure it can still be used, if it works. But a quantity of it is really dangerous.”<sup>254</sup> An EWG slide corroborates this and notes that by 2014, that figure jumps to 96%.<sup>255</sup>

One knowledgeable international military officer was alarmed by the type and quantity of weapons he saw in armories in several locations throughout the country, opining that the amount of materiel he saw at one site located in the RS could equip three brigades.<sup>256</sup> He added in another conversation that “In [site located in

\*\*\*\*\* The amount of ammunition destroyed from 2006-2010 at all sites is listed at 8,413 tons by the EWG. From January 1 – July 1 2011, the amount destroyed was 354 tons – with no destruction at Pretis, Binas or Manjača. TROM Dobož accounted for over half the total.

††††† The donation could have been much greater had the ANA been willing to accept those with folding metal stocks, which was a far more common variety in Yugoslavia.

the Federation], I saw cleaning of equipment – which I know from experience you do [only] if you want to be able to use it... armor, artillery, rocket launchers.”<sup>257</sup> This interviewee added that several depots were in close proximity to organized groups that might aim to take possession of them in the event of hostilities. Others interviewed for this study gave their opinion that the biggest security risks were to be found in commercial facilities, not those guarded by the AFBiH.<sup>258</sup> One noted that the AFBiH Chief of Staff took “strong action” on the pilfering of munitions in two locations.<sup>259</sup>

Many interviewees noted how lightly non-AFBiH munitions storage sites were guarded. One interviewee told two of the authors “The guarding of these facilities is very weak. The three of us could walk in there and take what we want. There are four tons of TNT at Binas in Bugojno. That’s enough to blow the whole country up. Any terrorist or whoever could get munitions.”<sup>260</sup> When queried about fencing at these facilities, he noted what fences there were rudimentary and no impediment to anyone determined to get in.<sup>261</sup> The precariousness of some of the material is alarming. At Vitezit in Vitez, a power outage in January 2011 cut heat to a warehouse containing tons of nitroglycerine, which detonates when the temperature falls below 4°C.<sup>262</sup>

The AFBiH stores its heavy weapons and munitions in separate locations. In addition to the estimated 20,000 surplus munitions, the AFBiH possesses 10,000 tons that are “prospective,” for use in training exercises.<sup>263</sup> These are stored in five locations throughout BiH: Tuzla, Hadžići, Mrkonjić Grad, Donji Vakuf, and Čapljina.<sup>264</sup> However, some surplus munitions are housed at these sites as well. An OSCE assessment of the premises of two weapons storage sites and five ammunition storage sites in June 2011 advised that the two sites with SALW be refurbished, that solar panels be installed for an alternative/fallback power source, and that two munitions storage sites upgrade their security. Specifically, the Kula 1 and Krupa sites should upgrade their security and safety with “new armored doors, fire and intruder detection systems, lighting inside and outside storage buildings, removal and brick-in of several windows.”<sup>265</sup>

### Weapons/munitions production and sales

BiH was a focal point for arms and munitions production in the former Yugoslavia, and central to the 1969 Yugoslav defense strategy, which was designed with a Warsaw Pact armored thrust across Vojvodina and Slavonia in mind. One of the facilities to produce armored vehicles, BNT in Novi Travnik, was selected due to its remoteness and frequent cloud cover, making bombing difficult.<sup>266</sup> BiH still has a number of production facilities, concentrated in the Federation. Munitions are or can be produced at: Pretis (Vogošča) –

heavy artillery rounds, Binas (Bugojno) – 40mm cannon rounds, Igman (Konjic) – small arms ammunition up to 12.7mm/.50 caliber, and GINEX in Goražde (primers for small arms and artillery munitions).<sup>267</sup> PD Igman, another production facility within the Federation Government-owned UNIS Group, was once one of Europe’s largest producers of rifle and machine-gun ammunition. It currently produces a wide spectrum of small arms ammunition, and applied to be able to sell ammunition in the US market in 2008.<sup>268</sup> In addition, BNT in Novi Travnik is capable of overhauling artillery pieces, and recently completed a \$5.4 million US contract to refurbish 60 D-30 122mm howitzers for donation to the Afghan National Army.<sup>269</sup> Fulfilling the artillery refurbishment contract caused a great deal of frustration, as the UNIS Group, which owns BNT Novi Travnik, wanted to do the refurbishment at a then-derelict facility – TRZ Hadžići. Making that facility capable of doing the job would have required its full overhaul. Some interviewees attributed this solely to financial interests of certain political parties. Yet there are other potential interpretations for efforts to direct foreign financing to renovating such facilities. One interviewee noted, “There is a lot of productive capacity here in BiH – a lot of human capital, experience, engineering and design know-how. But this was not maintained as a strategic objective by the FBiH – that’s where this capacity is located. The new FBiH Government wants to refresh this capacity.”<sup>270</sup> A Bosnian political interviewee stated a desire to resume production of full systems for export from BNT (and presumably other FBiH-owned facilities), so as to ensure production capacity within the Federation.<sup>271</sup>

The RS Government owns a firm – TRZ Bratunac – that produces 7.62mm semiautomatic SKS-type carbines, and overhauls other automatic weapons – including AK-47s (cosmetic) and M-84 (RPK) 7.62mm squad automatic weapons (replacing barrels and actions).<sup>272</sup> Sales of these weapons, bought at low fixed prices from stockpiles, are apparently quite lucrative for connected private firms.

Many international interlocutors were relaxed about BiH arms sales abroad, so long as they were a legitimate buyer. As one put it, “My position is that if you signed a treaty and fulfill the obligations, you should be able to sell as a sovereign right.”<sup>273</sup> Arms sales are overseen by the Ministry of Security and the Ministry for Foreign Trade and Economic Relations (MOFTER). Licenses for arms and munitions export were suspended in March 2011 by the BiH Presidency due to questionable end-user certificates for sales to Armenia and Azerbaijan – for example, one was reportedly signed not by a minister of defense, but by an army major.<sup>274</sup> Speculation on the actual end users of such weapons abounded, including transshipment via Israel to points in Africa.<sup>275</sup> Several BiH media outlets published stories on UN-sanctioned Serbian arms dealer Slobodan

Tešić and his firm Moonstorm, detailing alleged links to a broad spectrum of BiH political and other figures who allegedly facilitated his business dealings.<sup>276</sup> Yemen and Libya were also apparently buyers, according to press reports and leaked US State Department diplomatic cables.<sup>277</sup> The 60-day BiH Presidency-ordered moratorium was lifted by summer 2011, with the Intelligence and Security Agency (OSA) becoming a crucial node in the vetting of end-users.<sup>278</sup>

### Missing munitions and explosives

Several interviewees noted that the lack of uniform record-keeping on stocks creates an ideal environment for theft, illicit sales, and other abuse.<sup>279</sup> There are four logbooks listing munitions stocks – from the three wartime militaries (Armija BiH, VRS, HVO) and from the state MoD. The exact amount of surplus munitions is regularly referred to as being “approximately 20,000 tons.” Hundreds of tons could disappear without being accounted for. Other interviewees stated their greatest fear was stockpiles that were never part of any accounting. “The biggest problem is what’s already out there (and unaccounted for)... [In] Blažuj, they found 9 million rounds of ammunition without any controls last year.”<sup>280</sup> Another interviewee noted that there were numerous and regular thefts from arms and munitions storage facilities – 30-40 thefts (though not all of munitions – some of wire and other materials that could be sold for scrap) from Vitezit in a six-month span.<sup>281</sup> “There are three critical points – those locations, Vogošća, Vitez, Bugojno, where there is production and storage,” this source believes.<sup>282</sup>

There are several noteworthy incidents. Most recently, Serb member of the BiH Presidency Nebojša Radmanović made an accusation that 11,000 tons of explosives had gone missing from AFBiH custody.<sup>283</sup> That figure is astronomical and grossly inflated. The actual amount, according to one interviewee who saw the MoD report to the Presidency, was that 11.5 tons of TNT that was sold illegally.<sup>284</sup> This interviewee called the MoD’s letter to the Presidency “shameful...incompetent and unprofessional,” noting the MoD seemed to be attempting to avoid having to account for the explosives in question. He added that this “just the tip of the iceberg” and “a minor offense” in comparison to other official malfeasance. He rued that these crimes allowed the RS to open yet another attack on another state institution, noting the RS was “fishing where there are fish.”<sup>285</sup> He said he was aware of senior government officials allowing private interests to take munitions from stockpiles; other interviewees corroborated this.<sup>286</sup> One interviewee noted that the explosives were transported from one BiH arms manufacturing company to another in AFBiH vehicles.<sup>287</sup>

One interviewee related a particularly disturbing case. 30 tons of assorted-caliber artillery shells were regis-

tered as having been destroyed at a particular facility – but never got there. Speculation had been that the shells went to Serbia – but in now appears they never left the country.<sup>288</sup> This amount, in his opinion, is “enough for a two or three-month war.”<sup>289</sup> Severe disciplinary measures were undertaken by the AFBiH Chief of Staff, according to this interviewee and one other.<sup>290</sup>

In 2009, “a box of grenades and 9000 rounds of assorted pistol ammunition” was stolen from a storage site in Busovača, intended for sale. It was recovered before the deal was consummated.<sup>291</sup> It was unclear who the intended final consumers of the illicit munitions were. The theft was “an inside job – the commander was forced out, the military police battalion commander was also forced out.”<sup>292</sup> It is probable other such thefts and sales have occurred due to differing inventory lists. As one interviewee related, “Without clear inventory numbers, it’s easy to sell off stocks without detection.”<sup>293</sup> Profiteering has also occurred with the residue of destroyed arms and munitions. One interviewee noted that the commander of one facility “sold some residue. Nothing happened. He was demoted, but nobody has gone to jail for this.”<sup>294</sup>

### Conclusion

The composite picture of control of arms and munitions by public authorities is cause for alarm – in terms of the volatility of the ordnance on hand, the security of the facilities in which it is housed, and the lack of professionalism or active criminality of some of those entrusted to protect these stockpiles. Also worrisome and indicative of the deterioration in the security environment is the expressed desire by ruling political parties in the Federation to expand domestic production capacity of arms and munitions.

## VII. The police forces in BiH

In December 2007, then-European Commissioner for Enlargement Olli Rehn initialed a Stabilization and Association Agreement (SAA) with Bosnia and Herzegovina. The agreement followed an assessment that sufficient progress on reforms had been achieved by BiH political leaders. A declaration by the leaders of the largest political parties on police reform in October and November, followed by an action plan, allowed the EU to tick the box on a remaining requirement. This “progress” as defined by Brussels was in fact an admission of failure and *coup de grâce* to more than three years of effort of effort on police reform led by OHR in close coordination with EU institutions.<sup>295</sup>

The effort to that point encompassed various analyses and studies, the establishment of three police reform commissions, and numerous rounds of negotiations of international representatives with local political leaders. It had centered on the aim to create a unified structure of police forces in BiH, arranged according to professional and not political criteria in place of the fragmented, disassociated post-war structure of over a dozen police agencies; an aim that had in the course of the process been defined as three EC-principles for police reform.<sup>296</sup>

Along with defense, intelligence, and judicial and legal reform, police reform was identified by the international community in BiH as a strategic state-building reform area. These were necessary to ensure public safety and order, to prevent future violent ethnic conflicts, and clear Bosnia’s progression from a post-conflict society to a democratic state with a strong rule of law. The main reason for this emphasis on police reform lay in the legacy of BiH’s police forces: their socialist heritage and their role in the ethnic warfare of 1992-95. Four years after its lowering the bar on police reform, the EU has apparently given up on its initial aims and principles. BiH political leaders have not undertaken efforts to realize their non-binding commitment written down in the Mostar Declaration, nor have there been international efforts to revive the police reform process.

This chapter is designed to give an account of the current state of the police forces in BiH and to assess the level of professionalism of police agencies in fulfilling their core function, to maintain public order and security. It analyzes the post-war transformation of police forces, key reform aims, efforts and achievements. It is based on about a dozen of interviews conducted with police officials from various agencies in BiH and of representatives from international policing organizations involved in this sector in Bosnia, as well as documents and materials (both publicly available and confidential ones obtained by the authors). The depoliticization of BiH’s police forces, as well as their

operational autonomy from political interference, has a direct bearing on the potential performance of these forces in case of a re-emergence of violent interethnic conflict.

### Double legacy of undemocratic policing in post-war police forces

The police forces with which BiH entered the post-war era were ill-prepared to take up the task of playing a key role in maintaining public order and security. They were burdened with a double legacy – that of the socialist Yugoslavia and that of direct engagement in ethnic warfare. Socialist-era police were not democratic but were effective. The ethnicized wartime police forces were neither democratic nor effective in any of the functions formally ascribed to them.

The socialist-era police operated in a comparably liberal one-party system, but within a legal framework to maintain public order and combat ordinary crime. Yet the communist party was present in all state institutions and had unrestricted authority which it could employ at will – and capriciously. While the police were well-embedded in local communities, they were subordinated rigidly in a centralized system. The republican minister of interior acted as an operational director of the police. Police had no operational autonomy, while the state security – the real political police – was organized in tandem with the ordinary police with no physical separation.<sup>297</sup>

Building on this authoritarian tradition, the ethnic parties that formed the first post-socialist government in 1990 led the police forces into their ethno-political division. The ethnic split of the MUP, the Republic’s interior ministry, was a key precondition for the ethnic parties’ violent seizure of power and territory during the 1992-95 war. Police forces played an active role in the establishment of ethnic national (para-)states and the process of “ethnic cleansing,” thus leading to a specific form of re-politicization of the police. Parallel to these processes, the use of the de-monopolization of force as a political means (of criminal elements and par-military formations) planted the seeds of organized crime and corruption into the foundations of the new (para-)states. These factors fundamentally altered the character and performance of the police forces, with the demarcation line between crime and crime prevention fundamentally blurred.<sup>298</sup>

### The police reform process: main issues and projects

The post-war police reform process driven by the international community, like all other elements of its democratization and state-building efforts, was much less of a strategized, linear process, but learning by doing. With various international organizations involved and the political framework changing, it never-

theless came to center around reversing the de-professionalization and criminalization of the war period, establish de-politicization and democratization of policing, and modernizing the police agencies in both the operational and management sense.

#### *Screening and vetting process*

The international vetting process was by far the largest post-war reform project. Led by the International Police Task Force (IPTF), the UN police component of the international community's post-Dayton half-protectorate, it lasted from 1998 until the end of IPTF's mission in December 2002. It encompassed the registration of all police officers, the screening of their professional skills and previous conduct, mainly during wartime, and their final certification. It gave the IPTF power to de-certify police officers based on a lack of professional skills and education, involvement in war and other crimes committed during the war, and for post-war criminal and other misconduct.<sup>299</sup>

#### *Reducing the number of police officials*

Another key issue of police reform was the reduction of the enormously high number of police officers to a level comparable to international standards. During the war, the number of police officers rose from 15,000 to 45,000,<sup>300</sup> which presented not only a drastic overstaffing but also a serious problem for the budgets of the entities and cantons. Based on comparable data from western countries, various analyses recommended a number of police officers below the pre-war level for BiH as a whole.<sup>301</sup>

#### *De-politicization: commissioner project, independent boards, party membership*

Creating institutional mechanisms to protect the police from political interference in operational matters was one of the key aims of police reform. Its main project became the so-called "police commissioner project." Beginning in 2000, the IPTF initiated the establishment of the post of police commissioner in the Federation's cantons and directors of police in the two Bosnian entities. They were to head the police administrations inside the interior ministries and be furnished with operational independence vis-à-vis their interior ministers, fixated in changed laws on internal affairs.<sup>302</sup> Candidates were to meet the highest professional standards and have the best relevant experience. Those who had previously held political office were not eligible to apply. This new standard was strengthened and further developed throughout the last decade by IPTF's successor mission EUPM, the EU-led international police-monitoring mission.

In addition, so-called independent boards were introduced at entity and cantonal level. A group of independent individuals from "civil society," drawn from various professional backgrounds, was to be selected by the respective parliaments. They were to be given

competency over the whole police commissioner/director selection process, leaving the ministers only the final decision to choose among a limited number of pre-selected candidates. The board was also given the authority to investigate any potential misconduct and to initiate sanctions against commissioners/directors, including suspension and dismissal.<sup>303</sup> Police officers were forbidden to be members of political parties statewide.<sup>304</sup>

#### *Internal control/corruption: PSUs*

In order to curb police misconduct and fight widespread postwar corruption among police officers, Professional Standards Units (PSUs) were established and efforts undertaken to create uniform disciplinary practices and procedures to deal with complaints in both entities' police agencies.<sup>305</sup>

#### *Management, training, and education*

Training of police officials in modern democratic policing was one of the first international measures. Support was also devoted to the modernization of education at entity police academies, one in Sarajevo and the other in Banja Luka.<sup>306</sup> Development of consistent educational criteria for entry and promotion inside the police agencies and their codification in the laws on police professionals on the various governmental levels was also an international focus. Various international projects have been undertaken to help modernize the administration of the country's interior ministries and their police administration units.

#### *No hierarchy of police agencies, lack of coordination*

As a consequence of the various started reform projects, a structural problem moved into the center of international efforts that became to be known as "police reform" – the fragmentation and disassociation of Bosnia's police agencies. The Dayton Peace Agreement left BiH with 13 territorially separate law enforcement agencies (2 entities, 10 cantons, and Brčko District). Entity police had no jurisdiction in the other entity. Federation police had no authority over cantonal police, holding very limited formal (and even less practical) policing authority. There was informal coordination between police agencies in Croat majority cantons in the Federation and parallel ethnic police structures in ethnically mixed cantons. There was no state-level police agency or court jurisdiction.<sup>307</sup> After having compelled BiH authorities to establish the State Border Service in 1999, the international community moved towards the creation of a single statewide policing structure by first establishing a state-level agency with limited policing authority, the State Investigation and Protection Agency (SIPA), and a state Ministry of Security in 2002-3. Reform proposals and demands evolved further with the leading institution on the ground, the OHR, winning over the European Commission, in 2004, to turn its reform concept into a condition of Bosnia's EU integration process by defining

it as the “three EU principles” of police reform: 1) move all competency for police matters to the state level, including legislative and budgetary, 2) eliminate political interference, and 3) territorially re-organize the police agencies according to exclusively functional, not political or ethnic criteria.<sup>308</sup>

### Reform achievements and failures – the current state of policing

The process of police reform sputtered in 2006 with the RS refusing to participate fully in the Directorate for Police Restructuring. It failed outright between the RS’ open rejection of the third EU principle<sup>\*\*\*\*</sup> (and sub rosa objection to the other two) and Haris Silajdžić’s unwillingness, in 2007, to countenance a face-saving deal for Dodik which would have effectively fulfilled the three principles. After the EU declared progress after a reform of a much lower order, the impetus for police reform dissipated. While reform efforts in the other field listed continued, the reform lost its main direction. The current state of policing and police agencies in BiH is the product of some progress, but overall the reform effort has generated mixed results.

#### *The vetting process*

The screening and vetting process conducted by IPTF is judged by analysts, international police officials, and local police officials as having been one of the most important steps toward decriminalizing and reprofessionalizing police in BiH. While the overall number of de-certified police officers was no higher than a few hundred, it nevertheless had a strong disciplining effect on those left in service.<sup>309</sup> The purge of a number of individual police officials by the High Representative in the years after the 2002 end of IPTF’s mission on various grounds (obstruction of refugee return, involvement in the Karadžić and Mladić support networks, etc.) certainly helped to uphold and consolidate that effect. While the vetting process has been critical from a legal point of view, viewed from a professional point of view in retrospective its main problems were its organizational and political deficiencies. IPTF officials depended to a large extent on witness testimonies to screen serving police officers. With the political decision to end the IPTF mission at the end of 2002, the UN forced the mission to finish the process in a rush.

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\*\*\*\* The whole process of police reform and its final collapse have been well documented by several authors. It is not central to this analysis. One of the main reasons for the reform failure was that the effort did chronologically fall into the international community’s shift of policy approach from an executive mandates driven process of external state-building, towards a non-executive approach under the framework of the EU-integration process. Another reason can be found in the EU’s struggle to perform as a unified actor and in using the EU-integration offer to Bosnia as an active instrument of democratization. See esp.: Daniel Lindvall, *The limits of the European vision in BiH. An analysis of the police reform negotiations*, Stockholm 2009

The screening process did not include police administration staff, only police officers – the UN Mission in BiH developed only limited will to tackle high-level police officials.<sup>310</sup> Thus a police official from the RS interviewed for this study stated that according to his assessment in 95% of decertification cases in his entity’s police the decisions taken by the IPTF were correct. Expressing understanding for the small number of cases where police officers were mistakenly purged as “unavoidable in such a large enterprise,” he identified as the much bigger problem that “a large part of the police forces have remained unchecked.” This official assessed that in both entities there is still a large number of policemen with a history of war crimes.<sup>311</sup>

#### *Rationalization*

However incomplete the result of the IPTF’s screening, the certification process played an important role in reducing the number of police to a more rational level. A year after IPTF ended its mission BiH, around 17,000 police officers were employed at all levels, just over a third of the post-war high of 45,000. The number of civilian employees at policing agencies and ministries was around 6,000. While an EU-financed study published at the beginning of the police-reform process recommended a reduction to about 14,000 police,<sup>312</sup> no further rationalization seems to have taken place over the last decade. A high-level police official from BiH gave the current numbers as 17,000 police officers and 8,000 civilians working in the various ministries and police agencies.<sup>313</sup> This would be a marked rise (33%) in civilian employees. Given the lack of further rationalization in a fragmented system, this is continuing to create serious budgetary problems for the various sub-state territorial units. Financing interior ministries is a major burden for many FBiH cantons. Goražde Canton is an extreme case. Due to its specific geographical, structural and economic difficulties, it depends on Federation subsidies for a majority of its interior ministry budget.<sup>314</sup> The high budget burden, together with the impact of the economic crisis during recent years, seems to have had a serious impact on maintaining the police service in many cantons. Zenica-Doboj canton reports a serious lack of equipment, starting with uniforms and technical equipment, but also insufficient resources for regular physical and weapons training for police officers.<sup>315</sup> In some cantons, restrictions on the monthly use of fuel for police cars have been introduced.<sup>316</sup> The low salaries and the considerable differences in wage levels between the different sub-state entities of governance provoke frequent labor strikes.

#### *De-politicization*

The introduction of the institution of police commissioner and director of police has been a major step towards de-politicizing the police in Bosnia. It laid the institutional foundations for operational independence of police administrations. The role of commissioners and directors has been substantially strengthened over

time. Nevertheless, conflicts between commissioners and directors and their interior ministers over operational matters remain a constant issue.<sup>317</sup> As an international policing official has put it, if today a minister launches an attempt over the authority of a commissioner, “the commissioner will succeed to fight it back if he resists in public.”<sup>318</sup> Police officials complain that the institutionalization of operational independence remains incomplete without the authority over budgets and support services under the direct management of commissioners and directors. While envisioned for many years, the EUPM only recently succeeded in getting Tuzla and Goražde Cantons to grant separate budgetary authority to their police commissioners. The current difficult state of public budgets has hampered their ability to exercise this new authority. At the Federation level, the director of police since 2005 has *de facto*, not *de jure*, control over the police budget. Critical voices have been raised as to the quality of those police officials selected for senior posts. Thus, one interviewee noted that half of the FBiH cantonal police commissioners were under police investigation for corruption or had been appointed despite previous multiple criminal charges. Such officials are vulnerable to political blackmail and manipulation.<sup>319</sup> In one of the Croat majority cantons, the person who until recently held the post of interior minister had previously been the police commissioner in the same ministry and previously been president of the HDZ BiH party in one of the canton’s municipalities.<sup>320</sup> Such examples reflect on the overall political and social environment in which the commissioner project was undertaken more than on the project itself.

The same goes for the experience with independent boards. Their establishment offered the chance for a recognizable improvement in transparency of the selection process of commissioners and directors— however the ideal of eliminating political influence through a body representing “civil society,” was never achieved. Different selection cases where board members clearly violated the rules point to the continuing existence of ethno-political motivations.<sup>321</sup> There have been cases where boards acted on publicly available complaints about commissioner’s possible misconduct only in the context of changed political environments. As one international policing official has put it, “you can’t completely eliminate political interference” on boards that have been selected by parliaments, even if their members are not members of any parties.<sup>322</sup>

Finally, the legal ban for police on membership in political parties seems to have had an important effect on separating the police forces from politics. Yet this restriction has no enforcement mechanism.<sup>323</sup>

#### *Management and training*

Substantial cumulative progress has been achieved in the modernization of training, education, and manage-

ment. Consistent standards and processes have been established for the recruitment and promotion of police officers based on educational and professional criteria. As for management, police officials interviewed complained about standing backlogs. One cantonal interior minister complained to the authors that the reporting system in his ministry had not changed in 40 years and that there was a weak tradition of strategic planning. Other police officials complained about the persistence of the socialist bureaucratic legacy and of the conviction that the police on its own can solve all problems of crime, without the assistance of society and other social institutions, which clearly stems from the authoritarian socialist policing past.<sup>324</sup>

#### *Internal control and corruption*

The effects the various institutions and regulations (PSUs, disciplinary procedures, citizens’ complaints bodies) aimed at reducing and punishing police misconduct are hard to qualify. International and local police experts agree that corruption among the police is of a lower order than that in other government institutions. Interestingly, there seems to be a common view among police officials that corruption is disproportionately higher among the judiciary, especially the prosecution, in BiH. Nevertheless, several interviewees agree that due to the wider socio-economic development and the low pay of police, especially on lower levels such as in cantons, corruption is on the rise.<sup>325</sup>

#### *Creating an integrated policing system*

More than a decade after the beginning of the first police reform efforts, BiH’s police agencies have developed a substantial level of cooperation where there was none before. Yet the system as a whole remains deeply fragmented, disunited, and incoherent. Practical cooperation between the policing agencies has improved in the past decade, particularly in the past five years. For example, former Sarajevo canton police commissioner Hilmo Selimović established smooth cooperation with his colleague from the other side of the inter-entity boundary, the head of the Eastern Sarajevo police, something previously unthinkable. Similar developments have taken place elsewhere in the Federation. Their daily responsibility to fight criminals who exploit jurisdictional barriers, as well as the common socialist-era policing background of some of these officials, contributed to this increased cooperation. But cooperation, such as it exists, is based on personal rapport; it is not institutionalized and remains systemic.<sup>326</sup>

The immediate post-war number of 13 police agencies has risen to 16, with 3 created through the various police reform efforts (State Border Police, SIPA, and most recently the Directorate for the Coordination of Police Bodies in BiH) plus the state-level Ministry of Security. With those state-level agencies gaining state-wide competencies in some policing fields – for example on terrorism, organized crime and drug trafficking

– the division of competencies between agencies on different governance levels (state, entities) has remained unclear. Most of the agencies and institutions established at the state level may remain understaffed and underequipped due to a combination of political resistance and budgetary difficulties. Bosnian police agencies still lack some joint databases crucial for the countrywide fight against crime. There is still no unified automatic fingerprint-identification system due to the purchase of different, incompatible software by different agencies, for example.<sup>327</sup> BiH's Ministry of Security, set up as part of the project of a unified policing system, remains in an institutional twilight zone. With very few exclusive competencies (on asylum, migration, and foreigners) its role comes down to a coordinating function that institutionally remains "not fully developed." Consequently, the ministry's strategic plan for 2011-2013 speaks of "inadequate institutional construction and equipping of the ministry, the fragmentation and dysfunctionality of the existing security sector in BiH as well as the unpredictability of its future shaping."<sup>328</sup> Based on the 2007 Mostar Declaration, the Directorate for the Coordination of Police Bodies has most recently been established. Among its other functions, it provides an institutional home for the coordination of the various police agencies, and the law that established the Directorate obliges the countries' agencies to cooperate with it. Yet with no enforcement mechanisms, the Directorate lacks authority as much as the Ministry of Security does, and remains dependent on goodwill.<sup>329</sup>

#### The state of policing in the two entities

In the **Federation of BiH**, police agencies remain institutionally fragmented. Draft laws on internal affairs pushed by the EUPM to harmonize the laws on internal affairs of the Federation and the cantons remain blocked in the Federation parliament between Croat and Bosniak ethnic parties since 2005. It took six years to introduce a joint database on criminal files for cantonal and federal police agencies; the establishment of other important databases, such as registered private weapons possession and private security companies (PSC employee database) is only beginning. The Federation police only has legal authority in a limited number of policing areas. Its capability to deal with its largest portfolio, inter-cantonal crimes, remains anemic due to bureaucratic inertia and political constellations which have dominated the Federation for a decade.<sup>330</sup>

Good relationships have developed among the Federation Director of Police and cantonal police commissioners based on joint professional interest, as well as a common interest in resisting political interference in operational policing. The informal coordination of police agencies in Croat ethnic majority cantons seems to have substantially weakened, partly due to the profes-

sionalization of the police, but partly also as a consequence of the pluralization of the ethnic Croat party scenery, with rival parties in power in the Croat cantons. In the two ethnically mixed cantons (Mostar Canton and Central Bosnian Canton), previously existing parallel, para-institutional ethnic police structures seem to have subsided over time, with relations in one canton running smoothly, while ethnic division and tension in the other canton is still marked.<sup>331</sup>

While Federation police thus remains fragmented, the police agency in the **Republika Srpska** remain the least reformed of all agencies in the country and closest to the previous socialist model. With its five policing regions and centers for public security (CJB) organized under the authority of a single ministry of interior (MUP RS), the police in the RS is highly centralized. Political influence and control over the police administration remains considerable. The director of police formally enjoys operational autonomy, but the legal separation of the relationship between the director and the interior minister lacks consistency. Crucially, the minister controls the budget. As an international policing officer has noted, no RS police director has ever stood up in public to protect the interests of his profession. Thus, the minister often acts as a police official who can intervene in operational matters. The persistence of previous structures and policing culture is partly also the responsibility of the international community, as another observer told the authors. When the international community pressured the RS to cooperate with the ICTY during the previous decade, this implied the tightening of political control and of a centralized hierarchy within the RS MUP, in opposition to its heritage of involvement in war crimes and related internal resistance.<sup>332</sup>

While political interference in policing has remained a constant factor, it seems that the situation has worsened since Milorad Dodik and his SNSD have taken power in 2006. The previous director of police, Uroš Pena, was praised by international officials for his professionalism and cooperation; he left his post in 2009 because, as one international policing official has noted, he was frustrated with political interference.<sup>333</sup> His successor, Gojko Vasić, is also a police professional but, in his relations with interior minister Stanislav Čađo, "has no independent opinion on any policing issue...he is of such personality," according to high-level RS police officials interviewed.<sup>334</sup>

#### SIPA

The State Information and Protection Agency was originally founded in 2002 to serve the Court of BiH and the Prosecutor's Office of BiH. Over the next four years of various judicial and security-sector reforms, it evolved into the State Investigation and Protection Agency – a state-level agency with policing authority

in the whole of the country organized as an administrative unit with operational autonomy inside the Ministry of Security of BiH. Its areas of policing authority parallel those of the Court of BiH. From the outset, SIPA's work was affected by internal scandals and friction. In 2007, several officials were suspended over war crimes accusations, including one section head. In 2009, the head of the narcotics section was arrested due to legal misconduct and the High Representative removed another high-level official on accusation of having misused SIPA resources for activities directed against the OHR. The selection process of the current SIPA Director, Mirko Lujic, in 2007 sparked a struggle between the main ethnic parties.<sup>335</sup>

While SIPA's activities in the field of war crimes developed rather smoothly, its work in one of the other main fields where it has police authority – organized crime and corruption – has been attended by public controversy and massive political pressure. By far the most controversial case in this context was the 2008 exposure of a criminal investigation into alleged fraud and corruption in the construction of the new RS government building in Banja Luka. The investigation focused on the roles of several entity government officials, including the then-Prime Minister, Milorad Dodik. Dodik launched direct attacks on the investigation, SIPA, and its Assistant Director of the Criminal Investigation Department, Dragan Lukać, who was heading the investigation, asserting the case was politically driven. Only international pressure compelled the RS to throttle back its resistance to the investigation.<sup>§§§§§</sup> SIPA Director Lujic performed dubiously, inter alia for conveniently reassigning Lukać from his post even at the end of his mandate 4-year mandate. Later, Lukać had been exonerated from misconduct in an internal investigation launched by Lujic.<sup>336</sup>

Since this conflict with the RS authorities has calmed down, SIPA registers a rising number of successful actions to combat organized crime in coordination with entity and cantonal police agencies and also including cases where SIPA officials were arrested as co-suspects. Yet several incidents still raise the question of whether SIPA's crime-fighting activities are affected by ethnic and political loyalties at work below the surface. For example, Director Lujic joined Dodik and other officials from the RS in April 2011 by making allegations of threats to the security of Serb state of-

officials working and residing in Sarajevo. No proof or evidence was ever offered to support the allegation.<sup>337</sup>

## OSA

Though not a police agency, Bosnia's Intelligence and Security Agency (OSA) plays an important supportive role. Formed in 2004 as a state-wide intelligence-gathering agency that replaced the previous three ethnic agencies, OSA works under the executive authority of the Council of Ministers and is overseen by a parliamentary commission. Besides classical counter-espionage work, OSA also gathers intelligence on activities aiming to undermine the constitutional order and its institutions, including terrorism, but also on organized and economic crime. OSA is praised by international security officials interviewed for this study for its professional conduct and political independence. OSA has recently come under strong attacks from the RS, with media and politicians accusing it of practices such as illegal wiretapping – all unproven so far. They were accompanied by demands from SNSD politicians for the re-establishment of entity-level intelligence agencies.<sup>338</sup>

## Case studies of political interference

The level of political interference and of the politicization of the daily operational work of the police agencies throughout BiH is difficult to assess for outside observers. However, there have been a number of police actions and incidents in recent years that can at least give an impression of the persistence of this structural problem. Three of them – two from the RS and one from the Federation – will serve as small case studies.

In August 2010, a special unit of the RS police arrested five Bosniak returnees in the towns of Novi Grad and Kozarska Dubica in the western RS under the suspicion of being members of the radical Islamist Wahhabi movement and for presenting a potential Islamist terrorist threat. In March that year, another special police unit in the RS towns of Bratunac and Srebrenica arrested 16 persons, Bosniaks and Serbs, including the mayor and deputy mayor of Srebrenica, the deputy speaker of the municipal council as well as a number of teachers from a high school in Bratunac. Together with the BiH Minister of Security, Sadik Ahmetović, who was not arrested but interrogated in his office in Sarajevo, they were suspected of sexual abuse of a minor Roma girl from Bratunac. Both instances showed the dominance of political over operational and legal foundations. In both cases, the police operation was obviously concentrated on organizing arrests in a sensational public manner. The alleged suspects were arrested by masked members of special police units in front of cameras and journalists who had been selectively informed ahead. In the Bratunac case, the arrest-

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§§§§§ Dodik was quoted by then-US Ambassador to BiH Charles English as warning that his future actions “will be driven by his bitterness over this case,” and that he “goes to bed every night and wakes up every morning with this case on his mind.” Dodik was quoted as saying he would “oppose [the investigation] using all democratic means.” He added “I hope I am entitled to fight – not just in court, but also democratically, since this is a political story.” <http://wikileaks.org/cable/2009/04/09SARAJEVO513.html>

ed mayor of Srebrenica was several times led from the municipal building to police vehicle parked nearby to make sure RS TV cameras had recorded the arrest. Contrary to media reports, in both cases responsible judicial organs were only partly informed. In the Bratunac case, the prosecutor in charge had issued search warrants, but had only learned through media reports about the arrest of the suspects. In Novi Grad, the prosecutor in charge had not been informed at all. Both arrest and search actions produced no tangible evidence; the suspects had to be released after being interrogated. The Novi Grad arrest and search action that were originally presented by the RS MUP as a search for weapons and explosives produced neither, and was retroactively declared to have been a preventive action. The whole affair fed an ongoing RS media campaign on the alleged Islamic terrorist threat in BiH, but as with other similar cases, it produced no evidence of the presence of Islamists among Bosniak returnees in the RS. Both operations, however, raised the level of fear among the Bosniak returnee communities in the RS.<sup>339</sup>

In October 2009, violent clashes in the Western Herzegovinian town of Široki Brijeg, in the Federation, between supporters of the Sarajevo football club FK Sarajevo and supporters of the local club and other Croats left one person dead. Cantonal police lost control over the security situation for a couple of hours. Political elites then followed with direct interference. This event came closest in recent years to sparking a wider outbreak of ethnic violence. Statements from political figures further ethnicized the event and radicalized public opinion in Široki Brijeg and Sarajevo. For example, the local HDZ branch in Široki Brijeg published a statement noting that the town had been subjected to multiple lynchings. MPs from Western Herzegovina Canton attempted direct interference into police business when they pressed the cantonal police commissioner to resign in the days after the event. The commissioner was praised by all police officials from the Federation interviewed for this study as a professional and having acted properly. Federation Vice President Mirsad Kebo (from the Bosniak SDA) reacted to pressure from the streets. In Sarajevo, soccer fans and other citizens blocked the city center the night after the event, demanding among other things the release of a number of Sarajevo fans that had been arrested in Široki Brijeg. Kebo traveled to Široki Brijeg that night, taking with him a representative from the Sarajevo hooligan formation the Evil Hordes (*Horde Zla*). Falsely claiming he had obtained a permit from the Federation Prosecutor to visit the arrested, he succeeded in persuading the responsible local prosecutor in Široki Brijeg to release them. He then drove them to Sarajevo and presented them in triumph at the barricades, to popular acclaim. In this highly charged atmosphere, the police commissioners in the two cantons concerned professionally managed a highly difficult

security situation and sanctioned those responsible for misconduct in their own ranks. At the same time, public and political party officials behaved utterly irresponsibly, attempting – and in one case succeeding – to interfere in ongoing police and judicial investigations.<sup>340</sup>

### Rolling back reform achievements – current entity attempts

The 2010 general elections kept the SNSD-led RS government in power (with Dodik now President rather than Prime Minister) and replaced the Federation's governing coalition with high political drama. In both entities, efforts have been undertaken to undo core achievements of postwar police reform.

In the **Federation** a joint initiative by several new cantonal interior ministers in June 2011 presented a draft for a new, harmonized Law on internal affairs among all cantons. The draft was presented as being in line with previous EUPM-coordinated efforts but in essence reversed most of its aims. The draft law contains language that appears to guarantee the operational autonomy of the police commissioner and the police administration. Yet it substantially undercuts that autonomy and shifts back most authority to the minister. The law scales back the status of the police administration from an “administration unit within the ministry” to a “basic organizational unit” and lacks clear regulation of the internal structure of the police administration. It shifts the authority over appointment of heads of sections from the commissioner back to the minister and shifts the supervision over the police's internal control organs (the PSUs) from the commissioner to the minister's cabinet – an advisory body. It abolishes the independent selection and review boards without establishing clear and transparent new rules for the selection of the commissioners. And finally, a transitional regulation to last until June 2014 lowers the requirements for police commissioner candidates without any explanation on the need for such a provision.

At a meeting on June 15, the draft law was supported by the Federation interior minister and all his cantonal counterparts. It provoked strong resistance from all cantonal commissioners and the Federation director of police. It has also permanently damaged the relationship between the new Sarajevo Canton interior minister, Muhamed Budimlić, one of the initiators of the draft, and his police commissioner Vahid Ćosić, who accused the initiators of returning the police “to the state of party police from the end of the 40s of the previous century” – the Stalinist era of Yugoslav socialism. The resistance expressed at a meeting of commissioners and ministers on June 30, combined with pressure from EUPM and the OHR, brought the initiative to re-politicize policing to a halt. Thus the multi-year efforts to harmonize the laws on internal affairs in the

Federation remains frozen, with both the rollback attempt stopped – at least temporarily – and the previous, EUPM-driven, proposal blocked.<sup>341</sup>

RS authorities pursued a parallel rollback attempt, pushing an amended Law on RS Police Officials. Following the introduction of a state-level Law on Police Officials in 2004, similar laws were introduced on all sub-state levels. The law is another of the key legal documents regulating the work of the police agencies. It covers such important aspects as entrance into police service, promotions, educational criteria and training. Starting in November 2010, EUPM initiated a consultative platform with experts from all police agencies to harmonize amendment of the existing laws to improve current regulations based on experience. While the RS MUP representative constructively participated until completion of the process in June 2011, his interior ministry in May presented a draft law to the RS National Assembly that thwarted the effort in crucial respects. It undoes major reform achievement in depoliticizing and professionalizing the police services. The Draft Law on Amendments to the Law on Police Officials of RS enables civilians to enter the police service at any rank based on totally undefined “special needs” and, in contrast to regular police officers, without any educational requirements. The amended law also extends the previously existing possibility of extraordinary promotions to all ranks inside the MUP RS. It shifts decision-making on those promotions from the police director to the political side. All decisions on ranks below the chief inspector of the RS police are now taken by the interior minister (in accordance with the director of police), while the decision on extraordinary promotion into the highest rank, the chief inspector, is elevated from the director to the president of RS. Finally, another provision freezes the benefits of police officials temporarily transferred outside the RS police, discouraging police officials to take functions in state-level institutions or participate in international police missions, as BiH has been successfully doing for a couple of years already.

The draft has provoked reactions from EUPM and OHR. In a May 30 letter to Minister Čađo, EUPM Head of Mission Stefan Feller presented EUPM’s objections to the three regulations, referred to RS MUP’s participation in the consultative platform and noticed reform requirements of the EU integration process. In a parallel letter, Deputy High Representative Roderick Moore pointed to the draft provision on civilians as a possible opening for the return of previously decertified police officers. On the eve of the final parliamentary reading of the law, Feller in a second letter, dated July 13, urged the RS interior minister to rework the law while High Representative Valentin Inzko in his letter to RSNA speaker Igor Radojčić urged him not to put the law to a vote. In addition, the complete communication was distributed to MPs. Ignoring all

pressure, the RSNA on July 20 passed the law with the absolute support of 65 deputies and only three abstaining, following a short discussion in which neither the interior minister nor any of the MPs revealed the legal regulations in dispute nor the international community’s objections. Six days before, the EU had decided to end EUPM’s mission in Bosnia in mid-2012. Since the July 20 vote, both RS officials and the EUPM have failed to raise the amended law at all, preferring to keep the issue off the public radar.<sup>342</sup>

#### The international community: EUPM

With the end of the UN-led IPTF mission, the EU Police Mission in BiH (EUPM) became the main international body carrying on with police reforms. Its establishment in 2003 presented a shift to a less intrusive mission that was to be based on “monitoring, mentoring and inspecting.” Cooperating and participating actively in the OHR-led police reform process from 2004 to 2007, it temporarily acquired some form of indirect executive authority that ended when the OHR’s use of Bonn powers faded after 2006. While the mission of EUPM I and II each lasted two years (2003-2005 and 2006-2008), the EUPM II mission has since been extended on an annual basis. EUPM’s main priorities shifted several times, concentrating in recent years on strengthening the established state-level police agencies (EUPM offices are co-located with State Border Police and SIPA) and the security ministry and in supporting the local police in the fight against organized crime.

Even though the EUPM’s leverage has been reduced over time, international policing officials from other organizations interviewed for this study insist that the mission is still needed. Doubts have emerged recently from within the mission. The EUPM’s mission in recent years has been endangered by conflicts inside the EU over its future that parallel those over EUFOR, with the same European governments occupying opposing positions on whether they should remain or be discontinued. EUPM representatives have found themselves increasingly torn between facing local reform rollback attempts and fighting against closure of their mission in Brussels. This has led to growing frustration inside EUPM and to inconsistent performance in the reaction to the current rollback attempts from the mission’s leadership, something that is clearly visible to domestic actors. On July 14, the Political and Security Committee (PSC) of the EU decided to close EUPM in mid-2012 based on an ostensible compromise between the German-French and the British-led camps inside the EU. But in effect, Berlin and Paris had triumphed over London. EUPM Head of Mission Feller subsequently had to announce the completion of the mission – the same Feller who, upon taking office in December 2008, said that “harmonized laws on police officials and laws on internal affairs should have been adopted

at all levels in Bosnia” before EUPM’s mission could be completed (a step then planned for end-2009).<sup>343</sup>

## Conclusions

Police in BiH operate very differently today compared with the immediate aftermath of a war in which many were directly engaged as combatants. By and large, the police have ceased presenting an immediate security threat. They have gone a long way towards re-professionalization, modernization and democratization.

But their professional evolution is far from complete, not least due to the remaining institutional-legal disassociation of the now 16 police agencies. In the current political framework, and despite years of international community efforts, police are now subjected to increasing political pressure, both to relinquish their relatively new operational autonomy and to submit to ethnic political loyalties.

The first major rollback in more than a decade of substantial police reforms occurred this year. These developments raise questions about the capacity of the police agencies to successfully combat serious problems such as organized crime and corruption, particularly in cases where members of the political elite and representatives of state institutions might be involved. Police capacity to uphold public order and security in the event of violent inter-ethnic incidents is also in question. While all policing experts and officials interviewed for this study agree that the police in its current shape would not be the first to take up arms to “defend” its ethnic group, but try to keep public order, they all agreed that given sufficient pressure, the police forces would split along ethnic lines.

The European Union is in the process of dismantling its institutions dealing with local police and reducing its leverage. Since it signed the SAA in return for the local political elites’ mere declaration of will to reform, Brussels is clearly reluctant to seriously engage on policing issues at all.

## VIII. The judiciary

Rule of law – the proper functioning of the judicial system – is no less important than the security forces in creating a safe and secure environment. This chapter will assess the state of the judiciary in BiH. Based on post-war institutional reforms it will analyze the judiciary's performance in contributing to the rule of law, especially its capacity to combat crime and corruption and its ability to protect itself from political interference. These elements affect public security and the decision-making processes of governing political elites.

Addressing BiH's judicial mechanisms was an integral element in international efforts to re-establish public order and instill democratic reform after the war. The country's judicial institutions were burdened both by the legacy of the war and that of socialism.

Socialist Yugoslavia's judiciary did to a considerable extent secure rule of law. It functioned based on civil-law traditions dating back to Austria-Hungary's rule. It did so despite a one-party system that functioned beyond the rule of law and a socialist constitutional framework. Yet from the mid-1980s on, BiH's judiciary regressed dramatically. The erosion of legal culture and the rule of law began in the context of the crisis of the socialist economy and the socialist system as a whole. During the 1992-1995 war, rule of law was suspended *de facto*; the work of the judiciary was perverted by the wartime political leaderships. Large-scale war crimes, ethnic cleansing and mass looting were instruments of policy and created a culture of impunity. Many judges and prosecutors left the judiciary or were "ethnically cleansed," replaced by inexperienced, under-qualified or unqualified personnel. Interference by political elites, economic elites, or from organized crime reached previously unseen dimensions.

### Post-war judiciary reforms

The judiciary in BiH after Dayton was burdened by both the legacy of its wartime co-optation and institutional fragmentation. The Dayton state constitutionally atomized responsibility for rule of law. There were two entities with their supreme and constitutional courts, regional courts – district courts in the RS, cantonal courts in the Federation – and municipal courts, and the courts in Brčko District. On the state-level there was only the Constitutional Court of BiH. There were 13 ministries of justice in all.

After a two-year period of monitoring and assessment of the judiciary by the UN-led Judicial System Assessment Program (JSAP), the High Representative established an Independent Judicial Commission (IJC) in 2000. The IJC coordinated and guided the subsequent judicial-reform process that over the next four years saw the re-framing of the institutional and legal

setting. The High Judicial and Prosecutorial Council (HJPC) was established and unified into one body at the state level in 2004. The HJPC was vested with sole authority to appoint all judges and prosecutors in BiH, at all levels. Members of the HJPC were selected by a wide range of judicial bodies, professional judicial associations, and government institutions from various levels to insulate against political influence. The HJPC gained the exclusive authority over disciplinary procedures, judicial administration, statistics, drafting of judicial budgets, as well as a coordination role over training and judiciary reform. Through the HJPC, two structural reforms were conducted. First, the HJPC restructured the court system based on purely rational criteria (without political considerations), reducing the number of first-instance courts by 41%. This process served to re-establish the multiethnic character of courts and prosecutor's offices throughout the country. Second, the HJPC conducted a re-appointment process of all judges and prosecutors, purging those unqualified or with problematic war records, and reducing the number of judges by 28%.

The High Representative in 2000 and 2002 also imposed laws that established the Court of BiH (against political resistance from the RS, but later confirmed by the Constitutional Court of BiH) and the Prosecutor's Office of BiH. Though established at state level, the Court of BiH was not a supreme court, perched at the top tier of the country's judiciary. It is a court with state-wide first-instance jurisdiction limited basically to war crimes (section I) and organized crime, economic crime and corruption (section II – there is also a section III dealing with general crime). The War Crimes Chamber served to pick up where the International Criminal Tribunal for the former Yugoslavia would leave off with its completion strategy, as well as allow pursuit of cases that never reached The Hague. The Organized Crime and Corruption Chamber was established to take on the endemic corruption and organized crime in the country. It has jurisprudence in cases where the "protected object" is BiH. The Court and the Prosecutor's Office were initially staffed with a larger number of international lawyers, gradually handing over to domestic judges and prosecutors. Internationals served also in other key judicial institutions, the HJPC and Constitutional Court, although in smaller numbers.

In addition, new and greatly harmonized Criminal Codes and Criminal Procedure Codes were adopted at the state and entity levels.<sup>344</sup>

### Structural problems

These judicial reforms created important institutional conditions for the independence of the judiciary and improvements in efficiency and financial sustainability. Yet many structural weaknesses and problems re-

mained, and the reforms also created additional problems that impede the effective rule of law.

#### *Fragmentation*

The reforms have created additional institutions, but they have not solved the problem of fragmentation. Apart from constitutional-law jurisdiction and the limited jurisdiction of the Court of BiH, there is still no top tier of the judiciary at state level, mainly due to resistance from the political elites in the RS against the establishment of a Supreme Court of BiH. There remain 13 ministries of justice that determine allocation of the budgets that they no longer draft.

#### *Elements of foreign legal traditions*

When the High Representative imposed new criminal and criminal-procedure codes he altered the legal tradition of Bosnia's criminal-justice system. Guided by the system developed by the ICTY, the new system was based on a mix of judicial traditions. Many of the existing criminal procedures that had been based in the continental European civil-law tradition and especially the Austrian tradition were replaced by Anglo-Saxon common-law procedures. Among these were the adversarial and more party-led presentation of evidence, cross-examination and the introduction of plea-bargaining. Yet the biggest novelty concerned the transformation of the pre-trial investigation process. The new codes abolished the position of investigative judges, a socialist institution inherited from Austrian judicial tradition (present today only in a few continental European judicial systems), and transferred the authority and control over the investigation process fully to the prosecutors. This fundamentally altered the role of judges, prosecutors, and defense lawyers, as well as law enforcement agencies. One can find arguments for and against the introduction of this new system from a legal theoretical point of view and from a strategic aims point of view. But lack of proper preparation and training for this shift produced a culture shock, disorienting judicial and law enforcement officials. This affected the functionality of the judiciary for many years.<sup>345</sup>

#### *Prosecutors*

The new system assigns a key role to prosecutors. At present, this element of the system is in evident crisis. Coordination between prosecutors at all levels is low. From entity level downward, there is no systematization of the prosecutors' work on individual cases. It is left to the discretion of the prosecutors to start investigations and on the order of cases. Nor are there any deadlines to sanction prosecutorial inaction. This serves as a potential opening for interference from political elites or organized crime. Corrupt prosecutors can approach cases selectively and strategically allow them to lapse.

Internal control mechanisms such as disciplinary prosecutors seem to perform only formally. They execute no systematic control on the prosecutors' work. Also, there exist no disciplinary sanctions in general when it comes to quality (or the lack of it) of the prosecutors work. In addition, they themselves seem to perform selectively and demonstrate a lack of independence.<sup>346</sup>

#### *Attorneys*

Regulation of the professionalism and conduct of attorneys is also in disarray. There are many highly professional attorneys, but there are many who pursue their own economic interests to the disadvantage of their clients. Some even demonstrate criminal conduct. The existing bar associations hardly ever sanction their members for misconduct, including in cases where attorneys have been convicted by courts. This – along with the lack of a statewide bar association – reinforces the lack of professionalism and open malfeasance. At the entity level and below, judges decide on appointed defense attorneys, a lucrative position. This non-transparent assignment system provides another opportunity for corruption.<sup>347</sup>

#### *Legal education*

Another problem is the low standard of legal knowledge among new generations of judges and prosecutors due to the state of higher education in BiH.<sup>348</sup> The universities have gone through their own history of regression during the war and post-war era; law faculties are no exception. Legal scholars have aligned themselves with ethno-nationalist ideology and elites, violating professional ethics. Nor are legal departments and academic staff immune to the widespread problem of corruption in higher education.<sup>349</sup> Both phenomena subvert the very idea of the rule of law taught to future judges and prosecutors.

#### *Nepotism*

Judicial dynasties, many dating back to the socialist era, persist in both entities. Judges and attorneys have been known to work at the same courts. As there are no legal restrictions to regulate these potential conflicts of interest, this serves as a basis for nepotism in a small society such as Bosnia's.<sup>350</sup>

#### *Expert witnesses*

Another structural problem is the corruption of expert witnesses, a phenomenon that also dates back to the socialist era. There are presently no standards, allowing wide latitude for corruption and political interference. The most prominent example in recent years concerns the the killing in Dobož (RS) in April 2009 of Branislav Garić, vice-president of the RS opposition party SDS and leader of the local party branch in Dobož. The perpetrator who shot him to death was acquitted of all charges in the ruling of the regional court that was later confirmed by the RS Supreme Court. The ruling was based on an expert witness' testimony

that the killer was mentally incapacitated. SDS representatives as well as local human rights activists claim the killing was a political murder. The killer today walks the streets of Doboje as a free man.<sup>351</sup>

#### *Serving sentences*

Even if convicted there are no guarantees that criminals will serve their sentences in jail. There are a number of techniques – both legal and illegal – to delay the serving of sentences, including registering false addresses of residence and claiming health problems. Some of these delays can extend to a point at which the legal basis for sending convicts to jail lapses. The application of these instruments seems to be especially open to persons with political links or to persons who dispose of a lot of money.<sup>352</sup>

#### *Commercial law*

Application of commercial law seems particularly problematic in BiH. The continuous inefficiency of commercial courts, with a growing backlog of cases, entrenches a culture of impunity in business life, including non-compliance with contractual obligations. This dates back to the war period. In addition, the institutional mechanisms to confiscate illegally acquired property remain underdeveloped or under-exercised at all levels of the judicial system.<sup>353</sup>

#### Political pressure and political interference

These structural weaknesses of the judicial system have a substantial negative effect. But the biggest threat to securing the rule of law comes from clearly rising political pressure on the judiciary, interference in its work, and attacks on its independence. That rise can to a large part be attributed to the rise to power of Milorad Dodik in the RS in 2006. Since he took office as prime minister, Dodik and his associates have targeted the newly established judicial institutions – the Court of BiH, the Prosecutor's Office of BiH, and the HJPC – as a particular focus of their relentless assault on the state and on state institutions. Dodik has regularly accused the Court of BiH of being a political instrument of the international community for oppression of Serbs, with war crimes prosecution having an ethnic bias, prosecuting primarily Serbs. He also regularly defied the work and findings of the ICTY, negating that genocide had taken place at Srebrenica in 1995, among others. On his initiative, in 2006 the RS government established the Special RS Prosecutor's Office for Organized and Economic Crime. This was a clear and direct attack on the HJPC and on the BiH Prosecutor's Office. It was only due to international pressure that provisions in the RS law that were in open collision with the Law on the HJPC were dropped.<sup>354</sup> Dodik's attacks on the Court and Prosecutor's Office of BiH became personal in 2008, when the Prosecution launched an investigation into the construction of the RS government building, with Dodik as one of the

suspects.<sup>355</sup> He appeared to fear the investigation; the US Ambassador at the time quoted him as saying that he “goes to bed every night and wakes up every morning with this case on his mind” and that his future actions “will be driven by his bitterness over this case.”<sup>356</sup> The attacks reached a new high in April 2011, when the RS National Assembly (RSNA) on Dodik's initiative decided to schedule a referendum in the RS on the postwar use of the High Representatives' executive authority (the Bonn Powers), and in particular the establishment of the Court of BiH and the Prosecutor's Office of BiH. The RSNA also approved 29 conclusions, among them a large number defying the whole set of post-Dayton judicial reforms and questioning their legality.<sup>357</sup> In another, separate conclusion, the RSNA requested the RS government, RS bodies and institutions to accept decisions by the RS Supreme Court as final in cases in which they are one of the parties. This conclusion could be interpreted as denying the authority of the BiH Constitutional Court.<sup>358</sup>

Also in 2011, the RS Ministry of Justice dealt another blow to the state-level judiciary when it announced it would drop out of a long-planned construction project of the first state-level prison for persons convicted by the Court of BiH. At about the same time, the RS authorities also began refusing to allow Court of BiH convicts to serve their sentences in RS prisons.<sup>359</sup>

A case of direct political interference was revealed at the Constitutional Court of BiH in 2010. Judge Krstan Simić was removed from office after a letter he had sent to Dodik (then RS prime minister) became public. In the letter, Simić, a member of Dodik's SNSD, addressed Dodik as his “boss” and justified a court decision.<sup>360</sup> Simić has since become an MP in the BiH Parliamentary Assembly, where he is the leading voice of his party's parliamentary group on judicial matters.

All elements of the country's political elite, not just RS politicians, have demonstrated their willingness to interfere in the judiciary's work, including applying pressure. An example is a criminal investigation by the BiH Prosecutor's Office of alleged racketeering by high-level officials from the SDP, including party president Zlatko Lagumdžija, concerning building permits for some Sarajevo businessmen. The investigation provoked political attacks that the Prosecutor's Office was serving as an instrument of political justice.<sup>361</sup> While in office as Federation President, Borjana Krišto, currently the HDZ BiH's candidate for chair of the BiH Council of Ministers, tried unlawfully to bring a personal favorite into the position of judge on the Constitutional Court of the FBiH. This blocked the nomination process of new constitutional judges to the sensitive Vital National Interest chamber of the court.<sup>362</sup> Krišto and her then-RS counterpart, President Rajko Kuzmanović, for years abused the power to pardon, granting amnesty to former high-level political offi-

cial, police officials and businessmen with links to the political elites who had been convicted on corruption or other criminal charges.<sup>363</sup>

In its desperate attempts to defuse the country's political crisis, the international community has directly assisted political elites in undermining the judiciary's work and the rule of law in general. This is particularly evident with regard to attacks coming out of Banja Luka. International judges and prosecutors serving in the Court of BiH's two special chambers and the Prosecutor's Office had contracts ending on certain dates. For most of 2009, international actors attempted to convince BiH authorities to extend their contracts, but (not surprisingly) without success. Political opposition, particularly on the organized crime and corruption front, was quite broad and multiethnic. At a PIC Steering Board meeting, both the Court of BiH president – a Bosniak – and the Chief Prosecutor – a Serb – urged the extension of international judges and prosecutors, and warned of the possible collapse of the ownership process should they decide differently.<sup>364</sup> By September, it appeared there was near consensus among PIC members that extension should be imposed by the High Representative. Then Butmir occurred, a US-Swedish effort to forge agreement on a minimal package of reforms required for Euro-Atlantic integration. While the "Butmir process" was clearly dead by December – the last possible date to preserve any of the Court and Prosecutor's Office's international executive personnel – this was difficult to admit, given the high-level political capital expended. Dodik threatened a referendum should the international personnel remain. The ICTY and international human rights organizations pressed for extending the mandates. On December 14, 2009, the High Representative, unwilling to impose in the face of a divided PIC Steering Board, decided to extend the mandate of international judges and prosecutors employed at the Court of BiH and Prosecutor's Office of BiH – but only those dealing with the less politically sensitive issue of war crimes. The decision was presented by the High Representative as a contribution to the ongoing process of building ownership in the state-level judiciary. The PIC SB blinked in the face of RS pressure. In the words of one international judicial official, "If I had to choose between war crimes and organized crime, I'd prosecute organized crime," since that is what the politicians are most afraid of.<sup>365</sup>

Dodik's direct challenge to the state-level judiciary and international peace implementation in 2011 also brought direct benefits. After supposed Western unity in the PIC for High Representative Inzko to annul the RSNA's conclusions and referendum plan, on May 13, Catherine Ashton, the EU's foreign policy chief, struck a deal with Dodik to withdraw the RSNA referendum decision in exchange for a number of high-level meetings in the framework of the EC's "Structural Dialogue

on Judicial Reforms". The Commission generated confusion with differing lines on the nature of what Ashton had actually offered to Dodik. The structural dialogue is an existing, regular component of BiH's EU integration process. Whatever the nature of the Dialogue, which began some weeks later, the deal offered Dodik an opportunity to demonstrate to the RS public that the RSNA's April decisions were in fact legal and legitimate, despite being in clear violation of the Dayton framework. Furthermore, the launching of the Structured Dialogue allowed a platform to present his complaints against the BiH judiciary as being recognized by the EU.<sup>366</sup>

Consequently, the RS recently drafted a new Law on RS Courts, launching a rollback attempt similar to the one that has taken place in the area of policing. In an analysis sent to the RS justice minister in September 2011, the HJPC strongly objected to core provisions of the draft law. The Council's analysis points to various illegal attempts to transfer several of the HJPC's exclusive competencies to the entity level, mostly to the RS justice ministry. The Council detected several provisions that "threaten the principle of independence of courts as guaranteed by the RS Constitution," as well as "attempts to weaken the authority of the HJPC, which is unacceptable, even illegal." Finally, the HJPC warned that some changes foreseen in the draft would "deal a death blow to the [BiH] Strategy for Judicial Sector Reform, and thus also to the recommendations of the Structural Dialogue."<sup>367</sup>

#### Effects: the judiciary failing to take on corruption

Political pressure and attacks on the judiciary, coupled with international weakness and inconsistency, have negatively affected politically sensitive organized-crime and corruption cases. Since the decision to discontinue international prosecutors and judges, the BiH Prosecutor's Office has initiated only two corruption cases.<sup>368</sup> The Chief Prosecutor Milorad Barašin, who had long resisted attacks from Banja Luka against his institution, was suspended in July 2011 over the appearance of telephone intercepts indicating corruption and misconduct in the case of a high-level arms dealer allegedly investigated by the Prosecutor's Office of BiH. Only shortly before, Barašin had decided to transfer two of the most sensitive corruption cases to entity-level judicial institutions. The case against SDP officials was referred to the Sarajevo Cantonal Prosecutor's Office, which subsequently closed the investigation due to an alleged lack of evidence. The RS government building case was transferred to the Special RS Prosecution for organized and economic crime. Also in 2011, it became clear that evidence was lost in another high-level corruption case, against the current HDZ BiH leader Dragan Čović dating back to 2001, which had been transferred to the Sarajevo cantonal level in 2010.<sup>369</sup>

These developments point to an ongoing breakdown of the judiciary's efforts to fight high-level corruption and organized crime with links to political elites. Officials from the Prosecutor's Office of BiH interviewed for this study warn of the "implosion" of the state level prosecution. The overall political atmosphere seems to have a self-censoring effect on judicial officials, from the state level down. A pattern has emerged since 2010 whereby politically sensitive cases are avoided by pursuing less sensitive cases of organized crime, drug and human trafficking, and other economic crime cases, such as petty corruption. This further erodes the already low popular trust of the judiciary. These factors are mutually reinforcing.<sup>370</sup>

## Conclusion

The judicial reforms undertaken in the post-war period in Bosnia and Herzegovina created the institutional foundations for the re-professionalization of the judiciary, including strong mechanisms to ensure judicial independence, particularly the HJPC. Yet it has created a number of long-term problems, related mostly to the inclusion of elements of alien legal culture. Many structural problems and weaknesses remain unaddressed. Most important of these is the atomization of judicial institutions at the various levels of governance.

The judiciary has so far failed to effectively deal with the most prominent of all problems that hinder the effective rule of law in BiH – the systemic corruption and the widespread organized and economic crime. It has revealed that it is not immune to corruption itself. In spite of the presence of many courageous judges, prosecutors and attorneys investing their expertise and courage in upholding the rule of law, there is a clear, worrying trend of substantial erosion of the judiciary and the rule of law more generally. The single most important factor responsible for this development is the ongoing political crisis in the country: the undermining of the state, political attacks and pressure on the judiciary, on judicial institutions and on the achievements of previous judicial reforms, as well as a problematic general attitude and behavior of political elites vis-à-vis the judiciary and the rule of law. Contrary to its proclaimed aims to strengthen rule of law and fight organized crime and corruption, the international community has effectively contributed to a rules-free environment. The failure of the judiciary to hold public officials accountable contributes to the breakdown of a sense of limits.

## IX. Weapons in private hands and private security companies

The abundance of arms and ammunition that remain from the 1992-1995 war in Bosnia and Herzegovina, and the relative ease with which they can be obtained, continues to be one of the most disconcerting side effects of that conflict. In the immediate aftermath of the war, many of these weapons – mostly AK-47 assault rifles, rocket-propelled grenades, handguns, and hand grenades – were stashed illegally out of a fear of renewed conflict, and for the protection of family and property. This practice was particularly widespread in the countryside, where the terrain and the structure of typical village houses provide more opportunities to hide weapons and ammunition.<sup>\*\*\*\*\*</sup>

Gradually, though, small arms and light weapons (SALW) have also been acquired for sport, hobby, or as a result of traditional gun culture.<sup>†††††</sup>

A number of “harvesting” actions implemented over the years by the NATO peace implementation force and by state, entity, and local authorities have encouraged citizens to voluntarily hand over illegal weapons and ammunition. While some of these actions have

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<sup>\*\*\*\*\*</sup> The fact that many households, especially in the countryside, still have hidden caches of weapons and ammunition was used by the defense in a recent trial of terrorism suspects in the Court of Bosnia and Herzegovina (court case: X-K-09/670-1 Rijad Rustempašić et al.). Defense lawyers argued that stashing firearms and landmines has become a routine practice in Bosnia since 1995, and that the discovery in the defendants’ home of some 20 kilograms of explosives, along with detonators, assault rifles, night vision goggles, and silencers did not qualify them specifically as a more significant threat than any of their fellow countrymen.

<sup>†††††</sup> The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted by the United Nations General Assembly on December 8, 2005, defines small arms and light weapons as: any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas... (a) “Small arms” are, broadly speaking, weapons designed for individual use... (b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person...” Small arms comprise revolvers, pistols and automatic guns, rifles and carbines, machine gun rifles, assault rifles and light machine guns, along with associated ammunition. Light weapons comprise heavy machine guns, hand launchers, portable and anti-aircraft cannons, recoilless cannons, bazookas calibrated to a maximum of 81 mm, portable rocket systems and portable anti-aircraft systems, and associated ammunition. The definition of SALW provided by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) includes all lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability. For more on this, see RMD/S/G October, 2nd- SALW Standards/SALW Definitions – Glossary of SALW terms and abbreviations, SEESAC and UNDP Belgrade, 4th ed. (July 20, 2006) p. 20.

been rather successful,<sup>†††††</sup> with thousands of firearms relinquished to relevant authorities, many more remain in circulation.

Due to the law of supply and demand, the consequence is that an AK-47 assault rifle in BiH has an average street value of some 200 KM (around 100 euro). Sources interviewed for this study claimed, however, that in “special circumstances,” an AK-47 could be purchased for as little as 7 KM (3.5 euro).<sup>§§§§§</sup>

Recent research indicates that out of 1,224,142 total pieces of small arms and light weapons in BiH, 1,098,762 are in civilian possession. Of those, 349,366 are legally owned, while 749,366 are owned illegally.<sup>\*\*\*\*\*</sup> These numbers suggest that every third citizen of BiH owns arms. Given the size of an average Bosnian household, this effectively means that nearly every household in the country owns a gun. In addition, every fifth citizen (19.5%) owns an illegal firearm.<sup>†††††</sup>

This research suggests that personal security remains the most frequently stated reason for possession of small arms. That, in turn, indicates a rather low level of trust in police forces across the country.

While the high distribution of illegal or unregistered firearms generally undermines public safety, it has particularly contributed to an increase of criminal offenses

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<sup>†††††</sup> A number of interviewees related that the weapons most likely to be turned in were those that were old, in poor condition, or already unusable.

<sup>§§§§§</sup> “The government-mandated price for a single AK-47 assault rifle to be sold from state surpluses for overhauling in private companies is precisely 7 KM,” said a knowledgeable source that wished to remain anonymous. One such company, TRZ Bratunac in Eastern Bosnia (Republika Srpska), performs mostly cosmetic overhauls of AK-47s. The overhaul of government surpluses of AK-47s usually does not involve the barrels despite the fact that they are usually worn out, as these rifles have been fired many times. Every rifle has a set number of firings, after which the barrels need to be fixed or replaced, but this kind of work is rarely performed. Purchased for just 7 KM, these cosmetically overhauled (and unsafe to operate) rifles are being resold for a huge profit. The revenue is shared with politicians who facilitate the whole process. In the case of the Bratunac-based overhauling company, one of the executive board members is a high-ranking politician from RS, said the same source.

<sup>\*\*\*\*\*</sup> The distribution of licenses issued to civilians indicates that of 349,366, there are 146,542 firearms (42%) in the BiH Federation, 196,854 (56%) in Republika Srpska, and 6,000 (2%) in Brčko District. Further, 144,378 of these weapons (11.61%) are categorized as government (state, entity, and Brčko District) stock holdings. The Armed Forces of Bosnia and Herzegovina own 124,025 such weapons (just 9.97% of the total amount of SALW in BiH); police forces own 20,353 (1.69%), while private security companies own 1,002 (0.08%). For a more detailed account, see: *Study on Small Arms and Light Weapons in Bosnia and Herzegovina 2010*, Center for Security Studies (Sarajevo: BH and UNDP Mission in Bosnia Herzegovina, 2010).

<sup>†††††</sup> The most common types of firearms found in households are pistols (62.6%) and hunting rifles (23.1%). Approximately 7.6% of respondents indicated that citizens own explosive devices, while 6.3% replied that some own submachine guns. Ibid.

committed with such weapons - a 50% increase between 2007 and 2009. The record shows that a vast majority of armed robberies, thefts, and assaults, as well as public disturbances, were committed with illegal weapons.\*\*\*\*\*

The screening procedure which precedes the issuance of gun permits in BiH is also cause for concern. In the Federation the issuance of gun permits at cantonal levels and the lack of a joint database on private weapon holders on entity level renders the legally regulated background check of applicants practically impossible. In the RS there is a unified database and background checks on applicants seem to be solid. There seem to be no ballistic checks of weapons in possession of persons who have been granted a firearm license. Sources interviewed for this study revealed further that there is no regulation of the types of weapons used in hunting and shooting clubs across the country. While regulation again seems to be better organized in the RS, interviewees reported on paintball clubs in that entity that occasionally organize events with real weapons, including automatic rifles. In addition, sources interviewed from the Federation of BiH spoke of instances when permits for semi-automatic 7.9 mm sniper rifles were issued to members of such clubs.\*\*\*\*\*

Some sources even claimed that a number of “hunting clubs” provide cover for arming the population, especially in areas where minority (ethnic) groups feel they are under pressure or threatened. Another source noted that clubs catering to foreign hunters are lucrative and are often linked to political parties. The source added that the regulation of such clubs is clearer in the RS than within the Federation.

In the absence of value-based political discourse in BiH, fear-mongering remains the preferred tool of local political elites to generate popular support in their respective ethnic constituencies. In such circumstances, the presence and easy availability of firearms is another unwelcome addition to an already complex security situation, with little or no effective deterrents to their sale or ownership.

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\*\*\*\*\* *Study on Small Arms and Light Weapons in Bosnia and Herzegovina 2010*. The survey also concluded that the “presence of SALW in households (...) has harsh consequences for women and children in instances of family violence. Almost a quarter of households in BIH were confronted with some form of violence and one fifth of violent acts were committed by SALW. The consequences of these traumatic incidents negatively affect functioning of the family, most notably as a primary social cell.”

\*\*\*\*\* Both in the BiH Federation and RS, hunting and shooting clubs are registered as civic associations (“udruženje građana”). While in RS the registration of such clubs resides within the respective ministry, it is the cantonal courts in the Federation that have jurisdiction over the registration process there.

### Private security companies

On August 6, 2009, Raffi Gregorian, the then-Principal Deputy High Representative and international Supervisor of Brčko District, issued an order banning “Alpha Security,” a private security company from the RS, and several other associated firms from operating in the Brčko District for five years. In his order, Gregorian stated that Alpha had conducted “hostile personal and technical surveillance and investigations that fall into the category of illegal intelligence and counterintelligence activities” aimed against himself and the staff of OHR and the Brčko Final Award Office. The order further argued that many leading members and employees at Alpha were former members of the 410<sup>th</sup> Military Intelligence Center of the wartime Bosnian Serb Army commanded by war crimes indictee Ratko Mladić. The unit was disbanded in 2003 over allegations of espionage against the international community and local politicians, as well as support for war crimes fugitives. The Supervisory Order concluded, “Alpha Security can be considered to be to a large degree a reconstituted 410 Military Intelligence Center.”<sup>371</sup> This act was the most visible sign of international concern over possible links between political elites, political parties and government officials, and private security companies – which could be employed as paramilitary formations in the event of violent conflict.<sup>372</sup>

Private security companies (PSCs) developed immediately after the war, in the mid-1990s. The transition to a market economy and a lack of public security generated considerable demand from private businesses for their services. The large number of dismissed policemen, members of the intelligence services, and demobilized soldiers of the ethnic armies provided ample supply. The country’s previous socialist legal system, which still provided the legal framework, did not regulate the work of PSCs. Private security companies thus developed *de facto* illegally. The lack of regulatory controls, the overall security environment, and the wartime background of many company owners and employees led to engagement in dubious practices by these companies. Instances of unprofessional use of force and of work for organized crime circles (in racketeering, etc.) became widespread.<sup>373</sup>

Laws were passed in the Federation and the RS in 2002, and in the Brčko District in 2004, to regulate PSC activities. The Federation law was amended in 2008 to eliminate some weaknesses. Harmonized to a large degree, these laws define the kind of technical and physical protection services PSCs are allowed to offer, with additional provisions for armored transport of cash for banks. PSCs must register with courts and are licensed by interior ministries. This system is decentralized in both entities, companies need to register separately in each region in which they want to work – at the cantonal level in the Federation, and in the five

policing and court districts in the RS (district courts, Centers for Public Security). Inspectors at cantonal MUPs and RS Centers for Public Security have legal oversight over the PSCs registered in their jurisdiction. In the RS, the entity MUP keeps records on all PSCs (owners, employees, weapon permits and weapons), while in the Federation all records except for the list of certified persons are kept by cantonal MUPs. The laws regulate the profile of persons who are allowed to establish a PSC (no criminal record, etc.). Persons who want to work in PSCs need to get a permit or certificate from the entity ministries after passing an exam. A minimum number of employed security personnel necessary to establish a PSC is defined by the laws as well as the percentage of employees that are allowed to carry weapons (20% in the Federation, 50% in RS). Employees and weapons are registered with the interior ministries (RS – entity, Federation – cantonal). PSC employees are allowed to use force, including weapons, only for the purpose of self-defense.<sup>374</sup>

Despite the new legal regulation, the situation did not radically change after 2002. Certain weaknesses in the laws accounted for some of this. Certifications for the work in the private security sector are granted in the Federation by the Federation MUP on the basis of a six-day educational program organized at the Sarajevo Police Academy. It includes no more than six hours of physical exercises and two hours of firearms training. In the RS, authorizations are granted solely on the basis of an exam, without any educational requirement. The standard for qualifying is very low. In addition, both entities actively promoted employment of those with a military or police background, including de-certified police officers, in PSCs (in the Federation with the 2008 amendment).<sup>375</sup>

However, the main reason for the limited effect of legal regulation was the overall political and security environment. PSCs in both entities were clearly organized along ethnic-party lines. In the RS, the largest security company, Sector Security, was directly linked to the ruling SDS party.<sup>376</sup> In the Federation, the 2002 law was designed by the key Croat and Bosniak persons in the Federation intelligence agency (FOSS). One of them, former Bosnian Croat intelligence service official Ivan Vukšić, until recently held shares of some PSCs located in Croat majority cantons in Western Herzegovina.<sup>377</sup> Members of organized crime groups have even established a private security company following release from prison.<sup>378</sup> There were a number of bank robberies or attacks on money transports with involvement of PSC insiders.<sup>379</sup>

The private security sector has consolidated since 2006. The market became increasingly dominated by two companies – Alarm West from the Federation (headquartered in Sarajevo) and Sector Security from the RS (based in Banja Luka). The decentralized system of

registration and licensing of PSCs promoted this development, as it favors big companies over small ones. Alarm West developed into the Alarm West Group (AWG), which encompasses six companies, of which all but one work within the Federation. AWG was sold in 2011 to a foreign security company, Securitas AB from Sweden (which holds an 85% share), and now operates under the name of Securitas BiH. With 1,300 employees it is the biggest security company in BiH and has a market share of around 30-35%. Though it operates throughout BiH, its activities are concentrated in the Federation, where it holds a 70-80% market share. Sector Security has developed absolute market dominance in the RS, where it has bought out a number of other PSCs. It also recently bought a number of previously Croat-owned companies in Western Herzegovina: Puma Security and Redarstvenik.<sup>\*\*\*\*\*</sup> Both Sector and AWG stress that their staff is multiethnic, including veterans of all three wartime armies. The remaining companies are small, with no more than 100-120 employees.<sup>380</sup>

No current data on the private security sector are available. In 2009, there were 169 registered companies, employing 4,207 persons in total. PSCs were in possession of 1,075 registered weapons. A representative of one of the large companies estimates the current number of employees to be around 3,500-4,000.<sup>381</sup> The consolidation of the market has led to substantial professionalization. Market demand, not legislation, seems to have introduced rules in the sector. Sector Security has apparently freed itself from previous political links. It has resisted pressures coming from the Dodik regime since 2006; Slaviša Krunić, the owner of Sector, is in open opposition to Dodik.<sup>382</sup>

Despite these positive improvements, several issues of concern remain. In the Federation, the fragmentation of internal affairs between the entity and cantonal levels limits the practical control of cantonal interior ministries over PSCs. The Federation lacks a unified database on PSC employees. The lack of a joint database on private weapons permits makes it almost impossible for the authorities to check whether a PSC employee also legally possesses weapons privately. While legal control is tighter in the RS, since such information is centralized under the RS MUP, one must bear in mind limits on police autonomy in that entity. Furthermore, a 2009 study on PSCs showed that in almost all of the Federation cantons as well as some of the RS police districts more firms were operating than were registered and licensed.<sup>383</sup> In at least some Federation cantons, the interior ministries are not exercising the control over PSCs as defined by law.<sup>384</sup>

The key question in the context of this study is whether previously existing links between political elites and

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<sup>\*\*\*\*\*</sup> In the RS, the law on PSCs prevents the entry of foreign capital – including from the Federation(!).

parts of the private security sector have remained in place following the consolidation process. In the Federation, the change in ownership of some security companies seems to have cut the previous ties between Croat wartime intelligence structures, Croat national political parties, and some private security companies in Western Herzegovina. But according to several sources, one smaller company in the Federation has links to Bosniak political parties.<sup>385</sup> In the RS, Alpha Security went bankrupt after the Brčko Supervisor's ban and has been re-established as a new company, Alpha Plus. Centurion, another company banned together with Alpha, has been acquired by Sector Security.<sup>386</sup>

One company has drawn particular attention from the international community and local media: Elite Security. Elite is located at Nova Topola, near Laktaši, the hometown of RS President Milorad Dodik. Elite Security is effectively the private security force for the agricultural company Farmland, a cattle farm also located in Nova Topola, as it is owned by one Farmland official.<sup>387</sup> Farmland was registered in 2005 in the RS when Farmland LLC, an off-shore company formally registered in Wyoming, bought the previously socialist enterprise in the privatization process. The history of the company reveals links to the current SNSD regime. Farmland has received millions of Euros in direct RS budgetary support, credits from the RS's Investment and Development Bank (IRB), and through concessions and contracts with entity institutions worth several million Euro. Yet the company owes over a million Euros to the RS tax authorities.<sup>388</sup> Despite media reports from the RS over the years on the alleged paramilitary character of Elite Security, the background of the company's actual activities remains unclear. International security agencies on the ground in BiH undertook intensive investigation of the firm in recent years, but found no evidence to corroborate allegations that Elite was a paramilitary force or a praetorian guard for then-Prime Minister Dodik. Yet international security officials in BiH as well as a journalist interviewed for this study insist that the activities of Elite Security remain suspicious. They point to Farmland's political links and note that the level of security services provided by Elite at Nova Topola is far beyond that normal for providing security for a cattle farm of that size.<sup>389</sup>

## Conclusion

Substantial consolidation and regulation in recent years have made the private security sector less of a known unknown. But all international security officials in BiH to which the authors have spoken believe that members of PSCs would be among the first to take up arms in case of a violent ethnic conflict. They consider PSC personnel – especially special forces and intelligence veterans – to be among the best trained among the se-

curity agencies in BiH, public or private. Many also note they are well-equipped, having access and skill to use weapons that their firms do not (at least officially) possess. A group of 100 people from one of the smaller (and less scrutinized) PSCs could have a major impact if activated in the early stages of a conflict.

## X. Football hooligans and juvenile delinquency

When rival groups of supporters of the *Dinamo Zagreb* and *Red Star Belgrade* football clubs clashed on May 13, 1990 at the Maksimir Stadium in Zagreb, leaving more than 60 wounded, the melee provided a glimpse of the horror that would soon mark the forthcoming wars of the Yugoslav succession. After months of political tensions and nationalistic warmongering over the future of Yugoslavia, anger and frustration boiled over, culminating that day in street fights and later in huge riots at the stadium between supporters of the two clubs, which to this day embody Croat and Serb national identities. Many commentators later observed that this confrontation had opened the “gates of hell” – soon afterward, the whole country would implode in chaos and bloodletting. CNN recently included the Zagreb riots among five football matches that “changed the world.”<sup>390</sup>

The clashes between the Bad Blue Boys of Zagreb and the *Delije* (Heroes) of Belgrade, broadcast live on national television, introduced the public to large-scale violence, but also provided insight into how these groups were organized and used for purposes that had little if anything to do with the game of football.<sup>391</sup>

These two largest organized groups of football fans in the former Yugoslavia have established a model of internal organization and dynamics that is now the standard for all other major groups of football club supporters. The model includes a marriage of strong ethnically and religiously-based identity politics, links to organized crime, informal ties to politicians, and a love of the game of football.

In Croatia and Serbia, as well as in the other successor states of the former Yugoslavia that are now organized around more or less distinct ethnic and religious majorities, internal identity politics do not play such an important role any longer; but the continuing and deepening political crisis in Bosnia and Herzegovina still provides fertile ground for fan groups to not only thrive on a nationalistic agenda, but to be used for political purposes as well.<sup>392</sup>

In BiH, almost all major football clubs are affiliated to some degree with the particular ethnic groups that dominate the areas in which each club is registered, and thus where they play their matches. Their supporters also usually reflect the ethnic breakdown of the local population. Love for a football club is commonly attached to an even greater love for one’s ethnic and religious identity. Many fan clubs see themselves as elite offshoots of larger identity groups. They embrace the self-assigned role of fierce warriors in the perpetual struggle to defend their club’s and their ethnic group’s “colors.” Their names have been chosen accordingly.

The two largest fan groups in BiH are those of the Sarajevo football clubs FK<sup>393</sup> *Željezničar* (The Maniacs) and FK Sarajevo (The Evil Horde). Other Bosniak-dominated fan clubs in the Federation are gathered around FK Sloboda Tuzla (The Wretches), NK Čelik Zenica (The Convicts), and FK Velež Mostar (The Red Army). The two largest exclusively Croat fan clubs are registered with NK Široki Brijeg (The Cavemen), and NK Zrinjski Mostar (The Ultras). In Republika Srpska, FK Borac Banja Luka has the single most important support group (The Vultures) followed only by FK Slavija Eastern Sarajevo (The Eagles).

Over the years, most of these groups have been involved in a number of incidents, in and out of stadia. In 2001, the Vultures took part in riots in Banja Luka at the ceremony marking the laying of the cornerstone for reconstruction of Ferhat Pasha Mosque (built in 1579 and destroyed by Bosnian Serb authorities in 1993).<sup>394</sup> The same group first flaunted a banner with the Serb nationalist slogan “Knife, Barbed Wire, Srebrenica,” (which, in Bosnian-Croatian-Serbian, is a rhyme: “Nož, Žica, Srebrenica”) during a home game against FK *Željezničar* Sarajevo in 2003.<sup>395</sup>

The Vultures also spearheaded riots in Banja Luka that followed the declaration of independence by Kosovo on February 26, 2008, during in which the United States consulate was attacked, and number of shops were smashed in the city center. During a recent match in Banja Luka, this same group displayed a banner in support of war crimes suspect General Ratko Mladić, following his arrest in June 2011.

As this study was being finalized, several noteworthy incidents occurred. The first, in Banja Luka, saw Borac fans sweep onto the pitch to attack Sarajevo’s *Željezničar* fans and players after the visitors scored a goal. The game was halted after five minutes, when the organizers said they could not guarantee security.<sup>396</sup> Four policemen were injured and police cars were vandalized. The attack resulted in the BiH Football Federation awarding *Željezničar* a 3-0 win over Borac, Borac being fined 10,000 KM, *Željezničar* being fined 2,000 KM, and Borac being ordered to play its next three home games in an empty stadium.<sup>397</sup> Days later, rival Mostar teams Velež and Zrinjski played a Bosnian Cup match in Zrinjski’s stadium in West Mostar. After Velež scored a goal in extra time, Zrinjski fans broke through the fence invaded the pitch, chasing Velež off the field.<sup>398</sup> Both incidents demonstrated the weakness of security measures at these predictably charged matches. The same week, citing an incident in their own game in Široki Brijeg, FK Sarajevo’s management stated that the BiH Football Federation’s lenient decisions for nationalist attacks on their own and other fans, as well as unfair penalties against it, had perverted the championship and disadvantaged their team.<sup>399</sup> The team alleged that “nationalism, hoo-

liganism and manipulation” had systemically infected the BiH Premier League’s management, “political power centers.” FK Sarajevo stated that in the future the team would leave the field if it was taunted by nationalist slogans such as “nož, žica, Srebrenica!”

The Cavemen of Široki Brijeg, named for the local, pro-Nazi Croat irregular military formation that evaded Yugoslav authorities in the aftermath of World War II, display a Nazi flag with swastika as their pennant during home games. Interestingly, the flag is displayed side by side with that of the Vatican, suggesting that Nazi ideology and the Catholic faith are at the core of the group’s identity. However, their overarching identity is one of Croat ethnic belonging. It is unmistakably recognized by the prominent placement of huge Republic of Croatia flags on the terraces of the Široki Brijeg stadium, and smaller flags throughout the section in which home fans traditionally sit.

Since 2003, when clubs from Republika Srpska joined the unified Bosnian Premier Football League, other groups of football hooligans have also been involved in a number of street and stadium fights, either with rival hooligan groups or with police, but often amongst themselves. In addition, mostly-Bosniak groups outside of Sarajevo, in the Federation, have maintained a hostile attitude toward the two main Sarajevo (also Bosniak-dominated) groups. Matches between the two Sarajevo clubs and their rivals in Zenica, Tuzla, and East Mostar have been regularly marred by clashes and abusive chants by home crowds about Sarajevo’s (from their perspective, undeserved) wartime victimhood, and particularly the two Markale massacres (of which most victims were also Bosniaks). While difficult to comprehend, this behavior probably reflects a common frustration with and animosity toward the big-city capital from the periphery.

The most harrowing incident involving soccer hooligans occurred on October 4, 2009 in the small Western Herzegovina town of Široki Brijeg when a young football fan was killed in violent clashes between two rival groups – the local Cavemen of NK Široki Brijeg and the traveling Evil Horde of FK Sarajevo – as well as with the local police and residents. Twenty-four-year old Vedran Puljić from Sarajevo died in the hospital after receiving a gunshot wound to the head. A further 31 fans were admitted with slight to severe injuries; 16 police officers also sustained injuries. The incident could have turned into a catastrophe had the enraged Evil Horde managed to set a local gas station ablaze with a signal pistol.<sup>400</sup>

The events in Široki Brijeg uncovered a lack of communication and coordination within police structures in the Federation, opening space for political exploitation of the situation.<sup>401</sup> Finger-pointing among the coordinating bodies responsible for ensuring the safe and

orderly conduct of the event ensued for weeks, with the Sarajevo police claiming that they provided their colleagues in Široki Brijeg with a timely and accurate warning as to the number of traveling fans and possible threat they posed, and the police in Široki Brijeg claiming that they never received such a warning. The incident occurred as the international community initiated another (doomed) attempt to press local politicians to reach a consensus on the political future of Bosnia and Herzegovina, namely some modest constitutional and institutional changes (the so-called Butmir package). Therefore, assigning blame for both of these failures was politically charged, but given the prevalent ethnic patterns of political organization in the country, it was also identity-based. The overall political context and the complexities surrounding the Široki Brijeg incident have left many law enforcement officials faced with the choice between the call of their respective ethnic groups and its leaders on one hand, and the call of duty and professional conduct on the other. Clearly, some chose the former at the expense of the latter, providing some hint of a possible behavioral template for similar future challenges.

The incident in Široki Brijeg has also revealed a lack of relevant state-level legislation that would provide for more effective prevention of sports hooliganism.<sup>402</sup> With a national football league including both entities, it appears crucial that BiH adopts the Law on Prevention of Violence in Sport at the state level, in order to give authorities stronger cooperative capacities and suppressive powers to keep such tragic occurrences from taking place again.

A draft law was adopted by the Council of Ministers in January of 2009, and subsequently forwarded to the Parliament for approval. The Draft is fully compliant with the European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches.<sup>403</sup> The representatives of key sports organizations, relevant government ministries, and law enforcement agencies have all contributed to drafting the law.

The main objective of this law is to prevent riots, violence, and inappropriate behavior at sports events. Its provisions contain precise descriptions of illegal behavior, as well as sanctions and measures aimed to ensure the protection of spectators, athletes, and other participants in all sporting competitions. The overarching goal is to create conditions that ensure the effective prevention and suppression of riots in sports arenas throughout the country.<sup>404</sup>

The vast majority of football stadiums in BiH still remain in a rather poor condition, lacking key infrastructure such as proper seating for the fans, or showers and locker rooms for the players and referees. Only few stadiums in the country fulfill the European Football

Association (UEFA) requirements for hosting international games. In some instances the traveling fans are not completely separated on the terraces from the home crowds which increases the danger of a physical contact between the rivaling groups, especially in cases when private security companies are hired to maintain security before, during and after the game. Also worrying is the lack of concerted work with hooligan groups and individuals, either by social services or the police. Social services lack experience, expertise and staff that could embark on such a demanding mission. The police are usually focused solely on suppression of violence rather than prevention. Police sources interviewed for the study say that football hooliganism is usually approached on an *ad hoc* basis. Also lacking is closer cooperation and exchange of information between the local police ahead of the games considered high risk. In essence, this means that the institutional flaws which contributed to the Široki Brijeg incident in 2009 are still in place.

In another noteworthy incident, football hooligans were the additional factor that pushed a large demonstration over the tipping point into violence. On April 21, 2010, veterans (literally “fighters”) mobilized before the Federation Government building, next to the then-US Embassy, to protest the introduction of means-testing for benefits. The US Embassy warned American citizens to stay clear of the area, warning that even peaceful demonstrations “can turn confrontational and possibly escalate into violence.”<sup>405</sup> The protest was large – 120 buses brought protesters from all over the country. The protest had strong public support from Fahrudin Radončić, owner of Sarajevo daily *Dnevni Avaz* and from his newly founded political party. Coincidentally, mostly young fans coming from a FK Sarajevo-Široki Brijeg game at Koševo Stadium (which itself was marred by violence and pitch invasion by home fans) passed the demonstration and joined it. The radicalized demonstrators began throwing rocks, bottles, and other missiles at the FBiH Government building. The police cordon was directly attacked, and many policemen injured. A police observation box was burned. Tear gas had to be employed to disperse the violent demonstrators. Over 100 injuries in all were reported.<sup>406</sup> The damage to the building was considerable, with scores of windows broken.

Particularly alarming is the fact that many hooligan groups include minors as young as 14 years of age, and sometimes even younger. Whatever the degree of sports hooliganism’s influence, juvenile delinquency in Bosnia and Herzegovina is on the rise.

### *Delinquency*

While reliability of any statistics can always be doubted, the most recent one suggests that in the first six months of 2011 there was an alarming increase of children in conflict with the law across the country, as

the number of juvenile offenders rose by a drastic 81.4% (compared to 2010), while the number of criminal offenses for which they were registered rose by 43% (with armed robberies topping the list). The increase is particularly notable in Sarajevo Canton, but in other parts of the Federation as well. Countrywide, some 6.6% of all criminal offenses were committed by juvenile delinquents.<sup>407</sup>

A number of law enforcement officials interviewed for this study confirmed that much juvenile delinquency in Bosnia and Herzegovina remains underreported. Explanations as to why this is so vary. Schools and the police are sometimes reluctant to report incidents since it requires opening of an official criminal record for young individuals and potentially further antagonizes them against both institutions. In small towns, the police tend to turn a blind eye to incidents involving juvenile offenders; they sometimes even turn out to be family members or friends. Most worrying, however, is a practice widespread across the country of underreporting instances of juvenile delinquency for fear that they will look bad for both the police and politicians when they appear in official statistics.<sup>408</sup>

In BiH, the issue of juvenile delinquency – or, as the United Nations Children Fund calls it in order to avoid associated stigma, “youth in conflict with the law” – has been marred in recent years by a number of other problems. According to a report prepared by the state Committee on the Rights of the Child, these problems included, but were not limited to: the stigmatization of children in conflict with the law, a lack of sufficient data concerning the number of juveniles in conflict with the law, inadequate research on prevention activities and mechanisms to evaluate the adequacy of existing measures, a lack of alternatives to detention and community-based rehabilitation programs, the detention of juveniles with adults, poor material conditions of detention, and inadequate access to education. In addition, specialized police units that are responsible for investigation of offenses committed by juveniles, as well as their prevention, exist only in some cities.<sup>409</sup>

The postwar generation has been profoundly affected by the traumatic war experiences of their parents (which has also had an impact on their ability to provide good parenting), and by the depressed socio-economic state of society at large.

A number of international organizations have been trying for years to provide much needed assistance meant to enable Bosnian authorities to improve the country’s juvenile justice system.<sup>410</sup> As a result, the Ministry for Human Rights and Refugees introduced a nationwide Strategy Against Juvenile Offending (2006–2010) in 2006. In 2008, a number of heinous crimes committed by juveniles focused public attention on this issue.<sup>411</sup> The government responded by estab-

lishing an inter-ministerial Juvenile Justice Coordination Body, which prepared the draft law on juvenile justice called for by the 2006–2010 Strategy.

A law on juvenile justice based on international standards was adopted by Republika Srpska in February 2010 and came into force in January 2011. A similar draft law is under consideration in the Federation, but has not yet been adopted (as of August 2011).<sup>412</sup> The national Strategy on Juvenile Offending that ended in 2010 has not yet been renewed due to opposition from Republika Srpska.

The absence of an alternative set of social values that effectively address the growing problems of young people in Bosnia's post-conflict society prevents their successful social inclusion. Overall frustration with widespread corruption, nepotism, incompetence, lack of opportunity, and deprivation is eating away at the country's social fabric. This, in turn, contributes to increased social marginalization and alienation of youth, and their subsequent regression from society. An emerging culture of violence is therefore often seen as a legitimate tool of resistance against a society these youth see as hostile. It is no wonder then that social networks such as Facebook sometimes serve as forums in which young criminals are praised for their acts and celebrated as heroes. More recently, such cases include the Facebook support groups – with a few dozen teenage members each – for Haris Čaušević, who confessed to the bombing of the Bugojno police station in the summer of 2010, and Hari Neradin, who sprayed a police patrol in downtown Sarajevo with more than thirty rounds from his AK-47 assault rifle in broad daylight in December 2010. Regardless of differing underlying motives for these crimes, both perpetrators were celebrated for their actions against “the system and the police.”<sup>413</sup>

Focused primarily on their personal grievances and anger, these antagonized youth show little understanding of or interest in the complexities of the surrounding political context. In some instances, that makes them susceptible to manipulation. In September 2008, at the first Sarajevo Queer Festival, angry mobs of sports hooligans, hooded youths, and militant Salafis – incited by local politicians and clergy – converged in an indiscriminate attack on gay activists, their guests, the police, journalists, and bystanders.<sup>414</sup>

For several years Sarajevo has also been the scene of turf wars between rival gangs, mostly engaged in drug dealing and racketeering. Almost all sides to this conflict have used teenagers to settle their scores, usually in execution-style armed assaults. The youngsters are instructed to shoot their victims in the legs to avoid being charged with attempted murder. Flaws in the juvenile justice system often mean that young assailants escape severe punishment and eventually walk

free.<sup>415</sup> This calculated risk has paid off; hence it still remains a viable option in gang-related violence.

Random police searches of vehicles with teenagers aboard often end with the discovery of a small cache of weapons, including baseball bats, knives, hand-grenades, and all types of guns. “A generation ago, if push came to shove, we used to settle our scores in fistfights. These kids immediately grab for a handgun or knife,” said a veteran police inspector interviewed for this study. Bosnia has not experienced a Columbine-style school shooting thus far, but there is no doubt that many students carry concealed weapons to their schools. Educational institutions do not screen for weapons, nor do they have contingency plans in place for dealing with a shooting incident.

Law and order in the country seems to be upheld by inertia from the previous system rather than through a concerted effort by a responsible government. Behavior that was socially unacceptable and condemned only recently in post-Dayton Bosnia and Herzegovina has become not only acceptable, but increasingly appears to be a norm.

It is clear that sports hooliganism and juvenile delinquency are by no means intrinsic or limited to just Bosnia and Herzegovina. As recent riots in the UK clearly remind us, socially excluded, deprived, disfranchised, troubled, and angry mobs of people of all ages can arise anywhere. Such collectives are a widespread phenomenon with deep social and economic roots, and can easily be triggered by a number of different factors. Bosnia still lacks effective deterrents, and those that are in place are not being implemented due to the problems emanating from a failed state. Also missing are preventive measures that should be applied by families, the educational system, and social services.

Youth in BiH are victims of a dysfunctional state, a poor economy, and of nationalist indoctrination. Juvenile delinquency represents an individualized, direct product of this situation. Football hooliganism adds ethnicity and organization to the mix.

Hooligan and criminal groups have already been used for political exploits in the country, as they are semi-organized and relatively easy to mobilize. The FBiH Government building incident in particular shows that young football hooligans can be an “X-factor” that could make otherwise peaceful public gatherings – including political demonstrations – violent. One can only assume that, should there be a need, these groups and individuals could readily serve as the vanguard of a wider movement in a potential internal conflict.

## XI. Minority returnees

Along with the interrelated factors of juvenile delinquency and sports violence, the relationship between so-called minority returnees and the ethnic majority population in Bosnia and Herzegovina is also an essential element in assessing the potential for an outbreak of ethnic violence. The ethnic warfare of 1992-95 was a war for territory, but it also aimed at changing the demographics of the country: the creation of “ethnically homogenous” territories was its primary aim. “Ethnic cleansing,” mass population expulsions and territorial conquest were the means.

The demographic effects of the war were dramatic. Out of a pre-war population of 4.4 million, the war displaced some 2.2 million citizens: 1.2 million sought refuge abroad and around 1 million ended up displaced inside the country, as so-called Internally Displaced Persons (IDPs).<sup>416</sup> The Dayton Peace Accords (DPA) which formally ended the Bosnian war included contradictions in its main provisions, creating the foundations for turning refugee and IDP return to their pre-war homes into the focal point for inter-ethnic conflict and violent incidents during the first post-war decade. The de-centralized constitutional order and governance structure of the Dayton state, divided ethno-territorially, de facto recognized the results of ethnic warfare. Yet Annex 7, which deals with refugees and displaced persons, laid the (at least) legal foundations for reversing the results of the war. Annex 7 states that “all refugees and displaced persons have the right to freely return to their homes of origin. They have the right to have restored to them property which they were deprived in the course of the hostilities since 1991.”<sup>417</sup>

A specific group of returnees – so-called “minority returnees” – became the target of the ethnic national regimes inside BiH. Minority return constituted a direct threat to those regimes on local, regional and entity level, therefore provoking fierce resistance. In many municipalities, the ethnic majority population was in fact different from the pre-war ethnic composition. The introduction of the term “minority return” in the post-war years by the organization that was in charge of return, the UNHCR, was a result of the organization’s pragmatic recognition of those political pressures rather than an accurate description. The return, for example, of the complete Bosniak and Croat population to their pre-war homes in the RS would have resulted in Serbs ceasing to be the absolute majority of the population in many municipalities – effectively overturning a central war aim. When the first minority returns started in 1997, the local power brokers and population often reacted violently. Hundreds of interethnic incidents, physical attacks, murders, destruction of property, harassments were reported every year.<sup>418</sup>

Despite this resistance, minority returns trended upward over the first decade of peace implementation, peaking in 2000-2002. The international military presence in the country, the restoration of public order and security, and the overall improvement of the political climate drove the number of attacks against returnees downward. A shift in international priorities and reduction in the pool of those intent on returning to their pre-war homes slowed minority returns down to an almost complete halt in the past six or seven years.<sup>419</sup> Minority return has lost the central political relevance it previously had. Yet minority returnees remain a vulnerable social group; their relationship with the ethnic majority population in their communities is often difficult. This chapter assesses both these factors in light of the current political environment, also looking into attacks on returnees, to attempt to weigh the potential for such incidents to trigger wider interethnic violence.

### The general situation of minority returnees

Refugee return to BiH, including minority return, is practically at a standstill. Almost half of those made refugees or IDPs in the war have returned – around 1 million. Minority returns to their place of origin in BiH are just under half this figure, roughly 470,000: 275,000 to the Federation of BiH, 170,000 to the RS and 22,000 to Brčko District. Almost all property has been returned to its legal owners and 317,000 out of 467,000 destroyed housing units have been reconstructed, largely with international assistance.

These numbers may look positive, but actual numbers of physical returns seem to be substantially lower. Many returnees have just reclaimed their property while living in areas where they are an ethnic majority, mostly in the other entity, or have even sold or traded their reclaimed property.<sup>420</sup> Post-war return only in a few municipalities in BiH reached a number high enough as to reverse the ethnic majority relations that resulted from the war – “minority return” *de facto* turned into the return of ethnic minorities.

Difficult living conditions and institutional discrimination against minority returnees contribute to these decisions. Returnees have difficulty finding jobs, are faced with the inability to transfer social benefits when returning from another entity, and face obstruction in access to health care, pension benefits, and education. Many return to rural areas with poor – and decaying – infrastructure. Minority returnees experience discrimination in the job market. The number of minorities employed in the public sector, from the municipal to the entity level, is not only below their pre-war, but also their current demographic weight. Those minority returnee communities which have returned to stay are largely made up of elderly pensioners and families with single parents. Very few returnees actually have a job; they largely live off transfer payments from family

members abroad and from what amounts to subsistence agriculture, bartering for many necessities.<sup>421</sup>

The population share of minority returnees today differs starkly from their legally recognized rights. Serbs, Croats and Bosniaks are “constituent peoples,” as defined by the Dayton constitution (Annex 4). The Constitutional Court of BiH in a 2001 ruling confirmed that all three peoples are “constituent” throughout the country.<sup>422</sup> On the basis of this and subsequent institutional adjustments, all three ethnic groups (or their political representatives, to be precise) possess strong and equal ethnic protection mechanisms on state, entity and cantonal level, independently of their actual population share. One of the strongest protection mechanisms are the parliamentary Houses of Peoples (BiH, FBiH) and Council of Peoples (RS), in which each people has a veto right on legislation that touches upon a long list of so-called Vital National Interests (VNI). Public offices and employment in public administration down to the local level are supposed to correspond to the 1991 census population shares.

The effects of this complex and often contradictory setting have been manifold. It has helped promote return but also turned minority return groups into objects of political manipulation. For example, Bosniak national parties have long engaged in election engineering and forced Bosniak returnees to the RS to keep their place of registered residence in the Federation in order to enlarge their share of votes in that entity – a move that had negative effects on those returnees.<sup>423</sup> On the other side, the veto power of Bosniaks and Croats in the RS, for example, has helped to get the entity’s authorities to support return efforts and to co-finance reconstruction of housing and religious objects. It has led to bargaining agreements in municipal politics between ethnic majority parties and parties representing minority return communities that not always serve the interests of minority returnees as a group.<sup>424</sup>

#### Minority return groups in a deteriorating political atmosphere

While they face structural discrimination, relations between minority returnees and the dominant local populations have normalized considerably in the past decade. This process has been overshadowed during the last few years, particularly in the RS, where heated nationalistic rhetoric by Milorad Dodik, other Serb politicians, and the media discourse have taken a toll on the subjective feeling of security of minority returnees, and on interethnic relations. Secession threats, the portrayal of Bosniaks as Islamic fundamentalists, and denial of the genocide in Srebrenica have altered the atmosphere. Dodik on several occasions publicly stated that “it is unacceptable for the RS to be judged by Muslim judges.”<sup>425</sup> His statement was on the work of the Court of BiH, but it is easy to imagine how it is

perceived by a Bosniak returnee living in the RS. In the report on his visit to BiH in November 2010, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, wrote about “reports of the negative impact nationalist rhetoric has had on the relationships between different ethnic communities, which has given rise to feelings of insecurity for returnees.”<sup>426</sup>

Provocative political moves from Banja Luka have contributed to these feelings of insecurity and motivated representatives of the returnee communities to publicly raise their concerns. In a May 2011 interview, Mustafa Muharemović, a Bosniak returnee representative from Zvornik, to which around 20,000 Bosniaks have returned, discussed the effects of the RSNA’s decision to schedule a referendum and said it put more of a burden on returnees and was more demotivating for prospective returnees than anything else. “With all the travails returnees have to deal with they are now occupied with thoughts about where this heated political atmosphere will lead to.”<sup>427</sup> In an interview in August 2011, Dodik threatened to change the RS law to abolish the National Assembly’s Council of Peoples, provoking fierce reactions from Bosniak and Croat representatives in the RS. In response, Vesna Jović, president of the Banja Luka-based Croat humanitarian association “Danica”, which promotes the return of Croats to the RS, stated that “Croats and Bosniaks in the RS have equal rights anyway only on paper, so without the Council they would remain without any protection. If this will be realized then it will be the best that all those who have stayed and those who have returned collectively emigrate from the RS.”<sup>428</sup>

#### Incidents of violence targeting minority returnee communities

Whether this change in political atmosphere and its negative effect on minority returnees’ feeling of security has in recent years led to an increase in violent incidents, attacks against returnees, and their property is very difficult to assess. Neither the police nor any other authorities in BiH systematically collect information on nationalism or racism-based violence or on violence against returnees. Minority returnee community representatives to whom the authors have spoken could not confirm a marked rise in incidents. Rather they confirmed a constant level of regular incidents of lower intensity – verbal provocations, nationalist symbols, racist graffiti, acts of vandalism and damage and destruction of returnee property, shooting into the air, etc. According to interviewees, such incidents regularly remain without police response.<sup>429</sup> One interviewee told the authors “basically, it’s about intimidation – that’s what returnees face [constantly].”<sup>430</sup> According to information obtained by the authors, EUFOR compiled a report on interethnic incidents in spring 2011 that showed a spike in such events – 40 in the first

three months compared to 60 for the whole of 2010. The authors were unable to obtain the report, but its existence was confirmed to them by several independent sources. After presenting the information to the Board of Principals in Sarajevo, the EUFOR commander was reportedly chastised by senior figures in Brussels.<sup>431</sup> It is unclear to the authors how the data for this report was compiled, though they were told it was a compilation of information from local authorities and EUFOR's LOTs.

Violent attacks against religious sites and property of the three major faiths in BiH are now being recorded systematically. The Interreligious Council, an NGO promoting postwar reconciliation (as well as religious rights) and supported by the leadership of all faiths, launched a project in November 2010 to monitor such attacks. Officials of all three faiths then respond and press the authorities to react appropriately. In its first semiannual report, covering November 2010-April 2011, the Council recorded 28 such incidents. These included acts of vandalism against mosques, Orthodox and Catholic churches and some Jewish sites, desecration of cemeteries and tombstones, and attempts to burn down some sites and physical attacks on religious officials. While some cases are classified as simple burglaries, the vast majority of cases are identified as "hate-based." The Council analyses that *almost all cases* occurred in communities where the religious-ethnic group represents a minority – attacks are in fact aimed at minority returnee groups/communities. Thus in the RS, there have been attacks on mosques and Catholic churches and sites, while in the Federation attacks were aimed against Orthodox sites and Catholic churches in parts of the entity in which Croats are a minority. Among these attacks were several cases of vandalism against Orthodox sites in and around Sarajevo. The Council reported that after engagement by religious representatives, civil authorities generally reacted commendably. Nevertheless, most of the perpetrators remain unknown and unpunished.<sup>432</sup>

Several attacks against returnee communities in 2010-2011 warrant special attention:

The building of an Orthodox church that began in 2010 in Potočari in the Eastern RS provoked the vocal resistance of local Bosniak returnees due the openly provocative nature of the undertaking. The construction site, Budak, sits just above the Potočari memorial site for the victims of the Srebrenica genocide. The church is being built on private property near a mass grave site, in a location without Serb inhabitants or prospective churchgoers. Furthermore the construction was illegal, without necessary permits. Local Bosniak returnees drafted a petition and sent it to relevant domestic and international authorities. The construction was only stopped by the RS authorities in late June 2011, less than three weeks before the annual July 11 commemo-

ration of the Srebrenica genocide that brings tens of thousands of mourners to the site every year.<sup>433</sup> The case generated considerable concern among international organizations in BiH as having the potential to provoke serious inter-ethnic violence.<sup>434</sup>

In March 2011 in the western RS town of Bosanski Novi/Novi Grad, a man drove his car into the mosque complex of the local Islamic Community. He got out of the car, started to curse Bosniak women and children bystanders, and threatened to kill the entire local Bosniak population and to mine the mosque. He repeated several times that this was the RS – why had they returned? He tried several times to physically assault the local imam but was finally overpowered by the arriving police and arrested.<sup>435</sup> It is noteworthy that the attack took place in the very town in which a police action against alleged Islamic terrorists only half a year before had raised ethnic tensions and fear among Bosniak returnees (see the case study in the police chapter).

In Zvornik, a town in northeastern RS, in July 2010, a drunken man broke into the local mosque that was at that time under reconstruction. He climbed the minaret, threw down the flag of the Islamic Community in BiH and bottles of beer and waved the flag of the Republika Srpska. Over the next 90-120 minutes, about a hundred local Serb inhabitants assembled around the mosque and cheered the attacker. The police and local fire brigade finally broke the entrance door of the mosque, which the perpetrator had locked, and brought the incident to an end. The man did not resist arrest. Police subsequently noted he was known to be psychologically unstable. The case has several worrying aspects. The spontaneous support by a large number of local Serb citizens, as well as the launch of a Facebook fan page for the perpetrator that drew 100 supporters within 24 hours, is disconcerting. In addition, police were slow to react. Most ominous was the reaction from the local chapter of the Bosnian Army (RBiH Armija) veterans' organization. A public statement decried both the public support for the provocation and a police reaction that they deemed too slow. "The next time we won't be waiting for the police forces for hours to stop this worst of all forms of attack on religious sites of the Islamic community of Zvornik," they warned.<sup>436</sup>

In May 2011, several RS media outlets reported alleged military exercises conducted by members of the Wahhabi Islamist movement in the mountainous area of Mahnjača. Mahnjača is in the RS, in central Bosnia, an area near the Inter-Entity Boundary Line (IEBL), between the RS town of Teslić and the Federation municipalities of Zenica and Travnik. RS dailies quoted Serb returnees talking about shots from automatic weapons every evening and of Wahhabis living in the area. RS media stated that military exercises conducted by members of the Wahhabi movement were the source of the firing, and pointed to

a military site that is located nearby. Federation police officials interviewed by the authors have refuted this explanation. According to them, an investigation conducted by the terrorism department of the Federation MUP found that the shooting was in fact coming from local shepherds who used (illegal) automatic rifles to defend against wolves.<sup>437</sup> Given the fact that many members of the Wahhabi movement have settled in remote areas close to the IEBL for motives not linked to Islamic terrorism (see the chapter on Islamic terrorism) and the sensationalist reporting style of RS media on potential Islamic terrorism threats in BiH, one cannot rule out similar future cases in which rumor-based reporting in fact leads to violent interethnic incidents.

In addition to these incidents the authors received another worrying piece of information: larger minority returnee communities in some municipalities have legally established hunting clubs and are in possession of a larger number of weapons. The authors learned of at least one case in the western RS, where a minority returnee community disposes of several hundred weapons, according to sources interviewed.<sup>438</sup>

### Conclusions

The increasingly heated political environment has clearly added to a subjective feeling of insecurity among minority returnees, negatively affecting relations with the ethnic majority populations in their communities – not only, but especially, in the RS. It is not clear whether this has led to a marked rise in the number of violent incidents, at least not to a level close to the one present during the time when minority return was at the center of political conflict a decade ago. Nevertheless, the quality of some of the incidents singled out here is worrying. Given the current political context, some of them clearly have the potential to spontaneously escalate into wider interethnic violent conflict.

## **XII. Terrorism and Islamist radicalization**

### Patterns of terrorism, 1996-2011

Terrorism is not mass or collective violence but rather the focused activities of small groups or individuals. Despite the authentic popularity of these groups, and even if they are supported by large organizations or political parties, the number of active militants who engage in terrorism is in general very small. That reality makes terrorism prevention an enormously complex and demanding task. Following their patterns of recruitment and radicalization and understanding the *modus operandi* of such groups and individuals provides important clues for effective counterterrorism strategies.

The detailed examination of investigated terrorism-related incidents in Bosnia and Herzegovina shows that over the last fifteen years there were two distinct waves of activity and at least two generations of perpetrators, triggered by two sets of underlying motives. Also, there is a clear difference between the state's responses to terrorism before and after September 11, 2001.

The first wave was associated with remaining foreign mujahedeen and their Bosniak disciples. It included a series of bombings and shootings against mostly Croat ethnic minority groups in Central BiH. The targets of this wave included returnee families, Catholic churches, Croat policemen, and a police station in Mostar.<sup>439</sup> These former mujahedeen were also behind several armed robberies and murders of other Muslims in Central Bosnia.

The essence of this first wave of terrorist attacks was very clearly political – in the immediate post-war years, following the signing of the Dayton Peace Accords, the Bosniak political elite used the “mujahedeen factor” to avoid full implementation of Annex 7, namely the return of refugees and internally displaced persons to their original homes. Finding themselves in a reluctantly-forged Federation, sharing 51 percent of the country with their enemies-turned-allies the Bosnian Croats, Bosniaks used the mujahedeen as powerful leverage in a struggle to maintain ethnic majority in previously mixed regions of Central Bosnia and Sarajevo, where they had established their dominance during the war and wished to preserve it.<sup>440</sup>

The second wave of terrorism-related activities in Bosnia has occurred under a very different set of circumstances. With a change of government in 2001, which temporarily sidelined the three nationalist parties around which Dayton was constructed (the SDS, HDZ and SDA), and following the attacks of September 11, the official attitude toward the mujahedeen changed dramatically. Their numbers were rigorously

reduced, and many lost their Bosnian citizenship or were deported from the country after being declared a “threat to national security.” The authorities also closed the local offices of Islamic charities suspected of bankrolling the mujahedeen and supporting transnational terrorism (including Al-Furqan, the Al-Haramain Islamic Foundation, the Al-Haramain & Al Masjed al-Aqsa Charity Foundation, and others).

However, the elimination of remaining foreign fighters made room for a new generation of “Islamist activists.” Generally, these individuals have, in terms of radicalization, had few (if any) links to the el-Mujahid Unit or the war itself. While the actions of former mujahedeen were linked to issues of a more local nature, this new generation is ideologically inspired by the global jihadi movement and aspires to have impact on local events in Bosnia and Herzegovina in pursuit of wider international goals (such as the withdrawal of foreign troops from Afghanistan and Iraq).

Except in the case of Mirsad Bektašević, a Swedish national born in Novi Pazar (Serbia) and convicted for a foiled suicide bombing in Sarajevo in 2005, all known terrorist groups are essentially homegrown, with limited ties to transnational terrorist organizations or individuals.<sup>441</sup> One such group (Rijad Rustempašić and his followers) was arrested in Bugojno, in a police operation reminiscent of FBI sting operations in the US, and charged in 2009 with terrorism, conspiracy to commit a crime, and the illegal possession and sale of firearms, explosives, and military equipment. This case, currently being tried before the Court of Bosnia and Herzegovina, began in March 2010. In retaliation, several individuals (led by Haris Čaušević) closely associated with the Rustempašić group detonated an improvised explosive device in front of the Bugojno police station on June 27, 2010, killing one and injuring several other police officers.<sup>442</sup> These individuals have been charged with terrorism and, since March 2011, are also being tried before the Court of Bosnia and Herzegovina.<sup>443</sup>

For the last decade, domestic law enforcement agencies have been closely monitoring and recording the activities of individuals in the country who may pose a security risk. While the list of potential suspects may differ from agency to agency, there is clearly an increased awareness as to the whereabouts and conduct of these individuals. A former high-ranking FMUP official interviewed for this study in June 2011 estimates that the number of such “individuals of interest” in the FBiH does not exceed 600, and that the combined total with those residing in the RS is around 1,000. Following the Bugojno bomb attack, the director of the Intelligence and Security Agency of BiH (OSA), Almir Džuvo, stated in July 2010 that “there are 3,000 potential terrorists in BiH.”<sup>444</sup>

Police and intelligence sources reveal, though, that the activities of the Bosniak diaspora abroad remain more difficult to track. Thorough surveillance of radicalized Bosnians abroad would require close cooperation with foreign law enforcement agencies, as well as more clearly defined jurisdiction and coordination between domestic security services.<sup>445</sup> The need for such cooperation is evident, as the so-called Global Salafi Jihad is a diasporal phenomenon. A recent study shows that some 84 percent of Salafi mujahedeen living in diaspora around the world have joined the jihad. Of that number, some 87 percent have joined the movement while living in Western Europe.<sup>446</sup>

As the case of Mirsad Bektašević demonstrates, Bosnia and Herzegovina has already been challenged by the results of diaspora radicalization. It was a combination of good fortune and good police work that eventually, in the fall of 2005, prevented Bektašević and his accomplices from carrying out a suicide bombing in Sarajevo. However, in recent years, more Bosnians abroad, namely in the US, have been indicted on terrorism-related charges, making the issue of a radicalized diaspora even more pressing.<sup>447</sup>

Though perhaps not completely reliable, official records show that the number of terrorism-related incidents in BiH in the post-September 11 period remained rather modest. These official numbers could reasonably be contested in some instances, in which cases were tried as acts of terrorism when they were in fact related to organized crime. The reverse is also true, that some cases prosecuted as criminal acts carried all the markings of terrorism-related activities.<sup>448</sup>

As many scholars of terrorism know all too well, providing an all-encompassing profile of a typical terrorist remains an elusive task simply because there is such a range of factors that eventually determine who becomes a terrorist and why. However, in the case of BiH – based on investigation and prosecution data from the past decade – we can draw with some degree of certainty a profile of persons prone to joining mostly homegrown, militant Islamist groups and engaging in acts of violence. In the years following the Dayton Peace Accords, terrorist acts were most commonly perpetrated by foreign mujahedeen, of whom many already had a history of similar engagement elsewhere. More recently, individuals involved in or associated with terrorism-related activities have overwhelmingly been Bosnian nationals.<sup>449</sup>

Even a cursory look at court files provides enough evidence to support an emerging profile of recent terrorist suspects in Bosnia. They typically exhibit the following characteristics: they are economically deprived and socially marginalized; they often come from dysfunctional families; they are poorly educated; they are usually without permanent employment or any employ-

ment whatsoever; many have a prior criminal record, ranging from domestic violence to theft and illegal possession of firearms; they are often psychologically troubled and are usually between the ages of 20 and 35. Their recruitment most commonly occurs through social networks – by family members and/or friends (a “bunch of guys”), while radicalization typically occurs through close and personal contact with other members of the group or a person of authority, as well as through online and media platforms.

In short, experience demonstrates that these individuals have come from spontaneously self-organized and unaffiliated groups, made up of trusted friends, where social bonds precede ideological commitment. They have been radicalized collectively, from the bottom up, often simply by acquiring the beliefs of their peers. The dynamics of such dense social networks promotes in-group loyalty and a sense of kinship that leads to self-sacrifice for comrades and the cause. These traits were particularly evident in both Bugojno cases (Rustempašić and Čaušević), in 2009 and 2010.<sup>450</sup>

#### Current structure of the Salafi movement<sup>+++++</sup>

The global Salafi movement has never been homogeneous. It is comprised of many different and sometimes rival groups. Gradually, this lack of cohesion has also become apparent in the Bosnian Salafi community. Once the core leadership of the el-Mujahid Unit was sidelined by the government, remaining mujahedeen and their Bosniak disciples began to fragment.

Rather than a theological dispute, the breakup of the Bosnian Salafi movement was mainly due to competing leadership ambitions and increasingly limited access to the financial resources that had funded their operations before September 11th. A number of different Salafi groups emerged into public view in the process. They were mostly autonomous or loosely linked at best, often opposed, and sometimes confronted.

Initially, it was the Active Islamic Youth (*Aktivna islamska omladina* – AIO), a group of former Bosniak members of the el-Mujahid Unit, and their magazine *SAFF* that became the chief purveyors of Salafi doctrine. For almost a decade, the AIO was engaged in awakening Bosniaks to original Islamic teachings while rejecting “novelties” in Islam, which AIO at-

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<sup>+++++</sup> The appropriate terminology is often contested.

They might be called Salafis or Wahhabis but this is a broad and often confusing term, encompassing those who reject most developments after the first three Muslim generations as reprehensible innovations, as well as those interested in Muslim Brotherhood thought and those oriented towards Saudi Arabia. Islamic scholars today suggest that a more appropriate term, historically and theologically, would be Kharijites or Neo-Kharijites, in a reference to the third major sect in Islam, alongside Sunnism and Shiism.

tributed to ignorance resulting from decades of Communist repression. People associated with the organization were involved in a number of public protests and often used inflammatory rhetoric against other ethnic groups as well as Muslims who did not share their views. In the wake of a post-September 11 police crackdown on Saudi and other Middle Eastern charities operating in BiH, the AIO came under close scrutiny by domestic and international law enforcement and intelligence agencies. Their premises were raided several times and their finances thoroughly audited. As a result, the influx of money received by the organization from abroad was interrupted, forcing the AIO leadership in the fall of 2006 to close down because of a lack of funds.

Over time, other Salafi groups have come to light as well, both in Bosnia and among the Bosnian diaspora. A recent study, confirmed by interviews with both Bosnian and foreign intelligence sources, indicates that the Bosnian Salafi movement is currently composed of at least three main streams, differing mostly in their attitudes toward the official Islamic Community of Bosnia and Herzegovina, as well as toward terrorism, namely the global jihadi movement.<sup>451</sup>

One of three significant rogue groups is led by Nusret Imamović and is based in Gornja Maoča, in Northeastern Bosnia. The group – hostile toward the Islamic Community, which it considers apostate and corrupt – is the fastest-growing in both Bosnia and the diaspora, and is said to be vehemently opposed to the concepts of secular state, democracy, free elections, and any rule of law that is not based on Sharia. Imamović himself has made numerous statements in support of the global jihadi movement.<sup>452</sup>

The second-largest of these groups is led by Muhamed Porča, a Vienna-based cleric usually associated with the al-Tawhid mosque in the Austrian capital's 12th *Bezirk* (District).<sup>453</sup> Members of this group argue that only their communities – in Austria, Germany, Denmark, Serbia, Montenegro, and elsewhere – are following what they refer to as “authentic Islam.” Porča made a name for himself when he broke off ties with the Islamic Community of Bosnia and Herzegovina in 2007. He has been trying ever since to exert influence on Salafi groups such as that of Nusret Imamović, which, disgusted by a world rife with what they see as overwhelming apostasy, ignorance, and corruption, have instead embraced seclusion.

The third and most extreme Bosnian Salafi group is also operating out of Austria. It is led by Vienna-born Nedžad Balkan (a.k.a. Ebu Muhammed), whose parents emigrated from Sandžak, a region straddling the border between Serbia and Montenegro with a substantial Muslim population. Balkan is believed to be a religious authority for the Vienna-based *Kelimetul Haqq*

(Word of Truth) – an organization of Bosnian and Serbian Muslims from Sandžak – and an inspirational force for several radical groups in Bosnia and Serbia. His activities are focused around the Sahaba Mosque in Vienna's 7th District and are featured on a number of websites, of which [www.kelimetul-haqq.org](http://www.kelimetul-haqq.org) and [www.el-tewhid.com](http://www.el-tewhid.com) are the best known.<sup>454</sup> The content of both sites reveals much resentment toward the official Islamic Community of Bosnia and Herzegovina, referred to in a series of video postings as the “un-Islamic Community.” These postings also reflect the group's support of violence not only against “infidels,” but also against other Muslims who do not share its worldview. Legitimization of such violence is what has led some experts to categorize Balkan's Salafi community as a *Takfiri* group, aligned with the *Al-Takfir w'al-Hijra* (Excommunication and Exodus) movement.<sup>455</sup>

Intelligence sources maintain that Balkan's influence in Bosnia itself is rather limited, and they point to two very small groups of his followers in Sarajevo and Donji Vakuf (Central Bosnia), with between just ten and fifteen members in each.<sup>456</sup>

The fragmentation of the Bosnian Salafi movement also leaves room for a number of smaller, rather isolated groups that do not subscribe to any particular organizational or leadership concepts, but choose instead to maintain a specific way of living and practicing their religion.

Salafi communities in Bosnia are almost always secluded and are scattered widely throughout the country. Some analysts find it disturbing that their settlements are often in the vicinity of inter-entity borders and, in some instances, arms depots. While this could be interpreted as strategic positioning in case of another conflict, for which the Salafi communities might serve as a Bosniak vanguard against invading Serb forces, it also reflects the fact that many villages along the former frontline (now the inter-entity border) were devastated to such an extent that their original owners simply decided to sell them (for instance, in Bočinja and Gornja Maoča). The Salafis turned out to be the highest, and most probably only, bidders. Their choice of remote and isolated areas for the establishment of settlements is also stipulated by their belief that true Muslims who live in an apostate state should resort to *Hijra* – a withdrawal (or exodus) from the surrounding (infidel) world, on the example of the Prophet Muhammad and his followers, who moved from Mecca to Medina in 622 to establish the first Islamic state.

Despite a number of underlying differences, all Bosnian Salafi groups share some common traits that are not exclusive to Islamic organizations. As groups, they exhibit the tendency of some traditional religious communities to isolate themselves from their fellow

believers and to define the sacred community in terms of its disciplined opposition to non-believers and apathetic believers alike. This pattern is inherent to fundamentalism within practically every faith tradition and these movements share certain traits despite differences in theological doctrine, the size or social composition of the group, their scope of influence, or their propensity to violence. However, not all fundamentalist groups initiate or condone violence, whether it is turned inward (mass suicide) or outward (terrorism).<sup>457</sup>

There is little if anything that is unique to the organizational and behavioral development of the various Salafi groups operating in Bosnia and among the Bosnian diaspora – they are simply displaying the well-known operational patterns of many fundamentalist religious groups.

It is also worth noting that no Bosnian Salafi faction has thus far forcefully imposed its leadership on any other group. In recent months, however, there has been a concerted effort by a former religious leader of the el-Mujahid Unit, Imad el-Misri, an Egyptian cleric and convicted terrorist, to exert his influence.<sup>458</sup> His interviews, sermons, and lectures on Islam suddenly began appearing in the spring of 2011 on websites belonging to a number of different Bosnian Salafi groups, but also on YouTube. The content of el-Misri's messages is largely educational and instructive, and he stops short of advocating or inciting ideological confrontation or violence of any kind. Sources with inside knowledge claim that these messages have been skillfully crafted to avoid creating controversy while underlining el-Misri's religious authority. More importantly, his messages seem to be designed to gain popular support, hinting at leadership ambitions. Bosnian law enforcement officials interviewed for this study were unable to confirm reports that el-Misri visited Bosnia in recent months, nor could they state for the record whether there is a standing court order prohibiting him from entering the country.<sup>459</sup>

### Mechanisms of terrorism prevention

Bosnia and Herzegovina has adapted its legal norms to combat terrorism in accordance with relevant international standards and recommendations. Key UN resolutions on international terrorism have been included in the country's Criminal Code, which also specifically addresses a number of terrorism-related criminal offenses. In 2010, the Criminal Code was amended with new articles that criminalized support of terrorism through financing, recruiting, training, abetting, and establishing of a terrorist group. Further, the Council of Ministers adopted a National Strategy for the Prevention and Combating of Terrorism, 2010-2013. Responsibility for the implementation of this strategy is divided among the police in both entities, and by um-

rella institutions such as the state Ministry of Security, the State Investigation and Protection Agency (SIPA), and the Intelligence and Security Agency of Bosnia and Herzegovina (OSA), as well as by the Task Force for the Fight Against Terrorism and Strengthening of Capacities for the Fight Against Terrorism, which has been operating under the leadership of the Prosecutor's Office of Bosnia and Herzegovina and the supervision of the Ministry of Security.<sup>460</sup>

In the wake of the Bugojno terrorist attack in June 2010, however, it became obvious that a lack of clarity as to the division of responsibilities between various law enforcement agencies has undermined terrorism prevention efforts. Most notably, during an emergency session of the Parliamentary Commission on Defense and Security in July 2010, directors of agencies central to the task of combating and preventing terrorism complained that political obstacles and inadequate legal infrastructure hamper their counterterrorism efforts. They warned that without a law on terrorism prevention, the police and prosecutor's office would be prevented from taking decisive pre-emptive measures, forced to act only *after* a terrorist act has been committed.<sup>461</sup> More than a year later nothing much has been done to address these concerns. On the contrary, one could argue that the capacity to effectively combat terrorism has weakened.

SIPA, the law enforcement agency with primary responsibility for counterterrorism operations, remains rather limited in its practical capacity to fill that role. The Counterterrorism Division of the Federation Police (FMUP) has been (temporarily) reduced from nine to just four officers. Also, the decision to appoint eight FMUP terrorism investigators to cantonal detachments, as terrorism-related activities fall strictly within the jurisdiction of the FMUP, is still on hold as of this writing. Severe spending restrictions are constraining even routine operations of the Counterterrorism Division, with overnight stays in more remote areas of the Federation rarely permitted and detectives expected to drive round trip to such destinations on the same day. Interviews with key law enforcement officials revealed that these financial and operational constraints are being imposed across the board.

In addition, the development of a comprehensive understanding of terrorist threats and an effective counterterrorism strategy has been obfuscated by persistent politicization of the issue of terrorism. "Terrorism" is a pejorative term, but it is also a political label, with intrinsically negative connotations that are generally applied to one's enemies and opponents, or to those with whom one disagrees and whom one would prefer to marginalize.<sup>462</sup> Labeling any (identity-based) group with terrorist intentions, in essence, delegitimizes its political goals. A relentless campaign to attach just such a label to Muslims in general, and Bosniaks in

particular, has been underway in Bosnia for over a decade. Originating predominantly from political elites and media in Republika Srpska, and especially from the self-proclaimed “Team of Experts for Combating Terrorism and Organized Crime in Southeastern Europe,” this campaign is aimed at entrenching a simple yet untenable logic: All terrorists are Wahhabis; Bosniaks are mostly Wahhabis; hence, most Bosniaks are terrorists.

For a variety of reasons, some international media and a number of academics have, over time, embraced this simplistic equation uncritically. A number of news reports and academic studies published since 2001 have portrayed Bosnia and Herzegovina as the “birthplace of Al-Qaeda,” as well as its “recruitment center and logistics base,” “the staging ground and springboard for operations in Europe,” and the place where “white Muslims are recruited” for the waging of global jihad. The “Bosnian terrorist link” was also duly noted in a number of international incidents, from the November 2008 Mumbai attack, to the alleged 2009 assassination attempt on Bolivian President Evo Morales.<sup>463</sup>

It is quite clear that BiH is indeed vulnerable to the threats of both internal and transnational terrorism, but such a threat is no greater than that in other European countries. Statistically, Bosnia has actually ranked for many years among those countries with the lowest recorded number of terrorism-related incidents.<sup>464</sup> Unsubstantiated allegations of an increased terrorism threat in Bosnia, based on the preposterous claim that some 100,000 Wahhabis reside in the country, are not aimed at deterring such a threat but rather at pigeonholing Bosniaks as terrorists and delegitimizing their political aims.<sup>465</sup> The “Wahhabis are terrorists” card has been played by the media and by the Bosnian Serb elite whenever critical political processes have been underway in the country (from police reform through Constitutional amendments, to general and local elections, and during consideration of a referendum on the judiciary).<sup>466</sup>

In response, the Bosniak “side”, and particularly the official Islamic Community, has descended into default denial of any security threat that may be posed by the presence of dangerous individuals and ideologies associated with Islam, calling all such references hostile and Islamophobic. The Grand Mufti Mustafa Cerić has repeatedly argued that the Islamic Community should not interfere with freedom of faith of its congregation or act as some kind of religious police.

Consequently, law enforcement officials have been left to balance between two opposing, and equally flawed, perceptions – and they have adjusted their analysis and reaction to the terrorism threat to suit the outcomes desired by their respective political elite. In the words

of one of the country’s leading law enforcement officials, who spoke on condition of anonymity, the sole reason there have not been more terrorist attacks in Bosnia to date is due to the fact that “we’ve had more luck than brains.”

It is noteworthy that the most radical, extreme, or militant movements, regardless of underlying ideology or specific worldview, are small and unrepresentative, and do not enjoy popular support. Due to their secretive organizational character and the extent to which they harbor distaste for the wider society, such groups can be, and usually are, violent and dangerous. However, the real empowerment of these groups and their opportunity to have visible impact on a society comes when political elites exploit them in pursuit of their own agendas.<sup>467</sup> Opportunities for such exploitation in BiH are rather substantial since the same political elites, through formal and informal ties, exert control over both law enforcement agencies and some militant groups.

The country will need to do better than just “more luck than brains” to deal effectively with a variety of political and security challenges which may lead to terrorism or violence as a way to address underlying internal disputes. Ongoing leadership challenges within the SDA, forthcoming elections for the new Grand Mufti of the Islamic Community of BiH (scheduled for the fall of 2012) – with the Mufti of Sandžak, Muamer Zukorlić, one of the frontrunners – and persistent efforts by RS authorities to undermine the viability of state structures and the country as a whole, are just some of the most concrete challenges that could lead extreme groups or individuals to be incited to violence, spontaneous or premeditated.<sup>468</sup>

Effective deterrents remain few, while enablers of terrorism and political violence are many. They include a weak (failing) state, an abundance of readily available arms and ammunition, widespread corruption, weak border controls, and the mobilization of uncontested ideologies.<sup>469</sup>

A continued obsession with Islamism as the single most important ideological catalyst of contemporary terrorism is as cognitively limited as it is strategically shortsighted. Such myopia diverts focus from the possibility of other dangerous security challenges. As the recent mass shooting in Norway shows, individuals capable of murdering large numbers of innocent people may very well reside in many communities. What triggers them cannot be predicted. Bosnia and Herzegovina – with its laundry list of unresolved disputes, political agendas, and security inadequacies – has a full spectrum of worrying potential triggers for violence.

### **XIII. The international community as guarantor of peace and stability?: the silent transformation of EUFOR**

#### Taking on a sure thing

The European Union assumed the task of peace implementation from NATO's Stabilization Force (SFOR) in BiH in December 2004, operating under Annex 1A of the Dayton Peace Accords<sup>470</sup> to maintain a "safe and secure environment" (SASE) and under a Chapter 7 peace enforcement mandate from the United Nations, which is to maintain international peace and security. The long-mooted operation was assembled under the "Berlin plus" formula, allowing the force to employ NATO assets and call upon NATO support and reinforcement if required.<sup>471</sup> The force aimed to piggyback on the credibility of the preceding NATO operation by retaining its structure and capabilities while simultaneously working to publicize the new EU brand in the security arena as distinct from NATO. The EU behaved as if it had inherited a risk-free operation\*\*\*\*\*.

The shift did not require a massive rotation of forces: there is a great deal of overlap between the EU and NATO in terms of membership. Apart from the departure of US forces, most of the SFOR contingents remained in the new 7,000 strong force, titled Operation Althea, or EUFOR. Commanded by British Major General David Leakey, EUFOR maintained a similar operational structure to the preceding mission, with headquarters in Sarajevo and three regional commands: Task Force Northwest (Banja Luka), Task Force North (Tuzla) and Task Force Southwest (Mostar). The promotional materials for the new EUFOR mission presented it as a continuation of the previous SFOR mission with merely a change of title and insignia.<sup>472</sup> The force retained the Multinational Specialized Unit (MSU) – a gendarmerie unit capable of dealing with civil disturbances and heavy policing functions, under the new title of the Integrated Police Unit (IPU).<sup>473</sup> The force was then the largest European Security and Defense Policy (ESDP) operation to date,<sup>474</sup> and had helicopter lift provided by a number of contributing states, including Switzerland, Great Britain, and later Macedonia. Turkey was the largest non-EU member state contributor and remains so to date.

EUFOR's first year coincided with the last of High Representative/EUSR Paddy Ashdown. The fact that Leakey and Ashdown were fellow Britons (and Ashdown a former military officer) probably helped develop a good rapport between the two, which led to coordinated action on pursuit of indicted war criminals and their associated organized-crime networks (which are linked in a political-criminal-business nexus forged

during the war).<sup>475</sup> But this professional relationship was essentially personal, not institutional, and it did not endure beyond their tenures. In January 2006, just prior to Ashdown's departure, EUFOR – newly under the command of Italian Major General Gianmarco Chiarini – conducted an operation outside Rogatica to arrest Dragomir Abazović, a man indicted by the Sarajevo Cantonal Court for war crimes. The operation, conducted by Italian *Carabinieri*, was violently resisted by the indictee and his family, leading to the death of Abazović's wife and serious injury of his son. The failed operation was seen by many international observers as having clipped the wings of Maj. Gen. Chiarini early in his command and reduced the EU's appetite for field operations.<sup>476</sup> Ashdown's successor, Christian Schwarz-Schilling, had no affinity for the military and did not develop the same rapport with the chastened Chiarini, and the political coordination between OHR/EUSR and EUFOR diminished considerably.<sup>477</sup>

In 2006, the overall posture of the international presence in BiH underwent a major shift, with the Office of the High Representative exhibiting a considerably softer touch as political dynamics shifted in advance of elections. The 2006 general-election campaign included political rhetoric significantly more inflammatory than the one that preceded it.

According to polls conducted by the force in 2006, roughly one-quarter of respondents feared renewed war if international troops were withdrawn, and a further one-third feared local outbreaks of violence.<sup>478</sup> Roughly 30% of respondents believed such forces were no longer required in 2006, while a clear majority wanted these forces to remain in the country.<sup>479</sup>

Discussion within EU structures of a radical reduction of force strength began in 2006, during the electoral campaign. At the time, the primary justification was one of more pressing international priorities, particularly the growing insurgency in Afghanistan, where major EUFOR contributors, such as Great Britain and the Netherlands, were engaged in combat operations.<sup>480</sup> In a move that surprised many allies, German Defense Minister Franz Josef Jung announced in October 2006 that German troops would begin to withdraw from EUFOR.<sup>481</sup> Awkwardly, German Rear Admiral Hans-Jochen Witthauer assumed command of EUFOR soon after.<sup>482</sup> Despite the worsening political environment over the course of the year, which included threats of a referendum in the Republika Srpska, EU members decided provisionally in December 2006 "following the improved security situation" to reduce the force and affirmed their decision in February 2007.<sup>483</sup> This decision was also clearly linked to the plan to close OHR in June 2007 – that plan being post-

\*\*\*\*\* The NATO HQ also holds a Chapter 7 mandate, but has no operations capacity.

poned to June 2008 by decision of the Quint<sup>§§§§§§§§</sup> and ultimately abandoned with the adoption of the 5+2 objectives and criteria by the PIC in 2008.<sup>484</sup> There was never a parallel reassessment of the military presence in BiH. Since EUFOR's reduction, the divergence between the political assessments of OHR and the PIC Steering Board and the threat assessments of EUFOR has become ever wider.<sup>485</sup>

### 2007: EUFOR falls back to Sarajevo – and withers

The force restructuring that took place in early-to-mid 2007 saw the closure of EUFOR's three regional commands and other forward-operating bases throughout BiH in favor of a Sarajevo-centered force of 2,500.<sup>486</sup> This was to be the absolute minimum force strength to provide for a safe and secure environment. EUFOR's Maneuver Battalion (MNMB),<sup>487</sup> which included four companies in 2007, along with a reconnaissance platoon and the IPU, would be at Butmir. To give the force field presence and visibility, Liaison and Observation Teams (LOTs) were deployed initially in roughly 40 locations throughout the country.<sup>488</sup> However, these small deployments have no operational capability, and would be hard pressed to even defend themselves *in extremis*. Helicopter lift was also reduced considerably, precluding any rapid reaction capability for operations outside the environs of Sarajevo, perhaps save evacuating individual LOTs.

Spanish Major General Ignacio Martin Villalain assumed command of EUFOR in late 2007. Early in his tenure, he ordered that EUFOR patrols cease, since they could be “provocative,” according to the Spanish Government.<sup>489</sup> This was a unilateral act, not a joint EU decision, and it further reduced the force's visibility in its mandated role of maintaining a “safe and secure environment.” Some EUFOR officers who were present at the time recalled that the Spanish troops trained at least two-thirds of their time in Bosnia, and then deployed to the UN Force in Lebanon (UNIFIL).<sup>490</sup> The decision not to patrol may have been to allow more time to train for the Lebanon deployment. Whatever the reason for the decision, as a consequence, some European embassies started to report back to their ministries that EUFOR was idle, leading to the questioning of the need for EUFOR by many EU governments, eager to meet other commitments and for budget lines to cross out.<sup>491</sup> Perhaps to compensate for this lack of operational presence, EUFOR amplified self-promotional activities that seem far outside its essential remit – billboards, sponsorship of competitions,

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§§§§§§§§ The Quint consists of the five Western members of the Contact Group, which developed the basic outline (51/49 territorial division) peace plan that ultimately was adopted at Dayton in November 1995. These are the US, UK, France, Germany, and Italy (which joined post-Dayton). Russia is a member of the Contact Group, but not the Quint. The Quint has no formal legal role, but rather serves as a forum for policy coordination – or more recently, lack of it.

involvement in educational programs, etc. A senior AFBiH officer noted his view that by March 2008 EUFOR was a “paper tiger” and that the US and NATO would have to react to any security crisis.<sup>492</sup>

Maj. Gen. Villalain's successor, Italian Major General Stefano Castagnotto, who assumed command in late 2008,<sup>493</sup> claimed that assessing the capabilities of private security companies and other unofficial potential conflict actors was a matter for domestic authorities and outside EUFOR's mandate. This is was a curious interpretation of the Annex 1A mandate.<sup>494</sup>

Throughout 2008-2010, discussions were ongoing in the European Union about further downsizing the mission, with a set of three options – maintain the force at the current strength with a Chapter 7 mandate, reduce it further and maintain the mandate, or reduce it to a non-executive training mission without the Chapter 7 mandate.<sup>495</sup> “Option 3” was clearly the preferred option for many troop contributing countries. France and Italy called for an end to the EUFOR mission among EU defense ministers in late 2008.<sup>496</sup> Their rationale was not based on a detailed threat assessment, but rather that the force was idle.<sup>497</sup> Diplomatic cables from the time reveal there was more dissension among EU members than French Defense Minister Hervé Morin reported.<sup>498</sup> This course was held off by some members who expressed misgivings; the United States and the NATO HQ Commander opposed such a move in light of the political situation in the country.<sup>499</sup> But the effort raised the specter of unilateral withdrawals from the EU mission – France and Spain initiated this hemorrhaging in early 2009.<sup>500</sup> Others – Italy (which had been predominant in the IPU) and Germany in particular, but also Poland (which contributed a company to the Maneuver Battalion), Finland, and Ireland – followed over the next two years. Often countries kept residual staff complements while withdrawing the bulk of their contingents.

In September 2010, after long mooting the possibility of doing so, the RS Government tasked its authorities to begin the demarcation of the Inter-Entity Boundary Line (IEBL) between the Republika Srpska and the Federation.<sup>501</sup> Unilateral actions in this direction would be a clear violation of Annex 2 of the Dayton Peace Agreement, which delineates procedures that both entities have to accept. As early as 2008, the Brčko Supervisor wrote the commanders of EUFOR and NATO HQ noting that EU and NATO forces might be required if efforts to seize territory in the District were conducted from the RS.<sup>502</sup> RS official maps show the IEBL running through the Brčko District, in violation of the Brčko Final Award, and the RS has to date refused to provide assurances it will adhere to the Award, while RS President Milorad Dodik also repeatedly called for state dissolution.<sup>503</sup> Several interviewees reported that EUFOR (presumably at Brussels' direction)

had initially tried to deflect a clear peace enforcement responsibility enumerated in Annex 2 onto OHR alone.<sup>504</sup> Ultimately, EUFOR and NATO HQ cooperated to “referee” the geodetic issues between the entities. According to one senior Western military official, “The RS was threatening to make something happen...the RS put a line right through the District. That’s what they want – to link through there.”<sup>505</sup> Some FBiH-based parties have told the authors that there would be stiff armed resistance within Brčko District itself should there be any attempt from the RS to take control of territory within it.<sup>506</sup> The issue remains unresolved, yet many PIC SB members are clamoring for an end to both executive EUFOR and Brčko Supervision regardless.<sup>507</sup>

### EUFOR force posture in 2011

The rump force at the time of writing, in August 2011, is commanded by Austrian Major General Bernhard Bair (COMEUFOR since late 2009), and is estimated to be just under 1300 troops total. The Dutch contingent will be withdrawn in November 2011, reducing the force by over 70 troops.<sup>508</sup> The current force consists of soldiers from numerous member states, but the main contributors are Austria, Turkey, Hungary, and Bulgaria.<sup>509</sup> General Bair will be succeeded by a yet-to-be-named fellow Austrian in December.<sup>510</sup> The teeth of the force – which could respond to a crisis – are concentrated in the Maneuver Battalion. While some Turkish *Jandarma* are still part of EUFOR, the IPU has effectively ceased to exist; its camp at Butmir has closed and been handed over to the BiH Armed Forces.<sup>511</sup> Together, according to several military professionals familiar with the mission, the strength of this force is under 400; though some noted the Maneuver Battalion was capable up to NATO standards.<sup>512</sup>

The withered strength of EUFOR is apparent to military professionals in-theater and in Brussels. In early 2009, EU Operation Commander and Deputy Supreme Allied Commander in Europe (DSACEUR)<sup>513</sup> General Sir John McColl reportedly attempted a needs assessment and force generation effort,<sup>514</sup> only to be rebuffed by member states. Several interviewees noted that Gen. McColl made a point of clarifying to EU member states that they were undertaking political responsibility for maintaining an under-strength force.<sup>515</sup> Turkey has repeatedly offered to fill the gap between the mandated strength (later ratcheted down to 2000) and the current strength; it has been repeatedly rebuffed by the EU.<sup>516</sup> The apparent concern is that the EU is unwilling to staff its own force and that EUFOR would effectively become a “TurkFOR.” Germany’s position became clear in late 2010 and early 2011: it did not share American or British concerns of RS secession or other security threats and would therefore withdraw unilaterally from EUFOR.<sup>517</sup> Upon succeeding Gen. McColl in March 2011, General Sir Richard Shirreff reportedly

told the EU’s members in the Political and Security Committee (PSC) that to fulfill the SASE mandate in BiH, a full brigade – roughly three times the current force strength – would be required.<sup>518</sup> In the opinion of an EU member state military professional, “The Europeans couldn’t care less. You can’t even describe the risk factors because nobody’s interested.”<sup>519</sup>

The assessment of current force strength and capability was uniformly negative in the interviews conducted for this report, even by those within the force itself. One senior international military professional said EUFOR is “about as useful as UNPROFOR,” the UN’s hapless peacekeeping force during the war. Another noted that the force doesn’t have sufficient intelligence collection or analysis capability – and that those who had relevant situational knowledge were disconnected from one another.<sup>520</sup> While some saw the LOTs as producing some useful information, such as reports of inter-ethnic incidents in their areas of responsibility, the intelligence capability of the mission as a whole was insufficient to produce convincing products.<sup>521</sup> Another officer noted that there was an unwillingness to generate scenarios from the situational-awareness information collected, to plan for contingencies.<sup>522</sup> He characterized the information gathering and intelligence capability of EUFOR as “all bullshit.”<sup>523</sup> Still others noted there was no threat assessment being done by EUFOR – or indeed by the NATO Headquarters in BiH, which also holds a Chapter 7 mandate, but has no operational capabilities. Those collecting field intelligence noted that there was no interaction with the NATO HQ – and this cooperation was politically impeded from above the force commanders.<sup>524</sup> The universal view of interviewees was that the problem was a political one – that the political masters of EUFOR were “tired,” professed “a total lack of interest,” and *did not want to know* about possible threats, since knowing would demand a response they did not want to provide.<sup>525</sup> Apparently, informing international colleagues about matters within COMEUFOR’s area of responsibility is also unwelcome. Diplomats interviewed for this study report that when EUFOR raised concerns that recorded interethnic incidents had significantly increased in the first quarter of 2011 at a Board of Principals meeting, Brussels reacted negatively to these revelations.<sup>526</sup> EU officials and member state diplomats regularly state that while the political situation involves heated rhetoric, the security situation is stable.<sup>527</sup> Such reports undercut that preferred disconnect of the political and security situations.

EUFOR’s posture is presently reactive. Its LOT field presence, in the most positive view of military professionals, provides some information. Most others believe its visibility is its only contribution.<sup>528</sup> Its ability to mount a deterrent to politically directed violence is very limited, not only by numbers, but by the lack of mobility engendered by its lack of helicopter lift.<sup>529</sup>

Any reaction force would be forced to deploy by road, leaving it vulnerable to obstruction, including by unarmed personnel (as occurred in July and August 2011 in northern Kosovo). Clearing such obstructions requires specialized personnel and equipment for non-lethal action – a capability concentrated in the denuded gendarmerie force, the IPU.<sup>530</sup> In a crisis, according to interviewed officials, EUFOR could hold Sarajevo airport, but not simultaneously respond to unrest in Mostar.<sup>531</sup>

In early 2011, EUFOR personnel approached a number of diplomatic missions in BiH with which it has a contractual relationship to help evacuate personnel in a crisis. The “Medusa Plan” was to employ EUFOR assets to evacuate personnel. EUFOR informed these diplomatic missions that its current force strength meant that it could not perform this role – essentially, that these missions were on their own for such contingencies.<sup>532</sup> Other international mission personnel reported in early 2011 that EUFOR field personnel in LOTs told them they could not provide protection for them in the event of emergency.<sup>533</sup> Indeed, these forces could have difficulty defending themselves in a crisis; evacuating them would strain the few operational capabilities EUFOR has left.

In terms of military deterrence to violent action directed by political or other organized forces, EUFOR’s capabilities are extremely limited. Most of those interviewed believed that aside from very small incidents, coupled with rapid and decisively forceful response (which all believed was unlikely given Brussels’ preferred posture), EUFOR’s reactive capacity was also below the minimum threshold of credibility.<sup>534</sup> One interviewee stated “If the international community gives up hope of deterrence – it decides not to uphold the DPA until replaced by consensus... We’re not upholding [Dayton obligations]. It is impossible to predict how it will break down.”<sup>535</sup> Some EU member state military officers opined that “EUFOR at present has no operational capacity.”<sup>536</sup> Another interviewee said “This is the way conflicts get started.”<sup>537</sup> Individual threat assessments differed among those interviewed for this study, but none were sanguine about the capabilities of EUFOR at present to handle what they saw as realistic contingencies.

No interviewees believed there was evidence of imminent conflict, but almost all concurred with one veteran of Kosovo’s major unrest in March 2004 who said “all the elements are in place.”<sup>538</sup> He continued, “You just need people burning houses. I don’t know about the police. But in a worst case...Kosovo scenario – you need 20-30 people with light weapons, explosives. The political damage would be terrible...From a professional point of view, with what EUFOR has left it would be very difficult – transport is a problem. We had 17,000 troops at the time, in a much smaller space

with shorter communications lines. Even *that* was difficult – we needed reinforcements...In a worst case scenario, the talent left (in EUFOR) is not that credible.”<sup>539</sup> His question of the disposition of the police was apposite – EU and even NATO officials regularly factor in the assumption that the local authorities will be the first line of defense in dealing with violent events.<sup>540</sup> It is rarely considered that police might themselves be engaged in or allowing destabilizing violence. This posture of wait-and-see might well preclude EUFOR from responding rapidly to events that it could, in the first instance, bring under control. Another military professional interviewee noted that Bosnia was substantially different from Kosovo – implying it was less volatile.<sup>541</sup>

The three largest EU member state contributors – Austria, Hungary, and Bulgaria – clearly recognize the forces on the ground are not commensurate with the EU’s Annex 1A/Chapter 7 obligations, as noted by Gen. Shirreff in March 2011. In a four-page non-paper produced in April or May 2011, these countries presented options to their fellow EU members on avenues to deal with this incongruity.<sup>542</sup> “The continuation of the current unsatisfactory situation regarding the widening gap between military tasks of EUFOR ALTHEA and available resources to fulfill those tasks may negatively affect this important CSDP operation and thus CSDP as a whole. Therefore, we should not wait for further unilateral troop reductions to take place but should instead develop a realistic scenario for EUFOR ALTHEA in the future.”<sup>543</sup> The non-paper notes that there was at the time of writing more than a 30% gap between its mandated strength at its “minimum military requirements... The force relies on over the horizon forces for anything other than an isolated low-scale incident. Additional force withdrawals would further compromise the effectiveness of EUFOR ALTHEA in the present configuration.”<sup>544</sup> The non-paper characterizes the security situation as “calm and stable,” noting no interventions to maintain SASE have been required in recent years, but that “the political situation, in contrast to the security situation, is described as being challenging and characterized by negative rhetoric, increased confrontation and a lack of willingness to compromise.”<sup>545</sup> These non-paper’s authors assess that further such unilateral withdrawals are likely, and that the political situation will not improve “in the medium term.”<sup>546</sup>

The non-paper lists various options, beginning with EUFOR keeping its mandate despite the ongoing decline in troop strength as a “status quo option.”<sup>547</sup> The second option is to reduce the mandated strength to 1,200, which would make the force focus on “maintaining the Situational Awareness with a limited intervention capacity and the possibility to receive and stage OTHF (Over the Horizon Forces).”<sup>548</sup> The third option proposes essentially the same role, maintaining

the executive mandate, but with only 1,000-800 troops.<sup>549</sup> The fourth proposed option is called “Option Training Plus,” essentially converting EUFOR into a 400-strong training mission with retention of the executive mandate, but its execution would “fully depend on the deployment of OTHF.”<sup>550</sup> The fifth and final option, “Option Non-Executive Training,” resembles the previously mooted “Option 3.”<sup>551</sup> The paper concludes that the “Status Quo Option” is unrealistic and that the “Non-Executive Training Option” should not be considered either “as long as there is no consensus on the completion of the executive mandate.”<sup>552</sup> The latter harks back to the lack of consensus in the EU or the PIC SB on abandoning the executive mandate, which led to the unilateral withdrawal from EUFOR by many continental EU members.

In July 2011, the German and French foreign ministers wrote to EU High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, outlining their preferred policy.<sup>553</sup> They wrote they preferred to see EUFOR’s executive mandate discontinued and the mission converted into an advisory mission. They write that a mechanism for forces based out of theater needed to be found.

According to the latest information made available to the authors, the EU’s member states will have to decide among three policy options within the coming weeks. The first would be to reinforce EUFOR to fulfill its current mandate (as per Gen. Shirreff’s suggestion). The second would be to maintain the Chapter 7 executive mandate, but reduce the tasks undertaken by EUFOR to allow for the currently below-strength troop numbers by cutting empty billets, allowing 1300 to be “100% strength.”<sup>554</sup> Eliminating the executive mandate altogether and shifting to a training mission is the third option.<sup>555</sup>

#### Over-the-horizon, or somewhere over the rainbow?

EUFOR’s fact sheet at the time of writing states the following about provisions for international backup:

“In addition to the troops stationed in BiH, EUFOR can – if necessary - easily be reinforced by KFOR troops and by EU Operational and Strategic Reserve forces, to rapidly augment in-theatre forces and deal with any military contingency that arises. Reinforcement is by OTHF of up to four battalions from Austria, France, Germany and Italy. EUFOR is also able to provide assistance to KFOR if needed in the form of a Tactical Reserve Company.”<sup>556</sup>

In May 2011, the authors were told of EU plans to rely on over-the-horizon forces once the overall troop number fell below 1,000.<sup>557</sup> When posited to military professionals posted in BiH, this option was discounted as not militarily credible, noting the need for a base-

line force upon which such out-of-theater forces could rely.<sup>558</sup> It is also far from clear how the UN Security Council might react to a EU proposal to maintain a Chapter 7 mandate (to defend against threats to international peace and security) while not being willing to field forces capable of the task. The mandate is up for renewal in November 2011. In 2009, one international organization official questioned the unwillingness to meet Chapter 7 obligations: “Can you unilaterally surrender a Chapter 7 mandate?”<sup>559</sup> At least at the EU member state level, the answer seems to be “yes.”

According to a series of professional interviewees, provisions for reinforcement of EUFOR are less robust and certain than the official version. At present, the over-the-horizon forces that would be tasked with reinforcing EUFOR begin with NATO’s KFOR in Kosovo, followed by NATO reserves set aside for KFOR and EUFOR (under Berlin Plus arrangements). “It’s NATO that would reinforce, not the EU,” one interviewee stated. He added, that since NATO HQ also holds a Chapter 7 mandate, “The US could deploy here in any numbers needed – don’t let the EU tell you any different.”<sup>560</sup> Others echoed this view, noting that “if they come, we have buildings set aside for them here in Butmir.”<sup>561</sup> But there is no agreement and no strategy for NATO to use those facilities. According to some, Turkey could not reinforce EUFOR beyond the mandated 2000 force strength, even were there political will to allow them (which is lacking).<sup>562</sup> Forces from KFOR would have to travel by road, via Serbia or Montenegro,<sup>\*\*\*\*\*</sup> according to Sarajevo-based military professionals and officials.<sup>563</sup> EUFOR, NATO HQ and KFOR commanders consulted in late spring 2011 on “what if scenarios” regarding their abilities to support each other if need be.<sup>564</sup> But KFOR itself has been halved in the past year, and was recently tested in the July-August 2011 events in northern Kosovo. One of the two NATO reserve battalions is already deployed to Kosovo; the other is on standby slated for Kosovo – not Bosnia. Some interviewees thought these events were a “good wake-up call” for decision-makers in Brussels, who needed to reflect on contingency planning for EUFOR.<sup>565</sup> Reportedly, COMKFOR’s request for backup by NATO over-the-horizon forces was initially resisted – he was told he was overreacting. Eventually he got his reinforcements.<sup>566</sup> The EU maintains two standby battle groups of battalion-strength from Germany and Italy (based in Italy), but professional opinions vary on the speed at which they could be deployed. The most optimistic was one week; the most pessimistic was one month.<sup>567</sup> Some even doubted political will would materialize

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\*\*\*\*\* Whether Serbia would allow such transit is highly questionable, and likely conditional. For this reason, Sarajevo-based international officials reported that COMEUFOR Gen. Bair and his KFOR counterpart developed and tested in 2010 an alternate route via Rožaje in Montenegro. Serbia is still the preferred route for topographic and logistical reasons.

even then, absent American effort.<sup>568</sup> The recent unrest in Kosovo has drawn on available NATO resources in Europe. One military professional noted that EUFOR would effectively rely on external backup in *any* contingency.<sup>569</sup> One can easily imagine scenarios in which – even if not by design – events on one Western Balkan front would divert capacity to react to another contingency.

### Conclusion

EUFOR's current configuration, strength, deployment plan and posture put it in danger of failing under even moderate strain. It has lost its ability to provide a credible deterrent; its reactive capacity is threadbare. Given the accelerating political deterioration and the increased possibility – and potential gravity – of miscalculation by BiH politicians, it is more than a mere theoretical possibility that EUFOR may be called upon to act to maintain or restore a safe and secure environment. Without the political will to prepare for such a challenge, the EU's Common Security and Defense Policy (CSDP) may face yet another Balkan humiliation, as it did with EULEX in Kosovo in July/August 2011.

## Conclusion and recommendations

The deterioration of the prevailing political dynamic is not only continuing, but accelerating one year after the general elections of October 2010. Amplification of inflammatory political rhetoric permeates the social and political discourse, negatively affecting the (already feeble) performance of governing institutions at all levels. The cumulative effects of poor governance, lack of political accountability, and the impact of the economic crisis have generated increasing social tension – with intra- and inter-ethnic dimensions. As a result, political leaders have reduced maneuvering space within their own polities. Yet simultaneously, these elites have increased latitude vis-à-vis the international community, which has withdrawn from the stabilizing role it played through 2005. Statements and actions that are clearly contrary to Dayton and the maintenance of peace have become routine. The effectively rules-free environment has opened the door to ethnic confrontation as a political diversion and survival tactic. Many actors have taken advantage of this.

This mix of variables makes political miscalculation all the more likely. The costs of such miscalculation by local political actors are likely to be far greater than they were prior to 2005 because of the perceived potential to realize long-held – but previously forbidden – goals. Social pressures, particularly on issues of employment and transfer payments, may also compel political actors to move more precipitously to redirect popular anger that might otherwise be directed at them.

There are numerous potential ingredients that could come into play to produce significant violence. Some risk factors are reduced compared to five years ago. The formation of the AFBiH, for example, has eliminated separate potential belligerents – as it was designed to do, though its development remains stunted due to the prevailing political environment. Private security companies in BiH, still a gray area as far as international and domestic state-level scrutiny and regulation are concerned, are at least subject to more attention than they are in neighboring Serbia. But other elements relevant to BiH public security are moving in a retrograde direction. Police and judiciary are being re-politicized and subject to increased executive pressures with effective international acquiescence, if not downright connivance.

Furthermore, BiH has a number of unique risk factors: high private firearms (and ordnance) possession, large stockpiles of (increasingly volatile) military-grade munitions, and numerous unofficial organized networks linked to political parties. Most important of all, the ambient level of fear is at a higher level than seen at any point since 1996. Given the reduction of counter-vailing external deterrence, this creates – as one interviewee put it – “a very dangerous cocktail.”

Under current circumstances, local incidents that might otherwise not have a broader effect could spark escalation from below that would be beyond ruling elites’ ability to control – and tempting for them to support. Such incidents – as in October 2009 in Široki Brijeg – already have drawn the *post hoc* involvement of political actors seeking to capitalize on them. In a worst case, a violent incident of the kind could activate standing plans for action by both unofficial (but politically connected) and official actors, as was the case in Mitrovica, Kosovo, on March 17, 2004. It must be noted that the level of political tension and polarization within BiH is considerably higher than it was two years ago.

### The international factor

The shift in international posture in BiH since early 2006 has directly contributed to the current instability. While in 2006 there appeared to be a basic consensus on the overall policy direction, it never was elevated into a comprehensive strategy or based on an honest assessment of the political incentives of the country’s leaders. As the assumptions that underlay the reduction in international assertiveness were disproven over the course of 2006 and after, the lack of unity and strategic clarity became apparent. The international community – the PIC Steering Board in particular – agreed to disagree on the nature of the problem and what to do about it, and muddled along rather than adjust its policies to the ground reality. The undermining of international institutions and their credibility – both for peace implementation (OHR, EUFOR) and for European integration (EUPM) – has continued.

The result is that the international community (encapsulated in the PIC and EU) has never had less credibility – or on-the-ground capability: a deterrence failure. Not only is this myopic, in particular for the EU, which would be on the frontline of contending with the results of renewed violence in BiH. It is also a unilateral abrogation of obligations undertaken at Dayton to implement the peace agreement and ensure a safe and secure environment. EUFOR in its current strength and configuration is below the threshold of credibility, even in the eyes of those who serve in it. Its Chapter 7 mandate will be difficult to defend in the UN Security Council without sufficient capability to uphold that mandate. Over-the-horizon reinforcement cannot effectively substitute for this insufficient capability; in any case this puts EUFOR in a wholly reactive position, without deterrent effect. There is serious risk it would not be able to even react effectively – much less deter – a significant outbreak of violence, given the potential time-lag in its deployment.

The current policy is often justified by the lack of significant organized violence since the war. This is true.

But such statements of fact hardly constitute a serious risk assessment. To the authors' knowledge, no professional risk analysis has been conducted recently. Intelligence and defense professional assets which would be employed to conduct such an analysis have been severely curtailed. What is clear is that there is little appetite for honest analysis, since findings might run contrary to the desired policy outcome – reduced responsibility and justification for current policies. In essence, there can't be a security threat in BiH, since it would belie the declarations of progress made since 2005.

#### Deterrence and its potential dividends

The costs of catastrophic failure – meaning organized violence (perhaps not contained to BiH) – exponentially outweigh the costs of effective prevention and deterrence. What's more, there is no downside to restoring deterrence – except to those invested in the current policy. A policy shift will require senior political engagement in PIC SB capitals, wresting policy formation from the bureaucracies that have driven to this dead end. This is first and foremost – but not solely – a question of political will, posture, and messaging.

At the policy level, this shift would mean accepting, at least implicitly, that the path pursued since 2005 has failed and must be redesigned, starting from the identification of the strategic goal. That goal must be that BiH function well enough to meet the requirements to join the EU and NATO. Until that goal of durable functionality is reached by popular consent and demonstrated, it should be clear to all in BiH that the Dayton rules will continue to prevail and be enforced. That the country will not be allowed to fall apart, and that efforts in that direction will bring appropriately strong responses, needs to not only be articulated forcefully and clearly, but be believed.

To that end, EUFOR's strength, posture, mobility, and deployment pattern all require reinforcement. A professional threat assessment and needs assessment should be conducted by the EU, in conjunction with NATO and force contributing countries, to determine the proper force strength and configuration. General Richard Shirreff's estimate that a brigade (e.g. three times the current strength of 1,300 troops) would be required to meet the mandate of maintaining a safe and secure environment cannot be gainsaid without professional analysis to the contrary. Yet the authors believe that restoring EUFOR's capacity to perform its deterrent mandate would involve the following elements:

- Additional troops from EU and non-EU members. EU/NATO member PIC SB countries not presently participating in EUFOR should make significant contributions.

- Sufficient helicopter lift for a quick reaction force based at Butmir of at least platoon, preferably company, strength.
- Forward deployment in company strength to obvious potential flashpoints: Brčko and Mostar.
- Regular patrols between Tuzla airfield and Brčko, also to areas of minority return.
- De-emphasis of EUFOR activities not directly linked to the Chapter 7/Annex 1A SASE mandate.

Restoration of credible deterrence would not only prevent a return to violent conflict, but would create the potential for forward movement on the political and social fronts by stripping the entrenched political elites of their current ability to leverage fear. This would create space for citizens and potential leaders who want to find a way to make the country function consensually. Restored, credible deterrence is the *sine qua non* of any political and social progress in Bosnia and Herzegovina.

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## Endnotes

<sup>1</sup> In the context of Bosnia and Herzegovina, this mainly means the Peace Implementation Council (PIC) and in particular the PIC Steering Board.

<sup>2</sup> See Bassuener “Lost Opportunities and Unlearned Lessons – the Continuing Legacy of Bosnia,” in *After Intervention: Public Security Management in Post-Conflict Societies*, Bureau for Security Policy, Austrian MoD, and Geneva Centre for Democratic Control of Armed Forces, 2004. p.118-119 at <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=19690>

<sup>3</sup> Ibid.

<sup>4</sup> These were embodied in the Venice Commission opinion of 2005, available at [http://www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp)

<sup>5</sup> See “High Representative’s TV Address to Citizens of BiH,” January 31, 2006 at [http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content\\_id=36501](http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=36501)

<sup>6</sup> Experience of one of the authors; interviews with OHR and other international officials in Sarajevo, 2007-8

<sup>7</sup> Many analysts, including the authors of this study, believe this was the primary motivation for SBiH’s rejection of the “April package” – the BiH Presidency was to be elected indirectly in the BiH House of Representatives. Under such circumstances, his ability to reach the BiH Presidency was far less likely than in a direct, personality-driven contest.

<sup>8</sup> See the Foreign Policy Initiative’s “Monitoring the BiH European Integration Processes – Comparative Report for 2010 (Western Balkans – Bosnia and Herzegovina)” at [http://www.vpi.ba/eng/content/documents/Monitoring\\_of\\_The\\_BiH\\_European\\_Integration\\_Processes\\_Comparative\\_Report\\_for\\_2010.pdf](http://www.vpi.ba/eng/content/documents/Monitoring_of_The_BiH_European_Integration_Processes_Comparative_Report_for_2010.pdf)

<sup>9</sup> Interviews and discussions with international participants in this negotiation, Sarajevo 2007-10.

<sup>10</sup> See page 8 of DPC November 7, 2008 Policy Briefing *Sliding Toward the Precipice: Europe’s Bosnia Policy* by Kurt Bassuener, James Lyon, and Eric A. Witte. Also see [http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content\\_id=40935](http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=40935)

<sup>11</sup> The PIC Declaration is available at: [http://www.ohr.int/pic/default.asp?content\\_id=41352](http://www.ohr.int/pic/default.asp?content_id=41352). The 5+2 ingredients are: Acceptable and Sustainable Resolution of the Issue of Apportionment of Property between State and other levels of government; Acceptable and Sustainable Resolution of Defence Property; Completion of the Brčko Final Award; Fiscal Sustainability (promoted through an Agreement on a Permanent ITA Co-efficient methodology and establishment of a National Fiscal Council); and Entrenchment of the Rule of Law (demonstrated through Adoption of National War Crimes Strategy, passage of Law on Aliens and Asylum, and adoption of National Justice Sector Reform Strategy). In addition, the PIC SB’s two conditions are the signature of an SAA and a “positive assessment of the situation in BiH by the PIC SB based on full compliance with the Dayton Peace Agreement.”

<sup>12</sup> Discussions with PIC diplomats, 2008; discussions with senior international officials, Berlin, May 2010.

<sup>13</sup> See DPC’s Reaction to the PIC Steering Board Declaration of February 27, 2008

<sup>14</sup> “The PIC Steering Board underscores that it is time for BiH politicians to end the practice of questioning the fundamental structure of the state or its component parts...the international community retains the necessary instruments to counter destructive tendencies and will not allow attempts to undermine the Dayton Peace Agreement, whether from inside or outside the country.” Russia added a footnote dissenting from the majority view. At time of writing, the OHR website for some reason no longer shows the 30-31 October 2007 PIC SB Communiqué on its website with the other communiqués and declarations. The OSCE’s 27 October – 9 November 2007 Political Overview, draws from the same quote.

<sup>15</sup> Discussions with international officials throughout 2009-10, Sarajevo.

<sup>16</sup> [http://sarajevo.usembassy.gov/speech\\_20090519.html](http://sarajevo.usembassy.gov/speech_20090519.html)

<sup>17</sup> Kurt Bassuener, “Biden’s visit to Bosnia and Herzegovina shows America is back – Now is the time to follow up by building a common transatlantic strategy,” *Dnevni Avaz*, May 23, 2009. English original available at <http://www.democratizationpolicy.org>

<sup>18</sup> Ian Traynor, “The US is talking tough on the Balkans, and the Europeans don’t like it,” *The Guardian*, May 21, 2009 <http://www.guardian.co.uk/world/2009/may/21/bosnia-and-herzegovina-eu>

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<sup>231</sup> "Bosnia - Senior Military Commanders Concerned about Political Crisis Impact on Armed Forces," Leaked US diplomatic cable, March 4, 2008 at: <http://wikileaks.org/cable/2008/03/08SARAJEVO414.html>

- <sup>232</sup> Discussion with international military professional, September 2011.
- <sup>233</sup> Ibid.
- <sup>234</sup> Sanita Rožajac, “Oružane snage su vojska srpskog koliko iostalih naroda u BiH,” *Dnevni Avaz*, September 12, 2009.
- <sup>235</sup> Ibid; <http://www.nytimes.com/2008/09/15/world/europe/15iht-bosnia.4.16173270.html?scp=3&sq=Rasim%20Delic&st=cse>
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- <sup>241</sup> Expert Working Group Presentation on the Situation as of July 2011 – Disposal of Surplus Weapons and Ammunition in AF BiH, Management of Storage Sites (July 6, 2011 Powerpoint presentation made available to authors).
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- <sup>246</sup> Interviews with Western military experts, 2010-2011.
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- <sup>256</sup> Discussion with international military professional, April 2011
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- <sup>258</sup> Interview with international organization official, September 2011.
- <sup>259</sup> Ibid.
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- <sup>261</sup> Ibid.
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- <sup>263</sup> Letter to the Presidency of BiH from the OSCE Mission in BiH and the Office of the UN Resident Coordinator, March 24, 2011; Interview with munitions disposal expert, July 2011.
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- <sup>265</sup> “ASS and WSS Assessment visit, 20-24 June 2011,” OSCE Powerpoint slideshow obtained by the authors.
- <sup>266</sup> Interview with international security professional, May 2011.
- <sup>267</sup> See GINEX at [http://www.ginex.com.ba/public\\_html/Product.htm](http://www.ginex.com.ba/public_html/Product.htm)
- <sup>268</sup> “Bosnia – Blue Lantern Broker Inquiry, Case No. K-2420,” leaked US State Department diplomatic cable dated April 12, 2009 at <http://cablesearch.org/cable/view.php?id=09SARAJEVO1334&hl=Canada+Bosnia>
- <sup>269</sup> Interview with international military officer, April 2011.
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- <sup>272</sup> Interview with munitions disposal expert, July 2011.
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- <sup>274</sup> Interview with munitions disposal expert, July 2011
- <sup>275</sup> Ibid.
- <sup>276</sup> Senad Avdić and Mirsad Fazlić, “What Milorad Barašin Nervous,” *Slobodna Bosna*, May 12, 2011.
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- <sup>282</sup> Ibid.
- <sup>283</sup> [http://www.b92.net/eng/news/region-article.php?yyyy=2011&mm=08&dd=25&nav\\_id=76074](http://www.b92.net/eng/news/region-article.php?yyyy=2011&mm=08&dd=25&nav_id=76074)
- <sup>284</sup> Discussion with international officials, September 2011.

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- <sup>289</sup> Ibid.
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- <sup>295</sup> Daniel Lindvall, *The Limits of the European Vision in BiH. An Analysis of the Police Reform Negotiations*, Stockholm 2009, p. 178-180.
- <sup>296</sup> See: Lindvall, *The Limits of the European Vision in BiH. An Analysis of the Police Reform Negotiations*.
- <sup>297</sup> Ibid., p.64/65., Budimir Babović, *Ljudska prava i policija u Jugoslaviji*, Belgrade 1999, p.71-75.
- <sup>298</sup> Bodo Weber, "Rethinking ethnic violence: paramilitary groups, collective violence and the ethnicisation of the Balkan societies in the 1990s", in: *L'Europe en formation*, No.357 (autumn 2010), p.75-90.
- <sup>299</sup> Timothy Donais, "The limits of post-conflict police reform", in: Michael A. Innes (Ed.), *Bosnian security after Dayton*, London/NY 2006, p.177/178.
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- <sup>301</sup> *Financial, organizational and administrative assessment of the BiH police forces and the state border service. Final assessment report*, ICMPD, Sarajevo 2004.
- <sup>302</sup> *Policing the police in Bosnia: A further reform agenda*, International Crisis Group, May 2002, p.33-36.
- <sup>303</sup> Ibid., p.34.
- <sup>304</sup> Interview with domestic police expert, June 2011.
- <sup>305</sup> *Policing the police in Bosnia*, p.36-37.
- <sup>306</sup> Ibid., p.43/44.
- <sup>307</sup> Ibid.,p.9-10.
- <sup>308</sup> Lindvall, p.87-92.
- <sup>309</sup> Donais, "The limits of post-conflict police reform", p.177/178.
- <sup>310</sup> *Policing the police in Bosnia*, p.52.
- <sup>311</sup> Interview with high-level RS police official.
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- <sup>313</sup> Interview with high-level B-H police official, June 2011.
- <sup>314</sup> Interview with international police official, June 2011.
- <sup>315</sup> „Problemi operativnog postupanja policijskih službenika u Zeničko-Dobojskom kantonu“, [http://atlantskainicijativa.org/index.php?option=com\\_content&view=article&id=624%3Aproblemi-operativnog-postupanja-policijskih-slubenika-u-zeniko-dobojskom-kantonu&catid=44%3Anewsletter&Itemid=131&lang=hr](http://atlantskainicijativa.org/index.php?option=com_content&view=article&id=624%3Aproblemi-operativnog-postupanja-policijskih-slubenika-u-zeniko-dobojskom-kantonu&catid=44%3Anewsletter&Itemid=131&lang=hr).
- <sup>316</sup> Interview with Federation BiH police officials, Mai 2011.
- <sup>317</sup> Interviews with former and current heads of police administrations, international policing officials, June 2011.
- <sup>318</sup> Interview with an international policing official, June 2011.
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- <sup>328</sup> *Strategic plan of the ministry of security of BiH 2011-2013*, <http://www.msb.gov.ba/docs/Strateski.plan.MSB.BiH.2010.pdf>
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- <sup>332</sup> Interviews with an international policing official, June 2011.
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- <sup>334</sup> Interview with high level RS police official, June 2011.
- <sup>335</sup> See chapter "State Investigation and Protection Agency (SIPA)", in: Denis Hadžovic, *The OHR and Security Sector Reform in BiH*, Center for Security Studies BiH, February 2009, p.63-65.
- <sup>336</sup> "SIPA izuzela dokumentaciju o izgradnji zgrade Vlade RS", Deutsche Welle, November 26, 2011, <http://www.dw-world.de/dw/article/0,,3823001,00.html>; „Ako je ovako prošao

Lukač, šta mogu očekivati drugi?!", *Oslobođenje*, October 4, 2009, p.5; Kraj Milorada Barašina," *BHDani*, 07-01-2011.

<sup>337</sup> Interview with international policing official; "Funcioneri RS-a pod pratnjom u Sarajevo," *Oslobođenje*, April 5, 2011.

<sup>338</sup> Denis Hadžović, *The OHR and Security Sector Reform in BiH*, Center for Security Studies BiH, February 2009, p.53-57; Interview with international security official and with OSA representative.

<sup>339</sup> „Uhapšeno pet vehabija“, *Nezavisne Novine*, August 13, 2010, p.2/3; „Kome treba holivudska predstava policije RS?“, *Dnevni Avaz*, August 21, 2010, p.5; „Lov na vještice u RS-zu“, *Global*, No.83 (2010), p.14-16.

<sup>340</sup> Interviews with police officials from the Federation of BiH and international policing officials, "Ubijen Vedran Puljić, desetina provrijeđenih", *Oslobođenje*, October 2009, 2009, p.2/3; „Vedran Puljić ubijen iz vatrenog oružja“, *Oslobođenje*, October 6, 2009, p.2; „Priveden osamsudskih policajaca“, *Nezavisne Novine*, October 8, 2009, p.4/5.

<sup>341</sup> Interviews with international policing officials; EUPM, *Considerations on the template draft Laws on Internal Affairs*, Sarajevo June 27, 2011; *Draft Cantonal Law on Internal Affairs; Letter by Sarajevo Canton police commissioner Vahid Ćosić to the cantonal interior minister concerning the draft Law on Internal Affairs*, Sarajevo June 28, 2011.

<sup>342</sup> Interviews with international policing officials; *Letters by EUPM Head of Mission Stefan Feller and Principal Deputy High Representative Roderick W. Moore to RS interior minister Stanislav Čađo*, May 30, 2011; *Letter by EUPM HoM Feller to Čađo*, *Letter by High Representative Valentin Inzko to RSNA speaker Igor Radojičić*, both Sarajevo July 13, 2011; *Draft RS Law on Police Officials*.

<sup>343</sup> Interviews with international policing officials and domestic police officials; Isabelle Maras, "Exploring EU-assisted police reform in BiH. A preliminary assessment of EUPM to date"; EUPM, *Mission Mag*, No. 55, 22 December 2008, p.2

<sup>344</sup> For accounts on the judicial reform process see: chapter on "Reform of judiciary in BiH" in: Denis Hadžović, The office of the High Representative and security sector reform in BiH, Center for security studies BiH, Sarajevo February 2009, p.66ff.; David Pimentel, *Restructuring the courts: in search of basic principles for the judiciary of post-war BiH*, Florida Coastal School of Law, January 2008, available at: [http://works.bepress.com/david\\_pimentel/1](http://works.bepress.com/david_pimentel/1)

<sup>345</sup> Christopher P. DeNicola, "Criminal procedure reform in BiH: Between organic minimalism and extrinsic maximalism," 2010, Available at: [http://works.bepress.com/christopher\\_denicola/1](http://works.bepress.com/christopher_denicola/1)

<sup>346</sup> Interview with domestic expert on the BiH judiciary, June 2011.

<sup>347</sup> Interview with domestic expert on the BiH judiciary, June 2011; "Advokatima od države 32 miliona maraka," *Oslobođenje*, 07-02-2011.

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<sup>349</sup> Bodo Weber, *The crisis of the universities in Bosnia and Herzegovina and the prospects of junior scholars*, Sarajevo 2007.

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<sup>351</sup> „Nameštena svjedočenja“, Centar za istraživačko novinarstvo (CIN), <http://www.cin.ba/Print/?cid=837.2.1>; Interview with domestic human rights activist, December 2010; "Sudjenje Saviću pokazalo da RS nije pravna država," *Nezavisne novine*, 04-27-2011.

<sup>352</sup> "Na logorovanje umjesto u zatvor," 03-16-2011, <http://www.sarajevo-x.com/bih/clanak/110316028>

<sup>353</sup> Interview with B-H entrepreneur, May 2011; "Dug put od prelude do oduzimanja", *Oslobođenje*, 05-08-2011.

<sup>354</sup> Interview with domestic expert on the BiH judiciary, June 2011.

<sup>355</sup> *Independence of the judiciary: undue pressure on BiH judicial institutions*, OSCE Mission to BiH spot report, Sarajevo, December 2009

<sup>356</sup> "Bosnia – Dodik Makes Nice and Issues Warnings," U.S. Ambassador Charles English, leaked diplomatic cable dated April 22, 2009 at <http://wikileaks.org/cable/2009/04/09SARAJEVO513.htm>

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<sup>360</sup> "Šefu Dodiku smijenjen sudac Ustavnog suda BiH," <http://otvoreno.ba/vijesti/bih/4023-sefu-dodiku-smijenjen-sudac-ustavnog-suda-bih->

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<sup>368</sup> Interview with Prosecutor's Office of BiH official, April-June 2011.

<sup>369</sup> “Kraj Milorada Barašina,” BHDani, 07-01-2011, “Nestali dokazi iz predmeta Čović-Lijanović,” CIN, 03-06-2011, [http://www.cin.ba/Print/?cid=999\\_2\\_1](http://www.cin.ba/Print/?cid=999_2_1)

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<sup>371</sup> “Supervisory order prohibiting certain private security agencies from operating in the Brcko District of BiH,” OHR Brcko, 06-08-2009, [http://www.ohr.int/ohr-offices/brcko/bc-so/default.asp?content\\_id=43584](http://www.ohr.int/ohr-offices/brcko/bc-so/default.asp?content_id=43584)

<sup>372</sup> On the discussion among diplomatic circles in Bosnia-Herzegovina see, for example a US Embassy Sarajevo cable from 2009: <http://wikileaks.org/cable/2009/06/09SARAJEVO687.html>

<sup>373</sup> Jasmin Ahić, *Sistem privatne sigurnosti*, Sarajevo 2009, p.290-291.

<sup>374</sup> Ahić, p.293-306; Armin Kržalić, *Private security in BiH*, Center for Security Studies – BH, Sarajevo 2009, p.17-29.

<sup>375</sup> Ahić, p.311-313.

<sup>376</sup> Interview with an international security expert in BiH, May 2011.

<sup>377</sup> Interview with a Bosnian expert on PSCs, June 2011.

<sup>378</sup> Interview with B-H journalist, April 2011.

<sup>379</sup> Ahić, p.311.

<sup>380</sup> Interviews with international security officials in BiH and a representative of a PSC in BiH, May-June 2011; <http://www.sectorsecurity.org/>; <http://www.awg.ba>; “Tri (po)ratna Havera”, *BH Dani*, 07-23-2010, p.32-35.

<sup>381</sup> Kržalić, p.34; Interview with the manager of a PSC in BiH, June 2011.

<sup>382</sup> Interview with a representative of a PSC in BiH; “Tri (po)ratna havera”.

<sup>383</sup> Interview with a Federation police official, June 2011; Kržalić, p.20-22.

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<sup>389</sup> Interviews with international security officials in BiH and RS journalists, April-May 2011.

<sup>390</sup> “Five games that changed the world,” *CNN*, January 13, 2011. Available online at: <http://edition.cnn.com/2011/SPORT/football/01/05/iraq.asia.six.games/index.html>.

<sup>391</sup> The Bad Blue Boys, founded in 1986, were affiliated with Croat pro-independence political parties, most notably the Croatian Democratic Union (HDZ). It has been argued that the Bad Blue Boys were at the forefront of the nationalist movement in the country in 1990 and that they offered their support to Franjo Tuđman (who became the first president of Croatia in the 1990s) in Croatia's first elections. For more on this, see: Alex Bellamy, *The Formation of Croatian National Identity: A Centuries-old Dream? New Approaches to Conflict Analysis*. (Manchester, UK: Manchester University Press, 2004).

The *Delije* (Heroes), officially founded in 1989, declared themselves to be extreme Serbian nationalists. They often sang Serbian songs and carried Serbian flags. Some 3,000 *Delije* had arrived in Zagreb on May 13, 1990, led by Željko Ražnatović – also known as Arkan, then an informal free-lance operative of the Yugoslav State Security Service (SDB) – who would soon, with his Serb paramilitary group, the Serb Volunteer Guard (“Arkan’s Tigers”), embark on a campaign of killing and ethnic cleansing of non-Serbs in Croatia and Bosnia and Herzegovina. Ražnatović was later indicted by the International Criminal Tribunal for the former Yugoslavia for crimes against humanity, but never faced trial. Arkan was assassinated in 2000 in the lobby of a Belgrade hotel.

<sup>392</sup> However, both in Serbia and Croatia, football hooligans are usually blamed for orchestrated violence against minority groups – mostly in the gay and lesbian communities. However, particularly in Serbia, sport hooligans are still being used for occasional political exploits. Riots in Belgrade against the declaration of Kosovo’s independence, during which the US Embassy was burned and dozens of other embassies attacked, were later attributed to Red Star and Partizan Belgrade football fans. For more on these Belgrade riots, see: “U.S. outrage as Serb protesters burn embassy,” *Reuters*, February 21, 2008.

<sup>393</sup> Both FK and NK are acronyms for “football club.”

<sup>394</sup> On May 7, 2001, Serb nationalists attacked about 300 Bosniaks attending the laying of the cornerstone for the rebuilt Ferhat-pasha Mosque in downtown Banja Luka. The *New York Times* reported that about 1,000 Serbs participated in the attack and that they threw rocks and burned vehicles, a bakery, Muslim prayer rugs, and the flag on the Islamic center, where they hoisted the Bosnian Serb flag; they also drove a pig to the site of the mosque as an insult to Muslims and trapped 250 people in the Islamic center, including the head of the UN in Bosnia, ambassadors from Great Britain, Sweden, and Pakistan, and other international and local officials. Bosnian Serb police eventually released them. More than 30 Bosniaks were injured and at least eight were taken to the Banja Luka hospital. One died later from head injuries. “Crowd Beats Muslims at Mosque Rebuilding”, *Reuters*, May 8, 2001.

<sup>395</sup> Since then, Sarajevo fans have chanted “Nož, Žica, Lukavica” at Serb fans in that neighborhood from across the IEBL in Dobrinja – a none too subtle threat reflecting potential Serb vulnerability should conflict re-erupt in post-Dayton BiH.

<sup>396</sup> Katana, Gordana and Daria Sito-Sučić, “Violence halts Bosnian Premier League match,” *Reuters*, September 25, 2011 at [http://www.moneycontrol.com/news/wire-news/violence-halts-bosnian-premier-league-match\\_590274.html](http://www.moneycontrol.com/news/wire-news/violence-halts-bosnian-premier-league-match_590274.html)

<sup>397</sup> OHR Banja Luka Weekly Report, September 27, 2011. See also “Borac Banja Luka drastično kažnjen iz incidenata najvijača,”

Sportal RS, September 27, 2011 at <http://www.sportal.rs/news.php?id=59391>

<sup>398</sup> Brian Hickey, "Bosnian Cup Soccer Match Ends With One Team Getting Threateningly Chased Off The Pitch," *Deadspin*, September 28, 2011 at <http://deadspin.com/5844926/bosnian-cup-soccer-match-ends-with-one-team-getting-chased-and-beaten-off-the-pitch>

<sup>399</sup> "Prvenstvo Nije Regularno (The Championship is not Normal)," *Oslobodjenje*, September 27, 2011

<sup>400</sup> "Had they succeeded, hundreds would have died," said a high-ranking police officer familiar with the investigation into the incident, who spoke on condition of anonymity. A decisive element that helped contain the violence within just Croat Široki Brijeg was the fact that 24-year old FK Sarajevo fan Vedran Puljić was himself an ethnic Croat. Had he been a Bosniak, like the vast majority of his fellow Hordes of Evil comrades, the incident may well have escalated and spread to other areas of the BiH Federation. As it was, the killing resonated strongly enough in Sarajevo that it generated a demonstration that shut down the tram line and several main roads. Those who remembered the weeks prior to the outbreak of war in 1992 said it gave them *dějà vu*.

<sup>401</sup> The Bosniak Vice-President of the BiH Federation traveled from Sarajevo to Široki Brijeg and, after exerting political leverage, forced the local police to release a group of traveling Evil Horde fans who were detained for their role in the riots. The local police commissioner came under pressure from within his own ranks, as cantonal MPs demanded his resignation. At one point, the commissioner – who was praised for his professionalism during the crisis by everyone interviewed for this study – locked himself in a conference room with a group of local politicians and challenged them to a fistfight in order to resolve the dispute over his conduct. "No one dared to confront him, so he stayed in office," said a former high-ranking law enforcement official who wished to remain unnamed. However, the commissioner's attempt to complete the investigation was sabotaged by the local judicial police. They released from custody, without authorization, the chief murder suspect, also a former police officer. He fled to neighboring Croatia, and to this day (late August 2011) remains unavailable to the Bosnian authorities.

<sup>402</sup> At present, only Republika Srpska has a Law on Prevention of Violence at Sports Events in place. In the Federation, seven out of ten cantons (Una-Sana, Tuzla, Zenica-Doboj, Bosnia-Drina, Western Herzegovina, Sarajevo, and Herzegovina-Neretva) have such laws.

<sup>403</sup> "European Convention on Spectator Violence and Misbehavior at Sports Events and in particular at Football Matches," *International Legal Materials* 24, No. 6, November 1985.

<sup>404</sup> The law bans "bringing, possessing or consuming alcoholic beverages or narcotic drugs and possession of pyrotechnic devices, weapons and other items suitable for causing injury or for creating disorder and violence." Most notably, the law would prohibit "chanting of songs or making gestures, entering and displaying banners, flags and other symbols that express or promote bigotry or hatred based on racial, ethnic or religious identity." The law would also introduce a variety of fines for offenders in the stands, as well as for club officials and event organizers. It would also authorize local courts to temporarily ban multiple offenders or other individuals from entering sports arenas if they are considered to pose a security threat to an event or its participants. The legislation also introduces a category of high-risk events, and stipulates a number of preventive measures that organizers are obliged to undertake, including the presence of a judge who would be authorized to issue *ad hoc* court rulings against potential offenders.

<sup>405</sup> "Warden Message – Demonstration in Sarajevo on April 21, 2011," April 20, 2011 at [http://sarajevo.usembassy.gov/warden\\_20100420.html](http://sarajevo.usembassy.gov/warden_20100420.html)

<sup>406</sup> Nenad Pejić, "The Suicide of Multiethnic Sarajevo," RFE/RL, April 25, 2010. [http://www.rferl.org/content/The\\_Suicide\\_Of\\_Multiethnic\\_Sarajevo/2023847.html](http://www.rferl.org/content/The_Suicide_Of_Multiethnic_Sarajevo/2023847.html)

<sup>407</sup> For more on this, see: Mr. Babić, "Raste broj maloljetnih prestupnika," *Oslobodjenje*, May 3, 2011; and "Maloljetni prestupnici sve agresivniji," available online at: <http://mojevijesti.ba/novost/86567/maloljetni-prestupnici-sve-agresivniji>.

<sup>408</sup> "The official record, which would indicate an increase in juvenile delinquency, would create a bad image and reflect poorly on both the police and politicians, as it would portray them as incompetent and complacent. Anything that could lead to such an impression should be avoided at all costs, and officers in charge of the cases involving juvenile delinquency are fully aware of that, and oftentimes adjust their actions accordingly," said a high-ranking police officer interviewed for this study.

<sup>409</sup> For more on this, see: The Committee on the Rights of the Child, CRC/C/11/Add.28, *supra*; The Committee on the Rights of the Child, Consideration of reports submitted by States parties under Article 44 of the Convention, Concluding observations: Bosnia and Herzegovina, CRC/C/15/Add.260, 2005.

<sup>410</sup> In 2006, an Inter-agency Working Group on Juvenile Justice was established. It included the Open Society Institute, Save the Children UK, the Council of Europe, the European Commission, OSCE, and UNICEF.

<sup>411</sup> A teenager, Denis Mrnjavac (12), was stabbed to death on a Sarajevo tram by a juvenile offender on February 5, 2008. Three Roma youths were arrested, with their photographs and home addresses published in the media.

<sup>412</sup> Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings (*Zakona o zaštiti i postupanju sa djecom i maloljetnicima u krivičnom postupku*), Official Gazette of Republika Srpska, 13/10.

<sup>413</sup> For more on this, see the chapter on terrorism and Islamist radicalization. See also: "Obračun sarajevskih uličnih bandi kulminirao: Hari Neredin ranio policajca iz automatske puške," *Dnevni avaz*, December 16, 2010.

<sup>414</sup> The fact that the Sarajevo Queer Festival, an exhibition of artwork by gay visual artists, took place during the Muslim holy month of Ramadan added insult to injury for an inherently homophobic Balkan community. Ensuing inflammatory statements by SDA and Islamic Community leaders served not only as a moral alibi, but also as encouragement for riots against the festival and its participants. For more on this, see: "Prijetnje smrću povodom Queer festivala," *Fena*, September 23, 2008; "Usred Ramazana smišljena provokacija s omoralnoga dna: Queer festival - kamenovana policija jer brani pedere," *Fena*, September 24, 2008; "Na Allahovom putu protiv homoseksualaca," *Deutsche Welle*, September 25, 2008; and "Nasilnici pratili taxi vozilo," *Onasa*, September 25, 2008.

<sup>415</sup> The Criminal Code prescribes that "a child is a person who has not reached fourteen years of age." Thereafter, the child becomes a juvenile capable of incurring criminal responsibility, but subject to a special sanction regime. The law distinguishes junior juveniles (age 14 to 16 years), from senior juveniles (age 16 to 18 years) in determining the availability of alternative measures and sanctions. Therein, only senior juveniles are subject to the possibility of imprisonment, as distinct from time spent in an educational-

reformatory, which is a possibility for both categories. Moreover, while a juvenile is defined as a person less than 18 years of age, judges and prosecutors may apply juvenile sanctions to young adults under the age of 21 years.

<sup>416</sup> “Bosnia: peaceful, rebuilt, but still divided,” *The Economist*, 11-23-2005.

<sup>417</sup> *Dayton Peace Agreement*, Annex 7, Paris November 22, 1995. [www.ohr.int](http://www.ohr.int)

<sup>418</sup> Timothy Donais, “The limits of post-conflict police reform,” p.179.

<sup>419</sup> See: UNHCR Statistical package, UNHCR in BiH, 06-30-2011, at: <http://www.unhcr.ba>.

<sup>420</sup> Ibid.; *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to BiH on 27-30 November 2010*, <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1766837>; *ECRI report on BiH*, European Commission against Racism and Intolerance, February 2011, [http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/bosnia\\_herzegovina/BIH-CBC-IV-2011-002-ENG.pdf](http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/bosnia_herzegovina/BIH-CBC-IV-2011-002-ENG.pdf).

<sup>421</sup> *2010 Country Reports on Human Rights Practices: Bosnia and Herzegovina*, U.S: Department of State, 2011, p.19, <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154416.htm>.

<sup>422</sup> [http://www.ohr.int/ohr-dept/legal/const/default.asp?content\\_id=5853](http://www.ohr.int/ohr-dept/legal/const/default.asp?content_id=5853).

<sup>423</sup> “Propašću povratka, etničko čišćenje RS privelo se kraju!,” *Dnevni Avaz*, May 14, 2011, p.6-7.

<sup>424</sup> Interview with NGO representative from the RS, April 2011.

<sup>425</sup> *Independence of the judiciary: undue pressure on BiH judicial institutions*, OSCE BiH Spot Report, December 2009, see endnote 6.

<sup>426</sup> *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to BiH on 27-30 November 2010*.

<sup>427</sup> “Džamija je simbol našeg identiteta,” *Oslobođenje*, May 8, 2011, p.5.

<sup>428</sup> “Misli li Dodik ozbiljno?“, *Oslobođenje*, August 16, 2011, p.4.

<sup>429</sup> Interviews with minority returnee communities’ representatives, March-August 2011.

<sup>430</sup> Interview with Sarajevo resident who regularly visited relatives in eastern Bosnia, September 2011.

<sup>431</sup> Interview with foreign diplomats in BiH, June 2011.

<sup>432</sup> *Monitoring and responses to attacks on religious buildings and other holy sites in BiH. The 6 months progress report November 2010 – April 2011*, Interreligious Council in BiH; “Politika uzrok učestalih napada na vjerske objekte”, Radio Free Europe, March 11, 2011. [http://www.slobodnaevropa.org/content/bih\\_vjerski\\_objekti\\_napad\\_i/2209816.html](http://www.slobodnaevropa.org/content/bih_vjerski_objekti_napad_i/2209816.html)

<sup>433</sup> “Zaustavljena izgradnja inat-crkve,” *Oslobođenje*, June 24, 2011, p.7.

<sup>434</sup> Interview with international official, May 2011.

<sup>435</sup> “Napad na povratnike u Bosnaskom Novom,” [www.depo.ba](http://www.depo.ba), March 30, 2011, <http://www.depo.ba/hronika/automobilom-uletio-u-dzamiyu-a-nakon-toga-psovao-i-prijetio-da-ce-je-srusiti-je-je-to-rs-za-koju-se-borio>; “Prijetio da će zapaliti džamiyu i pobiti mještane”, *Dnevni Avaz*, March 31, 2011, p.10

<sup>436</sup> “Zvornik: Uz podršku stotinu nokupljenih popeo se na minaret džamije i mahao zastavom,” [www.dnevnik.ba](http://www.dnevnik.ba), July 8, 2010.

<sup>437</sup> „Vehabije vježbaju gadanje na Mahnjači,” *Nezvisne novine*, May 18, 2011, p.6; interview with FBIH police official, June 2011.

<sup>438</sup> Interview with an interlocutor in the RS familiar with hunting and shooting clubs, March 2011.

<sup>439</sup> The car bombing in Mostar that damaged many buildings and injured dozens of people on September 18, 1997 was planned and executed by Saudi-born Ahmed Zaid Salim Zuhair, a.k.a Handala al-Saudi, and two former Arab mujahedeen. They placed 4.5 kilograms of explosives, 40 kilograms of anti-tank mines, and 15 kilograms of so-called red explosives in a parked car underneath a residential building in Mostar. Handala was sentenced in absentia by the Supreme Court of Bosnia and Herzegovina to 12 years in prison for the criminal act of terrorism. In an earlier ruling, a court in Zenica, where the el-Mujahid Unit had been based during the war and where Handala and his associates planned the Mostar attack and assembled the bomb, sentenced him to 10 years in prison for a “criminal act against security and property.” Handala, who is believed to be associated with the terrorist group *Takfir wal-Hijra* (Excommunication and Exodus), which is connected to the Al-Qaeda network, was later involved in a number of terrorist-related activities, including the planning of the attack on the USS Cole in October 2000. He was arrested by Pakistani officials in Lahore in 2002 and transferred to US custody in May 2002. Handala was detained at JFT-GTMO (Guantanamo Bay) until June 12, 2009, when he was repatriated to Saudi Arabia.

<sup>440</sup> As a pawn in that process, the mujahedeen enjoyed protection and support from among the highest ranks of the Bosniak political and intelligence establishments, as well as the judiciary. This co-dependence was revealed in a statement made at the ceremony marking the official disbandment of the el-Mujahid Unit and is usually attributed by the media to Bakir Izetbegović: “We are going to need you in peace, more than we needed you in war.” Illustrative of this attitude was an episode in 1997, when in the immediate aftermath of the Mostar bomb attack, the then Deputy Chairman of the BiH Council of Ministers, Haris Silajdžić, blamed the Croats from Mostar for the blast, saying that “those who were capable of establishing concentration camps were also capable of doing this.” He was referring to the Croat-held detention camps in which thousands of Bosniaks were incarcerated during the Muslim-Croat confrontation in the 1992-1995 war in BiH.

<sup>441</sup> While the intended target of the foiled suicide bomb attack was never specified in the indictment, a police source familiar with the investigation claims that Mirsad Bektašević and his accomplice, Abdulkadir Cesur, a Danish citizen of Turkish descent, had planned to attack a bus of German soldiers from the NATO-led Stabilization Force (SFOR) on its regular trip to Mount Igman, where the soldiers were engaged in standard fitness training. Bektašević, who on various Internet forums also went by the aliases *Maximus* and *Abu Imad As-Sanjaki*, was connected to other terror cells in Denmark and the UK. He was originally sentenced in 2007 by the Court of BiH to 15 years and 4 month in prison, but an appeals court reduced the sentence to 8 years and 4 months. WHY? He was transferred to a Swedish prison in June 2009, and after serving two-thirds of his sentence, was released in the late spring of 2011. One of Bektašević’s co-conspirators, Bajro Ikanović, who was sentenced to 8 years in prison for supplying Bektašević and Cesur with explosives, is also a free man. Press reports suggest that he was at the center of activities surrounding a recent Salafi gather-

ing at Mount Igman (near Sarajevo) that took place in mid-June 2011. For more on this, see: "Vehabije Nusreta Imamovića na skrivenom skupu na Igmanu," *Slobodna Bosna*, June 16, 2011.

<sup>442</sup> This motivation fits the three most common incentives for individuals to engage in acts of terrorism through which they either seek revenge, renown, or reaction (of the authorities). For more on this, see Louis Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (New York: Random House, 2006).

<sup>443</sup> On Sunday, June 27, 2010, at approximately 5:00 a.m., an explosive device was activated next to the back entrance of the Bugojno police station, killing officer Tarik Ljubuškić and severely injuring officer Edina Hindić. Several others sustained minor injuries; both the station and nearby buildings sustained considerable material damage. Immediately after the blast, in a nearby parking lot, the police arrested Haris Čaušević claiming that he activated the device. Naser Palislamović, who is believed to be the mastermind behind the attack, was arrested shortly thereafter in Sarajevo, following a widespread police search. The third assailant, who was supposed to spray police and emergency workers with bursts of gunfire from an AK-47 assault rifle when they rushed to the scene of the explosion, "chickened out the night before the attack and withdrew from action," said a police source familiar with the investigation. Čaušević allegedly confessed to the police that he activated the explosive, but he denied this in his first appearance before the Court. Both men are connected to Rijad Rustempašić and his group, also from Bugojno. Out of 398 pages of the "Indictment against Rustempašić and others," 21 pages contain references to Palislamović. Three other individuals were arrested and charged as accomplices to Palislamović and Čaušević.

<sup>444</sup> For more on this, see the EUPM in BiH "PPIO Daily Media Summary, 13 July 2010."

<sup>445</sup> According to estimates of the Ministry of Human Rights and Refugees from 2008, the total number of people originating from Bosnia and Herzegovina who live outside its borders is about 1,350,000 people, which is about 26% of the total Bosnian population. The leading emigrant-receiving countries are: the US, Germany, Croatia, Serbia, Austria, Slovenia, Sweden, Canada, and Australia. See: *Bosnia and Herzegovina Migration Profile for the Year 2009*, Bosnia and Herzegovina Ministry of Security, Immigration Sector (Sarajevo, 2010).

<sup>446</sup> This link between terrorism and the diaspora predates "globalization" and is not specific to religion or Islam. History shows that Russian anarchists, the Irish Republican Army, the ETA, and the Tamil Tigers (LTTE) were all diaspora-driven movements. For more on this, see Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008).

<sup>447</sup> Adis Medunjanin, 25, a Bosnian-born US citizen and resident of Queens, New York, was indicted on January 8, 2010 on charges of conspiracy to commit murder in a foreign country and receiving military-type training (in Pakistan) from a foreign terrorist organization, namely Al-Qaeda. Along with his two former classmates, Medunjanin was also charged with conspiracy to use weapons of mass destruction (explosive bombs) against persons or property in the United States. Specifically, his group is charged with conspiring to conduct an attack on Manhattan subway lines planned for mid-September 2009. For more on this, see "Two Charged with Terror Violations in Connection with New York Subway Plot," U.S. Department of Justice, Office of Public Affairs (February 25, 2010) <http://www.fbi.gov/newyork/press-releases/2010/nyfo022510a.htm>. On July 27, 2009, Anes Subasic (33), a naturalized US citizen and resident of North Carolina, was arrested and charged with conspiring to provide material support to terrorists and conspiring to murder, kidnap, maim, and injure persons abroad. He is one of seven men who were simultaneously

arrested near Raleigh, North Carolina on these charges. See: "Seven Charged with Terrorism Violations in North Carolina," Department of Justice Press Release, July 27, 2009. Bosnian-born Sulejman Talović (18) killed five bystanders and wounded four others at Trolley Square Mall in Salt Lake City on February 12, 2007, before being shot dead by police. Although Talović is often listed among "Muslim-American perpetrators or suspects in domestic terrorist attacks since 9/11," there is no evidence that his shooting rampage was motivated by any extreme ideology. An FBI agent in charge of the investigation in his case stated that he had no reason to suspect it was an act of terrorism. See: "Trolley Square: A search for answers," *Salt Lake Tribune*, February 15, 2007. For more on this case, also see Christopher Orlet, "Sulejmen the Mysterious," *American Spectator*, February 22, 2007; Charles Kurzman, *Muslim-American Terrorism Since 9/11: An Accounting* (Chapel Hill: UNC, 2011).

<sup>448</sup> A bomb attack in a shopping mall (*FIS*) in Vitez, on October 9, 2008, in which a security guard was killed and another sustained life-threatening injuries, was prosecuted before the Court of BiH as an act of terrorism. For more, see the cases of Amir Ibrahim (X-K-08/591-2) and Suvad Đidić (X-K-08/591-1). However, police sources familiar with the case claim that there was no political motive behind the attack. "It was a 'warning message' to the owner of the mall who had repeatedly refused to allow his supply trucks to be used for the smuggling of illegal drugs," said a high-ranking FMUP official in an interview for this study. A recent bomb attack in Zenica, on April 11, 2011, which caused minor damage to a car carrying two HDZ (Croatian Democratic Union of BiH) officials who remained unharmed, probably had more to do with economic or personal motives than terrorism, and was also a case of a mistaken identity, according to a high-ranking FMUP police official with investigative knowledge of both cases. The 2002 Christmas Eve triple murder of a Croat returnee family near Konjic by Muamer Topalović, an individual said to be closely connected to the local branches of the al-Furqan charity organization and Active Islamic Youth, was prosecuted as a hate crime, although it carried all the markings of a lone-wolf terrorist attack, similar to the November 2009 Fort Hood shooting in the US. However, the Prosecutor's Office made a concerted effort to relieve both organizations of any responsibility for Topalović's actions and motives. Al-Qaeda-associated organization al-Furqan was registered in BiH in September of 1997 as "Citizens' Association for Support and Prevention of Lies – Furqan." The BiH authorities banned the organization in November 2002.

<sup>449</sup> The Intelligence and Security Agency (OSA) of BiH claims that currently, out of some 3,000 individuals registered in the country as "potential terrorists," only 3 to 4 percent are foreign-born. For more on this, see the EUPM in BiH, "PPIO Daily Media Summary," July 13, 2010.

<sup>450</sup> This pattern, however, is not uniquely Bosnian – it closely mirrors psychological and sociological profiling proposed by Michael Taarnby, Gyorgy Lederer, and Marc Sageman, respectively. Namely, friendship-kinship- or discipleship-based groups of previously introverted, isolated, frustrated, alienated, "born-again" Muslims, who are spiritually comforted by socializing with each other. Emotionally conditioned and mentally manipulated by their ringleaders, the recruits pledge allegiance to them and to an imaginary world community (Umma), finding their purpose in life, their place in history, and the vanguard of Jihad against the common enemies they share with God. Martyrdom may be viewed as the ultimate reward, the promise of personal fulfillment and the restoration of dignity. See: Michael Taarnby, *Recruitment of Islamist Terrorists in Europe: Trends and Perspectives*, Research Report funded by the Danish Ministry of Justice, Submitted 14 January, 2005; Gyorgy Lederer, *Countering Islamist Radicals In Eastern Europe*, CSRC discussion paper 05/42, September 2005; Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008).

<sup>451</sup> For more on this, see Juan Carlos Antunez, "Wahhabism in Bosnia-Herzegovina and Its Links to International Terrorism," *Islam in South East Europe Forum*, 2008 (available on line, at: <http://iseef.net>).

<sup>452</sup> A high-ranking Bosnian intelligence officer, who spoke on condition of anonymity, maintains that over the last two years Imamović's group has been growing, not only in Bosnia and Herzegovina, but also in neighboring Serbia, Croatia, and Montenegro, as well as in Slovenia, Austria, Germany, Switzerland, and other Western European countries. According to this source, his followers are said to be well organized and disciplined, while Imamović's leadership and religious authority remain undisputed. He is the only one in the group with an exclusive right to interpret the Koran and Sharia, and controls the distribution of money. Imamović's sermons and other religious instructions, as well as news, a download zone – with audio and video content, and online forum and chat rooms are all featured on the group's website, called *Put vjernika* (Path of Believers) (<http://www.putvjernika.com>).

<sup>453</sup> After his studies in Saudi Arabia, Porča arrived in Austria in 1993 to serve as an imam. From the moment he was denied a job at Sarajevo's Faculty of Islamic Studies upon his return to BiH, Porča started developing the idea of creating an Islamic community parallel to the official one led by Grand Mufti Mustafa Cerić. Porča has not succeeded in this, but he has managed to strengthen the Wahhabi movement, especially in the Bosnian diaspora, to an unprecedented level. Bosnian police sources estimate that Porča has been pocketing a considerable income over the years from selling audio and video material with religious, but often disturbingly violent, content. These CDs and DVDs are being sold in BiH and abroad, and are said to generate some 2 million KM (around 1 million Euro) in annual revenue.

<sup>454</sup> The introduction to Kelimetul Haqq's homepage reads: "Our goal is to invite people into a pure monotheism (Tawhid), to worship only Allah the Almighty, and nobody and nothing except Him."

<sup>455</sup> Al-Takfir w'al-Hijra is the group known for perpetrating violence against those it considers *kufar* (heretics), including Arabs and Muslims whom Takfiris do not consider to be living in accordance with true Islam. For more on this, see Joshua L. Gleis, "National Security Implications of Al Takfir Wal Hijra," *Al-Naklah: The Fletcher School Online Journal for issues related to Southwest Asia and Islamic Civilization*, Article 3, Spring 2005.

<sup>456</sup> From an interview with a Bosnian intelligence expert who wished to remain anonymous.

<sup>457</sup> Martin Marty and Scott Appleby, eds., *Fundamentalism Comprehended* (Chicago: UC Press, 1995).

<sup>458</sup> During the 1992-1995 Bosnian war, Imad el-Misri, who like many foreign fighters had multiple identities (Eslam Durmo, Osama Fargallah, Al Hussein Helmi Arman Ahmed, and more), was the main ideological authority of the el-Mujahid unit. He organized a system of 19 *madrasas* for an obligatory 40-day religious course, which by rule preceded the recruitment and military training of young Bosniaks into the el-Mujahid Unit. He is the author of a booklet entitled, *The Understandings We Need To Correct*, in which he criticized local Bosnian perceptions of Islam and suggested that a number of these perceptions be changed in accordance with Salafi teachings. In 1996, following the Dayton Peace Accords – to which the mujahideen community was strongly opposed – El-Misri authored another booklet called, *Plan for the Destruction of Islam and Muslims in Recent Times*. In it, he expressed his disgust toward the treaty that ended the war: "This is not peace, this is humiliation... a conspiracy to tear down Islam and destroy Muslims... a new occupation." His arrest on a road trip in

Herzegovina on July 18, 2001, and subsequent deportation to Egypt, where he had been indicted for his alleged involvement in an earlier terrorist attack, caused a dramatic public outcry from his followers. For more on this, see Esad Hećimović, "Ljeto kad su hapsili mudžahedine," *BH Dani*, No. 222 (September 9, 2001).

<sup>459</sup> A high-ranking police source, who spoke on condition of anonymity, said that the confusion surrounding El-Misri's extradition to Egypt in 2001 – caused by overlapping jurisdiction and the involvement of domestic law enforcement agencies in the case – make it impossible to verify whether he was actually banned from entering BiH. He also said that none of these agencies could confirm reports that El-Misri was already in the country.

<sup>460</sup> Members of the Task Force interviewed for this study expressed their disappointment over the way this body operates, calling it "totally irrelevant." They also complained that members of the Task Force based outside Sarajevo are discouraged from attending meetings in the capital because they are not reimbursed for their travel expenses.

<sup>461</sup> For more on this, see the EUPM in BiH "PPIO Daily Media Summary," July 13, 2010.

<sup>462</sup> In the words of leading terrorism expert Brian Jenkins, "what is called terrorism thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint." As quoted in Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 1998) 32.

<sup>463</sup> For more on this, see Vlado Azinović, "Tackling Terrorism in Bosnia and Herzegovina: Eyes Wide Shut," *Democracy and Security in Southeastern Europe I*, No. 2/3 (August 2010) 53-56.

<sup>464</sup> A recently published, related study concludes that "the terrorism phenomenon in Bosnia and Herzegovina is no more developed nor is the risk of terror attacks any greater than that in many other parts of the world." For more on this, see: Juan Carlos Antunez, "Wahhabism in Bosnia-Herzegovina and Its Links to International Terrorism," *Islam in South East Europe Forum*, 2008. Available online at: <http://iseef.net>.

<sup>465</sup> For more on this, see: S. Mišljenović, "Političari čute, a vehabije mute," *Večernje novosti*, January 29, 2011; "Sve više islamskih frakcija u BiH, vehabije najopasnije," *Srna*, December 21, 2010; "Po Bosni vršlja 100.000 vehabija," *Vesti Online*, April 3, 2010. The allegation that some 100,000 Wahhabis reside in BiH is not only unsubstantiated and harmful for the image of the country, but could eventually hamper the effectiveness of counterterrorism efforts, as it could drive fundamental changes to the current strategy for combating terrorism. If amended to reflect the assessment that there are tens of thousands instead of a few dozen or a few hundred possible terrorists, a new strategy could call for measures that are not calibrated to the actual threat, and are as such ineffective and eventually counterproductive.

<sup>466</sup> Over the years, media in Banja Luka has played a major role in "discovering" Wahhabis, mostly in the Bosniak returnee communities in Republika Srpska. Their "investigative reports," usually written in a manner reminiscent of the style employed by Communist State Security Services (SDB) for propagandist purposes in the former Yugoslavia, have habitually published the names of Bosniaks suspected of being Wahhabis, or of concealing weapons and stashing ammunition and explosives. Interestingly, authorities in the RS, who usually seem eager to support these allegation in their statements to the press, have never prosecuted a single terrorism-related case.

<sup>467</sup> It is precisely in such circumstances that various militant Islamist groups have been used as pawns in internal or international

disputes when political elites or ruling establishments have not been able to afford to be seen as associated with or involved in open confrontations. The most notable cases have been in Saudi Arabia and Egypt on the domestic front, and in Pakistan, where groups such as the Taliban and Laskhar-e-Taiba have been saddled with the country's foreign policy goals in Afghanistan and Kashmir/India.

<sup>468</sup> The mufti of Sandžak, Muamer Zukorlić, is no stranger to controversies caused by contested leadership ambitions and the use of Wahhabi/Salafi groups in conflict between the two rivaling Islamic Communities in Serbia. A senior Western diplomat interviewed for this study warned that Zukorlić's election to Grand Mufti could cause a domino effect in which incumbent Grand Mufti Mustafa Cerić could instigate a leadership challenge in the SDA to take control of the party himself. As a number of domestic and international surveys have indicated over the past decade, Mustafa Cerić has featured as the single most influential Bosniak political leader. Cerić has never dissuaded people from drawing such conclusions, but on the contrary, has used every opportunity to reinforce it and to exert his political influence. A scenario in which Zukorlić would take the reins of the Islamic Community, and Cerić of the SDA, in exchange for mutual support, would provide Bosniak political elite with leverage in its dealings with authorities in the Republika Srpska (RS) and Serbia. Particularly with regard to possible support that the secessionist politics of RS leadership may receive from Belgrade. According to our source, the forceful introduction of Muamer Zukorlić on to the Bosnian political and religious scene is believed to send a clear message to the government in Belgrade: "Should you decide to support secession of the Republika Srpska, we are going to create a living hell for you in Sandžak." In short, there is a calculated expectation that the Zukorlić-Cerić axis could finally end the reactive attitude of Bosniak political elite, particularly vis-à-vis Banja Luka, and transform it into a more engaged, proactive attempt at safeguarding the survival of BiH, but also of the important role that Bosniaks should play in it. Whether or not Bosniaks have the real ability to create just such havoc in Sandžak remains debatable, but the mere willingness to play the "Sandžak card," should it become necessary, introduces new dynamics into the regional political and security context. In the case that the destabilization of Serbia really becomes an issue, there is little doubt that organized groups with strong ethnic and religious identity, such as militant Salafi cells, would be instrumental for the implementation of such a scenario. On the other hand, it is quite likely that militant Serb groups, such as the Ravna Gora Chetnik Movement would also be deployed in a proxy war.

<sup>469</sup> On the eve of the first anniversary of the Bugojno bombing, June 26, 2011, the local police force was on alert in response to reports that someone had broken into an ammunition depot in the town of Vitez in Central Bosnia and stolen unspecified quantities of explosives and detonators. In expectation of another retaliatory attack, additional police reinforcement was deployed, but in the end nothing happened. The stolen explosives have never been recovered. The arms depot in Bugojno, *Binas*, could also provide enough logistics to mount a significant terrorist attack – it houses, among other material, more than 300,000 hand-grenades. "In addition, the facility is virtually unguarded," said an expert interviewed for this study. See also: "Iz magacina firme Vitezit ukraden eksploziv," *Srna*, June 26, 2011.

<sup>470</sup> See Annex 1A of the Dayton Peace Agreement at [http://www.ohr.int/dpa/default.asp?content\\_id=368](http://www.ohr.int/dpa/default.asp?content_id=368)

<sup>471</sup> See Cascone, Gabriele, "ESDP Operations and NATO – Cooperation, Rivalry, or Muddling-through," in Michael Merlingen and Rasa Ostrauskaite, *European Security and Defence Policy – An Implementation Perspective*, Routledge, London and New York, 2008. Pages 144-148.

<sup>472</sup> See <http://www.eusrbih.org/media/pic/images/eufor-billboard-eng.jpg> and <http://www.eusrbih.org/media/pic/images/eufor-citylight-eng.jpg>

<sup>473</sup> See Bertin, Thomas, "The EU Military Operation in Bosnia," in Michael Merlingen and Rasa Ostrauskaite, *European Security and Defence Policy – An Implementation Perspective*, Routledge, London and New York, 2008. Pages 63-4.

<sup>474</sup> <http://www.isis-europe.org/pdf/July2011EUFORALTHEA.pdf>

<sup>475</sup> See Julie Kim, CRS Report for Congress, *Bosnia and the European Union Military Force: Post-NATO Transition*, March 14, 2005 at <http://www.policyarchive.org/handle/10207/bitstreams/3878.pdf> See also Friesendorf, Cornelius and Susan E. Penksa, " Militarized Law Enforcement in Peace Operations: EUFOR in Bosnia and Herzegovina," *International Peacekeeping*, Volume 15, Issue 5, 2008 page 687, at [http://graduateinstitute.ch/webdav/site/political\\_science/shared/political\\_science/7183/10th%20week/Friesendorf\\_Penksa.pdf](http://graduateinstitute.ch/webdav/site/political_science/shared/political_science/7183/10th%20week/Friesendorf_Penksa.pdf)

<sup>476</sup> RFE/RL Newline, January 6, 2006 at <http://www.rferl.org/content/article/1143548.html>; see also Bassuener, Kurt and Enver Ferhatović, "The ESDP in Action – The View from the Consumer Side," in Michael Merlingen and Rasa Ostrauskaite, *European Security and Defence Policy – An Implementation Perspective*, Routledge, London and New York, 2008, p. 180

<sup>477</sup> Bassuener and Ferhatović, p.177

<sup>478</sup> Bertin, "The EU Military Operation in Bosnia," page 67.

<sup>479</sup> Ibid.

<sup>480</sup> Author's discussions while at OHR in 2006.

<sup>481</sup> Renate Flottau, "What's in Bosnia's Future? The Curse of Dayton," *Der Spiegel Online*, November 8, 2006 at <http://www.spiegel.de/international/spiegel/0,1518,446890,00.html>

<sup>482</sup> <http://www.seurope.net/?q=node/4198>

<sup>483</sup> See Bertin, "The EU Military Operation in Bosnia," page 66. See also [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=15&Itemid=134](http://www.euforbih.org/index.php?option=com_content&view=article&id=15&Itemid=134)

<sup>484</sup> PIC SB Declaration, February 27, 2008 at [http://www.ohr.int/pic/default.asp?content\\_id=41352](http://www.ohr.int/pic/default.asp?content_id=41352)

See "Bosnia - The Coming End of EUFOR," by Ambassador Charles English, leaked diplomatic cable, March 27, 2009, accessed at <http://dazzlepod.com/cable/09SARAJEVO385/>

<sup>485</sup> Interviews with diplomats and international community officials, Sarajevo, Brussels and Berlin, 2009-11.

<sup>486</sup> Ibid, page 176.

<sup>487</sup> See [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=17:mnbncatid=187:eufor-elements&Itemid=139](http://www.euforbih.org/index.php?option=com_content&view=article&id=17:mnbncatid=187:eufor-elements&Itemid=139)

<sup>488</sup> Ibid.

<sup>489</sup> Author discussions with senior international diplomats and officials, early 2009, HBS-DPC Bosnia Policy Roundtable, Berlin, May 2010. See also Bassuener, Kurt "EU deterrent evaporates as fears mount in Bosnia," *Jane's Defence Weekly*, 11 March 2009.

<sup>490</sup> Conversation with EU member state military officers, August 2011.

<sup>491</sup> HBS-DPC Bosnia Policy Roundtable, Berlin, May 2010.

<sup>492</sup> "Bosnia - Senior Military Commanders Concerned about Political Crisis Impact on Armed Forces," Leaked US diplomatic cable, March 4, 2008 at: <http://wikileaks.org/cable/2008/03/08SARAJEVO414.html>

<sup>493</sup> See [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/esdp/104501.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/104501.pdf)

<sup>494</sup> Discussion with the author, January 2009.

<sup>495</sup> Discussions with EU officials and member state diplomats, 2008-9.

<sup>496</sup> "EU defense ministers support Bosnia withdrawal," *New York Times*, October 1, 2008 at <http://www.nytimes.com/2008/10/01/world/europe/01iht-01bosnia.16625159.html>

<sup>497</sup> Interviews with international officials, late 2008. See also "USNATO-USEU: NAC-PSC Meeting Highlights Concerns Over Fragile BiH Political Situation," leaked diplomatic cable, October 27, 2008, at <http://wikileaks.org/cable/2008/10/08USNATO403.html>, and Bas-suener, "EU deterrent evaporates as fears mount in Bosnia," *Jane's Defense Weekly*, 11 March 2009.

<sup>498</sup> "USNATO-USEU: NAC-PSC Meeting Highlights Concerns Over Fragile BiH Political Situation," leaked diplomatic cable, October 27, 2008, at <http://wikileaks.org/cable/2008/10/08USNATO403.html>.

<sup>499</sup> *Ibid.*

<sup>500</sup> Discussions with EU member state diplomats and international officials, January and February 2009.

<sup>501</sup> See the High Representative's report on Peace Implementation to the UN Security Council, May 2011, at: [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=46009](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=46009)

<sup>502</sup> Bosnia – Brčko Supervisor Requests EUFOR/NATO Support in the Event of an RS Independence Referendum, Ambassador Charles English, leaked diplomatic cable dated February 22, 2008 at <http://dazzlepod.com/cable/08SARAJEVO361/?q=Sarajevo%20Vilalain>

<sup>503</sup> See the High Representative's report on Peace Implementation to the UN Security Council, May 2011, at: [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=46009](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=46009)

<sup>504</sup> Interviews with international organization officials and diplomats, 2010-11. See Annex 2 at [http://www.ohr.int/dpa/default.asp?content\\_id=370](http://www.ohr.int/dpa/default.asp?content_id=370)

<sup>505</sup> Discussion with international military official, June 2010.

<sup>506</sup> Discussion with political officials, September 2011.

<sup>507</sup> Brčko Supervision was the main topic at the July 2011 PIC SB meeting in Sarajevo. See PIC SB Communique at [http://www.ohr.int/pic/default.asp?content\\_id=46176](http://www.ohr.int/pic/default.asp?content_id=46176)

<sup>508</sup> Discussions with EU member state officials, Spring and Summer 2011.

<sup>509</sup> See [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=15%3Aeufor-fact-sheet&catid=185%3Aabout-eufor&Itemid=134&limitstart=2](http://www.euforbih.org/index.php?option=com_content&view=article&id=15%3Aeufor-fact-sheet&catid=185%3Aabout-eufor&Itemid=134&limitstart=2); discussions with international military professionals

<sup>510</sup> Discussions with international diplomats and military professionals, September 2011.

<sup>511</sup> Discussions with international military officers, August 2011 and international officials, September 2011.

<sup>512</sup> Discussions with EU and NATO member state officers and officials, Spring and Summer 2011.

<sup>513</sup> This double-hatting is prescribed by the Berlin-Plus formula. Cascone, p.146.

<sup>514</sup> Discussions with international officials, Sarajevo, February 2009.

<sup>515</sup> Discussions with international diplomats, officials, and military professionals, through September 2011.

<sup>516</sup> Discussions with senior NATO and EU member state officials, 2009-2011.

<sup>517</sup> Discussions with EU member state diplomats, Berlin, 2010-11.

<sup>518</sup> Discussions with international officials and NATO member state diplomats, early 2011.

<sup>519</sup> Interview with international military professional, June 2011

<sup>520</sup> Discussion with international military professional, Sarajevo, April 2011.

<sup>521</sup> Discussion with international military professional, Sarajevo, April 2011.

<sup>522</sup> Discussion with international military professional, Sarajevo, April 2011.

<sup>523</sup> *Ibid.*

<sup>524</sup> Discussions with international military professionals, Sarajevo, June 2011.

<sup>525</sup> Discussions with international military professionals, March-June 2011.

<sup>526</sup> Discussions with international diplomats and officials, Spring 2011.

<sup>527</sup> DPC-Clingendael Bosnia Roundtable, October 2009; Discussions with EU and member state officials, 2008-2011.

<sup>528</sup> Discussions with military and military intelligence officials, April-May 2011.

<sup>529</sup> With the withdrawal of two Austrian Sikorsky Blackhawks, which could each carry an estimated 17 men if stripped, and their replacement by the far smaller UH-1s, EUFOR cannot even move even the smallest units by air. The remaining helicopters are used for staff purposes, medevac, and perhaps evacuation of field personnel.

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<sup>530</sup> One interviewee recounted this fact as part of his experience in the March 2004 Kosovo violence, prior to the events of late July 2011.

<sup>531</sup> Discussions with international diplomats, Spring 2011.

<sup>532</sup> Discussions with international diplomats and with international military professionals, April 2011.

<sup>533</sup> Discussions with international organization field personnel, March 2011.

<sup>534</sup> Discussions with international organization, military, military intelligence, and diplomatic personnel, Spring and Summer 2011.

<sup>535</sup> Discussion with international diplomats, organizations and military professionals, June 2011

<sup>536</sup> Discussion with European military officers, August 2011.

<sup>537</sup> Discussion with international military and military intelligence professionals, April 2011

<sup>538</sup> Interview with international military professional, June 2011.

<sup>539</sup> Ibid.

<sup>540</sup> DPC-Clingendael Bosnia Roundtable, October 2009. Subsequent discussions with international officials and diplomats, 2009-2011.

<sup>541</sup> Discussion with international diplomat and military professional, September 2011.

<sup>542</sup> "EUFOR Althea – Non-Paper by Austria, Bulgaria, and Hungary," obtained by DPC/AI in Summer 2011. Page 1

<sup>543</sup> Ibid.

<sup>544</sup> Ibid, page 2

<sup>545</sup> Ibid.

<sup>546</sup> Ibid, page 3

<sup>547</sup> Ibid.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

<sup>550</sup> Ibid.

<sup>551</sup> Ibid, page 4

<sup>552</sup> Ibid.

<sup>553</sup> Letter by Guido Westerwelle and Alain Juppé to Catherine Ashton, July 26, 2011.

<sup>554</sup> Discussions with international military professionals, October 2011.

<sup>555</sup> Discussion with international military professional and international diplomat, September 2011.

<sup>556</sup> See [http://www.euforbih.org/index.php?option=com\\_content&view=article&id=15&Itemid=134](http://www.euforbih.org/index.php?option=com_content&view=article&id=15&Itemid=134)

<sup>557</sup> Discussions with international officials, Washington, May 2011.

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<sup>558</sup> Interview with international military professionals, Sarajevo, May 2011.

<sup>559</sup> DPC-Clingendael Bosnia Roundtable, October 2009.

<sup>560</sup> Interview with international military professional, May 2011.

<sup>561</sup> Interview with international military professional, June 2011.

<sup>562</sup> Interview with international diplomat, April 2011.

<sup>563</sup> Interview with international military professional, March 2011.

<sup>564</sup> Interview with international military professional, June 2011.

<sup>565</sup> Conversation with international officials, September 2011.

<sup>566</sup> Discussions with international diplomats, August 2011; discussion with international military professional, October 2011.

<sup>567</sup> Discussions with international military professionals and diplomats, Spring and Summer 2011.

<sup>568</sup> Discussion with international military professional, April 2011.

<sup>569</sup> Discussion with international military professional and international diplomat, September 2011.

**The Democratization Policy Council (DPC)** was founded in 2005 as a network of experienced professionals in the realm of policy analysis, international justice, security policy, post-conflict peacebuilding and policy advocacy. It is registered as a non-profit organization in the United States (501c(3)). DPC aims, through research, analysis, and advocacy, to promote a democratization agenda that can be adopted and employed in a coordinated manner by a critical mass of established democracies. DPC's founders believe that through a coordinated and strategic approach, the world's existing democracies can assist in the acceleration of the trend for peaceful democratic change, and that they have a responsibility and interest to do so.

In pursuit of these goals, DPC works to:

- Advocate that all democratic states adopt foreign policies that facilitate and actively assist the spread of liberal democracy, and that these policies be coordinated through mechanisms including the Democracy Caucus at the UN and the Community of Democracies;
- Shame ostensible proponents of democratization when they fail to conform their policies to their rhetoric, and point to realistic alternatives that address competing policy goals;
- Give a new voice to local democracy activists in countries affected by the policies of established democracies, especially the U.S. and EU members;
- Develop constructive policy recommendations for country-specific democratization initiatives; and
- Advocate implementation of such policies by the EU, the United States, and other established democracies.

<http://democratizationpolicy.org>

**Atlantic Initiative (AI)** is a non-profit and non-governmental organization, established in Sarajevo, in 2009, by a group of university professors, lecturers, and journalists, who share common concerns for the future of Bosnia-Herzegovina, particularly its slow-paced accession to NATO and European Union.

While we rely heavily on voluntary activism, we also feel that enthusiasm alone is not enough for achieving the desired goal of fast-tracking Bosnia's Euro-Atlantic integration. We also need and seek wider institutional support. Thus far, we have been carrying out partnership projects with governments of Norway and the United Kingdom, and enjoy support from the NATO QH Sarajevo, Bosnian Ministries of Foreign Affairs and Defense, George Marshall Alumni Association in Bosnia and Herzegovina, as well as number of similar non-governmental organizations in the region.

While we believe that Bosnia's integration in NATO and European Union is crucially important for the country, we also strongly believe that a prior and informed public debate about various aspects of this process is not only welcomed but also necessary for its successful completion. Therefore, we wish to initiate, encourage and enable this debate through a wide range of activities on various forums in order to reach and involve multiple audiences.

<http://www.atlantskainicijativa.org>



