

London School of Economics and Political Science

**Democratisation, Reintegration and the  
Security Sector: Assessing the  
Peacebuilding Effort in Bosnia-Herzegovina,  
1995-2000**

A Thesis Submitted by  
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Thesis Submitted for the Degree of Doctor of Philosophy in  
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## **Abstract**

This thesis examines the impact of security sector reform in peacebuilding operations on the process of democratisation, with reference to the case of Bosnia-Herzegovina (BiH) between the signing of the peace agreement in November 1995 and the parliamentary elections of November 2000. A hard realist model has been applied in BiH but has not significantly helped democratisation, leaving the nationalist power structure largely untouched because of two factors: the structure of the agreement itself, torn between its separatist and re-integrationist provisions, and the incoherence of the international community with regard to security sector reform in BiH.

The Bosnian predicament demonstrates the potential of a hard realist/liberal model of peacebuilding. It is argued here that it is less the nature of the model itself, which combines a hard realist approach to SSR with efforts at democratisation, that determines the success of the democratisation effort than the place of SSR within the overall peacebuilding process, as well as the roles played by third parties and the extent of their commitment in pushing democratisation forward.



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## Abbreviations

AbiH	Armija Bosne i Hercegovine
AfD	An Agenda for Development
AfP	An Agenda for Peace
ASAC	Agreement on Sub-Regional Arms Control
BiH	Bosnia-Herzegovina
CDR	Coalition pour la Defense de la Republique
CFE	Treaty on Conventional Armed Forces in Europe
CIVPOL	Civilian Police
CSBM's	Confidence and Security-Building Measures
EAF	Entities Armed Forces
EC	European Community
ECPHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
FMLN	Frente Farabundo Marti para la Liberacion Nacional
FoM	Freedom of Movement
FRELIMO	Frente de Libertacao de Mocambique
FRY	Federal Republic of Yugoslavia
GFA	General Framework Agreement for Peace in Bosnia-Herzegovina
HDZ	Hrvatska Demokratska Zajednica
HR	High Representative
HRW	Human Rights Watch
HVIDR	Hrvatskih vojnih invalida Domovinskog rata
HVO	Hrvatsko Vijece Odbrane
ICG	International Crisis Group
ICTY	International Criminal Tribunal for the Former Yugoslavia
IEBL	Inter-Entity Boundary Line
IFOR	Implementation Force
IDP's	Internally Displaced Persons
IPTF	International Police Task Force
JCC	Joint Consultative Commission
JNA	Jugoslovenska Narodna Armija
KR	Khmer Rouge
MNRD	Mouvement Republicain National pour le Developpement
MINUGUA	United Nations Mission for the Verification of Human Rights and of

	Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala
MPLA	Movimento Popular de Libertacao de Angola
MPRI	Military Professional Resources Inc.
MSU	Multinational Specialized Unit
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NCO's	Non-Commissioned Officers
NGO	Non-Governmental Organisation
OHR	Office of the High Representative
OIG	Office of the Inspector General
ONUMOZ	United Nations Operation in Mozambique
ONUSAL	United Nations Observer Mission in El Salvador
OSCE	Organization for Security and Co-Operation in Europe
PP	Partnership for Peace
PIC	Peace Implementation Council
RENAMO	Resistencia Nacional Mocambicana
RPF	Rwandese Patriotic Front
RRF	Rapid Reaction Force
RRTF	Reconstruction and Return Task Force
RS	Republika Srpska
SACEUR	NATO Supreme Allied Commander Europe
SBS	State Border Service
SCC	Sub-regional Consultative Commission
SCMM	Standing Committee on Military Matters
SDA	Stranka Demokratske Akcije
SDS	Srpska Demokratska Stranka
SFOR	Stabilisation Force
SIPRI	Stockholm International Peace Research Institute
SOC	State of Cambodia
SRT	Bosnian Serb Radio and Television
SSR	Security Sector Reform
T&E	Train and Equip
TLE	Treaty Limited Equipment
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNAVEM II	United Nations Angola Verification Mission
UNHCR	United Nations High Commissioner for Refugees
UNITA	Uniao Nacional para a Independencia Total de Angola

UNMIBH	United Nations Mission in Bosnia-Herzegovina
UNPROFOR	United Nations Protection Force
UNTAC	United Nations Transitional Authority in Cambodia
URNG	Unidad Revolucionaria Nacional Guatemalteca
VOPP	Vance-Owen Peace Plan
VRS	Vrejime Republika Srpska
ZoS	Zone of Separation

## **Introduction: Reconsidering the Relationship between the Security and Political Components of Peacebuilding Operations**

This thesis focuses on a particular form of multilateral intervention, called peacebuilding.<sup>1</sup> Starting in the late 1980's, the United Nations (UN) became involved in assisting former warring parties to an internal conflict with the implementation of peace agreements. These operations, which greatly increased the depth and scope of UN intervention in the internal affairs of states, came to be known as peacebuilding operations. Under the label peacebuilding, the UN performed tasks within war-torn states as varied as the organisation of elections, the monitoring of human rights and the disarmament and demobilisation of factions. Peacebuilding will be defined in this thesis as a form of multilateral intervention, following internal wars terminated by a peace agreement, that seeks, within the internationally recognised borders of a state, ((1) to (re)build a democracy and (2) to restore the state's monopoly of legitimate violence.<sup>2</sup> Some of these terms will be briefly defined.

First, it should be emphasised that the term SSR takes on a particular significance in the context of peacebuilding interventions. Although the term finds its origin in the development studies literature, the concept has also increasingly been used in the context of studies on civil-military relations.<sup>3</sup> In the development

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<sup>1</sup> Intervention will be defined in the section two.

<sup>2</sup> The two objectives of peacebuilding will be referred to as (1) democratisation (2) security sector reform (SSR).

<sup>3</sup> For a good overview of the debate on SSR, see Tim Edmunds, "Defining Security Sector Reform", *CMR Network 3* (October 2001): 12-15. See also Nicole Ball, *Spreading Good Practices in Security Sector Reform : Policy Options for the British Government* (London: SaferWorld, 1998); A. Hills,



literature, SSR is seen as a process conducive to a more efficient utilisation of state funds but also to more political accountability on the part of governments and military establishments, which should eventually facilitate development. The concept is also used in studies on civil-military relations to describe the reform process undergone by security forces, now broadly understood as comprising the military but also police and special paramilitary forces, in the context of democratisation. As aptly underscored by Tim Edmunds, all these approaches help us to think 'more holistically about the role of security agencies in the wider processes of democratisation and conflict prevention.'<sup>4</sup> In contrast, SSR is understood in this work as the reform process of security forces, as part of peacebuilding operations and with the assistance of third parties, in the wider context of democratisation and conflict **resolution**. SSR in peacebuilding operations seeks to reform security forces in a way that promotes democratisation and conflict resolution.

Second, as for the state and its monopoly of legitimate violence, Max Weber's definition will be used as a starting point. He defined the state as 'a human community which (successfully) lays claim to the monopoly of legitimate physical

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"Security Sector Reform and Some Comparative Issues in the Police-Military Interface", *Contemporary Security Policy* 21, No.3 (Dec 2000): 1-26; Dillon Hendrickson, *A Review of Security-Sector Reform*, CSDG Working Paper, (London: King's College London, 1999); Nicole Ball, "Transforming Security Sectors: The IMF and World Bank Approaches", *Conflict, Security and Development* 1, 1 (2001); Chris Smith, "Security-Sector Reform: Development Breakthrough or Institutional Engineering?", *Conflict, Security and Development* 1, 1 (2001). For approaches that look at the interface between SSR and peacekeeping see M.C. Williams, *Civil-Military Relations and Peacekeeping* (Oxford: Oxford University Press, 1998); Karin Von Hippel, "Democracy by Force: a Renewed Commitment to Nation Building", *Washington Quarterly* 23, No.1 (Winter 1999): 95-114; John Mackinlay, "Beyond the Logjam: a Doctrine for complex Emergencies", *Small Wars and Insurgencies* 9, No.1 (Spring 1998): 114- 131.

<sup>4</sup> Edmunds, *Defining Security Sector Reform*, p. 13.

violence within a certain territory...'.<sup>5</sup> A state can be defined by the fact that the community living on its territory has the monopoly of legitimate violence, and no one else. This definition aptly underscores, in the context of peacebuilding, the issue of legitimacy of the use of force by the state. Indeed, the question of who can legitimately (or has the 'right' to) use physical violence is often at the heart of the peacebuilding effort. One of the key issues of the peacebuilding effort then consists not only of rebuilding the state's capacity of coercion, but also of making this monopoly of physical violence legitimate for all parties through democratisation. This issue of legitimacy also highlights the state-building nature of peacebuilding, which seeks to rebuild a state that can legitimately use force.

However, *stricto sensu*, many states where peacebuilding interventions have been conducted, including Bosnia-Herzegovina, do not fit Weber's definition. Indeed, as just explained, in many war-torn countries, the state does not have the monopoly of legitimate violence. These countries are nonetheless recognised as states by other states and international institutions, based on a legal definition of the state, which will be used here. Indeed, article I of the Montevideo Convention on Rights and Duties of States defines a state as possessing the following attributes: a permanent population, a defined territory, a government and the capacity to enter into relations with other states.<sup>6</sup> Although the state may lose some of these attributes because of war, it retains its personality in international law.<sup>7</sup> Indeed, according to Ian Brownlie, 'once a state has been established, extensive civil strife or the

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<sup>5</sup> Max Weber, *Politics as a Vocation*, translated by Edward A. Shils (S.L.: C.N., c. 1935) pp. 310-311.

<sup>6</sup> Cited in Ian Brownlie, *Principles of Public International Law* (Oxford: Oxford University Press, 1979) pp. 74-76.

<sup>7</sup> As witnessed in the 1990's, some states have ceased to have a functioning government because of internal fighting, have lost their populations through displacement, whilst their borders have also been contested.

breakdown of order through foreign invasion or natural disasters are not considered to affect personality.’<sup>8</sup> This legal definition of the state, even though it does not fit the reality experienced by many war-torn states, underscores the importance given by states and international institutions to legal sovereignty. In effect, peacebuilding interventions seek, through democratisation and SSR, to build the state’s empirical statehood, as Robert Jackson calls it, meaning the state’s capacity to ‘protect human rights or provide socio-economic welfare’.<sup>9</sup>

Third, in this thesis a democracy is understood as bearing the following characteristics: free and fair elections, institutionalised protection of individual rights applicable equally to all citizens, respect for the rule of law, and a set of values shared among citizens that legitimises these three formal characteristics of democracy.<sup>10</sup>

Fourth, within the process of democratisation, the (re)building of a single political space is important to mention. The (re)building of a single political space, often called 'reintegration', within the internationally recognised borders of the state entails the removal of all legal, administrative and physical barriers set up by the

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<sup>8</sup> Brownlie, *Principles of Public International Law*, p. 75

<sup>9</sup> Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990) p. 21. Sovereignty is a central concept both in international law and in international relations. A discussion of the concept, its origins and development is beyond the scope of this work. However, it should be emphasised that sovereignty, as conceived since 1945, is not dependent on whether a state is capable of protecting the rights of its citizens or provide for their socio-economic welfare. In other words, there are not degrees of sovereignty: a state is sovereign or it is not. Jackson speaks of quasi-states, but not of quasi-sovereignty. Mayall conceives sovereignty as the possession of the monopoly of legal force within a given territory, irrespective of the actual capacity of the sovereign to enforce the law. James Mayall, *Nationalism and International Society* (Cambridge: Cambridge University Press, 1993) pp. 36-37. See also Robert Jackson, “Quasi-states, Dual Regimes and Neo-classical Theory: International Jurisprudence and the Third World”, *International Organization* 41, 4 (Autumn 1987): 519-550.

<sup>10</sup> The notion of democracy will be discussed in detail in chapter one.

parties between each other during the conflict. Such barriers can consist of laws and regulations applicable only to certain categories of citizens and passed as a consequence of the conflict, separate administrative structures and public services such as education and health care that are established exclusively for some categories of citizens and not subject to the authority of the state, as well as restrictions on movement and residence again for certain categories of citizens. This process of reintegration presupposes a process of uniformisation of the laws and regulations of the country to make them applicable to all citizens and not just to members of a particular ethnic or political group. Finally, these laws and regulations have to be enforceable by the state, through the use of physical force if necessary, which presupposes that the state has the capacity to do so.<sup>11</sup>

SSR and democratisation in peacebuilding operations are connected in that the process of democratisation is meant to lead to the (re)building of a single political space consisting of democratic laws and regulations as well as institutions, whilst the state's use of physical force to maintain this single and democratic political space, when its capacity to use it is restored through SSR, is also regulated by democratic principles.

This thesis studies the impact of SSR on democratisation (also called political transition) during a peacebuilding intervention. The thesis also considers the role played by third parties directly involved in SSR in advancing

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<sup>11</sup> SSR is therefore essential in the drive to rebuild the capacity of the state to enforce laws, protect individual rights and defend its borders. The security sector is understood in this work as being composed of security forces. Security forces are armed groups who provide physical protection to a given group of individuals against other groups from inside or outside the borders of the state. Security forces chiefly include those who actually perform this protective function, but also the structures that support them, such as intelligence, logistics, communications and commanding personnel.

democratisation as well as the degree of control they exercise over the implementation of the peace agreement.

SSR in peacebuilding operations has consisted of the disarming and demobilising of the various factions' security forces, and the creation of new, integrated police and military forces under state control. This thesis considers an alternative model of SSR in peacebuilding operations, based on hard realist assumptions, that allows the parties to maintain their control over security forces, and seeks to create a military balance between them.<sup>12</sup> The main question that this thesis seeks to answer is whether such a strategy contributes to achieving the political objective of peacebuilding, namely democratisation. Indeed, it can be argued that the stability created by such an approach creates the necessary trust between the parties to move forward with the political transition. Based on the case study selected in this thesis, namely the peacebuilding intervention in Bosnia-Herzegovina (BiH) between November 1995 and November 2000, it is argued that a hard realist strategy of SSR does not facilitate the process of democratisation, although some of the specificities of the Bosnian case may lead us to qualify this judgement.

The literature on peacebuilding does not reflect enough upon the relationship between SSR and democratisation in peacebuilding interventions. This introduction will show that the current literature in international relations is lacking in two areas: (1) the role that third parties should play once a peace agreement is concluded as

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<sup>12</sup> The notion of military balance, also known as balance of power or balance of forces refers in this thesis to (1) a situation of military equilibrium between various parties, in the sense that none is in a position to defeat the other(s) or (2) a policy objective seeking to engineer a particular power relation (equilibrium or preponderance) between the military forces of various parties.

well as the degree of authority they should exercise over its implementation and (2) the relationship between the security and political aspects of the peacebuilding phase. The following literature review traces the origins of the concept of peacebuilding, starting with the idea that peacebuilding entails the transformation of a conflict. Peacebuilding is at the crossroads between several strands of the literature: peace research, conflict analysis, intervention and third party mediation. Each will be examined in turn, starting with peace research and conflict analysis.

## **1. Peacebuilding: Transforming Conflict, but How?**

The concept of peacebuilding entails the transformation of a conflict in order to resolve it. As this section will show, how a conflict is understood determines how it is to be transformed in order to be resolved.

Central to peacebuilding is the idea of conflict transformation. Picking up on this idea, Peter Wallensteen distinguished between traditional conflict resolution, which he saw as ways of accommodating the explicit interests of parties in a conflict, and conflict transformation where the conflict itself transforms the parties, their interests and actions.<sup>10</sup> In this piece, Wallensteen did not tackle the issue of third parties and their role, if any, in the transformation of conflict. However, the 'conflict experience', as Wallensteen called it, affects the parties who in turn transform themselves. Eventually, the original conflict takes on new forms. Because interests can be transformed, conflict resolution no longer depends on the accommodation of supposedly immutable interests, but is a dynamic process by which the relations between the parties are altered.

The concept of peacebuilding, in turn, was first introduced much earlier in Johan Galtung's *Peace, War and Defense*.<sup>11</sup> In this work Galtung envisaged peacebuilding as an associative approach whereby structures would be created in order to remove the causes of direct violence. Once again, the idea of transformation is central to the concept. Galtung contrasted peacebuilding with peacekeeping which

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<sup>10</sup> Peter Wallensteen, "The Resolution and Transformation of International Conflicts: a Structural Perspective", in Raimo Vayrynen, ed., *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation* (London: Sage Publications, 1991) pp. 129-142.

<sup>11</sup> Johan Galtung, "Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding", in Johan Galtung, *Peace, War and Defense: Essays in Peace Research, Volume II* (Copenhagen: Christian Ejlertsen, 1976) pp. 282-304.

he viewed as a dissociative approach in that it keeps the parties away from each other, but does not address the underlying causes of conflict, and peacemaking, which targets the elites and their decision-making processes in order to resolve specific disputes. Galtung's peacebuilding focuses on socio-economic development as a means to transform conflict. Stephen Ryan, also discussing peacebuilding, put more emphasis on the relational dimension of peacebuilding: he conceived it as a set of grass-roots activities that would 'lead to the establishment of new networks and new institutions.'<sup>12</sup> He suggested several strategies that could facilitate these developments, such as the pursuit of superordinate goals or the implementation of confidence-building measures.<sup>13</sup>

John Paul Lederach's discussion of peacebuilding started by looking at the structure of the conflict itself.<sup>14</sup> He argued that conflicts are not static but go through phases. Peacebuilding activities can help a conflict move through different phases until the parties redefine their relations in a non-violent way. The goal of peacebuilding is therefore, not to de-escalate a conflict, but to transform it. He concluded:

'Peacebuilding is about seeking and sustaining processes of change...Rebuilding societies torn by violence and war involves rebuilding relationships and finding new ways to be in relationship. What

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<sup>12</sup> Stephen Ryan, "Transforming Violent Intercommunal Conflict", in Kumar Rupesinghe, ed., *Conflict Transformation* (Basingstoke: Macmillan, 1995), 257. See also, from the same author, "Peacebuilding Strategies and Intercommunal Conflict: Approaches to the Transformation of Divided Societies", *Nationalism and Ethnic Politics* 2, no. 2 (Summer 1996): 216-231.

<sup>13</sup> A superordinate goal is an objective that can only be achieved by co-operation between the conflicting groups. Ryan, *Transforming Violent Intercommunal Conflict*, p. 235.

<sup>14</sup> John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace, 1997)



we are trying to measure, therefore, is not a static outcome but a dynamic process.’<sup>15</sup>

To rebuild relationships, Lederach suggests an integrated framework that encompasses different levels of actors, peacebuilding activities, levels of action and the dynamics of the conflict.

The idea of conflict resolution as transformation is common to all authors, who understand peacebuilding as a transformative process by which either new structures, new relations between the parties or a new environment are created. The kind of transformation envisaged by the external actors does however depend on how the conflict is understood by them. With regard to the analysis of internal war, several schools have developed in the field of conflict analysis, suggesting different approaches to the resolution of this type of conflict.

The literature on internal wars has grown dramatically in the 1990’s.<sup>16</sup> Internal wars are armed conflicts taking place within the boundaries of a state, between the government and insurgent groups, or when the state has collapsed, between rival factions. Internal wars often have international ramifications, as warring factions within the state often receive support from neighbouring states, making a strict distinction between intra-state and inter-state wars difficult to

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<sup>15</sup> *Ibid.*, p. 135.

<sup>16</sup> See for instance, Michael E. Brown, *The International Dimensions of Internal Conflict* (Cambridge, MA : MIT Press, 1996); Thomas G. Weiss, *The United Nations and Civil Wars* (Boulder, CO.: Rienner, 1995); Chester A. Crocker and Fen Osler Hampson with Pamela Aall, eds., *Managing Global Chaos: Sources of and Responses to International Conflict* (Washington, DC: United States Institute of Peace Press, 1996) esp. chapters 1-10; I. William Zartman, *Collapsed States: the Disintegration and Restoration of Legitimate Authority* (London: Lynne Rienner, 1995); Barbara F. Walter and Jack Snyder, *Civil War, Insecurity, and Intervention* (New York: Columbia University Press, 1999).

maintain.<sup>17</sup> In addition, refugee flows and disruption caused to economic networks further blur the distinction between internal and international conflict. Within this literature, the issue of ethnic conflict has also been extensively covered.<sup>18</sup> Ethnic conflicts are characterised by a conflict between two or more ethnic communities living in the same state, as in BiH. A social group can be defined as an ethnic community when it meets six criteria. First, the group must have a name for itself. Second, people in the group must believe in a common ancestry. Third, members of the group must share common historical memories. Fourth, the group must have a shared culture, generally based on a combination of religion, language, institutions, laws and customs. This means that race is not the only criterion that defines an ethnic group. Fifth, the group must feel an attachment to a specific territory. Sixth, members of the group must regard themselves as a group in order to form an ethnic community.<sup>19</sup>

Coming to the resolution of ethnic conflict, three different schools have emerged in the literature. The solutions put forward are directly tied to the specific understanding of a conflict proposed.<sup>20</sup> The hard realist school considers that the

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<sup>17</sup> Kumar Rupesinghe, "The Disappearing Boundaries Between Internal and External Conflicts", in Kumar Rupesinghe, ed., *Internal Conflict and Governance* (Basingstoke: Macmillan, 1992) pp. 1-26.

<sup>18</sup> The focus of this discussion will be ethnic conflict, since the case study selected in this thesis is an ethnic conflict (the limitations of the case study in terms of generalisation will be discussed in the concluding chapter). On ethnic conflict, see Barbara Harf and Ted Gurr, *Ethnic Conflict in World Politics* (Boulder, CO.: Westview, 1994); *Survival* devoted a special issue to ethnic conflict in 1993: *Survival*, 35, no.1 (Winter 1993); David Lake and Donald Rothchild, eds., *The International Spread of Ethnic Conflict: Fear, Diffusion and Escalation* (Princeton: Princeton University Press, 1998); Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1995).

<sup>19</sup> Anthony D. Smith, "The Ethnic Sources of Nationalism" in Michael E. Brown, ed., *Ethnic Conflict and International Security* (Princeton, NJ: Princeton University Press, 1993) pp. 28-31.

<sup>20</sup> This discussion is largely based on distinctions drawn by Fen Osler Hampson, "Third-Party Roles in the Termination of Intercommunal Conflict", *Millennium* 26, no. 3 (1997): 727-750.

only way to resolve ethnic conflict is to physically separate the parties. Because ethnic identities are immutable once they have been hardened by the conflict experience, third parties should use their resources to create a stable military balance between the parties and to organise the partition of territories along ethnic lines. Chaim Kaufmann, for example, argues in favour of 'ethnic unmixing', meaning the forced homogenisation of territories through expulsion and population exchanges. He foresees a role for third parties in this process in helping to make these population movements humane.<sup>21</sup> In this case, the kind of relations envisaged between the parties is more germane to peacekeeping than peacebuilding, as defined by Galtung, in that it is thought that a resolution of the conflict will come from a decrease, if not cessation, of relations between the parties.

The second school, soft realism, considers political, non-territorial solutions to ethnic conflicts. They share the hard realist view that identities are fixed, but also consider the role of political entrepreneurs in exploiting these identities to whip up fears and polarise societies. The soft realist solution to this predicament lies in third party interventions that aim at affecting the cost/benefit calculations of the parties towards resolution. Such initiatives include mediation, information exchange, elections, the creation of power-sharing arrangements and other institutional mechanisms to guarantee the protection of all ethnic communities.<sup>22</sup>

Finally, the liberal approach claims that the denial of human rights, disregard for the rule of law and democracy are the causes of conflict. The solution to conflicts, therefore, lies in the adoption, by the parties, of liberal norms and

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<sup>21</sup> Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Wars", *International Security* 20, no. 4 (1996): 136-75.

<sup>22</sup> See, for example, Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, DC: United States Institute of Peace Press, 1996).

democratic political structures and in respect for the rule of law, which third parties should actively foster.<sup>23</sup> It is this approach that has been adopted by the UN in its peacebuilding operations. It is also worth pointing out that soft realism and liberalism overlap, as democratic solutions to ethnic conflict such as holding free and fair elections, are regarded as potentially capable of changing the parties' calculations. Soft realist strategies, however, consider the establishment of democracy, including elections, the rule of law and respect for human rights useful strategies inasmuch as they change the calculations of the actors towards the conclusion of a peace agreement. The literature has not, however, reflected upon the possibility of combining these three forms of intervention, instead regarding them as mutually exclusive and focusing extensively on the liberal approach to conflict resolution. This is what the next section will show with regard to peacebuilding interventions.

## **2. Peacebuilding Interventions: Liberalism as a Guiding Principle**

This section locates the concept of peacebuilding within the literature on intervention. It argues that peacebuilding is a form of intervention informed by liberal principles, which may be problematic as far as SSR is concerned. Intervention is defined here as interference by external actors in the internal affairs of a state. R.J. Vincent formulated the traditional definition of intervention:

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<sup>23</sup> See Neil J. Kritz, "The Rule of Law in the Postconflict Phase: Building a Stable Peace" and Joshua Muravchik, "Promoting Peace through Democracy" in Crocker, Hampson with Aall, *Managing Global Chaos*, pp. 573-606.

‘activity undertaken by a state, a group within a state, a group of states or an international organisation which interferes coercively in the domestic affairs of another state. It is a discrete event having a beginning and an end; and it is aimed at the authority structure of the target state.’<sup>24</sup>

Vincent pointed to the target of intervention: the authority structure of a state, which was defined by Rosenau as ‘the identity of those who make the decisions that are binding for the entire society [and/or] the processes through which such decisions are made.’<sup>25</sup> Although the notion of authority structure as a target for intervention is still pertinent to the understanding of post-Cold War interventions, developments since the late 1980’s have affected several elements of this definition, making it less relevant.

First, most contemporary interventions are now supposed to facilitate the transition from war to post-conflict reconstruction, or to end a conflict.<sup>26</sup> Under these new objectives, intervention has become less coercive, because governments now consent at least to the initial deployment of external actors on their territory. Second, post-Cold War interventions not only aim at the authority structure of a state, but in most cases seek to redefine the relations between state and society along

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<sup>24</sup> R.J. Vincent, *Nonintervention and International Order* (Princeton, NJ: Princeton University Press, 1974) p. 13.

<sup>25</sup> James Rosenau, “Intervention as a Scientific Concept”, *Journal of Conflict Resolution* 13, no. 2 (June 1969): 163.

<sup>26</sup> On these new roles for intervention, see Charles King, *Ending Civil Wars*, Adelphi paper no. 308 (Oxford: Oxford University Press, 1997).

liberal lines.<sup>27</sup> There is therefore a strong ideological dimension to these new interventions. Similarly, humanitarian interventions, although more limited, are predicated on liberal principles such as the protection of human rights. These new considerations have considerably expanded the scope and length of interventions, making the issue of 'exit strategy' an important factor in the design of intervention.<sup>28</sup> Third, international organisations have played a more important role since 1989 in conducting interventions. For instance, the UN has launched 54 peacekeeping missions since 1948, 36 of which have been established since 1991.<sup>29</sup> Finally, internal conflicts have become the main focus of UN intervention, even though they have been the main form of war since 1945.<sup>30</sup>

These changes have contributed to make the issue of intervention in the literature less of a problem than an acceptable form of behaviour in international relations in need of constant fine-tuning and evaluation. Arguments against intervention have been replaced by an ever-growing literature on various aspects of intervention, suggesting ways to improve them.<sup>31</sup> Writings on UN peacekeeping reflect these developments. Since the early 1990's, research has been conducted to conceptualise the transformations undergone by UN peacekeeping. UN operations launched by the mid-1990's in Namibia, Nicaragua (1989), Angola (1991), Bosnia-

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<sup>27</sup> This point will be developed in the next chapter.

<sup>28</sup> On this point, see Gregory Rose, "The Exit Strategy Delusion", *Foreign Affairs* 77, no. 1 (Jan/Feb 1998): 56-67.

<sup>29</sup> See UN, *United Nations Peacekeeping from 1991 to 2000: Statistical Data and Charts* [source online] (New York: UN, 2000, accessed 9 July 2001); available from <http://www.un.org/Depts/dpko/dpko/pub/pko.htm>; Internet.

<sup>30</sup> For a thorough analysis of the issue, see Peter Wallensteen and Karin Axell, "Armed Conflicts at the End of the Cold War", *Journal of Peace Research* 30, no. 3 (August 1993): 331-346.

Herzegovina, Somalia, El Salvador and Mozambique (1992), Haiti, Cambodia, Rwanda (1993), where peacekeepers were mandated with various tasks such as election monitoring, demilitarisation, de-mining, refugee repatriation and humanitarian assistance, have generated an extensive body of literature.<sup>32</sup> These studies developed in two directions, one strand focusing on the concept of post-conflict 'second-generation' peacekeeping.<sup>33</sup>

The literature on second-generation peacekeeping tends not to discuss the ideological 'content' of these operations, but rather suggests ways to improve co-

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<sup>31</sup> For an example of arguments against intervention, see Stanley Hoffman, "The Problem of Intervention", in Hedley Bull, ed., *Intervention in World Politics* (Oxford: Clarendon Press, 1984) pp. 7-28.

<sup>32</sup> See for instance Michael W. Doyle, Ian Johnstone, and Robert C. Orr, eds., *Keeping the Peace : Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997); James Mayall, ed., *The New Interventionism: United Nations Experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: Cambridge University Press, 1996); Walter Clarke and Jeffrey Herbst, *Learning from Somalia: the Lessons of Armed Humanitarian Intervention* (Boulder, CO: Westview Press, 1997); John L. Hirsch and Robert Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington, DC: United States Institute of Peace, 1995); Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention", *Foreign Affairs* 75, no. 2 (March/April 1996): 70-85; Chester A. Crocker, "The Lessons of Somalia: Not Everything Went Wrong", *Foreign Affairs* 74, no. 3 (May/June 1995): 2-8; S. Neil MacFarlane and Thomas G. Weiss, "The United Nations, Regional Organisations and Human Security: Building Theory in Central America", *Third World Quarterly* 15, no. 2 (1994): 277-295; David Malone "Haiti and the International Community: a Case Study", *Survival* 39, no. 2 (Summer 1997): 126-146.

<sup>33</sup> The other strand focused on humanitarian intervention. See, for instance, Thomas G. Weiss and Larry Minear, eds., *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder, Co: Lynne Rienner, 1993); Cedric Thornberry, "Peacekeepers, Humanitarian Aid, and Civil Conflicts", in Jim Whitman and David Pocock, eds., *After Rwanda: The Coordination of United Nations Humanitarian Assistance* (London: Macmillan, 1996); Larry Minear, "Humanitarian Action and Peacekeeping Operations", *Journal of Humanitarian Assistance* [article on-line] July 1997 (accessed 10 July 2001), available from <http://www.jha.ac/articles/a018.htm>; Internet; Mats Berdal, "Lessons Not Learned: The Use of Force in 'Peace Operations' in the 1990's", *International Peacekeeping* 7, no. 4 (Winter 2000): 55-74.

ordination between their different components, or focuses on the capacity- or lack of it- of the UN to fulfil these new functions in terms of political will and resources available.<sup>34</sup> After *An Agenda for Peace*, published in 1992, introduced a distinction between peacemaking, traditional peacekeeping, and peacebuilding, both terms – peacebuilding and second-generation peacekeeping- began to be used interchangeably.<sup>35</sup> Borrowed from the field of conflict resolution, peacebuilding entails an intervention, usually by the UN, to redefine ‘the relationship between the government and its citizens.’<sup>36</sup> The literature, however, did not really expand on the nature of the relationship to be redefined. But the concept nonetheless entailed that UN operations would now seek to help resolve conflicts, not just contain them as they did during the Cold War.

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<sup>34</sup> For example, see Cedric Thornberry, *The Development of International Peacekeeping* (London: LSE Centenary Lectures, 1995); Steven R. Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict after the Cold War* (Basingstoke: Macmillan, 1995); Jarat Chopra, “The Space for Peace-Maintenance”, *Political Geography* 15, 3 (March/April 1996): 335-357; Stephen John Stedman and Donald Rothchild, “Peace Operations: From Short-Term to Long-Term Commitment”, *International Peacekeeping* 3, 2 (Spring 1996): 17-35; Marrack Goulding, “The Evolution of United Nations Peacekeeping”, *International Affairs* 69, 3 (1993): 451-464; Alvaro de Soto and Graciana del Castillo, “Obstacles to Peacebuilding”, *Foreign Policy* 94 (Spring 1994): 69-93; William Durch, ed., *The Evolution of UN Peacekeeping: Case studies and Comparative Analysis* (New York: St. Martin’s Press, 1993).

<sup>35</sup> Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992).

<sup>36</sup> Eva Bertram, “Reinventing Governments: The Promise and Perils of United Nations Peace Building”, *Journal of Conflict Resolution* 39, no. 3 (1995): 392; see also Sonia K. Han, “Building a Peace that Lasts: the United Nations and Post-Civil War Peace-Building”, *New York University Journal of International Law and Politics* 26, no. 4 (Summer 1994): 837-892; Nicole Ball and Tammy Halevy, *Making Peace Work: the Role of the International Development Community* (Washington, DC: Overseas Development Council, 1996); I. William Zartman, “Putting Things Back Together”, in I. William Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, Co.: Lynne Rienner, 1995); Elisabeth Cousens and Chetan Kumar, eds., *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder, Co.: Lynne Rienner, 2001).



It was not until 1997 that some authors began to look into the liberal underpinnings of peacebuilding operations as opposed to the more technical questions of internal co-ordination, sequencing and resource allocation. Roland Paris wrote:

‘peacebuilding is in effect an enormous experiment in social engineering- an experiment that involves transplanting Western models of social, political, and economic organization into war-shattered states in order to control civil conflict: in other words, pacification through political and economic liberalization.’<sup>37</sup>

The feasibility of creating liberal institutions in the immediate aftermath of a conflict was questioned by Paris, who argued that the process of transplanting these Western models –free market economy and democracy- creates an instability that can potentially lead to renewed violence: ‘both democracy and capitalism encourage conflict and competition –indeed they thrive on it... the process of political and economic liberalization is inherently tumultuous and disruptive.’<sup>38</sup> He argued in favour of strategic liberalisation, ‘an approach to peacebuilding that is designed to limit the conflict-inducing effects of economic and political liberalization policies on war-shattered states.’<sup>39</sup>

Although the concept of strategic liberalisation has the merit of acknowledging the risks associated with liberalisation, Paris was silent on the risks for the peace process associated with the implementation of liberal approaches in the

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<sup>37</sup> Roland Paris, “Peacebuilding and the Limits of Liberal Internationalism”, *International Security* 22, no. 2 (Fall 1997): 56.

<sup>38</sup> *Ibid.*, pp. 74, 78.

<sup>39</sup> *Ibid.*, p. 82.

security sector.<sup>40</sup> Charles-Philippe David showed a greater awareness of these challenges.<sup>41</sup> His piece focused on three types of transition –security, democratic and socio-economic- that peacebuilding is supposed to facilitate. His analysis of the security transition recognised that certain ‘elements of “realist” analysis need to be considered’ when thinking about reforming security forces.<sup>42</sup> David argued that peacebuilding is not only a technical exercise at state-building, but an effort guided by liberal ideals that do not consider some of the security dynamics of the post-conflict period.

David identified three main issues affecting the security transition, which will be of use in this thesis. First, the importance of the balance of forces in the calculation of the parties ‘may have a greater bearing on the chances for a peaceful security transition than does a negotiated settlement.’<sup>43</sup> The author concluded that intervening actors must be aware of these calculations and not expect that the security transition can be handled impartially, as it would always affect the local balance of forces. Second, the security dilemma among the parties in the aftermath of the conflict was such that they ‘see their own survival as decidedly more important than implementation of the peace agreement.’<sup>44</sup> Third, control over

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<sup>40</sup> In the military realm, liberals favour disarmament as a solution to the risks associated with the proliferation of weapons. See chapter two.

<sup>41</sup> Charles-Philippe David, “Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process”, *Security Dialogue* 30, no. 1 (March 1999): 25-41.

<sup>42</sup> *Ibid.*, p. 30.

<sup>43</sup> *Ibid.*, p. 31.

<sup>44</sup> *Ibid.*, p. 31. The security dilemma will be defined here as a condition in which actors, states or parties to an internal conflict, acquire weapons in order to enhance their security as they are unsure of the intentions of other actors. This process sets in motion a vicious circle of armament and rearmament as an increase in security through arming on the part of one actor creates more insecurity on the part of others, who then decide to arm to protect themselves. This definition is largely based on

territory was likely to remain a subject of dispute between the parties, even if the peace agreement provided for the disarmament and demobilisation of forces and their reintegration into statewide structures over the whole of a supposedly undivided territory. David concluded that the 'security transition must take into account [these] realities which may diminish the chances of success of peacebuilding efforts.'<sup>45</sup>

Stuart Croft traced the origins of the disarmament and demobilisation approach adopted in peacebuilding operations back to the debate over disarmament at the General Assembly and in the Conference on Disarmament. He wrote that there was

'a very important linkage between thirty years of UN debate over international disarmament and the practise of intra-state disarmament that has taken place over the past five to ten years.'<sup>46</sup>

He argued that the UN had favoured disarmament over arms control because of the domination exercised by the non-aligned movement at the UN, who supported disarmament over arms control. From a theoretical perspective, disarmament has been regarded by the literature as the (liberal) idealist solution to the proliferation of weapons.<sup>47</sup> Croft pointed to the limitations of disarmament and suggested an arms control approach in order to address the security dilemma experienced by the parties

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Kenneth Waltz's in Kenneth Waltz, *Theory of International Politics* (London: Addison-Wesley, 1979) pp. 186-87.

<sup>45</sup> *Ibid.*, p. 30.

<sup>46</sup> Stuart Croft, "Lessons from the Disarmament of Factions in Civil Wars", in Dimitris Bourantonis and Marios Evriviades, eds., *A United Nations for the Twenty-First Century* (Boston, MA: Kluwer Law International, 1996) p. 274.

in the aftermath of the conflict. This approach was supposed to bring stability between the factions, which ‘would be used either to rebuild the state over a longer period, or to manage the separation of the state into new political units.’<sup>48</sup>

All three authors contributed to making the liberal foundations of peacebuilding not only visible, but also to highlight the difficulties created by a liberal approach to conflict resolution. However, the literature has not attempted to assess the potential of combining a hard realist approach to SSR and liberal reforms in the political realm. In particular, the proposition that such an approach would create a breathing space that could be exploited to rebuild the state has not been explored. In this context, the role of third parties in helping implement such strategies has not been explored either. The next section discusses the role of third parties in conflict resolution, showing that their role in and authority over the implementation of peace agreements has not been sufficiently studied.

### **3. Peacebuilding: What Role and Authority for Third Parties?**

Third parties are external actors to a given conflict who intervene between the parties in order to help them manage, settle or resolve their conflict.<sup>49</sup> The literature classifies third party interventions according to the nature of the third party (individuals, states, international organisations, or non-governmental organisations), the level of intervention (official or ‘track I’, unofficial or ‘track II’), the outcome

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<sup>47</sup> The realist/liberal debate with regard to weapons will be explored in greater depth in chapter two.

<sup>48</sup> Croft, *Lessons from the Disarmament of Factions in Civil Wars*, p. 281.

<sup>49</sup> Conflict management refers to the containment of a given conflict once it has erupted, whereas conflict resolution occurs when its root causes are removed. A settlement ends the violent manifestations of a conflict, but does not remove its root causes.

sought (settlement, management, resolution) or the processes adopted (facilitation, mediation, arbitration).<sup>50</sup> This last distinction is important as it defines the degree of authority that third parties exert on the parties. At one end of the spectrum, third parties use non-coercive forms of intervention consisting of facilitation and consultation. Fisher and Keashley define these as activities to 'improve communication, diagnose underlying relationship issues, and facilitate the search toward creative resolution of the conflict.'<sup>51</sup> The process of negotiation is still very much in the hands of the parties, the role of third parties being limited to facilitating and improving communication.

At the other end of the spectrum, arbitration is a form of third party intervention in which the parties 'agree to hand the determination of a final settlement to outsiders'.<sup>52</sup> In this case, third parties use a formal mechanism to settle the conflict. Hoffman notes that this form of third party intervention is of limited value in violent, protracted conflicts, where the parties may refuse to engage with each other, or because the dispute to be settled is a manifestation of a deeper conflict that arbitration will not resolve.<sup>53</sup>

Between these two extremes lies mediation, which consists of interventions to help the parties reach a settlement through 'persuasion, the control of information, the suggestion of alternatives and the application of leverage.'<sup>54</sup> With mediation

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<sup>50</sup> See Mark Hoffman, "Third-Party Mediation and Conflict-Resolution in the Post-Cold War World", in John Baylis and N.J. Rengger, eds., *Dilemmas of World Politics: International Issues in a Changing World* (Oxford: Clarendon Press, 1992) pp. 263-264.

<sup>51</sup> Ronald Fisher and Loreleigh Keashley, "The Potential Complementarity of Mediation and Consultation within a Contingency Model of Third Party Intervention" *Journal of Peace Research* 28, no. 1 (Feb. 1991): 31.

<sup>52</sup> Hoffman, *Third-Party Mediation*, p. 264.

<sup>53</sup> Hoffman, *Third-Party Mediation*, p. 264.

<sup>54</sup> Fisher and Keashley, *The Potential Complementarity of Mediation and Consultation*, p. 31.

third parties have an interest in a certain outcome, and use their power and influence to create that outcome. For example, Zartman argued that using their resources, third parties can help create a 'mutually hurting stalemate', a situation where the parties perceive that to continue fighting is costly whilst not helping them achieve their objectives.<sup>55</sup>

Coming to the peacebuilding stage, Fen Osler Hampson, in his *Nurturing Peace*, argued that third party involvement and staying power are essential for the successful implementation of peace agreements following internal wars.<sup>56</sup> He writes that 'for peace settlements to succeed, third parties must entrench and institutionalise their role in the peace-making and peace-building process.'<sup>57</sup> This involvement goes beyond what Hampson terms the 'legitimizing and monitoring functions envisaged in traditional notions about peacekeeping...'<sup>58</sup> He argued that the degree of authority exerted by third parties over the negotiations leading to the peace agreement, such as mediation, should continue during the peacebuilding period. Hampson's argument implies that third parties will maintain a certain degree of control over the implementation process, which may be reduced as the agreement is being implemented. As third parties continue to mediate between the parties and shape outcomes in the implementation phase, their own interests and preferences become a part of the process, as during the negotiations. With regard to this issue, this thesis will explore the issue of self-sustainability, asking whether the degree of authority

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<sup>55</sup> Saadia Touval and I. William Zartman, "Introduction: Mediation in Theory", in Saadia Touval and I. William Zartman, eds., *International Mediation in Theory and Practise* (Washington, DC: Westview Press for the SAIS, 1985).

<sup>56</sup> Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington, DC: United States Institute of Peace, 1996); see also Chester A. Crocker and Fen Osler Hampson, "Making Peace Settlements Work", *Foreign Policy* 104 (Fall 1996): 54-71.

<sup>57</sup> Hampson, *Nurturing Peace*, p. 23.

exercised by third parties over the implementation phase leads to the creation of structures that can be sustained locally after external actors withdraw.

Adopting a critical position about the issue of third party control over the implementation of a peace agreement, David Chandler argued that the degree of control exerted by the international community over local political processes in Bosnia-Herzegovina is counterproductive because it undermines state sovereignty and interferes with the democratic choices of its constituent communities.<sup>59</sup>

As for the role played by third parties after an agreement is reached, it has not been studied enough in the literature, as most authors have focused on pre-agreement roles for third parties.<sup>60</sup> Stephen Stedman has focused on the issue of 'spoilers' in peacebuilding processes, arguing that they need to be isolated or co-opted into the peace process by intervening third parties.<sup>61</sup> Hugh Miall, Oliver Ramsbotham and Tom Woodhouse dedicate one chapter of their *Contemporary Conflict Resolution* to post-settlement peacebuilding.<sup>62</sup> They highlight the inherent tension for third parties involved in peacebuilding operations between maintaining the cease-fire and creating a self-sustaining peace. Even though they discuss the

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<sup>58</sup> *Ibid.*, p. 222.

<sup>59</sup> David Chandler, *Bosnia: Faking Democracy After Dayton* (London: Pluto Press, 1999). Within the context of this work, the international community refers to the sum of states and inter-governmental institutions working on the implementation of the peace agreement in Bosnia-Herzegovina.

<sup>60</sup> Lederach is one of the rare authors who has considered the role played by third parties at any stage of a conflict. See John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, DC: US Institute for Peace, 1997); Fisher and Keashley did the same in Fisher and Keashley, *The Potential Complementarity of Mediation and Consultation*.

<sup>61</sup> Stephen Stedman, "Spoiler Problems in Peace Processes", *International Security* 22, no. 2 (Fall 1997): 5-53.

<sup>62</sup> Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary Conflict Resolution : the Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 1999) chapter seven.

functions that third parties should perform, such as helping with demobilisation and refugee repatriation, the authors do not discuss the degree of control that third parties should exert over the implementation process.

The roles or functions performed by third parties and the degree of control they exert over the implementation of the peace agreement are nonetheless two separate things. For example, external actors can perform the function of helping with refugee return. But the degree of authority exercised by them over the process can vary greatly. First, they can facilitate dialogue between the parties, leaving them free to decide how to go about the organisation of refugee repatriation. Second, they can use their resources to mediate between the parties in order to shape an outcome that will suit the normative preferences of external actors, such as enforcing the right of all to freely return to their homes. Third, they can arbitrate the issue, issuing and enforcing legally binding decisions on disputes between the parties. This thesis therefore will study both the functions performed by third parties in the implementation of peace agreements, as well as the degree of authority they exert over the implementation of the peace agreement, in light of the issue of self-sustainability.

#### **4. Peacebuilding: Designing a Hard Realist/Liberal Strategy**

Instead of the liberal approach to SSR, outlined above, a hard realist strategy is considered here. According to this approach, external actors should help create a military balance between the parties, so as to address the security dilemma they face.<sup>63</sup> By doing so, the parties will feel secure enough to proceed with the

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<sup>63</sup> The notion of security dilemma will be discussed in chapter two.



implementation of the political and economic aspects of the peace agreement. This thesis points to an important element of the hard realist strategy of SSR in peacebuilding interventions: the continuing control exercised by the parties over security forces, including the police. Firstly, it asks how this ongoing control, coupled with the military balance approach adopted in the military realm, impacts on democratisation. Secondly, it asks what role third parties play in implementing this hard realist strategy of SSR, whilst also working to achieve the objective of peacebuilding, democratisation. Thirdly, it also asks what degree of control third parties exert over the implementation of the peace agreement, and how this affects self-sustainability.

There is only one case where this strategy has been formally adopted and enshrined in a peace agreement. Indeed, the General Framework Agreement for Peace in Bosnia-Herzegovina (GFA), concluded at Dayton on 21 November 1995, left the Bosnian state without an army nor a police force whilst providing for the creation of a military balance between BiH's two constituent entities. This thesis will examine the implementation process of the GFA from the adoption of the agreement in November 1995 until the November 2000 elections. It looks at the impact of the structure of the security sector envisaged in the GFA on the closely related process of democratisation, and asks how the intervention conducted by a host of international institutions has shaped this structure, and affected both processes. This work points to the inherent tension between the liberal and hard realist provisions of the GFA, which is the product of the international strategy adopted at Dayton. The GFA focused largely on ending the war, and on guaranteeing the security of the ethnic statelets carved up during the conflict as a

means to avoid the resumption of hostilities.<sup>64</sup> It underestimated the vitality of the nationalist structures it legitimised, and their resistance to the liberal provisions of the GFA.

As with any case study, there are features specific to the Bosnian case that need to be reckoned with. First, the Bosnian conflict can be characterised as an ethnic conflict between three ethnic groups. In addition, two of these three ethnic groups have strong affinities with neighbouring states, namely Croatia and Serbia. Because of this, the redrawing of BiH's borders has been an essential issue of the conflict as both Croats and Serbs have sought to create ethnically homogenous statelets that would later be joined with Croatia and Serbia. In the post-conflict phase, there has therefore been a strong emphasis not only on democratisation, but also on its reintegration dimension. This issue of reintegration has been evident in the field of refugee return, where innumerable obstacles have been created to prevent returns.

Second, a host of international agencies have been involved in the implementation of the peace agreement in BiH, unlike previous peacebuilding operations, where the UN was the main implementing agency. International organisations operating in BiH have brought with them enormous military, financial and political resources. However, co-operation among these agencies has been an uphill struggle, especially between the military and civilian sides of the international presence.<sup>65</sup> The issue of co-operation among agencies also plagues UN interventions, but it is exacerbated in the case of BiH, because of the dichotomy between the broadly liberal and realist agendas pursued by the various external

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<sup>64</sup> Unless stated otherwise, security will be understood in this thesis as the absence of physical threat.

<sup>65</sup> This issue will be addressed in chapters four and five.

actors present on the ground. In spite of these unique features, more general conclusions will be drawn with regard to the impact of the hard realist model of security sector reform on the two objectives of peacebuilding.

As for the Bosnian case, this thesis argues that the hard realist strategy adopted with regard to SSR in BiH has not facilitated the process of democratisation. In fact, it has served to largely preserve the nationalist power structure established during the war. The term 'nationalist power structure' refers to the nationalist parties of Bosnia-Herzegovina, mainly but not only, the Serb SDS (*Srpska Demokratska Stranka*), the Bosniak SDA (*Stranka Demokratske Akcije*) and the Croat HDZ (*Hrvatska Demokratska Zajednica*) and the control they seek to maintain over the institutions of government, the police, the military and state-owned companies through appointments, dismissals, corruption and the threat or use of physical force.<sup>66</sup> This power structure is by and large a legacy of the communist era, with the difference that nationalist parties now appeal to specific ethnic communities using an ideology based on ethnicity instead the communist ideology. These parties (SDS, SDA, HDZ) who won the 1990 elections, have tried to extend their control over the territories they gained during the war, by pitching themselves as the defenders of the ethnic community they claim to represent, so as to suppress opposition coming from within their ethnic community and maintain their control over political, security and economic resources within their respective territories. Their resistance to

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<sup>66</sup> Following the split between Radovan Karadzic and Biljana Plavsic, other political parties were created in the *Republika Srpska*, leading to a fragmentation of the Serb entity in two parts: one, west of Brcko, under the control of Plavsic's faction, and the other, consisting of eastern RS, loyal to Karadzic and his faction. All have nonetheless maintained the same objectives as just discussed regarding the SDS, differing only in their willingness to co-operate with the international community. It is worth pointing out that the political fragmentation in the RS is not the product of the hard realist approach to SSR adopted in BiH.

democratisation, although the picture may be slightly different in the case of the SDA, has to do both with strategy and ideology. Indeed, not only do the SDS (and its offsprings) as well as the HDZ, unlike the SDA, pursue a secessionist agenda based on ethnicity, seeking the creation of ethnically pure statelets that could be later joined with Serbia and Croatia respectively, but also all parties seek to maintain and consolidate their grip on the territories and resources they control.

This conclusion, specific to the Bosnian case, points to a more general consequence of the implementation of a hard realist/liberal model of peacebuilding: that such a strategy consolidates the power of the parties to the agreement and their control over the territories they gained during the conflict, which potentially undermines democratisation.<sup>67</sup>

This thesis is structured as follows. Part I explores the theory of peacebuilding as conceptualised by the UN. Chapter one argues that the UN has adopted and narrowed down the concept of peacebuilding to a top-down process aimed at building democracies. It shows that UN efforts at democratisation are not sufficient to explain the outcome of peacebuilding operations. Chapter two then argues that the disarmament/demobilisation strategy adopted in UN peacebuilding with regard to security sector reform is the product of the intellectual dominance of liberal ideas of disarmament at the UN. It also discusses the impact of police reform on UN peacebuilding on the balance of forces, control over territory and the security dilemma. It then considers a hard realist approach to SSR.

Part II then turns to the case study and examines the political and security provisions of the GFA. Chapter three argues that the GFA provides for the establishment of a democratic state in Bosnia-Herzegovina. Chapter four argues that

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<sup>67</sup> This conclusion will be refined in the concluding chapter of this thesis.

the security provisions of the GFA are largely hard realist, and seek to engineer a military balance between the parties, whilst implicitly legitimising three police and armed forces.

Part III focuses on the implementation of the security provisions of the GFA and on the role played by international organisations in shaping this process between the adoption of the agreement in November 1995 and the November 2000 elections. Chapter five concentrates on the role of the Implementation/Stabilisation Force (IFOR/SFOR) in implementing annex 1-A. It argues that the NATO-led force's minimalist interpretation of its mandate has led to further ethnic division and has undermined democratisation. Chapter six looks at the role of the Organisation for Security and Cooperation in Europe (OSCE) and of the Office of the High Representative (OHR) in the implementation of annex 1-B, which contains the military balance strategy adopted at Dayton, and in building a state-wide dimension of defence. The chapter discusses the difficulties encountered by the OHR to then argue that annex 1-B has not created the stability necessary to induce already recalcitrant parties to reintegrate their military forces. Chapter seven, in turn, is a study of the activities of the UN International Police Task Force (IPTF) in implementing annex 11 of the GFA. This chapter argues that both the mandate and the institutional weaknesses of IPTF have prevented it from having a decisive impact on the reform of police forces, which has been resisted by the parties. Chapter seven will be followed by a conclusion.

## **Part I**

### **Chapter 1: Political Aspects of United Nations Peacebuilding: Assisting the Transition towards Democracy**

Since the 1990's, a new form of multilateral operations, called peacebuilding, has developed under the auspices the United Nations (UN). Under this label, UN military and civilian personnel have been deployed following comprehensive peace agreements with the aim of helping their implementation and preventing the resumption of violence in post-conflict situations. UN peacebuilding aims at tackling the pervasive problem of internal war, the form of conflict which has received the most attention in the post-Cold War era. However, implementing peace agreements is not a mechanical process. Oftentimes, these agreements lack clarity, leaving implementers a lot of latitude to steer the peace process in a particular direction. It is in this context that the preferences of interveners take their significance. This chapter argues that UN interventions have favoured the (re)building of formal democracies in war-torn states.

Indeed, UN peacebuilding entails the (re)building of a formal democracy-characterised by free and fair elections, the rule of law and individual rights. Such UN operations have therefore been mandated with the organisation of elections, the monitoring of human rights and the reform of the police. UN peacebuilding also seeks to (re)build a single (democratic) political space within the internationally recognised borders of the state by breaking down legal, administrative, physical and economic barriers set up between the parties during the conflict. Indeed, the democratisation process seeks to replace not only the barriers between the parties, but also the institutions set up during the war by a new set of democratic institutions

in order to create a single space. The model of democracy, it is assumed by peacebuilders, will bring peace to war-torn states.<sup>1</sup>

As explained in the introduction, the concept of peacebuilding, borrowed from the peace research literature, entails the transformation of relations between conflicting parties. UN peacebuilding differs from the peace research concept of peacebuilding in two ways. First, although UN peacebuilding also seeks the redefinition of relations between the parties, it is a top-down, state-centric form of intervention that aims at redefining these relations principally at the level of elites and state institutions. Second, UN peacebuilding anchors the new relations to be created between the parties in democratic theory. Therefore, this chapter also seeks to understand the connection, which informs UN peacebuilding, between peace and democracy. The chapter considers three explanations to account for the transition towards democracy, the objective of UN peacebuilding: UN efforts at building formal democracy, the lack of a democratic culture and the security transition, discussed in the introduction, comprising control over territory, the balance of forces in the field and the security dilemma.<sup>2</sup>

This chapter also reviews six peacebuilding interventions conducted by the UN. They have yielded different results ranging from peaceful transition towards formal democracy to return to hostilities. Based on these varied outcomes, however, the question is asked whether realist considerations –balance of forces, the security dilemma, and control over territory- can help explain the various outcomes. The proposition that they do and need to be taken into account when assessing peacebuilding operations is then developed in chapter two.

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<sup>1</sup> 'Peace' is understood in this work as the absence of war and the presence of functioning mechanisms to manage conflict between and within states without having to resort to war.

<sup>2</sup> The notions of balance of forces and security dilemma will be discussed in chapter two.

The structure of this chapter is straightforward. The first section discusses the three elements of formal democracy: the rule of law, free and fair elections and protection for individual rights. The argument that democracy is also supported by a set of shared values found in society is also discussed in relation to UN peacebuilding. The second section examines the connection between democracy and peace, and argues that the democratic tradition considered that both democratic institutions and values are necessary for peace to be established. The third section examines the shift that has taken place at the UN since the end of the Cold War towards democracy and shows that building formal democracies is one of the main objectives of UN peacebuilding. Finally, in the last section, six peacebuilding missions are reviewed, showing that a realist analysis of the security transition helps explain the various outcomes.

## **1. Explaining the Sustainability of Democracy: Values and Institutions?**

This section proposes a formal definition of democracy as comprising legally protected individual rights, free and fair elections and the rule of law. The idea that democratic institutions cannot endure without the development of democratic values in society is also discussed. It is argued here that this cultural argument is of little value in explaining the outcome of UN peacebuilding operations, as these operations, of short duration, cannot decisively transform the local political culture towards a genuine democratic culture.

The origins of democracy can be traced back as far as Athens and are grounded in liberalism. Democracy seeks to answer the question of how government



can be sustained and what form it should take.<sup>3</sup> This answer starts with the premise that individuals are the basic unit of society, capable of rational thinking, possessing inalienable rights, which are to be respected by the state and their fellow-citizens, thereby enabling them to pursue their self-interest.

Democracy is characterised by three formal elements. First, individual citizens possess civil and political rights, which are enshrined in a constitutional order. These rights range from a right to life and property to freedom of movement, association and expression. These rights are to apply to all citizens, throughout the national territory. Their exercise is to be protected through the rule of law, which constrains the power of the state and prescribes rules of behaviour for its agents.<sup>4</sup> In addition, legal procedures and institutions are put in place to redress violations of these rights either by the state or by private actors.

Second, the electorate delegates the authority to govern to representative legislatures, which can be recalled through regular free and fair elections in which almost all adults can participate either as candidates or voters. Joseph Schumpeter's famous definition considers elections as the defining feature of democracy. To him, democracy amounts to an 'institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote.'<sup>5</sup> Robert Dahl saw as an essential characteristic of democracy 'the quality of being completely or almost completely

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<sup>3</sup> See David Held, *Models of Democracy* (Cambridge: Polity Press, 1996) p. 88.

<sup>4</sup> See Neil J. Kritz, "The Rule of law in the Post-Conflict Phase", in Fen Osler Hampson and Pamela Aall, eds., *Managing Global Chaos: Sources of and Responses to International Conflict* (Washington, DC: United States Institute of Peace Press, 1996) p. 588. The rights recognised to citizens vary from democracy to democracy. Chapter 3 offers a comprehensive list of the rights granted to Bosnian citizens, based on various international documents, which are found in most democratic constitutions.

<sup>5</sup> See Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1947) p. 269.

responsive to all its citizens', including through elections or eligibility for public office.<sup>6</sup>

Third, social life is governed by the rule of law, defined here as a set of publicly known rules which govern the exercise of state power, thereby guaranteeing predictability and certainty, in order to protect individual rights. Maintenance of the rule of law necessitates at least an independent judiciary, a professional police force and an efficient prison system and has to extend to the entire national territory. Rama Mani pointed out that the rule of law must be understood in relation to individual rights.<sup>7</sup> The rule of law should contribute to the protection of individual rights, and should restrict the power of the state in order to enforce these rights. In practical terms, individual rights cannot be protected if the basic institutions of the rule of law do not function effectively, as it is often the case in post-conflict situations. These institutions, which are an independent judiciary, a professional police force and an efficient prison system, constitute a minimum starting point for the (re)establishment of the rule of law.

This definition leaves out another aspect of democracy that has been developed in the literature since the 1990's.<sup>8</sup> Indeed, there has been a shift in the democratisation literature away from a formal definition of democracy, such as the one proposed here, towards a definition arguing that democratic institutions cannot be sustained without a set of shared democratic values found in society such as

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<sup>6</sup> Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971) p. 2.

<sup>7</sup> Rama Mani, "Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies", *International Peacekeeping* 5, no. 3 (Autumn 1998): 1-25.

<sup>8</sup> See, for instance, Larry Diamond, "Rethinking Civil Society: Toward Democratic Consolidation", *Journal of Democracy* 5, no. 3 (1994): 4-17 and Francis Fukuyama, "The Primacy of Culture", *Journal of Democracy* 6, 1 (1995): 7-14.

compromise, tolerance or the willingness not to use violence to resolve disputes.<sup>9</sup> These values are to be learned and practised by citizens in voluntary associations that form civil society.<sup>10</sup> Democracy and democratic institutions, according to this argument, depend on a vibrant, democratic civil society where democratic values are practised. Mary Kaldor and Ivan Vejvoda's article about the process of democratisation in ten Central and East European countries illustrates this dual nature of democracy.<sup>11</sup> They distinguish between formal democracy, comprising a set of rules, procedures and institutions, and substantive democracy, characterised by a democratic political culture in which there is a 'genuine tendency for political equalization and in which the individual feels secure and able and willing to participate in political decision-making...'<sup>12</sup> To them, substantive democracy necessitates, among others, political parties that provide a vehicle for political participation, a media representing a broad political debate and a civil society made up of independent associations and institutions that is able to check abuses of state power.

This line of argument raises two sets of difficulties in the context of UN peacebuilding. First, the argument can easily become tautological: a country is not democratic until it adopts democratic values. Any failed attempt at creating

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<sup>9</sup> There is, however, no consensus in the literature over what values are necessary to sustain democracy.

<sup>10</sup> There is no consensus over how long it takes for a society to 'learn' democratic values. Fred Halliday and Keitha Fine estimate that the process probably takes at least a generation. See Keitha Fine, "Fragile Stability and Change: Understanding Conflict During the Transition in East Central Europe", in Abram Chayes and Antonia Handler Chayes, eds., *Preventing Conflict in the Post-Communist World* (Washington, DC: Brookings Institution, 1996) p. 566 and Fred Halliday, *Rethinking International Relations* (London: Macmillan, 1994) pp. 232-33.

<sup>11</sup> Mary Kaldor and Ivan Vejvoda, "Democratization in Central and East European Countries", *International Affairs* 73, no. 1 (1997): 59-82.

<sup>12</sup> *Ibid.*, p. 66.

democratic institutions can then be explained by the fact that the target society has not yet adopted democratic values in order to support these institutions. However, this argument leaves open the questions of why these values have not been adopted as well as whether it is possible to transplant them to the target society.

However, and this constitutes the second difficulty, the praxis of UN peacebuilding shows that these interventions are state-centric, top-down interventions, aimed principally at creating democratic institutions and a single political space. The length of these interventions, being usually under two years, precludes most initiatives seeking to foster democratic values and develop civil society, in spite of claims by the UN to the contrary.<sup>13</sup> Finally, all of these interventions take place in societies where Western democratic values are foreign. The various outcomes of UN peacebuilding efforts, reviewed in section four, cannot therefore satisfactorily be explained by a deficit in democratic values.<sup>14</sup> Or, to put it differently, UN peacebuilding operations are, according to the cultural argument, bound to fail in their efforts at democratisation because of their short length unless they are followed by long-term international efforts that seek to facilitate the development of substantive democracy, as defined by Kaldor and Vejvoda.

Consequently, a 'democracy' in the context of UN peacebuilding should be understood as a country that bears the following formal characteristics: delegation of the right to govern to legislatures through free and fair elections in which most

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<sup>13</sup> UN peacebuilding also seeks to foster democratic values, but the main focus of these operations is democratic institutions. This focus becomes clear when looking at the exit strategy of these operations, as they are usually wound up after the installation of democratically elected government.

<sup>14</sup> The same argument can be made with regard to BiH. Even though the intervention is of unprecedented length, it is doubtful that six years are sufficient to dramatically transform the local political culture. In any case, Halliday and Fine would argue that six years is too short to achieve lasting changes.

adults can participate either as candidates or voters, respect for the rule of law and individual rights, including the existence of functioning institutions for preventing and redressing violations. The next section asks how democracy guarantees peace.

## **2. How Does Democracy Guarantee Peace?**

This section elaborates on the idea that democracy is conducive to peace. By looking at three authors, it shows that both democratic values and institutions are seen as conducive to peace. However, the importance granted to democratic norms in the literature to explain why democracies are peaceful casts doubt on the feasibility of bringing peace to war-torn states within the time frame of a peacebuilding intervention, pointing to the need of other factors to explain the outcome of UN peacebuilding operations.

Immanuel Kant, in his *Perpetual Peace*, argued that republican constitutions lead to peaceful relations between states. Although he acknowledged that the international system is anarchical, Kant believed that some states could form, as Michael Doyle called it, a 'separate peace' within that system.<sup>15</sup> This peaceful order could be created by fulfilling three conditions, that Kant called the definitive articles. The first article stated that the constitution of these states had to be republican, meaning a constitution that solved the problem of combining moral autonomy, individualism and domestic social order. In the private sphere, Kant foresaw a private property and market-oriented economy as a solution. The legal equality of citizens as autonomous subjects –juridical freedom- in the public sphere was to be preserved on the basis of an elected government with a separation of powers. This form of political organisation guarantees juridical freedom because individuals become self-legislators through representation, while tyranny is avoided by means of

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<sup>15</sup> Michael W. Doyle, *Ways of War and Peace: Realism, Liberalism and Socialism* (New York: Norton, 1997) p. 277.

a separation of powers.<sup>16</sup> It is worth pointing out that Kant's republican constitutions did not include universal suffrage. His argument that a certain type of political regime, in this case bearing some democratic characteristics, is more conducive to peace than others is nonetheless important in understanding why some liberals think of democratic institutions as conducive to peace.

Indeed, coming to the issue of war, Kant asserted that in states with republican constitutions 'it is very natural that they [citizens] will have a great hesitation in embarking on so dangerous an enterprise' because it would mean 'calling on themselves all the miseries of war'.<sup>17</sup> Kant therefore saw a representative system as a means to avoid war.

Bruce Russett has tested a similar proposition by constructing two models to explain why modern democracies are so reluctant to go to war with other democracies.<sup>18</sup> He argued that such a dislike for war in modern democracies comes not only from the nature of democratic decision-making, characterised by checks and balances as well as a separation of powers, called the 'structural/institutional model', but foremost from a spirit of compromise and self-restraint that is inherent to democracy (named the 'cultural/normative model').<sup>19</sup> In democratic societies,

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<sup>16</sup> The two other articles being the formation of a pacific federation of free states and respect, by these same states, for cosmopolitan law.

<sup>17</sup> Doyle, *Ways of War and Peace*, p. 280.

<sup>18</sup> Both Bruce Russett and Samuel Huntington, reviewed next, defined democracy as a political system where the most powerful collective decision makers are selected through free and fair elections in which most adults can participate either as candidates or voters. This fairly limited definition of democracy nonetheless leads both authors to conclude that democracy is conducive to peace.

<sup>19</sup> His statistical analysis of all pairs of independent states in the world during the period 1946-86 led him to conclude that 'the normative explanation is superior... almost always the cultural/normative model shows a consistent effect on conflict occurrence and war. The structural/institutional...often does not.' See Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, NJ: Princeton University Press, 1993) p. 92.

civil disputes are resolved without recourse to violence and this cautious attitude is reflected in the way democracies interact with each other. The democratic peace theory, as it has come to be known, sees the advancement of democracy in the world as a means to promote international peace.<sup>20</sup>

The proposition underlying the democratic peace theory is that democracy guarantees peace *within* countries, and that these democratic values can then be projected onto the international scene. Russett alluded to it when he asserted that

‘the culture, perceptions, and practices that permit compromise and the peaceful resolution of conflicts without the threat of violence within countries come to apply across national boundaries toward other democratic countries.’<sup>21</sup>

Samuel Huntington’s *The Third Wave* shed some additional light on the role of democracy in bringing about domestic peace.<sup>22</sup> Although Huntington regarded the form of government and political stability as two different variables, he argued that the two are interrelated.<sup>23</sup> Hence ‘in the modern world democratic systems tend to be less subject to civil violence than are non-democratic systems’ for three reasons.<sup>24</sup> First, according to Huntington, domestic governments use far less violence against their citizens than do undemocratic governments.<sup>25</sup> Indeed, in democratic societies, channels exist for the expression of dissent and opposition within the system; the government and the opposition have fewer incentives to use violence against each

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<sup>20</sup> See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991) p. 29.

<sup>21</sup> Russett, *Grasping the Democratic Peace*, p. 31.

<sup>22</sup> Huntington, *The Third Wave*, chapter 1.

<sup>23</sup> Political stability ‘refers to the degree to which the political system may be expected to remain in existence.’ *Ibid.*, p. 11.

<sup>24</sup> *Ibid.*, p. 28.

<sup>25</sup> This does not prevent, however, some minorities from trying to fight their way to power.



other. Third, because there exist regular opportunities for changing political leaders and public policies, democratic systems are more immune to revolutions than undemocratic governments. In addition, change in democratic societies is incremental and moderate.<sup>26</sup>

The democratic tradition, reviewed in this section, assumes that both democratic values and institutions are conducive to peace. However, the short duration of UN peacebuilding interventions casts doubt on the capacity of these interventions to decisively impact on a society's values. The question can therefore be legitimately asked whether there is any point in attempting to democratise states. Two conclusions can be drawn from this line of reasoning. The first comes down against external intervention, claiming that it is a futile exercise. The second claims that intervention can facilitate some sort of transition towards democracy. The relative success of the UN in assisting some of these transitions bears out the suggestion that some measure of democratisation can be achieved, even in the short time of an intervention. However, the success of these interventions in bringing peace to war-torn states cannot be solely explained by the UN's efforts at building of democratic institutional mechanisms, as the argument reviewed in this section considers that both institutions and values matter in explaining why democracies are peaceful.<sup>27</sup>

This is where the argument that realist considerations help explain the various outcomes of these UN interventions becomes relevant. Indeed, in the

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<sup>26</sup> Although Huntington does not specify at which stage of political development democratisation should take place, his argument that democracies are more stable than non-democracies illustrates the point in view.

<sup>27</sup> It is not argued here that the building of the institutions of democracy is a short-term task. However, interventions can more easily target institutions like the police, parliament and the judiciary system in order to democratise them than create a new political culture.

absence of a democratic tradition, realist considerations such as the balance of forces, the security dilemma and control over territory, as well as the UN's efforts at building democratic institutional mechanisms, both help explain the outcome of the democratisation process. The next section shows how, since the end of the Cold War, the UN has been more inclined to support democracy.

### **3. The UN and the Shift towards Democracy**

The argument of this section is straightforward: since the end of the Cold War the UN has been more inclined to promote democracy in its activities. Democracy is now the ideal model to be adopted for war-torn states, but also for developing nations. This section shows how democratic values have permeated UN thinking.

The end of the Cold War signalled the end of the East-West ideological rivalry. At the UN, the ideological balance tilted towards democracy. UN texts reflect this shift towards policies supporting democracy in development and conflict resolution issues. *An Agenda for Peace* (AfP) recognised that 'authoritarian regimes have given way to more democratic forces and responsive Governments.'<sup>28</sup> *An Agenda for Development* (AfD) also alluded to the same changes:

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<sup>28</sup> Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992) p. 41. *An Agenda for Peace* also located the process of democratisation and peacebuilding within the boundaries of the state. Para.17 of *An Agenda* stated that 'The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress.' *UN Peacebuilding* is therefore an exercise at rebuilding states within their internationally recognised borders.

‘The special problems and features of countries with economies in transition require particular attention in the post-cold war era. The dual transition to democracy and to a market economy makes their situation especially complex particularly regarding their economic growth and sustainable development.’<sup>29</sup>

AfP further proposed that ‘solutions [to the challenges of transition lie] in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic.’<sup>30</sup> It also argued that ‘respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States.’<sup>31</sup> AfD restated a similar argument, but in relation to development:

‘Respect for all human rights and fundamental freedoms, democratic and effective institutions, combating corruption, transparent, representative and accountable governance, popular participation, an independent judiciary, the rule of law and civil peace are among the indispensable foundations for development’.<sup>32</sup>

Kofi Annan’s report on *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (Afr) also states that ‘respect for human rights and the rule of law are necessary components of any effort to make peace durable.’<sup>33</sup>

Finally, AfP restated the Kantian connection between peace and democracy:

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<sup>29</sup> Kofi Annan, *An Agenda for Development* [article on-line] (New York: United Nations, 1998, accessed 17 November 1999); available from [http://www.un.org/Docs/SG/ag\\_index.htm](http://www.un.org/Docs/SG/ag_index.htm); Internet; para. 21.

<sup>30</sup> Boutros-Ghali, *An Agenda for Peace*, p. 44.

<sup>31</sup> Boutros-Ghali, *An Agenda for Peace*, p. 45.

<sup>32</sup> Annan, *An Agenda for Development*, para. 27.

<sup>33</sup> See Kofi Annan, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* [article on-line] (New York: United Nations, 1998, accessed 17 November

‘There is an obvious connection between democratic practices – such as the rule of law and transparency in decision-making – and the achievement of true peace and security in any new and stable political order.’<sup>34</sup>

Elsewhere, Boutros Boutros-Ghali also stated that ‘democracies almost never fight each other. Democratization supports the cause of peace.’<sup>35</sup>

In a report on democracy and democratisation to the UN General Assembly (DaD), Boutros-Ghali restated the similar claim: ‘Democracy contributes to preserving peace and security, securing justice and human rights, and promoting economic and social development.’<sup>36</sup> Boutros-Ghali also made a connection between the three features of democracy discussed in the previous section:

‘Because democratic Governments are freely chosen by their citizens and held accountable through periodic and genuine elections and other mechanisms, they are more likely to promote and respect the rule of law, [and] respect individual and minority rights...’<sup>37</sup>

Finally, DaD restated the argument that democracy brings peace between states:

‘The accountability and transparency of democratic Governments to their own citizens, who understandably may be highly cautious about war, as it

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1999); available from <http://www.un.org/ecosocdev/geninfo/afrec/sgreport/index.html>; Internet; para. 72.

<sup>34</sup> Boutros-Ghali, *An Agenda for Peace*, p. 62.

<sup>35</sup> Boutros Boutros-Ghali, “‘An Agenda for Peace’: One year Later”, *Orbis* 37, no. 3 (Summer 1993): 329.

<sup>36</sup> UN Secretary-General, *Letter Dated 96/12/17 from the Secretary-General Addressed to the President of the General Assembly, including a Supplement to Reports on Democratization*, A/51/761, 17 December 1996, para. 16.

<sup>37</sup> *Ibid.*, para. 17.

is they who will have to bear its risks and burdens, may help to restrain recourse to military conflict with other States.’<sup>38</sup>

Boutros-Ghali then discussed the role of the UN in helping states towards democracy. The assistance provided by the UN ranges from ‘assistance in the creation of a political culture in which democratisation can take root, to assistance in democratic elections, to assistance in building institutions which support democratisation.’<sup>39</sup> He cited the examples of UNTAC in Cambodia, ONUSAL in El Salvador and ONUMOZ in Mozambique where the UN was involved in organising elections, monitored the election campaign and educated voters. He concluded that

‘the peacekeeping mandates entrusted to the United Nations now often include both the restoration of democracy and the protection of human rights... the entire range of United Nations assistance, from support for a culture of democracy to assistance in institution-building for democratization, may well be understood as a key component of peace-building.’<sup>40</sup>

The UN is now more committed to democracy. Despite resistance on the part of some of its members, like China, the Organisation has more often than not presented democracy as the model to be adopted by all states. Peacebuilding operations are no different: they aim at steering states towards democracy. The next section looks at six peacebuilding missions, showing how their mandates are geared towards building democracy, as defined in this chapter. These cases show that the UN’s efforts at democratisation have centred chiefly on institution-building and have not mechanically led to peace. Based on this conclusion, the suggestion that

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<sup>38</sup> *Ibid.*, para. 18.

<sup>39</sup> *Ibid.*, para. 40.

<sup>40</sup> *Ibid.*, para. 5 and 46.

elements of the security transition may account for the outcome of peacebuilding operations is considered.

#### **4. UN Peacebuilding: Six Case Studies**

This section examines six UN peacebuilding operations, and argues that realist considerations are necessary to explain the transition towards democracy. The UN's efforts at creating democratic institutional mechanisms, it is argued, are not sufficient to explain the various outcomes, nor is the limited impact of UN peacebuilding on the local political culture.

The main characteristics that have guided the selection of these cases as UN peacebuilding are the following: first, as identified by Eva Bertam, peacebuilding operations usually follow internal wars.<sup>41</sup> *An Agenda for Peace* considered the possibility of both interstate and intrastate peacebuilding activities;<sup>42</sup> however, the record to date shows that an overwhelming majority of these activities took place within states, following an internal war.<sup>43</sup> Second, peacebuilding personnel are deployed to help the implementation of a comprehensive and multi-faceted agreement that seeks to address the root causes of conflict. Third, the UN and its affiliated agencies are responsible for the operation. Fourth, UN peacebuilding aims at facilitating the transition towards democracy and a single political space. Indeed, the barriers that were set up between the parties during the conflict are meant to be replaced by a new set of institutions, modelled on democracy, supposed to give

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<sup>41</sup> Eva Bertram, "Reinventing Governments: The Promise and Perils of United Nations Peace Building", *Journal of Conflict Resolution* 39, no. 3 (Sep. 1995): 390.

<sup>42</sup> Boutros-Ghali, *An Agenda for Peace*, pp. 61-62.

<sup>43</sup> Because this study focuses on internal conflict, only peacebuilding operations that follow this type of conflict will be considered here.

incentives to the parties to reintegrate into the new single political space by offering the opportunity to access political resources, through competitive elections, as well as institutional protection for their political rights.

Based on these four criteria, six peacebuilding operations can be identified since 1989: El Salvador, Cambodia, Mozambique, Angola, Rwanda, Guatemala. Several other UN operations do not meet these criteria: Namibia and Western Sahara which are decolonisation operations, not internal wars; the Central African Republic and Haiti, which did not follow an internal war, but military coups; Nicaragua's ONUCA and Sierra Leone, which consist of a military mandate only; Eastern Slavonia, which was an interstate operation; Kosovo, which does not follow a comprehensive peace agreement. Finally, Liberia is also an exception because the UN's mandate there was restricted to observing the activities of ECOWAS troops.

#### 4.1. Angola

International negotiators secured a political agreement from the warring parties –the *Movimento Popular de Libertacao de Angola* (MPLA) and the *Uniao Nacional para a Independencia Total de Angola* (UNITA) in 1991.<sup>44</sup> Following the peace accord, the UN was mandated with monitoring the police, which in the past had been responsible for numerous human rights violations. The mandate of the UN lasted from May 1991, when the cease-fire entered into force, until the day after the completion of the presidential and legislative elections, which were monitored by the *United Nations Angola Verification Mission* (UNAVEM II). Indeed, the Peace Accords provided for 'free and fair elections for a new Government' under 'the

supervision of international election observers'.<sup>45</sup> Consequently, UNAVEM's mandate was extended to include preparing and conducting the election, including its monitoring. The UN helped with the registration of voters, monitored the electoral campaign and deployed 400 observers for the election, on 29-30 September 1992.

The collapse of the peace process in Angola after UNITA's candidate, Jonas Savimbi, lost the first round of elections in September 1992, and went back to fighting, has been widely commented on. The UN's failure in bringing peace to Angola underscores one of the main features of democratisation. By seeking to create a democracy, peacebuilding re-allocates political resources among the parties in a way that may not meet their interests nor address their security concerns. In the case of Angola, the 'winner-takes-all' electoral system chosen meant that the losing party would be excluded from government. It also meant that the new, integrated armed forces would constitutionally be under the command of the government. From Savimbi's perspective, losing the election would have amounted to losing his control over political and security resources.<sup>46</sup> In the aftermath of conflict, where mistrust runs high, surrendering control over these resources may represent a greater security risk than reinitiating hostilities. Savimbi, who had maintained hidden arms reserves, decided to resume the war rather than to accept his electoral defeat.<sup>47</sup>

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<sup>44</sup> See United Nations, *The Blue Helmets: a Review of United Nations Peace-keeping* (New York, NY: United Nations, 1996) pp. 238-254 and Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism", *International Security* 22, no. 2 (Fall 1997): 70-71.

<sup>45</sup> United Nations, *The Blue Helmets*, p. 243.

<sup>46</sup> In addition, it turned out that the government transferred troops to an 'anti-riot' police force, with a parallel command structure to the new integrated armed forces. See Yvonne C. Lodico, "A Peace that Fell Apart: The United Nations and the War in Angola", in William J. Durch, ed., *UN Peacekeeping, American Politics and the Uncivil Wars of the 1990s* (New York: St. Martin's Press, 1996) p. 112.

<sup>47</sup> *Ibid.*, p. 112.



#### 4.2. El Salvador

In 1992, a UN-mediated peace accord was signed between the Salvadoran government and the *Frente Farabundo Marti para la Liberacion Nacional* (FMLN).<sup>48</sup> The peace agreements provided for radical military, economic, judicial, electoral and constitutional reforms. Before the signing of this comprehensive agreement, the *United Nations Observer Mission in El Salvador* (ONUSAL) had been deployed to monitor the human rights situation throughout the country. Following the Mexico City Agreement, ONUSAL was mandated with the verification of the parties' compliance with the accord. The human rights component of the mission was expanded to include, in addition to the monitoring of the human rights situation, mediation in cases of violations and education programmes on human rights standards for the Salvadoran population.

ONUSAL's mandate was enlarged a third time to include the monitoring of the election scheduled for March 1994. More specifically, the UN was to help with the registration and education of voters, observing the electoral campaign and the election. It was also to monitor the counting of votes and the announcements of results. ONUSAL was also mandated with verifying the cantonment and demobilisation of FMLN troops and with monitoring the work of the police, responsible for extensive human rights violations during the conflict. In addition, ONUSAL had to verify the dismissal of military personnel from the armed forces who had been found responsible for human rights violations, the dismantlement of El Salvador's three police forces, as well as the downsizing and restructuring of the

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<sup>48</sup> See Paris, *Peacebuilding and the Limits of Liberal Internationalism*, pp. 66-67, Sonia K. Han, "Building a Peace that Lasts: The United Nations and Post-Civil War Peace-Building", *Journal of International Law and Politics* 26, no. 4 (1994): 851-56 and United Nations, *The Blue Helmets*, pp. 425-44.

Salvadoran armed forces. The agreement provided that former FMLN members could become part of the new police and armed forces.

Overall, ONUSAL is presented by the UN as a success story. Indeed, the peace process was not marred by any large-scale violence, and compliance with the terms of the agreement was generally good. David H. McCormick, quoting a UN military observer, spoke of the process of cessation of hostilities and the separation of forces as ‘remarkably smooth compared to [previous] operations’.<sup>49</sup> ONUSAL’s success cannot, however, be attributed solely to its role in improving the human rights situation or conducting democratic elections. Indeed, several other key elements of the peace agreement and process help account for the outcome of the peace process.

First, as part of the agreement, FMLN guerrillas were granted the possibility of buying the land that they occupied. The implementation of the land programme was however delayed by the government, under pressure from the land owners, who stood to lose most from the redistribution of land. Due to the lack of progress on the land question, in October 1992 the FMLN interrupted the third phase of demobilisation of its forces, having only demobilised 40% of its troops at that point. A compromise hammered out by the UN Secretary-General allowed both processes to restart, but this episode shows how the FMLN made clever use of its military strength and control over territory in order to achieve progress in land redistribution.

Second, both the government and the FMLN manipulated the process of demobilisation and downsizing to their advantage, trying to maintain substantial

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<sup>49</sup> David H. McCormick, “From Peacekeeping to Peacebuilding: Restructuring Military and Police Institutions in El Salvador”, in Michael W. Doyle, Ian Johnstone and Robert C. Orr, eds., *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997) p. 284.

military capabilities as a hedge against defection. According to the military assessments made by ONUSAL, the amount of weapons declared by the FMLN as part of the demobilisation process was grossly inaccurate. A military observer noted that

‘it was obvious that the weapons and equipment inventoried were not consistent with the types of military operations that the FMLN had been waging, nor the numbers of ex-combatants that were demobilizing.’<sup>50</sup>

The government, in turn, did not disband two of the three police forces to be disbanded under the peace agreement, but simply incorporated them in the army. In addition, in spite of official statements to the contrary, ONUSAL assessed that the government probably kept more troops under arms than officially announced. Finally, it is estimated that about 300,000 military weapons found their way into the hands of civilians, many of whom had just been demobilised from government armed forces.<sup>51</sup>

The role of ONUSAL in mediating and verifying the different aspects of the agreement did play an essential role in defusing situations, such as the lack of progress in land reform, that could have degenerated into violence. In addition, both parties had come to a realisation towards the end of the 1980's that they could not defeat each other: the Salvadoran government, supported by the US, could not be defeated by the FMLN, nor was it in a position to crush the guerrilla without a massive outside intervention, which is something that Congress would not support. These considerations explain why the parties engaged in the peace process.

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<sup>50</sup> *Ibid.*, p. 287.

<sup>51</sup> *Ibid.*, p. 295

However, the benefits derived from the peace process for both parties explain how it could be sustained. The FMLN obtained access to land, whilst being able to retain some military capability with the tacit agreement of ONUSAL. In addition, it managed to obtain the reform of police and military forces, and the inclusion of FMLN combatants into the new police. The government, even though it compromised on the issue of land, obtained the dismantlement of the FMLN and managed to reduce the impact of the reform process on the structure of its security forces by, for example, transferring some police units directly to the army. The government also kept a security guarantee by maintaining more soldiers under arms than officially declared. These issues point out how the transition to democracy, even assisted by the UN, is not sufficient to maintain the peace in the short-term.

#### 4.3. Cambodia

The 1991 peace accords brought to an end a war between the government and a loose coalition of three factions.<sup>52</sup> A transition period was agreed upon by the parties, during which the *United Nations Transitional Authority in Cambodia* (UNTAC) was 'granted all powers necessary to ensure the implementation' of the agreement.<sup>53</sup> This period was to end with the installation of a new government through free and fair elections. The underlying objective of UNTAC was to create a politically neutral and peaceful environment in which these elections could be carried out. UNTAC's mandate included seven major aspects, four of which will be

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<sup>52</sup> The United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC), the Khmer People's Liberation Front (KPNLF) and the Party of Democratic Kampuchea (PDK) also known as the Khmer Rouge.

<sup>53</sup> See Han, *Building a Peace that Lasts*, p. 847.

reviewed here.<sup>54</sup> In the field of human rights, UNTAC was to 'foster an environment in which respect for human rights [is] ensured'.<sup>55</sup> Under this heading, UNTAC conducted information and education programmes on human rights and fundamental freedoms, investigated and, when possible, corrected human rights abuses. UNTAC's electoral mandate included the creation of a legal framework and code of conduct for the elections, voter education, training of electoral personnel, voter and party registration, polling, co-ordinating foreign election observers, identifying and investigating campaign irregularities, and election monitoring.

UNTAC was also responsible for the maintenance of law and order, which encompassed monitoring the activities of the police to ensure that they maintained public order impartially and effectively while upholding human rights and fundamental freedoms. The civil administration component of UNTAC exercised direct control over the foreign affairs, national defence, finance, public security and information organs of the Cambodian state as they 'could directly influence the outcome of elections.'<sup>56</sup>

In spite of this democratic agenda, the Khmer Rouge refused to comply with the military provisions of the peace agreement, which entailed the cantonment and demobilisation of 70% of the various armed forces. The Khmer Rouge claimed that UNTAC had failed to control the forces of the State of Cambodia (SOC), which had been used to attack and harass political opponents. Subsequently, the three other parties to the agreement interrupted the process of cantonment and demobilisation.

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<sup>54</sup> Military, human rights, civil administration, law and order, elections, rehabilitation of infrastructure, refugees.

<sup>55</sup> See Han, *Building a Peace that Lasts*, p. 847.

<sup>56</sup> *Ibid.*, p. 848.

Elections did go ahead at the scheduled time, but areas controlled by the Khmer Rouge remained outside government control until the movement's collapse in 1996.

One of the major unintended consequences of UNTAC's intervention was to undermine the process of reintegration, as one of the factions, and the territories it controlled, remained outside the peace process. The Khmer Rouge's commitment to the peace process was always strategic, and from their perspective, the military provisions of the peace agreement took away the means of control over the territory they occupied. In addition, the democratic nature of the peace process meant that

'the KR [Khmer Rouge] concept of pure rural community –untainted by any voluntary division of labour or exchange- was and is incompatible with an open market economy and pluralist society envisaged in the compromise peace the parties negotiated at Paris.'<sup>57</sup>

The case of Cambodia illustrates two points. First, as explained in the introduction to this thesis, democratisation is not necessarily conducive to peace, but can create instability. The KR's ideological opposition to democracy was in collision course with the agreement itself, and threatened to undermine the KR in the territories they controlled. Second, the security dilemma created by the military provisions of the Paris accords led the communist movement to withdraw from the peace process so as to preserve the balance of forces with the other factions and its control over the territory under its authority. The transition towards democracy through institution-building helps account for the KR's defection. However, realist considerations help explain the timing of the KR's withdrawal from the peace process.

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<sup>57</sup> Michael W. Doyle, "War and Peace in Cambodia", in Barbara F. Walter and Jack Snyder, eds., *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999) pp. 196-97.

#### 4.4. Mozambique

A General Peace Agreement was signed between the *Frente de Libertacao de Mocambique* (FRELIMO) and the *Resistencia Nacional Mocambicana* (RENAMO) in October 1992. As in other countries, the UN was mandated to help with the implementation of the agreement. In general terms, the *United Nations Operation in Mozambique* (ONUMOZ) was to facilitate the demilitarisation and democratisation of the country.

Its initial mandate fell under three categories: military, humanitarian and electoral. In the military realm, ONUMOZ was mandated with overseeing the demobilisation of excessive troops and the reintegration of FRELIMO and RENAMO forces. The electoral mandate of ONUMOZ included verifying that the electoral process was free and fair; observing all activities relating to voter registration, campaigning, polling and conduct of the elections; conducting electoral education programmes; and finally monitoring the election, which was the first democratic election that the country had known. In addition, ONUMOZ's activities were extended to the monitoring of all police activities.

Mozambique's ONUMOZ was successful in assisting the transition to peace wished by the parties. Their inability to defeat each other, the drought threatening them, the state of near-collapse of the economy, and the diminishing support given to RENAMO meant that the parties had not many options besides the peace agreement. As a direct consequence of the peace process, elections were held and a democratic government put in place. These developments were not, however, sufficient to make the transition succeed.

Several elements of the military transition are worth noting, because they account for the outcome of the UN intervention. First, the parties insisted that the

troops to be demobilised be cantoned in strategic areas, which from a logistical point of view were some of the worst locations, lacking access to roads or drinking water. These locations, however, allowed the parties to maintain a degree of control over the territories they had occupied during the conflict. RENAMO in particular 'strictly controlled access to the territory it occupied as a means to maintain political leverage, leaving the country divided into two de facto states.'<sup>58</sup> RENAMO's control of the territory it occupied continued after the election, which the party lost.<sup>59</sup>

Second, ONUMOZ officials privately acknowledged that the parties had not demobilised all their forces prior to the election: around 5,000 FRELIMO troops and 2,000 RENAMO troops were kept under arms, illustrating how mistrust still played a role in the final stages of the transition process.

Finally, Afonso Dhlakama, the leader of RENAMO, pulled out of the electoral process the day before the election. Under immense international pressure, he eventually accepted to take part in the election, which his party lost. The weakened position of RENAMO vis-à-vis the government meant that the party could not afford to revert to hostilities, unlike UNITA in Angola, but sought to cling on the territories it still controlled through local administration.

#### 4.5. Rwanda

The Arusha accords concluded between the Hutu-dominated government of Rwanda and the *Rwandese Patriotic Front* (RPF) were intended to put an end to a three-year open conflict between the parties. The UN was mandated with assisting the implementation of the agreement which called for a democratically elected

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<sup>58</sup> Pamela L. Reed, "The Politics of Reconciliation: The United Nations Operation in Mozambique", in Durch, *UN Peacekeeping, American Politics and the Uncivil Wars of the 1990s*, p. 290



government as well as for a power-sharing arrangement until the election in the form of a representative, inclusive government.<sup>60</sup> The *United Nations Assistance Mission for Rwanda* (UNAMIR) was to 'contribut[e] to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government.'<sup>61</sup> The operation was to be conducted in four phases. The first would end with the installation of the transitional government; the two subsequent phases concerned the military aspects of the agreement.<sup>62</sup> In the final phase, UNAMIR was to help maintain a secure environment in preparation for the election.

The provisional government was, however, never installed and UNAMIR was withdrawn following the death of ten peacekeepers in the early stages of the genocide. A closer look at the provisional agreement, which was supposed to lead to the election, helps to explain the decision of the Hutu regime to proceed with the genocide. Both in the transitional government and assembly, the ruling Hutu parties, the *Mouvement Republicain National pour le Developpement* (MNRD) and the *Coalition pour la Defense de la Republique* (CDR), were assigned a minority position. In addition, because of the military provisions of the accords, the Hutu elite were also denied the military capacity to protect their position. Under these circumstances, striking first became a viable solution to prevent a complete loss of power. The promise of democracy, that was to replace the power-sharing transitional

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<sup>59</sup> *Ibid.*, p. 302.

<sup>60</sup> The agreement also called for the repatriation of refugees and the integration of the armed forces of both sides into a new military.

<sup>61</sup> United Nations, *The Blue Helmets*, p. 343.

<sup>62</sup> RPF and Rwandan Armed Forces (FAR) were to be reintegrated in a 40:60 ratio, but the number of officers in the new armed forces was to be split evenly between the two forces. See Bruce D. Jones, "Military Intervention in Rwanda's Two Wars", in Walter and Snyder, *Civil Wars, Insecurity, and Intervention*, p. 124.

regime, was not sufficient to alter the calculations of the Hutu regime, which sought to maintain its dominant position in Rwanda. The changing balance of forces and the potential loss of control over territory by the leaders of the Hutu regime, coupled with mistrust of Tutsi intentions, contribute to explain why they decided to engage in massacres that left nearly a million people dead.

#### 4.6. Guatemala

In December 1996, the government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG) signed a series of agreements that put an end to a 36-year-old conflict. The UN, which had been deployed in Guatemala since 1994, when a first set of agreements was signed, was mandated to monitor the implementation of the accords. MINUGUA's<sup>63</sup> mandate consisted of a military and political component: monitor respect for human rights by both parties and strengthen national institutions working for the protection of human rights; and monitor the cease-fire and the demobilisation of the URNG.

Under the former, MINUGUA was to receive, investigate and determine the validity of alleged human rights violations. If MINUGUA deemed the accusations founded, it was to transfer the case to the Guatemalan justice system and monitor the progress of the case. Under the latter, MINUGUA provided support to existing human rights organisations and made recommendations to national authorities in order to promote the observance of human rights.

As for the military mandate of MINUGUA, its role in monitoring the disbandment of the URNG guerrilla is to be understood in the wider context of the

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<sup>63</sup> The United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala.

reform of the security sector in Guatemala. Indeed, the government had committed to change the mission of the armed forces to the sole defence of Guatemala's borders, disband paramilitary forces responsible for numerous human rights violations and reform the police by increasing its size and incorporating Mayas in the new police.

The position of the URNG was weaker than that of the FMLN in El Salvador, another guerrilla group which turned itself into a political party. In effect, the URNG held out longer than the FMLN because

'there was considerable resistance to the idea of accepting anything short of the revolutionary goals which had been fought for during such a long and bloody war... by resisting an early settlement, the URNG managed to achieve considerably more than might have been expected.'<sup>64</sup>

It is not until 1986 that the URNG recognised that total victory was impossible and replaced its military strategy by an offer to negotiate a political settlement with the government. The government, in turn, did not accept until 1991 the idea of negotiating with a movement that, although weakened, it had failed to completely defeat. The Guatemalan military's marginalisation, in the face of diminishing support from the US, meant that it was no longer capable of blocking negotiations.<sup>65</sup> In 1994, the parties concluded a series of agreements mediated by the UN to protect the rights of the Mayan people, that would be monitored by MINUGUA.

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<sup>64</sup> Anna Vinegrad, "From Guerrillas to Politicians: The Transition of the Guatemalan Revolutionary Movement in Historical and Comparative Perspective", in Rachel Sieder, ed., *Guatemala after the Peace Accords* (London: Institute of Latin American Studies, 1998) pp. 216-17.

<sup>65</sup> Susanne Jonas, "Democratization Through Peace: The Difficult Case of Guatemala", *Journal of Interamerican Studies and World Affairs* 42, no. 4 (Winter 2000): 14-15.

However, it was not until March 1997 that the URNG guerrilla began to disarm under UN supervision, after the government had agreed to a substantial reform package for the police and the military in September 1996, which provided for the restructuring of both the army and the police, and the inclusion of URNG personnel in the police. Other agreements signed in 1996 consolidated the rights and special status granted to the Mayas, and formalised the transformation of the URNG into a political party.

As in El Salvador, the stalemate reached on the battlefield was translated into a political agreement which allowed the transition towards democracy to begin. However, the political transition in Guatemala began before the URNG military arm agreed to be dismantled, and the demobilisation of the force was not linked to any specific political provision of the peace agreement as in Angola and Mozambique, where the rebel forces had to be demobilised and reintegrated with government forces before the election. The case of Guatemala shows that disarming the opposition movement is not a *sine qua non* precondition for a successful democratic transition as long as both parties have come to terms with the fact that total military victory is no longer possible.

The six cases reviewed here point to one conclusion. In the absence of a strong democratic set of values shared by society, UN peacebuilding efforts at building democratic institutional mechanisms and a single political space do not bring peace to war-torn societies unless the dynamics of the security transition are taken into account as well. This section has shown how the balance of forces in the field, the control over territory exercised by the parties and the security dilemma are necessary to explain the outcome of the various UN efforts at building democratic institutional mechanisms.

## **5. Conclusion: UN Peacebuilding –Building Democratic Institutions**

This chapter has proposed a definition of democracy that focuses mainly on three formal elements necessary for democracy: delegation of the right to govern to legislatures through free and fair elections in which most adults can participate either as candidates or voters, respect for the rule of law and individual rights, including the existence of functioning institutions for preventing and redressing violations.

The importance of a set of values underpinning these institutions, and granting them legitimacy has also been recognised. However, it has been argued here that, given the short life of UN peacebuilding operations, it was improbable that the values of the target society would be significantly altered. In addition, the cases reviewed have shown that UN peacebuilding focuses mainly on building formal democracy, and on (re)building a single political space within the borders of the state. This is why the definition of democracy used in the context of UN peacebuilding centres on the institution-building aspects of democratisation.

The argument reviewed in section two, that democracy brings peace, underscores the importance of both democratic values and institutions in guaranteeing peace. Therefore, the UN experiment in peacebuilding cannot decisively support the argument that democracy brings peace, because UN interventions focus mainly on institution-building. Section three has nevertheless shown that the ideological balance has tilted towards democracy at the UN since the end of the Cold War, leading the Organisation to more openly advocate democracy as a means to bring peace to war-torn states. The section has also shown that the building of democratic institutions, with the aim of (re)building a single political

space, is the main focus of UN peacebuilding.<sup>66</sup> Indeed, these institutions aim at creating new relations between the parties to a conflict, within the borders of the state.

The last section of this chapter reviewed six peacebuilding operations conducted by the UN and argued that the security transition needs to be taken into account in order to explain the success of the transition towards democracy and a single political space. The elements of the security transition reviewed here, control over territory, balance of forces in the field and the security dilemma, as well as the efforts of the UN at building democratic institutions, do help account for the outcome of these six interventions. Because the way the security sector is managed and reformed in the context of peacebuilding operations greatly impacts on the political transition, the security transition is important in explaining the transition towards democracy. The next chapter now turns to the issue of SSR in UN peacebuilding.

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<sup>66</sup> The UN is not the only international institution that has adopted and promoted the model of democracy in its activities. The Organisation for Security and Cooperation in Europe (OSCE) as well as the North Atlantic Treaty Organisation (NATO) are examples of organisations which also support democracy.

## **Chapter 2: Security Sector Reform in UN Peacebuilding: Impact on Democratisation**

Chapter one has argued that UN peacebuilding seeks to (re)build a democracy, including a single political space, in war-torn countries. It has also been argued that the UN's efforts at building a formal democracy, characterised by the rule of law, free and fair elections and legally protected individual rights, do not fully account for the outcome of the six peacebuilding operations reviewed in the chapter. Elements of the security transition were put forward in order to explain the outcome of the UN's democratisation efforts.

Three elements of the security transition are important in order to understand the outcome of UN peacebuilding operations. First, as discussed in the introduction, control over territory is an essential determining factor of the transition towards democracy. Indeed, it was argued in the introduction that control over territory is often regarded by the parties as more important than the provisions of the agreement itself. In the case of Mozambique, for instance, RENAMO continued to exercise its control over the territories it occupied during and after the peace process.

The second consideration regards the balance of forces in the field. Here again the parties are likely to pay close attention to the impact of the peace process on the balance of forces in the field. If the balance is being tilted by the peace process towards their former enemies, through the process of demobilisation for example, a party's incentive to wreck the peace process is increased. The case of Angola, reviewed in chapter one, showed how the disarmament and demobilisation provisions of the agreement led UNITA to renege on their commitment to the agreement after the first round of elections, as it seemed that the second round would seal the MPLA's victory and its control over the new military forces.

Finally, the security dilemma, also explains why the parties prefer to go back on their word over moving forward with the democratisation process. Using the Rwandan case, it was shown that the high level of mistrust between the parties led the Hutu leadership to move forward with genocidal policies in order to strike first.

SSR in UN peacebuilding profoundly impacts on these three considerations, which in turn, as was shown in chapter one, deeply affect the transition towards democracy. Consequently, the way the security sector is managed and transformed in peacebuilding operations has a crucial impact on the transition towards democracy.

In its peacebuilding operations, the UN has adopted a liberal approach with regard to the issue of military reform. It is assumed that a high level of weaponry in society is a source of instability in the aftermath of an internal war. Indeed, it leaves the parties with the option and the means to resume hostilities or to perpetrate further human rights violations against civilians. Early disarmament and demobilisation of military forces have therefore, at least in theory, formed an essential part of UN peacebuilding operations, whilst police forces were to be reintegrated and trained to conduct their operations in accordance with democratic standards of policing.<sup>1</sup> The aim of this process of restructuring and integration is to create military forces, under the control of the state, whose task is limited to the defence of the borders of the state (external security) and police forces tasked with the protection of individual rights and the enforcement of the rule of law (internal security).

However, the demilitarisation approach does exacerbate the risks for the parties associated with the security transition to a point where the transition towards democracy may be under threat. Therefore, based on the idea of military balance, an



alternative model to early demilitarisation is considered in this chapter. Such a model assumes that the parties initially continue to exercise their control over security forces, and the territory they occupy, whilst third parties help create a military balance between them in order to reduce the security dilemma, and assist with the reform of their police forces.

This chapter proceeds as follows. First, the demilitarisation approach adopted in UN peacebuilding is located within the debate between realists and liberals on the role of weapons in leading to and in exacerbating international conflict. Idealism, a variant of liberal thinking on international relations, considers that arms -or rather, arms races- are indeed a cause of war. Disarmament guarantees peace by reducing political tensions between states and putting an end to arms races. Realism considers that it is either the structure of the international system or disputes between states that are the cause of war. And in either case, realists do not consider weapons to be the primary cause of war.

A second section will then show that the UN has systematically favoured early disarmament and demobilisation in its peacebuilding operations. This preference stems from the idealist approach adopted by the UN with regard to the relationship between weapons and war.

The third section argues that the issues of control over territory, balance of forces and security dilemma described earlier militate against early demilitarisation as favoured by UN peacebuilding. A hard realist approach is considered, based on the creation of a military balance between the parties under arms control and Confidence and Security-Building Measures (CSBM) regimes. The suggestion is made here that such an approach can help address the three realist considerations discussed earlier.

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<sup>1</sup> Unless specified, 'disarmament and demobilisation' of security forces and 'demilitarisation' will be

The fourth section examines how police forces have been dealt with in UN peacebuilding operations. It argues that the UN seeks to reintegrate these forces and bring their behaviour more in line with democratic standards of policing, but that this process exacerbates the issues of balance of forces and control over territory. As with military forces, in order to address these issues an alternative model of police reform is considered, based on the idea that within a hard realist model of SSR, the parties initially continue to exercise their control over the police.

## **1. Weapons and Interstate War: Liberal and Realist Perspectives**

This section will briefly look at the debate between liberals and realists with regard to the causes of war at the international level. The (liberal) idealist approach takes the position that weapons and arms races cause international wars. Disarmament, therefore, is seen as a means to prevent war and reduce tensions between states.

Realism does not regard weapons as a primary cause of war: rather, realists claim that the main source of international disorder is found in political disputes between sovereign states and in the anarchical structure of the system itself. Only by resolving these disputes, if ever possible, will tension in international relations be eliminated. In the meantime, some realists argue that a military balance of power between potential enemies is the best guarantee of survival for states in the international system. Arms control and confidence-building measures, nonetheless, are seen as a means to reduce the risks associated with the arms race.

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used interchangeably.

## 1.1 The Liberal Argument: Arms Races as the Cause of War

The issue of arms in relation to war appeared on the international agenda with the advent of industrialisation.<sup>2</sup> Now that states were capable of producing highly destructive weapons in large quantities, their role in leading to war as well as in its conduct became crucial. As European nations started building up their arsenals from the end of the 19<sup>th</sup> century, a highly destructive -and expensive- war between them became a serious possibility. The enormous military expenditures generated by the subsequent arms race in Europe increasingly began to be seen as a burden. Two international conferences were held in 1899 and 1907 to try and address the potential destabilising consequences of the arms race. In 1899, a consensus emerged among participants that the best way to prevent war was to stop the arms race.<sup>3</sup> In 1907, despite the lack of progress on the issue, a similar position was adopted by the conference, to no avail.

At the end of World War I, as James Shotwell and Marina Salvin argued, the general consensus was that the arms race had been responsible for the war.<sup>4</sup> General

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<sup>2</sup> The issue of the role of weapons in causing war had not been examined in detail by liberal authors before the 20<sup>th</sup> century. Immanuel Kant, Jeremy Bentham and Richard Cobden proposed ways of preventing war between states, but these were not directly related to the issue of weapons.

<sup>3</sup> The final declaration stated: 'A limitation of the military expenses which now burden the world is greatly to be desired in the interests of the material and moral well-being of mankind... the governments, having regard to the propositions advanced in the conference, shall take up the study of the possibility of an agreement concerning the limitation of armed forces on land and sea, and of military budgets.' Cited in William I. Hull, *The Two Hague Conferences and Their Contributions to International Law* (Boston: Ginn & Company, 1908) p. 450. These declarations were however never followed by any concrete changes.

<sup>4</sup> See James Shotwell and Marina Salvin, *Lessons on Security and Disarmament from the History of the League of Nations* (London: Oxford University Press, 1949) p. 10.

disarmament, was seen as the only solution to prevent another war.<sup>5</sup> As Article 8 of the Covenant stated:

‘The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.’<sup>6</sup>

The aim of general disarmament set in the Covenant, was never reached, and seemed to have been set aside by the authors of the UN Charter.

However, nuclear proliferation and the development of other types of weapons of mass destruction gave fresh momentum to the idea of complete and general disarmament. As Noel-Baker acknowledged in his book *The Arms Race*, we live in an atomic world that is technologically capable of destroying itself. In his view, arms races are a ‘powerful and constant contributory cause’ of war mainly because they keep alive the idea that war is inevitable.<sup>7</sup> In other words, arms races help maintain war on the agenda as a credible option -and possibility- and strengthen

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<sup>5</sup> Disarmament is part of the liberal approach to international relations, but belongs to the idealist strand of liberalism that gained currency in the early 20<sup>th</sup> century. As Peter Wilson noted, idealism is difficult to define as a unified body of theory. It favours different principles such as collective security, disarmament and self-determination. But it has in common with other variants of liberalism the assumption that conscious, progressive change is possible in international relations. Disarmament is therefore an attempt to alter and improve the course of international relations by eliminating the threat of war. See David Long and Peter Wilson, eds., *Thinkers of the Twenty Years' Crisis* (Oxford: Clarendon Press, 1995) p. 13.

<sup>6</sup> Fred Tanner has defined disarmament as ‘a linear process of completely eliminating the military capabilities of warring factions’. Disarmament can therefore be carried farther than the aim set by the Covenant. Tanner’s definition of disarmament will be used here. See Fred Tanner, “Consensual vs. Coercive Disarmament”, in United Nations Institute for Disarmament Research (UNIDIR), *Managing Arms in Peace Processes: The Issues* (Geneva: United Nations, 1996) p. 171.

<sup>7</sup> Philip Noel-Baker, *The Arms Race: a Programme for World Disarmament* (London: John Calder, 1958) p. 74.

the position of the military establishment in the decision-making process. An improvement in international relations, therefore, can only be achieved by ending the nuclear arms race and eliminating nuclear weapons.

Although ideally coupled with a political solution, disarmament can then contribute to easing international tensions prior to resolving a given dispute. This concern for disarmament is clearly reflected in the debates of the First Special Session of the UN General Assembly devoted to disarmament (1978). In its final document it concluded that

‘genuine and lasting peace can only be created through ... the speedy and substantial reduction of arms and armed forces... leading ultimately to general and complete disarmament under effective international control.’<sup>8</sup>

The Session also agreed to the establishment of a Conference on Disarmament, and of a Disarmament Commission which have been in existence since 1979. The former’s membership includes 66 states and the Conference’s main function is to serve as a ‘disarmament negotiating forum’.<sup>9</sup> The Conference, and its predecessors, has negotiated several disarmament conventions and treaties: the Treaty on the Non-Proliferation of Nuclear Weapons, signed in 1968; the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, signed in 1972; and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed in 1993.

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<sup>8</sup> UN General Assembly, Final Document of the Tenth Special Session of the General Assembly (First Special Session of the General Assembly Devoted to Disarmament), A/S-10/2, 1978, para. 13.

<sup>9</sup> UN Conference on Disarmament, *Rules and Procedures of the Conference on Disarmament*, CD/8/Rev.8, dated 17 August 1999, para. 1.

The Disarmament Commission, in turn, has a 'role within the [UN] mechanism on disarmament as the only body with universal membership for in-depth deliberations on relevant disarmament issues.'<sup>10</sup> The Commission has served as a discussion forum on issues related to chemical, biological, nuclear and conventional disarmament since its creation in 1978.

The same idealist premises that have informed debates on disarmament at the UN, especially with regard to weapons of mass destruction, are found in UN peacebuilding.<sup>11</sup> The development and proliferation of weapons are considered a source of instability, let alone a cause of conflict in the first place. Their elimination is therefore crucial for a successful transition towards democracy. In the aftermath of an internal war, the restructuring of security forces, including the early disarmament and demobilisation of the various factions, is a necessary step in restoring the control of the state over security forces. The proposed timing of such efforts, however, denotes a preference for a rapid elimination of the means of war because they are regarded as a source of tension in local politics. The next subsection discusses the realist argument that war is not caused by weapons.

## 1.2. The Realist Argument: Political Disputes as the Cause of War

The incapacity of the League of Nations to achieve any substantial progress with regard to disarmament combined with the tragedy of World War II have led

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<sup>10</sup> UN General Assembly, *Report of the Disarmament Commission*, Decision 52/492, dated 8 September 1998, para. a.

<sup>11</sup> This point was made by Stuart Croft, who argued that the intellectual legacy of favouring disarmament over arms control at the UN has heavily influenced how SSR was conceptualised in UN peacebuilding. See Stuart Croft, "Lessons from the Disarmament of Factions in Civil Wars", in Dimitris Bourantonis and Marios Evriviades, eds., *A United Nations for the Twenty-First Century* (Boston, MA: Kluwer Law International, 1996) pp. 271-84.

realists to argue against the very notion of disarmament as a means to prevent war. This intellectual environment contributed to the adoption of a realist approach to security in the UN Charter: its system of collective security relied on strong military countermeasures in case of aggression. These were to be provided by states with substantial military capabilities. It was therefore postulated that states -or at least the most powerful ones- would retain sufficient offensive military forces to maintain international peace and security, while disarmament was seen as an optional by-product of conflict resolution.<sup>12</sup>

R.B.J. Walker's distinction between two strands of realism does not affect the argument made here that realists do not consider weapons to be a primary cause of war.<sup>13</sup> Walker distinguished between historical realism, which considers how conflict, created by competition between states, can be managed by statesmen by bringing the external environment under their control, and structural realism, which identifies the causes of conflict in international relations in human nature or in the anarchic nature of the international system, which are perennial conditions. The latter does not support the idea that the security dilemma, created by human nature or the nature of the international system, can be decisively affected by any international efforts at disarmament or arms control; the former argues that military balances, understood as military equilibria, can mitigate the security dilemma.

Hedley Bull's critique of the liberal approach to disarmament exemplified how a military balance can mitigate the security dilemma.<sup>14</sup> In an anarchic system, argued Bull, states are left to rely on their own resources to guarantee their existence

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<sup>12</sup> Avi Beker, *Disarmament Without Order: The Politics of Disarmament at the United Nations* (London: Greenwood Press, 1985) pp. 8-14.

<sup>13</sup> R.B.J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993) pp. 108-22.

and will do so by seeking to balance the military power of their potential enemies. Bull acknowledges that a balance of power may not prevent war, which is seen as a means to maintain order in the international society, but it will guarantee the survival -and independence- of the state. To him, a balance of power means a situation where a military equilibrium between opposed powers exists, as neither has the prospect of decisive victory. The idea of a balance of power, however, does not lend itself to disarmament because of its fluidity: military power is difficult to assess accurately and states do not feel secure until the balance has tilted in their favour.<sup>15</sup> The stability of military balances is further compromised by changes at the technological, political, economic and societal levels. Trying to reduce armed strength to a fixed ratio will therefore be incompatible with state security.

However, the dynamics of the balance of power, or military balance, should not obscure the role of political disputes, the product of competitive relations between states, in initiating arms races. To Bull, arms races are a consequence of political tension:

‘But the fact that the arms race contributes to political tension does not diminish the difficulty that it cannot be brought to an end without the ending of this tension.’<sup>16</sup>

The primacy of politics is here asserted: political tensions can degenerate into war and, until the political dispute is resolved, if ever possible, only the balancing of

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<sup>14</sup> See, for instance, *The Control of the Arms Race* (London: Weidenfeld and Nicolson, 1961).

<sup>15</sup> Speaking of the concept of balance of power as a policy objective, Inis Claude highlighted the difference between promoting the creation or the preservation of a power equilibrium and the attempt by one state or group of states to tilt the balance in its favour. Bull refers here to the latter. See Inis Claude, *Power and International Relations* (New York: Random House, 1965) pp. 18-19.

<sup>16</sup> Hedley Bull, “Disarmament and the International System”, in Robert O'Neill and David N. Schwartz, eds., *Hedley Bull on Arms Control* (London: Macmillan, 1987) p. 28.



military power will guarantee the survival and independence of the state. Bull nevertheless acknowledged that arms control measures, when they do not affect the balance of power, contribute to an easing of political tensions and of the security dilemma.<sup>17</sup> The primacy of politics in causing war and the fluid nature of the balance of power led Bull to conclude that disarmament agreements can only work if they are neither general nor comprehensive, in effect advocating arms control. When an agreement is not general, some powers may decide to disarm *vis-à-vis* each other while at the same time not lowering their guard *vis-à-vis* other states.

More relevant to the notion of arms control, when an agreement is not comprehensive, in that it does not embrace all the categories of armaments and factors of military power, the arms race is restricted to certain types of weapons for which a fixed ratio is engineered.<sup>18</sup>

Arms control, as exemplified by the Treaty on Conventional Armed Forces in Europe (CFE Treaty), and the notion of military balance were deeply embedded in post-World War Two East-West relations. It is within this context that the CSBM's were devised. In 1975, the Conference on Security and Cooperation in Europe adopted some measures aimed at reducing the risk of a surprise attack by NATO and

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<sup>17</sup> Arms control can be defined as quantitative and/or qualitative reductions of armaments which to be successful have to preserve a given balance of power, although at a lower level. See Hedley Bull, "Arms Control and the Balance of Power", in Robert O'Neill and David N. Schwartz, eds., *Hedley Bull on Arms Control* (London: Macmillan, 1987) pp. 54-55.

<sup>18</sup> See Hedley Bull, "Disarmament and the International System", in O'Neill and Schwartz, *Hedley Bull on Arms Control*, p. 30. Two examples of this approach are, first, the CFE Treaty (1990), which limits five categories of weapons -tanks, artillery, armoured combat vehicles, combat helicopters, and attack aircraft- on the European territory of the NATO states and those of the former Warsaw Pact and, second, the Vienna Agreement (1996), which, based on the CFE model, limits -and in certain cases authorises increases in- the same categories of weapons for the FRY, Croatia and the two Bosnian entities. See chapter four.

Warsaw Pact forces, effectively agreeing on the first CSBM's.<sup>19</sup> CSBM's, born in the European context, are voluntary military measures meant to reduce the risks associated with misperception or communication failure that could initiate a war. Initially, CSBM's were developed outside arms control initiatives, but were later conceptualised as complementary to arms control arrangements.

Marie-France Desjardins argued that the main role of CSBM's does not lie in changing the 'hard facts' of the military balance, such as the number of troops or types of weapons that the parties maintain, but in changing the parties' perceptions of their security threats by providing them with accurate information.<sup>20</sup> In effect, CSBM's do not challenge the notions of security dilemma and military balance, but seek to mitigate the dynamics they create.

CSBM's have three major objectives, according to Desjardins.<sup>21</sup> First, they promote information exchange, which has to be verifiable, between states regarding troop movements, manoeuvres, routine exercises and other activities that can create misperception and trigger an undesirable reaction. The information exchanged can also cover military facilities, budget, weapons systems and planned procurement. All this information creates a sense of stability and predictability among states by increasing their ability to make accurate assessments of other states' military capacities and intentions.

Second, CSBM's establish principles and rules in order to regulate the behaviour of states. Such rules include the verifiable prohibition, limitation or

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<sup>19</sup> Notification of large military manoeuvres 21 days or more in advance, observation of these manoeuvres and prior notification of smaller manoeuvres and major troop movements. See Marie-France Desjardins, *Rethinking Confidence-Building Measures*, Adelphi Paper no. 307 (Oxford: Oxford University Press for the IISS, 1996) p. 7.

<sup>20</sup> *Ibid.*, pp. 18-19.

<sup>21</sup> *Ibid.*, pp. 18, 21-22.

constraining of certain types of military activities. Once again, these measures are intended to increase stability and predictability by establishing acceptable patterns of behaviour. Finally, CSBM's promote contacts between parties. Indeed, the process of negotiating and implementing these measures allows the parties to come into contact, explain and discuss their views, and to confront each other's perceptions and interpretations. This process of interaction, in a fashion not very different from that of peacebuilding, is supposed to alter the perceptions, thinking and objectives of the parties.

Desjardins nonetheless envisaged three ways in which CSBM's could work against improving the security perceptions of the parties: selective implementation, bad faith and deception.<sup>22</sup> Selective or irregular implementation of a CSBM package occurs when its weaknesses and loopholes are intentionally used. Bad faith and deception, in turn, occur when the intent of a CSBM is subverted or when information is used to provide false indications of a state's intent. Selective implementation, bad faith and deception increase mistrust between the parties and affect negatively their assessment of security threats. These considerations are important in the context of post-conflict peacebuilding. Indeed, should CSBM's be implemented in a post-conflict environment, where mistrust still runs high, the security risks of subverting these measures are likely to be increased dramatically.<sup>23</sup>

This section has discussed two approaches to the role of weapons in relation to war. The liberal view, which informs peacebuilding, considers that weapons and, more precisely, arms races cause war. The realist view, in turn, claims that it is politics as well as human nature and the nature of the international system that lead to war. Military balances, according to the historical realist view, are the only

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<sup>22</sup> *Ibid.*, pp. 51-53.

guarantee of survival for states and can be engineered and managed through arms control and CSBM's. The next section discusses the idealist approach to the reform of military forces in UN peacebuilding operations.

## **2. UN Peacebuilding: an Idealist Approach to the Reform of Military Forces**

This section shows that UN peacebuilding favours an early disarmament and demobilisation of factions in the aftermath of an internal conflict, and their reintegration in new unified armed forces, responsible for the defence of the borders of the state and under the control of the state. Because of a favourable bias towards demilitarisation, the UN has considered, at least in theory, that demilitarisation should take place as early as possible. The first subsection reviews briefly the military mandate of the UN in the six operations discussed in chapter one, showing that the UN has favoured early disarmament and demobilisation, and when mandated to do so, the reintegration of the various forces into a unified military structure. The rest of the section then turns to a UN policy document, showing why early demilitarisation is such a high priority to the UN.

The UN makes a clear distinction between police and military forces in its peacebuilding operations. Indeed, military forces are to be disarmed and demobilised whilst police forces are to be restructured and reformed. This distinction may be analytically useful, but it is often of limited value in the context of internal war as the distinction between military and police forces is blurred. This point will be

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<sup>23</sup> The applicability of CSBM's to post-conflict situations will be discussed in section three.

further developed in section four, which deals with the reform of the police in the context of UN peacebuilding.

The six missions reviewed in chapter one (Angola, El Salvador, Cambodia, Mozambique, Rwanda, and Guatemala) have all included some measure of disarmament and demobilisation of the various factions in their mandate and in three cases, their reintegration into unified military structures.<sup>24</sup> In Angola, UNAVEM II was mandated with the verification of the cantonment, disarmament and demobilisation of UNITA and MPLA troops. About 165,000 troops were to be demobilised, and 50,000 of those troops incorporated in the new armed forces. In El Salvador, ONUSAL verified the cantonment, disarmament and demobilisation of FMLN forces.<sup>25</sup> In Cambodia, UNTAC was initially mandated with the regroupment, cantonment and demobilisation of 70% of the combatants from the four factions. In Mozambique, ONUMOZ was to verify the disarmament, demobilisation and reintegration into civilian life of about 100,000 soldiers.<sup>26</sup> In Rwanda, UNAMIR was mandated with supervising the demobilisation and integration of governmental and RPF forces into an integrated army, but was unsuccessful in fulfilling its mandate. Finally, in Guatemala, MINUGUA assisted the disarmament and demobilisation of the URNG guerrillas.

As explained in the introduction, Stuart Croft has argued that the preference for early disarmament and demobilisation in UN peacebuilding is intimately linked

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<sup>24</sup> Although disarmament and demobilisation have taken place in BiH, the political consequences intended and the context in which they have taken place are different from UN peacebuilding operations. See chapter four.

<sup>25</sup> The agreement also provided for the incorporation of ex-FMLN combatants into the police and the army.

<sup>26</sup> The creation of integrated armed forces, numbering 30,000 drawn equally from RENAMO and FRELIMO troops, was also an integral part of the agreement, although the UN was not involved in organising the new armed forces.

to the debate over disarmament at the UN over the past thirty years.<sup>27</sup> In fact, the UN Disarmament Commission established in 1997 a working group to study how disarmament guidelines, established in previous years, can help the ‘consolidation of peace’ in peacebuilding operations.<sup>28</sup> A subsequent report by Kofi Annan suggested that ‘recent experience demonstrates that it is critical, particularly to the success of peace-building in post-conflict environments, to address the disarmament, demobilization and reintegration of the former combatants.’<sup>29</sup>

In 1996 the United Nations published an *Inventory of Post-Conflict Peace-Building Activities*.<sup>30</sup> It consists of a compilation of peacebuilding activities to be undertaken in the immediate post-conflict period. The *Inventory* states that ‘there is a degree of chronological sequence in the way the main categories [of peacebuilding activities] are presented’.<sup>31</sup> This sequence is based on the fact that ‘the overriding criterion for the selection and establishment of priorities is political and it involves addressing the problems which, if left unresolved, could lead to the return of fighting.’<sup>32</sup> Four categories are presented, in the following order:

1. Relief and humanitarian assistance.

2. Disarmament, demobilisation and reintegration of former combatants.

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<sup>27</sup> Stuart Croft, “Lessons from the Disarmament of Factions in Civil Wars”, in Dimitris Bourantonis and Marios Evriviades, eds., *A United Nations for the Twenty-First Century* (Boston, MA: Luwer Law International, 1996) pp. 271-284.

<sup>28</sup> See UN General Assembly, *General and Complete Disarmament: Consolidation of Peace through Practical Disarmament Measures – Report of the Secretary-General*, A/52/289, dated 19 August 1997, section II, para. 3.

<sup>29</sup> *Ibid.*, section IV, para. 7.

<sup>30</sup> United Nations, *An Inventory of Post-Conflict Peace-Building Activities* (New York: United Nations, 1996).

<sup>31</sup> *Ibid.*, p. 1.

<sup>32</sup> *Ibid.*, p. 1.

3. Enhancement of human rights and building of a participatory system of government, including reform of the police.
4. Rehabilitation, reconstruction and reconciliation.

To be fair, the performance of these tasks should not be seen as a strictly sequential process as there is considerable overlap and connections between these tasks. However, the order of priority granted to demilitarisation shows again that the issue is regarded as one of the first priorities of the peacebuilding process.<sup>33</sup> Coming to the issue of disarmament and demobilisation, the *Inventory* also states that

‘in a peace-keeping operation... the main task once a cease-fire and separation of forces have been obtained and political solutions to conflicts have been achieved is to disarm troops, resettle them as soon as possible and consolidate peace.’<sup>34</sup>

It further argues that ‘early and effective disarmament and demobilisation of combatants are essential to the building of a durable peace...’.<sup>35</sup> This idea of consensual disarmament, by which the parties to a conflict formally agree, usually under a comprehensive peace agreement, to be disarmed and demobilised under the supervision of multinational forces raises some difficulties. Fred Tanner has argued that, as time goes by, the willingness of the parties to be disarmed is likely to fade away.<sup>36</sup> Tanner attributed the decaying willingness of the parties to be disarmed to, among other things, an acute security dilemma. Former enemies will be reluctant to

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<sup>33</sup> For example, demilitarisation is supposed to take place before the electoral process, which falls under category three, is set in motion. *Ibid.*, p. 47.

<sup>34</sup> *Ibid.*, p. 25.

<sup>35</sup> *Ibid.*, p. 25.

<sup>36</sup> See Fred Tanner, “Consensual vs. Coercive Disarmament”, in UNIDIR, *Managing Arms in Peace Processes: The Issues*, pp. 169-204.

surrender their weapons and demobilise if they feel this leaves them in a vulnerable position. Only if external actors are capable and willing to guarantee their security will they abide by the agreement. In addition, as discussed in the previous chapter, the re-allocation of political resources that the transition towards democracy entails creates a situation where pulling out of the peace process becomes the only choice in order to avoid both political and military marginalisation.

Having shown that the UN favours early demilitarisation in its peacebuilding operations, the next section turns to three realist considerations crucial in SSR and shows how the UN's demilitarisation approach exacerbates them.

### **3. The Security Dilemma, Control over Territory and Military Balance: Considering a Different Model of Military Reform in UN Peacebuilding**

This section discusses how the security dilemma, control over territory and the military balance between the parties militate against the strategy of early demilitarisation found in UN peacebuilding. Based on this conclusion, it considers how arms control and CSBM's can contribute to addressing these three realist considerations.

The security dilemma faced by the parties to an intrastate conflict is paramount in understanding their reluctance to demilitarise. Barry Posen discussed why it is more intense in internal conflicts.<sup>37</sup> First, as in interstate conflicts, the

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<sup>37</sup> See Barry R. Posen, "The Security Dilemma and Ethnic Conflict", *Survival* 35, no. 1 (Spring 1993): 30-35. Posen was not clear as to what extent his argument applies to all groups involved in intra-state conflicts. He talked about ethnic, religious and cultural groups, but made no clear distinction between these categories.



distinction between offensive and defensive capabilities is a determining factor in assessing whether neighbouring groups are a threat. Military technology is important in making this assessment. In the case of collapsing states it is often rudimentary and consists of infantry-based weapons. These are usually not seen as offensive weapons.<sup>38</sup> However, Posen made the point that group solidarity -and exclusivity- can make defensive capabilities look offensive, especially when groups are equipped with similar types of weapons, be they defensive. In such a situation, groups fear each other because they perceive each other's sense of solidarity and closeness as threatening. He concluded that 'the drive for security in one group can be so great that it produces near-genocidal behaviour towards neighbouring groups.'<sup>39</sup>

Second, Posen re-asserted the superiority of offensive strategies over defensive tactics in intrastate situations for three reasons. *Primo*, isolated ethnic groups, often found in intrastate conflicts, may see attack as a way to break off their isolation. Posen did not specify whether other types of groups may follow a similar course. *Secondo*, there is an advantage in using offensive strategies when the aim is ethnic cleansing, as this kind of operation demands swift and brutal actions in order to terrorise the targeted populations. *Tertio*, UN interventions tend to freeze situations on the ground rather than change them. In this view, gains made through offensive actions are not likely to be lost.

Posen implicitly pointed to the fact that the ethnic nature of conflict is likely to exacerbate the security dilemma even further. Indeed, his argument that group exclusivity makes any military capacity look offensive is underlined by the exclusive nature of ethnic identities, as defined in the introduction, over other forms of social affiliation. However, his argument illustrates the importance of the security

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<sup>38</sup> Tanks and other mechanised weaponry are considered offensive weapons.

dilemma in internal conflicts, regardless of how these groups define themselves. Consequently, the acuteness of the security dilemma in internal conflicts makes it even more difficult for parties to accept to demilitarise as part of a negotiated settlement. Charles King has acknowledged this problem:

‘Any negotiated settlement that does not involve territorial partition will presumably require the belligerents to demobilise or fuse their fighting forces into a single, unified national army. But because of the vicious and often protracted nature of intrastate war, there is little trust between the opposing sides; each may prefer to reserve some fighting forces as a credible deterrent should the opposing side scupper the negotiated settlement... These reserve forces, however, present a security threat to the opposing side, which in turn justifies that side’s unwillingness to disarm...’<sup>40</sup>

The vicious circle set in motion can lead to a relapse into conflict. Both Posen and King also pointed to the issue of territory. Posen argued that geographically isolated groups are likely to strike first in order to break off their isolation. King mentioned the issue of partition as a means to avoid such pre-emptive strikes, which other realist authors have proposed as a solution to internal ethnic conflict.<sup>41</sup>

Control over territory is also of vital importance in the calculations that the parties make in relation to the peacebuilding process. The UN’s emphasis on early disarmament and demobilisation implies a loss of control over territories often gained by force during the conflict, but also is supposed to facilitate the (re)building of a single political space. Losing territory may result in losing control over economic resources, which may be of vital importance for the survival of the

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<sup>39</sup> See Posen, *The Security Dilemma and Ethnic Conflict*, p. 30.

<sup>40</sup> Charles King, *Ending Civil Wars*, Adelphi Paper no. 308 (Oxford: Oxford University Press for the IISS, 1997) pp. 50-51.

<sup>41</sup> See for example, Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Wars”, *International Security* 20, no. 4 (1996): 136-75.

faction. In the case of ethnic conflict, it may also lead to a change in the ethnic composition of the territory. Within the democratisation context, where free and fair elections become the rule, changes in the ethnic make up of an area are likely to affect the distribution of political resources. Finally, mistrust of each other also means that the parties will be wary of giving up control over territory, because it potentially leaves them more vulnerable.

A final consideration militates against early demilitarisation: the issue of military balance. Early demilitarisation does not necessarily mean that the parties will reintegrate their forces. It was not the case in Cambodia, and in both El Salvador and Guatemala, the UN presided over the disbandment of guerrilla movements. Even though former guerrilla members were integrated in the police and the military, government forces absorbed the rebel forces more than merged with them. The issue becomes more important when forces are supposed to reintegrate. As King pointed out, former enemies will want to maintain some independent fighting capability as a guarantee against a possible collapse of the peace process. Coupled with the security dilemma, the military balance becomes an essential component of the parties' calculations. Delays in demobilisation, cheating in reporting troops and weapons and arms caches show to what extent the parties think about maintaining some sort of military equilibrium with the other factions, or even to try and gain the upper hand during a peacebuilding operation.

These three considerations cast doubt on the UN model of early demilitarisation in peacebuilding operations. Indeed, early demilitarisation can be and often has been a source of instability because it intensifies the dynamics just discussed. An approach based on arms control and CSBM's is considered here, because it can potentially address these realist dynamics.

This approach entails that external actors, political and military, involved in the implementation of a post-conflict settlement, mediate and verify an agreement between the parties regulating the amount of certain types of weapons entering the country, the amount of these types of weapons available to the parties, as well as the number of combatants under arms and their authorised areas of deployment with the aim of creating or maintaining a military balance (equilibrium or preponderance of one party) between the parties.<sup>42</sup> External actors can also mediate and verify a CSBM agreement to reduce the risks associated with misperception and communication breakdown.

This hard realist model, made up of an arms control and CSBM component, can lessen the intensity of the three realist dynamics identified above.<sup>43</sup> It reduces the security dilemma, by allowing the parties to keep the means to defend themselves and reduces the effects of a local arms race by regulating certain types of weapons. In addition, CSBM's can increase transparency and change the parties' perception of each other as security threats. Control over territory and for that matter over armed forces also remains firmly in the hands of the parties. It allows them to proceed with the transition towards democracy whilst not having to give up their control over territory, and its resources, straight away. Finally, the balance of forces established by third parties can be maintained and regulated. CSBM's help in the

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<sup>42</sup> This hard realist approach presupposes that the strength and numbers of each party are known. This may not be the case in situations of near-anarchy where loosely organised factions fight for the control of a state that has more than often collapsed. However, as outlined by Trevor Findlay in his talk, a baseline with regard to combatants and weapons may be agreed upon among the parties and the verifiers. Indeed, such a baseline serves as a basis for verification and helps move the process of demilitarisation forward.

<sup>43</sup> The realist approach suggested here is called 'hard realist' because it is grounded in control over territory, unlike soft realism, which offers room for non-territorial solutions to internal conflict. For a discussion of these two strands of realism and internal conflict, see the introduction to this work.

assessment the parties make of each other's strength and therefore can help the stabilisation of the military balance. The main idea underlying this approach, which was already discussed in the introduction, is that a hard realist strategy in the military realm can bring the stability necessary for the transition towards democracy to proceed.

Transposing an arms control model to the intra-state level raises three questions. First, the duration of such an arrangement is crucial. Is the military balance a transitional phase to complete demilitarisation of the factions and their reintegration into a unified military or a permanent arrangement? A permanent arrangement runs the risk of solidifying the territorial divisions of the country and may impede the (re)building of a single political space. It may also further prevent democratisation, by not giving enough incentives to the parties to change the *status quo*. This points to the need for a clear agreement among the parties on the nature (equilibrium or preponderance of one party) and role of the military balance in the overall peacebuilding process.

Second, the level of mistrust between the parties in the aftermath of an internal conflict presumes that external actors will have to play a central role in creating and maintaining a military balance between the parties. This issue of staying power, as Fen Osler Hampson calls it, becomes here crucial. Third parties will have to mediate, but also be deeply involved in the verification of a military balance agreement, by 'checking the behaviour of a party in relation to [the] agreement.'<sup>44</sup> Once again, the duration of that involvement is tied to the role of the military balance in the overall peace process.

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<sup>44</sup> Trevor Findlay, talk at King's College, 2 February 1999.

Finally, the distinction between armed and police forces becomes essential within the context of a military balance. Indeed, unless the two are clearly separated and the structure and composition of police forces brought in line with the requirements of democratic policing, the parties may simply transfer military forces to the police and not submit them to the provisions of the arms control agreement.

Implementing CSBM's within states also raises some questions. CSBM's aim mainly at changing the parties' perceptions of each other through information exchange and frequent contact. Following an internal war, perceptions are certainly an area that merits attention. However, there is an issue underlying this change of perception that CSBM's may be expected to begin to address: mistrust between the parties. Rebuilding trust will be an essential prerequisite for the parties to move forward with an eventual reintegration of their armed forces.

Trust finds its foundation in the ability to predict the behaviour of the other party, and the impact of this behaviour on the party making the assessment. This ability to predict behaviour is not sufficient; trust only comes from repeated interactions between parties resulting in positive outcomes for both parties.<sup>45</sup> The potential of CSBM's to generate trust between parties in the aftermath of an internal war may be limited, precisely because they were devised in a context where the parties had never gone to war against each other. Rebuilding trust is however essential if the military balance is not to lead to more divisions among the parties.

This section has argued that early demilitarisation in UN peacebuilding intensifies the risks associated with the security dilemma, the struggle for control over territory and the balance of forces. A strategy based on hard realist assumptions was considered, involving arms control and CSBM's. This strategy, it was proposed,

could potentially address the realist dynamics discussed and provide the stability necessary for democratisation to proceed. The next section now turns to the issue of reform of the police in UN peacebuilding.

#### **4. Police Reform in UN Peacebuilding: Just Building a Reintegrated, Democratic Police Force?**

This section discusses the reform of police forces as conceptualised in UN peacebuilding. It shows that these reforms aim at creating police forces that are reintegrated, operating according to democratic principles and concerned exclusively with the provision of internal security. UN civilian police (CIVPOL) missions do so by focusing on two types of activities: training of the police and monitoring of its activities. This section argues that the success of these reforms depends on how it affects the balance of forces, the parties' control over territory and the security dilemma. Because of this, an alternative model of police reform is considered here, which allows the parties to initially maintain their control over police forces.

Reforming police forces in the aftermath of an internal conflict presents several challenges. First, the functions performed by police forces during the conflict extend well beyond normal policing.<sup>46</sup> In effect, the functions of providing internal

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<sup>45</sup> This definition draws heavily on Ralph M. Goldman, *Building Trust: An Introduction to Peacekeeping and Arms Control* (Aldershot: Ashgate, 1997) pp. 20-21.

<sup>46</sup> Police forces are defined here as officers of the law who have the powers of arrest and detention. As an institution of the rule of law, democratic police forces use these powers for the protection of individual rights and the enforcement of the rule of law. This definition draws on the definition of police forces in United Nations High Commissioner for Human Rights (Centre for Human Rights), *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police* (Geneva: United Nations, 1997) p. 7.

security, usually assigned to the police, and external security, for which the military is responsible, are often mixed. Military forces become involved in supporting the operations of the police, and police forces become militarised and participate in military operations. Indeed, because internal conflicts blur the distinction between combatants and civilians, so does the distinction between police and military functions become less clear.

In addition, internal wars are conducive to the creation of paramilitary or special police forces, who perform both police and military functions and are often outside the regular chain of command.<sup>47</sup> This lack of a clear distinction between internal and external security functions often means that police forces will be taken into consideration by the parties in their assessment of the balance of forces because of the involvement of these forces in military operations. Their reform or disbandment also potentially increase the security dilemma faced by the parties, as they see their security forces reduced.

Second, police forces in conflict situations are more often than not used as instruments of repression. They are responsible for human rights violations against civilians and more concerned with the protection of the ruling elite than ordinary citizens. Their activities also serve to assert a party's control over territory by silencing opponents and expelling minorities.

As the process of police reform impacts on the parties' calculations of the balance of forces, their control over territory and the security dilemma, the way it is designed is crucial for the transition towards democracy. The following two sub-sections review both sets of CIVPOL activities, training and monitoring of local

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<sup>47</sup> Peace agreements usually demand the disbandment of such forces.



police, and considers how they affect the balance of forces, control over territory and the security dilemma.

#### 4.1. Training of the Local Police by CIVPOL: Impact on the Balance of Forces, Control over Territory and the Security Dilemma

The UN's approach to police reform in the context of peacebuilding entails the building of a unified police force that protects individual rights and upholds the rule of law.<sup>48</sup> In societies where both concepts may not be deeply entrenched, UN activities aim at creating police forces that operate according to Western democratic standards. From the realist perspective discussed earlier, a central aspect of CIVPOL activities can affect the calculations of the parties.

Indeed, CIVPOL personnel train local police, or new police forces, in democratic policing.<sup>49</sup> The UN has prepared a comprehensive training manual, covering human rights standards and democratic policing practices.<sup>50</sup> The manual reviews basic internal texts that underpin democratic policing: the UN Charter, the International Bill of Human Rights, and other conventions such as the Genocide Convention and the Convention against Torture. It outlines the concept of democratic policing, which consists in the protection of individual rights, such as freedom of assembly and expression, and the enforcement of the rule of law by guaranteeing, for example, equal access to public services and equality before the

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<sup>48</sup> This discussion is based on a special issue of *International Peacekeeping* on police reform (vol. 6, no. 4) published in the winter of 1999.

<sup>49</sup> Training activities range from short-term courses run by the UN on democratic policing to the organisation of police academies by the UN.

<sup>50</sup> United Nations High Commissioner for Human Rights (Centre for Human Rights), *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police* (Geneva: United Nations, 1997)

law. This type of training differs from short-term advising as it is intended to facilitate an in-depth reform of the police and foster a culture of democratic policing.

Not only is training of the new police supposed to lead to an in-depth reform of the police, but potentially it impacts on the local balance of forces by drawing a clear distinction between military and police forces, and by de-militarising police forces. Indeed, this prevents the parties from using police forces to perform tasks others than the provision of internal security and increases transparency. However, CIVPOL training can increase the security dilemma the parties face by making them more vulnerable militarily.

Second, UN efforts at building a new police force will steer the reform process towards fostering respect for democratic standards and promoting the reintegration of police forces. These changes are likely to undermine the control that the parties exercise over these forces and territory, whilst assisting democratisation by increasing respect for common, democratic norms. This analysis points to the conclusion that the parties may be ambivalent about the process of police reform, and that their commitment to it will be affected by the extent to which the reform process undermines their control over territory, the balance of forces and the security dilemma.

Within the hard realist framework discussed with regard to the security sector in peacebuilding operations, control over the police would remain firmly in the hands of the parties. The three considerations just discussed (balance of forces, control over territory and the security dilemma) would be of even greater importance in determining the parties' support for international programmes of police reform. First, support for reform will be affected by calculations regarding the balance of forces. Indeed, because the process of reform restricts the role of police forces to the

provision of internal security, the parties will link progress in reforming the police to the evolution of the military balance. Second, the parties, paying close attention to its composition, will allow reform of the police to proceed to the extent that it does not jeopardise their control over the territory they occupy, at least initially. Third, police reform that makes the parties more vulnerable militarily will be resisted. This points to the need of a clear agreement among the parties on the role of police reform in the overall process of SSR.

Training of the police by CIVPOL often includes the creation of a new, reintegrated police force. The composition of the new police forces, and whether former officers should be allowed to join the new force, are crucial questions. The argument against 'recycling' personnel is that attitudes and integrity are harder to teach than police techniques.<sup>51</sup> Police officers from the old police force may bring non-democratic police practices to the new force, and political connections may be allowed to endure, allowing the parties to retain some degree of control over the police. In addition, the new police may lose its credibility and the public's trust from the outset if it looks like it is the same police under a new name.

However, building up a new police force is a long-term endeavour.<sup>52</sup> In a post-conflict environment, where the issue of law and order is crucial, the level of crime requires a police force fully functional as soon as possible. In addition, the difficulties of bringing a CIVPOL mission up to speed and in maintaining political and financial support for it militate against a programme of reform that is too far-

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<sup>51</sup> For a discussion of this point, see William Stanley, "Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning", *International Peacekeeping* 6, no. 4 (Winter 1999): 119-120.

<sup>52</sup> Halvor Hartz argued that it takes at least five years to build a police force from the ground. See Halvor Hartz, "CIVPOL: The UN Instrument for Police Reform", *International Peacekeeping* 6, no. 4 (Winter 1999): 33.

reaching, unless there is strong local support for in-depth reform of the police. There is a possibility therefore that the process of reform will not decisively steer the police towards democratic policing.

The six peacebuilding operations discussed earlier all had a CIVPOL component. Two (El Salvador and Guatemala) mandated the UN to assist with the training of a new unified police force, and constitute relatively successful examples of police training.<sup>53</sup> In El Salvador, the building of a new police force proceeded quite rapidly, and the integration of former FMLN combatants into the new police has succeeded.<sup>54</sup> The agreement struck between the FMLN and the government specified that the mission of the military forces would be redefined so as to restrict their activities to the sole defence of El Salvador's borders, and that no ex-FMLN guerrilla would be incorporated in the military.

In return, the FMLN obtained the disbandment of the current police forces and the creation of a new police force, which would include up to 20% of ex-FMLN fighters. The new police were deployed in the north of the country, where much of the fighting had taken place. William Stanley wrote that they received 'strong support from a hopeful public' upon arrival.<sup>55</sup> The deal struck between the government and the FMLN allowed both parties to achieve their objectives: the government regained control over the whole Salvadoran territory and the disbandment of the guerilla force, and the FMLN, whilst retaining some military

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<sup>53</sup> See Stanley, *Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning*.

<sup>54</sup> A very similar agreement was reached in Guatemala: separation between internal and external security functions, disbandment of the police and creation of a new police force made up of ex-URNG guerrillas.

<sup>55</sup> Stanley, *Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning*, p. 117.

capability, obtained the reform of the police, the inclusion of some of its fighters in the new police and their deployment in areas held by the FMLN as well as the confining of military forces to external security functions.

#### 4.2. CIVPOL: From Soft Monitoring to Robust Monitoring: Impact on the Balance of Forces, Control over Territory and the Security Dilemma

‘Soft’ monitoring consists of observing and advising the local police in the performance of its duties. This type of monitoring often has the effect of increasing the costs of inappropriate behaviour on the part of the local police, because such behaviour is reported and can potentially be sanctioned by local authorities under pressure from external actors. However, the effectiveness of ‘soft’ monitoring in inducing long-lasting changes in police behaviour and practices depends largely on the willingness of local authorities to consistently sanction inappropriate behaviour and on the pressure exercised by external actors to obtain such sanctions. Again, local authorities will be willing to sanction inappropriate behaviour to the extent that the sanctions do not fundamentally affect the balance of forces, by precluding the use of police forces for tasks others than the provision of internal security, their control over territory and the security dilemma by making them more vulnerable. If sanctions are limited, or are not applied consistently, the effectiveness of ‘soft’ monitoring in inducing lasting changes is questionable, and does not alter the functions assigned to the police, such as the defence of territories controlled by the parties.

In turn, investigative powers granted to UN CIVPOL, or ‘robust’ monitoring, allow UN investigators to determine the responsibility of the local police in

allegations of human rights violations or accusations of negligence.<sup>56</sup> These powers are potentially far-reaching, because they allow the UN to conduct independent investigations, including interviews of witnesses, review of evidence and full access to records.<sup>57</sup> Based on the findings of UN investigations, recommendations are made to the police authorities requesting disciplinary action against offending officers or changes in policing practices. These investigations can contribute to democratisation by encouraging the adoption of democratic standards in policing throughout the country, thereby assisting the (re)building of a single political space, helping to enforce individual rights and the rule of law and restricting the role of the police to the provision of internal security. Again, CIVPOL investigations can play a role in changing police behaviour to the extent that their conclusions are followed by disciplinary action, which depends on whether the parties' control over territory, the balance of forces and security dilemma they face are not negatively affected by the requested changes.

The issue of monitoring points to one aspect of the debate on the role of UN CIVPOL in reforming police forces. Indeed, the mandates given to CIVPOL components usually do not give enforcement powers to UN monitors. This means that UN monitors usually cannot exercise police powers, i.e. powers of arrest and detention, nor can they use force themselves when they would deem it necessary.<sup>58</sup> The argument supporting this approach is that by not taking over policing duties, CIVPOL monitors put the responsibility on local authorities to make the necessary

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<sup>56</sup> 'Soft' monitoring and human rights investigations by CIVPOL can be seen as two ends of a spectrum of monitoring activities. See Claudio Cordone, "Police Reform and Human Rights Investigations: the Experience of the UN Mission in Bosnia and Herzegovina", *International Peacekeeping* 6, no. 4 (Winter 1999): 191-93

<sup>57</sup> *Ibid.*, pp. 191-93.

<sup>58</sup> CIVPOL officers are usually unarmed anyway.

reforms and create a local capacity for democratic policing. But resting the responsibility for reform on the shoulders of the local authorities may lead to inertia on their part, for reasons just explained. In the short-term, it also undermines the ability of UN monitors to prevent human rights violations.

In Rwanda and Mozambique, UN CIVPOL was only mandated to investigate allegations of police misbehaviour, whereas in Cambodia and Angola, UN CIVPOL were assigned soft monitoring functions.

In Cambodia, each of the factions, with the exception of the State of Cambodia, used police forces for military purposes. In this context, the CIVPOL component of UNTAC had ensure that law and order was maintained and human rights protected. CIVPOL's impact in Cambodia was limited because of the force's own shortcomings. Indeed, it took CIVPOL 16 months after the signing of the peace agreement to reach its authorised strength. The force also had limited success in maintaining law and order because of 'poor planning, [poor] staffing and the absence of a working justice system...'<sup>59</sup> The force was therefore unable to effectively monitor the factions' police forces, which continued to be used for other purposes than the provision of internal security.

In Angola, only 89 CIVPOL monitors were authorised under UNAVEM II's mandate.<sup>60</sup> They were to accompany the local police and monitor their neutrality. The limited number of CIVPOL in Angola precluded them from making any

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<sup>59</sup> Cheryl M. Lee Kim and Mark Metrikas, "Holding a Fragile Peace: the Military and Civilian Components of UNTAC", in Michael W. Doyle, Ian Johnstone and Robert C. Orr, eds., *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997) p. 125.

<sup>60</sup> CIVPOL's strength was subsequently increased to 126. See United Nations, *UNAVEM II – Background* [text on-line] (New York: United Nations, 2000, accessed 6 December 2001); available from <http://www.un.org/Depts/DPKO/Missions/Unavem2/UnavemIIB.htm#verification>; Internet.

significant impact on the activities of the police, who continued to be involved in human rights violations.

In Rwanda, by the time the Special Investigation Team became operational in January 1994, the peace process was already collapsing. It is, therefore, difficult to assess the impact of human rights investigations on the calculations of the parties and their control over territory.<sup>61</sup>

In Mozambique, the government initially resisted the idea of introducing a CIVPOL component to ONUMOZ, an idea welcomed by RENAMO.<sup>62</sup> The force was eventually pushed through by the Secretary-General, who used the increasing state of lawlessness in the country to justify its introduction in support of the local police. In effect, the CIVPOL component was authorised to verify the neutrality of the Mozambican police and to conduct its own investigations as it deemed it necessary.

The transfer of demobilised government soldiers into the police led RENAMO to demand that ONUMOZ beef up its verification and investigation activities. Indeed, RENAMO leaders were worried that the government was trying to subvert the demobilisation process by transferring troops to the police and hoped that ONUMOZ monitoring would restrict the government's capacity to use the police as a military force. Under pressure from the UN, the government retorted that ONUMOZ was failing to respect an institution of the state. Indeed, the UN Special Representative of the Secretary-General, Aldo Ajello, had put pressure on the government to allow ONUMOZ to fulfil its monitoring mandate.

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<sup>61</sup> UN Secretary-General, *Second Progress Report of the Secretary-General on the United Nations Assistance Mission for Rwanda*, S/1994/360, dated 30 March 1994, para. 33-34.

<sup>62</sup> Mark Malan, "Peacebuilding in Southern Africa: Police reform in Mozambique and South Africa", *International Peacekeeping* 6, no. 4 (Winter 1999): 174-76.



Eventually, the government 'attempted to exert only that authority [over the police] which was necessary to ensure itself of an adequate political future.'<sup>63</sup> The Mozambican case shows how monitoring activities by CIVPOL can restrict the government's ability to use police forces for other purposes than the provision of internal security.

#### 4.3. Conclusion

This section has shown that the UN's programme of police reform, including training and monitoring, not only seeks to build unified police forces operating according to democratic standards of policing and whose mission is limited to the provision of internal security but also that such programmes affect the calculations of the parties. Indeed, by clearly dividing internal from external security, UN peacebuilding affects the balance of forces in the field where this distinction is often blurred as a consequence of the conflict. This consideration may be of paramount importance if the intervention also seeks to create a military balance between the forces. The process of police reform also affects the control that the parties exert over the territories they occupy, and its implications for the (re)building of a single political space were also outlined. Finally, this section also argued that the activities of UN CIVPOL also affect the security dilemma because it can increase the vulnerability of parties by de-militarising police forces.

Within a hard realist model of SSR, control over the police remains in the hands of the parties. However, CIVPOL training and monitoring activities hamper the use of police forces by the parties to maintain control over the territory they occupy, to perform other tasks than the provision of internal security and are likely

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<sup>63</sup> *Ibid.*, p. 176.

to increase the security dilemma the parties face. CIVPOL activities are therefore likely to be resisted by the parties, unless they have agreed on the role of police reform within the overall process of SSR and democratisation.

## **5. Conclusion: Questioning Security Sector Reform in UN Peacebuilding Operations**

This chapter has discussed SSR in UN peacebuilding operations. It has argued that this reform seeks to separate forces providing internal from external security, and to reform both types of security forces to make their functions mutually exclusive. However, this chapter has shown that the depth of reform of both police and military forces has varied from operation to operation. With regard to military forces, who usually provide external security, this chapter has shown that the UN has favoured early demilitarisation in all its peacebuilding operations, and when involved in the reform of military forces, their reintegration into a single, unified military. This preference for early disarmament and demobilisation stems from the idealist view, largely held at the UN, that weapons are a cause of war and should therefore be eliminated. This approach also underlines the state-building nature of SSR in UN peacebuilding, as early disarmament and demobilisation seeks to restore's the state's control over security forces.

With regard to the police, the UN's functions have ranged from monitoring the activities of the police to training new and integrated police forces. It has been shown that police training and monitoring by UN CIVPOL aim at assisting the transition of local police towards democratic policing, but also affect the calculations of the parties. Indeed, CIVPOL activities potentially undermine the control the

parties exercise over territory by redefining the role of the police, affect the balance of forces by separating security forces which perform internal security functions from those who provide external security and increase the security dilemma experienced by the parties by making them more vulnerable militarily.

Control over territory, balance of forces and the security dilemma were also identified as crucial considerations to be reckoned with when designing the reform of military forces. It has been argued in this chapter that the UN's preference for early disarmament and demobilisation, as well as for the creation of integrated military forces, affects the balance of forces in a way that exacerbates the security dilemma and undermines the parties' control over territory.

Instead of this idealist approach by the UN, this chapter has considered a hard realist approach based on allowing the parties to maintain their control over security forces, and creating a military balance between them, with the help of a third party, through arms control and CSBM agreements. It is proposed here that such an approach helps alleviate the security dilemma by letting the parties keep their weapons and forces, including police forces, within an arms control framework, which also creates and maintains a military balance between them. In addition, this approach also allows the parties to maintain their control over the territories they occupy.

The rest of the thesis seeks to assess the impact of this hard realist approach on democratisation, and in particular the (re)building of a single political space, thereby clearly linking the security to the political transition. Indeed, Croft's argument discussed in the introduction, that such an approach can create the stability necessary to proceed with the political transition, is put to the test. The role of third parties in the implementation of this hard realist strategy is also assessed, as well as

the degree of control they exert over the implementation of this strategy. Unfortunately, empirical cases illustrating this approach are rare. The case of BiH was eventually selected because it is the only case that broadly fits the hard realist model considered in this chapter. Indeed, the Bosnian peace agreement provides for the democratisation of BiH. It did not restore the state's control over security forces, but rather sought to create a military balance between military forces within an arms control and CSBM agreement, whilst seeking to reform and police forces according to democratic standards.

Some particularities of the Bosnian case need to be emphasised here. First, the UN is not the main agency responsible for the implementation of the peace agreement. As explained in the introduction, a cluster of international agencies have been drawn in to help implement the agreement. Two of these organisations, NATO and the OSCE, are more suited than the UN for an arms control approach to peacebuilding because the former is part of several arms control regimes, concluded with the ex-Warsaw Pact, whilst the latter has been involved in arms control and CSBM negotiations for nearly three decades. It is not argued here that the hard realist approach adopted in the Bosnian peace agreement is the product of a preference of these organisations for arms control; but the resources they brought to BiH are far superior to the ones available to the UN. The reproductibility of the Bosnian model of peacebuilding is therefore seriously curtailed by these institutional factors.

Second, in BiH, the military balance and control over security forces is granted to two parties: the *Republika Srpska* (RS) and the Croato-Bosniak Federation. In effect, there are three parties to the Bosnian conflict but two of them (Bosniaks and Croats) are supposed to integrate their forces in order to balance those

of the RS. This peculiarity simplifies the case study, by avoiding institutionalised multiple military balances within BiH, but as chapter six will show, integration of Federation troops into a single military force remains elusive. It is argued that BiH still fits the hard realist model for two reasons. First, although Croats and Bosniaks were supposed to integrate their forces, this integration did not extend below the corps level, leaving most troops in separate units, and parallel command structures in place. Second, this limited process of integration is part of a strategy that seeks to increase the military capabilities of the Federation army in order to balance those of the RS. This latter consideration decisively grounds the limited process of integration in the Federation army in a hard realist model. The next chapter turns to the GFA and asks whether it provides for the building of a democracy, including a single political space, in BiH.

## **Part II**

### **Chapter 3: The Dayton Accords and The Political Equation: Seeking to Create a Consociational Democracy**

This chapter sinks its teeth into the case study selected for examination in this thesis. It asks whether the settlement adopted at Dayton in November 1995 provides for the building of a democracy and a single political space in Bosnia-Herzegovina. It argues that the GFA does this, but introduces consociational institutions which, because they rely on elite co-operation, could play into the hands of the nationalists. In addition, the GFA leaves the Bosnian state with no control over the institutions of the rule of law, such as the police, whilst granting extensive autonomy to the Entities. This constitutional arrangement opens the door to the consolidation of the division of BiH in ethnically pure territories. For example, this chapter shows how, until July 2000, certain ethnic communities were legally discriminated against in the Entities' constitutions. This state of affairs has largely put the onus of pushing forward democratisation on the shoulders of the international institutions responsible for the implementation of the GFA.

Before discussing the political aspects of the GFA, this chapter reviews the recent history of BiH and of the involvement of international actors in the conflict. It argues that two considerations are essential to understand the chain of events: control over territory as a means to achieve or resist nationalist ambitions and the balance of forces on the ground. This chapter shows how diplomatic and military interventions by external actors have affected the latter, culminating in the Dayton negotiation. By pointing to the importance of control over territory, this chapter seeks to show how the consociational institutions set up by the GFA allow the

parties to continue to pursue their wartime objectives. The structure of this chapter is straightforward. Section one reviews the chain of events that have led to the GFA. Section two then discusses the political provisions of the GFA.

## **1. Background to the General Framework Agreement for Peace in Bosnia-Herzegovina (GFA): Control over Territory and Balance of Forces**

This section reviews briefly the history of the war in BiH, and argues that two issues are essential to understand the 1992-95 conflict and the outcome of various peace initiatives: control over territory as a means to realise or resist nationalist ambitions and the balance of forces on the ground. Control over territory was and is the essence of the conflict: the parties see it as a means to further or counter nationalist ambitions. In the Bosnian context, control over territory means more than military conquest and subsequent administration of the conquered populations. It means the power to decide the ethnic composition of the population living on the territory gained through intimidation and violence against those not belonging to the 'right' ethnic community.

The issue of the balance of forces explains the success of any policy of ethnic purification. The Serbs, who in the initial stages of the war had an overwhelming military advantage, were able to successfully ethnically 'purify' up to 70% of the Bosnian territory. This section will show how various international interventions, ranging from interventions by international bodies such as the UN and NATO to covert support by states to a party, have changed the balance of forces on the

ground, to a point where a military stalemate was reached paving the way for final negotiations.

The first attempt at bringing all South Slavs into one state took place on 1 December 1918 when the Kingdom of the Serbs, Croats and Slovenes was created under the (originally) constitutional monarchy of King Alexander of Serbia.<sup>1</sup> Born out of the dismantlement of two Empires, the Austro-Hungarian to the West, the Ottoman to the East, the first Yugoslavia (Alexander so renamed the Kingdom upon taking autocratic power in 1929) brought together peoples who spoke the same or closely related languages, and had been influenced by three religions: Catholicism, Eastern Orthodoxy and Islam. James Gow pointed out that the first Yugoslavia initially reconciled two ideas: the unification of all South Slavs into one state and the creation of a Greater Serbia, where all Serbs could live together.<sup>2</sup> The first attempt at uniting all South Slavs came to an end on 6 April 1941 when Yugoslavia was invaded by Germany and Italy. It had been politically dominated by the Serbs, an issue that would come back to haunt the second Yugoslavia.

The second Yugoslavia came into existence on 31 January 1946, after Josip Broz Tito's communist Partisans won a long and brutal conflict against the fascist Ustasha in Croatia, supported by Mussolini's Italy, and the Serbian Chetniks loyal to the first Yugoslavia. The new state comprised six republics (Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Serbia and Macedonia) and two autonomous provinces within Serbia (Vojvodina and Kosovo).

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<sup>1</sup> The term South Slavs refers to the following peoples: Serbs, Croats, Montenegrins, Macedonians, Slovenes and Muslims.

<sup>2</sup> James Gow, *Triumph of the Lack of Will* (London: Hurst & Company: 1997) pp. 14-15.



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<sup>2</sup> James Gow, *Triumph of the Lack of Will* (London: Hurst & Company: 1997) pp. 14-15. Although an analysis of the causes of the Yugoslav war is beyond the scope of this work, the following contributions are also important in order to understand the context of the Bosnian conflict: Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: Brookings Institution, 1995); Noel Malcolm, *Bosnia: a Short History* (London: Papermac, 1996); Christopher Bennett, *Yugoslavia's Bloody Collapse: Causes, Course and Consequences* (London: Hurst, 1995); Alex Danchev and Thomas Halverson, eds., *International Perspectives on the Yugoslav Conflict* (Basingstoke: Macmillan Press in association with St. Antony's College, Oxford, 1996); Xavier Bougarel, *Bosnie: anatomie d'un conflit* (Paris: la Decouverte, 1996); Sabrina Ramet, *Balkan Babel : the Disintegration of Yugoslavia from the Death of Tito to the War for Kosovo* (Boulder, Colo. : Westview Press, 1999); Ivo Daalder, *Getting to Dayton: the Making of America's Bosnia Policy* (Washington, DC: Brookings Institution Press, 2000); Lenard Cohen, *Broken Bonds: the Disintegration of Yugoslavia* (Boulder, Colo.: Westview Press, 1993).

The 1974 Constitution, which made Tito 'President for Life', also granted the two provinces more autonomy, creating grievances within Serbia, and gave all republics and provinces their own central bank, judicial system and police forces. Under the new constitution, Kosovo and Vojvodina were also made constituent members of the Yugoslav Federation, which now numbered eight. The new constitutional arrangement, 'by virtually abolishing Belgrade's authority over Kosovo and Vojvodina... cut Serbia, now with a manageable population of six million down to size... While the constitution gave Serbs something to gripe about, it also calmed the other republics which feared domination by their big brother.'<sup>3</sup> It is this sense of grievances that was exploited by Slobodan Milosevic, who became Serbian president in 1987 on a nationalist agenda.<sup>4</sup> Between 1987 and 1990, the Milosevic regime in Serbia pushed through reforms of the Serbian and Kosovan constitutions, which ended Kosovo's autonomy and seriously curtailed Vojvodina's.

In the face of what was seen as Serbia's attempts at asserting its domination in the federation, and multi-party elections in 1990 in all the republics which brought nationalists to power, Slovenia and Croatia made proposals seeking to turn Yugoslavia into a confederation. Two opposing camps developed: Serbia, favouring a more centralised state, and Slovenia and Croatia, arguing for a very loose confederal arrangement. BiH and Macedonia were caught in the middle, favouring some sort of less tight confederal arrangement.

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<sup>3</sup> Laura Silber and Allan Little, *The Death of Yugoslavia* (London: Penguin Books and BBC Books, 1995) pp. 32-33.

<sup>4</sup> The series *The Death of Yugoslavia* shows how Milosevic used the unrest in Kosovo to pitch himself as the champion of the Serb cause. Indeed, he had been sent to the province by the communist party to rein in Serbian nationalists, and ended up siding with them against the Albanians. See Brian Lapping Associates for the BBC, *The Death of Yugoslavia*, programme 1: Enter Nationalism.

Serbia, on the one hand, and the confederal camp, on the other, were on a collision course following constitutional amendments made in Croatia and Slovenia asserting their sovereignty. In early 1991, negotiations over the constitutional future of Yugoslavia were stalled and the Collective Presidency ceased to function after Serbia and its allies prevented the normal rotation of the office of President to the Croatian representative.

In Croatia, backed by Belgrade, the substantial Serb minority (11% of the population) had already begun to isolate itself from the rest of the republic: paramilitary units were organised and a Serb administration set up. Gow commented on a declaration made by Milosevic that the 'Serb nation was sovereign and that all Serbs therefore should live in one state – which meant that if there was not to be a Yugoslav federation, then attempts would be made to unite all Serbs.'<sup>5</sup> This statement could have potential dire consequences for BiH, where 31% of the population were Serb.

In Bosnia-Herzegovina, as communism ceased to be a unifying force, three nationalist parties, the Muslim Party of Democratic Action (*Stranka Demokratske Akcije* - SDA), the Serb Democratic Party (*Srpska Demokratska Stranka* - SDS) and the Croatian Democratic Union (*Hrvatska Demokratska Zajednica* - HDZ), gradually pitched themselves as the representatives of the three main Bosnian ethnic communities.<sup>6</sup> The 1990 first free elections in BiH brought these parties to power.<sup>7</sup>

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<sup>5</sup> Gow, *Triumph of the Lack of Will*, p. 19.

<sup>6</sup> The 1974 constitution already recognised Serbs, Croats and Muslims as constituent nations of Bosnia-Herzegovina, although it also stated that all socialist republics were states 'where working people and citizens enjoy their sovereign rights', implying a common citizenship and equality of rights between all Yugoslav citizens.

The coalition formed by the SDA, HDZ and SDS nonetheless soon failed to agree on the status of BiH, which could either follow the road to independence that Slovenia and Croatia seemed to have chosen, or remain part of a Serb-dominated state.

While the debate was continuing between the three parties, SDS authorities organised 'Serbian Autonomous Regions' with the objective of having Serb administrations and a government ready to take these areas over when a decision was made to create a Serb entity in BiH. The Yugoslav Army (*Jugoslovenska Narodna Armija* – JNA), in support of the SDS leadership, was also very active in the republic.<sup>8</sup> Troops and weapons were taken out of barracks and frequent manoeuvres conducted. Most of the weapons that the JNA held and would move back from Croatia were quietly transferred to the local Serb units of the JNA, who would become the VRS (*Vrežime Republika Srpska* – Bosnian Serb Army) once the conflict in BiH erupted. Parallel to this process, police forces gradually became segmented along ethnic lines.

In September 1991, the European Community (EC) formally accepted to mediate the Yugoslav conflict and nominated Lord Carrington to chair the Peace Conference for former Yugoslavia. Carrington's strategy for both Yugoslavia and BiH was to avert war by advocating decentralisation and ethnic power sharing. In November 1991, the EC took one of its first initiatives and mandated Robert Badinter, a judge from France, to set up a judicial commission to look into the

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<sup>8</sup> In this election, 39.5% of the seats were allocated to Bosniak candidates, 35.4% to Serbs, 21.6% to Croats and 3.3% to Yugoslavs. The electoral system was a compromise between a majoritarian system, favoured by the SDA, and parity of representation between the three groups, supported by the HDZ and the SDS. See Radha Kumar, *Divide and Fall? Bosnia in the Annals of Partition* (London: Verso, 1997) p. 174.

conditions that the Yugoslav republics would have to satisfy for recognition as independent states. The Badinter Commission set three conditions: guarantees concerning human rights, constitutional protection for ethnic minorities and a referendum on independence. More importantly the Commission concluded that the Yugoslav state could only be dissolved along republican lines, excluding the redrawing of borders along ethnic lines.<sup>9</sup> This meant that large Serb communities would be left outside a Serbian-dominated rump Yugoslavia should Croatia and BiH be recognised as independent states by the EC.

Things moved quickly in January 1992 after Slovenia, Croatia and Macedonia became independent. In BiH, the SDS, while remaining in the government, set up a 'Serbian Republic of Bosnia-Herzegovina' and declared it part of the FRY. On 25 January, the SDA and the HDZ announced a referendum on independence as a means to fulfil the EC's demand for granting the country recognition. The SDS refused to accept the referendum, and systematically obstructed it, intimidating voters, prohibiting the setting up of polling stations and removing Serb names from voter lists.

In February 1992, the EC convened an international conference in Lisbon on BiH in an attempt to find a constitutional solution acceptable to the three nationalist parties. Lord Carrington and the Portuguese diplomat Jose Cutilheiro put forward a plan for the creation of three 'constituent units' linking ethnicity to territorial administration. Based on the Swiss constitution, the plan neglected a major

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<sup>8</sup> The JNA's support for the Serbs was in line with their policy of lending assistance to those who wanted to remain part of Yugoslavia.

<sup>9</sup> Robert J. Donia and John V.A. Fine, Jr., *Bosnia and Hercegovina: A Tradition Betrayed* (London: Hurst & Co., 1994) pp. 231-32. For a discussion of these issues, see Gow, *Triumph of the Lack of Will*, pp. 67-77.

difference between the two countries: none of the three Bosnian ethnic groups had contiguous territories, as do the Swiss, the Muslim 'unit' being the most scattered. Although the plan sought to divide the Bosnian territory into three ethnic 'units', since the three ethnic communities were so mixed, the idea made little sense in practice.

Gow pointed out that this acceptance of the principle of linking control over territory to ethnicity by the international community 'bestowed approval on Serbian ambition and was in effect a charter for "ethnic cleansing."' <sup>10</sup> In fact, the Cutilheiro plan was not well received by the SDA, and its leader Alija Izetbegovic. The Muslim leadership still favoured a unitary state, of which more than 40% of the population was Muslim. The Croats of the HDZ initially agreed with the SDA, until their leader the moderate Stjepan Kljuic was replaced by Mate Boban, a close ally of the Croatian President Franjo Tudjman, who favoured cantonisation as a first step towards partition. <sup>11</sup> Finally, the SDS led by Radovan Karadzic agreed with the idea, but wanted a loose confederal arrangement between the 'units' and provisions for the establishment of special relations between the Serb parts of BiH and Serbia proper.

The SDS leadership had no reason to back down and compromise at this point. Backed by Belgrade, having set up parallel administrations and equipped by the JNA, Serbs in BiH (and for that matter in Croatia) were in a strong position. Since there was no will on the part of the EC to do anything about this imbalance, by

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<sup>10</sup> Gow, *Triumph of the Lack of Will*, p. 81.

<sup>11</sup> Boban, a Herzegovinian, advocated the annexation of the Croat Herzegovina region to Croatia proper.

giving the Bosnian government the means to defend itself before granting BiH independence, the Bosnian government had very few options available to them.

The referendum was held on 29 February and 1 March throughout the Republic. Boycotted by the SDS, who made sure that no ballot was cast in the areas under their control, the referendum delivered an unambiguous message in favour of independence: 99.7% of those voting chose separation from rump Yugoslavia.<sup>12</sup> This vote did not change the predicament in which the Bosnian government found itself: it did not have the military means to prevent the Serbs from seceding from BiH, should they decide to do so, with the humanitarian consequences that such a course of action entailed.

In March, Cutilheiro held a series of talks with the parties, reaching what seemed to be a breakthrough on 18 March. The SDS, HDZ and SDA agreed to a 'Statement of Principles for New Constitutional Arrangements for Bosnia and Herzegovina', which provided for the recognition of the principle of ethnically-based 'constituent units', a central government responsible for defence and foreign policy as well as a bi-cameral parliament. The text also granted extensive powers to the units, including control over the police. However, the agreement did not tackle the main issue: the borders of the constituent units. The SDS and Boban's Croats nonetheless read an acknowledgement of the principle of territorial governance based on ethnicity into it, whilst the Muslims, although unhappy with the document, felt they had managed to maintain the borders of the Bosnian state.

Within days, however, the agreement collapsed. The Croats pulled out because the new structure had left out their ethnic kin in Central Bosnia isolated and

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<sup>12</sup> Leonard J. Cohen, *Broken Bonds: the Disintegration of Yugoslavia* (Boulder, Co.: Westview Press, 1993) p. 237.

potentially under Serb or Muslim rule. The Muslims had two reasons to hold out for a better agreement: they still held to the idea of unitary state and had received signals from Washington that their country would be recognised by the US on 7 April, which made compliance with the EC demands unimportant in their eyes as far as recognition was concerned. The lack of judgement on the part of the SDA leadership, who blissfully ignored the fact that war would result from international recognition under the present circumstances, is here patent. Indeed, considering the turn of events in Croatia, where the Serbs were conducting a campaign of ethnic cleansing with the backing of Belgrade, it was difficult to see why things would be different in BiH given the military resources at their disposal.

On 6 April 1992, the EC, aware of the US initiative, recognised the independence of BiH, which soon descended into war.<sup>13</sup> Led by the infamous Arkan's *Tigers*, the first Serbian offensives secured the northern corridor of utmost strategic importance to the Serbs. Serb forces then laid siege to Sarajevo. Within months, the Serbs controlled 70% of the Bosnian territory and were redrawing the ethnic map of BiH through their brutal campaign of ethnic cleansing.

With a full-scale war on its hands, two decisions made by the international community decisively impacted on the balance of forces on the ground. First, the arms embargo imposed on the territory of the Former Yugoslavia on 25 September 1991 had left the Serbs with an overwhelming military advantage. Although during the course of the war this imbalance would be gradually altered through covert arms supplies to the Croats and Muslims and direct military intervention by the European-led Rapid Reaction Force (RRF) and NATO in 1995, in the initial stages

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<sup>13</sup> Slovenia, Croatia and BiH were recognised by the US on 7 April.



of the war, a show of force by the Serb military machine was often enough to ensure territorial gains.

Second, the introduction of a peacekeeping force, the UN Protection Force (UNPROFOR), in BiH helped slow down the pace of ethnic cleansing and propped up the Bosnian government. UNPROFOR was initially mandated to escort convoys of humanitarian relief destined to the victims of the conflict. Even though UN peacekeepers were often prevented from fulfilling their mandate, or 'taxed' to do so, without the UN's humanitarian assistance the Bosnian government would have been utterly defeated within months. Unwilling to use force to obtain a resolution, Western governments settled for a humanitarian intervention which was supposed to support the peace negotiations underway. This apparently contradictory approach between the arms embargo favouring the Serbs and humanitarian assistance benefiting the Muslims and Croats can be explained by the fact that neither Western European governments nor the US were initially willing to use force to alter the course of the conflict, whilst hoping to contain it through the arms embargo.

Having obtained the independence of BiH, HDZ leaders began to work on the annexation of Croat parts of BiH to Croatia proper. The *Hrvatsko Vijeće Odbrane* (HVO), the military arm of the HDZ, was constituted on 8 April 1992, the same day that the Bosnian government declared the mobilisation of the Republican Territorial Defence forces. Various meetings between Radovan Karadzic and Croat leaders took place in March and May 1992, during which they pored over the map together, with a view to partitioning BiH.<sup>14</sup> Now that BiH was independent, Serbs

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<sup>14</sup> The idea that BiH could be divided between a Greater Serbia and a Greater Croatia was discussed several times during the war, not least between the Croatian President Franjo Tudjman and the Serbian President Slobodan Milosevic.

and Croats had much more in common. Both were backed by their patron states which were favourable to the idea of carving a Greater Serbia and a Greater Croatia out of BiH. Moreover, their populations were less intermingled with each other than with the Muslims.<sup>15</sup> This characteristic of the Bosnian ethnic make up meant that the territorial ambitions of Croats and Serbs were mostly complementary rather than in competition. It is the Muslims, in the end, who stood to and did lose the most.

Indeed, the second meeting in May 1992 between Karadzic and Boban led to an agreement between the two, ending temporarily the fighting between the HVO and the VRS. In July the HDZ proclaimed its own entity, 'The Croat Community of Herceg-Bosna', comprising the territories under HVO control. In the autumn, relations between the HVO and the newly-formed Muslim *Armija Bosne i Hercegovine* (ABiH) had deteriorated to a point where both forces were at war in Central Bosnia, as the Croats were conducting a ferocious campaign of ethnic cleansing against the Muslims, supported by the VRS.<sup>16</sup> Interestingly, in October, Vance and Owen had put forward a document envisaging the creation of seven to ten

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<sup>15</sup> Xavier Bougarel has conducted an interesting study of the demographic ratios between the three ethnic communities in BiH's *opstine* before the war. He identified three types of situations: a 'hegemonic' situation, where the dominant ethnic groups represented 80% or more of the population of the *opstina*; 'bipolar' where the dominant group represented less than 80% of the population and the second group was twice as important as the third one; and 'heterogeneous' if the third largest community represented more than half of the size of the second, the dominant community representing less than 80% of the population. Bougarel found that situations where the Serb population was in direct competition with the Croat for the demographic domination of the *opstina*, were rare: only 6.7% of the Bosnian Serb population were in a bipolar relation with the Croats. Conversely, only 18% of the Croat population were in a bipolar relation with the Serbs. This demographic situation reduced the number of contentious territorial issues between Serbs and Croats. See Xavier Bougarel, *Bosnie: Anatomie d'un conflit* (Paris: Editions La Decouverte, 1996) pp. 140-45.

<sup>16</sup> The refusal of the HVO to integrate their forces with those of the Republic led the Muslim leaders to create the Muslim *Armija Bosne i Hercegovine*.

provinces in BiH that would each be dominated by an ethnic group. As the borders of the provinces were undecided, the Croats hoped that the territorial gains made before the negotiation on the map could be maintained (see below).

By 1993, following tensions between the EC and the UN, the European diplomatic initiative gave way to a joint effort between the EC and the UN, the International Conference on Former Yugoslavia, co-chaired by David Owen (for the EC) and Cyrus Vance (for the UN). The UN continued to be involved on the ground, through UNPROFOR, which with its humanitarian mandate was struggling to alleviate the consequences of ethnic cleansing. These forced movements of population were reshaping the ethnic map of the country. Yet, intervention to stop ethnic cleansing was not being seriously considered, nor was the other option, the creation of ethnically homogeneous entities.

The next important diplomatic initiative reflects these considerations. It came in January 1993, when Vance and Owen presented their peace plan (the Vance-Owen Peace Plan - VOPP) to the Conference, which had been under discussion since October 1992. While maintaining the territorial integrity of BiH under a weak federal government, it provided for the division of the country into ten provinces, each ethnic community controlling three provinces, while Sarajevo would be multi-ethnic. Most civil powers would be devolved to the provinces, which would be, for all intents and purposes, self-governing.<sup>17</sup> The provinces, although each under the control of an ethnic group, were nonetheless to be multi-ethnic: the ethnic composition of the provincial institutions was to be proportional to the 1991, thus pre-ethnic cleansing, distribution of population in the country, whilst their political

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<sup>17</sup> The provinces were to have a governor, from the majority ethnic community, and a vice-governor, from the second largest community. See Bougarel, *Bosnie: Anatomie d'un conflit*, p. 147.

composition was to be subject to free and fair elections.<sup>18</sup> What the plan did, however, was to create territories where one ethnic community would be the majority, without providing contiguous territories to any ethnic community.

As far as the security sector was concerned, the VOPP devolved control over police forces to the provinces. There were no provisions made for an international CIVPOL role beyond the monitoring of the activities of the local police. However, the mono-ethnic character of these forces, as well as their involvement in human rights violations would act as a deterrent for refugee return and jeopardise the security of minorities. The VOPP did not address the issue of police reform which was essential for refugee return, thereby casting doubt on the applicability of its multi-ethnic provisions.

As for military forces, the VOPP provided for the establishment of a cease-fire within three days after the conclusion of the peace agreement, the separation of forces and the withdrawal of heavy weapons to designated locations under UN control, and the demilitarisation of Sarajevo. The Plan also provided for the gradual demilitarisation of the country under UN/EC supervision, but did not elaborate on the means to achieve demilitarisation. This provision also implied that police forces would eventually be the only security forces in the country.

Considering the difficulties encountered during the negotiation of the constitutional and territorial proposals of their Plan, Vance and Owen divided it into three parts: military, constitutional and territorial. They obtained the signatures of the parties on the first two parts, but negotiations over the map turned out, as

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<sup>18</sup> The plan also provided for the return of refugees to their homes of origin, in effect seeking to reverse the effects of ethnic cleansing.

expected, to be extremely difficult.<sup>19</sup> This point highlights the importance of territorial control to the parties, even over political arrangements.

The Croats signed up for the map almost immediately, arguing that it left them with control over Herzegovina and more territory than they occupied before the war. These territories were contiguous with Croatia, and although the Plan made provisions against it, the temptation for HDZ leaders to try and join Croatia at a later stage was reinforced by the territorial arrangement offered.

The Muslims, in turn, condemned the map as rewarding the Serb campaign of ethnic cleansing. They argued that the map gave 42% of the Bosnian territory to the Serbs, who only made up 32% of the population before the war.<sup>20</sup> In addition, they feared that Serbs and Croats could eventually trade the territories they controlled to create a Greater Serbia and a Greater Croatia at their expense. The Muslims were encouraged by the opposition to the Plan coming from Washington and hoped that this opposition would be matched by military assistance or air strikes. Indeed, the new Clinton Administration expressed reservations about some aspects of the Plan: the Americans felt, like the Muslims, that the VOPP rewarded ethnic cleansing and paved the way for the dismantlement of the Bosnian state. In more practical terms, the US felt that the military provisions of the agreement would be difficult to implement because the Serbs would not comply with their side of the bargain.

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<sup>19</sup> Izetbegovic had reservations about the military parts of the VOPP: he accepted it after the UN accepted to control, not just monitor, the cantonment of all heavy weapons.

<sup>20</sup> Fiona M. Watson, *Peace Proposals for Bosnia-Herzegovina*, House of Commons Library Research Paper no. 93/35, 23 March 1993, pp. 9-10. The Serbs later made further territorial concessions, although not enough to satisfy the Muslims.

The Serbs also complained about the map. They were unhappy that province two (covering north-western BiH) and province four (covering north-east BiH) were separated by provinces three and five, respectively under Croat and Muslim control.<sup>21</sup> In effect, the VOPP made them give up on the idea of having contiguous, ethnically pure territories linking Serbia to the Croatian Krajina, even though the possibility of territorial swaps with the Croats at a later stage may have been envisaged. However, under the Plan, the Serb aim of creating a Greater Serbia would have been frustrated. In addition, the territorial concessions demanded by the Plan were deemed too important by the Pale leadership. The Pale Serbs, still in a strong military position, had little incentive to sign up to the agreement, especially given the lack of a credible threat from the US to oblige them to do so. The map and the other parts of the VOPP, although eventually signed by all parties, were rejected in a referendum organised by Pale in May 1993.

Thorvald Stoltenberg replaced Cyrus Vance as the UN negotiator soon after. They produced another peace plan in the summer, based on a confederation of three republics within Bosnia, which seemed to pave the way for a three-way partition.<sup>22</sup> The plan was based on the results of discussions between the Croatian and Serbian presidents, as well as between Bosnian Croat and Serb leaders. The proposal was also much closer to the Cutilheiro plan of 1992 than to the VOPP. It constituted a return to the principle of ethnic separation through territorial division. At this stage of the conflict, it also meant on the part of the West a more open acceptance of the results of ethnic cleansing. The plan did provide for refugee return, but the prospects

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<sup>21</sup> This issue was resolved by the acceptance by the ICFY of the creation of a 'super thoroughway', a free passage road plus a 5-kilometre demilitarised zone on either side of it linking provinces two and four. See map in Annex I.

of this happening were diminished by the acceptance of the principle of ethnically homogeneous territories. The plan, like the VOPP, envisaged the gradual disbandment of all armed forces after forces would be separated and cantoned along with their heavy weapons. The plan also requested the monitoring of the local police by a UN CIVPOL mission. The planned mandate of CIVPOL was to include the monitoring of the local police so that it 'has an appropriately balanced ethnic composition', as requested by the agreement.<sup>23</sup> This appropriately balanced ethnic composition is however not defined nor quantified.

Negotiations continued throughout the summer and the autumn, focusing now almost exclusively on territorial issues. The 'Union' plan was signed by all parties on the HMS *Invincible* in September, but rejected by the Bosnian parliament on the basis that the 30% of territory granted to them was not enough. The 'EU Action Plan', proposed next by French and German foreign ministers, took on board the principles of the 'Union' plan agreed upon on the *Invincible*, and increased the share of territory granted to the Muslims from 30% to 33.56%.<sup>24</sup> Again, the plan was rejected by Izetbegovic, who felt that they had not been granted enough territory, and by the Pale Serbs who could no longer agree to a UN administration of Sarajevo. On the ground, the military situation had reached a stalemate, as no forces were capable of making further substantial territorial gains.

With the international community incapable of agreeing on a common strategy to end the war, American presence in and influence over the diplomatic process became more significant in early 1994. In February, US and German

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<sup>22</sup> The plan did authorise any Republic to leave the Union, subject to the approval of the other two.

<sup>23</sup> Stoltenberg-Owen Plan in B.G. Ramcharan, eds., *Official Papers of the International Conference on the Former Yugoslavia* (The Hague: Kluwer Law International, 1997) p. 307, part 2, para. 3.

diplomacy brokered an agreement between the Muslims (now Bosniaks) and the Bosnian Croats, including both parties into a federation and making them *de facto* military allies. The Federation agreement drew on the VOPP and included ethnic cantonisation. The structure of the agreement was a prelude to the GFA: it contained provisions for the establishment of unified democratic institutions, refugee return, human rights protection while leaving in the hands of the parties control over security forces.<sup>25</sup>

More important, the war between Croats and Bosniaks had now been stopped, and Croatia, under American pressure, was moving a step closer to a reluctant recognition of BiH, whilst avoiding an embarrassing military defeat in Central Bosnia. The end of the conflict between the HVO and ABiH also had a significant military consequence: these forces could now be turned against the VRS. Finally, thanks to the Federation agreement, illegal weapons destined for the ABiH could now transit more easily through Croatian territory.<sup>26</sup> In addition, the US was also quietly providing military assistance and intelligence to the Croats, which would play a decisive role in the operation to retake the Krajina.

In the spring of 1994, a Contact Group was formed comprising the USA, Russia, France, the UK and Germany with the aim of bringing the Americans and the Russians directly into the diplomatic process, whilst hoping to come to a coherent international position on how to end the war. The Contact Group produced a plan in July, proposing that 51% of the territory go to the Federation for 49% to the

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<sup>24</sup> Figure cited in Gow, *Triumph of the Lack of Will*, p. 257.

<sup>25</sup> The agreement provided for a joint command of military forces. However, integration of Federation forces during the war never went beyond the co-ordination of military operations, which nonetheless turned out to be successful in making military gains.

<sup>26</sup> Gow, *Triumph of the Lack of Will*, p. 263.



Serb republic, recognising again the reality of forced ethnic separation. Both entities would be allowed to confederate with Croatia and Yugoslavia, while the Bosnian state would perform the functions necessary to remain a member of the UN.<sup>27</sup> The Serbs rejected it, hoping to secure more territorial concessions. Considering the changing balance of forces following the ABiH/HVO alliance and the slow build-up of both forces through covert arms deliveries, this was a miscalculation that would cost them dearly. Following the rejection of the plan by Pale, Milosevic broke off all relations with the Bosnian Serbs.<sup>28</sup> This had a direct impact on the already changing balance of forces on the ground: the Serbs lost the military and financial support they had been receiving from Belgrade, which had helped them maintain their territorial gains. Milosevic's decision to isolate them seriously weakened their capacity to resist offensives from ABiH/HVO forces.<sup>29</sup>

The next few months (until the summer of 1995) did not produce any substantial peace proposals, and there were no signs that the war would soon come to an end. Events on the ground in the spring and summer of 1995 would nonetheless create the conditions for a comprehensive peace negotiation. In May, the Croatian army took western Slavonia from the Serbs, sending thousands of refugees into BiH. For the first time, Serb forces were losing substantial ground.

In July, the Bosniak enclaves of Srebrenica and Zepa fell to the Bosnian Serbs, with in the case of Srebrenica in particular, dreadful human consequences. This situation made UNPROFOR's situation close to untenable: it could not carry on being pushed around by Bosnian Serb forces. Either it had to react with more teeth

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<sup>27</sup> See Bougarel, *Bosnie: Anatomie d'un conflit*, p. 151.

<sup>28</sup> Milosevic was at the time keen to reach a deal over BiH so as to get the UN sanctions over Yugoslavia lifted.

to Serb attacks or its withdrawal plan would have to be executed. The latter option would have set in motion a NATO withdrawal plan, involving 60,000 troops including American troops. The US Administration balked at the idea of placing US troops in the middle of what was going to be a risky operation, possibly involving fighting. European capitals, in turn, decided to give more firepower to UNPROFOR, whilst preparing the ground for a withdrawal. The introduction of the RRF gave General Rupert Smith, UN commander in BiH, the military might he needed to make the threat of military action credible. In addition, the fall of the eastern enclaves had made UNPROFOR personnel less exposed to Serb retaliation.

On 4 August, the Croatian army launched 'Operation Storm' in the Krajina and drove over 600,000 Serbs out of its territory. Croatian troops then entered Bosnia in the northwest and southwest, pushing Serb forces back. The shelling of the Sarajevo marketplace on 28 August gave NATO and the RRF a reason for initiating a massive bombing campaign against the Serbs until 14 September. The major (and successful) offensive launched by Bosnian Croat, Croatian and Bosniak forces in western BiH greatly benefited from NATO and RRF operations and was terminated by a cease-fire on 11 October.<sup>30</sup>

On the diplomatic front, the Americans were looking for a three-way recognition between BiH, Croatia and rump Yugoslavia and got Milosevic to agree that BiH would 'continue its legal existence with its present borders and continuing

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<sup>29</sup> Gow, *Triumph of the Lack of Will*, p. 264.

<sup>30</sup> The offensive was warmly supported by the US. Richard Holbrooke writes that he encouraged both Tudjman and Gojko Susak, the Croat defence minister to continue with the offensive on 17 and 19 September. See Richard Holbrooke, *To End a War* (New York: Random House, 1998) pp. 160 and 166.

international recognition.’<sup>31</sup> Two documents were accepted by all three countries in September: the ‘Joint Agreed Principles’, which guaranteed the continuation of BiH’s legal existence within its borders, divided the country into two Entities, authorised them to establish relations with neighbouring states, and committed the parties to adhere to human rights standards. The text also reintroduced the principle of refugee return, demanded mainly by the Bosniaks, stating that they had a right to repossess their home or receive just compensation. The ‘Further Agreed Principles’ provided for democratic elections, a common presidency, parliament and constitutional court. When the fighting died down, under American pressure, the Bosniaks and Croats controlled 51.6% of the territory for 48.4% in Serb hands, paving the way for a final negotiation.<sup>32</sup>

The military situation on the ground was also propitious to talks. Serb forces, on the verge of defeat, had lost over 20% of their territorial gains made in the early months of the war, and stood to lose more if the fighting was to resume. The Bosnian government, in turn, was eager to carry on with the offensive, but without Croatian backing could not have sustained its recent successes. The Croats, finally, had obtained what they wanted: they had regained control over the Krajina. They wanted to keep the favour of Washington, which was against further offensives against the Serbs. They were also satisfied with keeping the Bosnian government in a relatively weak position.<sup>33</sup>

The final negotiation took place at Dayton, Ohio in November 1995. Representatives from each Contact Group country attended, as well as the three

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<sup>31</sup> *Ibid.*, pp. 129-30.

<sup>32</sup> This was extremely close to the 51:49 principle put forward by the Contact Group and the ‘Joint Agreed Principles’.

presidents of BiH, Croatia and rump Yugoslavia, representing the Bosniaks, Croats and Serbs.<sup>34</sup> The negotiations centred chiefly on the map and military implementation, while constitutional issues were given less attention. The result is an agreement that seeks to maintain a state within BiH's recognised borders, and to create peace through democratisation and a military balance between the parties. Yet, the GFA, based on the Contact Group Plan, recognises the division of the country into largely ethnically pure territories, while declaring that the consequences of ethnic cleansing are to be reversed. The agreement itself is a two-page text, and the annexes to it contain the main provisions of the accord. The first two annexes cover the military aspects of the treaty, and will be reviewed in the next chapter, while the remaining nine deal with its civilian aspects.

This section has argued that two considerations are essential to understand the Bosnian conflict and the outcome of the various peace proposals: control over territory as a means to fulfil nationalist ambitions and the balance of forces on the ground, which it was shown, has been subject to alteration due to external interventions. The following section looks at the political equation of the GFA. It shows that the GFA provides for democratisation, including the rebuilding of a single political space as defined in the introduction. It then argues that the consociational institutions envisaged in the GFA could consolidate the power of the nationalists.

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<sup>33</sup> Gow, *Triumph of the Lack of Will*, pp. 280-81.

<sup>34</sup> Carl Bildt was present as the EU negotiator.

## **2. Democratisation and the GFA: Consolidating the Power of the Nationalists?**

The following subsections argue that the GFA provides for the establishment of a formal democracy and a single political space in BiH. They show that the three constitutive features of democracy (elections, rule of law and individual rights) as defined in chapter one are found in the agreement. However, these subsections show that the consociational nature of the Bosnian democracy potentially solidifies and entrenches the power of the nationalists, which in the end may prevent democratisation by allowing them to use political institutions to serve their divergent interests. Indeed, consociationalism is premised on elite co-operation. As shown in the previous section, this co-operation was less than forthcoming, which does not bode well for the functioning of common institutions.

### **2.1. Democracy in the GFA: Elections and the Rule of Law: Annexes 3, 4 and 11**

Annex 3 is devoted to the issue of elections. Article I commits the parties to ensuring the necessary conditions for ‘free and fair elections’.<sup>35</sup> These conditions are defined as a politically neutral environment, the right to vote in secret without fear or intimidation, freedom of expression and the press, as well as freedom of association and movement. A provisional electoral commission is created and mandated, among others, to see to it that ‘the structures and institutional framework for free and fair elections are in place’.<sup>36</sup> Nearly all citizens of BiH aged 18 or older

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<sup>35</sup> Annex 3, art. I, para. 1.

<sup>36</sup> Art. III, para. 2.

are eligible to vote and to stand for election.<sup>37</sup> Government officials are selected through competitive elections at the municipal, cantonal (in the Federation), entity (Presidency and Entity Parliaments) and national levels (Presidency and House of Representatives).<sup>38</sup>

As for the rule of law, Article I of the Constitution declares the Bosnian state to be a democratic state, 'which shall operate under the rule of law', thereby providing for the rebuilding of a single political space based on the rule of law.<sup>39</sup> The GFA, in the constitution, makes reference to procedural requirements of the rule of law, such as the right to a fair trial and 'other rights relating to criminal proceedings' as well as equality before the law.<sup>40</sup> The constitution also states that the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHR) and its protocols have priority over all other law.<sup>41</sup> They also

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<sup>37</sup> Those indicted, serving a sentence or not complying with an order to appear before the International Criminal Tribunal for the Former Yugoslavia (ICTY) or any Bosnian court for alleged violations of humanitarian law are ineligible to vote and stand for election. In addition, those judged by the High Representative (HR) to be obstructing the implementation of the GFA or those who have been removed from office by the HR are not eligible to stand. Finally, anyone not complying with the rules and regulations of the provisional electoral commission will not be authorised to stand. See OSCE Mission to BiH, *Rules and Regulations of the Provisional Election Commission*, art. 2.5d, 7.10 and 7.11 [text on-line] (Sarajevo: OSCE Mission to Bosnia-Herzegovina, 2000, accessed 15 July 2000); available from <http://www.oscebih.org/downloads/pec/eng/pec-rr-english.pdf>; Internet.

<sup>38</sup> The electoral rules, and their role in trying to induce people to vote across ethnic divisions, will not be discussed here. The author's objective here is to show that the GFA provides for a formal democracy and a single political space in BiH, and then assess the impact of security sector reform on democratisation and reintegration.

<sup>39</sup> Annex 4, art. I, para. 2. As explained in chapter 1, the rule of law is defined here as a set of publicly known rules which govern the exercise of state power, thereby guaranteeing predictability and certainty, in order to protect individual rights. Enforcement of these rules necessitates at least an independent judiciary, a professional police force and an efficient prison system.

<sup>40</sup> Annex 4, art. II, para. 3e and 4.

<sup>41</sup> Art. II, para. 2.

contain some procedural requirements of the rule of law. Article 5 of ECPHR, for instance, elaborates on the right to liberty and security, and regulates the conditions of arrest and detention. Article 2 of protocol 7 to ECPHR affirms the right of appeal in criminal matters. However, the GFA is silent regarding the institutions of the rule of law, and how they are to be reformed. It leaves authority over them in the hands of the Entities, except for inter-entity criminal law enforcement.<sup>42</sup>

## 2.2. Democracy in the GFA: Human Rights Instruments in Bosnia-Herzegovina: Annexes 4 and 6

The human rights provisions of the GFA are far-reaching and endow the Bosnian state with one of the most comprehensive systems of human rights protection in the world. The agreement addresses the issue in the Constitution (annex 4) while devoting annex 6 to the creation of human rights protection mechanisms. Annex 7, in turn, spells out the conditions for refugee return, a right enshrined in the Constitution.

### *Human Rights, the Constitution and Refugee Return*

The Constitution states that the ‘rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina... [and]

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<sup>42</sup> The Federation constitution entrusts authority over the police to the cantons, which, with the exception of two, are under the control of either the Croats or the Bosniaks (‘they shall have... responsibility for...establishing and controlling police forces...’). See Federation Constitution, section 3, art.4.

shall have priority over all other law.<sup>43</sup> The Constitution further guarantees freedom of movement of people, goods, services and capital across its territory. Article II commits BiH and its constituent Entities, as well as all courts, agencies, governmental units and instrumentalities to the 'highest level of internationally recognized human rights and fundamental freedoms', as set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.<sup>44</sup> The Constitution also demands that all parties fully co-operate with the different international institutions concerned with human rights law and humanitarian law. Finally, the right of refugees and displaced persons to 'freely return to their homes of origin' is reaffirmed, along with the principle of non-discrimination.<sup>45</sup>

The Constitution also assigns a role to the Constitutional Court regarding human rights protection. Article VI gives the court appellate jurisdiction over 'issues arising out of a judgement of any other court in Bosnia and Herzegovina'.<sup>46</sup> This

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<sup>43</sup> Article II, para. 2. Paragraph 3 enumerates some of these human rights and fundamental freedoms: the right to life; the right not to be subjected to torture or to inhuman or degrading treatment or punishment; the right not to be held in slavery or servitude or to perform forced or compulsory labour; the rights to liberty and security of person; the right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings; the right to private and family life, home, and correspondence; freedom of thought, conscience, and religion; freedom of expression; freedom of peaceful assembly and freedom of association with others; the right to marry and to found a family; the right to property; the right to education; the right to liberty of movement and residence. In addition, paragraph 4 commits BiH to being a party to 15 international human rights agreements, listed in annex I of the constitution. However, the constitution does not clearly give the same weight in domestic law to the latter agreements. See Zoran Pajic, "A Critical Appraisal of Human Rights Provisions of the Dayton Constitution of Bosnia and Herzegovina", *Human Rights Quarterly* 20, no. 1 (1998): 131.

<sup>44</sup> Art. II, para. 1.

<sup>45</sup> Art. II, para. 4 & 5.

<sup>46</sup> Annex 4, art. VI, para. 3b.



provision authorises individuals to appeal a decision that allegedly violated their rights. The constitutional court also has jurisdiction, by referral from any Bosnian court, to determine whether a law is compatible with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHR).

These provisions complement the rule of law in rebuilding a single political space by defining a single set of rights and freedoms to be applied throughout the territory of BiH. Provisions regarding refugee return are central to this notion of single political space.

Indeed, Article I provides that refugees and internally displaced persons (IDP's) will have their properties which they lost in the course of the war restored to them, or that they will be compensated for any property that cannot be restored to them.<sup>47</sup> The annex assigns to the parties, not the Bosnian state, specific duties with regard to refugee and IDP return: they are to ensure that the returnees are permitted 'to return in safety, without risk of harassment, intimidation, persecution, or discrimination...they [the parties] shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons...the Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group'.<sup>48</sup>

The parties have to 'demonstrate their commitment to securing full respect for the human rights and fundamental freedoms of all persons within their jurisdiction' and have to create 'without delay conditions suitable' for refugee and

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<sup>47</sup> Annex 7, art. I, para. I.

<sup>48</sup> Art. I, para. 2 and 3, art. II, para. 1.

IDP return, concludes article I. These include, among others: the suppression of acts of retribution by military, paramilitary, and police services, and by other public officials and private individuals; and the prosecution, dismissal or transfer of individuals in the military, paramilitary, and police forces responsible for serious human rights violations.<sup>49</sup>

Finally, Article VII provides for the creation of a commission for displaced persons and refugees, and binds the parties to respect and implement its decisions ‘expeditiously and in good faith’. The Commission is composed of nine members, three of whom are not to be citizens of BiH, and is mandated to receive and decide claims for property that was lost as a consequence of the war. Although the commission’s decisions are final, no mechanism is provided to enforce them.

#### *Annex 6: the Human Rights Commission*

Article I re-commits the parties to ‘the highest level of internationally recognized human rights and fundamental freedoms’, as contained in the ECPHR, its protocols and the 15 other international agreements listed in the GFA. The principle of non-discrimination is again mentioned. Article II establishes a Human Rights Commission (the Commission), made up of the Office of the Ombudsman (the Ombudsman) and the Human Rights Chamber (the Chamber). The Commission as a whole has jurisdiction to consider ‘alleged or apparent violations of human rights’ as provided in the ECPHR and its protocols as well as ‘alleged or apparent

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<sup>49</sup> Art. I, para. 3.

discrimination on any ground'.<sup>50</sup> It can redress human rights violations by either facilitating an amicable resolution or by making decisions that are final and binding.

### 2.3. Paving the Way for the Nationalists? The Constitution, the Structure of the Bosnian State and the Entities: Annex 4

Article I reaffirms the existence of BiH 'under international law as a state...and with its present internationally recognised borders.'<sup>51</sup> Article III defines the responsibilities of and the relations between the central state and its Entities, the Federation of Bosnia and Herzegovina and the RS.<sup>52</sup> The prerogatives of the Bosnian state are restricted to foreign policy; foreign trade; customs; monetary policy; finances of the central state; immigration, refugee and asylum policy; international and inter-entity criminal law enforcement; international

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<sup>50</sup> Annex 6, Art. II, para. 2.

<sup>51</sup> Art. I, para. 1. The name of the country was changed from the Republic of Bosnia and Herzegovina to Bosnia and Herzegovina. Although this point has no legal implications, it is worth noting that traditionally in the region the title of republic is reserved for sovereign entities. All other states that have emerged from the Former Yugoslavia are indeed republics. In addition, the 1974 Constitution defined socialist republics as 'states where working people and citizens enjoy their sovereign rights.' Popular perception therefore associates the term republic with statehood. This was clearly a sticking point in the negotiation, particularly when the Pale Serbs demanded that the Serb entity be called *Republika Srpska*. The wording used in the Constitution does not, therefore, settle fundamental opposing views regarding the borders of the Bosnian state. See Holbrooke, *To End a War*, pp.130 and 138 and International Crisis Group (ICG), *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, ICG Balkans Report no. 80, Section VI [report on-line] (Sarajevo: ICG, 28 October 1999, accessed 25 August 2001); available from [http://www.intl-crisis-group.org/projects/balkans/bosnia/reports/A400058\\_28101999.pdf](http://www.intl-crisis-group.org/projects/balkans/bosnia/reports/A400058_28101999.pdf), Internet.

<sup>52</sup> 'Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska...' Annex 4, art. I, para. 3. It was agreed at Dayton that the Federation would occupy 51% of territory, while the RS was allocated the remaining 49%. The entities also have a 'right to establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.' Art. III, para. B.

communications; and regulation of inter-entity transportation and air traffic control.<sup>53</sup> A mechanism to transfer competencies from the Entities to the central government was also provided, and within six months of the entry into force of the Constitution the Entities were to begin negotiations to extend the functions of the central state.<sup>54</sup> However, the Constitution stipulates that ‘all governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the entities.’<sup>55</sup>

Annex 4, while satisfying the Serb demand for recognition of the RS as an entity and its political autonomy, is the product of a strategy of decentralisation of power as a means to protect all three communities, and to alleviate as much as possible the security dilemma among them. It was accepted by the Bosniaks in exchange for ‘Train and Equip’, and led to a consociational form of government.<sup>56</sup> The consociational option of the GFA is reflected in the institutions of the state,

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<sup>53</sup> Art. III, para. 1.

<sup>54</sup> Art. III, para. 5b.

<sup>55</sup> Art. III, para. 3a.

<sup>56</sup> Consociationalism relies chiefly on consensual decision-making and elite co-operation to manage conflict. Four principles characterise a consociational polity, three of which are found in the GFA:

*Broad-based parliamentary coalitions.* Power is shared in a grand coalition in the executive whose leaders represent the various segments of society. This prevents the exclusion of minorities from political power.

*Minority or Mutual Veto.* Each segment is given guarantees that it will not be outvoted when its vital interests are at stake.

*Proportionality.* At every level of government decision-making (central, regional, local) proportional representation determines the composition of the governing bodies: the demographic strength of the segments is translated into commensurate representation in the legislative and through a proportional electoral system parties are awarded seats in parliament.

*Segmental Group Autonomy.* Decision-making authority is devolved to the segments for issues that concern them primarily.

See Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, DC: United States Institute of Peace, 1996) pp. 36-37.

where the three ethnic communities are represented.<sup>57</sup> By guaranteeing the rights of all three groups in the common institutions through consensual decision-making and ‘vital interests’ protection mechanisms, the Constitution ensures that no group will be threatened by decisions made by the largest group (the Bosniaks) or a combination of two groups (Croats and Serbs, who together have a relative majority). The next subsections subsequently show how these principles have been applied to the GFA.

#### *Broad-based Parliamentary Coalition in the Executive: The Presidency and the Council of Ministers*

Article V states that the Presidency shall consist of three members, one from each constituent people. The Bosniak and Croat members are elected from the territory of the Federation, while the Serb is elected from the territory of the RS. Decisions regarding matters falling within the jurisdiction of the state are to be taken by consensus. They may nevertheless be adopted by two members if ‘all efforts to reach consensus have failed’.<sup>58</sup> The Council of Ministers is composed of ministers from the Federation and the RS, with no more than two-thirds of its ministers from

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<sup>57</sup> Indeed, the Constitution recognises ‘Bosniacs, Croats, and Serbs, as constituent peoples (along with Others)’ of BiH. See annex 4, preamble. Carl Bildt recalls that at Dayton ‘a further minor question concerned a demand for a constitutional clause in which the state of Bosnia was said to comprise ‘three peoples’. The Croats were most definite about this, the Serbs clearly agreed, while the Muslims accepted it without making any serious objections.’ Carl Bildt, *Peace Journey: the Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998) p. 139.

<sup>58</sup> Article V, para. 1c. The procedure adopted to protect the interests of the group represented by the dissenting member will be reviewed in the next subsection.

the Federation. Each minister has two deputy ministers, who come from the two other constituent peoples.

Finally, paragraph 5a states that 'each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces.' In February 1999, the HR, Carlos Westendorp, issued a decision regarding the interpretation of this provision. He wrote: 'In Bosnia Herzegovina...civilian command authority over all armed forces is exercised by the BiH Presidency...The tri-partite BiH Presidency exercises its authority as an institution, meaning that each Member is competent to take part in the decision-making process regarding the armed forces. It is not the Chair, but the Presidency, who is the civilian Commander-in-Chief. The BiH Presidency is to act and take decisions on this issue collectively.'<sup>59</sup> The Constitution also provides for the creation of the Standing Committee on Military Matters (SCMM), of which the Presidency members are members, to co-ordinate the activities of the armed forces.<sup>60</sup>

Although the executive in BiH seems to reflect the principle of a grand majority including all segments of society, in fact it fails to grant representation to those who do not belong to the three 'constituent peoples' or choose to exercise their right not to define themselves as not belonging to any of these groups. Representation not only in the executive, but also in other Bosnian institutions, was restricted during the period under study to the elected leaders of the Bosniak, Croat and Serb constituent peoples. As outlined earlier, the work of these institutions is

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<sup>59</sup> OHR Press Release, *Decision on Civilian Command of the Armed Forces*, 20 February 1999.

<sup>60</sup> This institution and its development will be discussed in chapter six.

largely 'reliant on political cooperation among ethnically-based elites.'<sup>61</sup> This co-operation may not be forthcoming simply because the parties still fundamentally disagree on the borders of the Bosnian state. Political institutions will therefore be used by the parties to preserve the division of the Bosnian territory into ethnically pure statelets.

#### *Minority or Mutual Veto: The Parliamentary Assembly and the Presidency*

In the Parliamentary Assembly, decisions are taken 'by majority of those present and voting' in each chamber.<sup>62</sup> Members of both chambers are to 'make their best efforts' to see that this majority includes at least one-third of the votes of representatives from either entity.<sup>63</sup> A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of any of the three constituent peoples of Bosnia by a majority of Delegates (three) from that constituent people in the House of Peoples. A Joint Commission is then convened to try and resolve the issue within five days. If it fails to do so, the matter is referred to the Constitutional Court.

Decisions in the Presidency are taken by consensus. A dissenting member of the Presidency may declare a presidential decision to be destructive of a vital interest of the entity from which territory he was elected within three days of the adoption of

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<sup>61</sup> Robin Luckham et al., *Democratic Institutions and Politics in Contexts of Inequality, Poverty, and Conflict: A Conceptual Framework*, IDS Working Paper no. 104 (Brighton: Institute of Development Studies, 1999) p. 63.

<sup>62</sup> Art. IV, para. 3d. The parliamentary assembly is made up of the House of Representatives and the House of Peoples. See below.

<sup>63</sup> Art. IV, para. 3d.

the decision. The decision is then referred immediately to the representatives of the member of the Presidency's constituent people at the entity level. The decision can only take effect if it is confirmed by two-thirds of the said representatives.

The minority veto provision may also be used by the parties to protect the division of BiH in ethnically pure territories. Indeed, it allows any party to considerably slow down any legislation that may threaten its interests. This protection mechanism, although vital for the functioning of consociational democracy, can be easily exploited to prevent democratisation.

#### *Proportionality: the Legislative, the Constitutional Court and the Central Bank*

The principle of proportionality is only partially applied to the institutions of BiH. The House of Representatives, on the other hand, comprises 42 members, two-thirds (28) elected from the territory of the Federation and one-third (14) from the territory of the RS.<sup>64</sup> The electoral system used to elect the members of the parliamentary assembly (and all other elected bodies, except the RS Presidency) is proportional representation by party list.

However, the House of Peoples, reserves an equal share of seats to all three constituent peoples.<sup>65</sup> The Constitutional Court (two judges from each community) applies parity in its membership, along with the Human Rights Chamber and the Commission for Displaced Persons and Refugees, and the Central Bank. This

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<sup>64</sup> The 2:1 ratio in the House of Representatives represents the population ratio between the Bosniaks and Croats (respectively 44% and 17%) and the Serbs (31%) in the 1991 census.

<sup>65</sup> The House of Peoples comprises 15 members, five from each constituent people. Lijphardt calls this 'parity of representation' and sees it as a variation of the principle of proportionality. See Arend Lijphardt, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977) pp. 40-41.



provision allows for the equal representation of all ethnic communities in common institutions. However, to avoid deadlocks, the GFA also allocated seats to international personnel who can cast deciding ballots. This principle of equal representation in common institutions is also reproduced in security-related institutions. As will be argued in chapter six, this model, coupled with consensual decision-making, seems to represent the path of least resistance for the international community, even it considerably reduces the work of common institutions by allowing minorities to block decisions.

### *Segmental Group Autonomy: The Entities*

The Constitution assigns to the Entities ‘all governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina’, including defence and policing.<sup>66</sup> At the entity level, however, the law does not recognise all three communities as constituent peoples. Although the GFA created a consociational form of government at the central level, it grounded it in ethnoterritories, which initially allowed the representatives of these ethnic communities to maintain homogeneous territorial Entities of which not all citizens of BiH are ‘constituent peoples’.<sup>67</sup>

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<sup>66</sup> Art. III, para. 3a.

<sup>67</sup> Even the Federation, which is supposed to be multi-ethnic, is in fact divided along ethnic lines. Out of its 10 cantons, five are under Bosniak control, three under Croat control and two supposedly multi-ethnic (in fact divided along ethnic lines, as in Mostar).

Moreover, the central state in BiH is not competent to settle disputes between these ethnic Entities.<sup>68</sup> The mechanism put in place for the resolution of conflicts between them is arbitration, a mechanism generally used for the peaceful resolution of conflict between sovereign states.<sup>69</sup> This further strengthens the independence of the Entities *vis-à-vis* the central state.

Furthermore, the Constitution of the Federation recognises ‘Bosniacs and Croats... as constituent peoples’, along with ‘Others’ without specifying what this category means.<sup>70</sup> In fact, ‘Others’ means those Bosnian citizens, including Serbs, who neither define themselves as Bosniak nor as Croat. An ICG report pointed out that ‘Serbs [were] denied that status [constituent people] in the Federation’.<sup>71</sup> Zoran Pajic wrote elsewhere that ‘to be very precise, Bosniacs and Croats [were] not constituent peoples in the entity of the Republika Srpska, and in the same way Serbs [were] denied constituent peoples status [sic] in the Federation’.<sup>72</sup> In turn, the Constitution of the RS unambiguously affirms that ‘Republika Srpska shall be the

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<sup>68</sup> See Said Hamdouni, ‘Les accords de Dayton et le statut de la Bosnie-Herzegovine’, *Etudes internationales* XXIX, no. 1 (March 1998): 58.

<sup>69</sup> Annex 2, art. V, para. 1 and 2 state that ‘the Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area... No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by the agreement of the Parties’ appointees within thirty days thereafter.’ Annex 5 states that ‘the two entities will enter into reciprocal commitments... to engage in binding arbitration to resolve disputes between them.’

<sup>70</sup> Constitution of the Federation of Bosnia and Herzegovina, art. 1, para. 1.

<sup>71</sup> ICG, *Is Dayton Failing?*, section VI, para. d.

<sup>72</sup> Pajic, “A Critical Appraisal of Human Rights Provisions of the Dayton Constitution of Bosnia and Herzegovina”, p. 134. Nedjo Milicevic puts the same argument forward in Nedjo Milicevic, “The Structure of the State in Bosnia-Herzegovina and its Capacity of the Realization of Human Rights and Fundamental Freedoms”, in Wolfgang Benedek, ed., *Human Rights in Bosnia and Herzegovina after Dayton* (The Hague: Martinus Nijhoff Publishers, 1999) p. 46.

State of Serb people and of all its citizens.’<sup>73</sup> ICG concluded: ‘It appears that all three peoples are constituent only at the level of the central state of Bosnia and Herzegovina. **Given that the vast majority of state prerogatives, e.g. Military, police and the judiciary are in the hands of the entity governments,** the reality is that minorities, be they Serbs in the Federation or Bosniaks and Croats in RS, are legally discriminated against in their dealings with government institutions.’<sup>74</sup>

The ICG report, however, did not fully consider the role that the Constitutional Court could play in this regard, as it has jurisdiction to decide ‘whether any provision of any entity’s constitution or law is consistent with this constitution.’<sup>75</sup> In July 2000, the Court concluded that the provisions of the Entities’ constitutions with regard to constituent peoples were discriminatory and ruled that the Bosniaks, Croats, Serbs and Others be considered constituent peoples throughout the territory of BiH. The decision was carried by five of the nine judges: the three international and Bosniak judges voted in favour whilst the Croat and Serb judges voted against.<sup>76</sup> This vote shows how the rebuilding of a single political space, where all Bosnian citizens are given equal status, is still a deeply contested notion in BiH.

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<sup>73</sup> Article 1 of the RS Constitution cited in ICG, *Is Dayton Failing?*.

<sup>74</sup> ICG, *Is Dayton Failing?*, section III, para. d. Emphasis mine.

<sup>75</sup> Annex 4, art. VI, para. 3. The constitution includes human rights provisions which should prevent discrimination. The constitution further reads ‘the Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.’ Annex 4, art. IIIb.

<sup>76</sup> See Gordon Bardos, “Progress or Stagnation? Bosnia and Herzegovina: Annual Report 2000”, *Transitions on Line* January 2001, accessed 15 June 2001 [article on-line]; available from <http://archive.tol.cz/frartic/bosar00.html>; Internet.

However, the ICG report nonetheless aptly pointed out that the decisions of the Constitutional Court, or for that matter, of any common institution of BiH, cannot be implemented without the consent of the Entities.<sup>77</sup> Indeed, no state-level enforcement mechanism exists that would allow the Bosnian state to enforce the law, resolve disputes between or with its constituent Entities arising from discriminatory legislation, by using legitimate force if necessary, in order to rebuild a single political space. The international institutions responsible for the implementation of the GFA are therefore the only actors with the means to coerce the parties to live up to their commitments and abide by the law, as the central state is left with no actual control over the institutions of the rule of law, including the police.

The annexes of the GFA concerned with the political structure of BiH provide for the establishment of a formal democracy and the rebuilding of a single political space. However, the kind of democracy that the GFA envisages is based on the consociational model. The examples of Belgium and Switzerland show that this model is perfectly compatible with democracy, but in the Bosnian context it may lead to the further legitimisation of the nationalist power structure by entrenching their position in the various institutions of the state. However, given the lack of political will to invest the diplomatic and financial resources necessary for the creation of integrated, majoritarian institutions, the consociational model may be the least bad option available.<sup>78</sup>

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<sup>77</sup> ICG, *Is Dayton Failing?*, section VI, para. b.

<sup>78</sup> This issue will be further developed in chapters six and seven.

### **3. Conclusion: the Political Provisions of the GFA: Continuation of War by Other Means?**

By giving an account of the war in BiH as well as of the negotiations leading up to the GFA, this chapter has sought to show that two considerations are essential to understand the troubled story of the 1992-95 war. The first is the issue of control over territory as a means to achieve nationalist ambitions. It has been argued that these ambitions went beyond the mere conquest of territory to the redefinition of the ethnic map through ethnic cleansing. From a peacebuilding perspective, the reversal of ethnic cleansing would mean the complete defeat of those who have sought to create ethnically pure territories.

The second consideration discussed in this chapter is the balance of forces. It has been shown how a variety of external actors have affected this balance of forces and thereby influenced the course of the war. Given the importance of the balance of forces in the politico-military calculations of the parties during the war, the way this balance is managed will also bear decisively on the peacebuilding effort at democratisation.

This chapter has shown that the GFA indeed seeks to build a formal democracy, including a single political space in Bosnia-Herzegovina. The accord provides for the three constitutive elements of formal democracy: free and fair elections, the rule of law and the protection of individual rights. Yet, the GFA does not equip the Bosnian state with the means it would need to enforce the rule of law. Indeed, the agreement leaves the control over its institutions in the hands of the parties. As all of these parties, at different stages of the war, were also the agents of ethnic cleansing, the risk is great that these institutions will be used to consolidate

the gains made during the war as well as the nationalist power structure, thereby undermining the process of democratisation. In short, the GFA, although full of good democratic intentions, creates a state which is nearly powerless. This places the onus of the process of democratisation on the shoulders of the international actors mandated with the interpretation and the enforcement of the accord.

Bosnia-Herzegovina is based on Entities whose ethnic composition is the result of ethnic cleansing. Indeed, the Bosnian constitutional order legitimises the results of ethnic cleansing, whilst demanding its reversal. Pauline Neville-Jones' argument that the 'constitution devised ... is excessively complex and ... at the same time does not –because no agreement could be obtained– contain a means of breaking the political deadlock' makes perfect sense.<sup>79</sup> The political deadlock she refers to is the borders of the Bosnian state. For the wartime leaders of the Bosnian Serbs and Herzegovinian Croats, and to some extent for the Bosniak leaders, the GFA recognises their right to separate, ethnically pure territories, as the discussion over the Entities' constitutions has shown. Ethnically based territorial Entities enshrined in the domestic constitutional order therefore served the purpose of strengthening the division of the country along forcibly engineered ethnic lines. In this sense, the consociational institutions created at Dayton consolidate the gains made by the parties during the war, by entrenching the power of those responsible for the current situation in the political institutions of the state. The next chapter turns to the security aspects of the GFA, and discusses the assumptions underlying

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<sup>79</sup> Pauline Neville-Jones, "Dayton, IFOR, and Alliance Relations in Bosnia", *Survival* 38, no. 4 (Winter 1996-97): 49.

annexes 1-A and 1-B and 11. It argues that the hard realist approach adopted for the security sector also consolidates the power of the nationalists.

## **Chapter 4: The Dayton Accords and The Security Equation: The Hard Realist Strategy**

Chapter three has argued that the GFA seeks to rebuild a formal democracy, including a single political space, in BiH. This chapter, in turn, reviews the annexes of the GFA that concern the security sector, annexes 1-A, 1-B and 11. Two characteristics of these annexes should be emphasised. First, the GFA leaves control over military and police forces in the hands of the parties, although it assumes that two of these parties (Croats and Bosniaks) will integrate their police and military forces.<sup>1</sup> Second, in the military realm, the GFA seeks to create a military balance between the Federation army and the VRS by committing the parties to establishing an arms control and a CSBM regime. The various annexes of the GFA concerned with the security sector reflect the hard realist strategy adopted at Dayton.

Annex 1-A defines IFOR's role in patrolling and enforcing the division of the country into two entities, paving the way for an institutionalised military balance. In addition, the annex does not challenge the internal division of one of the entities, the Federation, between Croats and Bosniaks. The separation of forces between the RS and the Federation agreed upon further compounds the rebuilding of a single political space of the country by allowing two, in fact three, armies to continue their existence, thereby consolidating the nationalist power structure, which it has been argued, resists democratisation.

Indeed, the agreement, and annex 1-A in particular, leaves untouched the power structure set up during the war: ethnically-based parties controlling military and police forces in order to maintain the ethnic homogeneity of their territories, but

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<sup>1</sup> Chapters six and seven will discuss the difficulties of integrating Croat and Bosniak security forces.



also to preserve their monopoly on power. However, annex 1-A and security council resolution 1031 authorise IFOR to get involved in tasks that would undermine this structure. The arrest of war criminals is of particular significance in this context. Although these secondary tasks do not concern the security sector directly, they will nonetheless be reviewed in the context of this research to show how third parties can make use of their resources to push democratisation forward within a hard realist/liberal framework of peacebuilding.

Annex 1-B includes the strategy adopted to prevent a return to war after IFOR's departure, which was to stay in BiH for a year only. The approach adopted is one of military balance between the parties, coupled with an arms control and a CSBM agreement to be negotiated under the auspices of the Organization for Security and Co-operation in Europe (OSCE). The annex further gives the OSCE a central role in negotiating and maintaining both regimes.

The military balance between the parties envisaged in annex 1-B is to be realised through the US-sponsored 'Train and Equip' programme (T&E), which aims at building up the war-fighting capability of the Bosniaks and the Bosnian Croats, whilst giving them an incentive to integrate their forces. It should be emphasised that the balance envisaged is not military parity. Rather, it gives the Federation a military advantage in manpower and weaponry which, it will be argued, undermines the rebuilding of a single political space and solidifies the division of the security sector into three separate entities by generating additional mistrust between the Federation and the RS, and within the Federation between Croats and Bosniaks.

This chapter also reviews annex 11 of the GFA, which mandates the UN to monitor and train police forces in BiH. Although this mandate broadly fits the model of previous CIVPOL missions, the context of its implementation is very different.

Indeed, the GFA and the constitution of the Federation assign control over the police to the ministry of internal affairs in the RS, and to the ministry of internal affairs of each canton in the Federation. This means that the UN International Police Task Force (IPTF) is to monitor and train three largely mono-ethnic and separate police forces. The GFA, in line with the hard realist approach adopted with regard to SSR, institutionalised this fragmented structure which is likely to further complicate IPTF's task of creating multi-ethnic police forces solely concerned with the provision of internal security. This structure is also likely to facilitate the use of the police by the parties to maintain control over territory, and its ethnic composition, again undermining democratisation.

The structure of this chapter is simple. The first three sections provide respectively an analysis of annex 1-A, annex 1-B and T&E. Section four is concerned with annex 11. The conclusion then outlines the central role given to third parties in this hard realist strategy of SSR.

## **1. Annex 1-A: IFOR's Primary and Secondary Mandates: Divide to Unite<sup>2</sup>**

This section focuses on the primary and secondary mandates given to IFOR. It is argued here that the primary mandate of the NATO-led force helped prepare the ground for the institutionalisation of a military balance by separating VRS and Federation military forces, but by doing so opened the door to the solidification of BiH's division in two. However, this section also shows that IFOR, in its secondary

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<sup>2</sup> I am indebted to James Gow for this distinction between IFOR's primary and secondary mandates. See James Gow, *Triumph of the Lack of Will* (London: Hurst & Company, 1997) p. 287.

mandate, was also given a licence to assist democratisation, and extensive powers to fulfil its primary and secondary mandates.

### 1.1. IFOR's Primary Mandate: Paving the Way for an Institutionalised Military Balance

Annex 1-A provided for the deployment of NATO and non-NATO troops to 'implement the provisions of this Agreement' under the name of Implementation Force (IFOR).<sup>3</sup> IFOR's primary mandate reflects one of the major policy decisions made at Dayton to accept the division of the country between the Federation and the RS, based on the Contact Group plan. The annex mandates IFOR with the implementation of this principle of separation by creating an internationally supervised line of separation, the Inter-Entity Boundary Line (IEBL). IFOR's presence, in addition to enforcing the creation of the IEBL, also provided for a deterrent presence in order to prevent the parties from attempting to change the *status quo* by force, or to prevent localised incidents from degenerating into outright military hostilities.

IFOR's primary mandate can be broken down into three phases that eventually would lead to the separation of forces and pave the way for an institutionalised military balance between the two entities. Indeed, IFOR was not mandated with the disarmament and demobilisation of the security forces of the parties, except in cases of non-compliance with the annex, nor with their integration

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<sup>3</sup> Annex 1A, art. I, para. 1. The Security Council 'authorize[d] the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to establish a multinational implementation force (IFOR) under unified command and control in order to fulfil the role specified in Annex 1-A...' UN Security Council Resolution 1031, para. 14, 15 December 1995.

into common military structures.<sup>4</sup> Two factors account for this. First, the parties themselves would not have agreed to be disarmed. In fact, the Bosniaks made their acceptance of the Dayton package conditional upon the lifting of the arms embargo which had crippled them militarily, and upon a US-led programme of military assistance. Having found support in the US Congress in favour of unilaterally lifting the arms embargo, they had not only put the Administration under pressure to achieve a rapid political solution to the conflict, but also secured themselves military support by the US. Second, the Pentagon was adamantly opposed to getting troops involved in disarming the parties. Richard Holbrooke, the head of the US negotiation team at Dayton acknowledged that

‘the most serious flaw in the Dayton Peace Agreement was that it left two opposing armies in one country, one for the Serbs and one for the Croat-Muslim Federation. We were fully aware of this during the negotiations, but since NATO would not disarm the parties as an obligated task, creating a single army or disarming Bosnia-Herzegovina was not possible.’<sup>5</sup>

Since IFOR would be under US command within a NATO structure, the option of disarming and demobilising the factions was in effect not an option.

Under phase I of IFOR’s primary mandate, annex 1-A demanded the continuation of the cease-fire established in October 1995 and mandated IFOR to enforce compliance with it. The IEBL, which roughly followed the cease-fire line between Federation and Serb troops, consisted of an internal line dividing BiH into two entities, the Federation and the RS. The IEBL was supplemented with a two-

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<sup>4</sup> Article II, para. 3 of the annex demands that all paramilitary groups be disbanded. IFOR is given the authority to enforce compliance with this provision in article I. However, the primary responsibility for demilitarisation lies with the parties.

<sup>5</sup> Richard Holbrooke, *To End a War* (New York: Random House, 1998) p. 361.

kilometre weapons-free zone (Zone of Separation) on both sides of the Line. IFOR was mandated to patrol it and ensure that it remained demilitarised.

Under phase II, a procedure was put in place for areas that had to be transferred from one entity to the other as part of the agreement. The entity withdrawing from the area had 45 days after the transfer of authority between UNPROFOR and IFOR (henceforth 'transfer of authority') to withdraw their forces and 'completely vacate and clear this area.'<sup>6</sup> During the period of transition, which was to end 90 days after the transfer of authority, IFOR was authorised to provide military security for the areas.

Under phase III, and within 120 days after the transfer of authority, military forces were to be cantoned, which included the cantonment of all heavy weapons.<sup>7</sup> The agreement also required the demobilisation of troops that could not be accommodated in cantonment/barracks areas.

IFOR's primary mandate, besides paving the way for an institutionalised military balance by separating the parties and providing the military stability necessary for arms control measures, also has consequences for democratisation and especially the rebuilding of a single political space, also called reintegration. First, it gives legitimacy to the division of BiH in two, whilst not challenging the internal division of the Federation. This means that the process of creating a single political space may be slowed down by the fact that the IEBL is regarded by the parties as something very close to a border dividing sovereign territories where different laws can continue to apply. Since these laws and regulations are passed by the

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<sup>6</sup> Article IV, para. 3a. The article did not provide a definition of 'forces' which turned out to be a major source of tension during the transfer of these areas to the Federation. See next chapter.

<sup>7</sup> Heavy weapons refers to all tanks and armoured vehicles, all artillery 75mm and above, all mortar 81mm and above, and all anti-aircraft weapons 20mm and above. Article III, para. 5a.

representatives of the ruling nationalist parties in each entity, it is likely that many will be incompatible with democratic practices, thereby also impacting negatively on democratisation.

Indeed, and this constitutes the second consequence of IFOR's primary mandate, leaving the parties' military forces largely intact consolidates their control over territory. Since at some point or another during the war and with various degrees of intensity, all parties pursued policies of ethnic cleansing, leaving the same individuals in charge of military forces in the post-conflict phase, even under the control of IFOR, will not alter these policies, nor build confidence between the parties.

## 1.2. IFOR's Secondary Mandate: A Licence to Undermine the Nationalist Power Structure

IFOR is mandated not only with inter-entity military security, but also potentially with the protection of individuals and support for civilian implementation. Indeed, IFOR is authorised to fulfil the following civilian tasks:

'to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections; to assist the movement of organizations in the accomplishment of humanitarian missions; to assist the UNHCR and other international organizations in their humanitarian missions; to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and respond appropriately to deliberate violence to life and person...'<sup>8</sup>

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<sup>8</sup> Article VI, para. 3.

Annex 1-A also authorises the North Atlantic Council (NAC) to ‘establish additional duties and responsibilities for the IFOR in implementing this Annex’.<sup>9</sup>

Article X of annex 1-A obligates the parties to co-operate with all organisations involved in the implementation of the peace agreement, including the International Criminal Tribunal for the Former Yugoslavia (ICTY). Bearing in mind article I, this article authorises IFOR to use force to support the activities of the Tribunal, if the parties fail to do so. Resolution 1031 also authorised IFOR to use force to enforce compliance with Annex 1-A.<sup>10</sup>

This licence for IFOR to support the implementation of the civilian aspects of Dayton should not obscure the fact that the Pentagon was against any involvement of IFOR in civilian tasks, especially after the Europeans demanded and obtained the post of High Representative (HR) for Carl Bildt. Now that the HR was to be a European, the Americans felt they had lost control over one side of the equation and tried to restrict the powers of the HR, especially with regard to military affairs.<sup>11</sup> Moreover, both General Shalikashvili, the Joint Chairman of the Chiefs of Staff, and General Joulwan, the NATO Supreme Allied Commander Europe (SACEUR), felt that an extension of IFOR’s tasks to helping the civilian implementation would lead the military to get bogged down with an unclear mandate in a situation *à la* Somalia.<sup>12</sup>

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<sup>9</sup> Article VI, para. 4.

<sup>10</sup> UN Security Council Resolution 1031, 15 December 1995, para. 5.

<sup>11</sup> Commenting on the decision to choose a European as HR, Pauline Neville-Jones wrote: ‘Thereafter the US negotiating tactic seemed to be to concede to this office as little authority as possible, either over the agencies engaged in civilian implementation or in relation to the military commander’ who was to be American. See Pauline Neville-Jones, “Dayton, IFOR and Alliance Relations in Bosnia”, *Survival* 38, no. 4 (Winter 1996/97): 50.

<sup>12</sup> Holbrooke recalls the military speaking of ‘mission creep’ and ‘slippery slope’. Holbrooke, *To End a War*, pp. 216-218.

They were in favour of a two-fold mission for IFOR: self-protection and separation of forces including enforcement of the cease-fire. Since their support was essential for Congressional approval of a US involvement in BiH, the Administration had to take the military's view into account and strictly divorce responsibility over the military provisions of the GFA from the civilian ones, while restraining the powers of the HR.<sup>13</sup>

Finally, UNPROFOR's dual key system was a decisive factor in the decision to fence the military aspects off. Under this system, any offensive military action by NATO during the war in BiH had to be approved by both NATO and UN officials. This gave UN officials a *de facto* veto over military action. Such a situation was unacceptable for the US military, who wanted a free hand in BiH. Eventually, it was agreed that a Joint Consultative Committee 'to liaise between the High Representative and the IFOR Commander should be set up.'<sup>14</sup> The fact remains that, even though IFOR was granted the authority to support civilian implementation, the negotiators at Dayton knew very well that IFOR's mandate would be interpreted in quite narrow terms by the military.

In an almost schizophrenic fashion, annex 1-A authorises IFOR to get involved in tasks that can potentially assist democratisation, and undermine the division of the country into two entities. Indeed, IFOR's secondary mandate authorises the force to enforce the rule of law and to protect individual rights by arresting persons indicted by the ICTY, or by using its resources to bring down some

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<sup>13</sup> Carl Bildt lays the responsibility for a nearly powerless HR not least with General Joulwan. See Carl Bildt, *Peace Journey: the Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998) pp. 130-31.

<sup>14</sup> Bildt, *Peace Journey*, p. 132. Emphasis mine.



of the barriers set up by the parties by, for example, enforcing freedom of movement.

### 1.3. IFOR's Enforcement Powers

Annex 1-A also lays down the powers of IFOR. The NATO-led force is authorised under article I to use force to ensure compliance with any provisions of the annex: 'the IFOR [is authorised] to take such actions as required, including the use of necessary force, to ensure compliance with this Annex...'<sup>15</sup>

Moreover, article VI, which defines the scope of IFOR's authority, also contains an enforcement mechanism:

'The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and carry out the responsibilities listed above... and they shall comply in all respects with the IFOR requirements.'<sup>16</sup>

These extensive enforcement powers give IFOR the authorisation not only to enforce compliance with its primary mandate, but also to use force to fulfil its secondary mandate. As explained above, there was no support at NATO for a wide interpretation of IFOR's mandate during the negotiation at Dayton or even in the initial stages of IFOR's deployment. However, annex 1-A does grant IFOR the authority to do more than fulfil its primary mandate, should there be a political will

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<sup>15</sup> Article I, para. 2b.

<sup>16</sup> Article VI, para. 5. Richard Holbrooke and Wesley Clark, who both felt that IFOR needed to have more teeth, added this clause. In addition, IFOR has the right to inspect, monitor and observe military forces and facilities. Art. VI, para. 6. See Holbrooke, *To End a War*, p. 223.

to do so. This issue is worth pointing out, because it creates possibilities for new third party roles in implementing peace agreements within a hard realist framework.

#### 1.4. Conclusion

This section has argued that the mandate given to IFOR has the following objectives: presiding over the division of BiH into two separate entities and paving the way for an institutionalised military balance between the RS and the Federation (primary mandate); and assisting democratisation by supporting civilian implementation, protecting individual rights and enforcing the rule of law (secondary mandate). By doing the former, IFOR consolidated the control exercised by the nationalists over the territory they occupied at the end of the war. By fulfilling the latter, IFOR could undermine the nationalist power structure and assist democratisation.

Although IFOR's primary and secondary mandates are clearly spelled out in the annex, this section has argued that at the time of Dayton there was only substantial political will to use IFOR's extensive enforcement powers to implement the force's primary mandate. However, should there be more political will to tackle IFOR's secondary mandate, these strong enforcement provisions give a lot of freedom to act to the NATO-led force.

## **2. Annex 1-B: the Core of the Hard Realist Approach**

As demilitarisation was never considered a serious option at Dayton, a different approach had to be adopted regarding the military. In order to deter further attacks from the RS, whom the US regarded as the aggressors, a military balance

approach was adopted. It tried to reconcile the need for a general reduction of armaments and troops in the region, championed by the Europeans, with a perceived necessity to build up the Federation in order to prevent aggression by the Serbs. This strategy of 'building up' the Federation also addressed the issue of IFOR's withdrawal, as a stable military balance, which was to be created by both the 'Train and Equip' programme and the arms control and CSBM agreements, would eventually make NATO presence unnecessary.

The annex itself is a very short text, which only defines the general obligations of the parties. It seems to have received very little attention prior to the negotiations, and remained a low priority during the discussions. The Americans eventually imposed what they named their buildup/build-down approach, which authorises increases in armaments on the Federation side while at the same time capping holdings in the region. Annex 1-B contains the build-down approach. Article I states that co-operation should be 'aimed at achieving balanced and stable defense force levels **at the lowest numbers** consistent with the Parties' respective security and the need to avoid an arms race in the region.'<sup>17</sup> The military balance approach is spelled out in article IV.1: '**the establishment of a stable military balance** based on the lowest level of armaments will be an essential element in preventing the recurrence of conflict.'<sup>18</sup> Annex 1-B thus embodies the hard realist approach regarding the military adopted at Dayton and seeks to institutionalise a military balance through an arms control and a CSBM regime. Indeed, article IV of annex 1-B requests the parties to establish an arms control regime.

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<sup>17</sup> Emphasis mine.

<sup>18</sup> Emphasis mine.

## 2.1. Article IV

This military balance envisaged by article IV is to be established between three parties: the Republic of Croatia (Croatia), Bosnia and Herzegovina (BiH) and the Federal Republic of Yugoslavia (FRY). The holdings for BiH are subsequently divided between the Federation and the RS: it is the first time that sub-state entities are included in an arms control agreement. David Harland views the agreement as including five actors, not three, thereby highlighting the Federation's internal divisions (Croatia, FRY, RS, Bosniaks and Bosnian Croats).<sup>19</sup>

Based on the CFE model, it limits holdings in five categories of weapons (called Treaty Limited Equipment – TLE): tanks, artillery (over 75mm), armoured combat vehicles, combat aircraft and attack helicopters.<sup>20</sup> All participants in the agreement have 30 days after the signing of the agreement to report their holdings to the OSCE, who was mandated to conclude negotiations on an arms control regime within three months.<sup>21</sup> Should the parties fail to agree on numerical limits by the deadline, the following ratios would apply: taking the FRY holdings as a baseline,

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<sup>19</sup> Interview by the author with David Harland, Head of Civil Affairs, UNMIBH, Sarajevo, 7 August 1998.

<sup>20</sup> Article IV, para. 2a. The objectives of the CFE treaty, as defined in the negotiation mandate, were 'to establish a stable and secure balance of conventional armed forces, to eliminate disparities prejudicial to stability and security, and to eliminate as a matter of priority the capability to launch surprise attack and to initiate large-scale offensive action.' Indeed, NATO's goal in the negotiations was to eliminate the Warsaw Pact's capacity to conduct short-warning, large-scale offensive operations. The TLE were therefore selected because of their destabilising effect as offensive weapons. The arms control agreement to be negotiated under annex 1-B therefore not only aims at creating a stable military balance between the parties, but also indirectly at reducing their ability to launch offensive operations. See Jane M. O. Sharp, "Conventional Arms Control in Europe", *SIPRI Yearbook 1990: World Armaments and Disarmament* (Oxford: Oxford University Press, 1990) p. 477 and 491. See also Richard A. Falkenrath, *Shaping Europe's Military Order: The Origins and Consequences of the CFE Treaty* (Cambridge, MA: MIT Press, 1995) pp. 11-38. Emphasis mine.

FRY would get 75% of it, Croatia 30% and BiH 30% (Federation: 20% and RS: 10%).<sup>22</sup> The ratios are based on the approximate population of the respective states, not on force-to-space ratios generally used for defensive posture calculations.<sup>23</sup> The annex does not impose limits on any other types of weapons, nor prohibit the technological upgrading of TLE's.

The Agreement on Sub-Regional Arms Control (ASAC) was signed on 14 June 1996 in Florence. The parties decided to adopt the proposed ratios contained in article IV of annex 1-B (see table in annex III for allowed holdings). A 16-month implementation period was agreed upon, with a minimum of 40% of excess artillery, aircraft, helicopters and 20% of excess tanks and armoured combat vehicles to be destroyed by 1 January 1997 (first phase).<sup>24</sup> An inspection mechanism was also set up, with the OSCE acting as a mediator, to allow the parties to verify the information received regarding weapons holdings. Finally, no party could withdraw from the agreement for at least 42 months.<sup>25</sup> In addition to ASAC, the parties, with the exception of FRY, made pledges to reduce their military manpower relative to

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<sup>21</sup> Article IV, para. 2b and 3. The agreement was signed on 14 June 1996.

<sup>22</sup> Called the '5:2:2' key.

<sup>23</sup> See Jeffrey D. McCausland, "Arms Control and the Dayton Accords", *European Security* 6, no. 2 (Summer 1997): 22. Defensive force-to-space ratios represent the number of armed forces necessary to defend a given area. For example, according to NATO's doctrinal standards, it was estimated that 30 divisions were necessary to defend its 900 km border with the Warsaw Pact in the Central Region, or one division per 30 km of frontage. Disagreements existed regarding the soundness of NATO's doctrinal standards, but the relationship between force and space in calculating defensive requirements was not questioned. See Klaus Wittmann, *Challenges of Conventional Arms Control*, Adelphi Paper no. 239 (London: Brassey's for the IISS, 1989) p. 15 and p. 89, n. 22. See below for an analysis of the consequences of this decision.

<sup>24</sup> Some exceptions apply. For instance, weapons used for peacetime internal security functions did not have to be decommissioned. See article III of ASAC. Up to 25% of excess weapons could also be exported (Article VI, para. 1 of ASAC). The second phase was to be completed by 1 November 1997.

<sup>25</sup> Until 14 December 1999.

their late 1995 levels.<sup>26</sup> Under this agreement, Croatia would reduce its active forces from 80,000 to no more than 65,000; the forces in RS would drop from 80,000 to 56,000 and Federation forces would be reduced from 150,000 to 55,000.<sup>27</sup>

One of the main assumptions in ASAC is that the wartime alliance between Croats and Bosniaks can be continued and strengthened. If successfully integrated, allied Federation forces would then outgun and outman the Bosnian Serbs by 2:1, making them extremely vulnerable to an attack.<sup>28</sup> Successful integration of Bosniak and Croat forces is nonetheless far from certain, and the armament of Bosniak troops, vastly superior in manpower, under 'Train and Equip' may create security dilemma dynamics not only between the Federation and the Bosnian Serbs but also between Federation allies, thereby hampering the integration of their forces.

The regional dimension of the military balance is here crucial. Bosniak forces, although at a military advantage thanks to ASAC and 'Train and Equip', did not have the capacity at the end of the conflict to conduct large-scale military

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<sup>26</sup> FRY decided to keep its force level at 124,339. See Bonn International Center for Conversion (BICC), *Conversion Survey 1997* (Oxford: Oxford University Press, 1997) p. 46.

<sup>27</sup> Interestingly, BiH as a whole pledged to reduce its manpower to 60,000 troops, well below 111,000, which represents the sum of authorised RS and Federation forces. This goes to show how the entities regarded any state-level commitment as meaningless.

<sup>28</sup> Federation forces have a 2:1 advantage in manpower if reserve forces are included in the calculation. Michael O'Hanlon pointed out that attacking forces with a 2:1 advantage in troop strength in a given sector have historically won battles 2/3 of the time. He concluded: 'Under the June arms control accords, the Muslim-Croat Federation would have that advantage, throughout the entire Bosnian theater, in both manpower and equipment. The Federation would be able to do even better locally, generating the 3:1 manpower advantage that many U.S. military analysts consider desirable for sector-specific offensive operations without having to drop below rough parity in other sectors.' Michael O'Hanlon, "Arms Control and Military Stability in the Balkans", *Arms Control Today*, August 1996: 7. On the 3:1 rule, see John J. Mearsheimer, "Assessing the Conventional Balance", *International Security* 13, no. 4 (Spring 1989): 54-89 and Joshua Epstein, "The 3:1 Rule, the Adaptive Dynamic Model, and the Future of Security Studies", *International Security* 13, no. 4 (Spring 1989): 90-127.

offensives without support from Croatia. As explained in chapter three, the Croatian government is quite happy to keep the Bosniaks in a relative weak military position. Croatian support for further Bosniak offensives, even after the implementation of ASAC, is therefore unlikely. Bosnian Croats, in turn, have little to fear from their Bosniak allies as long as military support from Croatia continues to be forthcoming. However, the Bosnian Serbs, because of the authorised 2:1 ratio between Federation forces and theirs, see their military advantage diminished because of ASAC and in the face of 'Train and Equip' have become more dependent on FRY for their defence.<sup>29</sup>

ASAC undermines the rebuilding of a single political space in two ways. First, it further drives both Bosnian Croats and Serbs towards Zagreb and Belgrade by authorising the Bosniaks to increase their weapons holdings. In the face of the Bosniak military build-up under 'Train and Equip', both ethnic communities have additional incentives to seek closer connections with Croatia and rump Yugoslavia, including military support, thereby undermining the rebuilding of a single political space and consolidating the nationalist power structure. Second, the Sub-regional Consultative Commission (SCC) set up under ASAC helps legitimise the three Bosnian parties as independent actors in the regime. Indeed, in the Commission, mandated to resolve issues arising out of the implementation of ASAC, all three

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<sup>29</sup> Such an unfair balance is based on the assumption that 'Serbia proper would come in on the side of the Serb entity in any future conflict'. See International Institute for Strategic Studies, *Strategic Survey 1997-98* (Oxford: Oxford University Press, 1998) p. 129. Some military analysts consider RS forces as the 'fourth corps' of the Yugoslav Army. Yugoslav support, training and logistics was never discontinued at the end of the war, even if RS officials claim that they co-operate more 'with the Army of B&H Federation than with the Army of Yugoslavia'. Djuro Kozar, "The Army of the Federation and Nato Air Strikes on Yugoslavia", *Alternativna Informativna Mreza*, 3 April 1999 [article on-line] (accessed 10 Feb. 2000); available from <http://www.aimpress.org/dyn/trae/archive/data/199904/90416-001-trae-sar.htm>; Internet.

Bosnian parties are represented.<sup>30</sup> Since all decisions are made by consensus, the SCC further strengthens the idea that the Bosnian parties are parties in their own right to ASAC. It also allows the nationalists to largely control the negotiations over as well as the evolution of the military balance.

## 2.2. Article II

In addition to an arms control regime, article II of annex 1-B asks the parties to agree on a set of CSBM's within 45 days after the signing of the GFA. These were agreed upon in January 1996, and are based on OSCE CSBM's implemented between NATO and the ex-Warsaw Pact.<sup>31</sup> The parties accepted a package of 15 measures, which aim at achieving the three objectives set out by Desjardins in her discussion of CSBM's: to promote information exchange, to establish principles and rules in order to regulate the behaviour of actors, and to promote contacts between the parties.<sup>32</sup>

### *Promotion of Information Exchange*

#### Measure I: Exchange of Information\*

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<sup>30</sup> The Federation delegation is always made up of a Bosniak and Croat representative. The same principle applies to the Joint Consultative Commission created under article II of annex 1-B to address issues related to the implementation of the CSBM agreement.

<sup>31</sup> See OSCE, ed., *Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina* [document on-line] (Vienna: OSCE, 26 January 1996, accessed 01 February 2000) available from <http://www.oscebih.org/downloads/regstab/art2-fin.pdf>; internet. No party is allowed to withdraw from the agreement before 1 January 1998 (Art. IV). A verification protocol was added to the Agreement, which authorised the parties, assisted by the OSCE, to conduct inspections on each other's territory to verify the information provided or observe military activities. The measures to which the protocol applies are marked with a \*.



Under this heading, the parties are to exchange information annually regarding ‘the military organization, manpower, and major weapons systems’ in the territory of BiH as well as regarding defence related matters such as training of armed forces and weapons procurement.<sup>33</sup>

#### Measure II: Notification of Changes in Command Structure or Equipment Holdings\*

The parties are to notify each other of changes in the command structure of their armed forces and in the holdings of their major weapons systems if these changes exceed 10% or more for more than 20 days.

#### Measure III: Risk Reduction

This measure aims at reducing risks of misperception of military activities. It does so by authorising the parties and the OSCE representative to request an explanation for ‘any unusual military activities’.<sup>34</sup> Likewise, in case of hazardous

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<sup>32</sup> See chapter two.

<sup>33</sup> Article II, measure I, para. 1. ‘Military organization’ includes all personnel and organisations with a military capability. ‘Major weapons systems’ means battle tanks, armoured combat vehicles (ACV), armoured personnel carriers (APC) and armoured infantry fighting vehicles look-alikes, artillery above 75mm, combat aircraft, combat helicopters and anti-tank guided missile launchers.

<sup>34</sup> Article II, measure III, para. 1. ‘Unusual military activity’ means any military activity which is threatening due to its size, location, direction of fire or other specific features of the activity. See article I, para. 23.

incidents of a military nature, the parties and the OSCE representative have a right to request information on the incident.<sup>35</sup>

#### Measure IV: Notification, Observation, and Constraints on Military Activities

The parties are committed to notify each other and the OSCE representative of military activities if the forces and equipment engaged exceed certain numbers. Following the notification, the other party and the OSCE are invited to send observers to the military activity to be monitored. Finally the number of military operations and the forces/equipment involved are limited for the years 1996 and 1997.

#### Measure IX: Notification of Disbandment of Special Operations and Armed Civilian Groups

The parties are supposed to inform each other and the OSCE of the existence of special operations groups, whose activities are not to be resumed.<sup>36</sup> If a party or the OSCE becomes aware that such a group is operating, it has the right to request an investigation by the other party. The same procedure applies to armed civilian

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<sup>35</sup> 'Hazardous incident of a military nature' means accidents or other events caused by military vehicles, other military equipment or materiel threatening civilian population or the security of another party. See article I, para. 24.

<sup>36</sup> A special operations group is an 'organised military or para-military' group, conducting activities 'such as reconnaissance forward of force positions, and the preparation and carrying out of sabotage, diversions and assassinations'. Article I, para. 28.

groups. Were the existence of such a group proven, it would have to be disbanded at once.<sup>37</sup>

#### Measure X: Identification and Monitoring of Weapons Manufacturing Capabilities\*

Under this heading, the parties are to provide each other and the OSCE a list of all weapon-manufacturing facilities, on an annual basis. Visits of these facilities by the other party or the OSCE are authorised.

#### *Establishment of Principles and Rules*

#### Measure V: Restrictions on Military Deployments and Exercises in Certain Areas\*

This CSBM puts restrictions on the location of military activities, which are to be confined to cantonments/barracks as designated in annex 1-A. In addition, the parties are not to conduct notifiable military activities within ten kilometres of designated areas.<sup>38</sup>

#### Measure VI: Foreign Forces

This measure prohibits the reintroduction of foreign forces that should have been withdrawn under annex 1-A. It nonetheless demands that the parties notify

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<sup>37</sup> All armed civilian groups were to be disbanded under Annex 1-A.

<sup>38</sup> The IEBL, any border, Gorazde, Brcko and the Posavina corridor.

each other of the 'status of any foreign military personnel that are physically present on their territory.'<sup>39</sup>

#### Measure VII: Withdrawal of Forces and Heavy Weapons to Cantonments/Barracks\*

Under annex 1-A, the parties are to withdraw their forces and heavy weapons to cantonments/barracks, as well as disarm and demobilise any forces not removed to these designated areas. Heavy weapons may be removed from the designated areas for exercises pending notification of the other party and the OSCE. They are to be returned immediately to cantonments/barracks at the conclusion of the exercise.

#### Measure VIII: Restrictions on Locations of Heavy Weapons\*

This measure prohibits the removal of heavy weapons from cantonments/barracks, except for the purpose of exercises.

#### Measure XII: Non-Proliferation

This measure commits the RS and the Federation to contribute to efforts to prevent the proliferation of weapons of mass destruction.

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<sup>39</sup> Measure VI, para. 3.

## *Promotion of Contacts*

### Measure XI: Military Contacts and Co-operation

This measure aims at enhancing contact and co-operation between the parties, under the auspices of the OSCE, through the establishment of military liaison missions, military contacts at all levels, visits to military bases and military co-operation, including possible joint military training and exercises. It should be emphasised that only the establishment of military liaison missions and visits are compulsory.

### Measure XIII: Verification and Inspection

The parties have a right to conduct visits of military installations and to observe certain military activities such as manoeuvres in order to verify the information provided under the provisions of the CSBM agreement. These activities are to be facilitated by the OSCE.

### Measure XIV: Communications

The commanders/chiefs of armed forces and the OSCE personal representative are to establish direct communication lines.

## Measure XV: Implementation Assessment<sup>40</sup>

The parties are to create a Joint Consultative Commission (JCC), composed of a representative of each party and the OSCE personal representative.<sup>41</sup> The Commission's role is to consider a wide range of issues related to the implementation of the Agreement, such as working procedures, differences of interpretation or disputes arising out of the implementation of the agreement. The Commission is purely a consultative forum; it holds no enforcement powers.

One criticism levelled against ASAC also applied to the CSBM agreement. Indeed, the JCC, like the SCC, treats the parties as independent actors and by doing so, consolidates the control exercised by the nationalists over the implementation of the CSBM package.

### 2.3. Conclusion

This section has shown that annex 1-B contains the core of the hard realist approach to SSR in the GFA. Indeed, the annex provides for the institutionalisation of a military balance between the RS and the Federation, coupled with a CSBM package. This military balance assumes that the precarious alliance between Croat and Bosniak forces can be built into a unified military force that will then be in a strong position vis-à-vis RS military forces. Indeed, the type of balance sought with the RS is not a military equilibrium. Because the negotiators at Dayton assumed that FRY would always support RS military operations, they gave Federation forces a substantial military advantage.

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<sup>40</sup> Annex 5 of the CSBM agreement.

This approach, it has been argued here, undermines democratisation, and especially the rebuilding of a single political space, for two reasons. First, the annex contributes to the consolidation of the nationalist power structure's military arm by treating them as legitimate parties to the annex. Second, security dynamics created by the annex between the RS and the Federation have further pulled the Serbs away from BiH; likewise, the same dynamics created within the Federation by 'Train and Equip' give further incentives to the Croats to seek integration with Croatia. The next section now offers an analysis of 'Train & Equip'.

### **3. 'Train and Equip' (T&E): Undermining the Rebuilding of a Single Political Space**

One of the main Bosniak demands throughout the war had been the lifting of the UN arms embargo against them. The Bosniaks felt, rightly so, that they were disadvantaged by the embargo, which left them with hardly any heavy equipment while Serb forces had inherited most of the equipment that the JNA left behind when it officially withdrew in 1992. A group of US senators began to champion the Bosniak cause in 1994 by advocating a US unilateral lifting of the embargo against them.<sup>42</sup> The Administration argued that such a policy would violate the UN embargo, and was also concerned about the impact that such a unilateral action would have on NATO and Contact Group unity.<sup>43</sup> However, the Administration, facing a defeat in

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<sup>41</sup> As noted in the previous sub-section, the Federation delegation has always been composed of one Bosniak and one Croat representative.

<sup>42</sup> The senators in question were Robert Dole (R), Joe Lieberman (D) and Joe Biden (D).

<sup>43</sup> The Europeans fiercely opposed the policy for two reasons. First, they feared that arming the Bosniaks would lead to an extension of the conflict. Secondly, they were worried about the consequences of an intensification of hostilities on UN peacekeepers, who were mostly Europeans.

Congress over the issue of troop deployment agreed to a variant of this policy. 'Train and Equip' (T&E) is the result of this agreement, under which the US is to lead an effort to equip and train the Federation army 'in order to "level the playing field" so that it could defend itself.<sup>44</sup> Such an approach was made possible under annex 1-B, which authorises a build-up of TLE's within the limits agreed upon. Opposed by the Pentagon, because it would undermine American even-handedness in the field by making the US appear to support the Federation, it was strongly opposed by the Europeans, who favoured the build-down approach only.<sup>45</sup> T&E has a twofold purpose: to guarantee the security of the Federation and to serve as a means of strengthening the Federation and its institutions.<sup>46</sup>

### 3.1. T&E and the Security of the Federation

T&E assumes that a renewed Serb attack is the more plausible scenario, or at least more plausible than a Croat attempt at secession or a decision by the Bosniak leadership to attempt to reunify BiH by force. Being wary of a Serb attack, supported by the FRY, T&E patrons have aimed at giving the Federation a 2:1 advantage over the RS both in weaponry and manpower. This calculation postulates that the FRY will always intervene to support the RS militarily which may not always be the case in the future. Whilst attaining the objective of further deterring a Bosnian Serb offensive, such a development leaves the RS in a highly vulnerable

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<sup>44</sup> Holbrooke, *To End a War*, p. 277.

<sup>45</sup> T&E was probably the single most important factor in convincing the Bosniaks to accept the GFA. Commenting on the arms control approach and annex 1-B, Bildt wrote that 'it was more important for them [the Muslims] to have absolute clarity about the termination of the arms embargo...' Bildt, *Peace Journey*, p. 149.

<sup>46</sup> T&E was also used as a lever with the Bosnian government to terminate Iranian intelligence co-operation and military involvement in the country.



military position. In this context, another assumption underpinning T&E becomes crucial: that acquiring a defensive capability does not mean acquiring an offensive one as well.

This issue raises the question of the destabilising effect of T&E. The programme, by increasing the combat capabilities of the Federation, contributes to feeding mistrust on the part of the RS, which is asked to reduce its level of weaponry whilst at the same time the Federation is increasing not only its level of weaponry, but also the quality of it. In this context, it is unlikely that the RS will be favourable to increased co-operation with the Federation, but that instead its authorities will continue to seek further integration with the FRY.

### 3.2. T&E: Strengthening the Federation?

The second condition attached by the US to the launch of T&E was the adoption of the Federation Defence Law. This law, passed by the Federation legislature on 19 July 1996, creates a unified Croat-Bosniak ministry of defence and a joint command for both forces, providing for a unified Federation army above the corps level up to the joint command. It also calls for the integration of all Federation military forces within three years.<sup>47</sup> Initially, integration was not to take place below the joint command level and Federation troops were to remain segregated. As most of T&E was to be completed within three years, the prospects of using the programme as an incentive to encourage the integration of forces were, for all intents and purposes, non-existent.<sup>48</sup> The continuing separation of Croat (HVO) and

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<sup>47</sup> *Le Monde*, 24 July 1996.

<sup>48</sup> The reintegration of troops is not a condition *sine qua non* for a functioning Federation army. For instance, most of Belgium's armed forces are divided between Flemish and French speaking units, with an integrated command structure. It does not prevent the Belgian military from operating as a

Bosniak (ABiH) brigades nonetheless raises the issue of the distribution of weaponry delivered under T&E. As outlined in section two, the strengthening of the ABiH relative to the HVO could create security dilemma dynamics within the Federation, thereby undermining its integration.

Created in 1994, under strong American patronage, the Federation was the first step in trying to stitch BiH back together. More important, the Federation was to become the cornerstone of the military balance approach adopted by the US. A successful Federation is therefore crucial if the Bosnian Serbs are to be deterred from reigniting the war, according to the US. The reasons behind the creation of the Federation did not, however, bode well for its future. As explained in chapter three, Bosnian Croats only accepted to join the Federation because they were losing the Croat-Muslim war in Central Bosnia. Backed by Tudjman and his defence minister, Gojko Susak, a Herzegovinian, the Bosnian branch of the HDZ had and still have very little incentive to make the Federation succeed. However, should co-operation between Croats and Bosniaks be forthcoming in the future, the structure created through T&E (a military force with a single chain of command and a single defence minister) would then strengthen Federation institutions by enabling Federation troops to function as a unified military.

### 3.3. Conclusion

This section has argued that T&E has two objectives: to ensure the security of the Federation by deterring further Serb attacks and to strengthen the Federation by consolidating the wartime alliance between Croats and Bosniaks. However, this

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single, national military force. However, it is clear within the Belgian military that the mission of its forces is to defend the national territory, not parts of it against another military force in the country.

section has also argued that T&E potentially undermines the rebuilding of a single political space by generating additional mistrust between the Federation and the RS, and thereby pushing the Serbs further towards Belgrade. The limited duration of the bulk of T&E (three years) also gives little incentive to the reluctant Croats to substantially integrate their forces with the Bosniak *Armija*, especially since the distribution of weapons between two largely independent forces is also likely to generate security dynamics between them. The final section of this examines how the GFA envisaged police reform in the GFA.

#### **4. Annex 11: Three Police Forces, One Kind of (Democratic) Policing: Impact on Control over Territory, the Balance of Forces and the Security Dilemma**

The negotiators at Dayton felt that the local police also had to be put under international supervision. This section shows that the mandate given to the UN-led police force accepts the division of police forces in three mono-ethnic forces, as institutionalised in annex 4, whilst providing for the monitoring and reform of these forces along democratic lines. However, with no enforcement powers, CIVPOL in BiH is dependent on other agencies for political or operational support, should the requested co-operation of the parties not be forthcoming.

The mandate to be given to the planned UN CIVPOL turned out to be a source of major disagreement between Europeans and Americans. The former were against the US proposal to create a robust, four or five thousand strong international police force. The Americans argued that policing could not be left 'to the local police, who represented, in all three communities, the worst and most extreme

elements'.<sup>49</sup> The US team envisaged to grant CIVPOL extensive powers to 'intervene, make arrests, and generally enforce the law of the land.'<sup>50</sup>

The Europeans, and the British in particular, argued that taking over policing throughout the country would have put CIVPOL in the position of having to enforce local laws which it might not find acceptable. Likewise, people arrested by CIVPOL had to be turned over to local courts which could release them because they did not recognise the legitimacy of the arrests. Either the entire judicial system had to be put under international control, which no one was prepared to contemplate, or it had to be left alone altogether.<sup>51</sup> The Europeans found an unusual ally in the Pentagon on this issue. The Chairman of the Joint Chiefs of Staff refused to support the idea of giving CIVPOL enforcement powers on the grounds that 'if they got in trouble the military would have to come to their aid.'<sup>52</sup> Eventually, the Europeans and the Pentagon prevailed, and the mandate given to the CIVPOL mission in BiH does not constitute a significant departure from previous CIVPOL missions, even though the context of its implementation is different.

IPTF was given a mandate which includes monitoring, including inspecting and advising local police, and training functions. It locates these activities within a democratic framework by demanding that the parties provide a safe and secure environment for all persons by maintaining police forces who operate in accordance with internationally recognised standards of policing and respect internationally recognised human rights and fundamental freedoms. This demand gives IPTF a

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<sup>49</sup> See Holbrooke, *To End a War*, p. 251.

<sup>50</sup> See Bildt, *Peace Journey*, p. 132.

<sup>51</sup> This paragraph is largely based on an interview by the author with Pauline Neville-Jones, British representative to the Contact Group at Dayton, London, December 2000.

<sup>52</sup> See Holbrooke, *To End a War*, p. 251.

standard by which to measure the activities of the local police and on which to base its activities.

In accordance with the decision made at Dayton, annex 11 did not grant enforcement powers, i.e. powers of arrest and detention, to the IPTF. In addition, IPTF monitors are unarmed. In case of inappropriate behaviour on the part of the police or lack of co-operation with the IPTF, the force can only notify the HR and/or the IFOR commander of the parties' failure to co-operate with the UN-led police. It can also request the HR to take action following IPTF's complaints. These are restricted to discussing the issues with the parties or in the Joint Civilian Commission, and consulting with various international agencies.<sup>53</sup> This means that IPTF will be dependent on the HR for political interventions on his behalf, and on IFOR/SFOR for operational support. This cumbersome procedure precludes swift interventions beyond monitoring to prevent human rights violations by the local police.

Annex 11 does not require the reintegration of police forces. Indeed, under the BiH and Federation constitutions, control over the police is granted to the ministry of internal affairs in the RS and to each canton's ministry of internal affairs in the Federation. This means that IPTF have to work with police forces that are overwhelmingly mono-ethnic and divided in three separate forces, extensively used to support the nationalist power structure and to maintain the division of BiH in three largely mono-ethnic statelets. It is this context which makes CIVPOL's mandate in BiH unique.

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<sup>53</sup> The Joint Civilian Commission is made up of the HR, the IFOR commander, senior representatives of the parties, and representatives of various international agencies. Annex 10, article II, para. 2 and annex 11, article 2, para. V. IPTF was later given the authority to issue non-compliance reports against

IPTF's mandate nonetheless reduces the capacity of the parties to use police forces for tasks others than those relating to internal security. However, these forces continue to enter into the calculations of the parties regarding the balance of forces, even if strictly speaking they are not military forces under annex 1-B, because they continue to be used to pursue the objectives of the war, namely the creation of ethnically pure statelets. Finally, IPTF's mandate is not likely to exacerbate the security dilemma experienced by the parties because of IFOR's presence on the ground, which guarantees that the status quo will not be changed by force.

## **5. Conclusion: The Role of Third Parties in the GFA's Hard Realist Strategy of Security Sector Reform**

This chapter has focused on the annexes of the GFA that concern the security sector. It has shown how the GFA creates a state that has no army and no police force by assigning control over the security sector to the entities. The GFA seeks to create an institutionalised military balance between the entities' military forces, even authorising a military build-up in the Federation in order to achieve it. This new balance of forces was to be achieved under the programme 'Train & Equip', which sought to enhance the combat capabilities of the Federation army in order to enable it to deter further Serb attacks. As for the police, the GFA also legitimised the division of control over police forces between entities, and in the Federation, between cantons. Within this hard realist framework, the role of third parties in shaping the security sector, besides that of directly supporting democratisation, is central.

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local police for refusal to comply with the provisions of the GFA. The issuance of such a report is supposed to lead to the dismissal of the officer in question. See chapter seven.

This chapter has argued that the mandate given to IFOR has two objectives: paving the way for an institutionalised military balance between the RS and the Federation, characterised as IFOR's primary mandate; and assisting democratisation by supporting civilian implementation, protecting individual rights and enforcing the rule of law, or IFOR's secondary mandate. By doing the former, IFOR institutionalised the division of BiH into two separate entities, did not challenge the division of the Federation between Croats and Bosniaks and consolidated the control exercised by the nationalists over the territory they occupied at the end of the war. By doing the latter, IFOR could directly promote democratisation, and especially the rebuilding of a single political space. Although IFOR's primary and secondary mandates are clearly spelled out in annex 1-A, this chapter has argued that at the time of Dayton there was only substantial political will to use IFOR's extensive enforcement powers to implement the force's primary mandate. However, should there be more political will to tackle IFOR's secondary mandate, these strong enforcement provisions give a lot of freedom to act to the NATO-led force.

This chapter has shown that annex 1-B contains the core of the hard realist approach to SSR in the GFA. Indeed, the annex provides for the institutionalisation of a military balance between the RS and the Federation, coupled with a CSBM package. This military balance was to be created with the assistance of the OSCE, who was given a central role in creating and maintaining both regimes. This military balance assumes that the precarious alliance between Croat and Bosniak forces can be transformed into a unified military force that will then be in a position to balance Serb military forces. However, the type of balance sought with the RS is not a military equilibrium. Because the negotiators at Dayton assumed that FRY would

always support RS military operations, they gave Federation forces a substantial military advantage.

This approach, it has been argued here, undermines democratisation, and especially the rebuilding of a single political space, for two reasons. First, annex 1-B contributes to the consolidation of the nationalist power structure's military arm by treating them as legitimate parties to the arms control and CSBM regimes. It was argued in the introduction that this nationalist power structure opposes democratisation for ideological and strategic reasons by seeking, in the case of the HDZ and other Serb nationalist parties, to create ethnically pure statelets that could later be joined with Croatia and Serbia. All nationalist parties also seek to extend their control over political and economic resources within the territories they control, thereby again undermining democratisation. Second, security dynamics created by the annex between the RS and the Federation have further pulled the Serbs away from BiH; likewise, the same dynamics created within the Federation by T&E give further incentives to the Croats to seek integration with Croatia.

As far as T&E is concerned, which is to be implemented by a private company, this chapter argued that the programme has two objectives: to ensure the security of the Federation by deterring further Serb attacks and to strengthen the Federation by consolidating the wartime, precarious alliance between Croats and Bosniaks. However, this chapter has also argued that T&E potentially undermines the rebuilding of a single political space by generating additional mistrust between the Federation and the RS, and thereby pushing the Serbs further towards Belgrade. The limited duration of the bulk of T&E (three years) also gives little incentive to the reluctant Croats to substantially integrate their forces with the Bosniak *Armija*,



especially since the distribution of weapons between two largely independent forces is also likely to generate security dynamics between them.

Finally, annex 11 was reviewed in this chapter. It was argued that the mandate given to IPTF does not differ from previous CIVPOL missions, in that the force was given monitoring and training tasks, and no enforcement powers. What is different about IPTF's mandate is the context of its implementation. Indeed, it was shown that the constitutional order created by the GFA gives control over police forces to eleven ministries of internal affairs (one in the RS, and ten in the Federation). The fragmented structure of police forces serves the purpose of allowing the nationalist power structure to maintain three separate, mono-ethnic police forces. Their task, as during the war, remains the protection of their nationalist patrons as well as the continuation of the division of BiH's territory into three largely mono-ethnic statelets.

As explained in the introduction, this thesis seeks to assess whether a hard realist strategy with regard to SSR in peacebuilding operations, by addressing the dynamics of the security transition, creates a breathing space that can be exploited to move forward with the political transition. Within this strategy, the role of third parties is essential. The next chapter begins this assessment by examining how IFOR/SFOR have implemented their mandate between 1995 and 2000.

## **Part III**

### **Chapter 5: the Role of IFOR/SFOR: Divide and Unite Bosnia-Herzegovina, 1995-2000**

This chapter examines the role of the Implementation Force/Stabilisation Force (IFOR/SFOR) in implementing its mandate found in annex 1-A between December 1995 and September 2000. IFOR/SFOR derive their mandate from annex 1-A of the Dayton agreement (see chapter four) and from subsequent political guidance received from the Peace Implementation Council (PIC).

Two factors explain how IFOR/SFOR commanders have decided to interpret their mandate. The first is the overarching goal of 'force protection', meaning the avoidance of IFOR/SFOR casualties. An American mantra, 'force protection' has tainted all NATO-led operations in BiH, restricting their scope. The second determinant factor, following from the first, has been the reluctance of IFOR/SFOR to get involved in fulfilling its secondary mandate, as such an involvement could lead the force to be dangerously embroiled in local politics, whilst taking on more and more tasks and risking the lives of its troops.

IFOR/SFOR is the only international agency in BiH with the capacity to use force to enforce compliance with the provisions of the GFA, especially those concerning democratisation, but also to decisively undermine the security 'arm' of the nationalist power structure. The NATO-led force could have supported these processes in many ways, by arresting ICTY indictees, enforcing freedom of movement (FoM), protecting refugees and minorities, aggressively controlling and, if necessary, neutralising the parties' security forces or even by maintaining law and order. IFOR/SFOR did not fulfil all of these tasks for the reasons explained above.

The chapter asks how the NATO-led force's implementation of its primary and secondary mandates affected the security sector as well as democratisation, including the rebuilding of a single political space.<sup>1</sup> The hard realist strategy adopted in the Dayton agreement and continued under IFOR/SFOR was to leave the control over security forces in the hands of the parties, and by doing so did not challenge enough the power structure that, it is argued in this thesis, is a major obstacle preventing democratisation.

As the parties have continued to use security forces to pursue policies of ethnic separation and to resist democratisation, it is argued here that IFOR/SFOR's activities with regard to its primary mandate have not challenged these policies, whilst the force's work falling within its secondary mandate has, by for instance, enforcing FoM or by arresting persons indicted by the ICTY.

In addition, the role of IFOR/SFOR in implementing their primary mandate paved the way for the institutionalisation of a military balance between the Entities armed forces (EAF). However, this chapter shows that there has been limited political will to implement the force's secondary mandate, leading to a situation where the security arm of the nationalist power structure has remained largely untouched, although constrained, by IFOR/SFOR presence.

The first section consists of an assessment of IFOR's role in the implementation of its primary mandate, based on annex 1-A's recognition of the results of ethnic cleansing and the division of the Bosnian territory on the basis of military conquest. The section argues that IFOR, under American pressure, interpreted its mandate in minimalist terms and focused most of its activities on force protection, the separation of the parties and the maintenance of the military

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<sup>1</sup> As argued in chapter two, security sector reform has a profound impact on the security transition,

cease-fire. The case of the transfer of the Sarajevo suburbs from the RS to the Federation will be presented here to illustrate the consequences of not challenging the nationalist power structure. The rest of the section then shows how, in spite of a relatively successful implementation of IFOR/SFOR's primary mandate (leaving the transfer of the Sarajevo suburbs aside), democratisation has made little headway in BiH under IFOR.

The second section focuses on IFOR/SFOR's secondary mandate. With the change in the overall strategy of the international community in the first half of 1997 following a poor record in implementation, SFOR began to become more active in assisting civilian implementation. The force made its first arrests in July 1997, enforced FoM more thoroughly, brought under its control paramilitary police units and supported Biljana Plavsic against the Pale Serbs. SFOR's actions, such as the creation of the Office of the Inspector General, contributed to the weakening of the nationalist power structure, although not decisively. The first section discusses IFOR/SFOR's primary mandate.

## **1. IFOR/SFOR's Primary Mandate: Policing the Separation of Forces**

The mandate that IFOR got from the negotiators at Dayton was potentially far-reaching. Beyond the enforcement of the cease-fire and the separation of forces, IFOR had the authority to get involved in multiple tasks ranging from civilian law enforcement to support for elections (see chapter four). Although annex 1-A

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which in turn deeply affects democratisation, including the rebuilding of a single political space.

commits the parties to fulfil these obligations, IFOR had the authority to enforce compliance with any aspect of the annex.

From the start of IFOR's mission, the Pentagon refused to interpret IFOR's mandate in those terms. Paramount to the Pentagon, to the Supreme Allied Commander Europe (SACEUR), as well as to the IFOR commander, who were all Americans, was the protection of forces, especially American forces, the enforcement of the cease-fire and the separation of the parties' forces.<sup>2</sup> It is in this light that IFOR's operations must be understood.

Several NATO reports state that IFOR would contribute to the creation of 'a secure and stable environment' in BiH in order to facilitate the implementation of the civilian aspects of the agreement. A secure and stable environment was interpreted by IFOR commanders as the maintenance of the cease-fire, the creation and patrolling of the Zone of Separation (ZoS) and the Inter-Entity Boundary Line (IEBL) between the entities, the cantonment of troops and heavy weapons as well as the demobilisation of troops that could not be accommodated and, finally, the provision of freedom of movement to civilians, civilian agencies, non-governmental organisations (NGO's) and IFOR personnel.<sup>3</sup>

IFOR's primary mandate constituted the core of this set of activities. Besides enforcing freedom of movement, all the other activities taken on by IFOR related to its primary mandate. This mandate envisaged the separation of the parties' forces according to a detailed, step-by-step plan, the supervision of their cantonment and the patrolling of the IEBL in order to prevent a return to hostilities. IFOR

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<sup>2</sup> This is not to say that the British and the French did not also have qualms about the safety of their troops because of the impact incidents could have on public opinion. But considering the central role played by the US in IFOR, both politically and with regard to its share of the troops, American considerations became the determining factor in deciding on IFOR operations.

successfully fulfilled these responsibilities. This section will show that fulfilling IFOR's primary mandate contributed to the solidification of BiH's division into two separate entities. Indeed, the lack of vigorous action by IFOR, and its lack of support for the various initiatives taken by the OHR during the transfer of the Sarajevo suburbs played into the hands of the parties, who were continuing to pursue policies of ethnic separation. Moreover, it is argued that IFOR's role in relation to its primary mandate has been to ratify the situation on the ground, thereby paving the way for an institutionalised military balance. The next sub-sections focus on IFOR's primary mandate.

### 1.1. Phase I: Creation of a Zone of Separation (ZoS) between the Entities

The creation of the ZoS in BiH, provided for by the Dayton agreement, was greatly facilitated by IFOR's presence and military might. The ZoS followed the cease-fire line and extended for 2 kilometres on either side of it.<sup>4</sup> It had to be demilitarised 30 days after the transfer of authority from UNPROFOR to IFOR.<sup>5</sup> After 30 days, on 20 January 1996, IFOR observers identified 35 pieces of heavy equipment still present in the ZoS. The parties could not remove most of these weapons because they were non-operative. Under IFOR's strict control, the complete demilitarisation of the ZoS was achieved on 29 January 1996, by the destruction of these weapons, with no resistance from the parties.<sup>6</sup> In addition, the

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<sup>3</sup> Conclusions of the Peace Implementation Conference (PIC), London, 8-9 December 1995, para. 7-9.

<sup>4</sup> Except in Sarajevo and Gorazde, where exceptions applied.

<sup>5</sup> 'No weapons other than those of the IFOR are permitted in this Agreed Cease-fire Zone of Separation...' Annex 1-A, art. IV, para. 2b.

<sup>6</sup> IFOR Press Conference, 20 January 1996 (accessed 3 March 2001) [text on-line]; available from <http://www.nato.int/ifor/trans/t960120a.htm>; internet and IFOR Press Conference, 29 January 1996 (accessed 3 March 2001) [text on-line]; available from <http://www.nato.int/ifor/trans/t960129a.htm>;

parties had to withdraw from some areas in Sarajevo along the cease-fire line seven days after the transfer of authority. There were no problems of compliance reported by IFOR troops, who took over the areas on 28 December 1995.<sup>7</sup>

This aspect of the agreement is a major success for the NATO-led force. IFOR facilitated respect for the ZoS from all parties, although by doing so it has consolidated the division of BiH in two entities. Especially on the part of the RS, the ZoS and the IEBL were seen as a border, to be defended from non-Serb incursions. Most restrictions to freedom of movement occurred near the IEBL, exactly because it was conceived as a border, not an internal administrative boundary. The generally good compliance of the parties with this provision of annex 1-A also reflects the military balance reached on the ground at the end of the conflict. As explained in chapter three, the military situation on the ground paved the way for the Dayton agreement. Indeed, the Serbs, weakened militarily, were satisfied with the 49% of the Bosnian territory offered to them by the negotiators. The Bosniaks, in turn, lacked the military capability to conduct successful offensives without Croat support, which was not likely to be forthcoming as the Croatian government was content to keep Sarajevo in a relatively weak position. The creation of the ZoS and of the IEBL ratified on the ground this state of affairs: 49% of the Bosnian territory to the RS and a Federation, although comprising 51% of the territory of BiH, divided in largely ethnically pure cantons.

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Internet. Violations have been rare because of IFOR strict patrolling and enforcement of the ZOS. IFOR intercepted troops from all sides trying to re-enter the ZOS following its demilitarisation, but no clashes occurred. Most of the violations were committed by small groups of soldiers. See IFOR Press Conference, 27 January 1996 (accessed 3 March 2001) [text on-line]; available from <http://www.nato.int/ifor/trans/t960127a.htm>; Internet.

<sup>7</sup> IFOR Press Conference, 04 January 1996 (accessed 4 March 2001) [text on-line]; available from <http://www.nato.int/ifor/trans/t960104a.htm>; Internet.

## 1.2. Phase II: Transfer of Territories from One Entity to the Other

The transfer of the Sarajevo suburbs offered an opportunity to the parties and the international actors to show their commitment to a multi-ethnic BiH. Indeed, had the transfer been successful in keeping Serbs in Sarajevo, it would have put a substantial number of Serbs under Federation authority. It would not be realistic to argue that all Serbs would have stayed in Serb Sarajevo had the transition process been handled differently. Mistrust is high in the immediate aftermath of a conflict and security fears would have certainly driven a lot of people away. However, as this sub-section will show, the parties did little to build up the trust necessary for a peaceful transition. In fact, their willingness to implement this aspect of the agreement in good faith is questionable. In this context, the role of IFOR, IPTF and the OHR became decisive. They had resources, political and military, to create a more secure environment for the Sarajevo Serbs. It is argued here that the failure of the international agencies to agree on a common strategy from the outset, especially with regard to the local police, IPTF's lack of personnel and teeth, as well as IFOR's unwillingness to address the issue of law and order led to further ethnic division on the ground.

In territories to be transferred from one entity to the other, the parties had 45 days after the take-over by IFOR to remove their forces, mines and weapons from the area.<sup>8</sup> The Federation, to which the territories were to be transferred, was not

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<sup>8</sup> This provision applied to the Sarajevo municipalities of Vogosca, Ilijas, Hadzici, Ilidza and Grbavica controlled by the Serbs. These municipalities were multi-ethnic before the war, but had been 'cleansed' of their non-Serb inhabitants during the hostilities. By the end of 1995, they had been repopulated by Serb refugees from other parts of BiH (around 100,000 Serbs lived in Serb Sarajevo). For example, Ilijas' pre-war population was 45% Muslims, 45% Serbs, 10% Croats, Albanians and other minorities. The pre-war ethnic composition of these municipalities is an important point as it



authorised to put forces in the area for another 45 days (until 19 March 1996), while IFOR was to occupy the area in the meantime.<sup>9</sup> From the outset, the Bosnian Serbs tried to delay the transfer.<sup>10</sup> The initial meeting between the HR, Carl Bildt, and the Serb representative Momcilo Krajisnik, did not bode well for the future. Krajisnik asked for the transfer to be delayed for a year or, if that was not possible, for financial aid to build a new Serb Sarajevo across the IEHL. As early as November, Radovan Karadzic gave an interview to the BBC in which he described the provisions of the agreement regarding Sarajevo as creating 'a new Beirut in Europe. It is going to bleed for decades.' He argued that Sarajevo Serbs 'would never accept any Muslim policeman or Muslim soldier to enter the Serbian part of the city for at least five years.'<sup>11</sup> The Pale Serbs were adamantly opposed to the transfer of Serb Sarajevo to the Federation and used the issue to break out of the isolation to which Milosevic had confined them.<sup>12</sup>

After several meetings with local politicians and inhabitants, the OHR established that perhaps as many as 50% of Sarajevo Serbs could be convinced to stay. Security ranked first on their list of concerns. Their local leaders demanded that Serb police officers be allowed to join the new police force and that IFOR and IPTF

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determined the composition of the police force that was supposed to take over from the Serbs (see below). See Radha Kumar, *Divide and Fall? Bosnia in the Annals of Partition* (London: Verso, 1997) p. 106 and *Le Soir*, 29 June 1996.

<sup>9</sup> French troops had been stationed in these areas under UNPROFOR. Upon signature of the agreement, their commanders almost immediately voiced their disquiet at having to patrol these areas, as they feared finding themselves in the middle of riots. See Kumar, *Divide and Fall?*, p. 107.

<sup>10</sup> The Bosnian Serbs were only told about the deal on Sarajevo minutes before the signing of the accords and were infuriated that Milosevic had given in. Milosevic gave Sarajevo to the Bosniaks in order to get an agreement, which he regarded as essential to get the sanctions against the FRY lifted.

<sup>11</sup> Cited in *The Times*, 27 November 1996.

monitor closely the Federation police during the transfer. However, when the Pale leadership realised that transfer would not be delayed, and that the Serb municipalities would not have complete local autonomy, they ordered their representatives in the OHR-led negotiations to withdraw.

The Bosniak leadership, in turn, and especially Alija Izetbegovic, had been sending mixed signals to the Serbs. He initially invited the Serbs living in Sarajevo to stay. After having signed the Dayton agreement, and faced with sharp criticism from his own ranks for doing so, he became more cautious. In an open letter to President Chirac, he wrote that the people of Sarajevo 'finally deserved to be freed of their murderers'.<sup>13</sup> Later, Izetbegovic called on all the Serbs to stay with the exception of those who had fought against his government or committed war crimes. Since most, if not all, Serb males had served in the Bosnian Serb army at some point, his remarks discouraged many from staying in Serb Sarajevo. In a meeting with Bildt in January, Izetbegovic reiterated his position that civilians would not be touched whilst those responsible for the shelling of Sarajevo for 43 months would be another matter.<sup>14</sup>

Meanwhile, security issues were coming to the fore in the negotiations between the OHR and the parties. Policing in Serb Sarajevo was a sore point, as it was unclear when Federation police forces could take over from their Serb counterparts.<sup>15</sup> Carl Bildt argued that police forces 'constituted a uniformed and

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<sup>12</sup> Interview by the author with Pauline Neville-Jones, London, 5 December 2000. Neville-Jones was the British Representative at the Contact Group from 1993 to December 1995 and the Senior Head of the OHR Brussels Office from January to June 1996.

<sup>13</sup> Cited in Louis Sell, "The Serb Flight from Sarajevo: Dayton's First Failure", *East European Politics and Societies* 14, no. 1 (Winter 2000): 183. Louis Sell was Carl Bildt's political advisor from May 1995 until June 1996.

<sup>14</sup> *Ibid.*, pp. 183 and 186.

<sup>15</sup> Annex 1-A speaks of 'the removal of all Forces'. See annex 1-A, art. IV, para. 3a.

armed force', and therefore came under the responsibility of the IFOR commander.<sup>16</sup> He expected Admiral Smith to lay down the rules regarding the police. Bildt however held the view that the exchange of civilian authority, which was not due until 90 days after the transfer of authority, applied to the police as well.<sup>17</sup>

The OHR eventually struck an agreement with the parties. In security terms it provided for the following: Serb authorities, including the police, would be allowed to stay in Serb Sarajevo until the end of the transition period (90 days after the transfer of authority to IFOR) and in addition, Serb police officers would be offered an opportunity to join the new police force.

When the deadline for the withdrawal of Serb forces from Serb Sarajevo came, 45 days after the transfer of authority, some confusion emerged between the OHR and IFOR regarding what types of forces were still authorised in these areas. Admiral Smith had still not decided on the issue, although the OHR plan provided for the police to remain.<sup>18</sup> IFOR lawyers argued that allowing the Serb police to stay beyond 45 days after the hand over to IFOR was a violation of the Dayton agreement. In addition, hardliners within the Bosniak leadership, interpreting article IV literally, demanded that all Serb forces, including the police, be ordered to withdraw by IFOR even though these same leaders had initially agreed to the OHR plan.

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<sup>16</sup> See Carl Bildt, *Peace Journey: the Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998) p. 180.

<sup>17</sup> Thereby contradicting his own interpretation of article IV, which states that all forces are to be withdrawn from the area after 45 days.

<sup>18</sup> Bildt puts down this hesitation to 'General Joulwan, NATO Commander for Europe in Mons' who wanted to 'ensure that he [Admiral Smith] did not suffer the effects of mission creep – that is to say getting involved in situations that he was not really capable of handling. But since the principles that actually applied in this crucial issue were so unclear, matters were just left hanging in the air.' Bildt, *Peace Journey*, p. 180.

Eventually, on the day of the transfer of authority from the RS to IFOR (4 February 1996), a decision regarding policing was made between Bildt, Admiral Smith and his deputy General Walker. Bildt writes that the plan entailed that the Federation police would only take over the Serb areas in Sarajevo at the end of the transition period (19 March), and that the local (Serb) police would be authorised to remain as long as Serb police officers were willing to abide by the constitution of BiH and of the Federation.<sup>19</sup> Finally, they wanted to use the interim period to build an integrated and representative Federation police force for these municipalities.<sup>20</sup>

In fact what was agreed upon was a phased transfer of authority and policing to the Federation, starting with Vogosca on 23 February and ending with Grbavica on 19 March, and included a gradual introduction of Federation police. Sell writes that '[c]harging that the new dates for the entry of Bosnian police proved that the international community had all along intended to deceive the Serbs, Pale now began to openly sabotage prospects for orderly transition.'<sup>21</sup> The Pale authorities organised an emergency committee for the evacuation of Sarajevo and its head, Goran Klickovic, called for the Serbs to leave within 48 hours. Panic seized the Serb-controlled parts of Sarajevo, and many hastily set off for Pale with what they could carry with them, including over the next few weeks, industrial equipment.

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<sup>19</sup> *Ibid.*, p. 192.

<sup>20</sup> Although before things came to a head Bildt wrote that 'the question was whether –in the terribly short time available- it was possible to integrate Muslims, Croats and Serbs into any kind of unified policing organization.' *Ibid.*, p. 180. The composition of this police force was to reflect the ethnic composition of these areas in 1991 census. See OHR, *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, dated 14 March 1996 [report on-line] (accessed 4 April 2001); available from <http://www.ohr.int/reports/r960314a.htm>; Internet.

<sup>21</sup> See Sell, *The Serb Flight from Sarajevo*, p. 192.

The issue of the introduction of Federation police in Serb Sarajevo is delicate. Bildt argued that his and Smith's aim was to build an integrated and representative Federation police force, whereas the Pale authorities claimed that Bildt had gone back on his word by allowing Federation police to enter the municipalities before the end of the transition period. The refusal of IFOR to get involved in the maintenance of law and order played into the hands of the parties. The Pale Serbs could claim that international agencies were biased against them, and the Bosniaks used IFOR's passivity to take over the suburbs in an aggressive manner, with no real consideration for the security fears of their inhabitants.

Moreover, the following comparison between the planned composition of the police and the 1991 ethnic composition of the municipalities casts doubt on the whole concept of an integrated and representative police force as defended by Bildt. The following table represents the planned composition of the integrated police force, under the plan put forward by the international agencies:

**Table I: Planned Composition for the Police in the Sarajevo Suburbs during their Transfer, 1996**

<b>Municipality (Opstina)</b>	<b>Serb</b>	<b>Croat</b>	<b>Bosniak</b>	<b>Total</b>
<i>Vogosca</i>	30 (34%)	8 (11%)	47 (55%)	86
<i>Ilijas</i>	33 (36%)	7 (8%)	50 (56%)	90
<i>Hadzici</i>	15 (22%)	5 (7%)	50 (71%)	70
<i>Ilidza</i>	28 (24%)	18 (15%)	72 (61%)	118
<i>Grbavica (Novo Sarajevo)</i>	9 (10%)	13 (14%)	68 (58%)	90

Sources: Kevin F. McCarroll and Donald R. Zoufal, *Transition in the Sarajevo Suburbs*, in *Joint Forces Quarterly*, 16 (summer 1997) [article on-line] (summer 1997, accessed 5 June 1999); available from [http://www.dtic.mil/doctrine/jel/jfq\\_pubs/balkan3.pdf](http://www.dtic.mil/doctrine/jel/jfq_pubs/balkan3.pdf); Internet; Kumar, *Divide and Fall?*, p.113; Human Rights Watch (HRW), *Bosnia-Herzegovina: Update- Non-Compliance with the Dayton Accords*, vol. 8, no. 2 (London: Human Rights Watch, 1996) p. 13; *The New York Times*, 7 March 1996.

The ethnic composition of the municipalities in the 1991 census was the following:

**Table II: Ethnic Composition of the Sarajevo Suburbs, 1991**

<b>Municipality(<i>Opština</i>)</b>	<b>Serb</b>	<b>Croat</b>	<b>Muslim (Bosniak)</b>	<b>Others (including Yugoslavs)</b>
Vogosca	35.79%	4.35%	50.79%	9.07%
Ilijas	45.08%	6.81%	42.22%	5.79%
Hadzici	26.41%	3.07%	63.65%	6.86%
Ilidza	37.16%	10.25%	42.96%	9.62%
Grbavica (Novo Sarajevo)	34.66%	9.22%	35.67%	20.45%

Source: Bosnian Congress USA, ed., *Demografska Struktura Republike Bosne i Hercegovine-Nacionalna struktura prema popisu iz 1991* [data on-line] (accessed 6 March 1999); available from <http://hdmagazine.com/bosnia/census.html>; Internet.

A quick comparison between the two tables shows that, in spite of what Bildt wrote, the ethnic composition of the projected integrated police forces did not reflect the 1991 ethnic distribution in the municipalities. In fact, Bosniak police officers had both a relative and absolute majority in each *opština*. Also, Serb police were not intended to represent more than a third of the new police force, except in one municipality.<sup>22</sup> Croats, the other party in the Federation, also saw their share of police positions disproportionately increased. Considering the fact that the population of the municipalities was overwhelmingly Serb, the planned composition of police forces could not be perceived as a confidence-building measure.

The international plan for the transfer of the Sarajevo suburbs also provided for Federation police to enter the Serb municipalities under close IPTF monitoring.<sup>23</sup>

<sup>22</sup> Except in Vogosca, the municipality with the highest proportion of Serb police, which allocated 34% of its posts to Serbs.

<sup>23</sup> Around 300 UN monitors were assigned to oversee the transition. See Kumar, *Divide and Fall?*, p. 112. Before and during the transition period, IPTF increased its presence in Serb Sarajevo, conducting

The transfer would still be phased, starting on 23 February with Vogosca and ending in Grbavica on 19 March, and IPTF monitors would operate in these areas before and after the transfer of authority to the Federation, supported by an increased IFOR presence. Moreover, only a limited number of Federation police would be authorised (545) for all the municipalities and each *opstina* was allocated a maximum number of Federation officers. Police tactics were also regulated by the IPTF commissioner: guidelines were prepared limiting the type of arms, searches, checkpoints and requiring prompt reports on arrest and detention. IPTF interviewed, registered and issued identity cards to the Federation officers assigned to Serb Sarajevo. Although Bildt's plan constituted a step forward in reassuring the Sarajevo Serbs, the weakness of IPTF at that stage did not bode well for its success. In February, only 400 UN monitors had been deployed throughout BiH, two thirds of them being assigned to Sarajevo. Clearly, IPTF monitors, unarmed and short in numbers, were in no position to effectively monitor, let alone control, events on the ground.

There are different interpretations of the events that surrounded the transfer of Serb Sarajevo to the Federation and eventually led to the departure of most Serbs living there. The Pale Serbs exploited the situation by manipulating and playing up the fears of the Sarajevo Serbs to strengthen their position on the Bosnian Serb political scene. Moreover, their actions illustrate an ongoing support for a policy of ethnic cleansing pursued throughout the war.<sup>24</sup> They organised the systematic transfer of the Sarajevo Serbs to RS territory, using intimidation, and pursued a

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patrols both with the Serb police and IFOR. See IFOR Press Briefing, 15 January 1996 (accessed 5 April 2001) [text on-line]; available from <http://www.nato.int/ifor/trans/t960115a.htm>; Internet and IFOR Press Briefing, 29 January 1996 [text on-line] (accessed 5 April 2001); available from <http://www.nato.int/ifor/trans/t960129a.htm>; Internet.

<sup>24</sup> The policy they pursued in the Sarajevo is ironically one of auto-ethnic cleansing.

systematic policy of scorched earth in the suburbs.<sup>25</sup> The Serb police, under the control of Karadzic loyalists, refused to join the new police force.<sup>26</sup> Factories, offices and housing were systematically looted and destroyed before the arrival of the Federation police.

The Bosniaks, in turn, never gave the Serbs the assurances they needed to stay in Sarajevo. Their leadership took a hard stance over the issue and constantly tried to undermine the OHR's initiatives. There was little support among Bosniak leaders to try and keep Serbs in Sarajevo and Izetbegovic, under pressure for having signed an agreement regarded by many as unfair, was keen to be seen as not giving in to the Serbs.<sup>27</sup>

IPTF, understaffed, with no power of arrest, ironically became the 'lead agency' since IFOR was not willing to get involved in maintaining law and order. The constraints put on IFOR by the NATO chain of command gave very little leeway to the force to intervene. It took pressures from Bildt, the Bosniak leadership, and eventually the American Administration, for a belated intervention to take place. NATO commanders eventually ordered their troops to take more vigorous action to curb the violence. This mostly took the form of arresting individuals committing violence and turning them over to the local (Serb) police. This happened in Grbavica on 19 March, where Italian troops arrested one gang suspected of arson attacks and took them to the local police station.<sup>28</sup> In Ilidza, on 12 March, French troops locked

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<sup>25</sup> Human Rights Watch reported the arrival of special Serb police in the suburbs ten days before the transition. See Human Rights Watch (HRW), *Bosnia-Herzegovina: a Failure in the Making – Human Rights and the Dayton Agreement* (New York, NY: Human Rights Watch) p. 18.

<sup>26</sup> Kumar, *Divide and Fall?*, p. 112.

<sup>27</sup> The Black Swans, a Bosniak elite unit, were sighted in Ilidza after the transfer. Their presence could not have been less reassuring for Serbs. See Human Rights Watch, *A Failure in the Making*, p. 18.

<sup>28</sup> The suspects were almost immediately released by the Serb police.



the mayor out of his office and probably prevented him from setting it alight before leaving. Enraged by the deterioration of the situation, and the ongoing looting of industrial equipment, Bosniak authorities became even less inclined to encourage Serbs to stay.

The transfer of the Sarajevo suburbs graphically illustrates the consequences of leaving control over security forces to former enemies. If they decide to pursue policies that undermine the processes of democratisation, by using these forces to violate civil and political rights and preserve separate political spaces, the intervening forces have no choice but to act if their intent is to assist democratisation. Indeed, the consequence of IFOR's lack of action was to further contribute to the separation of BiH into ethnically homogeneous territories. By not intervening, IFOR also signified to the parties that it was more concerned with 'mission creep' than with preventing further ethnic division in BiH.

Several factors undermined the actions of the international community in guaranteeing the security of the Sarajevo Serbs: the first was the lack of political support for the OHR plan, mainly from the US. However, at no time did the main guarantors of the Dayton agreement, including the US, show active support for the plan.

Second, IFOR's reluctance to interpret its mandate other than in strictly military terms also compounded the situation. American pressure springs to mind as an explanation for IFOR's timidity, but French reticence to keep the peace in the suburbs shows that many were wary of the potentially explosive nature of the security situation. Indeed, an escalation of violence could have undermined political support for the operation almost from the outset.

In effect, what Serb Sarajevo needed was a strong neutral police force that could have maintained law and order. The Dayton agreement, with its strong emphasis on military tasks, did not provide for that kind of force. Instead, it created IPTF, a toothless police force, which was much needed in the long-term for the restructuring of the police, but was impotent in the face of the kind of violence that erupted in Serb Sarajevo.

This major flaw in the Dayton agreement, nicknamed the public security gap, was soon identified. IPTF, with limited powers, was not (and still is not) in a position to maintain law and order whilst IFOR has been more often than not unwilling to get involved in its maintenance. The consequences in terms of further division of BiH into ethnoterritories are dire.

### 1.3. Phase III: Demobilisation and Withdrawal of Heavy Weapons

IFOR helped further reduce tension between the parties by enforcing the next phase of the redeployment plan. It also curtailed their freedom of manoeuvre to use military force. By 19 April 1996, the parties had to withdraw their heavy weapons to barracks and demobilise all troops that could not be accommodated in cantonment areas.<sup>29</sup> The parties were also to give IFOR all the information it required regarding the types of weapons, the quantities and their location. Under IFOR's control, and with considerable delays, heavy weapons and troops were returned to barracks by mid-September 1996. The parties often delayed the withdrawal of heavy weapons for tactical reasons, and in many places tried to conceal weapons and ammunition

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<sup>29</sup> 'Heavy weapons' refers to all tanks and armoured vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. See Annex 1-A, art. IV para. 5a.

from IFOR. Demobilisation also proceeded very slowly, because of mistrust and scarcity of civilian work opportunities throughout the country.<sup>30</sup>

This development may seem to bear no relation to the processes of democratisation. But IFOR and subsequently SFOR's strict monitoring of military activities in BiH has reduced the ability of the parties to use military forces both for military and political purposes. This issue was of concern, because military forces were often responsible for violence against civilians during the conflict, or could be used in power struggles between different factions within an ethnic community. As Jadranko Prlic, the former Bosnian foreign minister put it: 'These days, no jeep leaves a military base without NATO's permission'.<sup>31</sup> However, Prlic was probably too optimistic in his assessment and even under IFOR, acts of violence against civilians or their property were committed by soldiers. For example, in Drvar during 1996, HVO soldiers of the 1<sup>st</sup> brigade and the local war veterans' organisation were involved in several arson incidents against Serb houses.<sup>32</sup> IFOR did not take any measures to punish the Croat forces, even though its mandate extends over military forces.

IFOR nonetheless conducted several operations to ensure that troops and weapons were stored in agreed cantonments and that IFOR had full access to these for inspection. In August 1996, IFOR was refused access to a Bosnian Serb army (VRS) facility in Han Pijesak. NATO-led troops made publicly known that they were preparing an operation to take control of the facility, and after political pressure

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<sup>30</sup> Many demobilised soldiers joined the police.

<sup>31</sup> Interview by the author with Jadranko Prlic, Foreign Minister for Bosnia-Herzegovina from 1996 to 2001, Sarajevo, September 2000.

<sup>32</sup> See International Crisis Group (ICG), *Hollow Promise? Return of Bosnian Serb Displaced Persons to Drvar, Bosanko Grahovo and Glamoc* [report on-line] (Sarajevo: ICG, December 1997, accessed 10 May 2001); available from <http://www.crisisweb.org>; Internet.

was put on RS authorities, IFOR was eventually granted access to it, even if the argument can be made that any compromising piece of equipment or intelligence had been removed in the meantime.<sup>33</sup> The same month, IFOR discovered 250 tons of ammunition in a Serb unauthorised site near Pale. These were confiscated and destroyed. Subsequently, the VRS reported another 16 undeclared ammunition sites, the contents of which were moved to authorised locations under IFOR control.<sup>34</sup> During an inspection in the Doboj area in July 1996, IFOR discovered that heavy weapons had been covertly moved from one site to another, whilst 600 soldiers were being mobilised without authorisation, fuelling an already tense situation in the area.<sup>35</sup> Subsequently, IFOR patrols and helicopter surveillance were stepped up and the situation regularised.

IFOR's control of the parties' military helped restrict their freedom to use force for military purposes, and indirectly for political purposes, such as in operations against civilians. However, when these forces were directly used against civilians, IFOR did not intervene, as the case of Drvar shows. Once again, IFOR stuck to a restrictive interpretation of its mandate in merely limiting the risk of military confrontation between the parties, with some potential positive spin off effects for democratisation because the movement and use of these forces has been restricted. Finally, this last phase of IFOR's primary mandate also has important implications for the implementation of annex 1-B. Indeed, by obliging the parties to re-locate their weapons to specific areas, IFOR facilitated the work of the OSCE, which was to assist the verification of weapons holdings in the context of annex 1-B.

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<sup>33</sup> United Nations, *Ninth Report to the UN Security Council on IFOR Operations*, S/1996/696, 23 August 1996, p. 4

<sup>34</sup> United Nations, *Tenth Report to the UN Security Council on IFOR Operations*, S/1996/783, 23 September 1996, p. 4

It also limited the ability of the parties to cheat by moving weapons around or by concealing them.

#### 1.4. SFOR and IFOR' s Primary Mandate: Plus ca change, plus c' est la meme chose?

SFOR, as the follow-on mission to IFOR, carried over the main priorities established under IFOR. The force, like IFOR, focuses mainly on its primary mandate, such as the maintenance of the military truce, and has tried to avoid supporting civilian tasks. However, the major actors (US, UK, Russia, France, Germany, the NATO chain of command and the HR) involved in BiH recognised at the end of 1996 that a change of strategy was necessary, given the meagre results yielded by the first year of implementation. As this lack of progress meant that the troops would not be able to withdraw, SFOR has had to become involved in tasks that the force carefully avoided under IFOR, such as the arrest of war crimes suspects. In addition, SFOR has tightened its grip on the EAF and their activities and has thereby contributed to restricting the margin of manoeuvre of the nationalists.

At the end of 1996, a consensus emerged among PIC members and international agencies in BiH that the security situation did not warrant IFOR's withdrawal. The truce, although still holding, was deemed too fragile and the lack of success of the civilian implementation agencies justified the continued presence of troops in BiH.<sup>36</sup> The new force, named the Stabilisation Force (SFOR), was

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<sup>35</sup> See HRW, *The Continuing Influence of Bosnia's Warlords* (New York, NY: HRW, 1996) p. 42.

<sup>36</sup> A two-year consolidation plan was subsequently developed by the HR, and a role for NATO in maintaining stability was envisaged. See Ministerial Meeting of the Steering Board and of the Presidency of Bosnia-Herzegovina, *Conclusions: Guiding Principles of the Civilian Consolidation Plan*, 14 November 1996 (accessed 2 May 2001), para. 7 [text on-line]; available from <http://www.ohr.int/docu/d961114b.htm>; Internet. In Bergen, in September, NATO defence ministers

authorised by the UN Security Council on 12 December 1996.<sup>37</sup> The force was granted the same powers as IFOR (enforcement powers under chapter VII of the Charter) and was given the same rules of engagement. The NATO chain of command defined its mandate as comprising three elements: the maintenance of the truce, the promotion of a climate in which civilian implementation could proceed smoothly, and selective support to civilian implementation. Although these objectives were still interpreted quite narrowly, especially when it came to supporting civilian implementation, SFOR has been more engaged in civilian implementation.

SFOR continued to fulfil its primary mission, the maintenance of the truce in BiH by patrolling the IEBL and inspecting the armed forces of the parties. Under SFOR, reported military incursions in the ZoS have been rare. SFOR conducts regular inspections of military bases, ammunition depots and factories and monitors training and troop movements in order to prevent any surprise attack by the EAF.<sup>38</sup> Here also, NATO sources identify few discrepancies between weapons and ammunition reported and the actual holdings of the parties in the different facilities inspected. Troops movements and exercises are also regularly reported to SFOR.<sup>39</sup>

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discussed the issue further and the final decision to create a follow-on force for 18 months was officialised at the Ministerial Meeting of the NAC on 10 December 1996. See Ministerial Meeting of the NAC, *Statement on Bosnia-Herzegovina*, 10 December 1996 (accessed 2 May 2001) [text on-line]; available from <http://www.nato.int/docu/comm/m961210/nac.htm>; Internet.

<sup>37</sup> Resolution 1088, S/RES/1088, 12 December 1996.

<sup>38</sup> In a typical month, SFOR inspects 300-400 weapon storage sites and monitors up to 900 training and movement activities by the EAF. See Greg Schulte, 'SFOR Continued', *NATO Review* 46, no. 2 (Summer 1998): 32.

<sup>39</sup> See for instance, Captain Halvor Molland, 'Weapon Site Inspections', *SFOR Informer* 28 (28 January 1998). Whether or not these statements are accurate is not as important as it may seem. Indeed, the combat-readiness of the EAF is questionable, according to Brigadier Ulf Henricsson, because they either cannot maintain their equipment or do not have the expertise to operate some of

Again, SFOR's activities also reduce the capacity of the parties to use their armed forces to prevent democratisation.

The emphasis laid by IFOR and SFOR commanders on maintaining the military truce had prevented SFOR from decisively undermining the nationalist power structure and promoting democratisation until the July 1997 NATO summit in Madrid, where members agreed that '[w]orking with NATO's partners in SFOR, we intend to see that its mandate is carried out to its fullest.'<sup>40</sup> This sentence essentially gave a green light to the governments with troops on the ground willing to fulfil its secondary mandate more forcefully.

#### 1.5. IFOR/SFOR's Primary Mandate: Implications for the Balance of Forces, Control over Territory, the Security Dilemma and Democratisation

The implementation of IFOR/SFOR's primary mandate did not affect positively democratisation. IFOR did preside over the separation of forces, the creation of the ZoS and the IEBL, and the cantonment of weapons and troops. These measures considerably reduced the risk of a resumption of hostilities, and thereby brought some stability to the country. SFOR has carried on with these tasks, focusing mainly on controlling the movement of weapons and troops. IFOR/SFOR

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their weapon systems (this applies more particularly to Federation forces and the weapons received under 'Train and Equip'). James Lyon told the author that he often observes Bosnian Serb military vehicles with no windshield, to him a sign of the bad condition in which the EAF are. These analyses point to the doubtfulness of a large-scale war, but do not exclude the possibility of localised clashes. Interviews by the author with Brigadier Ulf Henricsson, Director of the Department of Regional Stabilisation, OSCE Mission to Bosnia-Herzegovina, Sarajevo, September 2000 and James Lyon, Head of the Bosnia-Herzegovina ICG project, Sarajevo, August 2000.

<sup>40</sup> See North Atlantic Council (NAC), *Special Declaration on Bosnia and Herzegovina Issued by the Heads of State and Government*, Madrid, 8 July 1997 (accessed 7 May 2001) [text on-line]; available from <http://www.nato.int/docu/pr/1997/p97-082e.htm>; Internet.

have both contributed to ratifying the deal made at Dayton between the parties and have left untouched, with the exception of the Sarajevo suburbs, the control exercised by the parties on the various parts of BiH's territory. The transfer of the Sarajevo suburbs only served to strengthen the division of BiH into ethnically pure territories, and signalled to the parties that the international community was not prepared to use force to prevent it.

This division of the territory between the parties is very apparent in the case of the RS and the Federation, where the IEBL, patrolled by NATO, divides the country into two entities. Within the Federation, there is no such thing as an IEBL. However, at the cantonal level, intra-Federation divisions become apparent. Three cantons (two, eight and ten) were under HVO control whilst five others (one, three, four, five and nine) were under ABiH control at the end of the war. The two remaining cantons (six and seven) were and are ethnically mixed, but oftentimes internally divided between Bosniak and Croat-controlled municipalities. IFOR/SFOR's primary mandate had no impact on this situation, but rather ratified the situation on the ground. From a reintegration perspective, this means that the territory of BiH has remained largely divided in three, where different regulations and laws apply to BiH's citizens, depending on their ethnic origin. This situation also means that the individual rights of these citizens, such as freedom of movement, are regularly violated, and that the rule of law continues to be fictional. In effect, IFOR/SFOR's primary mandate has not challenged the control exercised by the nationalist power structure over these territories.

The primary mandate of IFOR and SFOR has hardly had any impact on the military balance. It has been argued, however, that it has paved the way for the institutionalisation of the military balance that existed at the end of the war. Indeed,



by strictly controlling the movements of the EAF as well as their weapons holdings, the NATO-led forces have facilitated the establishment of the military balance as envisaged by annex 1-B. As for security dilemma dynamics among the parties, both IFOR and SFOR have provided a deterrent against a resumption of hostilities, which were unlikely anyway. The foreign military presence may have helped alleviate the security dilemma between the parties, but it has not led to increased trust among them. The next section now turns to IFOR/SFOR's secondary mandate.

## **2. IFOR/SFOR's Secondary Mandate: Undermining the Nationalist Power Structure and Facilitating Democratisation**

Annex 1-A gave IFOR, and subsequently SFOR, the authorisation, but not the obligation, to support the activities of other international agencies involved in the implementation of the GFA. IFOR/SFOR troops have lent support to the ICTY, by moving to arrest persons indicted by the Tribunal, and IPTF in its efforts to restore full freedom of movement. They also have intervened to protect refugees returning to their pre-war homes. Under annex 1-A, the Office of the Inspector General has been created and mandated to specifically monitor the generals of the EAF. Finally, in its boldest move, SFOR intervened in the political struggle between the Pale Serbs and Biljana Plavsic.

This eclectic collection of activities falling under IFOR/SFOR's secondary mandate has been largely *ad hoc* in its planning and implementation. Never have these various activities been part of a concerted strategy aimed at supporting civilian implementation or at undermining the nationalist power structure. This is explained by the lack of international consensus on how to use force, or the threat of it, to achieve these objectives and also by an aversion to use force. Indeed, the two factors

examined earlier in order to understand how the force's mandate has been interpreted, namely force protection and the avoidance of casualties, very much taint IFOR/SFOR's work in relation to their secondary mandate. The first two sub-sections discuss IFOR/SFOR's activities that could potentially undermine the nationalist power structure. Their limitations, however, cast doubt on the feasibility of achieving their objectives. The three following sub-sections examine activities of the NATO-led force that have facilitated democratisation, arguing that military support for specific objectives, because of the absence of an overall strategy, has only yielded limited results.

## 2.1. IFOR/SFOR and Support for the ICTY

As explained in chapter four, IFOR was given the mandate to support the activities of the ICTY, even though there was no legal obligation for IFOR to do so. In this respect, the arrest of indicted war criminals by IFOR troops became an important issue as the Bosnian Serbs proved unwilling to arrest and transfer suspects to the Hague themselves, whilst the Croats and Bosniaks, although more co-operative, at times dragged their feet. It was at best naïve to expect that the participants of the Dayton peace negotiation would 'agree to a peace settlement in Bosnia if, directly following the agreement, they [or their close associates and friends] may find themselves in the dock...'<sup>41</sup>

In the face of local resistance, the Tribunal turned to the NATO-led force for assistance in arresting suspects. Initially, Admiral Smith maintained that the

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<sup>41</sup> Anthony D'Amato, 'Peace vs. Accountability in Bosnia', *American Journal of International Law* 88, no. 3 (July 1994): 501.

apprehension of war criminals was beyond IFOR's mandate.<sup>42</sup> After a meeting with Tribunal officials in January 1996, a new policy was adopted: IFOR troops would arrest indicted war criminals encountered in the course of their normal activities. Even though the new policy constituted a significant change, in reality troops were not given instructions on how to deal with suspects they might encounter.<sup>43</sup> Radovan Karadzic, one of the Tribunal's most wanted men, passed through IFOR checkpoints several times without being 'recognised'.<sup>44</sup> Following these incidents, IFOR issued photos of and information about suspects to troops on the ground. But without political will to tackle the issue, no suspects were apprehended during IFOR's tenure.

This lack of action impacted negatively on the democratic nature of the September elections, as many people indicted for war crimes, like Radovan Karadzic, were still politically active behind the scenes.<sup>45</sup> Because many war crimes suspects still controlled the political apparatus, the elections turned out to contribute to legitimise the nationalist parties who, once elected, could then claim democratic

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<sup>42</sup> IFOR nonetheless assisted the ICTY by agreeing to protect designated mass grave sites that the tribunal wished to investigate. The force also provided logistical support and protection to tribunal investigators.

<sup>43</sup> Human Rights Watch interviewed troops on the ground from different contingents. They all came up with divergent interpretations of the new policy, but all seemed to agree that they would not risk an armed confrontation in order to arrest a suspect. See HRW, *Bosnia-Herzegovina: a Failure in the Making*, p. 30.

<sup>44</sup> A plan was drawn up for the arrest of Karadzic by the US military in August 1996, following an order by President Clinton. It was later abandoned, after the Conservative government in Britain officially expressed misgivings about the idea. The British considered that the arrest would lead to reprisals against IFOR troops and compromise the 1996 September election in BiH. General John Shalikashvili, Chairman of the Joint Chiefs of Staff, also expressed his opposition to the plan on the grounds that it would endanger US troops. This argument was very convincing to Clinton, who was preparing to stand for a second term in office. See *The Sunday Times*, 4 August 1996.

<sup>45</sup> ICG, *Elections in Bosnia & Herzegovina*, ICG Bosnia Report no. 16 (Sarajevo: ICG, 1996) pp. 22-24.

credentials. Flavio Cotti, the OSCE Chairman-in-Office identified this risk when he authorised the preparations for the election to proceed. He set the arrest of war criminals as a pre-condition for democratic elections. He warned that

‘[i]f no actions are taken right now against the indicted war criminals, it can be taken for granted that the elections will very quickly give way to developments diametrically opposed to those which they were supposed to yield. There exists the most serious danger that they then degenerate into a pseudo-democratic legitimisation of extreme nationalist power structures and ethnic cleansing.’<sup>46</sup>

Cotti does not specify which indicted individuals, if not all, should be snatched before the election could proceed. However, his argument makes sense to the extent that some key individuals, such as Radovan Karadzic, indicted by the ICTY were still active in politics. Their arrest, although not sufficient to transform Bosnian politics into democratic politics before the September election, was essential in order to weaken the nationalist power structure that emerged during the war.

This argument did not convince a lot of people in 1996, during which no arrests were made. Several factors explain the lack of action in regard to war criminals. In the various capitals, the judiciousness of bringing war crimes suspects to The Hague was appreciated differently. Moscow, Paris and London argued that bringing war criminals to justice would prolong the conflict and damage the peace achieved by the GFA. In particular, the French government may have had reasons not to want certain key suspects to be arrested.<sup>47</sup> As for the British, under the

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<sup>46</sup> Cited in ICG, *Elections in Bosnia & Herzegovina*, p. 11.

<sup>47</sup> The various military deals that the French made with the Bosnian Serb leadership, possibly granting them immunity from prosecution, under UNPROFOR in exchange for the release of their prisoners, the involvement of the government in business dealings between the Milosevic regime and French

Conservative government, they had no taste for arrests in their sector either.<sup>48</sup> Washington, heavily influenced by the Pentagon, also weighed in on the side of non-intervention. The US army's unwillingness to go after suspects in their sector can be put down to the overarching goal of avoiding casualties. After the bitter Somali experience, where the US lost 18 men trying to capture a faction leader, the idea of attempting the same in BiH did not sit well with the American military leadership and Administration.<sup>49</sup>

In addition to refusing to apprehend indictees in their sector, the American chain of command repeatedly stated that the arrest of war criminals was not part of IFOR's mandate, and refused requests from the ICTY to arrest war criminals. Security concerns also played a role: had civil unrest followed arrests by IFOR, the situation could have easily degenerated into widespread violence against international agencies, considering that many suspects commanded substantial military resources, forcing IFOR to intervene. Following this argument, violence and

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companies, and the use of Bosnian Serb and Serbian mercenaries by the French government, in agreement with Yugoslav authorities, in the then Zaire, are some of the reasons why the French would not want to bring some key individuals to justice. In any case, there has been a consistent unwillingness on the part of the French government to take the issue of war criminals seriously, even though the geographic configuration of their sector makes arrests more difficult. See Chuck Sudetic, "The Reluctant Gendarme", *The Atlantic Monthly* April 2000 (accessed 14 September 2001) [article on-line]; available from [www.theatlantic.com/issues/2000/04/sudetic.htm](http://www.theatlantic.com/issues/2000/04/sudetic.htm); Internet and ICG, *War Criminals in Bosnia's Republika Srpska: Who Are the People in Your Neighbourhood?*, ICG Balkans Report no. 103 (Sarajevo: ICG, November 2000) pp. 68-73

<sup>48</sup> The new Labour government that came to power in May 1997 would take a much more proactive approach (see below).

<sup>49</sup> For a good illustration of this argument, see F.M. Lorenz, "War criminals –Testing the Limits of Military Force", *Joint Forces Quarterly* 16 (summer 1997). Moreover, 1996 being an election year, the Clinton administration had little stomach for a series of risky operations that could cost American lives.

the use of force could have easily undermined international support for the peace agreement as well as for IFOR, especially in the US.

However, the issue of war criminals should not be underestimated because it touches directly on the power structure that, it has been argued here, constitutes a major impediment on the road to democratisation. By refusing to tackle the issue, IFOR consolidated the power of those who were in favour of maintaining and furthering the division of BiH into ethnically pure territories, each ruled by undemocratic nationalist parties. Their continuing presence in Bosnia's political establishment and security apparatus has contributed to the continuation of a climate unpropitious to democratisation and prevented progress in areas such as refugee return, freedom of movement, and restructuring of police and military forces. This analysis led to a shift in the international approach under SFOR.

Indeed, at the end of 1996, American officials on the National Security Council and in the Pentagon, among others General Wesley Clark, the future SACEUR, prodded by Louise Arbour, the Chief Prosecutor of the ICTY, began to reconsider the issue of war criminals. They concluded that unless war criminals were arrested, the prospect for democratisation in BiH looked dim. As long as these individuals were at large, little progress would be made in helping refugees to return, reforming security forces and ensuring respect for human rights. In other words, NATO would be bogged down in Bosnia, having to maintain an uneasy truce between the parties. This, it was thought, was a worse prospect than having to deal with possible unrest and violence on the ground if arrests were made.

An international task force was set up to coordinate arrest operations, including elite military units from the US, Britain, France, Germany, and the Netherlands. With the coming to power of Labour in the UK in May 1997, there

existed now enough political will in London to proceed with arrests. It is therefore no surprise that the first arrests occurred in the British sector. One day after the July NATO summit, British SAS made their first arrest in Prijedor, killing one suspect in the operation. In December, still in the British sector, Dutch troops brought in two indicted Croats. And a month after General Clark became SACEUR, US troops made their first capture (in January 1998). The following table shows how many arrests were made in each sector between July 1997 and November 2000:

**Table III: Arrests by SFOR of Persons Indicted by the ICTY per Year, Sector and Contingent Making the Arrest, 1995-2000**

Year/ Sector (contingent Making the arrest)	British Sector (British)	British Sector (Dutch)	American Sector (US)	French Sector (French)	French Sector (German)
1997	1 <sup>a</sup>	2	0	0	0
1998	3	0	3	0	1 <sup>b</sup>
1999	4	0	0	1 <sup>c</sup>	1 <sup>d</sup>
2000	2	0	1	2 <sup>e</sup>	0
<b>Total</b>	<b>10</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>2</b>

Source: Chuck Sudetic, "The Reluctant Gendarme", *Atlantic Monthly* 285, no. 4 (April 2000) [article on-line] (accessed 17 May 2001); available from <http://www.theatlantic.com/issues/2000/04/sudetic.htm>; Internet; The Coalition for International Justice, *Who's Who in the Custody of the Tribunal* [data on-line] (accessed 25 June 2001); available from <http://www.cij.org/icty/icty.html>; Internet.

*a* one killed resisting arrest.

*b* with French participation.

*c* with German participation, one reported killed resisting arrest.

*d* with French participation.

*e* with German and other participation.

Where political will exists, suspects have been arrested and sent to The Hague. The table shows that the British have made ten arrests, compared to four for the Americans, three for the French and two for the Germans (although all arrests in the French sector have been made as a result of a combined effort between different contingents). 1998 was a peak year in terms of arrest, with seven indictees being snatched. In 2000, the number of arrest had gone down to five.

The question whether these 21 arrests have contributed to decisively undermining the nationalist power structure is difficult to answer. Two arguments can be made. First, along with the analysis made in late 1996 in Washington which postulated that the removal of indicted war criminals was essential for democratisation, it can be argued that arrests have assisted democratisation in the areas where these individuals held a position of power. However, considering the



large number of indictees still holding governmental positions as well as positions in the security forces, it is difficult to imagine how substantial progress can be made on issues like refugee return whilst these individuals, responsible for ethnic cleansing in the first place, remain in power.<sup>50</sup> A sustained campaign of arrests would seem warranted following this argument, which is unlikely for the reasons explained above.

Short of an unlikely systematic campaign of arrest, co-opting some key individuals indicted by the ICTY into the peace process has also proven a useful, although morally questionable, means to push democratisation forward. Indeed, the removal of these individuals has not always been necessary to promote democratisation. As discussed below in detail, international support for Biljana Plavsic (now awaiting trial before the ICTY) helped undermine the Pale faction and opened up the political space in the RS to new parties. The danger, however, is that these new parties emerging will pursue similar policies to the ones they have just replaced, although tempered by the constraints created by co-operation with the international community. In other words, a new nationalist power structure replaces the old one, but the policies, although constrained, remain largely the same.

## 2.2. SFOR and the Screening of Military Personnel: Undermining the Military Arm of the Nationalists?

Besides the control of military activities, SFOR has worked on altering the composition of the EAF. In December 1998, the SFOR commander instructed the parties, under the authority granted to him under annex 1-A, to implement a

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<sup>50</sup> In its report on war criminals, ICG published the names of 17 active police officers and 11 elected officials in the RS suspected of war crimes who were still at large. See ICG, *War Criminals in Bosnia's Republika Srpska*, p. 77.

programme of standards for generals.<sup>51</sup> Generals in both EAF entities had to abide by certain standards, to be verified by SFOR. The stated goal was to eliminate the use of military forces by a party for political purposes. Some of these standards have a direct bearing on democratisation: the generals are 'to be neutral in political matters, and supportive of the peace process', and can be removed by SFOR if they 'use military means under their control to subvert constitutional and democratic processes'.<sup>52</sup>

They also are to declare their membership of political parties and other organisations. The Office of the Inspector General (OIG) was created in order to 'monitor and investigate as necessary issues of professionalism and ethical behaviour'.<sup>53</sup> The Office consists of eight officers, two from the US and two from each ethnic community. Both entities' ministries of defence had to submit a list of generals who, in their view, met these standards, to the Inspectorate General which then was at liberty to review their files and if warranted dismiss the officers. In addition, every action to dismiss or remove a general had to be approved by the OIG and the SFOR Commander.

In January 1999, Ante Jelavic, then the Croat member of the Bosnian Presidency, promoted eight Croat generals without OIG approval. In the following days, SFOR seized tanks, artillery and small arms and began to destroy them as a

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<sup>51</sup> The stated objectives of SFOR were to 'exclude from promotion or transfer officers... linked to Paramilitary Organisations and those who come under indictment by the International [sic] Tribunal for the Former Yugoslavia'. By stating this objective, the SFOR commander recognised the existence of paramilitary forces and their connections with 'official' military forces. See SFOR Compendium Issue no. 16, internal document.

<sup>52</sup> SFOR Compendium Issue no. 16, internal document.

<sup>53</sup> COMSFOR Instruction to the parties, December 1998. Cited in European Stability Initiative (ESI), *Reshaping International Priorities in Bosnia (part two): International Power in Bosnia* (Berlin: ESI, 2000) pp. 41-42.

direct consequence of the decision by Jelavic.<sup>54</sup> Eventually, the HDZ backed down and accepted to let the nominations be approved by the OIG. And by March 1999, SFOR had demanded that three generals be dismissed. One Croat general was dismissed because he was 'politically engaged at HDZ rallies'. Another nomination was blocked because the candidate had been indicted for war crimes.<sup>55</sup> The third nomination was rejected because the Croat candidate refused to make a commitment to support the Dayton agreement.

The Office of the Inspector General, as just discussed, did alter the composition of the EAF commanders, by allowing the international community to veto certain nominations. However, the programme has two weaknesses: it only applies to generals, leaving out the rest of the EAF officers. This means that the 'target' group, of about 90 officers, is easy to monitor. But it also limits the ability of the OIG to profoundly affect the composition of the officer corps of the EAF. Moreover, refused nominations did not prevent rejected candidates from staying in the military, albeit at a lower level. The OIG nonetheless allows the international community to weaken the links between nationalists and the military establishment.

### 2.3. IFOR/SFOR and the Right to Freedom of Movement

Fixed roadblocks were the main physical obstacles to freedom of movement at the end of the war. Here again IFOR's limited interpretation of its mandate impeded the restoration of full FoM. Even though fixed roadblocks were dismantled by IFOR, very little was done to remove the *ad hoc* roadblocks and checkpoints, manned by local police forces, which sprang up to stop people from moving around

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<sup>54</sup> RFE/RL Newslines vol. 3, No. 6, Part II, 11 January 1999.

<sup>55</sup> General Siljeg resumed working in the Federation military, but in a different position.

the country. A UN report, presented in June 1996, stated that 'problems are encountered mainly along the IEBL, and also, within the Federation, between areas controlled by the Government and those controlled by Bosnian Croats, as well as in Croat pockets.'<sup>56</sup> Several reports by NGO's also documented cases of 'taxation', harassment, detention, confiscation of identity documents and violence by local police forces and civilians against people travelling to areas dominated by another ethnic community or crossing the IEBL.<sup>57</sup> People travelling on major roads were also subject to violence, such as stone throwing, as witnessed by human rights monitors.<sup>58</sup> Overall, these reports demonstrate very little commitment on the part of the parties to guarantee FoM, in violation of the Dayton agreement.

Restricted FoM also impacted on the electoral campaign leading up to the September elections, as many people were intimidated, threatened and attacked whilst trying to campaign in areas dominated by another group. On polling day, IFOR, IPTF and the OSCE had made preparations to guarantee the security of displaced people who wished to cross the IEBL to vote. Specific crossing points (19) were designated across the IEBL, and bus services were organised for voters to cast their ballots in the other entity. The routes used by these buses were guarded by IFOR to avoid any incident. IFOR also increased their patrols and deployed near

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<sup>56</sup> United Nations, *Report of the Secretary-General Pursuant to Resolution 1035*, S/1996/460, 21 June 1996, para. 9.

<sup>57</sup> As late as September 1996 the International Crisis Group reported restrictions on freedom of movement by the police forces of all three ethnic groups. These restrictions were facilitated by the fact that each ethnic group had its own number plates. See ICG, *Elections in Bosnia and Herzegovina*, p. 20. See also ICG, *Why the Bosnia Elections Must Be Postponed*, Bosnia report no. 14 (Sarajevo: ICG, 1996) pp. 7-8 and Human Rights Watch, *Bosnia-Herzegovina: A Failure in the Making*, pp. 9-13.

<sup>58</sup> US Department of State, *Bosnia and Herzegovina Country Report on Human Rights Practices for 1996*, released by the Bureau of Democracy, Human Rights, and Labor, 30 January 1997 (accessed 16 May 2000) [report on-line]; available from [http://www.state.gov/www/global/humanrights/1996\\_hrp\\_report/bosniahe.html](http://www.state.gov/www/global/humanrights/1996_hrp_report/bosniahe.html); Internet.

polling stations. In spite of these measures, very few people crossed the IEBL to vote. Several factors explain this low turn out, many of which unrelated to security, but it is undeniable that many IDP's were afraid to cross the IEBL because they feared for their lives. The many well-publicised accounts of violence and intimidation against people crossing the IEBL in the months after the signing of the Dayton agreement, and the memories of suffering endured by most IDP's at the hands of the people now controlling the disputed territories discouraged many from travelling.<sup>59</sup>

IFOR did nonetheless contribute to increasing freedom of movement throughout BiH. As mentioned above, fixed checkpoints were removed by IFOR troops in late January and early February 1996.<sup>60</sup> IFOR, in conjunction with IPTF, also offered protection to the new bus service set up by the UNHCR in April 1996 to facilitate visits by IDP's to their former towns. Buses were escorted by IFOR troops and IPTF personnel and monitored from the air. In spite of political and physical obstruction by local authorities on all sides, the bus service turned out to be a success, because IFOR backed the initiative and imposed the service on the parties. These two issues show that FoM could have been restored more comprehensively from the outset, had IFOR interpreted its mandate in a more robust way. Indeed, many restrictions to FoM occurred in specific locations over a significant period of

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<sup>59</sup> Only 24,000 people, less than 1% of the electorate, crossed the IEBL to vote on 14 September 1996. ICG, *Elections in Bosnia and Herzegovina*, pp. 43-49 and Xavier Bougarel, "Bosnie réelle et Bosnie virtuelle", in *Le monde diplomatique*, September 1997.

<sup>60</sup> ICG reported that a British IFOR commander in Banja Luka dispatched armoured vehicles to a Bosnian Serb checkpoint with orders to attach hooks to the police cars and drag them away. No restrictions to FoM occurred in that vicinity after IFOR's intervention. See ICG, *Going Nowhere Fast: Refugees and Internally Displaced Persons in Bosnia* (Sarajevo: ICG, 1997) pp. 61-62.

time, and were reported to the NATO-led force. When robust action was taken, as in the case of the UNHCR bus service, the situation was normalised.

Freedom of movement was still problematic at the end of 1996. It was chosen as a major objective by the PIC for 1997, and following the Bonn meeting IPTF and SFOR devised a new checkpoint policy, which was introduced in May. Police forces were only authorised to hold static checkpoints for up to 30 minutes without IPTF's prior approval. The local police could also apply to IPTF for an authorisation to establish checkpoints if they could show that they were necessary for the prevention and reduction of crime. Backed by SFOR, IPTF now strictly regulates the establishment of checkpoints.<sup>61</sup> The subsequent introduction of common number plates also greatly improved the situation.<sup>62</sup>

The success of the policy rests on the threat of the use of force by SFOR in case of non-compliance with the checkpoint policy. The example of FoM illustrates how third parties can use their resources to promote the exercise of a basic democratic right, as well as the rebuilding of a single political space, where laws apply equally to all citizens. In the case of the right to FoM, IPTF supported by

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<sup>61</sup> Between May 1997 and March 1998, 151 illegal checkpoints were removed by IPTF, in 38 cases with the support of SFOR. See United Nations, *Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina*, S/1998/227, 12 March 1998, para. 12.

<sup>62</sup> The author travelled by bus from the Croatian border and back near Bihac, down to Sarajevo through Central Bosnia in August 1998. The bus, which could be clearly identified as belonging to a Bosniak company, crossed the IEBL four times in total without being stopped. Today, with the exception of some rare violations, FoM has been achieved in BiH as reported in US Department of State, *Bosnia and Herzegovina Country Report on Human Rights Practises for 1997*, released by the Bureau of Democracy, Human Rights and Labor, 30 January 1998 (accessed 16 May 2000), section 2.d [report on-line]; available from [http://www.state.gov/www/global/humanrights/1997\\_hrp\\_report/bosniahe.html](http://www.state.gov/www/global/humanrights/1997_hrp_report/bosniahe.html); Internet and Human Rights Watch, *World Report 1999: Bosnia and Hercegovina- Human Rights Developments*, January 2000 (accessed 8 August 2000); available from [www.hrw.org/worldreport99/europe/bosnia.html](http://www.hrw.org/worldreport99/europe/bosnia.html); Internet.

SFOR was able to back its demands with the threat of force, should the parties not comply.

#### 2.4. SFOR, the Multinational Specialized Unit (MSU) and the Rebuilding of a Single Political Space: Protection of Returnees

In the summer of 1998, the MSU was brought to BiH. The main objective sought was to bridge the security gap, discussed earlier, by introducing a *gendarmerie*-like force, that would be trained to and focus primarily on maintaining law and order, should the local police be unwilling or unable to quell civil unrest. Made up mainly of Italian *carabinieri*, but also of Argentinean and Romanian police, the MSU was not really tested until October 1998, when it intervened in Capljina to remove a blockade organised to prevent the return of refugees. Since then, the MSU has adopted a very low profile as far as law and order are concerned. This could be explained by the fact that the Italian government is using the MSU chiefly to tackle local organised crime that affects the peninsula.<sup>63</sup>

National differences between SFOR's contingents were also outlined above in the context of the arrest of war crimes suspects. These differences also account for SFOR's degree of involvement in tasks other than those concerned with its primary mandate. The British, very active in their sector since the coming of Labour to power in 1997, have also lent support to refugee return. Their actions in Croat-controlled Prozor-Rama illustrate this point.<sup>64</sup> In May 1998, a return of Bosniaks to the municipality was organised by the Reconstruction and Return Task Force

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<sup>63</sup> Conversation with Lieutenant Colonel Philippe Miaillhes, French Gendarmerie, 23 April 2001. Miaillhes was an assistant to General Walker, Deputy Commander of IFOR in 1996.

<sup>64</sup> See ICG, *The Western Gate of Central Bosnia: The Politics of Return in Bugojno and Prozor-Rama* (ICG: Sarajevo, 1998) pp. 22-23.

(RRTF). In anticipation, a British general visited the mayor and expressed to him that he and his administration were considered by SFOR responsible for the security of the returnees. On the day of return, SFOR maintained a visible presence throughout the municipality, by going on foot patrols, maintaining patrols 24 hours a day, and controlling the roads leading to the municipality. In the weeks following the returns, SFOR continued to patrol the area, including night patrols, and stepped up its surveillance of previously identified individuals hostile to minority return.

Two factors have decisively influenced the ability of British troops to maintain a secure environment for the returnees. The first is an excellent knowledge of the municipality, and the key players within it, in particular those individuals opposed to minority return. This intelligence has allowed the British to effectively monitor the activities of those who could have created tensions during returns. Secondly, the UK contingent covering Prozor-Rama and the Vrbas Valley is equipped with riot control gear and has been trained to respond to civil unrest. Coupled with the will to act, the fact that the British could have responded effectively to orchestrated civil violence has deterred those opposed to returns from acting. This example shows how military force can be employed to directly assist democratisation, in addition to neutralising the ability of the nationalists to prevent returns. In contrast, because there has been no political will to make use of the MSU to tackle law and order, its contribution to democratisation has been limited to one intervention.<sup>65</sup>

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<sup>65</sup> James Lyon told the author that the MSU was deployed in Bratunac in May 2000, where the UNHCR had organised a visit for about 150 Bosniak refugees. Upon arrival, the four buses transporting the refugees were stoned by local Serbs, whilst the MSU stood by. The author has not been able to verify the role, if any, played by the MSU, although the incident was reported in the press. See *RFE/RL Newslines*, 12 May 2000.



## 2.5. Supporting Democratisation? SFOR and the Power Struggle in Republika Srpska

SFOR got involved in the struggle between the Pale and the Banja Luka Serbs, led by Biljana Plavsic, in the summer of 1997. Plavsic, a staunch member of the SDS during the war, was elected President of the RS in the September 1996 election. In early 1997, it appeared that she had broken off relations with Karadzic, whom she accused of manipulating the RS government and undermining her authority. She subsequently dismissed the RS interior minister, Dragan Kijac, close to Karadzic, in June and moved to dissolve the RS parliament. The rift created within the SDS was soon exploited by the international community, who saw Plavsic as more moderate and an alternative to Karadzic's faction. Indeed, from an international perspective, Plavsic was to be supported because she was willing to co-operate with the international community, unlike Karadzic. In turn, Plavsic, considered that co-operation with the international community was the only way to preserve the existence of the RS and to break off its isolation.<sup>66</sup>

Plavsic did not fall out with the Pale Serbs because she did not share their goal of maintaining a largely ethnically pure Serb entity in BiH; rather, she sought to maintain the existence of the RS by co-operating with the international community and by undermining the hold that the Karadzic faction in the SDS had on RS institutions and politics. Indeed, at the time, 'the Karadzic clique controlled almost

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<sup>66</sup> Up until then, the RS had received hardly any economic assistance from the international community because of the non-co-operative stance adopted by Pale.

all the Serb Republic Army and security forces, as well as the state's banking, postal and telephone operations.'<sup>67</sup>

The international strategy in support of Plavsic consisted of three elements: neutralisation of paramilitary forces loyal to the Karadzic faction that threatened the security of her faction; seizure of TV transmitters used to broadcast pro-Pale propaganda; and occupation of police stations in western RS. These actions, it will be argued here, undermined the Serb nationalist power structure and helped Plavsic's faction not only to survive, but also to gain the upper hand in its struggle with the Pale Serbs.

Until 1997, paramilitary forces had been regarded as police forces and therefore left to IPTF to supervise and monitor. With time, their role in protecting indicted war criminals was recognised. RS paramilitaries were especially targeted, because they were still loyal to Karadzic and the Pale Serbs, and had refused to co-operate with IPTF. In order to isolate them and support Biljana Plavsic, seen as more pro-West, these forces were targeted. In addition, because the RS still had not concluded an agreement with the IPTF on the restructuring of its police forces, this policy was used as an incentive to induce RS authorities to collaborate, as any paramilitary police force not co-operating with IPTF would fall under the authority of SFOR.

In August 1997, the new SFOR commander, US general Shinseki announced that SFOR would proceed to put these forces under its control in order to neutralise the effect they could have in the struggle between Plavsic and Karadzic. Paramilitary police forces were given until 31 August to register with SFOR, and ordered to store all weapons other than side arms. By moving to neutralise the paramilitaries, SFOR

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<sup>67</sup> Leonard J. Cohen, "Whose Bosnia? The Politics of Nation Building", *Current History* 97, no. 617

did help isolate the pro-Karadzic Serbs, even though it took other interventions by SFOR to help Plavsic maintain her grip on power. Still in August, SFOR troops took control of five police stations in Banja Luka and found large quantities of explosives and weapons. More importantly, the operation led to the removal of police chiefs loyal to Kijac and their replacement by pro-Plavsic chiefs. In September, SFOR intervened again to stop a crowd of pro-Karadzic supporters, most of them police in plain clothes, from attacking the RS presidential office in Banja Luka.

SFOR actions helped Plavsic secure control of the RS west of Brcko and the operation is believed to have prevented a coup against the Bosnian Serb President. Following these actions by SFOR, the Serb Radio and Television (SRT), under the control of the Karadzic faction, began a media campaign depicting SFOR as a force of occupation and anti-Serb. The SRT being the only Serb media outlet available to most Serbs, the effect of this campaign on Serb public opinion could have been disastrous for Plavsic in light of the forthcoming municipal and parliamentary elections.<sup>68</sup> The HR demanded that the propaganda be stopped, and threatened to use SFOR to seize control of SRT's transmitters. In October 1997, in the face of continuing anti-West propaganda, the HR carried out his threat and SFOR took control of SRT's TV transmitters in the RS, which were later handed over to Plavsic's supporters.

These actions (neutralisation of the paramilitaries, seizure of police stations and TV transmitters) were the boldest on the part of SFOR in interfering with local political dynamics. They have led to the further marginalisation of the Pale Serbs, undermining their power base. This case is important for two reasons. First, SFOR's

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(March 1998): 106.

<sup>68</sup> SRT journalists based in Banja Luka refused to broadcast the propaganda coming from Pale, confirming the general impression that the RS was split in two.

control over security forces prevented them from being used to support one faction. SFOR's move to put pro-Karadzic paramilitary forces under its control bears out this point, but tight control exercised by the NATO-led force over the VRS prevented it from getting involved.<sup>69</sup> Second, SFOR's direct interventions to seize police stations and TV transmitters illustrate how third parties can use their military resources to directly promote democratisation. Plavsic, of course, cannot be regarded as a democrat; but SFOR's actions, in co-ordination with the OHR, helped to open up the political space in the RS by undermining the monopolistic hold exercised by Karadzic's faction on RS institutions and politics.

## 2.6. IFOR/SFOR's Secondary Mandate: Implications for the Balance of Forces, Control over Territory, the Security Dilemma and Democratisation

IFOR/SFOR's mandate had one crucial implication for the security transition. Indeed, it undermined the control exercised by the parties over the territories they occupy. All five sets of activities, or interventions, have contributed to weakening the ability of the parties to control their territories. By arresting persons indicted by the ICTY, SFOR has weakened the position of those who during the war advocated ethnically pure territories. Likewise, by monitoring the EAF generals, SFOR contributed to weakening the links between nationalist parties, who advocated ethnic separation, and military forces. In turn, the enforcement of freedom of movement, the sporadic protection granted to refugee return by SFOR and its direct intervention in the struggle between Pale and Plavsic have constrained the ability of the parties to control territory, or its ethnic composition.

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<sup>69</sup> Even though it seemed that its commanders were also split between Karadzic and Plavsic.

These achievements have been translated into some progress in terms of democratisation. The rebuilding of a single political space has been promoted by the removal of physical obstacles to the free movement of persons. In some cases, military forces have been used to increase the security of returnees. Democratisation also made headway when the Pale Serbs were prevented from succeeding in their attempt to overthrow Plavsic. However, the *ad hoc* nature of these interventions, stemming from unwillingness on the part of the international community to devise a coherent strategy to guide the systematic use of SFOR assets in support of civilian objectives, has meant that these achievements have often been isolated cases.

### **3. Conclusion: IFOR/SFOR: Putting the Emphasis on its Primary Mandate**

IFOR and SFOR have been successful in maintaining the military truce ratified at Dayton. This has enabled the international community to achieve its main objective in BiH: ending the war. The NATO-led force has done so by presiding over the division of the country into two entities, the transfer of Serb Sarajevo to the Federation, and the cantonment of troops and weapons. This constituted its primary mandate, whose implementation has greatly reduced the likelihood of military confrontation between the EAF. The chapter also discussed how the territorial division of the Federation has been left untouched by IFOR/SFOR's implementation of its primary mandate. This mandate has consolidated the control exercised by the parties over the territories they occupied, with the exception of the Sarajevo suburbs, which were transferred to the Federation, whilst not affecting the military balance and contributing to the alleviation of the security dilemma. This leads to the conclusion that IFOR/SFOR's primary mandate has not contributed positively to

democratisation, because it has left untouched, although constrained, the nationalist power structure.

Regarding the NATO-led force's secondary mandate, its record has been patchy. SFOR has been involved in increasing security for returnees, enforced freedom of movement, and assisted Biljana Plavsic in her struggle with the Pale Serbs. These interventions, it has been argued here, have assisted democratisation. In addition, the arrest of persons indicted by the ICTY and the creation of the Office of the Inspector General, have constrained the security arm of the nationalist power structure. All this has undermined the control exercised by the parties over the territories they occupy, and brought some measure of democratisation to BiH.

However, the lack of political will to do more (and to suffer casualties) and to do it in a coherent manner, constrains SFOR to the point that only *ad hoc* shows of force are possible, such as special operations to snatch war criminals. This 'muddle through' approach has meant that SFOR, nearly six years after the end of the war, is still present on the ground. The implementation of the military balance approach, which should have allowed IFOR to withdraw after a year, is the theme of the next chapter.

## **Chapter 6: Institutionalising a Military Balance and Creating a State-wide Dimension of Defence: the Role of the OSCE and the OHR in Bosnia-Herzegovina, 1996-2000**

This chapter assesses the role of the OSCE and of the OHR in assisting the integration of BiH's EAF. The OSCE's military mandate is found in annex 1-B, which contains the strategy devised to enable the withdrawal of IFOR, whilst deterring the Serbs from attacking the Bosniaks and the Croats (see chapter four). The approach followed in annex 1-B will be contrasted with the strategy adopted by the OHR following the December 1998 meeting of the Peace Implementation Council (PIC). The OHR's approach is based on annex 4 of the GFA, which confers civilian command of the EAF on the Bosnian Presidency and creates a Standing Committee on Military Matters (SCMM). The OHR has attempted to create a state-wide dimension of defence through these institutions after 1998.

This chapter will show that the military balance approach contained in annex 1-B further undermines the Bosnian state by pushing the Bosnian Serbs and Croats towards their respective patron states in search for military security and assistance. The US-led 'Train & Equip' programme, implemented in the context of annex 1-B, in spite of its promise to solidify the precarious Croat-Bosniak alliance forged during the war, has failed to achieve this objective. In addition, the qualitative advantage T&E gives to the Federation army breeds additional mistrust on the part of the RS authorities. With regard to guaranteeing the security of the Federation in the face of a renewed Serb attack, the second objective of the programme, T&E's achievement is difficult to assess, because of SFOR's continued presence on the ground, which in effect is a recognition that the approach has not been successful.

The result of the implementation of annex 1-B, and T&E, this chapter will argue, is to further strengthen the division of BiH into three military blocs. One of the questions that this thesis asks, whether creating a military balance between former belligerents can assist democratisation, including the creation of a single political space, finds its answer in this chapter. It will be argued that it does not in the case of BiH.<sup>1</sup> Indeed, by legitimising the existence of two armies, and tacitly accepting the division of the Federation army, the military balance approach of annex 1-B has left untouched the power structure built during the war: undemocratic nationalist parties using the military not only to defend the group they claim to represent and create ethnically homogeneous entities but also to maintain themselves in power. This structure has not fundamentally changed in the post-war period and this does not bode well for democratisation.

Obstruction from the nationalists should not mask another major difficulty encountered by the OHR in trying to restore a state-wide capacity of defence: how to reconcile the security of the parties with the creation of democratic and functioning defence institutions. In a field as sensitive as defence, former belligerents will be extremely wary of giving up their control over the armed forces. In this context, creating a state dimension of defence cannot be separated from the issue of the security of ethnic communities. This chapter shows how the issue of their security is preventing further integration in the field of defence. These security fears are exacerbated by the military balance approach enshrined in annex 1-B, and create disincentives for the parties to integrate their forces.

The first section of this chapter shows how the OSCE's mandate has helped solidify the division of BiH into three military blocs. It looks at the evolution of the

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<sup>1</sup> This point will be further developed in the conclusion.



arms control agreement and of the confidence- and security-building measures (CSBM's), and shows that compliance has been limited to the minimum demanded by the OSCE. Once again, the parties have attempted to use the agreement to their military advantage, mainly because they see their security threats as coming from within, not without. The section concludes by arguing that the implementation of the Vienna and Florence agreements based on articles II and IV (CSBM's and ASAC) is not as important as it seems for two reasons.<sup>2</sup> SFOR is still on the ground, protecting the military truce. Secondly, according to assessments by the OSCE in the summer of 2000, the combat-readiness of the EAF is questionable although the Federation army seems to be in a better state than the VRS. This means that the types of weapons falling under article IV of the Florence agreement would be of little value in the type of warfare that the agreement envisages.

The second section will concentrate on the role of the OHR in building a state-wide defence capacity in BiH. The OHR derives its mandate from annex 10, and although its focus is on civilian implementation, some of its work has affected military forces. In this chapter, the role of the OHR in relation to the development of a BiH-wide dimension of defence, and the proposals made to create some sort of defence capacity at the state level, will be examined. These proposals are intended to facilitate the eventual integration of the EAF into one force and restore the capacity of the state to defend its borders. They have been met with considerable resistance from the Serbs and the Croats. This resistance underlines the difficulties of creating democratic institutions that guarantee the security of all parties.

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<sup>2</sup> The terms 'article II', 'CSBM agreement' and 'Vienna agreement' will all be used interchangeably here. They refer to the CSBM agreement concluded in Vienna in January 1996 on the basis of article II of annex 1-B. Likewise, 'ASAC', 'article IV' and 'Florence agreement' refer to the arms control agreement concluded in Florence in June 1996 as mandated by article IV of annex 1-B.

The conclusion to this chapter asks if the OSCE and the OHR are not pulling in opposite directions. At first glance, the proposition has some merit: annex 1-B, and by implication the OSCE, is bent on implementing a balance of forces approach that undermines the Bosnian state. The OHR, on the other hand, tries to restore the state's control over the defence sector, thereby contributing to the restoration of the state's monopoly of legitimate violence. In fact, both strategies come at different phases of the conflict: one in its immediate aftermath, the other three years after the conclusion of the agreement. They follow the logic adopted in the agreement: security through deterrence first, then integration. This strategy underestimated the solidity of the nationalist power structure and its grip on the security forces and territory.

This strategy also failed to resolve one of the contradictions of the implementation process: the idea that external actors can build up the military capability of one party, whilst at the same time trying to integrate both parties in common defence structures. The first section looks at the implementation of the first strategy (security through deterrence) and shows why it has been unsuccessful.

## **1. The Role of Annex 1-B and the OSCE: Solidifying the Divisions of BiH?**

This section looks at the implementation of the agreements based on articles II and IV of annex 1-B. In terms of stability, it is difficult to assess whether annex 1-B has achieved its objective to create a stable balance of forces between the Federation and the RS because of SFOR's presence on the ground, the lack of combat-readiness of the parties and the failure of 'Train and Equip' to induce the Bosniaks and Croats to create a unified military force. This section will show that

the parties have limited their co-operation to the minimum demanded by the OSCE, whilst giving the international institution a central role in the implementation of the agreement. This situation casts doubt on the self-sustainability of both regimes. Moreover, after nearly six years of implementation, BiH still comprises three armies, even though annex 1-B held the promise of co-operation between, and with time, possible integration of these three armies. The first sub-section looks at the obstacles created by the parties to the implementation of the CSBM agreement first and ASAC after.

### 1.1. The CSBM Vienna Agreement, 1996-2000

Assessing the CSBM agreement presents a challenge. Each measure can be individually assessed, and one will find that compliance has been improving since the conclusion of the CSBM agreement. However, the objectives to be achieved by the agreement are unclear, and it is therefore difficult to measure success against a specific benchmark. Two factors nonetheless help explain the pattern of compliance with the Vienna agreement.

First, the central role of the OSCE in maintaining the regime casts doubt on the parties' willingness to co-operate. Indeed, like ASAC, the CSBM agreement was concluded under pressure from the international community and gives a central role to the OSCE in its implementation. In the context of article II, the OSCE also acts as a 'mailbox' for the parties to use when they wish to communicate or exchange

information.<sup>3</sup> With such an important role given to the international institution, it is difficult to see how self-sustainability can be achieved in the near future.

Second, the parties do co-operate on issues that do not significantly undermine the division of BiH into three military blocks. Reporting on the progress in implementing the CSBM agreement, for the year 1999 SIPRI found that progress had been made in transparency of military spending, that the parties did establish military liaison missions, are exchanging military information as asked under measure I, conducting inspections and notifying each other of military exercises and movements.<sup>4</sup> Previous reports even noted significant progress in implementation, especially in information exchange.<sup>5</sup> However, five years after the end of the conflict, none of the measures had led to close co-operation on defence issues, even in the Federation, where Croats and Bosniaks have maintained parallel defence structures

Indeed, the Vienna agreement has not produced a process of integration of the armed forces, let alone close co-operation. A reason for this situation that has been advanced throughout this thesis is the nationalist power structure, which in the case of the Serb parties and HDZ has continued to pursue secessionist policies. Because of their control of the military, they have used the CSBM process to their advantage, stalling the implementation of the agreement, or refusing to co-operate on non-compulsory issues.

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<sup>3</sup> Interview by the author with Lieutenant Colonel Luther Franklin, Head of the Verification Operations Section, Department for Regional Stabilization, OSCE Mission to Bosnia-Herzegovina, Sarajevo, September 2000.

<sup>4</sup> Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2000) pp. 622-625.

<sup>5</sup> SIPRI Yearbook, 1997, 1998, 1999.

For example, definitions have been the source of constant haggling between the parties. A 1999 OSCE report lists seven different terms over which the parties have failed to agree.<sup>6</sup> This problem with definitions is more than a semantic one, as these vague definitions have enabled the parties not to report under measure I some security forces, their movements or even production facilities used for military purposes. Also, until 1998, the parties did not agree on the format for reporting military expenditures, also under measure I, thereby stalling the disclosure of their sources of military funding.<sup>7</sup> To this day, total transparency in military budgets has not been achieved, especially on the Croat and Serb sides, because of the political implications of substantial military support still received from Croatia and Yugoslavia respectively.

In addition, under measure XI, the parties are to increase contacts, visits and common educational ventures such as seminars or conferences for members of the military. Some aspects of the measure are voluntary, but a few are compulsory (see chapter four). In 1999, the parties had impeded any progress in the implementation of its voluntary aspects to the point that the OSCE representative wrote that ‘the

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<sup>6</sup> For instance, the Vienna agreement defines forces as ‘all formations and units, both combat and support, of the land, naval, air, and air defense forces of the Parties’. The parties maintained that some forces were ‘police’ forces, and therefore did not fall under this definition. In fact, the parties were only capable of agreeing on a definition of police forces, after intense pressure from the OSCE representative, in August 2000. Before that, some forces with a military capability were portrayed as police forces. Minutes of the 27<sup>th</sup> meeting of the JCC, 31 August 2000 (document seen by the author). Moreover, during his visit at the OSCE Department of Regional Organisation in Sarajevo, September 2000, the author was told that the parties had agreed on one other definition. OSCE Compendium no. 11, 15 May 1999, internal document.

<sup>7</sup> In this field, the role of the OSCE has been limited to facilitating negotiations between the parties over these definitions. Interview by the author with Lt. Col. Franklin, September 2000.

most incredible hindrances have been raised to complicate improvement of co-operation.’<sup>8</sup>

Likewise, measure XIV, which asks the parties to establish direct communications, has again been met with minimum compliance. RS and Federation military headquarters did establish a direct phone connection in June 1996, but the 1999 report explains that even though RS and Federation verification centres are equipped with electronic mail and facsimile capacities, they still only communicate through the OSCE Regional Stabilisation office in Sarajevo, underscoring once again the central role of the OSCE in maintaining the regime.<sup>9</sup>

Lastly, as late as September 2000, there had not been any progress made in creating a state-level inspection team and verification centre that would be able to take on inspection duties under article II for the whole country. The original situation has remained unchanged: inspections are conducted by the parties on each other’s territory, accompanied by an OSCE representative. Federation inspection teams are comprised of Croat and Bosniak representatives, and they maintain separate verification centres (the same goes for ASAC -see below).

## 1.2. Implementation of the Sub-regional Arms Control Agreement, 1996-2000

An assessment of the implementation of ASAC is easier to make than one of the CSBM agreement, because very precise quantitative objectives were set. As explained in chapter four, the parties had to make reductions in five categories of weapons (the ‘TLE’) in two phases. Forty percent of their liabilities had to be

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<sup>8</sup> OSCE Compendium no. 11, 15 May 1999, internal document. Things had not improved at the time of the author’s visit in September 2000.

<sup>9</sup> OSCE Compendium no. 11, 15 May 1999, internal document.

destroyed by 1 January 1997, and the rest by November 1997. Two factors are important in understanding the implementation of ASAC. First, as discussed above, the OSCE, backed by the PIC, played a central role in pushing the parties to keep their commitment. As pointed out earlier, the central role played by the OSCE casts doubt on the self-sustainability of the regime. Second, security dilemma dynamics among the parties help explain the difficulties encountered, especially in the initial stages, in implementing the Florence agreement. These have led to under-reporting, stalling tactics and cheating.

The negotiations leading up to the conclusion of the Florence agreement were already marred by stalling tactics, breaches in weapons rules and disagreement over the status of the RS at the negotiation (the RS was not a signatory of the Dayton agreement and as such could not technically be a party to the negotiation).<sup>10</sup> In August 1996, two months after its adoption, the first inspection teams started to make reciprocal visits.<sup>11</sup> Results were not made public, but refusal to accept inspections and discrepancies between declared holdings and findings on the ground were reported.<sup>12</sup>

In October, cases of non-compliance with the agreement were made public. Croatia, the Federation and the RS had failed to declare their actual holdings, and exceptions under article III of the Florence agreement, authorising excess weapons to be used for research purposes or to be exported, were reported to have been abused by the RS.<sup>13</sup> The December 1996 PIC addressed these problems by asking the parties to submit reliable and complete data on their holdings by 16 December,

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<sup>10</sup> SIPRI, *SIPRI Yearbook 1997: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 1997) p. 545.

<sup>11</sup> Inspections under both agreements are made separately.

<sup>12</sup> SIPRI, *Yearbook 1997*, p. 546.

recalculate their reduction liabilities in light of the new data and with a proviso that exceptions under article III should not account for more than 5% of the holdings, and complete phase I reductions by 31 December.<sup>14</sup> The following table shows the expected and actual reductions made at the end of phase I for all weapons systems combined:

**Table IV: Expected and Actual Weapons Reductions under Phase I of ASAC**

	<b>Rump Yugoslavia</b>	<b>Croatia</b>	<b>Federation of BiH</b>	<b>Republika Srpska</b>	<b>Total</b>
<b>Phase I Liabilities</b>	626	274	776	442	2,118
<b>Total Phase I Reduction</b>	662	297	746	45	1,750

Source: SIPRI, *SIPRI Yearbook 1997* (Oxford: Oxford University Press, 1997) p. 548.

As shown above, reductions were behind schedule at the end of 1996, even though Croatia and rump Yugoslavia reduced the arsenals substantially more than expected. These reductions only consider quantitative factors, and a reduction in numbers may not necessarily mean a qualitative reduction in weaponry. This issue makes an assessment of the military balance more difficult. Moreover, given the superiority in weaponry of Yugoslavia, meeting its reductions targets did not constitute a significant military risk. The RS, in turn, knowing that the Federation was being re-equipped under 'Train and Equip', was reluctant to forego its advantage in heavy weapons. Finally, Croatia did make significant reductions in artillery. It must be noted however that the Croatians were authorised by the agreement to increase their holdings in the four other categories of weapons. Difficulties also emerged because the Federation and Croatia had not agreed on how

<sup>13</sup> SIPRI, *Yearbook 1997*, p. 545.

<sup>14</sup> London Peace Implementation Conference, Lancaster House, 4-5 December 1996.



to divide their reduction liability, since they had to report separately. This issue underscores the level of interpenetration between Croatian and Bosnian Croat forces.

Things did not improve substantially at the beginning of 1997. Conflicting data was coming from NATO, the OSCE and the parties.<sup>15</sup> The parties accused each other of under-reporting their holdings, abusing exemptions under article III, failing to report equipment supplied under 'Train & Equip'<sup>16</sup>, and blocking inspections largely because of the dispute over the rights of BiH to conduct inspections in Croatia and Yugoslavia.<sup>17</sup> Finally, Croats and Bosniaks had failed to agree on a division of the Federation reduction liabilities.<sup>18</sup>

Under pressure from SFOR and the OSCE, progress was achieved in late January and February. The parties agreed that exceptions should not exceed 5% of their holdings, reducing the possibilities of cheating and increasing transparency between the parties.<sup>19</sup> The RS also raised its reduction liabilities from a total of 72 to 1,082, although Western estimates assessed that the RS should have had to dispose of 2,200-2,300 weapons to be in compliance with the agreement.<sup>20</sup> Again, fears of the military build-up taking place in the Federation under 'Train and Equip' motivated these delaying tactics and under-reporting. Finally, the parties agreed to

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<sup>15</sup> NATO based its information on spot check inspections conducted under the cantonment provisions of annex 1-A, whilst the OSCE inspections teams conducted systematic inspections. These differences in methods account for the discrepancies.

<sup>16</sup> This equipment was under IFOR control because Bosniaks and Croats could not agree on how it should be distributed between them.

<sup>17</sup> BiH has no forces of its own, and therefore cannot conduct inspections as such.

<sup>18</sup> SIPRI, *SIPRI Yearbook 1998: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 1998) p. 602.

<sup>19</sup> Brigadier Ulf Henricsson nonetheless identified exceptions under article IV as a major loophole in ASAC that has been extensively used by the parties. Interview by the author with Brigadier Ulf Henricsson, Deputy Director of the Department for Regional Stabilisation, OSCE Mission to Bosnia-Herzegovina, Sarajevo, September 2000

give inspection rights to the central government of BiH.<sup>21</sup> Another breakthrough came in June when Federation officials agreed on a division of their reduction liabilities.

On 21 November 1997, the OSCE announced that the parties had met their reduction obligations under the Florence agreement. Considering that under-reporting plagued the whole process, it is doubtful that the parties, especially the RS, met their obligations in full, although their obligations with regard to their declared holdings were fulfilled.<sup>22</sup> In addition, 350,000 military personnel had been demobilised since the end of the war. Again, this apparent demilitarisation of the country does not mean that the security situation has substantially improved. When asked about the structure of the EAF, Brigadier Ulf Henricsson of the OSCE stressed that conscript armies, as in BiH, because they include a large amount of civilians, maintain an 'ability to wage war' among the population. He concluded by saying that 'the military "stuff" is stored away', meaning military skills, but still there.<sup>23</sup>

### 1.3. Articles II and IV and the Integration of the Entities Armed Forces

Over the following three years, besides implementing technical improvements of both regimes, the OSCE, with the co-operation of the OHR and

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<sup>20</sup> SIPRI, *Yearbook 1998*, p. 604.

<sup>21</sup> The author was briefed on the issue by Brigadier Hubo Hajrudan, assistant director of the Federation verification centre in Sarajevo, September 2000. He told him that to date, BiH had never been able to conduct inspections in Croatia and FRY, as the parties had not been able to agree on the composition of an inspection team. The author later found out that the Croats have a separate verification centre in the same building (Federation defence ministry), which is a duplicate of the Bosniak verification centre that the author visited. On paper, there is only one Federation verification centre. OSCE officials at the Department of Regional Stabilisation in Sarajevo were also aware of this situation.

<sup>22</sup> See annex IV for the status of weapons holdings under ASAC, as of December 1999.

NATO, focused on the development of a state dimension of defence and on a reduction and restructuring of the EAF with the intent of facilitating their integration.<sup>24</sup> The December 1998 PIC in Madrid noted that the level of trust and military co-operation between the parties was still low, and underscored the destabilising effect of having three armies, with increasingly different doctrine and training, on the territory of BiH. It called upon the parties to increase co-operation and develop a state dimension of defence. An internal OSCE document stated in 1999 that the overall aim of the Regional Stabilisation department was ‘to establish conditions within Bosnia and Herzegovina, which eliminate the possibility of the use of military force as a means to solve internal problems after SFOR leaves or is heavily reduced.’<sup>25</sup> This objective did not elaborate on the idea of ‘conditions’ to be established.

This weakness was identified the following year by General Carlo Jean, the new head of the OSCE Department for Regional Stabilisation. He argued the need of an ‘end state’, i.e., a specific objective to be achieved by the process set in motion by the agreements born out of annex 1-B. In September 2000, this end was articulated by the DRS as ‘a defensively postured military establishment under the democratic, civilian control of the State government of Bosnia and Herzegovina, that is staffed, trained and equipped for the sole purpose of ensuring the national sovereignty and

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<sup>23</sup> Interview by the author with Brigadier Ulf Henricsson, Sarajevo, September 2000.

<sup>24</sup> An internal OHR memo advised international personnel to avoid the use of words like ‘single’, ‘joint’ and ‘unitary’ because they ‘stimulate fear and play into the hands of nationalist, obstructionist elements.’ This is why international agencies speak of ‘unified’ command and control as well as a ‘state dimension’ of defence. The stated objective is nonetheless to ‘to bring the discrete armies in Bosnia and Herzegovina closer together, softening the boundaries and barriers between them and fostering the evolution of confidence.’ OHR Document no. 1, internal document (no date).

<sup>25</sup> OSCE Mission to BiH, Department for Regional Stabilization, *Regional Stabilization 1999 and Beyond*, January 1999, OSCE Document no. 3, internal document.

security of the state of Bosnia and Herzegovina.’<sup>26</sup> An internal OSCE memorandum also produced in September linked a stable peace in BiH with ‘a change [of the EAF] from the present offensive oriented posture to a more “rational” military mission’.<sup>27</sup> In short, the strategy clearly makes a connection between self-sustaining peace and a change of the EAF mission, or in other words their integration into a unified military force. Such a mission change is seen as a *sine qua non* condition for force restructuring and downsizing.

This new thinking on the role of the EAF is a far cry from the American-inspired balance of forces approach adopted at Dayton. This idea of integration of forces was always in the background of international thinking, but its introduction constitutes a major shift of strategy that was not appreciated by the Serbs nor the Croats. In this new context, a specific function was assigned to articles II and IV. The memo continues: ‘full implementation [of articles II and IV] is required to set conditions of adequate trust and confidence to make military mission changes and eventual integration possible.’ The ‘carrot’ used is promising the parties access to Euro-Atlantic structures. The 2000 PIC asked them to ‘have armed forces with a unified command and control capable of joint deployment and action under international and regional security organisations.’<sup>28</sup> This is where the OHR strategy of building common security institutions and the implementation of annex 1-B overlap, the latter being seen as conducive to the former.

After nearly five years of implementation, the effectiveness of articles II and IV in bringing about trust between the parties is questionable. From the outside, both

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<sup>26</sup> OSCE Mission to BiH, Department for Regional Stabilisation, *Draft Strategy for Shaping BiH Armed Forces*, September 2000, OSCE Document no. 4, internal document.

<sup>27</sup> OSCE Document no. 2, 14 September 2000, internal document.

<sup>28</sup> Declaration of the Peace Implementation Council, Brussels, 23-24 May 2000.

agreements seem to have largely been implemented, reshaping the balance of forces in the field. But a closer examination of the situation shows that, in spite of quantitative and demonstrable achievements, compliance has been restricted to what is necessary 'to keep the international community happy'.<sup>29</sup> The parties comply with the minimum demanded by the OSCE, but military stability (not considering IFOR/SFOR's role) and trust have made little headway. The 1999 OSCE report cited above points to this problem: 'they [the parties] consider the [sic] inter-Entity co-operation like a "gift" to be given to the International Community [sic] rather than a substantial obligation deriving from the Dayton Peace Accord and a substantial and specific advantage for their peoples.'<sup>30</sup>

In addition to the difficulties in implementing the Florence and Vienna agreements identified above, the following issues illustrate why full implementation of articles II and IV is still elusive.<sup>31</sup> OSCE officials interviewed point to the issue of inspections. Even though the parties have entered into a working relationship and inspections do take place on a regular basis, their professionalism is doubtful: the parties often come unprepared to the inspection sites, and even though they have a right to inspect certain areas, they do not exercise it.<sup>32</sup> Lt. Colonel Franklin described these inspections as 'a routine, a game', partly also because the inspectors know

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<sup>29</sup> Interview by the author with Brigadier Ulf Henricsson, Sarajevo, September 2000.

<sup>30</sup> OSCE Compendium no. 11, 15 May 1999, internal document.

<sup>31</sup> OSCE officials at the Regional Stabilisation Department in Sarajevo confirmed that compliance had not been good, or as sarcastically put by one of them: 'compliance has been good by Bosnian standards.' Interviews by the author with Brigadier Ulf Henricsson, Sarajevo, September 2000 and Lt. Col. Franklin, Sarajevo, September 2000.

<sup>32</sup> OSCE officials interviewed wonder if the parties do not have things to hide from each other, and knowing it, have tacitly agreed not to be too intrusive in their inspections.

each other too well.<sup>33</sup> Both the self-sustainability of inspections and their usefulness in generating trust are therefore doubtful.

Second, because Croat and Serb forces are still financially supported by Zagreb and Belgrade respectively, they have even less incentive to co-operate and integrate their forces with the Bosniaks.<sup>34</sup> The agreements aimed at creating a stable military balance between the parties, and had the effect of enabling both Serbs and Croats to further strengthen their ties with their patron states, thereby encouraging further separation.<sup>35</sup>

Finally, because annex 1-B does nothing to undermine the nationalist power structure, but instead treats the representatives of this structure as legitimate actors, the local parties have been able to maintain a minimum level of co-operation, whilst keeping their separatist agendas. In addition, both agreements are based on an interstate template, and make the parties interact as independent actors, further legitimising the existence of three military blocks within BiH.<sup>36</sup>

As the implementation of the Vienna and Florence agreements has remained problematic, mistrust between the parties is still running high. This puts into question the success of the first strategy of 'security through deterrence', to which the continuing presence of SFOR to guarantee the truce attests. In this context, the second strategy, 'integration', has not made much headway either. There is no will

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<sup>33</sup> Interview by the author with Lt. Col. Franklin, Sarajevo, September 2000.

<sup>34</sup> Bosniak forces are also supported by foreign governments, many of them Islamic, but nonetheless favour integration.

<sup>35</sup> The Serbs, because they were wary of the military build-up in the Federation, and the Croats because they feared the increasingly strong Bosniak *Armija*.

<sup>36</sup> The point could be made that Croats and Bosniaks are made to co-operate under the Federation umbrella. In fact, as illustrated above with the example of the verification centre, both forces have maintained duplicate structures and send two representatives to meetings of the commissions overseeing the agreements.

among the Croats and the Serbs to co-operate beyond the minimum required by the OSCE, and whilst the Bosniaks have shown more willingness to co-operate with the two other groups, their majoritarian approach to institution building does not help alleviate the fears of the two minorities.<sup>37</sup> The next section examines the involvement of Croatia and Yugoslavia, as well as the role of 'Train and Equip' in pulling away from BiH both Croats and Serbs.

## **2. 'Train and Equip', Croatia and Yugoslavia: Centrifugal Forces in BiH?**

This section looks at the respective roles of T&E as well as Croatia and Yugoslavia in further pulling away Croat and Serb forces from BiH. It will show that the US-sponsored programme has not fulfilled its promise of helping the integration of Croat and Bosniak forces in one fighting force, whilst the success of the military balance approach is questionable. Likewise, the continuous support that the Bosnian Serbs and Croats receive from Belgrade and Zagreb creates disincentives for a *rapprochement* with the Bosniaks already difficult to engineer.

### **2.1. T&E and the Security of the Federation**

The US government, although it agreed to equip the Bosniaks at the end of the war, was unwilling to get involved in the actual process of training and equipping local forces. Opposition came mainly from the Pentagon, which was worried about the safety of US troops, who could be perceived by the Serbs as partial were the US to directly train and equip the Bosniaks. As explained in chapter

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<sup>37</sup> This point will be examined in more detail below.

four, the US contracted Military Professional Resources Inc (MPRI) to train the Federation army. One of the objectives of T&E, that of ensuring that the Federation army had the military capability of deterring and, if necessary, resisting a Serb attack will be assessed in this sub-section.

MPRI's role in the Balkans dates back to September 1994, when the company was hired by the Croatian government to reorganise their army in order to enter the Partnership for Peace (PfP). Even though the role of MPRI in Croatia was described as restricted to 'classroom teaching', the firm has been suspected of having advised the Croatian military during the 'Flash' and 'Storm' operations, which led to the defeat of Croatian Serb forces in Western Slavonia and the Krajina.<sup>38</sup> Such suspicions helped shape the view among Serbs that MPRI's training of the Federation army is aiming at achieving another Serb defeat.

The company started to operate in Bosnia in July 1996, following the adoption of the new Federation defence law and after the Bosniaks severed all ties with Iranian fighting and intelligence groups. In October, the first training under the programme was initiated.<sup>39</sup> MPRI were keen to emphasise that their teaching was geared towards defensive tactics.<sup>40</sup> Initial reactions among Federation officers were less than enthusiastic, because they were expecting training centred on offensive tactics.<sup>41</sup>

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<sup>38</sup> For a discussion of these allegations, see Yves Goulet, "Washington's Freelance Advisors", *Jane's Intelligence Review* 10, no. 7 (1 July 1998): 38.

<sup>39</sup> The second major training programme initiated by MPRI began in May 1998, with the training of a Federation Ranger battalion, based on the US Rangers model.

<sup>40</sup> Goulet, Washington's Freelance Advisors, p. 58.

<sup>41</sup> See Tammy Arbuckle, "Building a Bosnian Army", *International Defense Review* 30, no. 8 (1 August 1997): 58.



In a first phase, five defensive tasks were taught to officers, company commanders and non-commissioned officers (NCO's). The training comprised four other phases. In the second phase, the newly acquired skills in defensive warfare were to be taught under the supervision of MPRI instructors in the various units by the officers and NCO's who had just completed the courses. Thirdly, brigade, battalion and company commanders were sent to a simulation training centre, with state-of-the-art combat simulators. There the trainees' knowledge of the five tasks was tested in an electronically created combat scenario. The final two phases of the training consisted of training on some of the new weaponry delivered under T&E, including live exercises at the Livno training grounds.

In spite of MPRI's emphasis on defensive tactics, the destabilising effect of T&E cannot be underestimated. A SFOR official interviewed complained that it made little sense to try to re-create a state dimension of defence whilst at the same time increasing the Federation army's military capability, because of the mistrust that such an endeavour generates among VRS officials.<sup>42</sup> This comment casts doubt on the compatibility between the military balance approach enshrined in annex 1-B and the OHR effort at recreating a state-wide defence capacity. However, from a Federation perspective, T&E has certainly helped enhance its security. But because of the lack of integration among Croats and Bosniaks, weapons deliveries have also increased mistrust among Federation partners.<sup>43</sup> The Croats, outnumbered by three to one have happily continued to receive military assistance from Croatia in the face of the Bosniak military build-up. This lack of unity further undermines the military

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<sup>1</sup> Confidential interview a.

<sup>2</sup> See annex 2 for a list of the weapons delivered under T&E. It is worth pointing out that many of these weapons have an offensive potential.

balance strategy contained in annex 1-B because the wartime alliance between Bosniaks and Croats could not be solidified.

As explained above, one of the stated objectives of T&E was to guarantee the military security of the Federation in the face of a renewed Serb attack. The extent to which T&E has achieved this objective is unclear. However, this consideration is of lesser importance for two reasons. First, SFOR is still on the ground, maintaining the truce. Even with reduced troop numbers, the NATO-led force still acts as a deterrent force. Its presence is in itself an acknowledgement that the strategy of military balance, advocated by the US, has been unsuccessful. Indeed, the establishment of such a balance should have facilitated the withdrawal of the peacekeepers.

The second consideration has to do with the preparedness of the EAF. An OSCE official interviewed in September 2000 painted a bleak picture of the EAFs' level of combat readiness, even though the Federation still has a qualitative advantage because of T&E.<sup>44</sup> He described their weapons systems as not operational and their personnel as ill-motivated. He underscored the lack of funds for training and the maintenance of military hardware.<sup>45</sup> When asked specifically about the impact of T&E on the military situation, he questioned its impact by citing maintenance problems, the lack of spare parts and training in hampering the Federation's ability to use the hardware to its full potential.

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<sup>3</sup> Interview by the author with Brigadier Ulf Henricsson, Sarajevo, September 2000.

<sup>4</sup> This analysis seems congruent with that of Robert Barry, OSCE head of mission, who in an internal memo stated that a discussion should begin with Croatia and BiH to reduce their levels of heavy weaponry. He then concluded that 'heavy weapons now in storage are deteriorating in any case and neither BiH nor Croatia can afford to maintain them.' Memo by Ambassador Robert Barry to Lieutenant General Ronald Adam, SFOR Commander and Ambassador Wolfgang Petritsch, HR, dated 7 March 2000. A SFOR official told the author that a lot of the Federation equipment was maintained with MPRI money. Confidential interview a.

The lack of combat-readiness of the Federation army does not mean that their heavy weapons are inoperative. Rather, it means that these weapons could not be used to their full potential in the event of military confrontation. It also means that the mistrust that such a large amount of weapons creates between the former belligerents may not be completely justified, since all parties seem to be experiencing difficulties in maintaining their military equipment.<sup>46</sup> However, the qualitative advantage acquired by the Federation army because of T&E does legitimately generate mistrust in the RS, thereby undermining efforts at integration in the field of defence.

## 2.2. T&E and Integration between Croats and Bosniaks within the Federation

The Federation army is made up of four corps, three of which are Bosniak and one Croat. There is no integration of troops below the corps level, despite plans drawn up by the US to start integration after three years.<sup>47</sup> Brigades trained under T&E at the Pazaric training ground were housed separately, and did not mix together, except for military exercises.<sup>48</sup> Likewise, weapons delivered under T&E were probably divided between Bosniaks and Croats in the ratio of 2:1 for battle tanks, artillery, combat aircraft, attack helicopters and 1.9:1 for armoured combat vehicles.<sup>49</sup> At the political level, the minister of defence is a Croat, and his deputy a Bosniak. Decisions between them are taken by consensus. As for commanding

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<sup>46</sup> In June 1997 the *LA Times* reported that the RS had difficulties maintaining its military equipment. This was confirmed to the author in an interview in September 2000 with James Lyon of the ICG.

<sup>47</sup> The US was hoping to use T&E as a carrot to induce Bosniaks and Croats to integrate their forces. Resistance from the parties has prevented any form of integration below the corps level.

<sup>48</sup> See *LA Times*, 4 June 1997.

<sup>49</sup> This assumption is based on the allocation of destruction liabilities between Croats and Bosniaks under article IV. See SIPRI, *Yearbook 1997*, p. 519.

positions, the commander of the Federation army is a Bosniak, whilst his deputy commander, also his chief of staff is a Croat. When the Federation army commander is absent, he is not replaced by his deputy, but by a Bosniak general. Likewise, were his deputy to be away, he is replaced by a Croat officer.<sup>50</sup>

This policy was decided between the SDA and the HDZ, who, as further developed below, also appoint military commanders in the Federation army.<sup>51</sup> Decisions within the Federation ministry of defence are taken by consensus, on the insistence of the Croats, who largely outnumbered and not holding the position of army commander, have managed to maintain some control over decisions in the Federation army.<sup>52</sup> Bosniaks criticise this system as impractical in a military structure, where decisions have to be taken swiftly by the commander.<sup>53</sup> Consequently, they have been pushing for granting the Federation army commander the authority to take decisions without the consent of his deputy.<sup>54</sup> The Croats retort that they would be open to non-consensual decision-making if there was parity between them and the Bosniaks in the composition of the Federation ministry of defence and joint operations centre, and rotation between the two groups for key positions such as Federation army commander, deputy commander, chief of staff or

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<sup>50</sup> ICG, *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, ICG Balkans Report no. 80 (Sarajevo: ICG, 1999) pp. 8-9.

<sup>51</sup> ICG, *Is Dayton Failing?*, pp. 8-9.

<sup>52</sup> The ratio between Bosniaks and Croats in the Federation ministry of defence and the joint operations command is 2.3:1.

<sup>53</sup> Interview by the author with Brigadier Enes Becirbasic, military advisor to President Alija Izetbegovic, Sarajevo, August 2000.

<sup>54</sup> Interview by the author with Brigadier Vlado Juric, Croat member of the Defence Policy Working Group of the SCMM, Sarajevo, August 2000.

other commanding positions.<sup>55</sup> As late as November 2000, no compromise had been found between the two positions.

The situation in the Federation army and ministry of defence has not been altered by T&E. In this sense, the programme has been unsuccessful. Indeed, integration of the Federation armies has remained superficial, as shown by the Croat walkout from the Federation army in March 2001. However, T&E has helped the building of Federation structures that, should there be a will to make them function, could constitute the basis for a truly unified Federation army, although some factors are likely to make integration difficult.

First, Bosniaks and Croats were bitter enemies during the war in Central Bosnia. The fragile alliance that the US pressured them into will take time to become a true partnership. In this context of mistrust, hoping for complete integration is wishful thinking. In addition, Western nations like the UK, Belgium and Switzerland have not completely integrated their forces, as there exist separate units. Complete integration, therefore, is neither necessary nor desirable in order to achieve the creation of a state dimension of defence in BiH. What is necessary, however, is for Bosniak and Croat forces to change their perceptions of each other. As long as they regard each other as enemies, integration will remain elusive. In this context, the control still exercised by the nationalist parties over the Federation armies, especially by the HDZ whose separatist preferences are well-known, and their insistence on the ethnic criterion in the command structure and in appointments, is an obstacle on the road to co-operation.

Second, the situation of the Croats in the Federation needs to be taken into consideration if integration is to make headway. There is little hope that they will

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<sup>55</sup> Interview by the author with Brigadier Vlado Juric, Sarajevo, August 2000.

agree to look towards Sarajevo if their fear of being completely dominated by the Bosniaks is not addressed (should integration with the Serbs be possible, it would lead to a further marginalisation for the Croats). This issue illustrates the difficulty of reconciling minority rights (and in this case, security) with majoritarian democracy.

### 2.3. The Role of Croatia and Yugoslavia

Since the end of the war, all three parties in BiH have received outside military assistance. The Bosniaks have received aid under T&E mainly from Islamic countries, whilst the Croats and Serbs have been militarily supported by Croatia and Yugoslavia.<sup>56</sup> Serb officers still receive their salaries from Belgrade and hold ranks concurrently in the Bosnian Serb and the Yugoslav armies. In addition, incumbent Serb officers receive military training in Belgrade.<sup>57</sup> Croatia has also militarily supported Croats in BiH. Assistance has been reduced since the HDZ lost power in 2000, but not eliminated. In spite of a commitment from Croatia in June 2000 to channel its military assistance through the Standing Committee on Military Matters (SCMM) in order to make it more transparent, in September 2000 the change had still not come into effect.<sup>58</sup> The following table shows the levels of foreign military assistance for all three parties since they have begun reporting them under measure I of article II:

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<sup>56</sup> In 1998, the ABiH received its military assistance from the US (through MPRI), Brunei, Saudi Arabia, United Arab Emirates, Kuwait and Malaysia. These countries also supported the Croat component of the Federation army, at a ratio of 1:3. See ICG, *Is Dayton Failing?*, pp. 9-10.

<sup>57</sup> Interview by the author with Brigadier Enes Becirbasic, Sarajevo, August 2000 and Lieutenant Colonel Philip Cox, SO1 to the military advisor, OHR, Sarajevo, August 2000.

<sup>58</sup> This was confirmed to the author by Brigadier Enes Becirbasic and by Phil Cox in his interviews with them.

**Table V: Military Budgets of the EAF, 1998-2000, German Deutsche Marks (DEM), in Millions**

<b>Military Budgets, DEM, in millions</b>	<b>1998</b>	<b>1999</b>	<b>2000 (planned, as of June)</b>
<b>Federation Total</b>	418	495	390
<b>Federation Foreign Assistance</b>	252 (48%)	215 (45%)	102 (26.1%)
<i>HVO</i>	141	127	Unavailable
<i>HVO Foreign Assistance</i>	141(100%)	127(100%)	Unavailable
<i>Armija BiH</i>	277	368	Unavailable
<i>Armija BiH Foreign Assistance</i>	111 (40%)	64 (5,75%)	Unavailable
<b>RS Total</b>	101	124	105
<b>RS Foreign Assistance</b>	28 (28%)	30 (24%)	19 (18%)

Source: ICG, *Is Dayton Failing?*, pp. 9-10 and OSCE internal document no. 6, June 2000.

The substantial amount of foreign military assistance that the parties receive, as shown in the above table, is one that concerns all three parties and makes integration more problematic. Indeed, the support that the Croats and the Serbs receive has one major consequence: so far it has allowed most of the people who prosecuted the war to stay in command of military forces, without having to change their secessionist policies. This means that the same people who fought a secessionist war are still for the most part present in military structures.

In addition, appointment in the Federation army, is based on political affiliation.<sup>59</sup> Since the HDZ has proven resistant to attempts at integration, there is little doubt that those appointed by the party will not espouse a different line. Considering the sympathies of Belgrade for a RS as 'autonomous' as possible, again it is doubtful that the personnel trained and supported by Yugoslavia will be open to integration either. The fact that Croats and Serbs receive military assistance from

<sup>59</sup> Croat and Bosniak military personnel are appointed by the HDZ and the SDA respectively. See ICG, *Is Dayton Failing?*, pp. 8-9.

neighbouring states who played a significant role during the war in undermining the Bosnian state further complicates the task of state-building.<sup>60</sup>

However, the international community does not necessarily regard support for the Croat component of the Federation army as a problem in the short term. In a memo to the HR and the commander of SFOR, written after meeting the new authorities in Zagreb, the head of the OSCE mission in BiH, Robert Barry, suggested that Croatia should be urged to continue its support to the HVO for a transitional period, as long as this 'subsidy [was used] to promote transparency, integration of the Federation armed forces and a phase-out of all foreign military support to the BiH armed forces.'<sup>61</sup> It is worth pointing out that Barry does not think that the integration of the HVO in the Federation army will result from a decreasing support from Croatia. In his view, what is preventing integration is not Croatian support, but rather the conditions of its provision.

A paper produced by Jacques Klein, the head of UNMIBH, for the SCMM, points to the potential consequences of the political change in Croatia for the HVO. Klein is wary that the Croat component will receive less support from Croatia, thereby undermining the military balance struck with the RS (even though he recognises that the Bosnian Serb army is weak) and leaving the Bosniaks as 'the dominant force in a post-SFOR BiH.'<sup>62</sup> Both diplomats seem keen to see a less nationalist Croatia still play a role in support of the HVO.

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<sup>60</sup> Things have improved on the Croat side since the defeat of the HDZ in 2000, but the Bosnian branch of the HDZ has been able to remain in command of significant military resources in BiH.

<sup>61</sup> Memo by Ambassador Robert Barry to Lieutenant General Ronald Adam, SFOR Commander and Ambassador Wolfgang Petritsch, HR, dated 7 March 2000.

<sup>62</sup> Memo by Jacques Paul Klein, UN Special Rep to Zivko Radisic, Chairman of the SCMM, 28 March 2000.



This concern points to another issue when it comes to integration of forces: the dominant position that the Bosniaks would like to occupy in emerging joint military structures. Their insistence on dominating military structures because they represent the largest group in the Federation and in BiH does not help create the trust necessary for integration.<sup>63</sup> The creation of mechanisms guaranteeing the security of all groups in a sector as sensitive as defence is crucial to any effort at integration. This issue, in conjunction with resistance from the HDZ and Serb power structures, explains the lack of integration. Moreover, given the fact that they receive support from Islamic states, and given the involvement of the SDA in appointments, Croats and Serbs can easily claim that the Bosniaks still have connections with Islamic fundamentalism.<sup>64</sup>

Finally, the amount of foreign military assistance that the parties receive allows them to maintain high military expenditures and large armies that would not be sustainable without this outside help. The levels of military spending in BiH are enormous compared to other European countries: for 1999, military budgets represented respectively 38% and 21% of the Federation and RS budgets (without counting foreign assistance). In addition, 1.7% of the Bosnian population was under

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<sup>63</sup> Enes Becirbasic insisted in his interview with the author that consensual decision-making would be impractical were the EAF to be reintegrated. He did not specify to what extent he would be willing to see non-Bosniaks in key decisional positions.

<sup>64</sup> Throughout the war, the SDA received substantial military and financial support from Iran. These connections were a source of concern among Western powers and the US conditioned its assistance to the Bosniaks on the removal of officials with Iranian connections. Political and military influence from Iran has been eliminated, but the 'Islamic argument' is used by the Croats and Serbs with great ease. For an interesting analysis of the role of Islam in Bosnia, see Slavejko Sasajkovski, "'Political Islam' and Bosnia and Herzegovina" *New Balkan Politics* 2 (Spring 2001, accessed 18 June 2001) [journal on-line]; available from [www.newbalkanpolitics.org.mk/issue\\_2/sasajkovski.eng.asp](http://www.newbalkanpolitics.org.mk/issue_2/sasajkovski.eng.asp); Internet.

arms.<sup>65</sup> The decision to maintain large military forces is one that is taken within BiH, but the support received from outside sources has helped the parties to avoid the issue of force restructuring until 1999 or a change in the mission of the EAF.<sup>66</sup>

## **2. T&E, Croatia and Yugoslavia: Implications for the Balance of Forces, Control over Territory, the Security Dilemma and Democratisation**

The first section already pointed to the fact that the implementation of annex 1-B has not been successful in alleviating the security dilemma between the EAF, but also between Croats and Bosniaks. Annex 1-B did affect the balance of forces, by strengthening the hand of the Federation army, thereby contributing to increase mistrust on the part of a weakened VRS. Finally, by granting further legitimacy to the representatives of the Croats, Bosniaks and Serbs, the regimes set up under annex 1-B have contributed to consolidating the grip of the nationalists on military forces, allowing them to maintain the status quo: a BiH largely divided into three ethnically pure territories, each defended by armed forces whose security threats come from within, not without.

These trends have been consolidated by T&E as well as the role played by Croatia and Yugoslavia. The changes in the military balance that both annex 1-B and T&E have brought about have heightened the security dilemma for the RS. As

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<sup>65</sup> For example, if the same proportion of the German population was under arms, the *Bundeswehr* would total 1.3 million active duty personnel, whereas it only comprises 310,000 at the moment. See OSCE document no. 5, internal document.

<sup>66</sup> As asked by the PIC both in 1999 and 2000, the parties have agreed to two 15% reductions of their forces. Brigadier Henricsson told the author that priority had been given to force restructuring over agreeing on a common security policy, because the latter was almost impossible to achieve in the

explained, the VRS is asked by the international community to co-operate more closely with a force whose combat capacity has been quantitatively and qualitatively increased since the end of the war. Co-operation, already resisted for ideological reasons, is likely to be further undermined by the mistrust generated. Moreover, the military build-up in the Federation has led the RS to strengthen the existing military ties it has with rump Yugoslavia. Within the Federation, in the face of the Bosniak military build-up, Croats have continued to receive military assistance from and to look towards Croatia, even if the situation might be changing with the coming to power of a new coalition in Zagreb. However, these developments have not challenged the division of the country into three territories largely ethnically homogeneous, as the presence of IFOR/SFOR has not allowed the parties to consider military action as a viable option.

As far as democratisation is concerned, T&E as well as Croatia and Yugoslavia have contributed to the further solidification of the nationalist power structure. In the case of Croats and Serbs, the support received has allowed them to maintain large armies whose mission is the defence of the territories they control. This has clearly undermined reintegration, which seeks to remove barriers between former belligerents, not to maintain structures that resist it. As far as other aspects of democratisation are concerned, the military support that Croats, Bosniaks and Serbs receive strengthens the hand of the nationalists who are in a position to use these resources to pursue their wartime agendas of ethnic separation and undemocratic politics. The next section turns to efforts of the OHR at rebuilding a state-dimension of defence.

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short term. The idea was to kick-start the process of force reduction by presenting it as an economic

### **3. Bosnia-Herzegovina's State Dimension of Defence: Wishful Thinking?**

The Madrid PIC in December 1998 instructed the parties to work on a common security policy and a state dimension of defence. At the heart of the planned development lay the Standing Committee for Military Matters (SCMM), the institution that would eventually become the embryo of a ministry of defence, as wished by the international community.<sup>67</sup> In May 2000 the PIC restated its wish to see the SCMM developed into a state defence structure.<sup>68</sup> The international community has linked this development to the issue of force restructuring. In essence, the international strategy regarding the military has evolved to focus on three issues: a redefinition of BiH's security and defence policy, parallel to a restructuring (and reduction) of the EAF that would eventually fit the new defence policy, and the development of a state dimension of defence.

This section examines the attempts by the OHR at pursuing these three objectives. These efforts have met with little success mainly because of two factors. One is the nationalist power structure, which in the case of the Croats and the Serbs prevents any form of centralisation in the field of defence, and the other is the question of ethnic power sharing in joint defence structures. Indeed, in such a sensitive field as defence, the question of political control is crucial. This section is divided in three. The first sub-section examines what has been achieved in the field of force restructuring. The second sub-section looks at the developments that the

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necessity (see below).

<sup>67</sup> Peace Implementation Agenda , Madrid, 16 December 1998.

<sup>68</sup> Declaration of the Peace Implementation Council, Brussels, 23/24 May 2000.

SCMM has undergone. Finally, the third sub-section focuses on the development of a common security and defence policy.

### 3.1. Force Restructuring

The parties agreed to two reductions of forces in 1999 and 2000. The goal of these reductions on the part of the international community was to trigger a process of restructuring of the EAF towards a less confrontational posture as well as to reduce the share of defence costs in the budgets of the entities.<sup>69</sup> Indeed, a large proportion of international assistance was absorbed by the military through the T&E programme and the funding of the budget deficit, which allows the parties to maintain high defence expenditures. Federation officials were, however, quick to specify that reducing ‘military potential’ as asked for by the PIC, did not mean a reduction in arms and military equipment.<sup>70</sup> For 1999, force reduction did not lead to any significant force restructuring, although 7,064 soldiers were demobilised.<sup>71</sup> For 2000, another 5,984 were to be demobilised, with SFOR playing a role in planning and verifying force reductions.

Little progress has been made towards a real restructuring of forces and the parties have managed to make quantitative cuts in their forces without fundamentally changing their mission. In addition, an agreement over cuts in heavy weaponry is compounded by the regional dimension: indeed, in order to maintain the 5:2:2 ratio in military equipment between FRY, Croatia and BiH, all three countries would have to agree to further cuts, which is unlikely in the near future. The

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<sup>69</sup> OHR Military Cell Update –Current Events- 15 March 2000, internal document.

<sup>70</sup> This means that the military balance approach would be preserved (see below). Federation document on force restructuring in the Federation.

<sup>71</sup> 3,450 from the ABiH, 1,500 from the HVO and 2,114 from the VRS.

difficulties experienced in force restructuring are therefore compounded by the military balance approach enshrined in Dayton. The US government, sponsor of the military balance approach, was wary that force reductions would undermine the ability of the Bosniaks to resist a Serb attack supported by the JNA.<sup>72</sup> More realistically, force reductions in BiH make SFOR's withdrawal more difficult, unless similar reductions also take place in Yugoslavia and Croatia to stay within the 5:2:2 ratio or unless the EAF change their mission to the protection of BiH's borders. Finally, Serb and Croat nationalist power structures are resisting change in the mission of the EAF because it is seen as potentially conducive to the integration of forces, which would undermine their capacity to control both their armies and their territories. This lack of progress in force restructuring is mirrored in the field of a common security and defence policy.

### 3.2. Common Security and Defence Policy for Bosnia-Herzegovina

The OHR has been driving the process of drafting a security and defence policy for BiH for several reasons. First, it would help rationalise the EAF and reduce the strain they put on the economy. Second, a common defence and security policy would help guide the process of force restructuring commenced earlier. Third, the OHR hoped that creating a common security and defence policy would lead to a spill over effect in other common institutions, where progress had been slow.<sup>73</sup>

The writing of a security policy for BiH was assigned to a working group composed of the entities' defence ministers, and a representative of the ministry of

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<sup>72</sup> This argument is, however, unrealistic: even at the peak of their military strength, the Bosniaks would never be capable of resisting a combined VRS/JNA offensive. Fax from Robert Barry to State Secretary Jan Eliasson, 11 February 2000.

<sup>73</sup> Draft of OHR Military Cell, 17 January 2000, internal document.

foreign affairs. The process was overseen by a representative from the OHR. This working group began working in July 1999 and reached a consensus over key principles in December of that year. These were broad enough to accommodate all the parties. These key principles were: respect for the territorial integrity of BiH, acceptance of the GFA as the basis for the constitutional order of BiH, protection of the rights of all three constituent peoples, development of special relations between the RS and the Federation and Yugoslavia and Croatia respectively, and transition to democracy. In effect, these principles built on the ambiguities of the GFA. They recognise the territorial integrity of BiH, but reaffirm the importance of the military balance approach as a prerequisite for trust and security, as well as the possibility of special relations with neighbouring states.<sup>74</sup>

Under the impulsion of the OHR, the SCMM mandated another working group to draft a common defence policy, composed of representatives of the entities' defence ministers and a representative of the OHR. The process consisted of three phases, which would eventually lead to a common defence policy. In the first phase, the working group was to gather information about defence policies in other multi-ethnic states. Each member of the working group was then to prepare his draft of the defence policy. Finally, the three papers should be turned into a common defence policy. Progress on the issue has been very slow, and the parties have put forward conflicting views. The Bosniaks insisted on the Presidency as having overall civilian command over the EAF, thereby implying that the constitution provides for a state dimension of defence. The Serbs, in turn, refused any form of centralisation on the grounds that defence is within the jurisdiction of the entities. The Croats, finally, were not openly opposed to integration, but would allow it only on the basis of

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<sup>74</sup> Security Policy Working Group, *Basic Recommendations for Defining the BiH Security Policy*, 23

consensual decision-making, equal representation and rotation in positions of all three groups in common defence structures, demands that the Bosniaks find unacceptable.<sup>75</sup>

This debate is heavily influenced by three factors, identified earlier. First, Croat and Serb nationalists seek to maintain their grip on the territories they control, and see any form of centralisation as a menace to it. Second, because defence is such a sensitive field, the parties, and especially the Croats, want to stay in control of the decision-making process, and resist plans that would marginalize them. Finally, the role played by T&E further exacerbates the security fears of the Serbs. They are confronted with two realities: on the one hand, the Federation army is being built up by MPRI, and on the other, they are being asked to gradually give up the control they exercise over their armed forces.

### 3.3. Institutional Development of the Standing Committee on Military Matters

The SCMM did not meet for the first time until May 1997, after intense pressure by the international community. The three members of the Presidency then agreed on the rules of procedure for the committee. Some of these have a direct bearing upon the creation of a state dimension of defence. Indeed, under these rules, the SCMM is authorised to co-ordinate the activities of the EAF and serve as a forum for discussion of any military issue. It can also consult with the RS and Federation presidents for the purpose of reviewing the military situation in BiH and recommend to the entities measures to enhance the security of BiH as a whole.

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December 1999. By November 2000, no common security policy had been agreed on.

<sup>75</sup> The author attended a seminar for the Defence working group at King's College, London in August 2000. These arguments were presented by the Bosniak, Serb and Croat representatives.



Finally, it can also make suggestions on how the EAF should operate in order to enhance the sovereignty and protect the territorial integrity of BiH.<sup>76</sup>

These objectives, quite broad, give a lot of latitude to the SCMM to serve as the engine for the creation of a state dimension of defence, should there be a political will to move in that direction. A NATO background brief written in March 2000 points to some of the difficulties plaguing the SCMM.<sup>77</sup> These revolve around two issues: the lack of resources and the lack of consensus over the role of this common institution. Both issues underscore the fact ‘that [the] Entities still seem wary of allowing the SCMM to become too powerful and detracting [sic] from their control over defence’.<sup>78</sup>

As with other parts of the GFA, the international community is given a central role in overseeing the functioning of the SCMM. In addition to the three members of the Bosnian presidency and their advisors, the two ministers of defence and the commanders of the EAF, who are the regular members of the committee, the international community sends as observers to its meetings a representative from the HR, the SFOR commander, the OSCE and the UN special representative. The international community also increased the importance of the SCMM when the HR decided to interpret article V.A. of annex 4 (on the civilian command of armed forces) as meaning that the presidency as a whole exercises civilian command over all armed forces. This decision was fiercely contested both by the RS president at the time, Nicolai Poplasen, in February 1999, and by the Croat member of the

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<sup>76</sup> SCMM rules of procedure, art. II, para. 1 and 2. All decisions in the SCMM are taken by consensus.

<sup>77</sup> Michelle Adhimar, NATO Balkans Task Force, “Standing Committee on Military Matters - Background Brief”, 22 March 2000, internal document.

<sup>78</sup> Adhimar, Standing Committee.

presidency, who in February 2000 denied 'that the Presidency has accepted the final responsibility for the [sic] defence issues'.<sup>79</sup>

In July 1999, the SCMM agreed to establish a permanent secretariat, consisting of the three military advisors to the members of the presidency (who can be seconded) and three permanent administrative staff. Once again, representatives from the OHR, OSCE, SFOR and UNMIBH attend the weekly meetings of the secretariat. The task of the secretariat is one of administrative support to the SCMM in all its activities, as well as one of liaison with the EAF, their ministries of defence (MoD), and the Bosnian ministry of foreign affairs. As with the SCMM, all decisions are taken by consensus.<sup>80</sup> The international strategy adopted has been to make the parties co-operate on specific issues in the various working groups. By separating the issues, the OHR was hoping that the lack of progress in one area would not prevent progress in another. This functionalist approach has borne some fruit: the working group on peacekeeping operations has made considerable progress, so much so that police and military observers from all three groups participated in UN peacekeeping missions in 2000. However, these achievements should not mask the fact that the parties have not given up any competence in the field of defence, and that the secretariat is not much more than a co-ordinating mechanism for the EAF.

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<sup>79</sup> Letter from Wolfgang Petritsch, HR, to Ante Jelavic, Alija Izetbegovic and Zivko Radisic, dated 11 February 2000. The letter reiterates the decision made by the HR that civilian command over the armed forces rests with the presidency.

<sup>80</sup> Powerpoint presentation on the SCMM and its secretariat by Enes Becirbasic (no date). In addition, five working groups were formed to work on specific defence issues: security/defence policy, reduction of the EAF, participation in peacekeeping missions, military budgeting and housing, fulfilment of BiH's obligations under the GFA.

### 3.4. Integrating the Entities Armed Forces and the Issue of Ethnic Power-Sharing

The difficulties encountered by the international community in trying to create a state-wide dimension of defence stem from two factors. First, as argued in the previous sections, the Vienna and Florence agreements have not led to increased trust and close co-operation between the parties in the field of defence, as the nationalists have complied with the agreements only to the extent that they allowed them to maintain the three-way division of BiH's armed forces.

Second, the question of the nature of power-sharing mechanisms has been central to the limited institutional development that has taken place in the field of defence. In a field as sensitive as defence, the parties have been reluctant to agree to any arrangement that would undermine their control of the decision-making process. How to address this concern, whilst allowing for some measure of integration to take place is an ongoing concern for the international community.

### 4. Conclusion: Is Annex 1-B Consolidating the Divisions of the Country?

The OSCE and the OHR, as explained in the introduction, may seem to have been working in opposite directions in BiH. The OSCE, by implementing the Vienna and Florence agreements, has been solidifying the division of the country into two military blocs, whilst not challenging the continuing division of the Federation army. The OHR, on the other hand, has been attempting to re-create a state dimension of defence. This chapter has shown that both approaches are seen as complementary by the international community. Annex 1-B is supposed to ensure

the security of the parties, and build the trust necessary between them to proceed to build a state-wide defence sector.

However, the destabilising effect of having three armies in the country, who see their security threats as internal, has prevented any meaningful progress with integration. In this context, the impact of T&E on these security threats has been underscored, and the inconsistency of the international community has further compounded the situation. Indeed, external actors have, at the same time, asked the parties to co-operate in the field of defence, whilst increasing the military potential of the Federation army. This inconsistency highlights the difficulties of combining a military balance approach with the creation of a unified defence sector, geared towards the defence of the borders of the state. It also points to the differences, exploited by the parties, between the US, who support T&E and the military balance approach, and the Europeans, as well as some in SFOR and the OSCE, who regard the programme as counter-productive and destabilising.

In addition, implementation of articles II and IV has been limited to the minimum required by the OSCE, whilst attempts at developing the SCMM or common security and defence policies have been stalled by the parties. Progress is undeniable, but the central role played by the OSCE and the OHR in pushing the parties forward casts doubt on the willingness to co-operate. Several reasons for this lack of progress have been identified in this chapter. Croat and Serb nationalists, with separatist agendas, certainly play a large role in hampering progress. Supported by neighbouring states, they have little incentive to abandon their position or significantly reduce their defence expenditures, although this chapter has shown that the picture may be changing with regard to the Croats. Their and the Serb separatist agenda should not mask the fact that all nationalists, including the Bosniaks, are

keen to maintain their grip on the territories they control, and to continue their policy of sharing resources among themselves. The development of a state dimension of defence therefore threatens the control that all three groups exercise over these territories.

The issue of power-sharing is also slowing down progress in making common defence institutions work and develop, because the fears of the two Bosnian minorities that they would be dominated in common structures have not been addressed. The issue is particularly acute in the field of defence, where the security of minorities can only be guaranteed by consensual decision mechanisms, which inevitably slows down progress. As long as the parties see their security threats as coming from within, an issue exacerbated by annex 1-B's military balance approach, it is doubtful that these institutions will further develop or that the structure of the EAF will be significantly altered. The next chapter will look at the role of IPTF in reforming police forces.

## **Chapter 7: UNMIBH's Role in Reforming Bosnia-Herzegovina's Police Forces, 1995-2000**

This chapter examines the role of the UN Mission in Bosnia-Herzegovina (UNMIBH), and particularly of one of its components, the International Police Task Force (IPTF) in assisting the reform of Bosnia-Herzegovina's police forces. These forces, loyal to the nationalist parties, have been responsible for extensive human rights violations during and after the war, and have been widely used by the nationalists to maintain their grip on the territories they control, thereby preventing respect for individual rights and the rule of law. One of the main questions of the thesis, regarding the consequences for democratisation, including the rebuilding of a single political space, of entrusting the control of security forces in the hands of the parties in line with a hard realist strategy, is therefore answered in this chapter.

However, another dimension of the equation, the role of third parties in restructuring the security sector leads one to qualify this answer. UNMIBH's mandate falls short of granting enforcement powers to the UN mission (see chapter four). Because of this situation, the international agency has been unable to bring significant pressure to bear on the parties to reintegrate and reform their police forces along democratic lines. The reform process conducted by IPTF, consisting of monitoring and advising, has nonetheless borne limited fruit.

Three sets of results stand out: police forces have been reduced to numbers more consistent with democratic policing whilst those serving in the police have been identified, increasing transparency; minorities have begun to be integrated in the police, although very slowly; and UNMIBH has been able to use the investigation powers it was granted in 1997 to somewhat rein in local police forces. However, internal deficiencies have reduced the impact of UNMIBH on the reform

process. Three are identified in this chapter: a lack of resources, the high turnover in the mission and bureaucratic inefficiencies.

The cases of the State Border Service (SBS) and of police reform in Brcko will be used to show that the reintegration of forces and progress towards democratic policing have taken place where the international community has been granted more control over the reform process, whilst being willing to invest the necessary resources in the process.

However, the limited impact that UNMIBH has had on the structure of BiH's police forces has implications for the security transition. First, it has allowed the nationalists to largely continue to use police forces to maintain their control over territory, as well as the ethnic composition of the areas they control. Second, although UNMIBH's work has reduced the capacity of the parties to use police forces for tasks others than those relating to internal security, police forces have continued to contribute to the main aim of the war: the creation of ethnically pure statelets carved out of the territory of BiH. In that sense, police forces continue to enter into the calculations of the parties regarding the balance of forces, even if strictly speaking they are not military forces under annex 1-B. This point underlines the nature of the conflict in BiH, where most targets were civilian.

The first section of this chapter will show how police forces are linked with and have supported the agenda of the nationalists, thereby preventing respect for individual rights and for the rule of law. The second section looks at the role of IPTF in training and monitoring police forces. IPTF, because it does not have the power to directly dismiss officials, but rather relies mainly on persuasion and cajoling, has been able to do little to bring about in-depth changes in police practices. The final section examines the role of the UN in creating the state border service and an

integrated, multi-ethnic police force in Brcko, arguing that only through sustained, resource-intensive efforts has the international community been able to create reintegrated police forces operating according to democratic standards of policing.

## **1. Police Forces in Bosnia-Herzegovina since 1995: Unwilling to Maintain the Rule of Law and to Protect Individual Rights**

This section discusses the role played by police forces in the aftermath of the war. It argues that these forces have continued to operate under the direction of nationalist authorities seeking to prevent democratisation. They have done so by either being directly involved in actions against minorities or political opponents, or by turning a blind eye to the activities of paramilitary organisations or individuals responsible for human rights violations.

Various human rights reports published since the end of the war report widespread human rights violations against ethnic minorities and political opponents throughout BiH.<sup>1</sup> The role of the local police in relation to these violations is often one of non-intervention against the offenders, or against paramilitary groups operating throughout BiH. In other cases, the police has been directly involved in incidents against minorities or political opponents. Incidents have been, as during the war, more frequent in Croat and Serb-held areas, but as early as 1996, there were signs that the Bosniaks were adopting a harder stance towards minorities, and committing similar violations to the ones experienced in areas where Bosniaks

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<sup>1</sup> See, for instance, HRW, *Bosnia-Herzegovina: No Justice, No Peace*, vol. 8, no. 15 (London: Human Rights Watch, 1996) pp. 9-15; ICG, *House Burnings: Obstruction of the Right to Return to Drvar*, ICG Bosnia Report no. 24 (Sarajevo: ICG, 1997); HRW, '*A Closed, Dark Place*': *Past and Present Human Rights Abuses in Foca* [report on-line] (New York, NY: 1997, accessed 7 August 2000); available from [www.hrw.org/reports98/foca](http://www.hrw.org/reports98/foca); Internet.



represent the minority.<sup>2</sup> A report by the UN High Commissioner for Refugees (UNHCR) covering the period August to November 2000 stated that

‘[l]ocal police have, in many instances, failed to provide effective protection to members of minority constituent people and reports continue to be received of returnees experiencing harassment that may be sanctioned by the local police. Widespread insecurity continues to prevail in certain areas, and perpetrators of criminal acts against minority returnees regularly go unpunished.’<sup>3</sup>

Examples drawn from the Federation and the RS show how the parties have continued to implement their wartime policies of forced ethnic separation.

The city of Mostar epitomises the fracture of the Federation in cantons largely mono-ethnic, and the continuation of the policy of ethnic cleansing. The city is divided between east and west Mostar, respectively dominated by Bosniaks and Croats. There too this ethnic make up is the result of wartime ethnic cleansing. Mostar’s continuing division exemplifies the refusal of the HDZ leaders to be integrated in political structures with the Bosniaks because they see integration as a menace to their interests.<sup>4</sup> Even though the annexation of Croat-dominated territories to Croatia proper has become impossible since the change of regime in Croatia,

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<sup>2</sup> Harassment of opposition parties by SDA militants was frequently reported during the 1996 election campaign. See UN, *Report of the Secretary-General Pursuant to Security Council Resolution 1035 (1995)*, S/1996/820, 1 October 1996, para. 7.

<sup>3</sup> UNHCR, *UNHCR’s Position on Categories of Persons from Bosnia-Herzegovina in Continued Need of Internal Protection*, UNHCR internal document, September 2001, p. 6.

<sup>4</sup> HDZ Croats are particularly opposed to integration with the Bosniaks because the Herzegovinian mafia, with whom they have strong connections, wants to maintain its monopoly over economic activity in southwestern BiH. In addition, immediately after the war, the mafia controlled access to the Dalmatian coast, which had been cut off from Croatia during the war due to the Serb presence in the Krajina. The Herzegovinian mafia, the HDZ and the Croat security forces (HVO and police) are connected and support each other in maintaining their political and economic supremacy over Herzegovina and its capital, west Mostar.

HDZ leaders have not given up on maintaining an ethnically pure Croat statelet in southwestern BiH.

In Mostar, after the signing of the Memorandum of Understanding (MoU) in April 1994 between Bosniak and Croat representatives, which provided for the reunification of the city, the HDZ systematically obstructed its implementation. Refugee return was prevented, freedom of movement between east and west Mostar was non-existent, and police forces remained segregated. The HDZ also made use of the *HVIDR-a* (Croatian War Veterans and Invalid Association) to maintain a climate of insecurity in west Mostar through propaganda and intimidation. Moreover, Bosniaks continued to be attacked and expelled from the Croat side of the city until 1998, in some cases with the active participation of the police.<sup>5</sup>

Elsewhere in the Federation, in the suburbs of Sarajevo, Serbs who decided to stay after the transfer in 1996 were systematically intimidated and attacked. The police turned a blind eye to the violence or were sometimes directly involved in beatings, expulsions and looting. Bosniak soldiers were also seen committing violence against civilians (in this case, beatings).<sup>6</sup> When IPTF asked the local police to investigate cases of violence involving soldiers, they were told that these individuals were outside their jurisdiction.<sup>7</sup> IFOR, as the international agency responsible for the armed forces, was the only actor that could investigate these cases, but declined to do so.

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<sup>5</sup> See Radha Kumar, *Divide and Fall? Bosnia in the Annals of Partition* (London: Verso, 1997) p. 123 and ICG, *Reunifying Mostar: Opportunities for Progress*, ICG Balkans Report no. 90 (Sarajevo: ICG, 2000) pp. 4-5.

<sup>6</sup> HRW, *Bosnia-Herzegovina: a Failure in the Making – Human Rights and the Dayton Agreement*, June 1996, vol. 8, no. 8 (NY, NY: HRW, 1996) pp. 12-13.

<sup>7</sup> See ICG, *Aid and Accountability: Dayton Implementation*, ICG Balkans Report no. 17 (Sarajevo: ICG, 1996) p. 14.

In the Una Sana canton, dominated by Bosniaks, Human Rights Watch (HRW) identified in 1997 patterns of violence against individuals or parties not affiliated with the SDA. They note that the SDA dominated almost all aspects of government in the Canton, including police forces, and did not tolerate any opposition to its rule. The report documents abuses by the police against figures of the opposition, and against people suspected of common criminal offences.<sup>8</sup> They point out that the rights of individuals with no connections to the SDA are not equally protected in the area.<sup>9</sup>

In the RS, paramilitary organisations were created during the war and, after the GFA was concluded, continued their activities, aiming at 'destabilizing the peace process, creating opposition to IFOR and international agencies within the Bosnian Serb population in Republika Srpska, stirring up general animosity towards the other entity –the Bosnian-Croat Federation... and destroying any moderate-line Serb elements including Bosnian Serb opposition parties and individuals not affiliated with the SDS'.<sup>10</sup> Several sources quoted in a HRW report assert that the war-time aim of the SDS –the creation of an ethnically pure Serb territory in BiH that would eventually be joined with Serbia proper- continued to be openly advocated by RS authorities, in violation of the Dayton agreement.<sup>11</sup> Local paramilitary cells, linked

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<sup>8</sup> The most famous case of abuse against opposition leaders is that of Haris Silajdzic, who was attacked by a group of youths carrying SDA placards during a meeting of his party in Cazin, near Bihac in June 1996. Witnesses reported that the local police did nothing to protect him. See *The Times*, 22 June 1996.

<sup>9</sup> See HRW, *Bosnia and Hercegovina: Politics of Revenge – The Misuse of Authority in Bihac, Cazin, and Velika Kladusa*, vol. 9, no. 9 (New York, NY: HRW, 1997) pp. 14-15, 22-26.

<sup>10</sup> IFOR source quoted in HRW, *Bosnia-Hercegovina: the Continuing Influence of Bosnia's Warlords*, vol. 8, no. 17 (New York, NY: HRW, 1996) p. 2.

<sup>11</sup> *Ibid.*, pp. 2, 12, 30.

to the SDS were organised to implement these objectives.<sup>12</sup> In Dobož and Teslić, HRW reported the existence of underground paramilitary organisations, known to IFOR, under the direct authority of the SDS, who operated in the region and were responsible for human rights abuses and ethnic cleansing.<sup>13</sup> In addition, they prevented FoM, and discouraged non-Serbs from visiting or returning to the area.<sup>14</sup> They also targeted opposition parties and well to do or influential Serbs who were not members of the SDS. The report notes that police forces did not do anything to prevent the activities of these organisations.

In fact, reported violations were committed by these organisations with the support and at times the active participation of the RS police and demobilised Serb soldiers. They included: destruction of non-Serb homes, beatings of non-Serbs, demarcation of the IEBL as a 'border of separation', surveillance of movements and attacks on non-Serbs attempting to enter the area, compulsory 'travel permits' for people wishing to cross the IEBL, controls of vehicles near the IEBL<sup>15</sup>, intimidation and violence against members –including Serbs– of opposition parties or Serbs not belonging to the SDS, obstruction of the freedom of association and demonstration. In addition, anti-IFOR media campaigns were organised, describing IFOR and other

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<sup>12</sup> A US State Department report pointed to the existence of paramilitary or 'secret police' forces, under the authority of the ruling party, in Bosniak- and Croat-dominated areas as well. The continuing existence of these forces is a violation of the Dayton agreement. See US State Department, Bureau of Democracy, Human Rights and Labor, *Bosnia and Herzegovina Country Report Human Rights Practices for 1996*, released 30 January 1997 [report on-line] (accessed 16 May 2000); available from [www.state.gov/www/global/humanrights/1996\\_hrp\\_report/bosniahe.html](http://www.state.gov/www/global/humanrights/1996_hrp_report/bosniahe.html); Internet.

<sup>13</sup> HRW reported the existence of two paramilitary organisations in the Dobož-Teslić-Derventa-Brčko area: the '*Zigostani*' (the 'Stigmated') and the '*Razbijaci Balije*' (the 'Balija Breakers'), more 'specialised' in operations in the Teslić area. See HRW, *The Continuing Influence of Bosnia's Warlords*, pp. 17-18.

<sup>14</sup> *Ibid.*, pp. 17-18.

<sup>15</sup> especially in the period prior to the September 1996 elections.

international agencies as biased against the Serbs, and announcements made that if Mladic and Karadzic were arrested, international personnel would be taken hostage.<sup>16</sup>

The members of the '*Stigmatised*' included, among others, the heads of the SDS at the local and municipal levels, most notably the president of the Doboj town council and RS minister of defence, the Orthodox priest of Teslic, also a member of the RS national assembly, the manager of '*Radio Doboj*', the main radio station in the area, another member of the RS national assembly and head of the '*Panteri*' ('Panthers') who operated in Bijeljina during the war, and two heads of war-time paramilitary units responsible for atrocities against non-Serbs. The report also identified three companies, controlled by the SDS, which provided financial backing to the paramilitaries and supplied them with weapons.<sup>17</sup>

The situation in these three areas demonstrated that the SDS and the HDZ power structures had every intention of pursuing their policies of ethnic cleansing started during the war. They used the very same people that were in place during to

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<sup>16</sup> See HRW, *The Continuing Influence of Bosnia's Warlords*, pp. 30-42.

<sup>17</sup> The companies are '*Bozur*', '*Omnikum*' and '*Modex*'. *Ibid.*, p. 18. HRW conducted an investigation in the Prijedor area and came to similar conclusions: '*[R]ecent reports on the municipalities of Doboj and Teslic... reveals similar patterns to the policies carried out in Prijedor.*' Although the policies are the same, the actors carrying them out were different in the Prijedor case: the police, staffed by individuals indicted by the ICTY and known to IFOR, played a more central role in committing violations. Military forces were also directly involved in the destruction of properties belonging to minorities. In Foca, southeastern RS, HRW observed that six individuals indicted by the ICTY were actively engaged in local affairs, under the gaze of SFOR troops. Many more suspected to have been involved in ethnic cleansing during the war are also members of the local administration and police forces, under the direct authority of Pale. The report points to systematic obstruction of freedom of movement, refugee return, and intimidation of political opponents and international staff. See HRW, *Bosnia and Herzegovina: The Unindicted: Reaping the Rewards of 'Ethnic Cleansing'*, vol. 9, no.1 (New York, NY: HRW, 1997) and HRW, *Bosnia and Herzegovina: "A Closed, Dark Place"- Past and Present Human Rights Abuses in Foca*, vol. 10, no. 6 (New York, NY: HRW, 1998).

continue to abuse minorities and individual rights, whilst resisting the process of reintegration as much as possible. The SDA, although initially in favour of a multi-ethnic BiH, showed signs in early 1996 of adopting similar policies in the areas it controlled after the signing of the Dayton agreement. Police forces, in turn, have been unable or unwilling to protect individual rights and enforce the rule of law.

The structure of police forces in the post-war period is the product of two factors: the communist legacy and the experience of the war. Under communism, police forces were the agents of the state and were assigned the role of protectors of the state and its officials. However, police forces were fully integrated under the respective Republics' ministries of the interior. The war in BiH brought about a fundamental change in the structure of these forces: they became ethnically based. The police continued, however, to be at the service of the ruling party, but now that the communists had gone, the new ruling elite were the nationalists. The conflict also created a deep symbiosis between the nationalist authorities, the police and various criminal networks. Police forces were deeply involved in ethnic cleansing, along with military forces, and various other criminal activities, such as trafficking, with the consent of the political authorities who directly appointed them. At the end of the hostilities, BiH had three police forces, with parallel structures of command, and each controlling a portion of the Bosnian territory. As explained in chapter four, the GFA did not fundamentally change this situation.

Trying to create democratic, integrated police forces in the Bosnian post-war context presents several challenges, that were outlined in this section. First, these forces are deeply politicised. Appointments during the war were made by the nationalists, based on ethnicity and loyalty. The rule of law, as defined in this thesis, holds no currency among the various police, who are the protectors of the rulers.

This also means that the functions performed by the police go well beyond those of police forces in democratic states., including the preservation of the territorial divisions in BiH. Second, police forces are also involved in criminal activities. They have therefore a vested interest in the maintenance of the current structures, as they directly benefit from them.

The next section examines the work of IPTF in training police forces in BiH. It also examines the work of UNMIBH in monitoring BiH's police forces, including redressing human rights violations by the police.

## **2. IPTF's mandate - Training and Monitoring Police Forces: Impossible Tasks?**

This section examines the role of IPTF in training and monitoring local police forces. As part of this effort, the UN has worked to integrate minorities in the entities' police forces.<sup>18</sup> Assessing the success of IPTF is particularly difficult because progress in reforming police forces along democratic lines is not easily quantifiable to the extent that the implementation of article IV of annex 1-B is. Moreover, as IPTF's investigations have shown, police forces have continued to be responsible for human rights violations in spite of IPTF's work. IPTF has nevertheless had some significant achievements.

First, police numbers in the country have been largely reduced, more in line with police numbers in democratic societies. Second, the slow process that has led to creation of a registry of all certified officers increases the transparency of these forces, and could potentially bring more accountability in case of misbehaviour, past

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<sup>18</sup> 'Minority' police are officers who do not belong to the ethnic community forming the majority of the population in the area they are assigned to.

or present. Third, IPTF put the issue of integration of minorities in the police on the agenda, and although progress in this area has been negligible, the framework and procedures for their integration are in place. Fourth, monitoring, and especially human rights investigations by IPTF have increased accountability, and led to the dismissal of a number of officers unfit to work in a democratic police force. This section also illustrates the difficulties created by leaving the control of security forces in the hands of the parties, whilst not granting enough enforcement powers and resources to external actors to reform them in depth.

Annex 11 of the GFA provided for the creation of a UN International Police Task Force (IPTF) to facilitate the reform and restructuring of the local police along democratic lines (see chapter four). IPTF's mandate did not grant the monitors any executive law enforcement functions, but rather confined them to an advisory and training role, at least for the first 18 months of their mandate.<sup>19</sup> In his report to the UN Security Council, Secretary-General Boutros Boutros-Ghali specified that because the monitors did not have any enforcement powers, their 'effectiveness will depend, to an important extent, on the willingness of the parties to cooperate with [IPTF]'.<sup>20</sup> Considering the deep involvement of police forces in human rights violations during and after the conflict, as outlined in the previous section, with the support of their respective nationalist authorities, Boutros-Ghali's hope for their co-operation amounts to implicitly acknowledging that the UN force will be, for the

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<sup>19</sup> After December 1997, IPTF was authorised to conduct independent investigations into human rights violations committed by local police.

<sup>20</sup> UN, *Report of the Secretary-General Pursuant to Security Council Resolution 1026 (1995)*, S/1995/1031, 13 December 1995, para. 27. Boutros-Ghali asked for a force of 1,721 monitors. The force was authorised for a period of twelve months by UN Security Council resolution 1035, 21 December 1995.



most part, dependent on other international agencies, such as NATO and the OHR to enforce any standards.

Other difficulties have hampered the effective functioning of IPTF. The high turnover of personnel (IPTF monitors stay in the country for six months, investigators for 12 to 18 months) has prevented any institutional memory from developing. Monitors also leave the country around the time they are beginning to be familiar with the local political situation and actors. IPTF's slow deployment also meant that the UN could not be operational throughout the country until the summer of 1996, just before the elections.

Finally, especially in the initial stages, many of the personnel seconded by governments to IPTF did not meet the minimum criteria required to work with the UN. In his March 1996 report to the Security Council, Boutros-Ghali noted that 'the availability and professional suitability of police personnel' was a major problem in the deployment of IPTF monitors. He continued: 'Although the minimum qualifications required –eight years policing experience, ability to communicate in English and driving skills- have been specified to Governments, the number of those who failed to meet the criteria and to pass the required elementary tests upon arrival in the theatre has risen to alarming levels.'<sup>21</sup>

The first subsection examines the process of screening. The second subsection examines the issue of reintegration of minorities in the police and the third subsection looks at the results produced by the investigation powers granted to IPTF.

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<sup>21</sup> UN, *Report of the Secretary-General Pursuant to Resolution 1035 (1995)*, S/1996/210, 29 March 1996, para. 8. Selection Assistance teams were sent in early 1996 to countries offering large numbers of monitors to help screen candidates before they arrived in BiH. UN, *Report of the Secretary General Pursuant to Resolution 1035 (1995)*, S/1996/460, 21 June 1996, para. 7.

## 2.1. Training of Police Forces: Screening and Downsizing Bosnia-Herzegovina's Police Forces

At the end of the war, Bosnia-Herzegovina's police numbers were extremely high: between 20,000 and 32,000 in the Federation (including 3,000 officers policing Croat-held areas) and between 10,000 and 50,000 in the RS.<sup>22</sup> One of the first objectives of IPTF was to reduce the number of police throughout the country, in order to bring them more in line with democratic policing. Agreements concluded with RS and Federation authorities envisaged the reduction of police numbers to 8,500 and 11,500 respectively.<sup>23</sup> These agreements also provided for a process of vetting of all police in the country.

The Federation agreement aimed at screening out officers responsible for human rights violations, and identified as another major objective the creation of a force that would protect all citizens from crime and human rights abuses. It requested that the ethnic composition of police forces in the Federation reflect the pre-war ethnic make-up of the country. Under the agreement, all police officers in the Federation were required to re-apply for their positions. The certification process began with the cantonal ministers of internal affairs submitting a list of all the

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<sup>22</sup> At the end of 1995, it was probably impossible to accurately assess the number of police in the country, partly because some police units performed military functions. These figures are based on the following sources: UN, *Report of the Secretary-General Pursuant to Security Council Resolution 1026*, S/1995/1031, 13 December 1995, para. 22 and HRW, *Beyond Restraint: Politics and the Policing Agenda of the United Nations International Police Task Force*, vol. 10, no. 5 (New York, NY: HRW, 1998) p. 8.

<sup>23</sup> HRW, *Beyond Restraint*, p. 8. An agreement on police reform was concluded between the Federation and the IPTF in Bonn-Petersberg, 25 April 1996. A similar agreement was signed with the RS authorities in December 1998. These figures were reduced by IPTF to 7,835 and 10,603 in September 2000. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/2000/1137, 30 November 2000, para. 10.

candidates to IPTF, after which the officers themselves were required to provide information to the UN regarding their personal and professional background. After an initial screening, the names of the successful officers were placed on an eligibility list. Their names were also published in local newspapers, so as to encourage people with information that could affect an officer's status to come forward. Candidates not screened out at this stage received an identification card from IPTF, were provisionally certified by IPTF to exercise police functions and began a one-year probation period.<sup>24</sup> During this period, police officers could be removed from the force if they were found by IPTF to be indicted by the ICTY or to have committed human rights violations, either before the start of the screening process or during it.<sup>25</sup> In addition, they could also be dismissed for non-compliance with the GFA, or lack of co-operation with IPTF. In order to request the dismissal of an officer, IPTF would file non-compliance reports against the officers, stating the reasons for requesting their dismissal.

A similar accord was concluded with the RS authorities on 9 December 1998. The agreement allowed the composition of the RS police to reflect the ethnic distribution of the population in the 1997 municipal elections, and stipulates that 20% of the RS police are to be non-Serb. However, changes in the police are to reflect changes in the ethnic make up of the RS population, not vice-versa. This decision means that 'the Republika Srpska agreement encourages intransigence to the return of refugees, as any change in the balance of the population in Republika

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<sup>24</sup> All officers had to go through a training programme as part of the certification process. The programme consists of a two-day information course on the mandate and activities of IPTF, a one-week 'human dignity' course on democratic policing and a three-week 'transition' course focusing on basic police skills.

<sup>25</sup> IPTF conducted background checks on all candidates during their one-year probation.

Srpska will require changes in the police force to match.’<sup>26</sup> In addition, this stipulation does not help create the trust necessary for refugees to return to communities where the police is mostly, if not all, Serb. The agreement also authorises non-Serbs who lived in the RS in 1991 to apply as police officers.

The certification process has contributed to a substantial reduction of the police numbers, although as late as November 2000, IPTF did not know the exact number of police in the country, due to its own bureaucratic deficiencies and deception by the parties (this underscores the importance for the parties to maintain police forces as large as possible).<sup>27</sup> A number of officers were screened out, although again exact numbers are unknown.<sup>28</sup> Considering that registered police forces in the country number about 24,000, a rough estimate would put the number of police screened out between 6,000 and 58,000.<sup>29</sup> These official numbers concern officers who have been authorised by IPTF, often pending a thorough background check, to exercise police duties in BiH. There may be non-certified officers still operating in the country who fall under the category of those supposedly screened out. The creation of a registry by IPTF was aimed at identifying these individuals.

In spite of these quantitative achievements, the process of vetting has suffered from two major deficiencies. First, by letting the local authorities be the sole recipients of the applications, IPTF allowed them to control and politicise the

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<sup>26</sup> HRW, *Beyond Restraint*, p. 9.

<sup>27</sup> In April 2001 at the end of the screening process, 24,007 police had been identified and provisionally certified for the whole of BiH. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/2001/571, 7 June 2001, para. 5.

<sup>28</sup> At the end of the second wave of certification, about 6.6% of officers (1,600) had been removed from the force because they failed the tests administered by IPTF, were found to have a criminal record or had lied about their past. *Ibid.*, para. 5.

<sup>29</sup> This estimate is based on the number of police at the end of the war.

process.<sup>30</sup> Indeed, it turned out that in many cases, local authorities would only submit enough candidates to fill the positions; any rejection would mean that the post would not be filled.<sup>31</sup> This practice has allowed the nationalists to remain in control of appointments, and to continue to determine the ethnic composition of police forces.<sup>32</sup>

Second, IPTF discovered in 1999 that some active Federation police, especially in areas dominated by the Croats, had avoided certification by IPTF. This led to a second wave of screening, still ongoing in the autumn of 2000.<sup>33</sup> In effect, because of the lack of efficiency in the screening system and deception by the parties, many officers who should have received the sack were able to keep their jobs.

## 2.2. Integration of Minorities in the Police: Undoing the Results of the War

Another dimension of IPTF's training mandate that is crucial for the rebuilding of a single political space is the integration of officers from all ethnic groups in police forces. It is arguable that integrating minorities in police forces will

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<sup>30</sup> See HRW, *Beyond Restraint*, p. 11.

<sup>31</sup> As explained above, all police are to re-apply for their positions as part of the certification process. The technique has been widely used to prevent minorities from applying for positions.

<sup>32</sup> In order to reduce the influence of political parties over the police, the creation of a post of police commissioner to oversee the work of the police in each canton of the Federation has been envisaged by IPTF. A commissioner would be chosen in each canton by a board composed of members of civil society and IPTF representatives. This idea has been discussed with Federation authorities, but no commissioners had been put in place by November 2000. Interview by the author with Serge Rumin, Chief of Local Police Registry Section, Human Rights Office, UNMIBH, Sarajevo, September 2000.

<sup>33</sup> Serge Rumin told the author that one of the objectives of the second screening process was to establish a reliable registry of all police officers in BiH, a goal that the first screening process had failed to achieve. The second screening process also points to the absence of a strategy for police

help create the safe environment required for refugee return. More realistically, both processes probably go hand in hand: refugee return should lead to the incorporation of minorities in the police, which in turn should lead to more returns. Several strategies have been adopted to encourage the creation of multi-ethnic forces.<sup>34</sup> Two envisage the relocation of former police officers to an area where they lived before the war or even the transfer of current police officers to areas where they would be a minority. However, in addition to hostile working conditions for those transferred, discrepancies between wages in the Federation and the RS discourage transfers from the one entity to the other.<sup>35</sup>

Another strategy, implemented since October 1998 in the Federation, has been to set up police academies where Serb cadets would be trained for deployment in the Federation.<sup>36</sup> A similar academy was organised in the RS in early 1999. These academies are under the authority of the entities' ministers of internal affairs, and their work is monitored by IPTF. The following table shows how many minorities have graduated from the Federation academy between 1998 and November 2000:

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reform on the part of IPTF, leading the mission to simply repeat its work. Interview by the author with Serge Rumin, Sarajevo, September 2000.

<sup>34</sup> Jacques Paul Klein, *Mandate Implementation Plan, 2000-2002*, Briefing to the UN Security Council, 12 December 2000 [text on-line] (accessed 16 June 2001); available from [www.unmibh.org/unmibh/mip.htm](http://www.unmibh.org/unmibh/mip.htm); Internet.

<sup>35</sup> In 1999, Federation police officers earned the equivalent of about 400 German Deutsche Marks (DEM) a month, whilst RS police earned as little as 80 DEM. There were differences within the Federation as well: Croat police in Mostar are paid double what their Bosniak counterparts receive. These differences do not take into account illegal activities, which provide significant sources of income to members of the police from the dominant group. See ICG, *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, ICG Balkans Report no. 80 (Sarajevo: ICG, 1999) pp. 46-47 and footnote 267.

<sup>36</sup> See UNMIBH, Police Academies Fact Sheet, 21 February 2001 [text on-line] (accessed 18 June 2001); available from [www.unmibh.org/unmibh/iptf/academ.htm](http://www.unmibh.org/unmibh/iptf/academ.htm); Internet.

**Table VI: Minority Graduates from the Federation Police Academy, 1998-2000**

Course Start, Federation Academy	Serb Graduates	'Others' Graduates	Total
April 1999	64	11	75
November 1999	64	5	69
July 2000 (for information, not graduated yet)	95 (candidates)	6 (candidates)	101 (candidates)

Source: UNMIBH, *Police Academies Fact Sheet* (21 February 2001, accessed 16 June 2001); available from <http://www.unmibh.org/unmibh/iptf/academ.htm>; Internet.

The following table shows how many minorities have graduated from the RS academy between 1998 and November 2000:

**Table VII: Minority Graduates from the RS Police Academy, 1998-2000**

Course Start, RS Academy	Bosniak Graduates	Croat Graduates	'Others' Graduates	Total
July 1999	34	3	1	38
October 1999	38	3	0	41
February 2000 (for information, not yet graduated)	50 (candidates)	5 (candidates)	3 (candidates)	58 (candidates)
October 2000 (for information, not yet graduated)	86 (candidates)	7 (candidates)	2 (candidates)	95 (candidates)

Source: UNMIBH, *Police Academies Fact Sheet* (21 February 2001, accessed 16 June 2001); available from <http://www.unmibh.org/unmibh/iptf/academ.htm>; Internet.

The numbers of graduates are, however, very small compared to the overall authorised police numbers in both entities. Assuming that the current cadets will all

graduate, minorities incorporated in the Federation police since October 1998 represent 2.1% of police forces; in the RS, 2.7%.<sup>37</sup>

Indeed, there has been considerable resistance from RS authorities to the incorporation of non-Serbs in the RS police, although the agreement concluded with IPTF stipulated that 20% of the RS police should be composed of minorities. However, the RS authorities have stalled the hiring of new officers, even though in 1999 IPTF submitted a list of 600 non-Serb candidates to the RS minister of internal affairs.<sup>38</sup> In effect, about 1,500 to 2,000 Serb police would have to be dismissed in order to reach the quota of 1,700 minority officers, a move that RS authorities from all political parties have consistently resisted.

In the Federation, the picture is more complex because of the lack of integration between Croat and Bosniak police. There, integration of minority police does not only concern Serbs, but also Croat and Bosniak officers in areas dominated by the other ethnic group. In spite of commitments made to IPTF, there still exist two police forces in the Federation. In cantons eight and ten for example, dominated by the HDZ Croats, there has been fierce resistance to integrating minorities in the police.<sup>39</sup> In canton six, an investigation conducted by IPTF in May 1999 found that appointments 'are exclusively in the control of dominant nationalist power structures... law enforcement agencies in Central Bosnia remain in the service of

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<sup>37</sup> In September 2000, James Lyon, head of the ICG BiH project, told the author that minorities represented less than 5% in the entities' police forces. In his June 2001 report, The UN Secretary-General Kofi Annan reported that minorities represented 5.2% and 2.2% (600 and 182) of police forces in the Federation and RS respectively. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/2001/571, 7 June 2001, para. 17.

<sup>38</sup> 46 of them were accepted in the RS academy. See ICG, *Is Dayton Failing?*, pp. 44-45.

<sup>39</sup> In April 1999, authorities from cantons eight and ten did not send any minority recruits to the Federation police academy, even though slots had been allocated to them. See ICG, *Is Dayton Failing?*, pp. 45-46.



nationalist enclaves...'. The investigators also found that 'as a direct result of the political control over policing in Canton 6, the police force has not been integrated.' The report explains how two structures and chains of command have been maintained, and have consolidated the territorial gains made during the war.<sup>40</sup> A similar situation in canton seven was identified by a report by the Ombudsman of the Federation.<sup>41</sup> As far as Serbs are concerned, as outlined above, their integration into the Federation police has failed to meet the agreed target of 28%.

Two consequences of this situation can be identified at this point. First, the lack of presence of minorities in the police has a direct, negative impact on refugee return. To most refugees, the presence of mono-ethnic police forces means that their rights will not be protected and that their safety is at risk. A study conducted by the UNHCR in August 2000 considered three factors to determine whether an area can be deemed safe for return: legal safety, material security and physical security.<sup>42</sup> The report states that 'potential returnees regard security in the pre-conflict place of residence as vital when considering return.'<sup>43</sup> The study also points to a clear correlation between security incidents and returns.<sup>44</sup> This correlation highlights the role of the police in failing not only to protect minorities but also in being directly involved in violence against them, undermining respect for individual rights and for

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<sup>40</sup> Serge Rumin, interviewed by the author in September 2000, confirmed to the author that mixed cantons in the Federation still had parallel police structures and chains of command. These forces conduct joint policing activities, although co-operation breaks down in cases of crimes of an ethnic nature.

<sup>41</sup> Ombudsmen of the Federation of Bosnia and Herzegovina, *Report on [sic] Human Rights Situation in the Federation of Bosnia and Herzegovina for 1999* (Sarajevo: Ombudsmen of the Federation of Bosnia and Herzegovina, 2000) pp. 8-9.

<sup>42</sup> UNHCR, *Update of UNHCR's Position on Categories of Persons from Bosnia and Herzegovina in Need of International Protection*, UNHCR internal document, August 2000.

<sup>43</sup> *Ibid.*, p.7.

<sup>44</sup> *Ibid.*, p.7.

the rule of law. Second, the mono-ethnic character of the police has fundamentally perpetuated the role assigned to them during the war, as protectors of nationalist officials and guarantors of the ethnic purity of the territories under their control. One of the consequences of the lack of integration of minorities is that the intimate relationship between nationalist politicians and the police forces has not been challenged. The next sub-section examines what UNMIBH has done to remedy human rights violations by the local police.

### 2.3. Monitoring by UNMIBH: Limitations of 'Soft' and 'Robust' Monitoring

Soft monitoring by IPTF personnel has consisted of observing and advising local police forces in BiH. Starting in 1998, IPTF began a policy of 'co-location' whereby IPTF's field offices were located directly next to police stations in order to be in a better position to observe the activities of the police. Other monitoring mechanisms were devised, such as joint patrols with the police, or systematic reviews of planned checkpoints. Monitoring by IPTF has brought some results by increasing the costs of inappropriate behaviour on the part of the local police. However, several factors have undermined the ability of IPTF to maintain the costs of non-compliance.

First, although non-compliance reports were envisaged as a powerful tool in the hands of IPTF to enforce democratic standards of policing, the UN force has failed to make consistent use of it.<sup>45</sup> Even though precise guidelines were given to

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<sup>45</sup> When used, non-compliance reports have led to significant changes in police behaviour. Roland Sinteff told the author that all Croat chiefs of police in canton seven were issued non-compliance reports between 1999 and 2001. According to him, these sackings have led to a significant improvement in police behaviour and to increased co-operation with Bosniak police officers.

IPTF monitors regarding what constituted sufficient grounds to file such a report, it seems that many monitors are unaware of these standards.<sup>46</sup> Institutional weaknesses also played a role in slowing down progress: communication between the monitors, who fill in the reports, and headquarters in Sarajevo is often poor, and both sides complained about the unresponsiveness of the other end of the hierarchy in either responding to requests for additional information on the reports or acting on non-compliance reports.<sup>47</sup>

Second, IPTF monitors themselves would sometimes turn a blind eye to certain behaviour, or lack of compliance. This problem highlights the difficult position in which monitors find themselves, having to establish and maintain a working relationship with the local police, whilst being supposed to sanction them if necessary. Coupled with the fact that many monitors also encountered hostility when trying to gain access to information, or request changes in police behaviour, there has been a reticence on the part of some IPTF personnel to fulfil their mandate robustly. In addition, many IPTF monitors come from states where democratic policing is not the norm. It is therefore difficult to expect them to hold the local police to standards that they themselves do not practice or agree with.

Third, different police cultures and attitudes to weapons affect the implementation of standards set by IPTF, even when the monitors come from Western states. For example, IPTF has produced a policy on the types and numbers of weapons that can be held by the police, which has been widely violated by the

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Interview by the author with Colonel Roland Sinteff, Regional IPTF Commander, Mostar, 19 October 2001.

<sup>46</sup> According to these guidelines, any violation of annexes 4, 6 and 11 of the GFA constitutes an act of non-compliance which should lead to the dismissal of the officer. See HRW, *Beyond Restraint*, p. 12.

<sup>47</sup> HRW, *Beyond Restraint*, p. 12. The high turn-over in IPTF (monitors usually stay for six months) has not helped create any institutional memory.

parties, who have sought to maintain police forces with some military capabilities.<sup>48</sup>

IPTF, often supported by SFOR, conducts inspections to verify compliance with this policy. The author was told of an incident where an American IPTF monitor inspected a police station in the RS, discovered a large amount of weapons, and confiscated only a few of these weapons because he felt that they were needed by the local police. The same station was later visited by a French IPTF monitor, who, under the same guidelines, confiscated most of the weapons on the grounds that they were incompatible with police work.<sup>49</sup>

As far as 'robust' monitoring is concerned, other issues have arisen. Following the conclusions of the 1996 PIC, the Security Council granted UNMIBH the authority to investigate human rights violations by law enforcement officers or violations resulting from negligent inaction.<sup>50</sup> This addition to the UN's monitoring mandate would enable UNMIBH to conduct investigations independently, and if needed to sanction inappropriate behaviour by decertifying police officers. Evidence gathered could also be used as additional information for background checks on police officers.<sup>51</sup> Under the new mandate, the investigators could directly register complaints from the public and conduct an independent investigation to decide whether to pursue the case with the authorities.<sup>52</sup> The UN investigators can also

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<sup>48</sup> UNMIBH, IPTF Commissioner Weapons Policy, 1 November 1999.

<sup>49</sup> Interview by the author with Serge Rumin, Sarajevo, September 2000. The incident took place in the summer of 2000.

<sup>50</sup> UN Security Council resolution 1107, 16 May 1997. The resolution authorised the creation of a Human Rights Office within UNMIBH composed of 120 investigators.

<sup>51</sup> Investigators have a right to full access to people, sites and documents.

<sup>52</sup> Under IPTF's initial mandate, the force could only monitor investigations conducted by the police.

continue to monitor investigations by the local police following these complaints.<sup>53</sup> Should the action taken by the local police to remedy the violations be deemed insufficient by IPTF monitors or the Human Rights Office investigators, especially brought in to conduct investigations, they would then pressure political authorities to address the situation. The overall purpose of these investigations is therefore to make the authorities responsible for enforcing human rights standards in the police.<sup>54</sup>

The Human Rights Office, the umbrella for the investigators, did not begin functioning until November 1997, when 64 investigators were sent into the field.<sup>55</sup> In addition to usual delays in UN deployment, evidence gathered over the course of 1997 by Human Rights Watch shows that very few monitors already in the field were sufficiently trained to conduct investigations.<sup>56</sup> In particular, few IPTF personnel had a clear idea of what constituted a human rights violation. These issues underscore the lack of knowledge among monitors of international human rights law, a problem that the UN has not been able to rectify, mainly because of insufficient training and the high turnover in the mission, which make solid knowledge of human rights law, but also of the local situation and IPTF's mandate, a rare commodity.<sup>57</sup>

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<sup>53</sup> For a good description of their mandate, see Claudio Cordone, "Police Reform and Human Rights Investigations: The Experience of the UN Mission in Bosnia and Herzegovina" *International Peacekeeping* 6, 4 (Winter 1999): 191-209.

<sup>54</sup> *Ibid.*, p. 194.

<sup>55</sup> It was envisaged that eight investigators would be assigned to headquarters in Sarajevo, 49 between seven regional centres, and 62 in local IPTF stations.

<sup>56</sup> See HRW, *Beyond Restraint*, pp. 14-16.

<sup>57</sup> Serge Rumin expressed similar concerns in his interview with the author. The UN conducts a five-day training in human rights law for incoming IPTF monitors. Initiated in the first half of 1996, the course has had a limited impact on the levels of knowledge of human rights law. Once again, the high turnover in the mission prevents any in depth human rights training.

Moreover, as previously pointed out, many monitors come from states where international human rights law has very little to do with policing. Moreover, having a professional record clean of human rights violations is not one of the selection criteria for participation in the mission. In this context, many violations are not investigated or reported because IPTF monitors themselves do not see the point in doing so. Even recruitment of competent human rights investigators by UNMIBH has been difficult, because of the scope of knowledge that their function requires, ranging from experience in criminal investigation and internal affairs to knowledge of international human rights law.<sup>58</sup>

In areas where human rights investigations were conducted, very detailed and comprehensive reports have been produced by UNMIBH.<sup>59</sup> In some of these areas, corrective measures have been taken and the situation has improved.<sup>60</sup> However, the culture of impunity that has allowed police forces to perpetrate violations has hardly been affected by UNMIBH's work. Indeed, in all cases where disciplinary action was taken, it was based on UN recommendations, and came after substantial pressure on the part of the international agency. Consequently, efforts at getting the local authorities to comply and discipline the officers responsible have produced mixed results.

This issue underlines the lack of political leverage that UNMIBH possesses in enforcing compliance with its decisions. It stems from two factors. First, as described in chapter four, the UN did not take over policing in BiH. In its advisory role, IPTF does not actually command or control the police, which falls under the

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<sup>58</sup> HRW, *Beyond Restraint*, pp 14-16.

<sup>59</sup> Since October 1997, investigations have been conducted in Sarajevo, Travnik, Vitez, Pale, Mostar, Jajce, Teslic, Gajevi, Brcko, Drvar and Stolac following reports of human rights abuses.

local political authorities. IPTF can demand that disciplinary action be taken against police officers, but ultimately the final say rests with the local authorities, who sometimes have maintained officers in their functions, in spite of non-compliance reports issued by UNMIBH.

Second, when IPTF's demands are not followed, the UN has little leverage of its own. It has turned to two agencies for support. IFOR/SFOR has supported IPTF's activities, but inconsistently, and as a rule has tried to avoid meddling in civilian police issues. However, when rendered, the assistance provided by the NATO-led force has not been political, but rather operational, in support of *ad hoc* interventions such as the inspection of local police stations.

The HR, in turn, has the power to sanction officials for not acting on the non-compliance reports issued by IPTF. However, should political authorities not act on these demands for dismissals or disciplinary actions, IPTF has to build a case of non-compliance against the local authorities, in addition to the cases already built against the police officers found guilty, which could eventually lead to the removal of these authorities. Such a process is long and cumbersome. It gives a lot of room for manoeuvre for the local authorities to test IPTF's determination to see its demands met. Indeed, only in one case in five years has an official been dismissed by the HR for consistent non-compliance with IPTF's recommendations over a period of five months.<sup>61</sup>

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<sup>60</sup> These measures have mostly involved dismissal, temporary suspension or pay reduction for the officers found guilty.

<sup>61</sup> Ante Barisic, minister of internal affairs of canton 10 was removed from office on 3 April 2000 for failing to order the removal of Croat insignia from the uniforms of Croat police and for failing to enforce IPTF's guidelines on weapons authorised in police stations. See OHR, *Decision removing Mr. Ante Barisic from his position of Minister of Internal Affairs of Canton 10* [text on-line] (Sarajevo, 3

## 2.4. Implications of UNMIBH' s Work for the Balance of Forces, Control over Territory, the Security Dilemma and Democratisation

The picture emerging from this analysis suggests that the reform process of police forces is largely inconsistent. Some action against obstructionists or human rights abusers has been taken, but it is quite clear that many have slipped through the cracks.<sup>62</sup> It seems that the international community did take action in areas where substantial and well-documented violations took place.<sup>63</sup> Even though police numbers have been reduced, their role has not fundamentally changed. The lack of integration of police forces has not challenged either the symbiosis between nationalist authorities and the police: they remain the agents of the nationalists.

This unchanged role of agents of the ruling party has meant that these forces have continued to be used to maintain the control that the nationalists exercised over the territory they occupy. In addition, police forces have continued to play a role beyond the provision of internal security, as witnessed by the efforts made by IPTF to restrict the types and numbers of weapons that the police possess. Once again, the

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April 2000, accessed 28 June 2001); available from <http://www.ohr.int/decisions/20000403.htm>; internet.

<sup>62</sup> It is nearly impossible to obtain precise figures on how many officers have been dismissed since the start of the vetting process. IPTF headquarters have no record of non-compliance reports written before May 1997, when a computer database was set up. Any request for dismissal before that date would not appear on the record or may not even have taken place. The author was only able to find out that 28 officers had been decertified by IPTF between 1998 and the end of 2000. UNMIBH, *Weekly Situation Report no. 41*, 8-14 October 2001, para. 6, internal document.

<sup>63</sup> IPTF reacted to violence against minorities or refugees following serious and well-publicised incidents. For example, IPTF obtained the dismissal of the chief of the Stolac police station following a series of incidents against Bosniak returnees. Stolac had been designated as a pilot return project, along with three other municipalities in the Federation, by the international community and was heavily monitored. See UNMIBH, *Incidents in Canton 7 in the Context of Minority Returns*, released



lack of consistency on the part of the international agency has been exploited by the parties. The continuing mono-ethnic and undemocratic character of the police also contributes to an atmosphere of fear, both within local police stations, where more moderate officers are forced to 'toe the line' and support extremist positions, but also within the communities where these officers are working, hampering return and respect for human rights. Potential returnees are also discouraged because of the lack of trust that mono-ethnic police forces generate.

This situation has obvious consequences for democratisation. It creates a sense of impunity among the local police, and encourages confrontational behaviour with IPTF. There is a sense among local police that human rights violations and discriminatory behaviour can go unpunished, although not in all cases, which encourages them to test the limits of IPTF resolve. These attitudes undermine progress towards a single political space in BiH, where the rule of law is enforced impartially throughout the country by police forces. The next section, using the cases of the SBS and the police in Brcko, shows how substantial progress can be made in reforming and reintegrating police forces.

### **3. The State Border Service (SBS) and Policing in Brcko: Forced Reform and Reintegration – The Way Forward?**

This section examines the development of the State Border Service (SBS) established in January 2000 by a Decision of the High Representative to police the borders of BiH and the reform of the police in the Brcko District. The SBS is interesting in several respects: first, it is multi-ethnic and completely integrated.

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in July 1998 [report on-line] (accessed 16 June 2001); available from [www.unmibh.org/news/hrrep/stolac2.htm](http://www.unmibh.org/news/hrrep/stolac2.htm); internet.

Second, it is under the direct authority of the state-level ministry of civil affairs and communications, making it the only statewide security service. UNMIBH has been the driving force behind the development of the SBS. There is also a strong interest on the part of EU member states to address the problem of BiH's porous borders, as the country has been used as a port of entry into Western Europe by many immigrants from states like Iran and Turkey.<sup>64</sup> There has been, therefore, significant political support for the project and substantial pressure has been applied on the Bosnian authorities to acquiesce to the project. It is arguable that the SBS model could serve as a template for a future Bosnian-wide police force.

The international community's mandate in Brcko has been much more intrusive than elsewhere in the country. This is a direct consequence of the strategic location of the city, which makes it one of the sticking points of the peace process. Because of the importance of the city, the OHR was granted extensive administrative powers in the area in February 1997. Using these powers, the international administrator (the 'Supervisor') has mandated IPTF to create an integrated, multi-ethnic police force. The second sub-section examines the development of this force, and shows that like the SBS, the multi-ethnic and integrated character of the police is highly dependent on continuing pressures from the international community. The section concludes by arguing that consociational structures are probably the best template for common institutions, including the police, unless the international community is prepared to sustain fully integrated structures through resource-intensive supervision and control of these institutions. The first sub-section looks at the development of the SBS.

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<sup>64</sup> In the first eight months of 2000, UNMIBH estimated that 14,000 people used BiH as a port of entry to Western Europe.

### 3.1. Development of the SBS: The International Community Takes Control

There are 432 registered border crossings in BiH, and 40% of the country's borders are rivers.<sup>65</sup> Border controls before the creation of the SBS were exercised by the local police, and in Croat and Serb areas, were very relaxed.<sup>66</sup> The 1997 Bonn PIC asked the Bosnian authorities to work on a common legislation for their border police. The 1998 Madrid PIC reiterated this request, and mandated UNMIBH as well as the HR to help create a unified border service.<sup>67</sup> During 1999, the UN interviewed the officers assigned to border controls and estimated that 1,100 of them could potentially be hired in the new force, which would eventually comprise 3,000 personnel.<sup>68</sup>

In the New York Declaration of 15 November 1999, following their meeting with the Security Council, the Presidency committed to basic principles for the SBS. Some of these are of particular significance: the SBS is under the authority of the ministry of civil affairs and communications, thus making the Service a state-wide institution<sup>69</sup>; the composition of the border police was to reflect the ethnic

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<sup>65</sup> Unless specified, the information included in this section is based on an interview by the author with Michael Chandler, Head of the SBS Project, UNMIBH, Sarajevo, September 2000.

<sup>66</sup> Transnational trafficking of all sorts, as well as illegal immigration from countries such as Iran and Turkey, are very lucrative sources of income in Bosnia.

<sup>67</sup> PIC, *Bonn Implementation Conference 1997: Bosnia and Herzegovina 1998 – Self-sustaining Structures*, Bonn, 10 December 1997 and PIC, *Reinforcing Peace in Bosnia and Herzegovina – The Way Ahead*, Madrid, 16 December 1998.

<sup>68</sup> There were about 1,450 border police in BiH in 1999, 660 in the RS and 790 in the Federation.

<sup>69</sup> In his interview with the author, Muhammed Becic was hopeful that the ministry could in time be turned into a Bosnia-wide ministry of the interior. Interview by the author with Muhammed Becic, Deputy Director of the SBS, Sarajevo, August 2000.

distribution of the country in 1991; and all units of the service were to be fully integrated.<sup>70</sup>

After approval by the Presidency, the draft law on the SBS was passed to the Parliamentary Assembly of BiH, which considerably delayed the bill.<sup>71</sup> The HR eventually imposed the Law on State Border Service on 13 January 2000, because of the lack of progress in passing the legislation. The law incorporated the three principles agreed on in New York. The main sticking point in the negotiations over the draft law had to do with the command of the SBS: the parties were in favour of three directors, one from each constituent people, a structure comparable to the Presidency and the SCMM secretariat, while UNMIBH favoured only one director. The HR gave in to that demand in his Decision: the Service would have one director, with two deputies, the chairmanship rotating between them every eight months.<sup>72</sup> This debate over the structure of the new institution is similar to the one over the structure of the SCMM secretariat. It underscores the priority for Croats and Serbs of co-ordination, including consensual decision-making, over complete integration. All officers nonetheless report through a single chain of command.<sup>73</sup>

The initial stages of the development of the SBS also show how important the role of the international community has been in pushing the project forward.

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<sup>70</sup> OHR, *Principles on the Establishment of a State Border Service*, New York, 15 November 1999 [text on-line] (accessed 21 June 2001); available from <http://www.ohr.int/nyd/en-19991115-b.html>; internet.

<sup>71</sup> In his report, the UN SG identified 'vested interests, which profit from the present lack of effective border control' as obstructing the adoption of the law. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/1999/1260, 17 December 1999, para. 8.

<sup>72</sup> Michael Chandler talked of a Bosniak 'hang-up about command', and told the author that they were quite disappointed not to be allocated the post of director on a permanent basis. Interview with Michael Chandler.

<sup>73</sup> Michael Chandler nonetheless recognised that officers tended to report to a superior of the same ethnic group, bypassing the normal chain of command when they could.

Four border crossings were opened in June 2000.<sup>74</sup> They are manned by multi-ethnic units, under the supervision of 'support teams', composed of border police officers from states members of the Schengen zone. The selection of candidates, interviews and training were also conducted under UNMIBH's close supervision. In addition, three groups of 30 police offices were sent to Austria for training before being assigned to their units.

There is no official assessment of the success of the SBS in disrupting trafficking networks and curbing illegal immigration.<sup>75</sup> However, the SBS experience offers some interesting lessons. First, the role of UNMIBH has been central in the development of the Service from its inception. Although achieving the creation of a multi-ethnic security force in BiH can be qualified as a success, the question of the self-sustainability of the SBS cannot be ignored. The role played by UNMIBH in this case is very similar to the one played by the OSCE in the implementation of annex 1-B, and chapter six has also pointed to the issue of self-sustainability. However, the SBS model could serve as a template for further reintegration of police forces should there be political will on the part of the international community to invest the necessary resources. Several factors are crucial to the success of such endeavours.

First and foremost, the international community has to be willing to invest political and financial capital in the project. In the case of the SBS, the international community has been driving the SBS project by putting it on the agenda, setting the parameters (multi-ethnic, integrated, state-wide) and provided financial assistance in the initial stages of the project. However, by November 2000, no additional border

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<sup>74</sup> Sarajevo airport, Zvornik, Doljani, and Izacic.

<sup>75</sup> The four border crossings taken over by SBS in 2000 left over 400 of these crossings still controlled by the parties.

crossings had been taken over by the SBS due to a lack of international and local funding for the project.<sup>76</sup> Second, preference is to be given to mechanisms of co-operation over complete integration in common structures. The disagreement over the number of directors, and the continuing relevance of ethnicity in relations within the SBS illustrate the importance of consociational mechanisms, such as parity and consensual decision-making, if any common institution is to succeed, unless the international community is prepared to make the necessary investment to sustain an entirely integrated project.

### 3.2. IPTF and the Police in Brcko

IPTF's role in the Brcko area has been much more intrusive than anywhere else in the country. At Dayton, the area was not assigned to either of the entities, as no agreement could be reached over the issue. To the Serbs, Brcko is of vital importance because it links Western and Eastern RS together. To Bosniaks and Croats, not regaining control of the Brcko area would have amounted to a legitimisation of ethnic cleansing, as the pre-war Brcko *opstina* was ethnically dominated by non-Serbs.<sup>77</sup> Until the outcome of the arbitration, the city of Brcko was placed in temporary custody with the RS.<sup>78</sup> However, Serb authorities impeded

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<sup>76</sup> The lack of local funding can be easily attributed to the fact that some local politicians have no interest in helping the development of the SBS. In 2001, the SBS was able to expand its activities thanks to bilateral assistance and reductions in functioning costs. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/2001/571, 7 June 2001, para. 23.

<sup>77</sup> The strategic importance of Brcko was not lost to the Bosniaks and Croats either.

<sup>78</sup> At the end of the war, the Brcko *opstina* was divided in three: the city of Brcko itself was under Serb control and the Bosniaks and the Croats each controlled an area south of the city. Each zone had its own administration and police force.

refugee return, in an attempt to maintain the Serb demographic domination of the city.<sup>79</sup>

In the face of Serb resistance, the OHR was granted administrative powers in February 1997 by the Arbitral Tribunal and nominated an international Supervisor for the Brcko area. In October, the Supervisor ordered the creation of a multi-ethnic police force with a single chain of command. IPTF and the Supervisor also determined the number of police that would serve in the Brcko area, its ethnic composition and imposed two non-Serb deputies on the police chief.<sup>80</sup> The decision was described by local Serb authorities as 'drastic' and difficult to implement.<sup>81</sup> The new police was inaugurated in December 1997, and has been operating since under the strict supervision of IPTF.

The relative success of IPTF in creating a multiethnic police in Brcko should not mask some essential components that make the situation unique. First, the strategic location of the *opstina* has given the area a lot of international attention. Incidents have occurred in Brcko, but the international community has been willing to devote substantial resources to the creation of a multi-ethnic police. Second, the selection of candidates, the training of cadets, and staffing plans were all thoroughly scrutinised and approved by IPTF. The nominations of the chief of police and his deputies were also directly made by the Supervisor. Finally, daily police work is

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<sup>79</sup> On 30 April and 1 May 1997, two buses of visiting Croats and Bosniaks were stoned by a local angry mob, whilst the local police looked on. See *Bosnet News*, 3 May 1997.

<sup>80</sup> The police was to comprise 120 Serb officers, 90 Bosniaks and 20 Croats. Brcko Arbitral Tribunal for Dispute Over the Inter-Entity Boundary in Brcko Area, *Order on Multi-Ethnic Police in the RS Municipality of Brcko*, 13 October 1997, para. 2-4 [text on-line] (accessed 25 June 2001); available from <http://www.ohr.int/docu/d971013a.htm>; Internet.

<sup>81</sup> See *RFE/RL Newslines*, 14 October 1997.

closely monitored by IPTF.<sup>82</sup> This intrusive IPTF mandate was made possible by the special status granted to Brcko after October 1997, and strengthened by the March 1999 final award, which turned the Brcko area into a District, under the direct authority of an international Supervisor. For all intents and purposes, Brcko became an internationally supervised third entity.<sup>83</sup> The achievements of IPTF in Brcko beg the question of self-sustainability, as identified in the case of the SBS. Indeed, would the police in Brcko remain integrated should the international community hand its control over to the parties?

### 3.3. The International Community's Choice: Full Reintegration or Consociationalism?

The experience of the SBS and of police reform in Brcko highlights two options for the international community. First, complete reintegration of police forces is possible if the international community takes control, both politically and financially, of the process leading towards integrated police. This includes selecting, training and supervising the police. This option, very resource-intensive, is likely to require a long and sustained effort on the part of the international community. As shown in chapter five with regard to IFOR/SFOR's secondary mandate, and by the difficulties encountered to finance the SBS, there is no political will on the part of the international community to make such a large-scale commitment. The second

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<sup>82</sup> A UN report mentions that every joint patrol was accompanied by an IPTF monitor. See UN, *Report of the Secretary-General on the United Nations Mission in Bosnia-Herzegovina*, S/1998/227, 12 March 1998, para. 8.

<sup>83</sup> Indeed, the award grants all powers of governance exercised by the entities to the new District. See Brcko Arbitration- Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brcko Area, *Final Award*, 5 March 1999, section II, para. 9 [text on-line] (accessed 25 June 2001); available from <http://www.ohr.int/docu/d990305c.htm>; Internet.



option, based on a consociational model, recognises that complete reintegration is unlikely in the near future, but that certain mechanisms, such as consensual decision-making and parity in key positions, can create the trust necessary to proceed with some measure of reintegration. This option may be worth considering if the international community hopes to reduce its presence and involvement in BiH.

#### **4. Conclusion: UNMIBH: Impressive Mandate, Disappointing Results**

This chapter has argued that the hard realist strategy adopted at Dayton, that of leaving the control of the police in the hands of the parties has only allowed for the continuation of the mono-ethnic and undemocratic character of these forces, but also consolidated their grip on territory and done nothing to reduce mistrust among the parties. UNMIBH and IPTF had been introduced as means to produce a gradual reform of the police towards multi-ethnic and democratic policing. Indeed, the mandate of the UN in BiH provided, although not exclusively, for a process of certification and training for all police in the country. It also envisaged the reduction of the number of officers in the respective forces and the integration of minorities in these reformed structures.

This ambitious mandate has borne some fruit as explained in this chapter. Numbers have been reduced, police officers identified and in some cases dismissed for being unfit to exercise police functions. However, the forces are still largely mono-ethnic, and have not significantly been sheltered from political influence, undermining efforts at rebuilding a single political space. In addition, police forces have continued to be responsible for human rights violations, especially in connection with returns, or to pursue a policy of non-intervention in the face of

violations. UNMIBH has tried again to remedy these violations by launching independent investigations. As explained in this chapter, some of these have yielded results in the form of disciplinary action being taken against the offending officers. However, the inherent weaknesses of UNMIBH have created inconsistencies in the enforcement of UNMIBH's recommendations and standards.

Several of these deficiencies have been identified in this chapter. First, the bureaucratic inefficiencies within UNMIBH have reduced the level of effectiveness of the UN force in screening out officers responsible for behaviour incompatible with democratic policing. Second, the lack of resources, financial and human, has hampered the ability of the UNMIBH decisively to affect the situation. Third, the high turnover in the mission is also reducing the effectiveness of UNMIBH personnel and preventing the development of an institutional memory. These three issues, not unfamiliar to UN peacekeeping operations, were nonetheless not really factored in when UNMIBH's mandate was being drafted. Finally, UNMIBH's lack of political leverage against the authorities, which was a direct consequence of the approach adopted at Dayton, has meant that the UN force must rely on other organisations for assistance to enforce its agenda.

Yet, the experience of the SBS and the integrated police force of Brcko points to the potential for reintegration and the development of democratic policing practices. However, the issue of self-sustainability is essential in this context. As outlined in the previous chapter, many common institutions in BiH survive mainly because of the ongoing scrutiny of the international community. The nationalist power structure is without doubt obstructing in depth reform of the police, but unless the international community is willing to engage in a long and resource-intensive

effort to sustain integrated structures, consociational solutions should be envisaged as a substitute. The next chapter will draw final conclusions from this research.

## **Conclusion: Linking the Security and Political Components of Peacebuilding Within a Hard Realist/Liberal Framework: the Need for a Coherent Strategy**

This thesis has examined the impact of SSR on democratisation in peacebuilding operations. Based on the evidence reviewed in this research, this thesis has argued that within the context of peacebuilding operations, pursuing a hard realist strategy with regard to SSR does not facilitate the transition towards democracy. This strategy has been characterised as seeking to leave the control over security forces in the hands of the parties and to create a military balance between them. The case of Bosnia-Herzegovina has been used to illustrate the consequences of implementing such a strategy. Focusing on the implementation period extending from November 1995 to November 2000, this thesis has also assessed the role of third parties, and their degree of control not only in restructuring the security sector, but also in assisting democratisation.

Two sets of conclusions regarding the security and political aspects of peacebuilding operations will be drawn here. The first set of conclusions concerns Bosnia-Herzegovina itself and the prospects for democratisation, including the rebuilding of a single political space, in the former Yugoslav republic. It will be argued that both the structure of the agreement and the incoherence of the international community have left the Bosnian security sector divided on a continuum between integration and separation, whilst undermining democratisation by leaving the nationalist power structure largely untouched. The second set of conclusions provides some insights into the hard realist approach to security sector reform and suggests conditions under which such an approach might assist democratisation. It also identifies three potential roles that external actors can play

within a hard realist/liberal model of peacebuilding and discusses the degree of control that third parties can have within this model.

## **1. Bosnia-Herzegovina: Failed Peacebuilding?**

Many of the difficulties experienced in the implementation phase of the GFA stem from the structure of the agreement itself, which it has been argued, combines a hard realist approach of SSR with democratisation, and from the international community's lack of coherence in implementing the GFA.

Indeed, the agreement is a complicated mix between separatist and re-integrationist provisions. It reaffirms the existence of the Bosnian state within its internationally recognised borders, governed by common and democratic institutions, envisages the creation of a common currency and a single economic space, demands freedom of movement, guarantees a high level of human rights protection to all citizens and commits the parties to allowing refugees to return to their pre-war homes. However, the GFA also leaves the Bosnian state with no army and no police forces, whose control is assigned to the entities, divides the Bosnian territory into two highly autonomous entities, whose contours and ethnic composition are the result of ethnic cleansing, and seeks to create a military balance between them. The GFA implicitly assumes the reunification of the Federation, whilst in effect it continues to be largely divided along ethnic lines at the cantonal level. Indeed, eight out of ten cantons, which form the Federation, are controlled by either Croats or Bosniaks, whilst parallel police and military structures have endured. The tension between the hard realist, separatist elements of the GFA and its

liberal, re-integrationist provisions has plagued the whole implementation phase because the GFA does not decisively choose between the two.

In this context, the second structural weakness of the GFA, more important, takes its significance: paucity of specific targets with deadlines attached. Indeed, the GFA only gives precise deadlines to the parties and implementers to achieve specific objectives in the following areas: the military provisions of annex 1-A, the negotiations on an arms control agreement and confidence building measures of annex 1-B and the holding of elections in annex 3. Apart from these deadlines, the parties and their international overseers are left with no specific priorities on where to take the peace process. In this context, the preferences and interests not only of the parties, but also of the external actors involved in the implementation of the GFA have led to intense bargaining between them. Two of the parties, the Croats and Serbs, have emphasised the separatist provisions of the GFA, whilst the international community and the Bosniaks have more often than not underlined the centripetal provisions of the agreement. This thesis has shown that the willingness of international agencies to use their resources to impose a certain outcome has often been essential to any progress in implementing the liberal provisions of the GFA and bringing their security forces closer together. However, this thesis has also raised the issue of self-sustainability, asking whether these outcomes could be indigenously sustained should the international community hand the implementation of the peace agreement to local actors.

Third, this lack of prioritisation among the long list of objectives set by the GFA has been compounded by the high numbers of international institutions with different agendas and competing mandates involved in some aspect or another of the peace process. The involvement of MPRI, a private company, in the security sector

has further undermined the coherence of the implementation effort. The picture that emerges from this analysis is one where the implementation of the GFA has been guided by the result of constant bargaining among the parties, the international community and between the parties and the international community, with no real end state being defined, because no agreement on what that end state should be has been reached.

This situation has left the implementing international agencies with the burden of setting priorities and shaping outcomes. In this context, external actors have been given a lot of *de facto* latitude to emphasise certain aspects of the agreement over others. The way international agencies have gone about interpreting and fulfilling their mandate has therefore played an essential role in the implementation phase. The guidance received from the PIC has not contributed to prioritising objectives either, rather leading to endless lists of goals to be achieved. What has been lacking in the implementation phase is an international strategy allocating international resources to specific, coherent objectives essential to achieve for the international community to be able to withdraw from BiH. A review of the activities of IFOR/SFOR, the OSCE, the OHR and the IPTF will show how both issues-the structure of the GFA and the priorities of implementers- have affected the security sector in BiH, as well as democratisation.

As discussed in chapter five, IFOR and SFOR approached their secondary mandate in minimalist terms until mid-1997, focusing almost exclusively on the their primary mandate. It has been shown that the detailed, three-step military plan contained in annex 1-A did stabilise the military situation, allowing IFOR to separate two of the parties and thereby paving the way for an institutionalised military balance. Indeed, IFOR's primary mandate did not challenge the internal

division of the Federation. However, the poor international response to the deteriorating situation in the Sarajevo suburbs was discussed to illustrate the consequences of leaving the parties in control of the security side of this transition, especially as there was no will on either side to preserve the ethnic composition of the areas in question.

The NATO-led force's mandate has consolidated the control exercised by the parties over the territories they occupied, with the exception of the Sarajevo suburbs, which were transferred to the Federation, whilst not affecting the military balance and contributing to the alleviation of the security dilemma. This leads to the conclusion that IFOR/SFOR's primary mandate has not contributed positively to democratisation, because it has left untouched, although constrained, the nationalist power structure, which had been responsible in the first place for the division of the country in mono-ethnic statelets.

Although IFOR/SFOR's strict monitoring of the EAF restrained the ability of the parties to use them for their political and military purposes, a great number of civilian aspects of the GFA suffered from IFOR/SFOR's lack of support. Only during the summer of 1997 did SFOR begin to fulfil its secondary mandate by enforcing freedom of movement and arresting war criminals. Indeed, besides the parties, the NATO-led force is the only agency with the capacity to use force to impose a given outcome. The introduction of the MSU in 1998 seemed to signal an acknowledgement on the part of SFOR that in the absence of a state with the capacity to enforce the law impartially, it will have to step in. However, the lack of political will to make use of the MSU has rendered the unit largely ineffective. In other cases, SFOR's resources were used to impose a strict and effective policy on the parties, such as the one developed with regard to freedom of movement, agreed



between SFOR, IPTF and the OHR. In this case, an international strategy was agreed and developed, and the necessary resources invested into it. With regard to the arrest of war criminals and the protection of minorities, SFOR's response has been more patchy.

Chapter five showed that SFOR did get involved in increasing the security of areas where minorities lived or returned, or proceeded to arrest war criminals, but these operations were mostly decided at the local or sector level, and did not represent a shift of policy for the entire force. Differences between the British, French and American sectors illustrate how their various capitals approached these issues from fundamentally different angles, leading to incoherence. Consequently, IFOR/SFOR presence has not fundamentally challenged the military and territorial divisions that existed at the end of the war. However, the force has helped restrain the military options open to the parties, and has begun undermining the links between nationalists and the armed forces. All this has undermined the control exercised by the parties over the territories they occupy, thereby bringing some measure of democratisation to BiH and helping the rebuilding of a single political space.

The military balance strategy, contained in annex 1-B of the GFA, has had a profound effect on the balance of forces in BiH. Annex 1-B is one of the most centrifugal provisions of the GFA, aiming at creating a military balance between the EAF. As explained in chapter six, the military balance strategy has consolidated the division of BiH in three military blocks. Largely implemented and sustained under the auspices of the OSCE, annex 1-B has also helped the parties achieve their various agendas. The Bosniaks received the military assistance they had been asking for during the war. Within the limits set at Dayton, they have increased their military

potential, both qualitatively and quantitatively. The Croats also benefited from 'Train and Equip', and managed to maintain parallel military structures, although the weakening of the HDZ in 2001 may affect this situation. The Serbs consolidated their own military structures, deeply integrated with those of the FRY, but have seen their military advantage reduced dramatically in the face of the Federation military build-up. In early 2000, the OSCE began to develop a new strategy, arguing that the two regimes created under annex 1-B -the arms control and confidence-building measures- were means in need of an end. This 'end' was later defined as an integrated military, with the sole mission of defending the borders of the Bosnian state.

The regimes set up under annex 1-B have since become, in the eyes of the OSCE, the building blocks that would lead to integration in the military realm. Their role is seen by the international institution as creating the necessary trust and stability among the parties to induce them to move forward with the integration, restructuring and downsizing of their forces. However, MPRI has played a destabilising role in that the company, by building up the military capacity of the Federation, has increased mistrust among Serb authorities, who are asked to integrate their forces with a counterpart whose military strength is still being increased. The OHR, in turn, began working in early 2000 on common defence institutions, hoping to develop the SCMM into an embryo of a national ministry of defence, with a common defence doctrine, which was agreed by the Presidency in 2001. In retrospect, both the OSCE and the OHR have steered the parties away from the initial separatist content of annex 1-B. They have, however, encountered considerable resistance to their efforts at integrating the Bosnian military sector.

Co-ordination, however, has made more progress. The secretariat of the SCMM has the potential to evolve into a co-ordinating mechanism, where all parties are equally represented and decisions made by consensus. Given that other efforts at integration, like the SBS and the police in Brcko, have only made headway under intense pressure from the international community, which is not likely to be sustainable in the long term for lack of political will, a strategy of co-ordination over integration of the security sector may be more promising. However, such a strategy carries the risk of further legitimising the nationalist power structure, and solidifying their grip on the new common institutions. Consequently, there is a real danger that these co-ordination mechanisms may become nothing more than institutionalised 'talking shops'.

Reform of the police is one of the main axes of the democratisation process called for by the GFA. Indeed, a multi-ethnic police force working to protect individual rights and to sustain the rule of law would increase the security needed, for example, for Bosnians to travel throughout the territory of BiH, and in the case of refugees, to return to their pre-war homes, knowing that the police will protect their right to do so. However, the war left Bosnia with a legacy of police forces at the service of the nationalist power structure, and deeply involved in human rights violations. The mandate of IPTF, which was to help reform the police, has consisted of a monitoring role, ranging from soft to robust monitoring, and of training functions. It does not grant monitors any enforcement powers to intervene in place of the police, or to command the police to act in case of flagrant human rights violations. In the long term, this policy should put the responsibility for reform on the local authorities, but IPTF's mandate limits its impact in the short term on stopping violations.

However, within the period studied, IPTF's monitoring functions, but more importantly IPTF's institutional weaknesses, have only marginally prevented the parties from using police forces to maintain their control over territory. The introduction of investigation powers in UNMIBH's mandate in 1997 has equipped the UN mission with a valuable tool to identify the role of the police in failing to stop human rights violations. However, the recommendations made in the reports produced by the investigators have only been partially implemented. Chapter seven discussed the difficulties that UNMIBH encounters in getting the local authorities to take action against offending officers. These difficulties stem from the mission's mandate which does not directly give the authority to UNMIBH to dismiss individuals. Moreover, because co-operation with local police is essential to fulfil their mandate, IPTF monitors have been reluctant in some cases to damage this co-operation by vigorously enforcing their mandate, indirectly allowing the use of police forces for other purposes than the provision of internal security.

As far as training is concerned, the hard realist strategy of leaving control over the police in the hands of the parties has not facilitated their reintegration. This ongoing control of the police by the parties has made it easier for the parties to control the process of police reform, as well as the ethnic composition of these forces. For example, chapter seven pointed out UNMIBH's lack of success in getting a substantial number of minorities to be reintegrated in the police. Once again, this control over the police has been translated into continuing control over territory. In turn, the cases of the SBS and of the Brcko police, which are both integrated forces, also illustrated the difficulty of creating self-sustainable structures for the police. For all the success at reintegration they constitute, these forces function to a large extent thanks to consistent efforts by the international community. Chapter seven suggested

that joint policing may constitute a viable alternative to internationally supervised integration and complete separation.

As developed in chapter seven, the institutional weaknesses of the UN mission in Bosnia have limited its impact on the police. Several difficulties were identified in chapter seven. First, the high turnover in the mission has considerably hampered any kind of effective training of monitors and in depth knowledge of the local police. Second, there are huge differences among IPTF monitors with regard to policing and human rights standards to be expected from the local police. These differences stem from policing practices in their countries of origin, not all of which are democratic, and from contrasting cultural attitudes to the possession of guns as between one democratic country and another (e.g. France and the US). This point is important, as it affects the balance of forces by restricting the possibility of using police forces for military purposes. Indeed, these differences have allowed the parties to maintain police forces with some military capability. Third, the bureaucratic inefficiencies of UNMIBH have rendered the process of certification inconsistent, whilst allowing officers who should have been dismissed to slip through the cracks. Finally, UNMIBH's lack of resources has prevented it from making an impact at critical moments of the peace process. The transfer of the Sarajevo suburbs comes to mind here as well as the difficulties encountered in funding the SBS. In the case of the Sarajevo suburbs, the promised monitors had not been sent by the time of the transfer, seriously hampering their impact on an extremely volatile situation. In the case of the SBS, the lack of international support for the SBS has considerably slowed down the development of the only state-wide security force.

The lack of an overall strategy for the security sector in BiH has plagued the five years of implementation examined in this thesis. The disconnection between the various security provisions of the GFA has meant that reform of the police and of the military have been isolated from each other. Whilst the ethnic reintegration of police forces has been actively pursued by IPTF since 1998, NATO, the OSCE and the OHR did not pursue similar policies until the end of 1999, after four years of implementation had solidified the division of the military sector into three separate blocks, despite largely symbolic unified structures in the Federation. In this context, the fact that the EAF did not change their mission to the defence of BiH's borders within the period studied, instead working towards a military balance, gave the nationalists no incentive to want to integrate police forces. Indeed, the destabilising role of MPRI in increasing mistrust between the parties illustrates how the military balance strategy has deepened the divisions of the country, and strengthened the position of the nationalists, casting doubt on the self-sustainability of the BiH-wide regimes and institutions created since the war.

As argued earlier, there is no common vision for the security sector on the part of the international community, beyond generic objectives such as 'stability', 'reintegration of forces', 'downsizing and restructuring', 'political neutrality' and 'common institutions'. This situation goes to the heart of the GFA, which did not resolve the fundamental issue of the borders of the Bosnian state, if any. The debate over the security sector is just a manifestation of this issue, and the international agencies involved with the security sector have been either unable or unwilling to pursue a coherent strategy. The fact that, whilst the OHR is trying to develop a state-wide defence institution, the secretariat of the SCMM, UNMIBH struggles to find assistance to expand the only state-wide, integrated security institution, the SBS,

shows the incoherence of the international community with regard to the security sector.

The consequences for democratisation of this incoherence and of the hard realist approach to SSR adopted in the GFA are patent. The implementation of the GFA has left the security sector in BiH fragmented, and ranging from complete separation (between the two EAF armies) to complete integration (the SBS and the Brcko police). The Bosnian state still has no army and no police, with perhaps the exception of the SBS, and the nationalists have to a large extent managed to maintain their control over security forces, and over the territories they control.

This situation impacts on the creation of a single political space, and illustrates how the parties have largely maintained the division of the Bosnian territory into three quasi mono-ethnic statelets. Refugee return has made headway, but returns to areas where returnees are in the ethnic minority were still marginal during the period studied, because security was still problematic, even though the issue has other dimensions. Freedom of movement has been established, but again the international community is the driving force behind this accomplishment. Discrimination against minorities in sectors like education, employment and access to public services is still rife, and used as a way to prevent returns.

Finally, the period under study shows that two of the three elements of democracy, as defined in this thesis, namely individual rights and the rule of law are still largely a fiction in BiH, because the power structure that prevents respect for them is still in place. As for elections, within the period studied, they did not assist the emergence of substantial democratic forces, but rather served to further legitimise the nationalist power structure. However, the role played by the nationalist power structure should not obscure the fact that the transition to the rule

of law and respect for individual rights also has to do with the adoption of liberal norms by the government institutions and the wider Bosnian society. Indeed, as discussed in chapter one, democratic institutions cannot exist without supporting values found in the wider society. This thesis has nonetheless pointed to the role of the nationalist power structure within a hard realist strategy of SSR in hampering such developments in order to prevent the redistribution of political resources that democratisation entails.

## **2. Is a Hard Realist/Liberal Peacebuilding Model Unworkable?**

The difficulties encountered since the end of the war by external actors involved in the implementation of the GFA seem to indicate that the hard realist/liberal model of peacebuilding, considered in chapter two, does not hold much promise in facilitating democratisation. Some additional conclusions, however, can be drawn regarding this model of peacebuilding, and also regarding the roles and degree of authority that third parties can exercise within that model. These conclusions support the view that it is not so much the model itself, but the role of the hard realist strategy of SSR and of third parties within that model, that determines whether it facilitates the transition towards democracy.

An obvious lesson to be learned from the Bosnian case is that a hard realist strategy of SSR will give legitimacy to and strengthens the position of the various parties to the peace process and their leaders. Indeed, the hard realist approach does not initially challenge the military power of the parties, nor the political and economic benefits derived from that power. Consequently, a hard realist model of



SSR enables the parties to maintain their control over the territory they occupy, and leaves them with the means, at least initially, to wreck the peace process.

If the parties are committed to peace, a hard realist strategy of SSR can assist democratisation by guaranteeing the security of the parties through the creation of an institutionalised military balance between them and through their ongoing control over security forces. This military balance and control over all security forces will alleviate the security dilemma they face until sufficient trust has been rebuilt by the process of democratisation to proceed with demilitarisation.

Because the parties' position is consolidated by the structure of the hard realist model of SSR, it is therefore likely to be more conducive to power-sharing arrangements between the parties than to majoritarian democracy. Chapter three has argued that these can be compatible with democracy within a consociational model. This means that the establishment of a majoritarian democracy is unlikely, at least in the short-term. In the case of ethnic conflict, it may even be that such arrangements are the only viable option to prevent a return to open conflict.

What is understood by 'military balance' within a hard realist strategy of SSR is also a point that should be emphasised. As explained in chapter two, the concept has various meanings, and in operational terms is not only determined by quantitative factors, but also by qualitative factors. More importantly, the kind of 'balance' that was sought in the GFA was not parity in weapons, but actually gave a military advantage to the Federation army, which has turned out to be one of the most destabilising factors in the Bosnian peace process. This argues against creating a military balance by arming one side in order to give it a military advantage, regardless of it being the victim of aggression; rather, such an endeavour should aim at reducing the overall level of weaponry in the country and at creating a military

equilibrium between the parties. The concept advanced here is to induce the parties to agree to a certain ratio of weapons and forces between them, as close as possible to a military equilibrium, that can be verified and monitored. In other words, to get the parties to agree on a baseline for weapons and forces. However, the kind of weapons to be included in a military balance agreement is also an important issue.

In BiH, because the CFE template was used, the accent was put on heavy, offensive weapons. These are obviously easier to monitor, but many internal conflicts have been fought with light weapons, which are more difficult to control, especially when the factions are poorly organised, and operate more as gangs than organised military or police forces. The idea of cantonment tried in Bosnia does nonetheless hold some promise. Indeed, it allowed IFOR/SFOR to concentrate troops in certain areas and to limit their movements, whilst also regularly verifying the cantonment of all types of weapons. The creation of ZoS also helped create a weapons-free zone between the parties. These measures contribute to the objective of the hard realist strategy, that of ensuring their security.

Banking on a genuine commitment to peace on the part of the parties is a dangerous exercise, which has led to many disappointments on the part of the international community, not least in BiH. In turn, assuming that parties are systematically bent on obstructing the peace process is however too simplistic. The success of a hard realist/liberal model of peacebuilding, which initially accepts the distribution of power among the parties, will therefore be largely dependent on two factors. First, the parties must be in agreement that the hard realist strategy of SSR is aimed at ensuring their physical security until the political mechanisms for managing and resolving conflict without violence have become self-sustainable. This model assumes that the parties have reached a 'hurting stalemate', and they are

ready to begin the post-conflict transition. In other words, the hard realist strategy amounts to a phased, balanced demilitarisation effort whose agenda is not set by technical considerations, but clearly linked to the development of the above mechanisms, as wished by the parties. This presupposes a clear agreement between the parties, and among external actors, on the role played by SSR within the overall peacebuilding process. This demilitarisation effort, which can take years, therefore becomes a political exercise at state-building and conflict resolution.

Second, the success of a hard realist strategy of SSR in facilitating the transition towards democracy also depends on how far third parties are willing to invest their resources, not only military but also diplomatic, in propping up the commitment of the parties to the peace process by increasing the costs of non-compliance. In other words, third parties need to tread a thin line between allowing the parties to enjoy the benefits of their military position, at least initially, whilst ensuring that this position is not used to undermine democratisation. The resources at the disposal of third parties also need to be reckoned with when thinking about the costs of non-compliance. The case of BiH is unique in the sense that third parties involved in the implementation of the GFA have brought to BiH enormous political and military resources, that the UN, the principal peacebuilding institution, cannot match.

Continuing on the issue of the role played by third parties, the regional dimension of the hard realist/liberal model of peacebuilding also has to be reckoned with. Indeed, as with BiH, it is likely that regional powers will have an impact on the local balance of forces, and should therefore be included in the design of the military balance. The Bosnian case illustrated the importance of involving neighbouring states in the peace process, but also in arms control regimes stemming from the

agreement, especially if the conflict involves ethnic groups aspiring to be joined with neighbouring states.

Taking into consideration the regional dimension of a peace process is a common theme in the literature on conflict resolution. However, developments in BiH in 2001 have shown that the most recalcitrant parties can be brought to heel if the support they receive from neighbouring states is diminished, even within a hard realist/liberal model of peacebuilding. Unless the issue of the borders of the state are not settled during the negotiation phase, a hard realist model of SSR can assist democratisation if external actors, international or regional, are willing to invest the necessary resources, in a coherent manner, in order to affect the calculations of the parties towards implementation of the agreement. Without an agreement over borders, a hard realist/liberal strategy only serves to decisively harden the divisions created during the war, and to support separatist tendencies.

As far as specific roles played by third parties within a hard realist model of SSR are concerned, three roles were identified in this research: 'balancer', 'mediator' and 'verifier'. Third parties play a role of 'balancer', deterring factions from returning to hostilities by committing to militarily 'punish' any faction that would initiate hostilities. This role is essential, as it offers a security guarantee to the parties, whose perceptions of the military balance may lead them to reinitiate hostilities before their perceived military advantage is lost.

External actors also assist the transformation of the security sector, as in BiH, by using assistance offered in the context of the military balance to induce change in the parties' police and armed forces, such as partial reintegration, increased co-ordination, information exchange, downsizing or retraining. These changes can indeed be presented as confidence-building measures. Third parties

must therefore entrench their position in the post-conflict phase, and act as mediators between the parties in reshaping the security sector, with the objectives of democratisation and self-sustainability integrated in their strategy.

Finally, third parties act as ‘verifiers’ as they check that the parties’ behaviour is in accordance with the agreement(s) to reform the security sector, or other confidence-building measures as agreed between the parties. This function of verifier also includes checking that the behaviour of the parties is in accordance with other aspects of the overall peace agreement, such as those that concern democratisation. In the absence of a state that has the monopoly of legitimate violence, as in BiH, this function can go as far as taking on the role of enforcer of the rule of law and protector of individual rights, traditionally devolved to the state in democratic countries.

The final point that this section seeks to discuss concerns the degree of authority that third parties exert over the implementation of the peace agreement. The cultural specificity of the democratic model and the security risks associated with a hard realist strategy of SSR are likely to require external actors to entrench themselves in the peace process for a number of years, which is unlikely to be sustainable politically for most parts of the world. However, the length and depth of international presence in BiH, and the central role of external actors in establishing and maintaining an institutionalised military balance and pursuing the reform of the police, whilst pushing for democratisation, argue against any quick fix solutions. Based on the evidence reviewed in the case of BiH, it is likely that third parties will have to arbitrate some key issues between the parties, thereby exerting a considerable amount of control over the peace process. The scope and duration of these arbitration powers is nonetheless difficult to determine, but their use to defend

democratic principles instead of specific institutional mechanisms may reduce the time commitment of third parties to the peace process.

Indeed, in order to create structures that will be locally sustainable after third parties withdraw, these may have to consider other types of political arrangements than majoritarian democracy. The question for third parties is not, therefore, whether it is possible to create reintegrated and democratic institutions that can be self-sustainable, but rather how to create self-sustainable institutions that are compatible with democracy. Indeed, third parties should use their resources to mediate, not arbitrate, the creation of local institutional mechanisms for resolving conflict peacefully, whatever form they may take, that are compatible with democracy. This points to the conclusion that a hard realist model of SSR is more compatible with soft realist political arrangements, such as power-sharing than with majoritarian democracy. However, as explained in the introduction, there is considerable overlap between soft realist and liberal solutions to internal conflict. Therefore, a hard realist approach to SSR is not incompatible with democracy, but democratic power-sharing arrangements may necessitate shorter and less intrusive commitments on the part of third parties.

### **3. Conclusion**

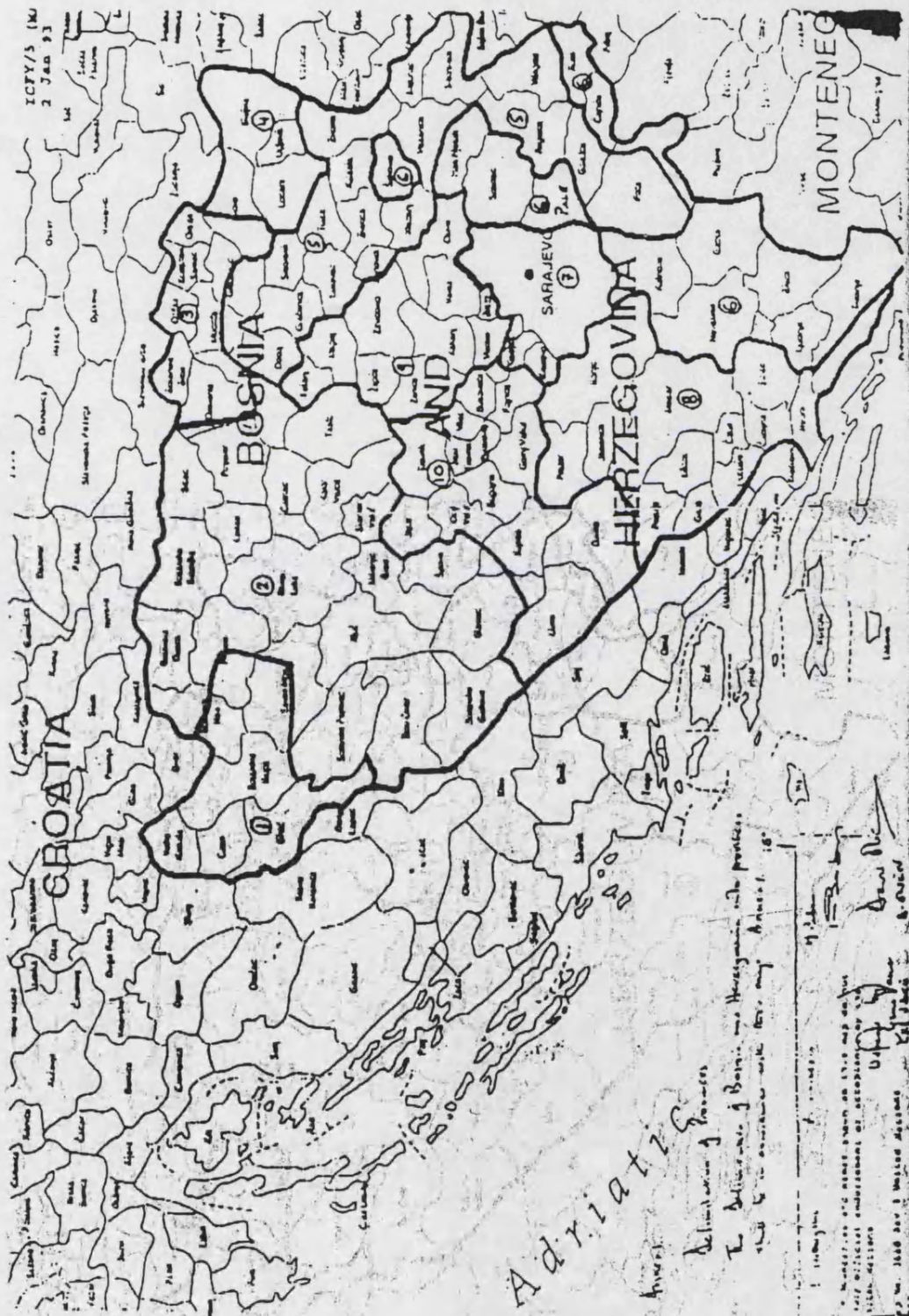
This conclusion has pointed to two sets of difficulties arising from the GFA: the structure of the agreement itself, torn between its separatist and re-integrationist provisions, and the incoherence of the international community with regard to SSR in BiH. It has been argued that the hard realist model applied in BiH has not significantly helped democratisation, including the rebuilding of a single political

space, whilst leaving the nationalist power structure largely untouched. It has been suggested that the international community is in need of a coherent strategy for the entire security sector in BiH, which assigns specific resources in support of objectives that support democratisation.

The Bosnian predicament has also been used to assess the potential of a hard realist/liberal model of peacebuilding. It has been argued that it is less the nature of the model itself, which combines a hard realist approach to SSR with efforts at democratisation, that determines the success of the democratisation effort than the place of SSR within the overall peacebuilding process as well as the roles played by and commitment of third parties to push democratisation forward. Finally, three roles for external parties were discussed: 'balancer', 'mediator' and 'verifier', as well as the need for third parties to rethink the use of their resources to mediate the creation of self-sustainable mechanisms, compatible with democracy, for the peaceful resolution of conflict, instead of arbitrating every issue.

This thesis is an attempt to make a contribution to the literature on peacebuilding by examining the relationship between the security and political aspects of peacebuilding operations. It has proposed an alternative model of peacebuilding, trying to incorporate realist considerations into the analysis of such a complex and difficult endeavour. Above all, this thesis has tried to show the importance of remaining engaged with conflict in all its forms, and to work towards its transformation.

# Annex I: Bosnia-Herzegovina's Territorial Divisions under the Vance-Owen Peace Plan





## Annex II: Bosnia-Herzegovina's Territorial Divisions under the GFA



Map No. 3729 Rev. 1 UNITED NATIONS  
August 1995

Department of Public Information  
Cartographic Section

### Annex III: Authorised Weapon Holdings under Article IV of Annex 1-B

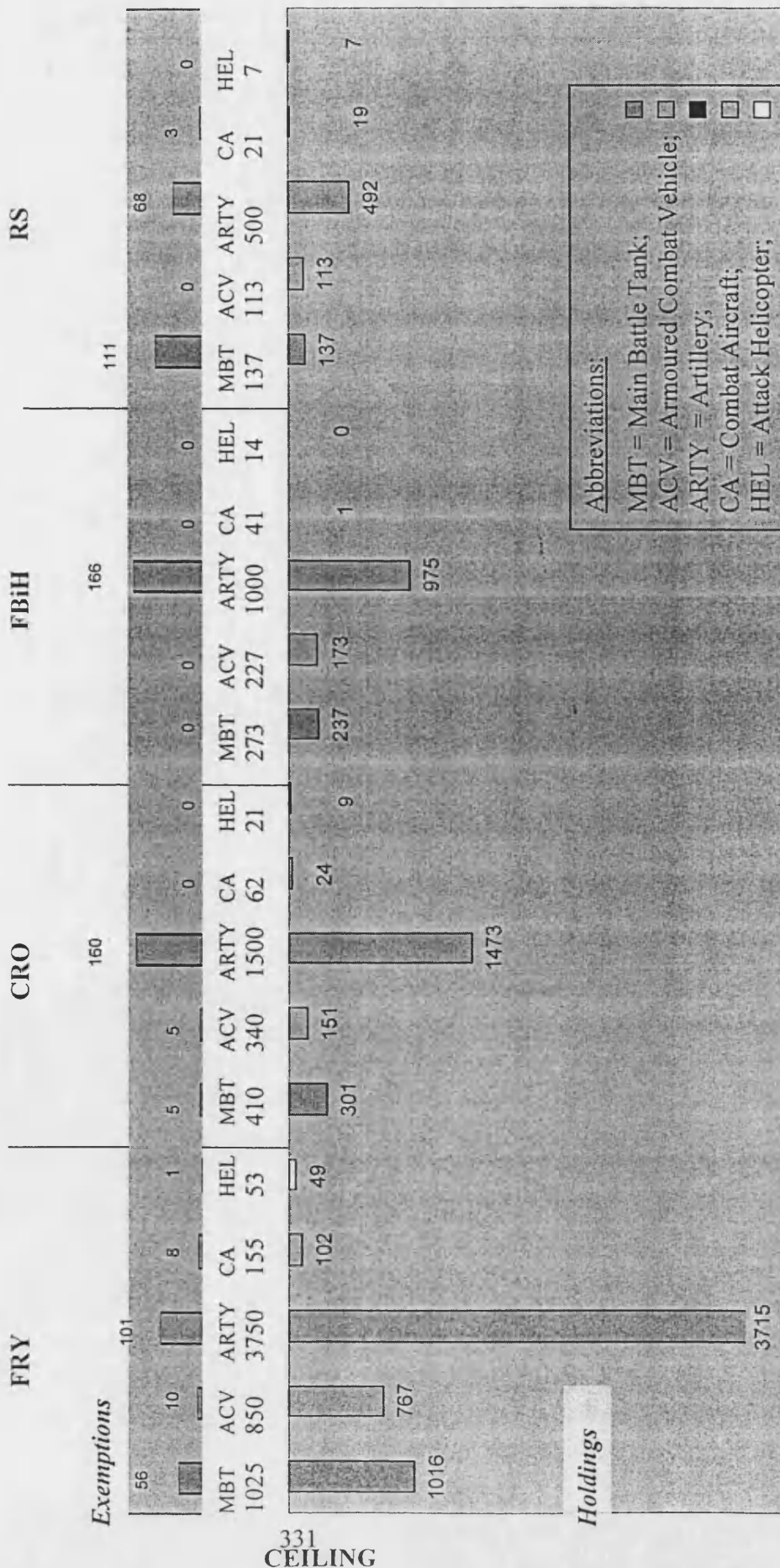
	Yugoslavia	Croatia	BiH (Federation+RS)	BiH- Federation	BiH- RS
<b>Battle Tanks</b>	1,025	410	410	273	137
<b>Armoured Combat Vehicles</b>	850	340	340	227	113
<b>Artillery</b>	3,750	1,500	1,500	1,000	500
<b>Combat Aircraft</b>	155	62	62	41	21
<b>Attack Helicopters</b>	53	21	21	14	7

Source: Agreement on Sub-regional Arms Control, art. IV, section 1.

# Agreement on Sub-Regional Arms Control (Art- IV.)

Holdings & Exemptions (i. a. w. Art. III. Para. 1. a, b, and d.)  
(as of 15.12.1999)

## Annex IV: Actual Weapon Holdings under Article IV of Annex 1-B, as of 15 December 1999



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