

Comment: Bosnia Needs A Different Debate on Police Reform

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The international community and Bosnian leaders should turn away from their protracted and barren debate on police reform, and look at more pragmatic options to improve policing.

A couple of weeks ago, on November 7, I was in the northern town of Doboj, in the Serbian entity of Bosnia and Herzegovina, BiH, interviewing the director of an enterprise that produces electricity pylons. In disbelief, Mato Majstorovic showed me a newspaper story reporting that the EU and Serbia were about to initial a Stabilisation and Association Agreement (SAA) later that day. "Is this true?" he asked me. "They get it and we don't?"

Obren Petrovic, the mayor of Doboj whom I saw the following day, was similarly distressed by the fact that Bosnia had fallen behind every other Balkan state in its relations to the EU. "We have to initial this agreement as quickly as possible," he said. "Bosnia's economy suffers from the political situation, there is too much insecurity. I can't convince people to come here if they constantly read about some crises in Bosnia."

At the local level these two men are struggling to bring investments to Doboj, a town that has changed remarkably in the last few years. Some 20,000 Bosniak citizens have returned to their homes, more than half of all those displaced from the municipality.

The mosques destroyed in the war have been rebuilt, mostly with some funding from the municipality. Bosniak returnees are hired to work in the municipal administration, and at present they make up 18 out of 180 employees.

Primary school branches in Bosniak settlements employ Bosniak teachers, and teach sensitive "national" subjects, such as language, according to the curricula used in BiH's other entity, the Federation, which brings together mostly Bosniaks and Croats. Of 2,474 students attending Doboj's institutions of higher education, 937 are Bosniaks. But it is a question whether they will find jobs after their studies - the economy remains depressed.

When I asked Bosniak returnees in different parts of the municipality - in villages as well as in the old centre of Doboj town close to its fortress - whether they felt safe, they laughed. "Of course!" they said without exception, adding that the local police were professional and helpful. As in the rest of the Serb entity, RS, the police force providing security is largely Serb. But in this district 16 per cent of its members are Bosniaks.

Emina Mustafic, a teacher who returned to a settlement near Doboj in 2003, told me that she had no problem walking through Doboj at night after meetings with other (mainly Serb) teachers. Emina had fled in Doboj in 1992,

and heard later that Serb paramilitaries had killed her husband, father and brother. Since Emina returned, she has not heard of any violent inter-ethnic incident.

It is people like Emina that international officials have to keep in mind when they design their policies for BiH.

Portraying the country as being in crisis, imposing far-reaching decisions, talking up the threat of a possible war, telling journalists about an alleged increase in Al-Qaeda sympathizers in BiH, or presenting the country as a major threat to European security because of alleged drug smuggling - to cite just a few examples from recent media reports - is doing a disservice to Bosnian citizens since it scares away investors.

The wrong impression of BiH as a sort of failed state is reinforced by the fact that it is now the only country in the region that has not signed or at least initialled a Stabilisation and Association Agreement, which is a major milestone on the path to integration with the EU.

The reason given is the lack of police reform. However, the European Stability Initiative, ESI, the think tank I work for, has expressed doubts about this argument. In a recent report - "The Worst in Class - How the international protectorate hurts the European future of Bosnia and Herzegovina" - it notes that this conditionality emerged in a dubious manner, and deserves to be questioned.

When the European Commission, in November 2003, called for police reform, it simply mentioned the need for "further reform and enhanced State-level enforcement capacity", building on progress already made. "BiH must now consider further restructuring and rationalising police services in order to enhance efficiency and improve crime fighting capabilities, it said.

The Commission subsequently financed a functional review of the BiH police forces, which was published on June 30, 2004. It commended BiH's police forces for "basic public security services of acceptable quality", "a level of classic crime lower than in the EU" and "a quite high percentage of solved crimes."

It also identified weaknesses, such as "an outdated policing strategy", old equipment, high costs, the lack of coordination mechanisms between the different police forces and their limited capability to fight more modern crimes such as organised crime, terrorism, drugs, money

laundering, but also juvenile delinquency and domestic violence.

The review, though, clearly stated that the existence of 15 different law enforcement agencies was “not a weakness per se.”

However, only three days after the review was published, on July 2, 2004, the Office of the High Representative, OHR, led by the international community’s top official in BiH, decided that there should be a “single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers.”

The High Representative then established a Police Restructuring Commission (PRC) with the brief to develop this idea. On the table there was a concrete proposal from the European Union Police Mission (EUPM) to create a centralised police structure with five police regions in Bosnia crossing entity and – within the Federation - cantonal boundary lines. Not surprisingly, the RS representatives were reluctant to go along with that.

For most of the next few years, RS representatives participated in the discussions, but refused to give up the police at entity level and to redraw all the police districts, although they agreed to some boundary changes in policing. In the meantime, serious police reform took place with the strengthening of the Bosnian State Border Service (now Bosnian Border Police) and SIPA, a state-level police force whose central tasks include fighting organised crime.

But the situation has remained deadlocked. When BiH’s leaders missed yet another deadline, in mid-October, to agree the police reform, High Representative Miroslav Lajcak decided to show the Serb representatives some teeth. He imposed changes to the voting system in Bosnia’s government (without any consultation with Bosnia’s political leaders and parliamentarians – to weaken the position of the Serb representatives. They were stunned, and Bosnia’s prime minister, a Serb resigned.

This stand-off is hurting the interests of all citizens of Bosnia. It should be brought to an end through a different debate on police reform. There is a need to build a case for reforms based on the realities of today and the proven shortcomings of the current system.

It may seem extraordinary, given the large number of commissions and meetings in recent years, but a really serious public debate on the merits of various reform proposals has not yet taken place. Such a debate would need to explain what different police reform models would actually accomplish; how much they would cost; and what options exist to further strengthen already existing institutions at the central level, such as SIPA and the State Border Police. The debate would focus on practicalities, not ideological positions.

It is imperative that the international community and BiH’s leaders make a new effort to agree a reform. That means that the baggage of four years of unsuccessful attempts, during which the OHR tried to push through its vision of police reform, must be shed and a new start be made.

With an agreement to pursue such a new reform debate – similar to the recent Mostar Declaration of six Bosnian political leaders who committed themselves to finding a common way forward - the EU should sign the SAA with BiH as early as possible. It urgently needs to put an end to the groundless talk about crises and possible war. Though far from perfect, the country today is a very different place from the BiH of the past, as the positive example of Dobož shows.

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