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D2.2 Bosnia and Herzegovina Review

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GENERAL INFORMATION ABOUT THE COUNTRY

Official name: Bosnia and Herzegovina[1]

Date of formation: 1 March 1992

Capital: Sarajevo

Population: 3,867,055 (July 2015)

Population density: 74.6 people/sq km (2014)

Total area: 51,197 sq km

Geography: Southeast Europe; Geographic coordinates: 44 00 N, 18 00 E

Neighbours: Serbia, Montenegro, Croatia

Languages: Bosnian (official), Croatian (official), Serbian (official)

Religion: Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14%

Ethnic mix: Bosniak 48.4%, Serb 32.7%, Croat 14.6%, other 4.3%

Government: Federal democratic republic

Economy: Bosnia has a transitional economy with limited market reforms. The economy relies heavily on the export of metals, energy, textiles and furniture as well as on remittances and foreign aid. A highly decentralised government hampers economic policy coordination and reform, while excessive bureaucracy and a segmented market discourage foreign investment. Government spending - including transfer payments - remains high, at roughly 40% of GDP, because of redundant government offices at the national, sub-national and municipal level. High unemployment (43.9% in 2014) remains the most serious macroeconomic problem.

Export earnings: $3.942 billion (2015); country comparison to the world: 118; exports - commodities: metals, clothing, wood products

Currency: convertible mark or BAM

[1] "Bosnia and Herzegovina," CIA World Factbook, accessed February 18, 2016, https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html.

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ACRONYMS

AFBiH	Armed Forces of Bosnia and Herzegovina
ARBiH	Army of the Republic of Bosnia and Herzegovina
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
EDA	European Defence Agency
EEAS	European External Action Service
ELMA	EUMS Lessons Management Application
ELPRO	EU Military Lessons Learned Process
ESDP	European Security and Defence Policy
EUD	Delegation of the European Union
EUFOR	European Union Force
EUMC	European Union Military Committee
EUMS	European Union Military Staff
EUPM	European Union Police Mission in Bosnia and Herzegovina
EUSR	European Union Special Representative
FBiH	Federation of Bosnia and Herzegovina
FHQ	Force Headquarters
FRY	Federal Republic of Yugoslavia
GFAP	General Framework Agreement for Peace in Bosnia and Herzegovina
HDZ	Hrvatska Demokratska Zajedica - Croatian Democratic Union

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HV	Hrvatska Vojska - Croatian Army
HOS	Hrvatske Obrambene Snage - Croatian Defence Force
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	Internally displaced person(s)
IFOR	Implementation Force
IPAP	Individual Partnership Action Plan
IPTF	United Nations International Police Task Force
JNA	Jugoslavenska Narodna Armija - Yugoslav People's Army
LI	Lessons Identified
LL	Lessons Learned
LO	Lessons Observed
LOT	Liaison and Observation Teams
MIP	Mission Implementation Plan
NATO	North Atlantic Treaty Organization
OHQ	Operational Headquarters
OHR	Office of the High Representative
OPLAN	Operation Plan
OSCE	Organisation for Security and Cooperation in Europe
RCC	Regional Cooperation Council
RCO	Office of the UN Resident Coordinator
RDC	Research and Documentation Center

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RS	Republika Srpska – Serbian Republic
SAA	Stabilisation and Association Agreement
SASE	Safe and Secure Environment
SDA	Stranka Demokratske Akcije - Bosniak Party of Democratic Action
SDS	Srpska Demokratiska Stranka - Serbian Democratic Party
SFOR	Stabilization Force
SFRY	Socialist Federal Republic of Yugoslavia
SMR	Six-Monthly Review
SOP	Standard Operating Procedure
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNHCR	United Nations High Commissioner for Refugees
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
VRS	Vojske Rebublike Srpske - Army of the Republika Srpska

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1 INTRODUCTION

As historians have pointed out, Bosnia and Herzegovina (BiH) is a country with a political and cultural history unlike that of any other country in Europe. The empires of Rome, Charlemagne, the Ottomans and the Austro-Hungarians, and the religions of Christianity, Judaism and Islam, have overlapped and combined there.[2] However, unlike what is often assumed, the history and cultural diversity by themselves do not explain the origins of the Bosnian War that lasted from April 1992 to November 1995.

In 1946 the People's Republic (from 1963, Socialist Republic) of BiH became one of the constituent republics of the Federal People's (from 1963, Socialist Federal) Republic of Yugoslavia (SFRY). At the beginning of the 1990s, the SFRY was among the largest, most developed and diverse countries in the Balkans, comprising six republics. The population of BiH, Croatia, Macedonia, Montenegro, Serbia, Slovenia and the autonomous provinces of Kosovo and Vojvodina formed a mix of ethnic groups and religions, with Orthodox Christianity, Catholicism and Islam being the main religions. Coinciding with the collapse of communism and resurgent nationalism in Eastern Europe during the late 1980s and early 1990s, SFRY experienced a period of severe political and economic crisis. Central government weakened while militant nationalism gained ground. Political leaders used nationalist rhetoric to erode a common Yugoslav identity and fuel fear, distrust and hatred among different ethnic groups. The first of the six republics to formally leave Yugoslavia were Slovenia and Croatia, both declaring independence on 25 June 1991. While Slovenia's withdrawal was comparatively short with moderate number of causalities, Croatia's was not to be. But it was in BiH where the conflict was to be the deadliest of all in the disintegrating Yugoslav Federation.

In March 1992, more than 60 per cent of Bosnians voted for independence in a referendum boycotted by Bosnian Serbs. A month later, the Serbs rebelled, declaring the territories under their control to be a Serb republic in BiH. Through overwhelming military superiority, with the support of the Yugoslav People's Army and Serbia, they quickly asserted control over more than 60% of the country. The Bosnian Croats soon followed, declaring their own republic with the backing of Croatia. The conflict escalated into a violent three-sided fight for territories, with civilians of all

[2] See e.g. Noel Malcolm, *Bosnia: A Short History* (London: Macmillan, 1996), xix.

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ethnicities becoming victims of horrendous crimes. Over 100,000 people were killed and two million people, more than half the population, were forced to flee their homes as a result of the war. Finally, NATO intervention with 60,000 troops and air strikes ended the fighting and the Dayton Peace Agreement was signed in November 1995.

Unlike many conflicts and crisis countries, the Bosnian War and BiH have been focuses of significant international attention and commitment. The reasons for this are multifold. The Bosnian War was the deadliest conflict in Europe since World War II. The massacre of 8,000 Muslim men and boys and rapes in a UN-declared safe area in Srebrenica will symbolise and remind current and future generations of the failure of the international community to act on time and, in particular, of the EU's lack of capacity to prevent or solve conflicts in a post-Cold War context, even in the immediate neighbourhood of the Union. These painful events led to an increasing interest among the member states to develop common crisis management capabilities. BiH's strategic geographical location and position in regard to transnational ethnic alliances has made and continues to make it subject to geopolitical interests and power games. Finally, the general approach of the EU towards the Western Balkans, with strategic objectives aiming at an eventual membership of the Union, guaranteed European commitment in the country.

EUFOR Althea, the EU's third military operation, is a concrete embodiment of this commitment. Since it is explicitly framed as part of a comprehensive approach towards the Balkans, Althea can be seen as far more of a civil-military mix than a purely military operation. Furthermore, Althea has allowed the EU to experiment its military capabilities in a relatively safe multi-actor environment. Due to this significance of the CSDP operation, it offers a fruitful base for analysis of the effectiveness of the EU crisis management capabilities. On the other hand, criticism has been directed towards the EU with the argument that there is a gap between the needs on the ground and the means provided by the EU.

At the time of writing, the International Criminal Tribunal for the former Yugoslavia (ICTY) has delivered its latest verdict related to wartime atrocity cases. National courts will have to try thousands of cases more in the coming years. Many of the soldiers who took part in the ethnic cleansings are still at large, some still in their posts in law enforcement institutions. Bosnian Serb public opinion remains deeply in denial about the crimes committed in the name of the Serbian nation 20 years ago. The country remains divided and unreconciled. Furthermore, it is plagued by weak economic prospects, social problems and corrupt, oligarchic political elites. At the same time, the country is taking significant steps towards European integration; the Stabilisation and

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Association Agreement (SAA) between the EU and BiH entered into force in June 2015 and in February 2016 BiH officially submitted its EU membership application.

It looks as if a two-decades-long transition process is coming to an end. However, central actors of the international community, some with an executive mandate such as the OHR and EUFOR Althea, remain present in the country. This context in particular makes it timely to discuss and analyse the appropriateness and effectiveness of the CSDP operation.

1.1 Remarks on the methodology

The analysis and the information contained in this study are based on intensive research of the literature and discussions with former and current personnel of EUFOR Althea, local and international regional experts, EEAS representatives as well as other EU, non-EU and civil society representatives during visits in Sarajevo, Brussels, Skopje, Pristina and Helsinki. A series of key-informant interviews were conducted with representatives of the governmental actors of various European Union member states, current and former CSDP operation staff members, representatives of the European External Action Service (EEAS), NATO, the Organisation for Security and Cooperation in Europe (OSCE), international development agencies as well as the civil society and nationals of BiH and neighbouring countries. All discussions were confidential and the interviewees remain anonymous. The study does not provide information allowing statements to be traced to individuals. However, to ensure that the contrasting beliefs and perspectives were captured the responses are categorised in accordance with the analytical framework of the IECEU project, defined in the **Deliverable 1.5. *"IECEU Conceptual Framework."*** Hence, only general information on the organisation or category of the informant (e.g. "Local NGO representative," "Non-EU representative") and the date (month) are provided in the references.

The study uses a case study design to understand the effectiveness of the CSDP operation in BiH. This consists of analysing the conflict trajectory and post-conflict setting from the 1990s until today, focusing especially on the context of the launching of EUFOR Althea in December 2004. The research method applied is qualitative data content analysis. The data was collected through secondary sources, such as academic articles, operation documents, operation-related reports and other publications, as well as key-informant interviews and focus group discussions, which were conducted in the period of November 2015 to March 2016. The interviews were carried out by seven experts in English, Finnish and Bosnian, by using a common thematic interview guide (see attachment 1). The data was analysed through the inductive content analysing method and the

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results were triangulated by comparing the interview material to existing literature ensuring the validity and reliability of the findings.

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1.2 Bosnia and Herzegovina in the IECEU Project

Deliverable 2.2 "*The Bosnia and Herzegovina review*" is a desk study which forms part of the Working Package 2: "*Case study Balkans.*" Focusing on the CSDP operation EUFOR Althea it aims to outline the conflict trajectory and developments in the international engagement in Bosnia and Herzegovina (BiH), thereby enhancing the understanding on the role and impact of the EU's military crisis management operation to the stabilisation of the region, as well as on the achievements and potential shortfalls of the CSDP operation. The scope of the deliverable 2.2 is limited to give an overview of the EU's intervention in BiH. In-depth analysis of the elements contributing to the success or shortfalls of the operation is presented in a joint study titled "**D 2.3 *Study report of Kosovo and Bonia and Herzegovina***" in which the effectiveness of the operational capabilities are assessed employing the perceptions of the EU and non-EU actors representing both the politico-strategic and field-operational levels. To that end, this desk study aims to establish a baseline for the further analysis on the effectiveness of the CSDP capabilities in BiH.

1.3 Structure of the deliverable

In order to understand and analyse the effectiveness of the EU's military crisis management intervention in BiH, it is first necessary to discuss the context in which the intervention took place. **Chapter two** first provides a brief overview of the history of BiH and the root causes of the conflict in the country. After that, the role, goals and interests of key parties and international actors will be discussed and an overview of the social and political consequences of the conflict will be provided. The chapter concludes with an analysis of the potential of international actors to regulate the conflict and development in the post-conflict context.

Chapter three aims to provide a compact but comprehensive picture of the EU crisis management efforts in BiH. The focus is on the context of the establishment of the CSDP operation. The chapter starts with an analysis of the general approach of the EU to the conflict and the overall context in BiH around the time of the establishment of EUFOR Althea. This is followed by a presentation of the mandate. In addition to these, the chapter includes an analysis of the perception of the local population on EUFOR Althea as well as of the lessons learned process and best practices. Chapter four provides conclusions on the EU engagement in BiH.

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2 CONTEXTUALISING THE CONFLICT IN BOSNIA AND HERZEGOVINA

The purpose of this chapter is to provide an overview of the background of the conflict in Bosnia and Herzegovina. This will contribute to an understanding on the scope and characters of the context within which the EU's military intervention is studied. Elements of such a context can be e.g. geographical boundaries, conflict parties, key events and conflict dynamics as well as the economic, social and political consequences of the conflict.

The conflict to be studied is the 1992–1995 war in BiH. Outlining the parties, external actors, dynamics and consequences of the conflict contributes to a baseline for further assessment of the effectiveness and appropriateness of the EU's crisis management interventions.

2.1 Historical overview

The territory of today's BiH was populated already during the Palaeolithic. Before the migration of Slavs its southern part was populated by Illyrian tribes. In the first decade A.D., after the dalmato-pannonian rebellion (6 to 9 A.D.), the territory of BiH became part of the Province of Dalmatia and remained within the Roman Empire until its dissolution in 476. In the following centuries, the region was dominated by Goths and Byzantine rulers, while in the 7th century Slavs began to colonise the territory. At first BiH became an autonomous state, but later it established an asymmetric relationship with Serbia and Croatia. After the 10th century BiH became 'fully independent' while remaining under the strong influence of the Croatian-Hungarian state.[3]

The Slavs, who initially mostly followed their own polytheistic religion, already converted to Christianity in the late 8th century. However, in BiH the religious development was a little bit different, since the Slavs in Bosnia adopted an unorthodox practice of Christianity, heavily influenced by Gnosticism, locally known as Bogomilism.[4] This religion was persecuted during the High Middle Ages as the Catholic rulers of Hungary tried to eradicate it. They were mostly successful, and thus in the mid-13th century BiH was divided between two churches, Catholic and Orthodox. However, this situation didn't last long. At the end of the 14th century the Ottomans started to penetrate the territory of BiH, especially the central territories around today's Sarajevo. The Ottoman invasion into Bosnian territory was quicker than expected; in 1470 the Hercegovski sandžak was established (the capital was Foča), and ten years later the Ottomans established the

[3] Marjan Javornik, Dušan Voglar and Alenka Dermastia, *Enciklopedija Slovenije* (Ljubljana: Mladinska knjiga, 1987), 337.
[4] The religion started to develop in Bulgaria in the early 10th century. See Edward Peters, *Heresy and Authority in Medieval Europe* (Philadelphia: University of Pennsylvania Press, 1980),108.

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sandžak in Zvornik. During the following hundred years they established 8 sandžaks and merged them into a single administration known as Bosanski pašaluk in 1592. Here and there some rebellions occurred, but for the main part BiH remained firmly ingrained into the Ottoman feudal system for the next 300 years.[5]

In the 19th century the decay of the Ottoman state was becoming increasingly apparent. This had consequences also for BiH, which was increasingly becoming vulnerable to its ambitious neighbours, the Austro-Hungarian monarchy and the newly established independent Serbia. Austria-Hungary was keen to expand its power in the Balkans. It tried to reach an agreement within which it would be internationally recognised as a protector of BiH, since Vienna suspected that Serbia would not wait long for annexing BiH to its territory. That is why a diplomatic intervention was proposed at the Berlin Congress, where Austria-Hungary would "occupy and administer" the Bosnian territory,[6] while the Ottoman Empire would remain the *de iure* sovereign over the Bosnian pašaluks.[7] Clearly, Austria-Hungary was not satisfied with such an arrangement and sought to change the course of history. But it had to wait for 20 years for the next step.

During the first years of the 20th century it became clear that the Ottoman Empire was on the brink of collapse. The trend became irreversible with the "Young Turk Revolution" claiming the re-introduction of the Ottoman constitution and introducing multi-party elections, which sharply destabilised the already fragile Empire. Opportunity makes a thief. The Austro-Hungarian Empire, realising that the power of the Ottomans was declining in 1908, *forgot* about the *de iure* sovereignty of the Ottomans over BiH and promptly annexed it. The annexation of BiH was a bitter blow for Serbia whose leaders turned to Russia for support, while the Hapsburgs expected assistance from Berlin. However, the Russian government was not in a position to come to the aid of its Balkan friend.[8]

The annexation of BiH also provided some changes in the everyday life of its citizens. As presented by Strle and Josipovič[9], after 1878 BiH faced a gradual de-Islamisation of its territory. While during the Ottoman Empire BiH was ruled by an oligarchy of 120 governors, in 1908 more than 10,000 civil servants formed the basis of the administration. However, the change in the

[5] Marjan Javornik, Dušan Voglar and Alenka Dermastia, *Enciklopedija Slovenije* (Ljubljana: Mladinska knjiga, 1987), 337.
[6] Robert J. Donia and John V. A. Fine, Jr., *Bosnia and Herzegovina: A tradition betrayed* (London: Hurst and Company, 1994), 52.
[7] Urška Strle and Damir Josipovič, "Ključna vozlišča politične zgodovine obravnavanega območja," in *Priseljevanje in društveno delovanje Slovencev v drugih delih jugoslovanskega prostora*, ed. Janja Ž. Serafin (Ljubljana: ZRC SAZU, 2014), 39.
[8] Barbara Jelavich, *History of the Balkans: Twentieth Century* (Cambridge: Cambridge University Press, 1983), 96.
[9] Urška Strle and Damir Josipovič, "Ključna vozlišča politične zgodovine obravnavanega območja," in *Priseljevanje in društveno delovanje Slovencev v drugih delih jugoslovanskega prostora*, ed. Janja Ž. Serafin (Ljubljana: ZRC SAZU, 2014), 44–45.

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number of decision-makers was not the only one. Since BiH was steadily de-Islamised and some of the citizens converted to Catholicism, the Catholic community in BiH improved its position. The consequence was that Croatia and Croatians (as part of the Austro-Hungarian Empire) were also gaining power. In 1912 and 1913 the Balkans experienced two Balkan Wars, and in 1914 the assassination of Archduke Franz Ferdinand in Sarajevo started a turmoil that escalated into WW I.

The end of WW I led to dire consequences in the region. Firstly, the Habsburg Empire, which had lasted for almost seven hundred years, collapsed and new states were established out of its territory. Secondly, Slavic nations, which had been fragmented between different (mainly non-Slavic) states, became independent and began deciding on their future. Thus, the post-WW I period consisted of two processes: the fragmentation of 'old' Empires, which dissolved into individual, independent ethnic states, and the de-fragmentation of 'new' states, which merged together on the basis of language and (perceived) common culture and tradition.

Before the official end of the First World War, on 28 October 1918 the State of Slovenes, Croats and Serbs (which geographically comprised today's Slovenia, Croatia, Vojvodina and BiH) was established. A month later, in December 1918, this state merged with the Kingdom of Serbia (which itself already merged with the Kingdom of Montenegro) into the Kingdom of Serbs, Croats and Slovenians, which was then renamed the Kingdom of Yugoslavia (Kingdom of South Slavs) in October 1929. Later, BiH, which was part of the State of Slovenes, Croats and Serbs (State of SHS), also became part of the Kingdom of Serbs, Croats and Slovenians (Kingdom of SHS) or the Kingdom of Yugoslavia and remained part of it until the invasion of the Axis powers in April 1941.

What should be noted is that while during the first two years after WW I BiH remained a single unit within the new Kingdom, in 1921 with the adoption of the new ("Vidovdan") constitution it was divided between 9 (out of 33) newly established regions (oblast). In 1929 it was divided into the banovinas (wider regions) of Vrbas, Littoral and Drina.[10]

Soon after the Axis invasion of Yugoslavia in WW II, which started in April 1941, BiH became part of the newly established Independent State of Croatia (Nezavisna država Hrvatska). This state was ruled by Ante Pavelić and functioned as a puppet government of the German, and initially also Italian, occupation forces (Figure 4, Annex I). After the war the situation changed again; BiH regained its autonomy and became one of the six constitutive states of the Federal People's Republic of Yugoslavia.

[10] For maps on the provinces, oblasts and banovinas of the Kingdom of SHS, see Figure 3, Figure 4 and Figure 5, Annex I.

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2.2 Socialist Yugoslavia

The period between World War II and the death of Tito shaped remarkably the dynamics of the war that began in 1992. Due to its strategic location within the Yugoslavian federation, BiH was a base for the development of the military defence industry, thus having large numbers of arms and military personnel in its territory. The Yugoslavian communist doctrine of brotherhood and unity seemed to provide a unifying and stable framework for the multi-ethnic environment. However, the death of Tito in 1980 was a turning point that started a turbulent period.

The Period of 1945–1990

In Yugoslavia the war ended on 9 May 1945. From the outset, the country was kept firmly under the Soviet grip. In the summer and fall of 1945, Yugoslavia, in theory, permitted a multiparty system as a token to the Western Allies. In practice, it was obvious that the Communist Party held power. The elections of the Constitutional Assembly, held in November 1945, were neither free nor fair.[11] The Communist-dominated Popular Front (Ljudska fronta) received an overwhelming majority of the seats, and 14 days later king Peter Karadjordjevic II was officially deposed and the Federal People's Republic of Yugoslavia (Federativna ljudska republika Jugoslavija, FLRJ) was declared. The 1946 Constitution was a copy of the 1936 Soviet Constitution. However, the constitution was important, since it mentioned that the FLRJ was composed of six countries and 2 provinces, and that the countries had an inalienable right to their independence.[12]

The constitution was amended twice, in 1953 and in 1963, when the FLRJ officially became the Socialist Federal Republic of Yugoslavia (SFRJ). This name was retained until its end in 1991. Although the country was officially a federation, it was, in fact, initially a centralised state. Only after the 1965 break between Tito and his close ally and Number 2 of the regime, the Serb Aleksandar Ranković, and his replacement with the Slovenian Edvard Kardelj, did the SFRJ start to federalise. The process was cemented by the constitutional amendments of 1967, 1968 and 1971, and reached its peak in 1974 with the new Constitution stating that "*The Socialist Federal Republic of Yugoslavia is a federal state of nations that voluntarily joined it* […] (art. 1)" and "*The Socialist*

[11] Božo Repe, *Naša doba* (Ljubljana: Državna založba, 1995), 280.
[12] For the text of the constitution, see Službeni list FNRJ, br.10/1946. More in Jože Pirjevec, *Tito in tovariši* (Ljubljana: Mladinska knjiga, 2011), 214.

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Federal Republic of Yugoslavia is composed of the Socialist Republic of Bosnia and Herzegovina, Socialist Republic of Montenegro […] (art. 2)".[13]

Because of the bloody inter-ethnic fighting on the territory of the SFRJ during World War II, the authorities avoided all issues that could re-open the Pandora's box of the ethnic composition of Yugoslavia. Furthermore, the idea – particularly strong among the Serbs – following the creation of the Yugoslav state was to create a single ethnicity of Yugoslavs, which would replace the 'archaic' ethnicities of Serbs, Croats, Slovenes, etc. One important step towards the unification was also the formation of an artificial Serbo-Croatian language, which was one of the official languages in Yugoslavia, next to Macedonian and Slovenian. But it was by far the most used language, especially in the federal administration, Communist Party and the diplomatic corps, and it was also the only language of the military and the "lingua franca" used throughout Yugoslavia.

The process of unification, which didn't receive much support from the Slovenians and Croats, was widely embraced in BiH. It was realised that the internal divergences could only be overcome through unification. However, this was not the only reason. At this point it should be emphasised that BiH was, along with Kosovo, Montenegro and Macedonia, part of the "less economically developed" part of the SFRJ. As such, it was included in a development assistance programme, which started already in the 1960s with the intention to help the less developed parts of Yugoslavia. With funds being provided by the more developed republics (especially Slovenia and Croatia), it was obvious that within the unitarian approach and centralisation of Yugoslavia, BiH would benefit more than if the Yugoslav federation moved towards a confederation. Such a pragmatic approach led the Bosnian decision-makers to support the centralisation of the SFRY in times when Slovenia and Croatia strongly opposed the centralisation tendencies.

[13] All six republics and two autonomous provinces were listed.

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Table 1. Population of BIH by census (in %)[14]

	Muslims[15]	Serbs	Croats	Yugoslavs[16]
1948	31 %	45 %	24 %	Na
1953	na	44 %	23 %	33 %
1961	27 %	43 %	22 %	8 %
1971	40 %	37 %	21 %	2 %
1981	40 %	32 %	18 %	10 %
1991	44 %	na	na	6 %

After the death of Tito, it became clear that the federalisation 'had gone too far,' meaning that without a strong leader Yugoslavia, as it was known until then, would not be able to survive. The Communist leadership – in order to convince people that Yugoslavia could survive after Tito – invented the catchphrase "after Tito, Tito," meaning that Yugoslavia should follow the legacy of Tito and not divert to a different path. But the discourse was unconvincing as the situation in the country was extremely difficult. Already in 1981 there were large riots in Kosovo. These were immediately repressed. This, and the increasingly obvious economic failure of the country, resulted in rising tensions among the republics, which demanded more autonomy from the federal government.

In 1984, when the economic recession was at its peak, the idea of a "common nuclei" emerged. The crux of the idea was to unify the teaching materials in the elementary and grammar schools (education so far being the sole competence of the republics) and through this push for the formation of a distinct Yugoslav culture and ethnicity. This proposal met with an outcry from the western republics and was dramatically rejected by Slovenians and Croats. Thus a wide split formed between the "secessionists" (Slovenia and Croatia) and "unitarians" (the other republics). The next step towards the disintegration of the country was the dramatic rise of Slobodan Milošević, who soon after his election started to stir up the nationalistic emotions in Serbia, his core

[14] Adopted from Francine Friedman, "The Bosnian Muslim National Question," in *Religion and the war in Bosnia*, ed. Paul Mojzes (Atlanta: Scholar Press, 1998), 3.
[15] According to Friedman (*cf.* footnote 16, p. 4), since the late 60s Bosnian Muslims were officially regarded as a Yugoslav nation, having an equal status with other nationalities in Yugoslavia. As presented by Nevzet Porić, Bosnian Muslims were noted as 'Muslims' also in the official census already in 1972. Nevzet Porić, *Lecture on the course of National minorities* (Ljubljana: FSS, 2002).
[16] These are mostly people who are not religious or are devoted to the unitarian idea of Yugoslavia. A majority of them are of "Muslim provenance" (sometimes already referred to as Bosniaks/Bošnjaki).

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message being that Serbia suffered the most during the rule of Tito and should claim back its "rightful" (dominant) place in Yugoslavia. This also gave rise to notions that Yugoslavia should be reshaped into a new country, where Serbs as the biggest ethnicity would have more power than they had at the time. Such demands and activities froze relations between Slovenia and Croatia on one side and Serbia (and its satellites) on the other. Yugoslavia was at a breaking point. The rejection of a confederation left no exit. In 1991, the Yugoslav federation collapsed, Slovenia and Croatia declared their independence and the era of the SFRY ended amidst widespread violence, growing into all-out war.

In 1990 a wave of democratic elections also reached the SFRY. Given the heightened nationalistic tensions, these elections could not bring about classical democratic, pluralistic parliaments. Three main parties, based entirely on ethno-national affiliation, were established and competed for seats in the national assembly.[17] The results were: 43 seats for the Party of Democratic Action (Alija Izetbegović, Muslim) and 34 seats for the Serbian Democratic Party (Radovan Karadžić), while the Croatian Democratic Union (being an affiliation of the Croatian HDZ headed by Franjo Tuđman) got 21 seats.[18] Taking into consideration that Radovan Karadžić was under the strong influence of Belgrade and that the HDZ was under the strong influence of Zagreb, it was obvious that the cohabitation of those three parties in BiH would be almost impossible.[19]

Tensions in BiH increased in summer 1991, after the war in Slovenia and with the first clashes of the war in Croatia, when it became clear that BiH would be next in line. The autumn of 1991 was just a sort of *déjà vu*. On 15 October 1991 BiH declared its sovereignty from the SFRJ. One month later the HDZ in BiH declared the independence of the Croatian community in BiH, known as the Croatian Community of Herceg-Bosna, supported by its own paramilitary forces (HVO). On 24 October the Serbs in BiH left the BiH Assembly and formed their own national assembly.[20] Ignoring this development, the BiH national assembly called a referendum on the independence of BiH from the SFRJ (For a list of major occurrences in 1992 –1995 in BiH, see Table 2, Annex I).

[17] Rusmir Mahmutćehajić, "The Road to War," in *The war in Croatia and Bosnia-Herzegovina 1991 – 1995*, ed. Branka Magaš and Ivo Žanić (London: Frank Cass, 2001), 141.
[18] Dieter Nohlen and Philip Stöver, *Elections in Europe: A Data Handbook* (Nomos, 2011).
[19] A confirmation for this comes from Mahmutćehajić: […] from the beginning of 1991 we [BiH] were confronted with the fact that representatives of the HDZ and SDS on governmental bodies were attempting to block those bodies and to subordinate them to Belgrade or Zagreb, so that the situation in Bosnia and Herzegovina should develop in accordance with the original agreement that the country should be destroyed. Rusmir Mahmutćehajić, "The Road to War," in *The war in Croatia and Bosnia-Herzegovina 1991 – 1995*, ed. Branka Magaš and Ivo Žanić (London: Frank Cass, 2001), 143. There is evidence that the meeting in Karadjordjevo in April 1991 also partially covered the issue of how BiH should be divided among Croatia and Serbia or, in the 'worst-case scenario,' how "to reduce BiH from an organic whole to three separate parts" (Mahmutćehajić, ibid.,139).
[20] On 24th February 1992 they declared their own state, known as the Republika Srpska.

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2.3 Parties and dynamics of the conflict

Bosnia and Herzegovina's declaration of independence[21] from Yugoslavia in 1992 triggered a war[22] that lasted over three years and exemplified the complexities of the post-Cold War strategic environment. Following a number of violent incidents in early 1992, the war is commonly viewed as having started on 6 April 1992. The war ended on 14 December 1995.[23]

2.3.1 Background

After the first multi-party elections in BiH in November 1990, the three largest national parties were the Bosniak Party of Democratic Action (Stranka Demokratske Akcije – SDA), the Serbian Democratic Party (Srpska Demokratiska Stranka – SDS) and the Croatian Democratic Union (Hrvatska Demokratska Zajedica – HDZ), which formed a coalition government. The primary motivation behind this union was to maintain an atmosphere of harmony and tolerance and further their common goal to rule as a democratic alternative to the Socialist government preceding them. The parties shared power along national lines so that the presidency of the Socialist Republic of BiH was held by a Bosniak, the president of the Parliament was a Bosnian Serb, and the prime minister a Croat.[24]

After Slovenia and Croatia declared independence from the SFRJ in 1991, BiH organised a referendum on independence as well. The decision of the Parliament of the Socialist Republic of BiH on holding the referendum was taken after the majority of Serb members of the BiH Assembly had left in protest and formed their own national assembly.[25] These Serb members invited the whole Bosnian Serb population to boycott the referendum, which was held on 29 February and 1 March 1992. 1.997 million out of 3.15 million eligible voters in BiH voted; 99.7 per cent were in favour of independence.[26] Three days later the government declared their independence from the SFRJ.[27] The referendum and the murder of a member of a wedding procession on the day before the referendum were utilised by the Serb political leadership as a reason to start building road

[21] The European Community (EC) recognized BiH as an independent state on 6 April 1992 and was subsequently admitted as a member state of the United Nations on 22 May 1992.
[22] Also referred to as *Bosnian Conflict, Aggression on Bosnia and Herzegovina,* and *Bosnian Civil War.*
[23] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[24] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[25] "Bosnian War," New World Encyclopedia, accessed 20 January 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War.
[26] For more, see the OSCE report "The Referendum on Independence in Bosnia-Herzegovina" (1992).
[27] BiH was officially recognised as an independent state in April 1992.

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blockades in protest.[28] Initially, it was Bosniak and Croat forces together against the Serb forces. Despite less manpower, the Serbs had the upper hand due to heavier weaponry given by the Yugoslav People's Army. They established control over most areas where Serbs formed a relative majority, but also in areas where they were a significant minority, both in rural and urban regions excluding the larger towns of Sarajevo and Mostar.

2.3.2 Parties of the war

The war involved several nationally defined factions within BiH, each of which claimed to represent one of the country's constitutive peoples: the **Republic of Srpska** (Republika Srpska, Bosnian Serbs),[29] the **Croatian Republic of Herzeg-Bosnia** (Hrvatska Republika Herzeg-Bosna, Bosnian Croats),[30] the remnants of the **Republic of Bosnia and Herzegovina** (Republika Bosna i Hercegovina, predominantly Bosniaks), and the lesser faction in Western Bosnia (Bosniaks or Muslims by nationality). Republica Srpska had strong support from Serbia, where the idea of restoring an ancient Greater Serbia was very popular. This included a substantial portion of BiH. The Bosnian Croats, in turn, had strong support from Croatia, where some wanted to restore the pre-Ottoman Greater Croatia. This too included a substantial portion of BiH.[31]

The Army of the Republic of Bosnia and Herzegovina (Armija Republike Bosne i Hercegovine, ARBiH) was formed on 15 April 1992, during the early days of the war. The ARBiH was the only military force on the territory of BiH recognised as legal by other governments. Before the ARBiH was officially created, a number of paramilitary and civil defence groups had already been established.[32]

[28] Branka Magaš and Ivo Žanić, *The War in Croatia and Bosnia-Herzegovina 1991-1995* (London: The Bosnian Institute of London, 2001). Original edition, Rat u Hrvatskoj I Bosni Hercegovini 1992-1995, 1999, translated into English 2001.
[29] In January 1992, SDS Leader Radovan Karadzic proclaimed the full independence of the "Republic of the Serbian People of Bosnia-Herzegovina," known also as "The Serbian Republic of Bosnia-Herzegovina, SRBH." Later in 1992 the SRBH was renamed the "Republica Srpska, RS."
[30] On 18 November 1991, the Croats of Herzegovina formed the "Croatian Community of Herzeg-Bosnia" (Hrvatska Zajednica Herceg-Bosna) as a means of "self-organisation" of the Croat people in BiH. On 28 August 1993, the Croatian Community of Herzeg-Bosnia declared itself the Croatian Republic of Herzeg-Bosnia, after the division of BiH into three national entities in the talks in Geneva in the midst of the war between Croats and Bosniaks. "Bosnian War," New World Encyclopedia, accessed January 20, 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War.
[31] "Bosnian War," New World Encyclopedia, accessed January 20, 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War.
[32] Ministry of Defence of Bosnia and Herzegovina, accessed January 20, 2016, http://www.mod.gov.ba/OS_BIH/Struktura/default.aspx?id=21870. Following the end of the war and the signing of the Dayton Peace Agreement in 1995, ARBiH was transformed into the Army of the Federation of Bosnia and Herzegovina.

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The Patriotic League (Osnovana Patriotska liga BiH) and the local **Territorial Defence Force of the Republic of Bosnia and Herzegovina** (Teritorijalna odbrana Bosne i Hercegovine, TO BiH) were the official army, while paramilitaries such as the Zelene Beretke (Green Berets) and Crni Labudovi (Black Swans) units were also active. Other irregular groups included Bosnian mafia groups as well as collections of police and former Yugoslav People's Army soldiers. The army was formed in poor circumstances and suffered from a very limited supply of arms. Critical deficiencies included tanks and other heavy weaponry.[33]

The Army of the Republika Srpska (Vojske Rebublike Srpske, VRS) was founded on 12 May 1992 from the remnants of the Yugoslav People's Army of the former SFRJ. The VRS was the military of the Republika Srpska, an area which was previously the "Serbian Republic of Bosnia and Herzegovina," a self-proclaimed state within the internationally recognised territory of the sovereign Republic of Bosnia and Herzegovina.[34]

The Yugoslav People's Army (Jugoslavenska narodna armija, JNA) officially left BiH soon after independence was declared in April 1992. However, most of the command chain, weaponry and higher ranked military personnel remained in BiH in the VRS.[35]

The Croatian Defence Council/Bosnian Croat Army (Hrvatsko Vijece Odbrane, HVO) was the main military for the Croats of BiH - an unrecognised entity that existed in BiH between 1992 and 1994. The HVO was established on 8 April 1992 by the political leadership of the Croats, mainly members of the HDZ.[36] In the initial stage of the war, the HVO fought alongside the ARBiH against the Bosnian Serbs, but later clashed against its former ally, particularly in the Mostar area.[37]

The Croatian Army (Hrvatska Vojska, HV, earlier **The Croatian Defence Force**, Hrvatske obrambene snage, HOS) carried out both defensive and offensive operations to hold and expand Croat territories.[38]

[33] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002); Ministro Odbrane Bosne i Hercegovine, accessed January 23, 2016, http://www.mod.gov.ba/OS_BIH/Struktura/?id=21870.
[34] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[35] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[36] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[37] Robert Stallaerts, *Historical Dictionary of Croatia* (Plymouth: Scarecrow Press, 2010).
[38] Robert Stallaerts, *Historical Dictionary of Croatia* (Plymouth: Scarecrow Press, 2010).

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The Autonomous Province of Western Bosnia (Autonomna Pokrajina Zapadna Bosna) was a small, unrecognised state that existed in the northwest of BiH between 1993 and 1995.[39] It was allied with the VRS against the Bosnian central government during the war. For a short time in 1995 it was known as the Republic of Western Bosnia.[40]

Various **paramilitary units** were operating in the conflict zone, e.g. the Serb "White Eagles" (Beli Orlovi), Arkan's "Tigers," "Serbian Voluntary Guard" (Srpska Dobrovoljačka Garda), the Bosniak "Patriotic League" (Patriotska Liga), "Green Berets" (Zelene Beretke) and the Croatian "Croatian Defense Forces" (Hrvatske Obrambene Snage).

Large numbers of **foreign fighters** and **mercenaries** from various countries also took part in the war. Volunteers came to fight for a variety of reasons, including religious or ethnic loyalties and in some cases for money. As a general rule, Bosniaks received support from Islamic countries, Serbs from Eastern Orthodox countries and Croats from Catholic countries.[41] The Serb and Croat paramilitaries, in particular, had a lot of volunteers from Serbia and Croatia, and were supported by right-wing political parties in those countries.[42]

2.3.3 International response to the conflict

The United Nations Protection Force (UNPROFOR) was initially established in Croatia as an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis.[43] In June 1992, as the conflict intensified and extended to BiH, UNPROFOR's mandate and strength were enlarged in order to ensure the security and functioning of the airport at Sarajevo, and the delivery of humanitarian assistance to that city and its environs. In September 1992, UNPROFOR's mandate was further enlarged to enable it to support efforts by the United Nations High Commissioner for Refugees (UNHCR) to deliver humanitarian relief throughout BiH, and to protect convoys of released civilian detainees if

[39] The state was proclaimed as a result of secessionist politics by Fikret Abdić against the Bosnian central government during the Bosnian War. "Balkans on Flames," NationStates, accessed on January 23, 2016, http://forum.nationstates.net/viewtopic.php?t=321043&f=31&view=unread.
[40] Richard Holbrooke, *To End a War* (New York: Random House, 1998).
[41] Branka Magaš and Ivo Žanić, *The War in Croatia and Bosnia-Herzegovina 1991-1995* (London: The Bosnian Institute of London, 2001) Original edition, Rat u Hrvatskoj I Bosni Hercegovini 1992-1995, 1999, translated into English 2001; Jeanine de Roy van Zuijdewijn and Edwin Bakker, *Returning Western Foreign Fighters: The case of Afghanistan, Bosnia and Somalia* (Hague: International Centre for Counter-Terrorism, 2014).
[42] "Bosnian War," New World Encyclopedia, accessed 23 January 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War.
[43] In UNSCR 743 on 21 February 1992, UNPROFOR was authorised to use force in self-defence in response to attacks against the "safe areas," and to coordinate with NATO on the use of air power in support of its activities. UNPROFOR also monitored the implementation of a cease-fire agreement signed by the Bosnian Government and Bosnian Croat forces in February 1994. In addition, UNPROFOR monitored cease-fire arrangements negotiated between the Bosnian Government and Bosnian Serb forces, which entered into force on 1 January 1995.

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the International Committee of the Red Cross (ICRC) so requested. In addition, UNPROFOR monitored the "no-fly" zone, banning all military flights in BiH, and the United Nations "safe areas" established by the Security Council around five Bosnian towns and the city of Sarajevo.[44]

The North Atlantic Treaty Organization (NATO) intervention in BiH comprised a series of actions undertaken by the organisation to establish, and then preserve, peace during and after the war.[45] NATO became actively involved in the war when its jets shot down four Serb aircraft over central BiH on 28 February 1994 for violating the UN no-fly zone.[46] Between 30 August and 20 September 1995, NATO conducted a sustained air campaign, in concert with the UNPROFOR ground operations, to undermine the military capability of the VRS, which had threatened and attacked UN-designated "safe areas" in BiH.[47]

On 25 May 1993, the **International Criminal Tribunal for the former Yugoslavia (ICTY)** was formally established by resolution 827 of the **United Nations Security Council (UNSC)**.[48] In April 1993, the UNSC issued resolution 816, calling on member states to enforce a no-fly zone over BiH. On 12 April 1993, NATO commenced Operation Deny Flight to enforce this no-fly zone.[49]

[44] Throughout 1992, UNPROFOR's mandate was enlarged to include monitoring functions in certain other areas of Croatia ("pink zones"); to enable the Force to control the entry of civilians into the UNPAs and to perform immigration and customs functions at the UNPA borders at international frontiers; and to include monitoring the demilitarisation of the Prevlaka Peninsula and to ensure control of the Peruca Dam, which was situated in one of the "pink zones." Furthermore, UNPROFOR monitored the implementation of a cease-fire agreement signed by the Croatian Government and local Serb authorities in March 1994 following a flare-up of fighting in January and September 1993; See also UNSCRs 757, 758, 761, 770, 776, 781 and 786 (1992).

[45] NATO On-line Library, accessed on 25 January 2016, http://www.nato.int/docu/comm/comm92.htm. On 10 July 1992, NATO foreign ministers agreed at a meeting in Helsinki to assist the UN in monitoring compliance with sanctions established under UNSCRs 713 (1991) and 757 (1992). This led to the commencement of Operation Maritime Monitor off the coast of Montenegro, which was coordinated with the Western European Union Operation Sharp Vigilance in the Strait of Otranto on 16 July. On 9 October 1992, the Security Council passed resolution 781, establishing a no-fly zone over BiH.

[46] Michael Beale, *Bombs over Bosnia: The Role of Airpower in Bosnia-Herzegovina* (Montgomery: Air University Press, 1997). On 28 February 1994, the scope of NATO involvement in BiH increased dramatically. NATO launched several other limited air strikes throughout the year, acting in coordination with the UN. Ibid.

[47] Tim Ripley, *Operation Deliberate Force: The UN and NATO Campaign in Bosnia, 1995* (Lancaster: Centre for Defence and International Security Studies, 1999), 316. On 14 September 1995, NATO air strikes were suspended to allow the implementation of an agreement with Bosnian Serbs for the withdrawal of heavy weapons from around Sarajevo. Twelve days later, on 26 September, an agreement of further basic principles for a peace accord was reached in New York between the foreign ministers of BiH, Croatia and the FRY.

[48] ICTY, accessed 25 January 2016, http://www.icty.org/en.

[49] "Nato's Operations 1949 – Present," NATO, accessed on 25 January, http://www.aco.nato.int/ resources/ 21/nato %20operations,%201949-present.pdf.

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2.3.4 Mediation efforts

Three major international peace plans were offered before and during the Bosnian War by the European Community (EC, later EU) and the UN, before the Dayton Agreement finally settled the conflict in 1995.[50]

The **Carrington–Cutileiro peace plan**, also referred to as the **Lisbon Agreement,** resulted from the EC Peace Conference held in February 1992 in an attempt to prevent BiH from sliding into war. It proposed ethnic power sharing on all administrative levels and the devolution of central government to local ethnic communities. All of BiH's districts were to be classified as Muslim, Serb or Croat under the plan, even where no ethnic majority was evident.[51]

In early January 1993, the UN Special Envoy Cyrus Vance and EC representative Lord Owen began negotiating a peace proposal with the leaders of BiH's warring factions. The proposal, which became known as the **Vance-Owen peace plan**, involved the division of BiH into ten semi-autonomous regions and received the backing of the UN. Although the President of the Republika Srpska, Radovan Karadžić, had signed the plan on 30 April, it was rejected by the Bosnian Serb National Assembly on 6 May.[52]

In late July, representatives of BiH's warring factions entered into a new round of negotiations. On 20 August, the UN mediators Thorvald Stoltenberg and David Owen unveiled a map that would partition the country into three ethnic mini-states, in which Bosnian Serb forces would be given 52 per cent of BiH's territory, Muslims would be allotted 30 per cent and Croats would receive 18 per cent. On 29 August 1993 the Bosniaks rejected the plan.[53]

Between February and October 1994, the **Contact Group** (USA, Russia, France, Britain and Germany) made steady progress towards a negotiated settlement of the conflict. This was known

[50] Josip Glaurdić, *The Hour of Europe: Western Powers and the Breakup of Yugoslavia* (London: Yale University Press, 2011).
[51] On 11 March 1992, the "Assembly of the Republic of Serb Bosnia-Herzegovina" unanimously rejected the plan, putting forth their own map which claimed almost 2/3 of Bosnia's territory. This plan was rejected by Cutileiro, but he put forth a new draft which stated that the three constituent units would be "based on national principles and taking into account economic, geographic, and other criteria." See http://www.academia.edu/2629914/_From_the_Carrington-Cutileiro_Plan_to_war_February-March_1992_was_there_an_alternative_for_Bosnia.
[52] On 18 March 1992, all three sides signed the agreement: Alija Izetbegović for the Bosniaks, Radovan Karadžić for the Serbs and Mate Boban for the Croats. On 28 March 1992, however, Izetbegović withdrew his signature and declared his opposition to any type of division of Bosnia after meeting with the then-current US ambassador to Yugoslavia, Warren Zimmermann, in Sarajevo. Josip Glaurdić, *The Hour of Europe: Western Powers and the Breakup of Yugoslavia* (London: Yale University Press, 2011).
[53] Richard Holbrooke, *To End a War* (New York: Random House, 1998).

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as a 'Contact Group Plan,' and heavy pressure was put on the Bosnian Serbs to accept it when the Federal Republic of Yugoslavia (FRY) imposed an embargo on the Drina River. This plan was also rejected in a referendum held on 28 August 1994. During this period, the war between the Croats and Bosniaks came to an end in March 1994 when the two factions settled their differences in the **Washington Agreement**.[54]

2.3.5 End of the war

On 1 September 1995, the US Special Representative, Ambassador Richard Holbrooke announced that the primary parties – the Croatian, Bosnian Government and joint FRY/Rebublika Srpska delegations – would meet in Geneva on 8 September to discuss constitutional arrangements for the new Bosnian state. At the meeting the three sides reached a preliminary "basic principles" agreement on the proposed constitution, which would be the basis for further negotiations.[55] The Serbs, although initially superior due to the weapons and resources provided by the JNA, eventually lost momentum as the Bosniaks and Croats allied themselves against the Republika Srpska in 1994, following the Washington Agreement, with the creation of the Federation of Bosnia and Herzegovina. After the Srebrenica and Markale massacres, NATO intervened in 1995 with Operation Deliberate Force targeting the positions of the VRS, which proved to be decisive in ending the war.[56]

The Bosnian cease-fire finally went into effect on 12 October 1995. After the nationwide cease-fire took hold in mid-October, representatives of the Croats, the Muslims and the Serbs met for the negotiations in Dayton, co-chaired by the United States, the EU and Russia. This was followed by a "London Conference" on 8 December, where ministers and officials from 42 countries and 10 international organisations attempted to work out how to deal with the challenges of implementing the peace and reconstructing the country. The war was brought to an end after the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in Paris on 14 December 1995. The results of the negotiations were manifested in BiH in the form of a multinational

[54] Daniel L. Bethlehem and Marc Weller, The 'Yugoslav' Crisis in International Law (Cambridge: Cambridge University Press, 1997). The agreement was a ceasefire agreement between the warring Croatian Republic of Herzeg-Bosnia and the Republic of Bosnia and Herzegovina. Under the agreement, the combined territory held by the Croat and Bosnian government forces was divided into ten autonomous cantons, establishing the Federation of Bosnia and Herzegovina. The cantonal system was selected to prevent dominance by one ethnic group over another; Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).
[55] Richard Holbrooke, *To End a War* (New York: Random House, 1998).
[56] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002).

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"implementation force," whose responsibilities and powers had been specified and agreed upon in the Dayton Agreement.[57]

2.4 Consequences of the war

The Bosnian War continued through most of 1995. With Croatia taking over the Republic of Serbian Krajina in early August, the Bosniak-Croat alliance gained the initiative in the war, occupying much of western Bosnia from the Serbs. During the conflict, over 100,000 people were killed, more than 1.1 million people fled the country and approximately 800,000 were internally displaced. More than a third of the total housing stock was destroyed. Systematic ethnic cleansing, imprisonment in concentration camps, mass rape and massacres of civilians made it the most brutal conflict on European soil since the Second World War.[58]

2.4.1 Dayton Agreement

The combination of the ground offensive, NATO's air campaign and US Special Representative, Ambassador Richard Holbrooke's diplomacy yielded a cease-fire by the end of September. At that point, the international community pressured the president of the FRY, Slobodan Milošević, the president of Croatia, Franjo Tuđman, and the Chairman of the Presidency of Bosnia and Herzegovina, President Alija Izetbegović, to the negotiation table. Finally, the war ended with the Dayton Peace Agreement[59], signed on 21 November 1995.[60]

[57] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002); Richard Holbrooke, *To End a War* (New York: Random House, 1998).
[58] See e.g. Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: Penguin Books, 1996/1997); Ivan Lovrenović, "Bosnia And Herzegovina: Facing the Challenge of Independence," Spirit of Bosnia Vol. 3 (2008), accessed 3 February 2016, http://www.spiritofbosnia.org/volume-3-no-1-2008-january/bosnia-and-herzegovina-facing-the-challenge-of-independence/.
[59] After having been initiated in Dayton, Ohio, on 21 November 1995, the full and formal agreement was signed in Paris on 14 December 1995 and witnessed by French president Jacques Chirac, U.S. president Bill Clinton, UK prime minister John Major, German chancellor Helmut Kohl and Russian prime minister Viktor Chernomyrdin. The agreement's (also known as the General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton Accords, Paris Protocol or Dayton-Paris Agreement) main purpose was to promote peace and stability in BiH, and to endorse regional balance in and around the former Yugoslavia, thus adding in a regional perspective.
[60] Central Intelligence Agency, *Balkan Battlegrounds: a military history of the Yugoslav conflict 1990–1995* (Washington DC: Office of Russian and European Analysis, 2002); Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: Penguin Books, 1996/1997); "Diplomacy in Action. Dayton Accords," U.S. Department of State, accessed 3 February 2016, http://www.state.gov/p/eur/rls/or/dayton/index.htm.

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The Dayton Peace Agreement effectively ended the hostilities in BiH. It established the structure of the Bosnian government, dividing its territory into two federated political entities, namely **the Federation of Bosnia and Herzegovina**[61] (FBiH, Federacija Bosne i Hercegovine) and **the Republika Srpska** (RS, Република Српска), with a high degree of autonomy.[62] The FBiH is mainly inhabited by Muslims and Croats (51 per cent of the territory) and the RS by Serbs (49 per cent of the territory). However, the FBiH with its 10 cantons is in itself largely decentralised, which means that *de facto* three entities exist: a Muslim, a Serb and a Croat entity. This reality largely confirms the results of ethnic cleansing. However, an important provision of the Dayton Agreement allows the return of all refugees and displaced persons.[63]

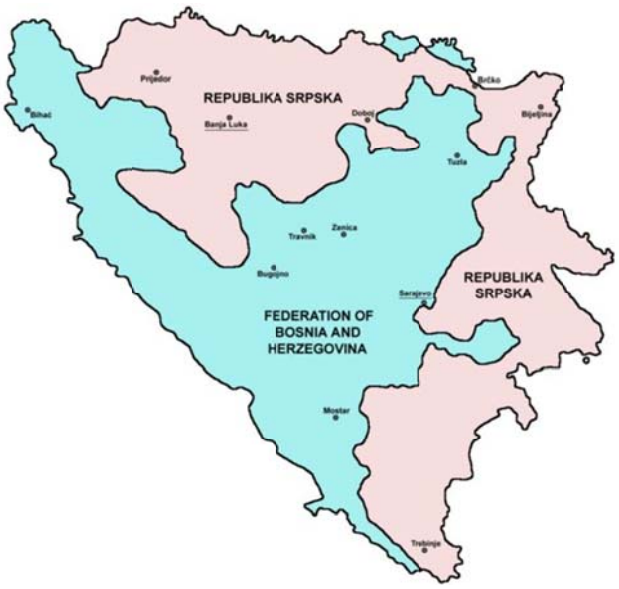

Figure 1. Political division of Bosnia and Herzegovina after the Dayton Agreement[64]

The state, with its capital in Sarajevo, maintained a central government with a rotating presidency, a central bank and a constitutional court. Both entities had their own president, government, parliament, police and other bodies. In addition, there is the district of Brcko, a self-governing administrative unit established as a neutral area, placed under joint Serb, Croat and Bosniak

[61] Sometimes informally referred to as the Bosniak-Croat Federation.
[62] The (present) political divisions of BiH and its structure of government were agreed upon as part of the constitution that makes up Annex 4 of the General Framework Agreement. A key component of this was the delineation of the Inter-Entity Boundary Line (Annex 2), to which many of the tasks listed in the Annexes referred.
[63] Dayton Agreement, Annex 7.
[64] The General Framework Agreement for Peace in BiH, Annex 2: Agreement on Inter-Entity Boundary Line and Related Issues.

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authority.[65] The NATO-led Implementation Force (IFOR)[66] and the later Stabilisation Force (SFOR) were responsible for the implementation of the military components of the Dayton Agreement, while the Office of the High Representative and later the European Union Special Representative were responsible for the civil components.[67]

A wide range of other international organisations/actors was mandated to oversee the implementation of the Dayton Agreement, creating a close-knit relationship between the Bosnian state and the international sphere.[68] In the immediate post-war period of the 1990s and early 2000s the international community stabilised the country by employing a number of political and security instruments and by providing extensive humanitarian aid and development assistance. During this period there was tangible progress in BiH, such as the creation of institutions and the establishment of administrative frameworks, the reconstruction and rehabilitation of homes and infrastructure, as well as the return of refugees and displaced persons to their pre-war homes, taking full repossession of their property.[69] However, many Muslims, Croats and Serbs only felt safe living in their "own" *de facto* entity. After the war there was – and still is – massive discrimination and human rights abuse on ethnic grounds. Serbs and Croats in particular obstruct the return of refugees and displaced persons to their pre-war homes. Most returns have been to areas where the ethnic group of the returnees is in the majority.[70]

It is also argued that the Dayton Agreement's political-administrative design of BiH is an obstacle to any serious reform process. The formula of one state with two asymmetric entities, plus one district (Brčko), and three "constitutive peoples" is a product labeled only for a single, one-time, pragmatic purpose. It is a mixture of disparate elements and compromises whose only aim was to stop a war. It is also stated that the Dayton Agreement structure prevents the maturing of the local

[65] "Bosnia-Herzegovina Country Profile – Overview," BBC News, accessed 4 February 2016, http://www.bbc.com/news/world-europe-17211415. Critics of Dayton said the entities it created were too close to being states in their own right and that the arrangement reinforced separatism and nationalism at the expense of integration.
[66] The Implementation Force (IFOR, Operation Decisive Endeavor) was deployed in BiH in December 1995 with a one-year mandate. IFOR operated under Chapter VII of the UN Charter, deriving its authority from UNSCR 1031 of 15 December 1995. This gave it a mandate not just to maintain peace, but also, where necessary, to enforce it. IFOR relieved the UN peacekeeping force UNPROFOR, which had originally arrived in 1992. Almost 60,000 NATO soldiers in addition to forces from non-NATO nations were deployed to BiH.
[67] "Bosnia and Herzegovina SSR Backround note," International Security Sector Advisory Team (ISSAT), accessed 4 February 2016, http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bosnia-and-Herzegovina-SSR-Background-Note.
[68] E.g. United Nations Mission in Bosnia and Herzegovina (UNMIBH), United Nations International Police Task Force (IPTF), United Nations civilian office in Bosnia and Herzegovina, Organization for Security and Cooperation in Europe (OSCE), United Nations Development Programme (UNDP).
[69] "UNDP in Bosnia and Herzegovina," UNDP, accessed 4 February 2016, http://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/ countryinfo.html.
[70] Marcel Stoessel, *The Role of the OSCE in Bosnia and Herzegovina* (Geneva: The Graduate Institute of International Studies, 2001).

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political structure towards full responsibility for its own country.[71] The elaborate multi-tiered system of government, with cabinets and parliaments on state, entity and cantonal levels, means that BiH was and is overburdened with politicians and civil servants, many of whom continue to receive salaries out of proportion with the country's impoverished condition. Furthermore, ethnic quotas provide sinecures for officials who are often remote from the communities they represent.

The Constitution of Bosnia and Herzegovina is the highest legal document of BiH. The Preamble of the Constitution states, among other things, the commitment of BiH to freedom, equality, tolerance and democratic institutions of government. It also states that the carriers of sovereignty are "constituent peoples" (Bosniaks, Croats and Serbs), along with "Others" and "citizens of Bosnia and Herzegovina."[72]

2.4.2 Territorial changes

Before the war Bosnian Serbs controlled approximately 46 per cent of BiH's territory, Bosniaks 28 per cent and Bosnian Croats 25 per cent. Based on the Dayton Peace Agreement Serbs got large tracts of mountainous territories back, but they were pressured to surrender Sarajevo and some vital Eastern Bosnian/Herzegovian positions. By changing quality to quantity their percentage grew to 49 per cent. Bosniaks got most of Sarajevo and some important positions in eastern BiH while losing only a few locations on Mount Ozren and in western Bosnia. Their percentage grew from 28 per cent prior to Dayton to 30 per cent. Bosnian Croats gave the most territory back to the Bosnian Serbs and also had to retreat from the Una-Sana canton and Donji Vakuf (Central Bosnia canton) municipality afterward. One of the most important Bosnian Croat territories (Posavina with Bosanski Brod, Bosanski Šamac, Derventa) was excluded from Bosnian Croat control. After Dayton, Bosnian Croats controlled just 21 per cent of BiH compared to more than 25 per cent prior to signing the agreement.[73]

[71] Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: Penguin Books, 1996/1997); Ivan Lovrenović, "Bosnia And Herzegovina: Facing the Challenge of Independence," *Spirit of Bosnia* Vol. 3 (2008), accessed 3 February 2016, http://www.spiritofbosnia.org/volume-3-no-1-2008-january/bosnia-and-herzegovina-facing-the-challenge-of-independence/; Florian Bieber, *Post-War Bosnia: Ethnic Structure, Inequality and Governance of the Public Sector. Ethnicity, Inequality and Public Sector Governance* (London: Palgrave Macmillan, 2006).

[72] The current Constitution is Annex 4 of the Dayton Agreement/the General Framework Agreement for Peace in Bosnia and Herzegovina.

[73] The General Framework Agreement for Peace in BiH, Annex 2: Agreement on Inter-Entity Boundary Line and Related Issues. See also Peter Cannon, "The Third Balkan War and Political Disunity: Creating a Confederated Cantonal Constitutional System," *Journal of Transnational Law & Policy* 5 (1996): 373–417

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2.4.3 Casualties

Estimates of the number of deaths resulting from the conflict have been subject to considerable and, at times, highly politicised debate, often rich in discourses of victimhood. Casualty figures range from 25,000 to 329,000. The variation is partly a result of the use of inconsistent definitions of who can be considered a victim of war; some studies only take into account direct casualties of military activity, while others include those who died from hunger, cold, disease or other war conditions. For example, in June 2007 the Sarajevo-based Research and Documentation Center (RDC) published an extensive study on BiH's war casualties, which revealed a minimum of approximately 97,000 names of BiH's citizens confirmed as killed or missing during the war.[74] In 2010, research for the Office of the Prosecutor at the Hague Tribunal pointed to errors in earlier figures and calculated the minimum number of victims as approximately 89,000, with a probable figure of around 104,732.[75] Today, it is generally estimated that around 100,000 Bosnians and Herzegovinians - Bosniak, Serb and Croat - were killed in the war.[76]

2.4.4 Internally displaced persons and refugees

Bosnian Serbs expelled the Muslim population from northern and eastern BiH to create a corridor between ethnic Serb areas in the west of the country and Serbia proper. Villages were terrorised, looted and often razed to prevent their inhabitants from returning. All sides used this tactic to fulfil their goals during the war. Approximately half of Bosnia's 4.4 million inhabitants were displaced during the war.[77]

[74] In January 2013, the RDC published its final research on BiH's war casualties, titled "The Bosnian Book of the Dead." An international team of experts evaluated the findings before they were released. Of the 97,207 casualties documented by 2013, 60% were soldiers, 40% civilians, 90% were male, 62% were Bosniaks, 25% Bosnian Serbs and just over 8% Croats. Of the civilian victims, 82% were Bosniaks, 10% Bosnian Serbs and 6.5% Bosnian Croats, with a small number of Jews, Roma and others.

[75] Jan Zwierzchowski and Ewa Tabeau, "The 1992–95 War in Bosnia and Herzegovina: Census-Based Multiple System Estimation of Casualties Undercount" (Conference Paper for the International Research Workshop on 'The Global Costs of Conflict,' Berlin, February 1–2, 2010).

[76] "Bosnian War," New World Encyclopedia, accessed 15 February 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War. See also Lara J. Nettelfield, "Research and Repercussions of Death Tolls: The Case of the Bosnian Book of the Dead," in *Sex, Drugs, and Body Counts: The Politics of Numbers in Global Crime and Conflict*, ed. Peter Andreas and Kelly M. Greenhill (New York: Cornell University Press, 2010), 159–187.

[77] "Bosnian War," New World Encyclopedia, accessed 15 February 2016, http://www.newworldencyclopedia.org/entry/Bosnian_War. See also "Jolie highlights the continuing suffering of the displaced in Bosnia," UNHCR, accessed February 15, 2016, http://www.unhcr.org/4bbb422512.html.

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By the end of the war 90 per cent of Bosnian Serbs and 95 per cent of Bosnian Croats and Bosniaks had left their areas of origin and fled to other countries or were living as internally displaced persons (IDPs) in one of the two new Entities created by the Dayton Agreement. Their return was complicated by several factors: huge amounts of housing had been destroyed; forced, ethnically determined movements had caused thousands of displaced persons to occupy the homes of other displaced persons; and local hostility towards any action that undermined the ethnic uniformity created during the conflict.[78] Postwar reluctance to prosecute indicted war criminals and the lack of gender and ethnic balance in local police forces also created additional hurdles for the return of women.[79]

Refugees and IDPs who were ethnic minorities in their places of origin understood the risks of returning and, thus, had good reasons for being reluctant to do so. The refugees living outside of BiH were largely in this category. After the conflict, however, Bosnian refugees in neighbouring countries were pressured to return to the new Bosnian Entities. Most had little choice but to comply. Muslims who originated from what had become the RS constituted the majority of the returned refugees and a large portion of the IDPs. Many groups initially remained as IDPs in the FBiH.[80]According to UNHCR, in June 2015 there were still 84,500 IDPs and 47,000 minority returnees originating from BiH. A process which would lead to a recommendation concerning the cessation of status for refugees from BiH is ongoing. UNHCR is of the view that all remaining IDPs should be able to access durable solutions by the end of 2017.[81]

[78] "Refugees and IDPs after conflict," United States Institute of Peace, accessed February 15, 2016, http://www.usip.org/sites/default/files/SR268Fagen.pdf. See also Brian J. Požun, "Scars Still Run Deep. 2000: The year in review for Bosnia," *Central Europe Review* 43 (2000).
[79] Diane F. Orentlicher, *That Someone Guilty Be Punished – The Impact of the ICTY in Bosnia* (New York: Open Society Institute, 2010), 81.
[80]"Refugees and IDPs after conflict," United States Institute of Peace, accessed February 15, 2016, http://www.usip.org/sites/default/files/SR268Fagen.pdf. See also Brian J. Požun, "Scars Still Run Deep. 2000: The year in review for Bosnia," *Central Europe Review* 43 (2000).
[81] "Bosnia and Herzegovina," UNHCR, accessed 20 March 2016, http://www.unhcr.org/pages/49e48d766.html.

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2.4.5 Minorities

According to informal estimates, BiH's non-constituent peoples, referred to in the Constitution as "the Others," make up about 3 per cent of the country's population. There are 17 recognised national minorities in the country, consisting of Roma, Jews and a number of other Southeastern and Eastern European ethnic groups. Of these, the Roma are the largest and most socially, economically and politically marginalised minority group.[82]

The warring factions in the Bosnian War consisted principally of the three main ethnic groups, Bosniaks, Croats and Serbs, which the Constitution refers to as the constituent people. They are the only people who, according to the Constitution, can serve as president or in the upper house of the national parliament, and they are granted veto power over any legislation they view as threatening their ethnic group's interests. The interests of these groups are also protected in the constitutions of BiH's two main political entities. This protection does not extend to national minorities. The European Court of Human Rights has found that their exclusion from politics and public institutions at the highest levels of national and local politics constitutes unlawful ethnic discrimination.[83]

2.4.6 War crimes

Ethnic cleansing

Ethnic cleansing was a common phenomenon in the Bosnian War. It included intimidation, forced expulsion, rape or killing members of the unwanted ethnic group as well as destruction of the places of worship, cemeteries and cultural and historical buildings of a given ethnic group.[84] According to numerous International Criminal Tribunal for the former Yugoslavia (ICTY) verdicts and indictments, Serb and Croat forces performed ethnic cleansing of their territories, planned by

[82] "National Minorities in BiH," OSCE, accessed 20 March 2016, http://www.osce.org/bih/110231?download=true; "Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina," Human Rights Watch, accessed 20 February 2016, https://www.hrw.org/sites/default/files/reports/bosnia0412ForUpload_0_0.pdf.
[83] "Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina," Human Rights Watch, accessed February 20, 2016, https://www.hrw.org/sites/default/files/reports/bosnia0412ForUpload_0_0.pdf.
[84] Matjaž Klemenčič and Mitja Žagar, *The former Yugoslavia's Diverse Peoples: A Reference Sourcebook* (Santa Barbara: ABC-CLIO, 2004). "Bosnia," Women Under Siege Project, accessed 20 February 2016, http://www.womenunder siegeproject.org/conflicts/profile/bosnia.

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their political leadership, in order to create ethnically pure states. Bosnian Muslims conducted similar acts against Croats, especially in Central Bosnia. However, actions carried out by Bosnian Croats and Bosnian Muslims lacked the sustained intensity, orchestration and scale of the Bosnian Serbs' efforts.[85]

Bosnian genocide

The term 'Bosnian genocide' refers to either genocide in the towns of Srebrenica and Žepa, committed by Bosnian Serb forces in 1995, or the wider ethnic cleansing campaign throughout the areas controlled by the VRS that took place during the Bosnian War.[86] In the 1990s, several authorities asserted that ethnic cleansing as carried out by elements of the Bosnian Serb army was genocide. These included a resolution by the United Nations General Assembly and three convictions for genocide in German courts.[87] In 2005, the United States Congress passed a resolution, declaring "the Serbian policies of aggression and ethnic cleansing meet the terms defining genocide."[88]

Mass rape and psychological oppression

The ethno-religious warfare in BiH led to a widespread implementation of rape as a systematic instrument of war. Estimates of the number of women and girls raped range from 20,000 to 60,000.[89] In addition, an estimated number of 5,000 – 7,000 men were sexually assaulted during the conflict.[90] Rape was committed by all sides but overwhelmingly by Serbs against Muslim women. Sexualised violence was used for ethnic cleansing, to humiliate, to instill fear, to gain information, as part of looting and also due to peer pressure. One hallmark of the terror was the creation of "rape camps" in which victims, mainly women, were tortured and violated repeatedly.[91]

[85] Diane F. Orentlicher, *That Someone Guilty Be Punished – The Impact of the ICTY in Bosnia* (New York: Open Society Institute, 2010), 13.
[86] John Richard Thackrah, *The Routledge Companion to Military Conflict since 1945* (London: Routledge, 2009).
[87] The convictions were based upon a wider interpretation of genocide than that used by international courts.
[88] For example European Court of Human Rights – Jorgic v. Germany Judgment, 12 July 2007. § 36,47,111, European Court of Human Rights – Jorgic v. Germany Judgment, 12 July 2007. § 47,107,108 and a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995. ICTY and the International Court of Justice (ICJ) have ruled that, in order for actions to be deemed genocide, there must be physical or biological destruction of a protected group and a specific intent to commit such destruction.
[89] "Bosnia," Women Under Siege Project, accessed March 25, 2016, http://www.womenundersiegeproject.org/conflicts/profile/bosnia. "Sexual and Gender-Based Violence in Conflict: A Framework for Prevention and Response," United Nations OCHA, accessed 20 February 2008. http://ochaonline.un.org/News/InFocus/SexualandGenderBasedViolence/AframeworkforPreventionandResponse/tabid/4751/language/en-US/Default.aspx. For the first time in judicial history, the ICTY declared that "systematic rape" and "sexual enslavement" in time of war was a crime against humanity, second only to the war crime of genocide.
[90] Michael Scarce, *The Hidden Toll of Stigma and Shame* (Cambridge: Perseus Publishing, 1997), 30.
[91] "Bosnia," Women Under Siege Project, accessed 25 March 2016, http://www.womenundersiegeproject.org/conflicts/profile/bosnia.

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Common complications among surviving women and girls include psychological, gynecological and other physical disorders, as well as unwanted pregnancies and sexually transmitted diseases. The survivors often feel uncomfortable or sickened with men, sex and relationships, ultimately affecting the growth and development of a population or society as such and thus constituting a slow genocide according to some.[92] The condition of male victims is less discussed since male rape remains a big taboo in patriarchal societies.

Prosecutions and legal proceedings

The ICTY was established in 1993 as a body of the UN to prosecute war crimes committed during the wars in the former Yugoslavia and to try their perpetrators.[93] Genocide at Srebrenica is the most serious war crime that Serbs were convicted of. Crimes against humanity (i.e. ethnic cleansing), a charge second in gravity only to genocide, is the most serious war crime that any Croats were convicted of. Breaches of the Geneva Conventions is the most serious war crime that Bosniaks were convicted of.[94] The latest verdict of the ICTY, given in March 2016, found Radovan Karadžić, the former president of the Republic of Srpska and the Bosnian Serb wartime leader, guilty of war crimes, crimes against humanity and genocide.

Despite the ICTY's success, thousands of cases involving grave abuses during the Bosnian War are outstanding. National courts in BiH will try most of these cases, while some others may be heard in courts in Serbia and Croatia or in courts outside the region under universal jurisdiction principles. For example, the State Court of BiH has concluded over 250 war crimes cases, with a backlog of more than 1,000 cases. Bosnian authorities have been slow in carrying out a national war crimes strategy designed to focus efforts on the most serious cases. Furthermore, efforts are hampered by insufficient capacity and funding, particularly at the district and cantonal level. Some senior officials have impeded efforts towards justice and have openly questioned the legitimacy of the State Court and the Prosecutor's Office.[95]

[92] "Bosnia," Women Under Siege Project, accessed February 17, 2016, http://www.womenundersiegeproject.org/conflicts/profile/bosnia. See also "Bosnia Still Living With Consequences of War," Balkan Insight, accessed February 18, 2016, http://www.balkaninsight.com/en/article/bosnia-still-living-with-consequences-of-war.
[93] The ICTY had, as of 2013, convicted 57 Serbs and Bosnian Serbs, 16 Croats and Bosnian Croats and 5 Bosnians/Bosniaks in connection to the Bosnian War. For more see http://www.icty.org/en/about.
[94] "ICTY cases, indictments and proceedings," ICTY, accessed February 17, 2016, http://www.icty.org/.
[95] "ICTY/Bosnia: Karadzic Convicted for Srebrenica Genocide," Human Rights Watch, accessed March 25, 2016, https://www.hrw.org/news/2016/03/24/icty/bosnia-karadzic-convicted-srebrenica-genocide.

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2.4.7 Bosnian general elections

The Dayton Agreement requested for elections to be organised between six to nine months after the signature. General elections were thus held on 14 September 1996.[96] Supervised by the OSCE, more than 2 million Bosnians, over half of whom were refugees scattered across 55 countries, were eligible to vote for representatives in BiH's two entities and overarching institutions as outlined in the Dayton Agreement. The elections for the House of Representatives were divided into two, one for the FBiH and one for RS. In the presidential election, each of the three national communities elected a President.[97] Across the country nationalist parties captured a majority. [98] The Party of Democratic Action (Bosniak) emerged as the largest party in the House of Representatives, winning 19 of the 42 seats. As a result of the elections, the Muslims now had to share the central government with their rivals – Serb and Croat leaders who had little interest in the Dayton Plan to reunify the country. In a way, the elections also confirmed that the war-weary inhabitants of BiH were not yet ready for real steps towards reconciliation. The elections did not change the political landscape. Instead, they reflected the national composition of BiH's divided parts.[99]

[96] Dayton Agreement, Annex 3, Article II, paragraph 4. Carl Bildt et. al., *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998). In fact, nationalist parties wanted elections as soon as possible because this would "lead to the legitimisation of existing structures – in particular the Republika Srpska – and that they would thus acquire a permanence that they had not possessed hitherto…" See also Marcel Stoessel, *The Role of the OSCE in Bosnia and Herzegovina* (Geneva: The Graduate Institute of International Studies, 2001).
[97] Bosniaks elected Alija Izetbegović, Croats Krešimir Zubakand and Serbs Momčilo Krajišnik.
[98] The Muslim Party of Democratic Action (SDA), the Serbian Democratic Party (SDS) and the Croat Democratic Union (HDZ). It is also stated that these parties continue "to try to achieve in peace what they have failed during war" and that "in essence, two of the three ethnic groups work actively against the creation of a unified state." "Is Dayton Failing? Bosnia Four Years after the Peace Agreement," International Crisis Group, accessed February 19, 2016, http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/080-is-dayton-failing-bosnia-four-years-after-the-peace-agreement.aspx.
[99] Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: Penguin Books, 1996/1997); Ivan Lovrenović, "Bosnia And Herzegovina: Facing the Challenge of Independence," *Spirit of Bosnia* Vol. 3 (2008), accessed February 3, 2016, http://www.spiritofbosnia.org/volume-3-no-1-2008-january/bosnia-and-herzegovina-facing-the-challenge-of-independence/.

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2.5 Goals, interests, contrasting beliefs of the parties in conflict

"Over the last 10 years, the country has not been moving in the right direction (…). As we enter the third decade of the peace process, we need to raise our expectations and once again see concrete results and positive momentum. I believe major progress is possible in the next 10 years if we see two basic ingredients: the political will to deliver substantial reforms to take the country forward; an unwavering commitment to fully respect the Peace Agreement."

- High Representative for Bosnia and Herzegovina, Valentin Inzko, in his brief to UNSC on 10 November 2015

As previously mentioned, the Dayton Peace Agreement established the structure of the Bosnian government. It divided Bosnia and Herzegovina (BiH) territory into two political entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). Both entities are politically autonomous to an extent, as well as the district of Brčko, which is jointly administered by both. Both of the entities also have their own constitutions. Therefore, BiH has three de facto mono-ethnic entities, three separate police forces, and a national government that exists mostly on paper and it is dependent on the entities. It has been argued that the crux of the problem is in Annex 4 to the Dayton Peace Agreement, known as the constitution. It defines BiH as a state of two entities: in effect but not explicitly federal, as well as a state of three constituent peoples (Bosniaks, Croats, Serbs). [100]

As a result, **Bosnian governmental structure is heavy, complicated and inefficient**. In practice this means that at the state level there is a directly elected tripartite Presidency, which is in charge of the foreign, diplomatic and military affairs, and the budget of state-level institutions. Each presidency member is separately elected by a plurality vote[101] with each voter in the Federation voting for either the Bosniak or the Croat candidate, and those in the Republika Srpska electing the Serb candidate. Interestingly, the candidates are "self-defined" as such and must only claim one identity.

[100] International Crisis Group, *Bosnia's Future* (Brussels: International Crisis Group, 2014).
[101] The candidate with most votes, but not necessarily a majority, wins.

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As elaborated by one of the local interviewees, this means that one cannot have someone standing (or voting) for both - the Bosniak and Croat member, or identifying outside these pre-constituted groups.

> "For example a Bosnian Muslim from the Republika Srpska cannot vote for a presidential candidate at the state level if the candidate of she or he likes comes from Sarajevo. Not to mention the fact that a candidate who is not Muslim, Serb or Croat cannot even run for a president[102]."

Although, the state government is in charge of issues such as defence; economic policy; facilitating inter-entity coordination and regulation at an entity level, both the Federation and the Republika Srpska have significant autonomy. Both entities have a Prime Minister and 16 ministries. The Federation is furthermore divided into 10 cantons, each with its own administrative government and relative autonomy on local issues, such as education and health care, labour, police and internal affairs. [103]

As described by several interviewees, the current institutional setup makes it very difficult to create social cohesion among the different ethnic groups. Although the structure created in the Dayton Agreement was indisputably a remarkable achievement and an enabler for the stabilization of the country, it was never have a long term constitutional role[104]. The accords bequeathed an extremely complex system of government, which has made creation of common Bosnian identity extremely difficult. The political elite of each group is most concerned with the rights of their own ethnicity. Currently, the individuals' political view is assumed to be interlinked with their ethnicity[105]. This idea is furthermore strengthened by the current legislation: and hence overcoming these challenges seem to be difficult without renewing the constitution.[106]

Consequently, these three ethno-national groups hold differing views of the character of the post-war state and the self-determination rights of various groups within it. The majority of Bosniaks favour stronger central state structures and is strongly attached to the state of BiH. For the majority of Bosnian Serbs and Bosnian Croats their ethno-national identity is stronger than their fairly weak attachment to the state of BiH. [107] The result of the general elections clearly indicated that even

[102] Local, interview no. 15.
[103] Alberto Nardelli , Denis Dzidic and Elvira Jukic, 'Bosnia and Herzegovina: the world's most complicated system of government?' The Guardian, published 8 October 2014.
[104] Local, interview no.14.
[105] Local, interview no. 13.
[106] Local, interview no. 13; no.16.
[107] "Bosnia and Herzegovina Country Report 2014," Bertelsmann Stiftung, accessed 19 February 2016, http://www.bti-project.org/reports/country-reports/ecse/bih/index.nc.

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though the Dayton Peace Accord ended the war it froze the ethnic conflict in one of the most complex systems of government in the world. The apparent lack of will of the former warring factions for a common future can be seen during the post-war years; ethnicity dominates the political arena and frequent challenges to the Dayton Agreement are made – mainly by RS, a breakaway province which continues to claim its right to self-determination.

In all elections that have been held since the end of the war, the country's different communities have almost invariably voted along ethnic lines, with nationalist parties usually doing better than more moderate ones - a tendency which has inevitably reinforced the ingrained disunity of the Bosnian state. [108] There are also political parties that are not exclusively from one ethnic background which are striving to build more cohesion among the population. However, they do not dominate the media and hence their voices remain unheard. [109]

Since early 2008, there has been a rise in nationalist political rhetoric and the local elections in October 2008 reconfirmed the deep ethnic divisions that exist in the country. [110] Talks on the future of BiH in October 2009 saw a hardening of positions among the country's Serb, Croat and Muslim leaders. In particular, the leaders of RS have been pushing for a referendum, putting in doubt the future of a multi-ethnic BiH. [111] As a result, there is a lack of unity of efforts. As described by one interviewee, the reluctance to change the system seems to be the key barrier to the country's development.

> *"Generally speaking, people don't mix much. Businessmen, criminals and intellectual elites do, but normal people don't. Most children in Banja Luka now will never know anyone Muslim and Croat. It used to be the norm before the war but most cities are sadly monoethnic now. This is not very 21st century. It is backwards in every way. And a great loss for the country where people of different faiths lived with each other for centuries[112]."*

[108] "Elections in Bosnia and Herzegovina 1996-2014," OSCE, accessed February 4, 2016, http://www.osce.org/odihr/elections/bih.
[109] Local, interview no.16.
[110] EurActiv 06/10/08.
[111] EurActiv 21/10/09.
[112] Local, interview no. 15.

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Negotiations to amend the existing constitution in order to strengthen state institutions and transform the country into a non-ethnic parliamentary democracy have so far failed to make much progress. Yet, it has also been stated that BiH has three political communities, which are not precisely identical to the three constituent peoples named in the constitution, and that the Bosnian crisis is about politics, not personal identity or ethnicity:

> *"The mismatch between constituent peoples and political communities is unsurprising, but in BiH's constitutional system it makes room for mischief. Loyalty to a political community determines basic political orientation, but membership in a constituent people brings specific benefits and supports claims to general rights. Employment in state institutions follows a constitutionally mandated quota system."*[113]

2.5.1 Serbs

The obvious and ultimate goal of the Bosnian Serbs before, during and after the war has been to establish a state.[114] This was seen clearly when the referendum for independence in February and March 1992 was boycotted by the great majority of the Serbs.[115] Already in January 1992, SDS leader Radovan Karadžić proclaimed the full independence of the "Republic of the Serbian People in Bosnia-Herzegovina."[116] The Serb assembly in session in Banja Luka declared a severance of governmental ties with BiH on the very same day that BiH's independence was recognised. Furthermore, the current Constitution of the RS states that RS is a territorially unified, indivisible and inalienable constitutional and legal entity that shall independently perform its constitutional, legislative, executive and judicial functions.[117]

The "Special ties agreement," signed with Serbia in September 2006, also indisputably indicates the goals and interests of the Bosnian Serbs/RS. It aims at promoting economic and institutional cooperation between Serbia and RS and is similar to a previous agreement signed in 2001 between the Federal Republic of Yugoslavia (FRY) and RS. These strong ties may also facilitate a positive view towards the political environment of the country. According to a population-based survey conducted in 2016 Republic of Srpska citizens are two and a half times more like to see the political situation as stable than the citizens of the Federation.

[113] International Crisis Group, *Bosnia's Future* (Brussels: International Crisis Group, 2014), 7.
[114] For example Radovan Karadžić, the former president of the RS, stated in an interview in 1993 that "there is no democracy, there is no freedom, there is no economy without state. We have created a state."
[115] The decision of the Parliament of the Socialist Republic of Bosnia and Herzegovina on holding the referendum was taken after the majority of Serb members had left the assembly in protest.
[116] The name "Republika Srpska" was adopted on 12 August 1992.
[117] For the Constitution of Republika Srpska, see https://advokat-prnjavorac.com/legislation/Constitution-of-Republika-Srpska.pdf; "This means, that practically, Republika Srpska is constituted as the Serb national administrative-political unit, and this criterion is systematically applied to all aspects of public and social life, with discrimination against non-Serb and non-Orthodox collectivities." International Crisis Group, *Bosnia's Future* (Brussels: International Crisis Group, 2014).

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Bosnian Serb politicians regularly challenge the High Representative (OHR) and the authority of state-level government institutions and aim to return powers ceded from their entity to the weak federal state. According to a Gallup survey in 2011, a majority of Bosnian Serbs polled believed that RS has the right to self-determination and independence, should a majority of its inhabitants choose to vote to secede from BiH.[118] One of the latest indicators of the Bosnian Serbs' "ultimate goal" is the "warning" given in July 2015 by the President of the RS, Milorad Dodik,[119] stating that there would be a referendum on RS's independence in 2018 if there are no visible signs of stabilisation and respect for the position of the RS, and if jurisdictions are not returned to the RS by 2017 in accordance with the Dayton Peace Accords and the BiH Constitution.[120]

In terms of the aspirations to join the European Union and the general attitude towards the EU's presence in the country, the empirical material suggests that **RS is most reluctant towards EU integration**. Reasons for such perceptions are many. First, experiences from the war still play a part in public discourse. The Bosnian Serbian community still seems to uphold loyalty towards its Orthodox Christian partners, such as Russia. Taking sides has become even more evident during the Ukrainian crisis, and the negativity especially towards NATO is increasing. The EU is often interlinked with NATO and thereby also represents the 'Western' view of the world.[121] Hence, the EU is also seen to promote the changes which would be less favourable to the Serbian community. According to some of the local interviewees, many of the politicians, namely the ones from RS, claim that joining the EU would force them to give up their key competences[122]. Partly, due to the power of the discourse, the locals have had a change of heart towards the more unified Bosnian policy, as well as towards EU membership.[123] This is the case, although the politicians do not

[118] "Bosnia-Herzegovina country profile – Overview," BBC News, accessed February 19, 2016, http://www.bbc.com/news/world-europe-17211415; "Bosnia and Herzegovina SSR Background note," ISSAT, accessed February 19, 2016, http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bosnia-and-Herzegovina-SSR-Background-Note; "Bosnia and Herzegovina Country Report 2014," Bertelsmann Stiftung, accessed February 19, 2016, http://www.bti-project.org/reports/country-reports/ecse/bih/index.nc.

[119] Dodik said e.g. "We do not question the jurisdictions defined by the Constitution of BiH. We are against what is not in the Constitution…The state must be in accordance with the Dayton Agreement, and now it's not."

[120] "Is War About to Break Out in the Balkans?" Foreign Policy, accessed February 19, 2016, http://foreignpolicy.com/2015/10/26/war-break-out-balkans-bosnia-republika-srpska-dayton; UNSC "warned" in November 2015 that with this possible referendum, BiH is moving in the wrong direction after years of being the "shining star" of peace building. For more, see "Bosnia Herzegovina," UN News Centre, accessed February 19, 2016, http://www.un.org/apps/news/story.asp?NewsID=52515#.VqZSmSqLTIU.

[121] Comor, 2016; Local, interview no. 14

[122] The principle of conferral is a fundamental principle of European Union law. According to this principle, the EU is a union of member states, and all its competences are voluntarily conferred on it by its member states. The EU has no competences by right, and thus any areas of policy not explicitly agreed in treaties by all member states remain the domain of the member states. The Treaty of Lisbon clarifies the division of competences between the EU and EU countries. These competences are divided into 3 main categories: (1) exclusive competences, i.e. customs union and common commercial policy; (2) shared competences, i.e. social policy, transport, internal marekt; and (3) supporting competences, i.e. civil protection, administrative cooperation. To read more, visit: EUR-Lex,' Division of competences within the European Union', modified 26 January, 2016. Available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Aai0020.

[123] Competences behold by the RS include for example labor, health, education, and internal security related functions.

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identify what the lost competences are, and in what way it would impact on the lives of the local people. [124]

2.5.2 Bosniaks

Whereas the Serbs want to have independence, the majority of Bosniaks favour stronger central state structures and have been strongly attached to the state of BiH since the end of the war. However, it is also argued that Bosniak politics give reasons to suspect that Bosniaks are striving for a unitary state with the Bosniaks as the effective bearers of statehood. Such a desire is most clearly demonstrated through animosity towards ethnic and cultural diversity. The view that only religious identity could be a criterion of group identity, and that the Croatian and Serb national identities are "imported" and hence non-indigenous, is equally common among lay people, academics and politicians. [125]

In terms of the external relations, the Bosniaks seem to strive for stronger Bosnia and EU integration and in general they lean clearly towards Western countries in their development aspirations. This is also reflected in the Bosniaks' concerns towards the current political environment of the country. Currently, out of the three ethnic groups the Bosniaks seem to be most worried about the actual political situation in BiH, 61.8% see it as critical and 29.8% as deteriorating, while the number of those concerned is closer to 80% among the Serbs and Croats. [126]

As a whole, the Bosniaks seem to view the support of the international community, namely the EU and US, more necessary than the Croats and Serbs. There seem to be a common belief among the Bosniaks that the external actors would have the ability to enforce the changes needed to modernise the country.

[124] Local, interview no. 14; no.18.
[125] Florian Bieber, *Post-War Bosnia: Ethnic Structure, Inequality and Governance of the Public Sector. Ethnicity, Inequality and Public Sector Governance* (London: Palgrave Macmillan, 2006); International Crisis Group, *Bosnia's Future* (Brussels: International Crisis Group, 2014).
[126] Comor, 2016.

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2.5.3 Croats

Since the end of the war the majority of Bosnian Croats have viewed their ethno-national identity stronger than their fairly weak attachment to the state of BiH. However, the Croatian discourses tend to rather lag behind the Serbs and they tend to make their articulations in conditional terms – "if the Serbs have their own entity, we, too, want ours" – instead of expressing their own ideas about their status as a part of BiH[127]. It is also argued that a strong minority of Croats prefers secession from BiH[128]. These Croats hope to break away to form their own entity, but until then they "chafe under" what they see as Bosniak domination. [129]

This is also mirrored in the political parties represented in the Federation. Currently, there are several Croatian political parties in Bosnia and Herzegovina, many corresponding to parties within Croatia itself. [130] Given the dominance of Croatia in the Bosnian Croatian community, the aspirations to build a strong, united Bosnia and Herzegovina are rather limited. When it comes to European integration, the Croats seem to be the most 'neutral' about the EU membership out of the three ethnic groups.[131] One explanation could be that once Croatia joined the EU in 2013 the Bosnian Croats have been entitled to the benefits of the EU citizens. [132] Hence, the Croats already have a relatively realistic understanding of the advantages and disadvantages of EU membership.

[127] Ivan Lovrenović, "Bosnia And Herzegovina: Facing the Challenge of Independence," *Spirit of Bosnia* Vol. 3 (2008), accessed February 3, 2016, http://www.spiritofbosnia.org/volume-3-no-1-2008-january/bosnia-and-herzegovina-facing-the-challenge-of-independence/.
[128] Florian Bieber, *Post-War Bosnia: Ethnic Structure, Inequality and Governance of the Public Sector. Ethnicity, Inequality and Public Sector Governance* (London: Palgrave Macmillan, 2006).
[129] International Crisis Group, *Bosnia's Future* (Brussels: International Crisis Group, 2014).
[130] The Croatian Democratic Union of Bosnia and Herzegovina (HDZ), Croatian Democratic Union 1990 (HDZ 1990), and the Croatian Party of Rights of Bosnia and Herzegovina (HSP BiH) are the most popular parties. The Croatian Peasant Party of Bosnia and Herzegovina (HPP) and the New Croatian Initiative (NHI) are relatively minor Croatian parties.
[131] Local, interview no. 14.
[132] Bosnian Croats have Croatian passports, which entitles them to live and work in the European Union.

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2.5.4 Conclusion

A country's constitution and institutions are always a product of its history. In Bosnia and Herzegovina, the divisions of the past may have been frozen, but their complexity and scars remain deeply enshrined in how the country's parliament and government are elected and organised. As illustrated before, since the end of the war in Bosnia, the lack of a common identity combined with the fragmented administrative structure has maintained a degree of fragmented identity among the population. The lack of a shared vision can be identified as one of the key barriers to the country's socio-economic development. One of Bosnian-Albanian interviewee described this dilemma as follows;

> *"How can we hope for any long-term development if everyone is judged based on their ethnicity not on their abilities? And are basically forced to vote for candidates we don't necessarily support. Most Bosnian Serbs are obsessed with the preservation of the Republika Srpska, whilst most Bosniaks (and some Croats) consider it to be an outcome of genocide after the crimes in Prijedor and Srebrenica[133]."*

2.6 Role of international actors and potential for regulation

This chapter reviews the role, actions and potential for regulation of the international actors/organisations in BiH from the end of the major violence until today.[134] The focus is on the main actors (OHR, United Nations, European Union, NATO and OSCE) and/or actors which were created under the Dayton Peace Agreement and whose actions are mandated by the UN Security Council or EU Council resolutions. International actors in BiH monitor the implementation of the peace settlement, maintain a safe and secure environment and help BiH through national and local capacities to carry out political, security, judicial, economic and social reforms. Human rights and support to the development of a multi-ethnic democratic society are also key areas of action.

Despite the two-decades-long presence and contribution of the international community, BiH still faces a number of political, economic and social challenges. Widespread corruption accompanied by weak rule of law is still a significant problem in the country. Additionally, the large, expensive and inefficient administration itself represents a heavy burden for the budget and weakens the economy. Furthermore, the high unemployment rate has contributed to the rise of general poverty

[133] Local, interview no. 15.
[134] The Bosnian cease-fire finally went into effect on the morning of 12 October 1995.

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and social divisions, leading to public protests and other expressions of civil dissatisfaction. Currently, especially the younger generation seem to lack vision for a future in BiH. Consequently, many of the citizens are trying to build their future outside of Bosnia and Herzegovina[135]. Nevertheless, as described by one interviewee, with appropriate support from the international community a brighter future is possible;

> *"There are no such problems in Bosnia that they could not be fixed. However, given the current political environment and the way how the different entities help maintain the fragmented identity, it is difficult to foresee any major progress. Something needs to change, or the result will be a revolution. There is a lack of trust towards the government. It is corrupted and the situation is difficult to solve as long as the current governmental structure prevails. Bosnia needs help from the international community but in the form of economic programs. The economy is the key for the development, and the international community needs to support those parties which are trying to do something in order to rebuild the country without interlinking their agenda to ethnicity[136]."*

2.6.4 Office of the High Representative in Bosnia and Herzegovina

The Office of the High Representative (OHR) is an ad hoc international institution responsible for overseeing the implementation of the civilian aspects of the Dayton Peace Agreement. The position of High Representative was created under the General Framework Agreement for Peace in Bosnia and Herzegovina, signed on 14 December 1995.[137] The High Representative is working with the people and institutions of BiH and the international community to ensure the progress of the country towards a peaceful and viable democracy that is able to take full responsibility of its own affairs and is on course for integration in Euro-Atlantic institutions.[138] The OHR is vested with 'Bonn Powers,' which are the basis for its extensive legislative, judicative and executive decisions.[139]

The OHR's involvement in BiH's political life has changed and developed according to its mandate and focus, in line with the requirements of the Peace Implementation Council (PIC).[140] At the beginning of the peace process, the High Representative chaired a number of joint bodies that

[135] Local interviewees no. 13; no.18.
[136] Ibid.
[137] Dayton Accords. Annex 10, Article II.
[138] "Office of High Representative," OHR, accessed February 20, 2016, http://www.ohr.int/?page_id=1139&lang=en.
[139] As a relic of the immediate post-war era, the OHR's involvement in Bosnian domestic politics still includes e.g. the imposition and amendment of legislation, the dismissal of elected government officials and the annulment of the decisions of the Bosnian Constitutional Court. Tim Banning, "The 'Bonn Powers' of the High Representative in Bosnia Herzegovina: Tracing a Legal Figment," *Goettingen Journal of International Law* 6 (2014): 259–302.
[140] The PIC is an international body charged with implementing the Dayton Peace Agreement for Bosnia and Herzegovina. It comprises 55 countries and agencies that support the peace process in many different ways – by assisting financially, providing troops for EUFOR, or directly running operations in BiH.

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brought together representatives of the warring parties and took care of the initial requirements of the peace process. The State and Entity institutions envisaged in the Constitution were set up after the first post-Dayton elections in September 1996, but it took some time before they started meeting regularly. Particularly the power invested in the OHR helped create ripe conditions for security sector reform after 1997.[141]

Coming out of the war, RS and the FBiH each had their own military. In 2003, in an effort to bring the country up to date with current European practices and to fulfill its commitments for NATO membership, the Defence Reform Commission mandated by the OHR created a unified Ministry of Defence on the state level. Representatives from all three ethnic groups also agreed to establish a unified military command. Further on, in December 2004, strong pressure from the international community resulted in the formation of a second independent commission for defence reform, which called for a set-up of a single armed force at the state level.[142]

The OHR has also been active in the economic field and in establishing the rule of law.[143] In an effort to centralise the Bosnian judicial sector, which was heavily fragmented, regulated by different laws and controlled by elites, the High Representative established the High Judicial and Prosecutorial Council. The OHR also established the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina, and had new judges and prosecutors elected by 2002. The BiH Ministry of Justice was created in 2003 and serves as a coordinating body for judicial institutions at the state level.[144] The OHR has not resorted much to the 'Bonn Powers' in recent years.[145] From one perspective, this can be seen as supporting the principals of local ownership and sovereignty. However, several interviewees stated that the OHR lacks international political support and emphasised the importance of personal characteristics; eventually, the role of the OHR depends on the leadership.[146]

[141] "Bosnia and Herzegovina SSR Backround note," International Security Sector Advisory Team, accessed February 20, 2016, http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bosnia-and-Herzegovina-SSR-Background-Note.
[142] "Bosnia and Herzegovina SSR Backround note," International Security Sector Advisory Team, accessed February 20, 2016, http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bosnia-and-Herzegovina-SSR-Background-Note.
[143] In the economic field, the reconstruction phase, financed under the World Bank/European Commission programme, was largely completed in the years immediately after the war. The emphasis now is on reforms that ensure fiscal and economic stability.
[144] Ibid.
[145] For example, in 2004 the then High Representative Paddy Ashdown imposed several laws in order to harmonise legislation in both the FBiH and RS, and sacked 59 RS officials for failing to arrest wartime fugitives. Heidelberg Institute on International Conflict Research, *Conflict Barometer 2004* (Heidelberg: HIIK, 2004), 9.
[146] Interviews with international non-EU representatives, March 2016.

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2.6.5 United Nations

Fighting in BiH came to an end on 12 October 1995. From that date until 20 December 1995, forces of the **United Nations Protection Force (UNPROFOR)** monitored a ceasefire put in place to allow for peace negotiations being launched in Dayton.[147] On 21 December 1995, the Security Council (UNSCR 1035) agreed to establish the **United Nations International Police Task Force (IPTF)** [148] and the **United Nations Civilian Office**, brought together as the **United Nations Mission in Bosnia and Herzegovina (UNMIBH)**. UNMIBH completed its mandate on 31 December 2002. It was succeeded by the European Union Police Mission in Bosnia and Herzegovina.[149]

UNMIBH's mandate was to contribute to the establishment of the rule of law in BiH by assisting in reforming and restructuring the local police, assessing the functioning of the existing judicial system and monitoring and auditing the performance of the police and others involved in the maintenance of law and order. UNMIBH worked closely with the High Representative for the Implementation of the Dayton Peace Agreement. On 2 December 2002, the Secretary-General submitted to the Security Council his final report (S/2002/1314) on UNMIBH in which he gave an overview of the activities of the Mission.[150]

Currently **the United Nations Country Team (UNCT)** in BiH is composed of representatives of twelve UN Funds, Programmes and Specialized Agencies (FAO, ILO, UNDP, UNFPA, UNEP, UNESCO, UNHCR, UNICEF, UNODC, UNV, UN Women, WHO), the Bretton Woods Institutions (World Bank, IMF), ICTY and IOM. The work of the UNCT is being coordinated through **the Office of the UN Resident Coordinator (RCO)**[151] and framed within the One UN Programme for Bosnia and Herzegovina 2015-2019 representing the strategic programmatic and financial basis for the development partnership between the United Nations and BiH.[152]The work of the BiH UNCT is

[147] On 20 December 1995, the Implementation Force (IFOR) took over from UNPROFOR whose mandate was thus terminated.
[148] "Dayton Accords, Annex 11: International Police Task Force," U.S. Department of State, accessed February 4, 2016, http://www.state.gov/p/eur/rls/or/dayton/52596.htm.
[149] The main components of the Mission were: IPTF; Criminal Justice Advisory Unit; Civil Affairs Unit; Human Rights Office; Public Affairs Office; and Administration, including the United Nations Trust Funds. From 1998 to 2000, UNMIBH also included the Judicial System Assessment Programme (JSAP). The Mission had a nation-wide presence with regional headquarters in Banja Luka, Bihac, Doboj, Mostar, Sarajevo, Tuzla and a district headquarters in Brcko.
[150] "Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/1314)," UNSC, accessed February 16, 2016, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/706/20/IMG/N0270620.pdf?OpenElement. See also "Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution," Human Rights Watch, accessed February 18, 2016, https://www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf.
[151] RCO, who is the Executive Representative of the UN Secretary General, heads the UNCT in BiH and is also the Resident Representative of UNDP in BiH. RCO has five functional pillars reflecting the UN priorities in BIH: Rule of Law, Peace and Development, Human Rights, UN Co-ordination and Monitoring and Evaluation, and Public Relations
[152] United Nations in Bosnia and Herzegovina, http://ba.one.un.org/content/unct/bosnia_and_herzegovina/en/home/un-agencies.html.

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guided by a mid-term strategic United Nations Development Assistance Framework (UNDAF). The current UNDAF for BiH covers the period 2015-2019. It recognises the aspirations of BiH to become a member of the EU and focuses on four priority areas of assistance: the rule of law and human security; sustainable and equitable development and employment; social inclusion; and the empowerment of women.[153]

The **United Nations Development Programme (UNDP)** in BiH has been helping the country to attract and use international assistance since 1996. The main goals are the reconstruction of the country following the conflict, supporting and building national capacity in key sectors, advancing human development and helping shift the focus of development planning from post-war recovery to long-term strategic development. In BiH UNDP focuses on four programme areas which are Democratic Governance and Social Inclusion, Justice and Security, Rural and Regional Development, and Energy and Environment.[154] It collaborates closely with the governmental institutions of BiH at all levels, as well as with other UN Agencies. The expected programme results will make strategic contributions in helping BiH achieve the UN Millennium Development Goals (MDGS).[155]

The May 2014 massive flooding in BiH affected a quarter of the country's territory and 27 per cent of the population, exposing BiH's vulnerability to natural disasters and the country's systemic weaknesses in disaster preparedness. Different UN actors played significant roles when the UN stepped in to coordinate emergency relief efforts and liaise as a key interlocutor between BiH authorities and the international community.[156]

2.6.6 European Union

The EU deploys considerable resources in BiH within the framework of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP).[157] The **Delegation of the European Union (EUD)** to Bosnia and Herzegovina was first established in July 1996, when it was known as the Delegation of the European Commission. Upon the entry into force of the Treaty of Lisbon in December 2009, its name was changed to the Delegation of the European

[153] "UN in Bosnia and Herzegovina," UN, accessed February 18, 2016, http://ba.one.un.org/content/unct/ bosnia_ and_ herzegovina /en /home/publications/one-united-nations-programme-and-common-budgetary-framework-bosn.html.
[154] UNDP in Bosnia and Herzegovina, http://www.ba.undp.org/content/bosnia_and_herzegovina/en/ home/operations /about_undp/.
[155] For more information on MDGS, see http://www.undp.org/content/undp/en/home/sdgoverview/mdg_goals.html.
[156] "UN Resident Coordinator Annual Report 2014," UNRC, accessed February 17, 2016, http://www.ba.undp.org/content/dam/ bosnia_and_ herzegovina/docs /News/2014%20RCAR%20BiH%20-%20Narrative %20Report.pdf.
[157] The general approach of the EU towards BiH will be discussed in more detail in Chapter 3.

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Union to Bosnia and Herzegovina. The post of the **EU Special Representative (EUSR)** for BiH was established in 2002. At the beginning the holders of the EUSR and High Representative (OHR) posts were merged, although their mandates and staffs differed. In particular, the 'Bonn Powers' were exercised by the double-hatted HR/EUSR in his capacity of the HR only.[158] Following a decision of the Council of the European Union in July 2011, the EU decided to terminate this practice and instead double-hat the EUSR with the Head of the EUD Office.[159] As a consequence, the Delegation and the Office of the EUSR together function as "one voice" on the ground.[160] The role of the EUD in BiH is primarily aimed at presenting, explaining and implementing EU policy, analysing and reporting on the policies and developments in the country and conducting negotiations in line with its mandate. The EUSR is mandated by the Council of the European Union to reinforce the EU's political support for its policy objectives in BiH. The EUSR offers advice and facilitation support in the political process to institutions at all levels, aimed at ensuring greater consistency and coherence of all political, economic and European priorities – particularly in the areas of the rule of law and security sector reform. The EUSR is also responsible for the co-ordination of the EU's public communication in BiH, and for contributing to a culture of respect for human rights and for fundamental freedoms. The EUSR reports to the Council through the High Representative for CFSP/Vice President of the Commission.

The **European Union Police Mission (EUPM) in Bosnia and Herzegovina** is part of a broader effort undertaken by the EU and other players to strengthen the rule of law in the country. EUPM, the first mission under the European Security and Defence Policy (ESDP), was launched on 1 January 2003. It replaced the United Nations International Police Task Force (IPTF)[161] (UNMIBH). EUPM was originally expected to reach its goals through monitoring, mentoring and inspecting by the end of 2005, but it continued with modified mandates and size until 30 June 2012.[162]

The EU CSDP operation **EUFOR Althea** in Bosnia and Herzegovina was launched on 2 December 2004. The launch of Operation Althea followed the decision by NATO to conclude its SFOR

[158] Caroline Bouchard, John Peterson and Nathalie Tocci, *Multilateralism in the 21st Century: Europe's quest for effectiveness* (New York: Routledge, 2014).
[159] Council of the European Union, "Appointing the European Union Special Representative in Bosnia and Herzegovina". Council document 2011/426/CFSP, Brussels, 18 July 2011.
[160] EUD promotes the EU's interests that are embodied in common policies relating to, among others, foreign and security issues, commerce, agriculture, fisheries, environment, transport, health and safety. It plays a key role in the implementation of the EU's external financial assistance. For more information see http://www.eubih.eu/eu-delegation-eu-special-representative-in-bih.
[161] "Dayton Accords. Annex 11: International Police Task Force," U.S. Department of State, accessed February 5, 2016, http://www.state.gov/p/eur/rls/or/dayton/52596.htm.
[162] "EUPM Factsheet," EEAS, accessed February 5, 2016, http://www.eeas.europa.eu/csdp/missions-and-operations/eupm-bih/pdf/25062012_factsheet_eupm-bih_en.pdf.

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operation and the adoption by the UNSC of resolution 1575[163] authorising the deployment of an EU force (EUFOR) in BiH. In the framework of Operation Althea, the EU initially deployed 7,000 troops to ensure continued compliance with the General Framework Agreement for Peace (GFAP) in BiH and to contribute to a safe and secure environment. Operation Althea is carried out with recourse to NATO assets and capabilities, under the "Berlin Plus" arrangements.

2.6.7 North Atlantic Treaty Organization

NATO conducted its first major crisis response operation in BiH. The NATO-led **Implementation Force (IFOR)** was deployed in December 1995 to implement the military aspects of the Dayton Peace Agreement and was replaced a year later by the also NATO-led **Stabilisation Force (SFOR)**. IFOR operated under Chapter VII of the UN Charter, deriving its authority from UNSCR 1031 from 15 December 1995.[164] IFOR's main task was to guarantee the end of hostilities and separate the armed forces of the FBiH and RS. IFOR oversaw the transfer of territory between the two entities, the demarcation of the Inter-Entity Boundary Line and the removal of heavy weapons into approved cantonment sites. As the situation on the ground improved, IFOR began providing support to the organisations involved in overseeing the implementation of the civilian aspects of the Dayton Peace Agreement, including the OHR, the OSCE and the UN. IFOR's goals were essentially completed by the September 1996 elections.[165]

As the situation was still potentially unstable and much remained to be accomplished on the civilian side, NATO agreed to deploy the new Stabilisation Force from December 1996 onwards. SFOR operated also under Chapter VII of the UN Charter, deriving its authority from UNSCR 1088 from 12 December 1996. SFOR's primary task was to contribute to a safe and secure environment conducive to civil and political reconstruction. Specifically, SFOR was tasked to deter or prevent the resumption of hostilities, to promote a climate in which the peace process could continue to move forward, and to provide selective support within its means and capabilities to civilian organisations involved in this process.[166] SFOR's activities ranged from patrolling and providing

[163] UNSC resolution 1575 was adopted unanimously on 22 November 2004. The UNSC defined the role of EUFOR Althea in BiH as a legal successor to the Stabilisation Force (SFOR).
[164] This gave the force a mandate to not just maintain peace, but also, where necessary, to enforce it. As such and strictly speaking, IFOR was a peace enforcement operation, which was more generally referred to as a peace support operation. This was also the case for SFOR.
[165] "Bosnia and Herzegovina, General Elections, 14 September 1996: Preliminary Statement," OSCE, accessed February 14, 2016, http://www.osce.org/odihr/elections/bih/14031; "Peace support operations in Bosnia and Herzegovina," NATO, accessed 14 February2016, http://www.nato.int/cps/en/natohq/topics_52122.htm.
[166] "Peace support operations in Bosnia and Herzegovina," NATO, accessed February 14, 2016, http://www.nato.int/cps/en/natohq/topics_52122.htm.

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area security through supporting defence reform and supervising de-mining operations, to arresting individuals indicted for war crimes and assisting the return of refugees and displaced people to their homes.[167]

The primary role of the NATO Military Liaison and Advisory Mission (**NATO HQ Sarajevo**) is to assist BiH with defence reform. It also aims to help the country meet the requirements for its participation in NATO's Partnership for Peace (PfP) programme. NATO HQ Sarajevo undertakes certain operational tasks such as counter-terrorism while ensuring force protection, support to the ICTY with the detention of persons indicted for war crimes, and intelligence-sharing with the EU. NATO HQ Sarajevo also complements the work of the CSDP operation with specific competencies.

BiH's cooperation with NATO is set out in an Individual Partnership Action Plan (IPAP). The first IPAP was agreed with the Alliance in September 2008 and an updated version was agreed in September 2014. IPAP is designed to bring together all the various cooperation mechanisms through which a given country interacts with the Alliance, sharpening the focus of activities to better support domestic reform efforts. Currently the key areas of cooperation between NATO and BiH are security cooperation, defence and security sector reform, civil emergency planning, public information and security-related scientific cooperation.[168]

On 2 December 2015 NATO foreign ministers once again reminded BiH about NATO's open door policy and expressed full support for BiH's desires for membership. However, they called upon the country's leaders to work constructively to undertake the reforms necessary for the country to achieve its Euro-Atlantic aspirations. NATO will keep these developments under active review and further success is expected before the Membership Action Plan (MAP) cycle can be activated.[169]

[167] Although the apprehension of indicted war criminals was officially the responsibility of the authorities of BiH, NATO forces were instrumental in most arrests that have taken place. In total, SFOR brought 39 war crime suspects to the ICTY in The Hague.
[168] "Relations with Bosnia and Herzegovina," NATO, accessed February 14, 2016, http://www.nato.int/cps/en/natolive/topics_49127.htm.
[169] "Statement by NATO Foreign Ministers on Open Door Policy," NATO, accessed February 14, 2016, http://www.nato.int/cps/en/natohq/official_texts_125591.htm?selectedLocale=en.

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2.6.8 Organization for Security and Cooperation in Europe

The **Organization for Security and Cooperation in Europe (OSCE)** began operating in BiH in December 1995.[170] The Dayton Peace Agreement gave the OSCE a mandate to organise elections and design confidence and security-building measures. The organisation took on primarily civilian tasks relevant to security and peace-building, electoral monitoring and support for democratic institutions.[171] Throughout the years, OSCE's mission in BiH has been involved in a wide variety of activities, ranging from arms control, security sector reform,[172] war crimes processing and the fight against trafficking in human beings, to political and education reform, gender equality, programmes to support good governance, media reform and civil society and human rights initiatives. Its key responsibilities are to build sustainable democratic institutions, strengthen good governance and human rights principles, and support the development of a multi-national and multi-ethnic democratic society.

2.7 Conclusion

Looking back at the history of Bosnia and Herzegovina and the Balkans region it can be concluded that the history and cultural diversity are not enough to explain the origins of the Bosnian War. The Bosnian conflict, like several post-Cold War conflicts, had its roots in ethnicity and identity politics. In addition to these, the war was a result of territorial and power disputes. The Dayton Peace Agreement ended hostilities and established the structure of the Bosnian government, dividing its territory into two federated political entities, FBiH and RS. On a more negative note, it froze the conflict in one of the most complex systems of government in the world. The lack of will of former warring factions for a common future has been apparent during the post-war years; ethnicity dominates the political arena and frequent challenges to the Dayton Agreement are made – mainly by RS, a breakaway province which continues to claim its right to self-determination. As a consequence, the country remains divided and unreconciled. Furthermore, it is plagued by weak economic prospects, social problems and corrupt, oligarchic political elites.

[170] "OSCE Mission to Bosnia and Herzegovina," OSCE, accessed February 14, 2016, http://www.oscebih.org/Default.aspx?id=0&lang=EN. The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution. See http://www.osce.org/odihr. See also "Bosnia and Herzegovina, General elections 12 October 2014, OSCE/ODIHR Election Observation Mission Final Report," ODIHR, accessed 14 February 2016, http://www.osce.org/odihr/elections/bih/133511?download=true.
[171] Boyka Stefanova, "Institutionalist Theories – The OSCE in the Western Balkans," in *The OSCE: Soft Security for a Hard World*, ed. Roberto Dominguez (Brussels: P.I.E. Peter Lang, 2014), 67.
[172] Security sector reform in Bosnia has been primarily an internationally supported process through various organs such as the OHR and EUSR. However, the role of the international community in SSR is decreasing. Franziska Klopfer, Douglas Cantwell, Miroslav Hadžić and Sonja Stojano, *Almanac on Security Sector Oversight in the Western Balkans* (Belgrade: UNAGRAF, 2012), 47–72.

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Several challenges persist, e.g. concerning the protection of minorities, returning refugees and IDPs, and the backlog of court cases. Finally, BiH's strategic geographical location and position in regard to transnational ethnic alliances has made and continues to make it subject to geopolitical interests and power games. At the same time, the country is taking significant steps towards European integration; the Stabilisation and Association Agreement (SAA) between the EU and BiH entered into force in June 2015, and in February 2016 BiH officially submitted its EU membership application. Operation Althea is one element of this broad, comprehensive policy of the EU towards the region, based on the use of political, economic, cultural, commercial and other state institution strengthening instruments.

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3 THE CSDP OPERATION AND THE CONFLICT

EUFOR Althea has been the longest military intervention launched in the framework of the CSDP.[173] It was deployed in 2004 under the Berlin Plus Agreement enabling the EU to utilise NATO's assets and capabilities in the operation. Although the operation was launched over a decade ago, its objectives and mandate, as well as the composition, have evolved and the operation is still in place to maintain a safe and secure environment in BiH.

This chapter aims to provide an overview of the EU crisis management efforts in BiH. The focus is on the deployment of EUFOR Althea and the EU's approach to the conflict in BiH around the time the operation was established. In addition, the chapter includes an analysis of the perception of the local population on EUFOR Althea, as well as the best practices and drawbacks of the EU's engagement in BiH. The aim is to draw a consistent baseline for the later analysis in the study titled "***D 2.3 The Study of Kosovo and Bosnia and Herzegovina."***

3.1 General approach of the EU to the Bosnia and Herzegovina

The European Union relations with Bosnia and Herzegovina can be perceived to fall under two main elements; (1) Unions' political agenda seeking to support the country's EU integration process and (2) security focus seeking to enhance the safe and secure environment in the country through the Common Foreign and Security Policy (CSDP).

The 2013 Joint Communication on the EU's 'comprehensive approach' draws attention to the security-development nexus and the need for the EU and its member states to pool all instruments in pursuit of long-term, structural change towards stability and peace.[174] Even though the concept of 'comprehensive approach' developed into a buzzword around the mid-2000s, the idea and mind-set of an approach aimed at integrating the political, security, development, rule of law, human rights and humanitarian dimensions was already present in the European Security Strategy (2003), defining the guiding principles and values behind the CSFP.

[173] During that time it was still known as European Security and Defence Policy (ESDP).
[174] European Commission, "Joint Communication to the European Parliament and the Council," JOIN(2013) 30 final, Brussels 11 December 2013.

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One of the instruments, the EU's crisis management, became operational in 2003 with the launch of the first-ever ESDP mission, the EUPM and the subsequent establishment of EUFOR Althea in December 2004.[175] However, the EU had been deploying and implementing its crisis management tools, *avant la lettre*, in BiH and the Balkans throughout the 1990s. The European Community Monitoring Mission (later the European Union Monitoring Mission) had been active in the country since 1991. From 1994 to 1996, following the Washington Agreement, the EU ran administrative and police missions in Mostar (European Union Administration of Mostar and the Western European Union police task force, respectively) to promote the reintegration of the divided capital.[176]

As for the Union's political and development instruments, in the first half of the 1990s member states appointed prominent figures as EU Representatives for the Former Yugoslavia, and the post-war reconstruction of BiH became a priority for the EU – no other country has ever benefited more per capita from EU assistance since then.[177] The EU's most important stabilisation tool for the region is the Stabilisation and Association Process (SAP), which can also be understood as part of the EU's enlargement policy and thus CFSP. The EU membership perspective for BiH and the other Western Balkans countries was confirmed in 1999 and reiterated at the European Summit in Thessaloniki in 2003.[178] Negotiations on a Stabilisation and Association Agreement (SAA) between BiH and the EU started in 2005. In its initial phase, EUFOR Althea was exclusively stated to reinforce "the EU's comprehensive approach towards BiH and support BiH's progress towards EU integration by its own efforts, with the objective of the signing of a Stabilisation and Association Agreement as a medium-term objective."[179] The SAA finally entered into force on 1 June 2015.[180]

The EUD to Bosnia and Herzegovina was established in 1996, then as the Delegation of the European Commission,[181] and the post of the EUSR for BiH in 2002. In the context of the CSDP,

[175] See chapter 2.6.
[176] Tobias Flessenkemper and Damien Helly, eds., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002–2012* (Paris: EU Institute for Security Studies, 2013), 7; Adam Moore, *Peacebuilding in Practice: Local Experience in Two Bosnian Towns* (New York: Cornell University Press, 2013), 6.
[177] Since 1996, the EU has invested over 3.5 billion euros in reconstruction, public administration reform, rule of law, sustainable economy, agriculture and other key areas in BiH. See "EU projects in BiH," http://europa.ba/?page_id=558. See also Tobias Flessenkemper and Damien Helly, eds., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002–2012* (Paris: EU Institute for Security Studies, 2013), 7–8.
[178] "EU relations with the Western Balkans," http://eeas.europa.eu/western_balkans/index_en.htm; See also Jacques Rupnik, "The EU and the Western Balkans," *EUISS Opinion*, (2009), 1.
[179] Council of the European Union, "Operation ALTHEA – Quarterly Report to the United Nations," 6713/1/05, Brussels 2 March 2005.
[180] "Stabilisation and Association Agreement with Bosnia and Herzegovina enters into force today," European Commission, accessed January 17, 2016, http://europa.eu/rapid/press-release_IP-15-5086_en.htm.
[181] Upon the entry into force of the Treaty of Lisbon (2009), its name was changed to EUD.

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EUSR is mandated to reinforce the EU's political support for its policy objectives in BiH. Throughout the existence of EUFOR Althea, the EUSR has convened and chaired on a regular basis EU coordination meetings between all EU stakeholders. Since September 2011, the EU has reinforced its comprehensive presence and strengthened the EU pre-accession strategy in the country through combining the assets of the European Commission and the European External Action Service. In practice, this was done by double-hatting the EUSR with the Head of the EUD Office.[182] In order to speak the same language, EUFOR closely cooperates and follows the political guidance coming from the EUSR/Head of EUD.[183] EUD plays a key role in the implementation of the EU's external financial assistance, which primarily relates to the funds allocated under the Instrument for Pre-accession Assistance (IPA).[184]The EU is also engaged in regional cooperation through the Regional Cooperation Council (RCC), which aims to promote cooperation and European and Euro-Atlantic integration of the countries in Southeast Europe.

Today, the EU's strategic engagement in Bosnia can be characterized by its strong agendas of political stability and economic growth, with **an aim to support BiH's integration to the European community**. What is particularly notable in the case of Bosnia, compared to other post-conflict settings, is that the EU engagement here forms a part of its wider enlargement policy. In other words, **the EU offers countries in the Western Balkans the prospect of becoming EU members**, on the condition that they fulfil a set of technical and political criteria for accession. From the European Union perspective, this enlargement strategy to the Western Balkans is guided by a perception that EU membership is a key stabilizing factor for the countries suffering from weak economic progress, an insufficient juridical system, and administrative capacity, corruption, and crime. The strategy is believed to support progress towards fulfilment of the necessary conditions, including those of the Stabilisation and Association Process.

Nevertheless, the process of European integration, which started in the aftermath of the war in 1995, has not progressed as hoped by the European community. In other words, most of the strategies which the EU has used in Bosnia have ended in failure. A major obstacle for the progress is the country's complex institutional architecture established in the constitution, which has led to inefficient and poor service delivery and is subject to different interpretations. All in all,

[182] "EUD / EUSR - Delegation of the European Union to Bosnia and Herzegovina and European Union Special Representative," EUD/EUSR, accessed 21 January 2016, http://www.eubih.eu/eu-delegation-eu-special-representative-in-bih.
[183] EUFOR Althea, "EUFOR Althea General Presentation," PowerPoint presentation 2015.
[184] For more information on the role of the EU, EUD and EUSR in BiH see chapter 2.6.

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the political disputes between the different political parties in BiH have complicated the implementation of the EU's reform agenda in the country.

According to several interviewees the EU has for a long time applied its **"carrot and stick"** approach with the Bosnian authorities, merely by offering carrots, hoping the Bosnian authorities would work out a way to establish a common view on the European integration and commit to it. Nevertheless, this strategy has not created the desired cohesion among the highly decentralized and ethnically polarized political system. Currently, a number of local politicians from all of the three ethnic communities; Bosnian Muslims, Bosnian Croats, and Bosnian Serbs — are interpreting the European standards and criteria according to their so-called "Bosnian standards" built particularly on ideological interests. As a result, the political positions and views the Bosnian politicians hold clearly demonstrate the seriousness and depth of the credibility crisis that the European Union states is facing Bosnia. Currently, it seems that to progress with the EU integration, Bosnia will need clear institutional arrangements which will allow it to determine a single position in key policy areas and implement EU legislation. Effective EU engagement needs to focus not on one particular institutional set-up, but rather on clearly identifying which different institutional set-ups can (and cannot) engage with the EU during the accession process and once Bosnia becomes a Member State.

3.2 State of the conflict at the time of the establishment of the operation

As described previously, the EUFOR Althea is only a one tool in the European Union 'toolbox', yet it still holds much symbolic value in terms of the European Union commitment towards BiH. In addition, it has been an important contributor to the Safe and Secure environment in the aftermath of the Balkan war.

EUFOR Althea was not deployed to a crisis or an immediate post-crisis situation, but has been an operation ensuring an already established, relatively stable post-crisis security environment. By the end of the 1990s BiH was by and large pacified, with only minor incidents occurring around 1998–1999. Uncertainty over the Kosovo status process remained and potential for violent flare-ups and spillover of violence continued to exist. At the end of 2004 the situation between the two political and governmental entities – FBiH and RS – was still difficult and challenging, but the biggest tensions between the ethnic communities were already substantially decreased.[185] For example,

[185] Jannik Knauer, "EUFOR Althea: Appraisal and Future Perspectives of the EU's Former Flagship Operation in Bosnia and Herzegovina," *EU Diplomacy Paper* 7 (2011), 5.

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according to the Conflict Barometer, published by the Heidelberg Institute on International Conflict Research, the intensity of the conflict in BiH in 2004 was low ("Manifest Conflict").[186]

The US had been the main actor in terminating the Balkan wars and negotiating the Dayton Agreement in 1995, which established the conditions for the deployment of a UN-mandated peace enforcement operation a year later. At the end of the 1990s the US started to prepare for a withdrawal and for a handover of tasks to the Europeans.[187] Creating conditions for stability in Southeastern Europe was a shared goal of the US and the EU. Initially, the US was concerned about the potential of CSDP to undermine NATO and was reluctant to approve the attempts by the EU to design its own security solutions unless they involved defence capability development in the framework of the European pillar of NATO and aimed at a transatlantic division of labour. However, the US was politically and militarily overstretched and the American position began to waver. The possibility of the EU taking over in BiH was first discussed at the European Heads of State Summit in Copenhagen in December 2002, following the conclusion of negotiations on the "Berlin Plus" arrangements. The UK and France were strongly in favour of this, while the US doubted the EU's ability to take over the operation successfully. Nevertheless, in December 2003, after extensive negotiations, it was agreed that SFOR was to be concluded and the transition to an EU-led mission within the framework of Berlin Plus would be undertaken.[188]

Also the interests of the EU and Turkey regarding the consolidation of stability in the Western Balkans were highly overlapping. As a NATO nation Turkey had provided troops to SFOR, and at the beginning of 2005 approximately 240 continued under the EU flag in EUFOR Althea.[189] In fact, Turkey was willing to provide more troops, probably seeing the participation as an opportunity to gain positions of influence in the operation and a good way to "win hearts and minds" in the Balkans, but the EU played down the offer.[190] Nevertheless, Turkey has become an important contributor to the EU operation and other peace missions in the region.[191]

Despite the disagreements regarding CFSP the EU was able to agree on the Balkans. Political and

[186] Conflict in BiH was categorised as a Level 2 manifest conflict which "[…] includes the use of measures that are located in the preliminary stage to violent force. This includes for example verbal pressure, threatening explicitly with violence, or the imposition of economic sanctions." Heidelberg Institute on International Conflict Research, *Conflict Barometer 2004* (Heidelberg: HIIK, 2004), 2–9.
[187] Katarina Engberg, *The EU and Military Operations. A comparative analysis* (New York: Routledge, 2014), 53–54.
[188] Eva Gross and Ana E. Juncos, *EU Conflict Prevention and Crisis Management: Roles, Institutions, and Policies* (New York: Routledge, 2011), 23–24.
[189] EUFOR Althea Briefing for EU MILREP February 2005.
[190] The EU was probably not willing to let a third state have too influential a position in any area of operation. Interview with former and current EUFOR Althea staff. Helsinki and Sarajevo. January and March 2016.
[191] Austrian National Defence Academy, "EU Meeting its Internal Challenges: Implications for Stability in the Western Balkans," (2012), 3.

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economic incentives were used as the 2003 Thessaloniki Declaration promised EU integration – and eventual membership – to all countries in the region. For the EU, the stabilisation and reconstruction of a multicultural and multiethnic community in BiH became a litmus test for its commitment to becoming a political and security actor projecting peace and stability throughout the whole continent. Thus, BiH's future mattered not only to the citizens of the country but also to the EU's self-perception as a foreign policy and security actor.[192]

The international community was therefore dedicated to continue with the stabilisation and capacity building efforts in the country. However, the constitutional structures created at Dayton rendered BiH a far from viable state. The mismatch between long-term perspectives and existing realities was apparent in the context of launching EUFOR Althea.[193] Dysfunctional state structures divided the country into two entities with substantial political autonomy. BiH had failed to develop a shared political culture and a common identity. Political leaders from all constituent communities, especially from RS, were challenging the constitutional order and blocking one another.[194] Furthermore, the continuation of the dissolution of the former Yugoslavian state in 2006 through the independence of Montenegro and the 2008 declaration of Kosovo's independence had a significant negative impact on the political situation in BiH and also exposed fractures and a lack of unity among EU member states at the political level.[195]

3.3 Establishment of EUFOR Althea

EUFOR Althea in BiH was launched on 2 December 2004. The decision to launch the military operation followed the decision by NATO to conclude its SFOR operation and the adoption by the UNSC of resolution 1575 authorising the deployment of an EU force in BiH. UNSCR 1575 mandated EUFOR to exclusively inherit the role of SFOR. Thus, the EU deployed a robust force of 7,000 troops, under Chapter VII of the UN Charter, to ensure continued implementation of and compliance with Annex 1-A and Annex 2 of the Dayton Agreement and to contribute to a safe and secure environment. Since its inception, the operation has been carried out with recourse to NATO assets and capabilities under the "Berlin Plus" arrangements.[196] However, as Jolyon Howorth

[192] Tobias Flessenkemper and Damien Helly, eds., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002–2012* (Paris: EU Institute for Security Studies, 2013), 8–9.
[193] Eva Gross, "Unfinished Business in the Balkans," *EU Institute for Security Studies*, *Issue Alert* 47 (2014): 1.
[194] Florian Trauner, "Bosnia 1914–2014: what lessons?" *EU Institute for Security Studies*, *Issue Alert* 31, (2014).
[195] Tobias Flessenkemper and Damien Helly, eds., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002–2012* (Paris: EU Institute for Security Studies, 2013), 8.
[196] Council of the European Union, *Operation ALTHEA in Bosnia and Herzegovina: EU confirms decision on transition*, Council Doc. 6896/07 (Presse 43), Brussels, 28 February 2007, pp. 2 *et seqq*.; Jannik Knauer, "EUFOR Althea: Appraisal and Future Perspectives of the EU's Former Flagship Operation in Bosnia and Herzegovina," *EU Diplomacy Paper* 7 (2011), 8–9.

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points out, there was an essential difference between NATO's SFOR and the EU's Althea: the former represented 'emergency surgery,' while the latter aimed at 'rehabilitation' as the first step on the road to Brussels. As such, Althea was far more a mix of civilian and military elements than a purely military operation.[197]

One of the clearest results of the Yugoslav crisis and the war in BiH has been the impetus it provided for the development of EU crisis management structures throughout the 1990s. The EU had identified ambitious objectives in the area of external security and defence already in the Maastricht Treaty (1992). The EU's lack of capacity to prevent or solve conflicts in the post-Cold War context, even in the immediate neighbourhood of the Union, led to an increasing interest among the Member States to develop common crisis management capabilities. Common Foreign and Security Policy (CFSP) and ESDP were to complement each other, with CFSP concentrating on foreign policy objectives at the strategic level while ESDP enabled the EU to execute crisis management operations on the ground. The need for operational capabilities was expressed already in the St. Malo declaration (1998). The Treaty of Amsterdam made crisis management, i.e. the so-called Petersberg Tasks, part of the CFSP. Officially, these tasks became the core of the ESDP at the 1999 European Council meeting in Cologne. The same year, in December, the European Council approved an Action Plan for civilian crisis management and the development of the institutional structures of civilian crisis management was initiated. European Security and Defence Policy (ESDP), known as Common Security and Defence Policy (CSDP) after the entry into force of the Lisbon treaty (2009), became operational in 2003 when the first ESDP/CSDP missions, both military and civilian, were established. Thus, BiH's future mattered not only for the citizens of the country but also for the EU's self-perception as a foreign policy and security actor. Ironically, when the first ESDP missions – EUPM in BiH and the military operation in the former Yugoslav Republic of Macedonia (FYROM/CONCORDIA) – were launched in 2003, providing a strong push forward for the ESDP, CFSP was static due to differing European positions on the war in Iraq. Thus, despite the political divisions regarding CFSP and in the face of institutional opposition from some quarters (initially the Council and the Commission),[198] EUFOR Althea was launched at a moment of momentum for the ESDP.

Despite the winds blowing in the right direction, certain problems of the CSDP efforts began to manifest themselves early on. EUPM did not have executive powers. The mission was mandated

[197] Jolyon Howorth, *Security and Defence Policy in the European Union* (Hampshire: Palgrave Macmillan, 2007/2014), 157.
[198] Tobias Flessenkemper and Damien Helly, eds., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002–2012* (Paris: EU Institute for Security Studies, 2013), 9.

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to assist the local police service, through monitoring and advising, in preparing and implementing a police reform, strengthening the accountability of the police forces and fighting organised crime. Due to the scope of the problems and modest civilian resources[199] EUFOR Althea was ordered to perform tasks that belonged to or were more suitable to other authorities.[200] At the beginning, the fight against organised crime attracted the distinct efforts of EUFOR and, therefore, developed more and more towards its 'fundamental task,' making it appear as if Althea was operating on the turf of EUPM. This development was stopped by the Council's 'Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime,' which confined Althea's tasks to supportive functions.[201]

During its first years EUFOR Althea also did not have much structural support in the form of institutions dedicated to developing and managing crisis management capabilities. Since the European Defence Agency (EDA) had only been established In July 2004, a couple of months before the EUFOR Althea was launched, it did not play a role in capability development or identifying pooling and sharing capabilities during the first years of the operation. In the initial phase pooling did not take place as such. Some – mostly purchased from NATO – infrastructure and nationally procured materiel was shared.

3.4 Mandate of EUFOR Althea

Establishment and deployment

Following UNSCRs 1551[202] in July 2004 and 1575[203] in November 2004 under Chapter VII of the UN Charter, EUFOR Althea was deployed to BiH in December 2004. EUFOR Althea was a robust military force with the same manpower levels as its predecessor, NATO's SFOR - just under 7,000

[199] At its height, EUPM involved 540 EU police officers and officials from 34 countries. See Howorth, *Security and Defence Policy in the European Union*, 169.
[200] The key military task of the first Force Commander of Althea, UK Major General David Leakey, was to support the High Representative's Mission Implementation Plan (MIP). The MIP consisted of four elements (economy, rule of law, police and defence reform) – all rather ill-suited for military leverage. EUFOR Althea had to tackle phenomena such as smuggling, customs/tax avoidance, corruption and crime networks. Jolyon Howorth, *Security and Defence Policy in the European Union* (Hampshire: Palgrave Macmillan, 2007/2014), 157–158.
[201] Council of the European Union, "Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime," ST 10769/06, Brussels 21 June 2006. See also Jannik Knauer, "EUFOR Althea: Appraisal and Future Perspectives of the EU's Former Flagship Operation in Bosnia and Herzegovina," *EU Diplomacy Paper* 7 (2011), 10.
[202] UNSC defined the role of EUFOR Althea in Bosnia and Herzegovina as a legal successor to the Stabilisation Force (SFOR).
[203] UNSC Resolution 1575 12 July 2004, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1575(2004). The resolution authorised the Member States acting through or in cooperation with the EU to establish a multinational stabilisation force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Dayton/Paris Agreement. EUFOR has the main peace stabilisation role under the military aspects of the Peace Agreement.

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troops from 22 EU member states and 11 other countries.[204] The situation in BiH was already stabilised compared to the deployment period of IFOR and SFOR. However, repressed ethnic conflicts had not been conclusively solved and continued more or less overtly. This caused a hidden threat to national security and stability. Especially the central authorities of BiH remained relatively weak and lacked the abilities and means to assure enduring stability.[205]

Original mandate and objectives

According to the mandate, EUFOR Althea was to

- provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1 A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH) and
- contribute to a safe and secure environment (SASE) in BiH, in line with its mandate, required to achieve core tasks in the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP). [206]

Although EUFOR Althea has had a robust executive mandate throughout its deployment, the different circumstances under which IFOR, SFOR and EUFOR were deployed also led to differences with regard to their respective tasks. Due to the fact that the situation on the ground had improved by 2004, Althea's objectives became civil-military objectives, rather than purely military ones.[207] Other CSDP instruments were taken into account in the operation mandate in order to enhance the coherence and coordination of EU activities on the ground. The EUFOR Althea Commander was to receive local political advice from the EUSR and liaise, as appropriate, with the EUPM.[208]

Strategic objectives and tasks of EUFOR Althea

According to the EU Council Joint Action, the strategic objective of the EU was to "contribute to a safe and secure environment in BiH."[209] The second strategic objective was to build security in the

[204] "EUFOR," European Union External Action Service, accessed March 12, 2016, http://www.euforbih.org/eufor/index.php/about-eufor/background.
[205] David Leakey, "ESDP and Civil/Military Cooperation: Bosnia and Herzegovina (2005)," in A. Deighton & V. Mauer (eds.), Securing Europe? Implementing the European Security Strategy, Zürich, Center for Security Studies, 2006,
[206] Council of the European Union, Council Decision (2004/803/CFSP) of 25 November 2004 on the launching of the European Union military operation in Bosnia and Herzegovina, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0803(01). EUFOR Althea took over responsibilities from NATO´s Stabilisation Force (SFOR), which in 1996 had replaced the NATO Implementation Force (IFOR) that had been in BiH since 1995.
[207] David Leakey, "ESDP and Civil/Military Cooperation: Bosnia and Herzegovina (2005)," in A. Deighton & V. Mauer (eds.), Securing Europe? Implementing the European Security Strategy, Zürich, Center for Security Studies, 2006,
[208] Council of the European Union, Council Joint Action on the EU military operation in BiH, Art. 1 para. 1, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/autres/bosnia/bosnia%20en.pdf.
[209] Ibid.

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EU's neighbourhood.[210] EUFOR Althea was also set up with the aim to support the comprehensive EU policy towards BiH.[211] This comprehensive approach was transcribed into concrete short-term, medium-term and long-term strategic objectives, whose achievements were to be supported by CSDP operation.[212]

EUFOR Althea's tasks were divided into four key-military and four key-supporting tasks.

The key military tasks comprised;

- the provision of a monitoring, deterring, and, if necessary, preventing "robust military presence"
- the contribution to a 'Safe and Secure Environment' (SASE)
- the support of the 'Mission Implementation Plan' (MIP) of the Office of the High Representative (OHR) and the prevention of "efforts to reverse the peace implementation"
- the carrying out of 'information operations' (INFO OPS)
- the management of the "residual aspects of the GFAP including airspace management, advice on de-mining and ordinance disposal, and weapon collection programmes."[213]

The key supporting tasks comprised

- the support, within means and capabilities, in co-ordination with the EU and IC actors, to the OHR's MIP core tasks and other civil implementation organisations regarding counter-terrorism, the fight against organised crime, DPRE returns, the rule of law and implementation of other civilian aspects of the GFAP
- the assistance in defence reform and provision of military and technical advice to BiH authorities as appropriate over security issues
- the support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, including the detention of PIFWCs
- the evacuation support, in extremis, within means and capabilities to IC officials.[214]

[210] Council of the European Union, A Secure Europe in a Better World (European Security Strategy), Brussels, 12 December 2003.
[211] Delegation of the European Union to Bosnia and Herzegovina, http://europa.ba/, 2016. EUFOR's part in the comprehensive approach is to assist in creating the conditions to deliver the long-term political objective of a stable, viable, peaceful and multiethnic BiH, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.
[212] Jolyon Howorth, Security and Defence Policy in the European Union, Basingstoke, Palgrave Macmillan, 2007.
[213] Council of the European Union, Concept for the EU Military Operation in BiH, http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012576%202004%20INIT.
[214] Council of the European Union, Concept for the EU Military Operation in BiH, http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012576%202004%20INIT.

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Development of the mandate

The development of the political and security situation in BiH after 2004 affected also the mandate and the tasks of EUFOR Althea.[215] The initial mandate and tasks largely persisted throughout the period of 2004–2007. However, particularly at the beginning, the fight against organised crime developed increasingly towards Althea's 'fundamental task.'[216] This development was stopped by the Council's Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime[217]. In the guidelines EUFOR's tasks were clearly confined to supportive functions in the fight against organised crime.

The Political and Security Committee approved a revised Operation Plan[218] on 27 February 2007, which entailed a tremendous reduction of forces and also affected the remaining forces' abilities. The key-military tasks, in particular the task of contributing to the SASE and supporting the OHR, as well as key-supporting tasks like the support to the ICTY remained.[219] However, the downsizing decision did not affect the robust character of the mandate. The implications of the decrease of the force level were therefore not so much reflected in the formulation of the tasks as they were in the range of actions and activities undertaken on the ground.[220] As a consequence, troop levels decreased to around 1,600. At the same time EUFOR Althea increased its overall situational awareness within BiH through integrated Liaison and Observation Teams (LOTs). [221]

The Council decision in January 2010 established "non-executive capacity building and training support" [222] for the BiH authorities[223]. Yet, this new, non-executive security sector reform dimension of EUFOR was added to the persisting executive key-military tasks and constituted the most

[215] Security Council Resolutions, http://www.un.org/en/sc/documents/resolutions/. Mandates of EUFOR Althea have been extended 2005-2015 by UNSC resolutions 1639, 1722, 1785, 1845, 1895, 1948, 2019, 2074, 2123, 2183 and 2247.
[216] Jari Mustonen. CMC Finland Civilian Crisis Management Studies Volume 1, Number 1/2008, Coordination and Cooperation on Tactical and Operational Levels, Studying EU-ESDP Crisis Management Instruments in Bosnia and Herzegovina, 2008
[217] Council of the European Union, Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime, Council Doc. 10769/06, Brussels, 21 June 2006, Office of the High Representative, 30th Report to the Secretary-General of the United Nations: 1 February – 30 June 2006, Sarajevo, 15 July 2006.
[218] EU Council Presidency report on ESDP, 18 June 2007, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/170/170707/170707item6esdp_en.pdf
[219] Council of the European Union, Press Release - 2789th Council meeting - General Affairs and External Relations, Council Doc. 6756/07 (Presse 39), Brussels, 5 March 2007
[220] Council of the European Union, Press Release - 2789th Council meeting - General Affairs and External Relations, Council Doc. 6756/07 (Presse 39), Brussels, 5 March 2007 and Council of the European Union, Operation ALTHEA in Bosnia and Herzegovina: EU confirms decision on transition, Council Doc. 6896/07 (Presse 43), Brussels, 28 February 2007.
[221] "EUFOR," European Union External Action Service, accessed March 12, 2016, http://www.euforbih.org/eufor/index.php/about-eufor/background.
[222] Council of the European Union, Press Release - 2992nd Council meeting - Foreign Affairs, Council Doc. 5686/10 (Presse 10), Brussels, 25 January 2010.
[223] G. Gya, J. Herz, and F. Mauri: "ESDP and EU mission updates - July 2009," ISIS European Security Review, no. 45, 2009, p. 15; K. Soder, Multilateral Peace Operations: Europe, 2009, Solna, SIPRI Fact Sheet, July 2010. Some experts and nations had previously claimed EUFOR's accomplishment of the military tasks and demanded a withdrawal of the executive mandate.

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important shift in the operation's tasks since its deployment.[224] Following another reconfiguration in 2012, EUFOR Althea's troop level is currently approximately 600 and is now mainly focusing on capacity building and training of the Armed Forces of Bosnia and Herzegovina (AFBiH). An out-of-country Intermediate Reserve Force can be called upon on short notice to ensure the capacity to swiftly intervene in support of BiH Law Enforcement Agencies in order to maintain the safe and secure environment if needed.[225]

Current objectives and mandate

The current key objectives of EUFOR Althea are;

- to provide Capacity Building and Training to the Armed Forces of Bosnia and Herzegovina (AFBiH), supporting them in their progression towards NATO standards
- to provide deterrence and continued compliance with the responsibility to fulfil the role specified in Annexes 1A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH)
- to contribute to a safe and secure environment in BiH, in line with its mandate, and to achieve core tasks in the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP).[226]

EUFOR Althea´s current mandate is two-fold - executive and non-executive. Its mission is then based on the EU Foreign Affairs Council (FAC) Joint Action which includes an executive part derived from the UNSC (Supporting the BiH authorities in maintaining a safe and secure environment)[227] and a non-executive part (Capacity Building & Training for the AFBiH). This supports BiH's efforts to develop into a "security provider" rather than being a "security consumer."[228]

3.5 Security Sector Reform – the role of EU

Since 2003, the EU has played a key role in the security sector reform in Bosnia and Herzegovina. Together with its international partners, namely the OSCE and NATO, the EU has supported state-building and development through its comprehensive involvement in the country.

[224] Interview with EUFOR Althea officer, March 2016.
[225] "EUFOR," European Union External Action Service, accessed March 12, 2016, http://www.euforbih.org/eufor/index.php/about-eufor/background.
[226] "EUFOR," European Union External Action Service, accessed March 12, 2016, http://www.euforbih.org/eufor/index.php/about-eufor/background.
[227] UNSC Resolution 1575 12 July 2004, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1575(2004).
[228] "EU military operation in Bosnia and Herzegovina (Operation EUFOR ALTHEA)," European Union External Action Service, accessed March 12, 2016, http://eeas.europa.eu/archives/csdp/missions-and-operations/althea-bih/pdf/factsheet_eufor_althea_en.pdf.

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Alongside EUPM and EUFOR Althea, several European Commission projects focusing on tackling organized crime, corruption, and other security concerns have been implemented.[229] In 2011, a special position was created for **the EU Special Representative**, de-coupling the role of fostering Bosnian EU accession from the Office of High Representative (OHR). This was part of a scale-down of international efforts in BiH, and a shift in focus from internationally-promoted reform to encouraging local politicians to enact autonomous decisions and motivating citizens to expect a certain responsibility from their elected leaders. Nevertheless, challenges remain, as the domestic political environment has not been conducive to state-building reforms.[230]

According to the 'European Commission Bosnia and Herzegovina 2015 report', **corruption, organized crime, functioning of the judiciary, as well as challenges regarding human rights and the protection of minorities, have remained some of the main challenges for the socio-economic progress of the country**. This is also confirmed by the local interviewees, who highlighted the lack of trust towards the governmental entities, which gas an impact on the functioning of the society. According to the interviewees, the current governmental structure, enriched by multidimensional layers of governance, consumes a lion share of the annual budget.[231] The overspending of the political elite is unbearable.[232] There are also several widely known examples that officials of the government are engaging in corrupt practices with impunity. This **widespread corruption may further destabilize the country's precarious political situation**, given its crumbling economy and that the key security threat is unemployment and poverty.[233]

Despite the efforts to support the country's on-going public administration reform and efforts by the OSCE to support the good governance and Rule of Law, as well as the EU's past Police Mission (EUPM) to implement a national police reform, the progress of the Bosnian Security Sector Reform has been rather modest. Since the Dayton Agreement was signed, strengthening the central level institutions has been a slow process marred by political compromises.

According to the majority of the local interviewees, the problem is that the international community did not put enough effort into changing the system after the war was over and the Dayton accords remained as the constitution. Consequently, as described by a local interviewee some extremist parties seek to utilize the accords in their favour.

[229] EUPS, Interview no. 19.
[230] Interview no. 20, Interview with international NGO representative
[231] For example local interviewees no. 14; no.15: no.16; no.18.
[232] Local interviewee no. 13; no.15: no.16; no.18.
[233] Ibid.

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"As a result, if any entity tries to develop policy or an approach which is not in line with the accord created 25 years ago, they object to the changes. The problem is that they do not do it for the good of the country. They do it to protect their own property, position or power[234]."

Together with the US, the EU is perceived to be able to facilitate the change by utilizing means which would force the current political structure to be reformed. As explained by one Croatian interviewee, 'there are some progressive parties, young people who would be willing to make changes to the system. Nevertheless, since they are not yet in power, the international community does not provide them with the means to implement the reforms necessary for more sustainable security sector reform[235].'

The EU's experience in Bosnia shows that the local elites' will to cooperate is a central element to the international security sector reform and state-building efforts. At the same time, the local ownership and nationally owned reform strategy become equally important. Reforming the government structures so that the efforts of the civil society would become visible to the public could also convey wider change in the society[236]. This would require support from the international community. Nevertheless, currently the EU does not help these new factions to gain power. According to the local interviewees representing all of the ethnic groups, the EU suffers from a lack of leadership, and consistency of efforts, which are also reflected in its ability to implement the security sector reform in BiH[237].

3.5.1 Althea and involvement in Security Sector Reform

The previous chapter discussed EU's involvement in the Security Sector Reform (SSR) in Bosnia and Herzegovina. The overview of the development of **EUFOR Althea's mandate demonstrates also the scope of its involvement in the SSR**. Being a military operation, from the outset one of its key supportive objectives was to *provide assistance in defence reform and provision of military and technical advice to BiH authorities as appropriate over security issues.*[238] Later the capacity building and training to the Armed Forces of Bosnia and Herzegovina (AFBiH) became one of Althea's key objectives. However, EUFOR Althea has never been a key player on SSR in BiH. Furthermore, it should be noted that in BiH the SSR has been largely driven by the political

[234] Local interviewee no. 16.
[235] Local, interview no. 15.
[236] Local, interview no. 15.
[237] Local, interview no. 13; no.14; no.16; no.18.
[238] Council of the European Union, Concept for the EU Military Operation in BiH, http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012576%202004%20INIT.

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pressure from the EU and the prospect of EU membership, rather than technical assistance or specific SSR funding.[239]

Currently, NATO and the EU work closely together in the field of SSR, namely in Defence Reform, in BiH. It was the NATO intervention and subsequent Dayton Agreement in 1995 that began the SSR programmes in the country. The priority of the SSR agenda was reforming the military, which included establishing control over the excessive amounts of small, light and heavy arms in the country as well as the demobilisation of armed forces. The EU's role in the process has transformed over time.

3.5.2 Focus on Defence Reform

Since 2010, the EUFOR Althea has been involved in the Security Sector Reform (SSR) with a non-executive mandate to support the capacity-building of the BiH's Armed Forces (AfBiH). Although the EUFOR's role in the SSR is nowadays merely limited to the Defence Sector Reform, it also supported the reform process in a form of Police Reform, when the operation was mandated to provide support to the EUPM in the fight against organised crime.

At the beginning, EUFOR's engagement in SSR was connected to the EUPM and its inefficiency to fill the law enforcement void. Consequently, EUFOR became heavily involved in the fight against organised crime. EUFOR's involvement in crime-fighting ran counter to accepted SSR norms and underlined the continued weakness of Bosnian law enforcement. Nevertheless, EUFOR scaled down its contribution in the fight against crime by late 2005, allowing the EUPM to become the primary international law enforcement agency in Bosnia.

The end of the EUPM BiH's mandate in 2012 marked an important transition for BiH's authorities, forcing them to take ownership of the SSR. Today, the EU remains committed to strengthening the rule of law in BiH through other instruments, including the Instrument for Pre-accession Assistance (IPA) and the reinforced EUSR Office. While military reform has been progressive, police reform in BiH has been slower and the force still remains ethnically divided. Despite the creation of state-level agencies, ethnic segregation remains a primary characteristic of the police structure.A general lack of coordination and cooperation between law enforcement agencies hampers the ability of the police to deliver a full range of services.Although the EUFOR's role in relation to SSR

[239] Andrew Sherriff, "Security Sector Reform and EU Norm Implementation," in David M. Law, ed. *Intergovernmental Organisations and Security Sector Reform* (Geneva: DCAF, 2007), 95.

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has been rather limited, it has gradually increased its role in the defence reform. A remarkable milestone was the EU Council decision on 25 January 2010 to start providing non-executive capacity building and training support for the AFBiH. The Council underlined in this context that SSR was an important part of the overall reform process in BiH, where EU military engagement through non-executive capacity building and training tasks would contribute to strengthening local ownership and capacity.

Since then EUFOR developed a specialised training and capacity building unit to improve the Bosnian forces' skills in medical evacuation, information systems, leadership and weapons training.

Currently, NATO still owns the strategic dimension of the reform process, working closely together with BiH's Ministry of Defence. However, EUFOR has an important role in the implementation of the reform on technical and tactical aspects, and the organisations try to complement one another as much as possible. At the moment, NATO and EUFOR seek to coordinate their efforts to foster the defence reform. NATO's objective is to support developing the capacity of the defence sector towards NATO standards, thereby preparing BiH for possible future NATO membership. The EU, on the other hand, aims to strengthen the country's security sector to ensure its consistent stability as part of the EU integration process. As the EU and NATO requirements are in line with one another, the joint reform efforts can help both organisations achieve their long-term goals over the country.

Until today, a major barrier to consistent reform process has been connected to the lack of a nationally owned strategy over the defence sector. The political framework in BiH makes the reform process challenging; a collective presidency directs the BiH Ministry of Defence and the Armed Forces, but the country's three ethnicities have differing views and vision of the development of the defence sector. As a consequence, until today, the government has been unable to provide a defence strategy, which has also hampered the effectiveness of the EUFOR's capacity building activities. The lack of coherent strategy has also enabled third parties such as Romania and Turkey to provide capabilities to forces that are not applicable for the AFBiH. What causes headache for both NATO and EUFOR is that many of the capabilities are not in-line with the NATO-led reform process.[240] It was mentioned in several interviews that this incoherence often contributes to holding back the reform process.

[240] Interview with NATO officer, March 2016; Interview with EUFOR officer February 2016.

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In addition, the government seems to have very limited knowledge about the current strength of their forces. This is also reflected in the very limited defence budget of €250,000,000. To establish some sort of common baseline for the capacity building and equipping process, the EUFOR and NATO are jointly conducting an assessment with the aim of identifying the armed forces' current capabilities. They perceive that this joint effort would enable them to focus their efforts to build appropriate defence capabilities, as well as help coordinate and regulate third-country support. In addition, this would help ensure that EUFOR Althea is concentrating its capacity building efforts in the right elements, thereby enhancing the efficiency of its activities.[241] Currently, developing the capacity and capabilities of the AFBiH is one of the key tasks of EUFOR. However, considering the comprehensive nature of BiH's defence reform, EUFOR has only a minor role compared to other actors.

3.6 Perception of the local population on EUFOR Althea

As mentioned in the previous sections, the role of EUFOR Althea in Bosnia shall be viewed through the EU's wider approach towards the region. Nevertheless, having a Chapter VII operation still present in a country which has not experiences armed conflict for almost 15 years is a source for a debate. For better understanding the general perception of the operation and its achievements, the views of the local population and international community should be included into the analysis. In this section, the perceptions of EUFOR Althea and its role in Bosnia and Herzegovina are discussed.

3.6.1 General public

As EUFOR Althea was launched in the framework of Berlin Plus, it largely started utilising ready-made and functioning operative command structures. From the point of view of visible presence of the military, IFOR and SFOR had been successfully paving the way for almost ten years through the implementation (of the Dayton Agreement) and stabilisation phases. As several interviewees point out, there were no major military problems in BiH when the EU took over the responsibility of the implementation of the military component of the Dayton Peace Agreement. From the EU perspective the arrival of EUFOR was seen to complement the work of the EUPM and the OHR/EUSR; EUFOR's role was not only to put pressure on organised crime networks but also enable local law enforcement agencies to develop and strengthen their capacity in fighting

[241] Interview with EUFOR officer, February 2016.

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organised crime and corruption. Despite the transition phase, EUFOR launched in this favourable setting, already within its first few months of operation, a number of operations to this end.[242] Therefore, as the report from the EUSR providing political input for the first Six-Monthly Review of Operation Althea states, "from a political perspective, EUFOR got off to an excellent start, building a credible reputation from the outset, and becoming a key partner in support of the EU's political objectives and the OHR's Mission Implementation Plan."[243]

The positive self-perception of the EU was backed by a positive reception of the EUFOR by central BiH authorities who expressed their confidence in the new EU force and also perceived that its presence demonstrated BiH's determination to join the EU.[244] From the point of view of the wider general public it is to be assumed that the arrival of EUFOR basically meant only a change of badges and, at most, strengthened the idea of moderate political changes leading to further integration in the Euro-Atlantic structures. For example, local dailies' comments on the change of forces in BiH, registered by the EUSR, indicate either mild skepticism on whether the arrival of EUFOR will lead to any substantial changes in BiH, expectations in terms of political changes or certain frustration due to the poor results in terms of arresting war crime suspects.[245]

According to the interviewees, despite the transition being largely imperceptible, in order to secure a good reception EUFOR carried out information campaigns, e.g. "From stabilization to integration," explaining the mission of the operation and the transition from SFOR to EUFOR to the local population. The force was also present and liaised actively with local authorities and inhabitants through the Liaison and Observation Teams covering vital locations across the country.[246] The first Operation Althea Six-Monthly Reviews from 2005 and 2006 state that the political and military situation had remained stable and the operations conducted by EUFOR had raised EUFOR's profile with the BiH population.[247] Institutional development – the end of the entity armies – was also perceived to remove a significant source of mistrust and fear between the constituent peoples of BiH.[248]

[242] However, EUFOR's activity in the non-military field or fighting organised crime caused friction between EUPM and EUFOR. For more details see chapter 3.
[243] Council of the European Union, Operation ALTHEA Six-Monthly Mission Review – Input received from the EUSR, Council Doc. 8805/05, Brussels, 11 May 2005, 3.
[244] Council of the European Union, Operation ALTHEA Six-Monthly Mission Review – Input received from the EUSR, Council Doc. 8805/05, Brussels, 11 May 2005, 6.
[245] Ibid., 7.
[246] Interviews with former EUFOR Althea staff. January 2016.
[247] Interviews with former EUFOR Althea staff, January 2016.
[248] Interviews with former EUFOR Althea staff, January 2016.

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Despite the difficult economic situation in the country, this increased stability most probably further contributed to a positive perception of EUFOR in its first years in the theatre. One clear sign of a friendly and accepting environment towards EUFOR could be seen in the decision by the Force Commander to end PSYOPS activities – designed to influence the local population toward attitudinal and behavioral changes that support the mission's mandate and goals – already during 2006.[249] However, both local and international interviewees pointed out it was evident that the CSDP operation was, just as IFOR and SFOR had been, from the outset more positively perceived by Bosniaks and Croats, whereas the inhabitants of RS had a more negative attitude towards their presence.[250] One interviewee had observed that up until mid-2014 the inhabitants of RS had, despite their more negative stance, largely been supportive towards maintaining EUFOR Althea.[251] Several interviewees also stated that, in general, there has been constant criticism throughout the conflict cycle and even today towards the actions and presence, or lack of them, of the international community on the part of the local population. However, none of them provided examples of any direct criticism towards the CSDP operation.[252]

Local perceptions towards EUFOR Althea today

The perceptions of the different ethnic groups were also reflected in a survey conducted by an independent researcher in BiH in the December of 2016. The survey assessed the current public perception of the EUFOR and NATO missions in BiH, as well as the level of public support for BiH membership in the EU and NATO. The results of the survey indicated that as a whole, most Bosnians consider the presence of EUFOR Althea necessary and a stabilising influence, contributing to their sense of security.

In the survey it appeared that almost exactly one half of all citizens (52.5%) consider EUFOR to be an important factor of safety and stability in BiH. However, constrains in views can be identified and a deeper look at the same issue, **from a perspective of different ethnicities, reveals complete opposite perceptions between the Bosniaks and the Serbs**. Only one third of Serbs share this opinion (34.6%) and 60% of them think EUFOR have little or no effect on stability. On the other hand, two thirds of Bosniaks (65.1%) consider EUFOR to be very (30.2%) or somewhat

[249] On the other hand, it should be noted that the impact of PSYOPS had been questioned on the grounds of the geographical diversity and complexity of BiH; The approach of a centralised information campaign, based in Sarajevo, may not have always been the best answer. That implied that many of the PSYOPS products designed in Sarajevo were irrelevant, if not counter-productive, when used in other areas of the country.
[250] Interviews with local and international EU and non-EU informants, March 2016.
[251] Interview with international non-EU informant, March 2016.
[252] Interviews with former EUFOR Althea staff, January 2016; Interviews with local and international non-EU informants, February and March 2016.

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(34.9%) important for SASE and less than 30% think the opposite. The Croats are somewhere in the middle on this spectrum, with half of them (49.5%) considering EUFOR more or less important for Safe and Secure Environment (SASE) but also 34% considerate it to be 'not important at all.' In general, these results are in line with the wider disputes in BiH, where the Serbs feel more reluctant towards the EU or NATO memberships.

When it comes to the popularity of EUFOR Althea, according to the survey approximately one third of all respondents have a positive opinion about both EUFOR (35.7%), similar number have neutral opinions about these organisations (42.7% EUFOR) and little over 20% have a negative (21.6%) opinion of Althea. There are also significant differences between the different ethnic groups. Citizens of the Federation have a predominantly positive opinion about EUFOR Althea, with approximately 40% of both Bosniaks and Croats having a neutral opinion about EUFOR and close to 50% of Bosniaks and 40% of Croats having a positive opinion. Nevertheless, the citizens of RS seem to have an almost opposing opinion. In December 2016, 34.6% of the Serbs in RS had a negative opinion about EUFOR (20.8% positive).

According to a Serbian interviewee, the role of EUFOR Althea is currently somewhat unclear to the local citizens. The people know that the operation is still present, yet their activities are invisible to the public. It was mentioned that back in the day EUFOR Althea had several media campaigns and its presence was well-known to the locals[253]. Nevertheless, currently the general view of the citizens seems to still be that EUFOR Althea would be able to stop the violence from escalating if the internal-tensions grew. However, the locals do not seem to believe that a new war would break in the new future.[254] This is the case although, an overwhelming number of participants in the population-based survey (December 2016) expressed their concern for the actual political situation in BiH and the direction in which the political situation is developing. 60% of all respondents perceive the current political situation in BiH as 'critical' and an additional 28% see it as 'deteriorating, bringing the total number of BiH citizens concerned with the political situation to a staggering 88%. Only 8% of all respondents described the current political situation as 'stable.'

These views are also supported by empirical data, since most of the local interviewees named the current political structure as the key barrier to the country's socio-economic development[255]. Some clear differences in views can also be identified. According to the survey Republic of Srpska

[253] Local interviewees no. 13; no.14.
[254] Local interviewees no. 13; no. 14; no. 15; no.16; no.17; no.18.
[255] Local interviewees no. 13; no; no. 15; no.16; no.17; no.18.

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citizens are two and a half times more likely to see the political situation as stable than the citizens of the Federation. More than 90% of the Bosniaks are worried about the actual political situation in BiH; 61.8% see it as critical and 29.8% as deteriorating, while the number of those concerned is closer to 80% among the Serbs and Croats. **According to most of the interviewees the key security threats in BiH are currently poverty, corruption and smuggling**. This view was shared equally by the different ethnic groups. External threats such as terrorism or armed conflict are not foreseen. However, it also came out during the interviews that in case a sudden armed conflict emerged, the local population was fragmented in their views of who would be responsible for their security.

3.6.2 Main beneficiaries of the CSDP operation and their attitude

The main beneficiaries or "recipients" of EUFOR Althea, the AFBiH, were still going through a major transformation process in the turn of 2004 and 2005. Military reform had been slow in the immediate postwar years but picked up momentum when the OHR formed the first Defence Reform Commission in 2003 to oversee reforms. One of the international community's biggest tasks was to unite the two separate military forces under one ministry and chain of command. In mid-2004, military personnel had to disappoint when BiH was not extended an invitation to join the PfP due to the lack of a functioning state-level Ministry of Defence and parliamentary control. Finally the second Defence Reform Commission, set up in December 2004, facilitated the handing over of all functions of the entity-level defence ministries to the state level, establishing a single state budget and creating a single, unified personnel[256], logistics and training command.[257]

The modernisation of the AFBiH also included preparing for overseas peacekeeping and peace support operations (PSOs). In order to train the officer corps, the international community set up the Peace Support Operations Training Centre (PSOCT) in 2005, co-located at Camp Butmir with the AFBiH Operational Command as well as EUFOR and NATO Headquarters. PSOCT started functioning under international leadership and since its inception has offered training both for the multiethnic AFBiH and international participants. According to interviewees deployed in BiH during the first years of the CSDP operation, the cooperation both between the ethnic groups in AFBiH

[256] By the time EUFOR Althea was launched the strength of BiH's armed forces had already dropped from 400,000 troops at the end of the war to less than 20,000 soldiers. Lara J. Nettelfield, *Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal's Impact in a Postwar State* (Cambridge: Cambridge University Press, 2010), 217.
[257] Ibid., 214–217; Interview with former EUFOR Althea officer, January 2016.

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and between AFBiH and EUFOR worked well. AFBiH troops have participated in NATO- and UN-led PSOs since early 2006.

The defence reform was and continues to be principally NATO-led. Although there was a qualitative difference between SFOR and EUFOR, the transition did not present significant changes for the AFBiH.[258] The change of force took place in the context of a relatively favourable political environment, when the state-strengthening process was about to reach its apogee.[259] From the outset AFBiH and EUFOR (as well as NATO) had close cooperation in the field of training, which quickly started to bear fruit as AFBiH troops were deployed to PSOs. Furthermore, BiH was now beyond the stage of "stabilisation," progressing in the path of integration with the European Union. Therefore, cooperation between local authorities and the EU at all levels was becoming increasingly important, and this led to a subtle adjustment in some of EUFOR's operations. Thus, judging from the historical context and the comments of interviewees describing the cooperation between the forces, the reception of EUFOR seems to have been rather neutral among the members of AFBiH.

Despite the obstacles experienced by EUFOR Althea, important milestones in defence reform have been achieved. Due to the adopted approach, today the Bosnian armed forces comprise of Bosnian, Serbian and Croatian troops. Despite the slightly fragmented identities among the troops, the unity of efforts is visible. Comparing the Defence sector to the other security sectors such as law enforcement agencies that remain strongly fragmented, the defence reform can be considered to be at a sufficient level.[260]

3.7 Lessons identified, best practices and drawbacks

EUMS has collected and registered Lessons Identified (LI) and Lessons Learned (LL) since 2007.[261] EU military operations as well as civilian missions should have their own lessons systems,

[258] EUFOR was different from SFOR not only because of its more flexible organisation, being broken into 3 multinational task forces with over 40 Liaison and Observation Teams, but also because it fought organised crime and was connected to the police.
[259] Vlado Azinović, Kurt Bassuener and Bodo Weber, *A security risk analysis: Assessing the potential for renewed ethnic violence in Bosnia and Herzegovina*, (Sarajevo: Faculty of Political Sciences and Atlantic Initiative, 2011), 81–82.
[260] Local, interview no. 17.
[261] European External Action Service, EU Military Lessons Learned (LL) Concept, EEAS 00489/1230, March 2012: Lesson Observation (LO) - Any occurrence(s) or finding(s) that could have an impact on EU operational output and has the potential to become a Lesson Learned. It might require an improvement or it can constitute a Best Practice. Lesson Identified (LI) - A statement (based on a verified Lesson Observation) defining the detailed nature of the problem for which remedial action has to be developed - it is the outcome of the analysis phase. Lesson Learned (LL) - A lesson that has been fully staffed and the associated improvement and implementation action(s) identified and taken. A lesson can only be declared 'learned' once the full remedial action has been successfully implemented. Best Practice is an activity which conventional wisdom regards as more effective at delivering a particular outcome than any other technique.

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formal or informal, to take into account what works or does not in order to improve their performance. What cannot be solved at the level of a mission or operation should be reported to the next level as part of regular reporting.[262] The lessons identified that will be presented in this chapter also provide an overview of some of the drawbacks of EUFOR Althea.

3.7.1 Lessons Learned process in EUFOR Althea

HQ EUFOR Althea is responsible for the provision of lesson observations and should maintain robust LL organisation(s) through Command Groups/Lessons Management Groups (or equivalent) as appropriate. The FHQs will have the primary responsibility for the collection of appropriate tactical-level lesson observations.[263] The current LL process in EUFOR Althea is based on the standard operating procedure (SOP).[264] Based on it, EUFOR Althea J3 (Operations) Branch is responsible for managing, directing and staffing the LL-process within EUFOR. SOP also states that each branch in the HQ and unit HQs conduct its own process and designate LL Analysts/Point of Contacts tasked to deal with J3. However, it has been shown that due to a range of factors, principally the temporary nature of the HQ EUFOR, the frequent rotation of personnel and lack of trained personnel, this is not always achieved to the maximum extent or at all.[265]

In the EUFOR Operation Plan (OPLAN), LL Process is defined in the Annex LL – Lessons Learned. It is stated in the OPLAN (Coordinating Instructions) that HQ EUFOR must provide for lesson observation as directed, and for establishing and maintaining robust LL procedures within the HQ.[266]

3.7.2 Lessons Identified and drawbacks in EUFOR Althea

BiH has sometimes been referred to as a 'testing ground' for the CSDP from the point of view of planning and coordinating the different EU crisis management instruments.[267] EU institutions have

[262] Giovanni Cremonini, "Lessons learnt and best practices," in *the Handbook on CSDP Missions and Operations*, ed. Jochen Rehrl and Galia Glume (Vienna: Armed Forces Printing Centre, 2015).
[263] European External Action Service, EU Military Lessons Learned (LL) Concept, EEAS 00489/1230 March 2012. This document superseded document EUMS 8562/11, dated 1 July 2011, which was agreed by the EUMC on 30 June 2011; EUFO, 29 February and 4 March 2016. See also European External Action Service, EU Military Lessons Learned (LL) Concept, EEAS 00489/1230 March 2012.
[264] HQ EUFOR SOP IV. OPS SOP 5250, Lessons Learned, 12 January 2012. The reference for this SOP is the EUMS Military Lessons Learned (LL) Concept 8562/11, dated 1 July 2011.
[265] Interviews with EUFOR Althea officers, February and March 2016. See also European External Action Service, EU Military Lessons Learned (LL) Concept, EEAS 00489/1230 March 2012.
[266] Interviews with EUFOR Althea officers, February and March 2016.
[267] Interviews with EUFOR Althea officers, February and March 2016.

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issued several papers concerning lessons identified within the operation since 2004.[268] On some occasions lessons from EUFOR Althea have been learned, while on others, old problems have either re-emerged or not been sufficiently dealt with. Examples of these are the need for better coordination of EU instruments, including the call for trained personnel and more efficient procurement procedures, which have been recognised as continuous problems by the Council.[269] Most progress has been made on the coordination and coherence of the different actors in BiH.[270] Further lessons have been learned on the Berlin Plus agreement, cost sharing agreements, intelligence-sharing and having a clear delineation of tasks whenever there are NATO and EU military operations in the same theatre.[271]

The formal EU process to identify lessons from EUFOR Althea shows similarities with the process conducted during the EUPM. The process focused mainly on the planning phase of the operation as well as the coordination and coherence between EUFOR Althea, EUPM and the EUSR.[272]From the planning phase of the operation, a lesson identified proposed more training for personnel slated to work for the EU Cell at SHAPE.[273] Another lesson identified referred to an unclear operational relationship between the EUSR and the EU military force.[274] In May 2005, these were addressed when EUMC issued a classified lessons identified report on the planning phase of EUFOR Althea.[275] One clear lesson was that any potential overlap in the mandates and efforts of different EU actors (civilian and military) should be clarified as soon as possible.

The activities of EUFOR Althea in the field of fighting organised crime created tensions with the EUPM, which was mandated to support BiH authorities in the same field. Several measures were

[268] See e.g. Council of the European Union, European External Action Service, 6777/15, 3 March 2015, Annual 2014 CSDP Lessons Report (Limited, partially accessible to the public 26 May 2015, Annex C: EUMS contribution still limited) and Council of the European Union. "Op Althea – Consolidated Report on 'Historical Lessons Identified' from the Execution of Operation Althea". Council document 14181/07, Brussels, 11 March 2013.
[269] Michael Emersen and Eva Gross, *Evaluating the EU's Crisis Missions in the Balkans* (Brussels: Centre for European Policy Studies, 2007).
[270] Interviews with EUFOR Althea officers February and March 2016.
[271] "Interview with Lieutenant General David Leakey", NATO Review, summer 2007, http://www.nato.int/docu/review/2007/issue2/english/interview.html; Michael Emersen and Eva Gross, *Evaluating the EU's Crisis Missions in the Balkans* (Brussels: Centre for European Policy Studies, 2007).
[272] Directorate-General for External Policies of the Union, Directorate B, Policy Department, CSDP Missions and Operations: Lessons Learned processes, Belgium 2012; Tobias Flessenkemper and Damien Helly et al., *Ten Years After: Lessons from the EUPM in Bosnia and Herzegovina 2002-2012* (Paris: EUISS, 2013).
[273] Council of the European Union. "EU Cell at SHAPE – Manning Options Study". Council document 8429/05, Brussels, 25 April 2005.
[274] Giovanni Grevi, Damien Helly and Daniel Keohane, *European Security and Defence Policy: the first ten years (1999-2009)* (Paris: EUISS, 2009). However, it has been observed, especially by the political elements of the missions, that the mandates should be broad enough to leave some room for action for the Heads of Missions (HoMs) on the operational level. Having clear mandates would in this respect also enable the HoMs to concentrate on leading their own organisations, instead of having to create their own mission. See Jari Mustonen, "Coordination and Cooperation on Tactical and Operational Levels, Studying EU-ESDP Crisis Management Instruments in Bosnia and Herzegovina", *CMC Finland Civilian Crisis Management Studies* 1 (2008).
[275] Council of the European Union. "Op Althea – Consolidated Report on 'Historical Lessons Identified' from the Execution of Operation Althea". Council document 14181/07, Brussels, 11 March 2013.

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taken to resolve these coordination and coherence problems. In 2006, in line with the EU Council's Common Operational Guidelines[276], the missions agreed on the delineation of tasks and coordination structures regulating their interactions. PSC also adjusted the mandates of these two actors in the same year, making EUPM the lead operation for anti-crime measures with the Bosnian authorities. Consequently, EUFOR Althea scaled down its involvement. Furthermore, the coordinating role of the EUSR was upgraded, giving him more say over the coherence of the two operations. Because of these new procedures and structures, coordination and cooperation between the EUSR, EUPM and EUFOR on the operational level in Sarajevo has improved. At the regional and field (tactical) level the cooperation and coordination also improved owing to the guidance the field presence receives from above.[277]

Another factor identified in the beginning of the EUFOR Althea operation was that the mandates insufficiently took into account the need for structures and modalities for coordination. There were some rather general directions concerning how to coordinate the EU-ESDP activities, but in practice there were neither clear structures nor guidelines for coordination and liaison, nor a clear delineation of tasks between the missions. It very soon became evident that when left solely up to the will of the actors to liaise and coordinate their activities, the cooperation and coordination were inadequate and highly dependent on personalities and personal contacts. This was the main issue on the regional and field levels.[278]One more drawback that was identified as having hindered cooperation was poor knowledge of the other actors and their mission, especially at the field level interface. As the mandate and mission of the counterparts were unclear, it was hard to find common ground for cooperation. The missions have gradually increased the training given to their personnel, one of the aims of which is to enhance the knowledge of other actors in the field.[279]

In October 2007, the EUMC issued a lessons identified document addressing the lessons identified from the execution of EUFOR Althea.[280] This document summarises the key military strategic

[276] Council of the European Union, Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime, Council document 10769/06, Brussels, 21 June 2006.
[277] Council's Secretariat document 15376/06, 2006. The paper identified four key recommendations to further improve EU coordination and coherence in BiH: 1) The Secretariat should set up high-level training for key staff prior to deployment (including designated EUSRs and Heads of EU missions). 2) Precise guidance (using Crisis Management Concepts) and coordinating instructions should be provided to each actor. 3) The EUSR should have a strong coordinating role. 4) There should be consultation between military and civilian actors. See Jari Mustonen, "Coordination and Cooperation on Tactical and Operational Levels, Studying EU-ESDP Crisis Management Instruments in Bosnia and Herzegovina", *CMC Finland Civilian Crisis Management Studies* 1 (2008).
[278] Ibid.
[279] Daniel Keohane, "Lessons from EU Peace Operations, European Union Institute for Security Studies," *Journal of International Peacekeeping* 15 (2011).
[280] Council of the European Union. "Op Althea – Consolidated Report on 'Historical Lessons Identified' from the Execution of Operation Althea". Council document 14181/07, Brussels, 11 March 2013.

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lessons identified from the execution phase of the operation, drawing together the observations of the Member States and the EU Operation Commander (December 2004 – March 2007). One of the lessons was that every effort should be made to ensure that lessons from operations are adequately fed into training activities. In the report, the EUMC proposes to use the EUMS lessons management application (ELMA) to ensure the follow up of lessons learned.

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3.7.3 "Best practices"

In the publicly available official documents, there is no specific reference to a pre-planned and formal lessons learned process or its products like best practices in EUFOR Althea.[281] According to EUFOR Operational HQ (OHQ) OPLAN, the LL capability should prioritise EUFOR Althea's observations on the implementation of its key tasks, like capability requirements, concept development and structures, together with the consequent reconfiguration of the operation. Also the reporting procedures of LL should be integrated within the Six-Monthly-Reviews (SMR) process.[282]

The EUFOR Althea SMRs 1-22 (December 2004 – August 2015) do not directly include observations, lessons identified or best practices. However, most of the reviews have recommendations which can be understood as observations or lessons identified or even best practices. For example, the recommendation in SMRs 1 and 2 (December 2004 – October 2005) to keep the IPU (International Police Unit) as an integral part of EUFOR Althea is a sort of best practice. The observation was that the IPU had mobile military and police capability, was flexible, had no caveats and its information and intelligence gathering capability had made a significant contribution to EUFOR's efforts in the fight against organised crime.[283]

Most of the recommendations/best practices in the SMRs are related to the:

- national caveats and restrictions to operational effectiveness;
- importance of PSYOPS assets and INFO OPS campaigns;
- coordination between EUFOR and other EU/international actors (a very good "best practice" has been the joint EUFOR Althea and NATO HQ Sarajevo coordination of the capacity building and training of AFBiH);
- importance of comprehensive approach at all levels;
- inadequate training level and skills of staff officers and tour lengths which should be 12 months in key posts and not less than 6 months for other posts in HQ.

Some of the SMR recommendations, such as lack of skilled personnel, too short rotation lengths and insufficiency of reserves, have also been reported in LO Reports.[284]

[281] Directorate-General for External Policies of the Union, Directorate B, Policy Department, Study: CSDP Missions and Operations: Lessons Learned processes, Belgium 2012. There were approximately 30 'Lessons Observations' for EUFOR Althea in the ELMA database in February 2012.
[282] Email interview of EUFOR Althea officer, March 2016.
[283] EUFOR Althea Six Monthly Reviews (SMR) 1-22, December 2004-August 2015 (EU Confidential, Releasable to third contributing states and NATO). This was also confirmed in the interview of a high-ranking EUFOR officer in February 2016.
[284] Email interview of EUFOR Althea officer, March 2016.

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In EUFOR Althea the LL process has been implemented in all staff exercises and field training exercises. The results and action bodies have been determined in final exercise reports. These findings have been reported in the OHQ LL report to EUMS. The EUFOR Althea LOs report from 2015 was dealing with:

- AFBiH's lack of capabilities and procedures that have impact on CB&T planning and conducting CB&T activities;
- Reserve forces concept and reserves activation process;
- CB&T planning, assessment and cooperation in CB&T with NHQ Sarajevo;
- Management of military camp in light of in-sourcing vs. outsourcing camp management.[285]

It seems that in very rare cases, the "field-level" (e.g. EUFOR Althea) observations go through the EU Military LL Process (ELPRO) and that those observations eventually end up in official best practice. The key lessons and best practices listed in the EEAS Annual Reports are very general in nature and seem to be of little importance to the field level.[286] The approval of an observation to be learned and finally a best practice may take a very long time (see Figure 2). However, in the forthcoming Annual Report 2015 the five key lessons identified are quite practical in nature.[287] Therefore, the informal best practices within the HQ are often essential to identifying lessons, disseminating them and integrating them in planning and change of policies and concepts. Sometimes these informal best practices may be more effective and productive than formal ones.

Interviewees have confirmed the wide use of informal best practices and mechanisms, such as information sharing within personal networks, for learning and improving various phases also within the EUFOR. However, the informal mechanisms are highly dependent on personal relationships, leaving doubts about reliability and reach. Sometimes national interests and political constraints may also limit the observations.[288]

[285] Ibid.
[286] Interviews with EUFOR Althea officers, February and March 2016; Council of the European Union, "Annual 2014 CSDP Lessons Report". Council document 6777/15, Brussels, 3 March 2015.
[287] Email interview with EU Official, March 2016. The five key lessons identified are likely to concern equipment and infrastructure projects in support of CSDP missions' work, mission support issues, association of Third States to CSDP missions, intelligence analysis tools and security support for CSDP missions.
[288] Interviews with EUFOR Althea officers, February and March 2016; Interviews with former EUFOR Althea officers, February and March 2016. See also European Parliament, "CSDP Missions and Operations: Lessons Learned processes". Directorate-General for External Policies of the Union, Directorate B, Policy Department, 2012.

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4 CONCLUSIONS

The aim of this desk study was to provide an overview of the EU intervention in BiH through outlining the 1992–1995 conflict trajectory and developments in the international engagement in BiH, thereby enhancing the understanding on the role and impact of the CSDP operation EUFOR Althea to the stabilisation of the region, as well as on the achievements and potential shortfalls of the operation. Ultimately, the aim of the deliverable 2.2 was to establish a baseline for further analysis on the effectiveness of the CSDP capabilities in BiH. This in-depth analysis of the elements contributing to the success or shortfalls of the operation is presented in a joint study titled "D 2.3 *Study report of Kosovo and BiH"* in which the effectiveness of the operational capabilities are assessed drawing on the perceptions of the EU and non-EU actors.

It has been openly acknowledged that the Bosnian conflict and the EU's lack of capacity to prevent or solve conflicts in the post-Cold War context, even in the immediate neighbourhood of the Union, led to an increasing interest among the member states to develop common crisis management capabilities. Although the events in BiH and the insights that followed can be seen as a significant driver behind the EU's will to develop its crisis management capabilities and launch CSDP missions, there was wider rationale behind the deployment of EUFOR Althea. The EU wanted to construct itself as a credible security actor. In BiH the EU flag could be shown in a relatively risk-free way. Furthermore, Operation Althea was explicitly framed as an element of a broader, comprehensive EU policy towards the region, based on the use of political, economic, cultural, commercial and other state institution strengthening instruments aiming towards eventual EU membership. From the national level perspective, there were obviously certain national interests and utility expectations at play. Yet, regardless of the rationale behind the EU engagement, the question goes: how effective has it been?

To gain an understanding of the context in which the EU intervention took place, chapter two provided a brief overview of the history of BiH and the root causes of the conflict. The role, goals and interests of key parties and international actors were discussed. Chapter two also provided an overview of the social and political consequences of the conflict. Finally, the potential of international actors to regulate the conflict and development in the post-conflict context was analysed. Chapter three outlined a compact but comprehensive picture of the EU crisis management efforts in BiH. The focus was on the context of the establishment of the CSDP

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operation. Analysis of the general approach of the EU to the conflict was followed by a presentation of the mandate.

To conclude, chapter three provided an analysis of the perception of the local population on EUFOR Althea, as well as of the lessons learned process, best practices and drawbacks. Although the in-depth analysis of the elements contributing to the success or shortfalls of the operation is presented in the deliverable 2.3, some initial observations in regard to EUFOR Althea could be outlined. Lessons identified – which also illustrate the drawbacks of the operation – included e.g. the need for better coordination of EU instruments; need for trained personnel; more efficient procurement; need to quickly address and clarify any potential overlap in the mandates and efforts of different EU actors; need for a very careful and enhanced design when writing the mandate; and need to increase the knowledge of the personnel on other actors and their mission. Some lessons have already largely been learned and certain progress has been made e.g. on the coordination and coherence of different actors in BiH; the Berlin Plus agreement; cost sharing; intelligence sharing; and delineation of tasks between NATO and the EU. **Deliverable 2.3** will continue the discussion on the effectiveness of conflict prevention capabilities. It will attempt to answer the questions on whether the EU has reached its objectives in BiH, whether the means and instruments were/are appropriate, and from whose perspective.

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INTERVIEWS

EUFO – European Union Field-Operational level perspective

Interview no. 1 (2016). Interview with Former EUFOR Althea Officer, January 2016

Interview no. 2 (2016). Interview with Former EUFOR Althea Officer, February 2016

Interview no. 3 (2016). Interview with Former EUFOR Althea Officer, February 2016

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Interview no. 6. (2016). Interview with EUFOR Althea Officer, March 2016

Interview no. 7 (2016). Interview with Former EUFOR Althea Officer, March 2016

Interview no. 8 (2016) Interview with Former EUFOR Althea Officer, March 2016

Interview no. 9 (2016). Interview with EUFOR Althea Officer, March 2016

EUPS – European Union Politic-Strategic level perspective

Interview no. 19 (2016). Interview with EUD official, 5 March 2016.

NEUPS - Non- European Union Politic-Strategic level perspective

Interview no. 10 (2016). Interview with Former Official from Ministry of Foreign Affairs, March 2016

NEUFO – Non- European Union Field-Operational level perspective

Interview no. 11 (2016). Interview with Former OSCE Official, February 2016

Interview no. 12 (2016). Interview with Nato Officer, March 2016

Interview no. 20 (2016). Interview with international NGO representative, 1 March 2016.

LOCAL – Local perspective

Interview no. 13 (2017) Interview with Bosnian - Serbian, Sarajevo, 13 January, 2017

Interview no. 14 (2017) Interview with Bosnian- Serbian, Sarajevo, 13 January, 2017.

Interview no. 15 (2017) Interview with Bosnian-Albanian, Sarajevo, 17 January 2017

Interview no. 16 (2017) Interview with Bosnian- Croatian, Sarajevo, 21 January 2017

Interview no. 17 (2017) Interview with Bosnian- Croatian, Sarajevo, 22 January 2017

Interview no. 18 (2017) Interview with Bosnian-Croatian, 30 January 2017.

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Population-based surveys:

Mustafa COMOR, DEC 16 SURVEY – FULL REPORT, Annex A, BRIEF SUMMARY, 06 Jan 2017..

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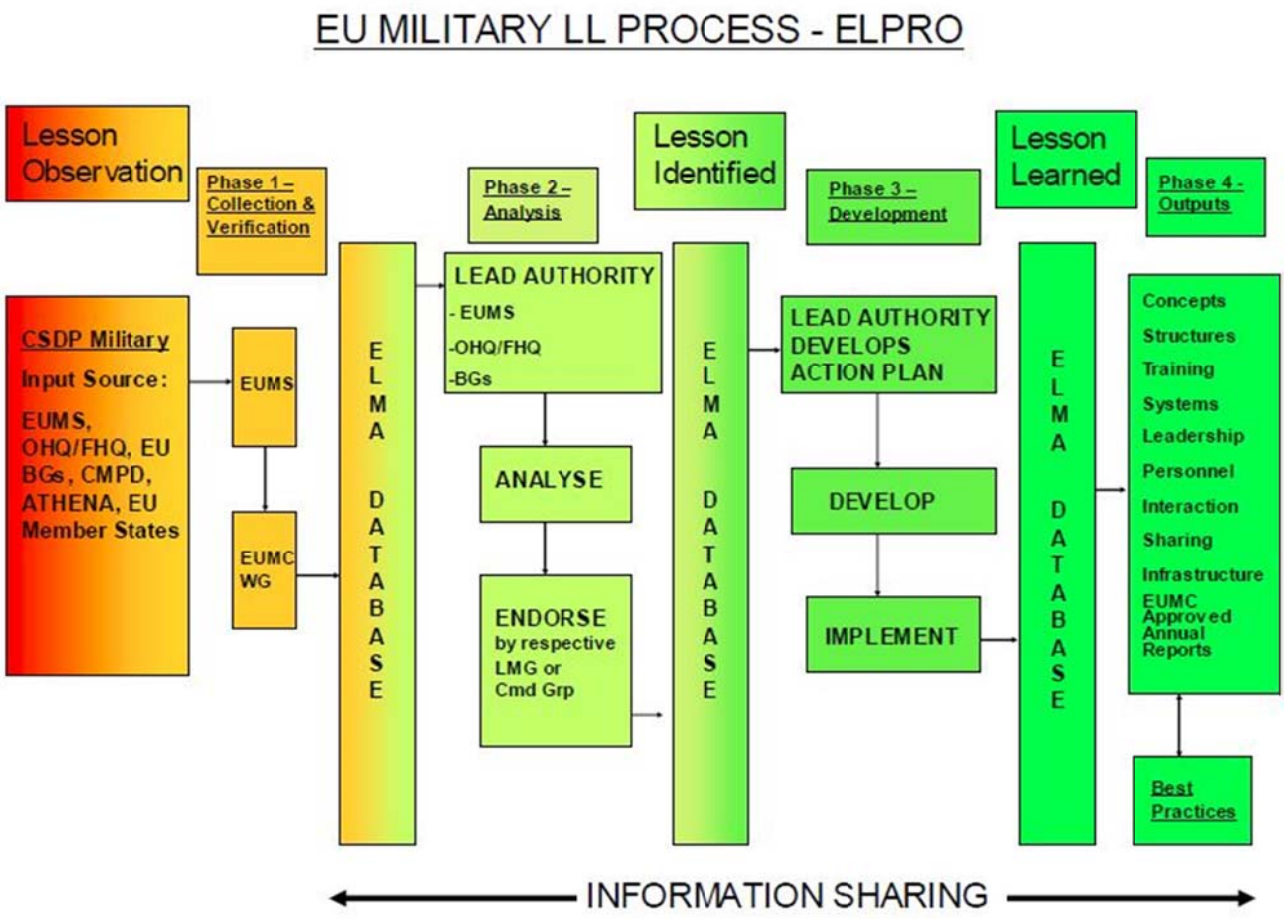

Figure 2: EU Military LL Process[289]

[289] European External Action Service, EU Military Lessons Learned (LL) Concept, EEAS 00489/1230, March 2012

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Figure 3. Provinces of the Kingdom of SHS, 1920[290]

[290] Wikimedia; https://commons.wikimedia.org/wiki/File:Scs_kingdom_provinces_1920_1922_en.png (23 January 2016).

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Oblasts of the Kingdom of Serbs, Croats and Slovenes (1922-1929)

Figure 4. Oblasts of the Kingdom of SHS[291]

[291] Source: Wikimedia (2015); https://upload.wikimedia.org/wikipedia/commons/c/c5/Scs_kingdom_oblasts_1922_1929_en.png.

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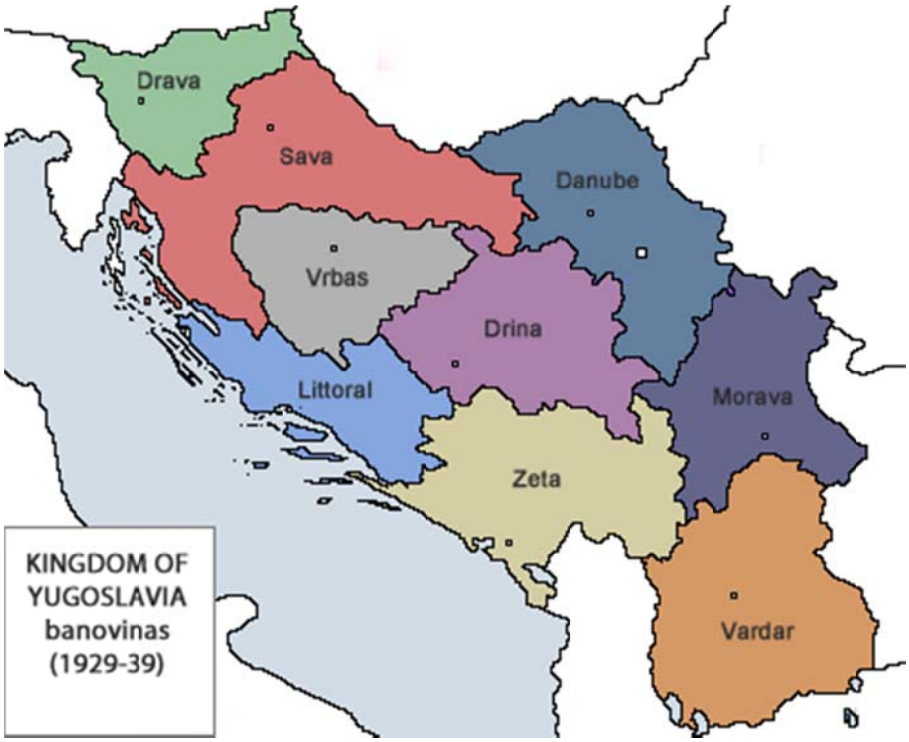

Figure 5. The Banovinas 1929–1941[292]

[292] Source: Wikimedia (2015); https://upload.wikimedia.org/wikipedia/commons/d/d9/Banovine_Jugoslavia.png (25 January 2016).

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Figure 6.The situation in Yugoslavia, 1943[293]

[293] Accessed 23 January 2016. https://en.wikipedia.org/wiki/Kingdom_of_Yugoslavia#/ media/File:Axis _occupation_ of_Yugoslavia_1943-44.png.

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1992	
6th April	The '(un)official' start of the war in BiH
April - May	Serbs are occupying Bijelina, Zvornik, Višegrad, Foča, Čajniče, Rudo
1st May	OSCE states that the war in BiH is an aggression
3rd May	Sarajevo is encircled by the Serb paramilitary
12th May	Republika Srpska formally establishes the military forces of Republika Srpska
7th June	Attack on Tuzla
3rd July	The establishment of Herceg-Bosna (Croatian para-state)
1993	
2nd January	Serbs reject the Vance-Owen plan
14th April	Ethnic cleansing of Ahmići and Lašvanska valley
17th April	A short cease-fire in Srebrenica
6th May	Sarajevo, Tuzla, Goražde, Žepa, Srebrenica and Bihać are declared security zones by the UN
4th June	5,000 new UNPROFOR troops arrive at the security zones
11th June	NATO decides to establish a no-flight zone over BiH
6th October	UNPROFOR divided among three countries (Croatia, BiH and Macedonia); the introduction of so-called purple zones
1994	
10th January	Decision of NATO for airstrikes
5th February	Attack on Sarajevo market (69 dead, 220 wounded)
April – May – June – August	NATO airstrikes
November	The heaviest NATO airstrikes
1995	
9th April	New massacre in Sarajevo
1st May	"Operation Thunderbolt" in Croatia, a severe setback for Serbian forces in BiH
June	10,000 UN soldiers come to BiH through Split
12th July	The genocide of Srebrenica
4th August	"Operation Storm" in Croatia, liquidation of Serb para-state in Croatia and another severe setback for Serbian forces in BiH
21st November	Dayton Agreement
1st November	NATO sends to BiH 2,600 experts and soldiers

Source: Ilija T. Radaković, Besmiselna YU ratovanja 1990 – 1995. (Beograd: Društvo za istinu, 2003) p.296–310.

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Interview questions

(Guidance: ask only those questions that are relevant for the interviewee!)

Background:

1) What are your position and main responsibilities in BiH?
2) Period (years) of working in BiH?

Theme 1: Actors, coordination and cooperation

1) Can you describe the cooperation between EUFOR Althea and your organization in BiH? Is it sufficient?
2) What kind of factors complicate(d) and/or facilitate(d) the cooperation between your organization and EUFOR Althea / EU? (e.g. national interests, caveats)
3) What resources, skills and knowledge are needed to enhance interoperability between the operation and other relevant actors (i.e. your organization, UN, NATO, local forces, NGOs)?
4) What kind of modules should be included into the training of international staff members that are deployed to BiH? What about for the national staff?
5) Are the synergies between the EU and your organization fully utilized if you think of civil-military, civil-civil and military-military dimensions?

Theme 2: International engagement in Security Sector Reform (SSR) in BiH

1) What are currently the most important aspects of SSR in BiH?
2) What have been the most effective ways/ instruments to implement the SSR process?
3) What have been the main barriers to implement SSR process?
4) What have been the main lessons identified regarding the international engagement in SSR in BiH?

Theme 3: EU policy-making and engagement in BiH

1) Are the EU activities sufficient in BiH? What could be done differently?
2) Can you give some examples where and how in your opinion the EU could improve the effectiveness of its capabilities in relation to conflict prevention and stabilization efforts in BiH?
3) What is the added value that EU can bring to stabilization efforts in BiH?
4) Does planning take local capabilities into consideration and does the mission/operation support local capabilities?
5) To what extent was the mandate sufficient in order to make a positive/meaningful impact on the conflict?

Theme 4: Local ownership and local perception

1) Is the current political structure perceived sufficient to the long-term development objectives?
2) To what extend the current governmental structure is perceived sufficient to the long-term development objectives of the country? Do the perceptions differ between the different social /ethic groups? If yes, in what way?
3) What have been the main achievements supported by international actors in the field of Security Sector Reform in BiH?

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4) How much have or are local actors been consulted in the operation and EU strategic planning? Which local partners take part in the operations of EUFOR Althea? Who are included and excluded? What is the impact of this? How are partners chosen?
5) Has the stabilization process received support from the key local actors and, in general, do the measures taken / activities have local support? Whose support?
6) Was the intervention (EUFOR Althea) a preferred and popular policy option?
7) Does planning take local capabilities into consideration and does the operation support local capabilities?
8) Do some ethnic groups have more ownership than others? If yes, why?
9) Was the intention of the EU response clear for the country?
10) Have local expectations been appropriately managed by the EU?
11) What kind of background/ skills/ knowledge is needed to conduct the tasks of the peace support operation effectively in BiH?
    a) From the local staff
    b) From the international staff
12) What impact/consequences has the mission/operation had on/for the conflict area? (civil society, economy, gender, local governmental structures and national governmental structures etc.)? How has the impact of the mission on the local/regional society changed during the life cycle of the mission?
13) What are the lessons identified and learned regarding the engagement of locals in the stabilization efforts.
14) How do you see the development of local ownership among the counterparts of EUFOR Althea?
15) Can you give some examples where and how in your opinion the EU could improve the effectiveness and sustainability of its activities in relation to conflict prevention and stabilization efforts in BiH?

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