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Security Sector Reform in Post-Conflict Peace Building – The UN and Regional Organizations

Lessons from Bosnia and Herzegovina

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Check against delivery

Let me – at the outset – say, how much I appreciate the invitation by Director General Sergei Ordzhonikidze and Ambassador Teddy Winkler, to address the 4th Joint UNOG-DCAF Seminar.

We are here today to discuss the Partnership between the UN and regional organizations in matters pertaining to Security Sector Reform in post-conflict peace building.

While the subsequent two panels will undoubtedly both broaden and deepen the issue, I see my task this morning in sharing with you my personal experience in the Balkans as EU special envoy in Kosovo and – in particular – as the international community's High Representative in Bosnia and Herzegovina and what lessons can be drawn for security sector reform in general.

I hope to be able to give you some insight as to how the sub-systems security apparatus and justice and home affairs interact. Clearly, these are key segments of any political system that have most been affected by social and political crises and military conflict.

In other words, my topic today is: how successful has the international community, the UN as well as regional organizations - the European Union in particular – assisted the local stakeholders in the management of this multiple transition

that took the people of former Yugoslavia from war to an uneasy peace,

from a single-party system to multi-party democracy,

from state- to market-economy, and

from a communist to a pluralist and nascent civil society.

As we are all too well aware, security and law enforcement agencies have been in the past - more often than not – sources of instability

rather than guarantors for personal safety, equal justice, and positive peace prospects.

Their full transformation into democratic and professionally run institutions is of paramount importance for long-term stability and socio-economic development.

Clearly, the scrutiny in isolation of security institutions (military, police, intelligence agencies, state border structures etc.) will not do the trick.

We must also keep in mind the wider socio-political and cultural context in which this transformation takes place.

More specifically it is important to assess how much the mechanisms of democratic oversight and parliamentary control have evolved.

My own practical experience has taught me, that sometimes the mere and simple exchange of information between established European democracies and regional organizations on the one hand and the “new arrivals”⁴, may already be of significant help to the many competent experts and policy makers of those states.

I am, of course, referring to security system management as an issue of both “governance” and government.

Let’s also keep in mind, that I will discuss a crucially important region in Europe. A region still fraught with unresolved status issues (Kosovo) and the quickly approaching finale of a unique experiment, the imminent termination of the international executive powers in Bosnia in vested in the High Representative.

In spite of those lingering “remnants” of the Yugoslav wars of the 1990s and the international responses to them, all the new States of the Western Balkans have significant structural similarities – both challenges caused by “delayed transition”.

Most of the successor states went through armed conflicts.

Until only recently they thus shared problems of surplus numbers of armed troops in need to be disbanded and reintegrated into a democratic postwar society.

Huge caches of stored weaponry, once considered precious, needed to be destroyed; anti-personnel landmines and other unexploded ordnance – literally “remnants of war” - are still not yet fully cleared.

Mine Action in Bosnia and Herzegovina, for example, will have to go on for quite some time still. This was the result of the recently completed 7th Meeting of the States Parties to the Ottawa Convention in Geneva.

Consequently, post-conflict peace building is basically about the three components contained in the acronym DDR –

Disarmament, Demobilization and Reintegration

of the armed forces, – including paramilitary units and ad-hoc “special forces”.

There such specialized agencies as DCAF have played – and still do – an invaluable role.

But peace-building is also about the reform of law enforcement in particular and the thorough make-over of the legal system in general.

The European Union - supported by such regional organizations as the Council of Europe and by specialized UN-agencies – has been deeply involved in assisting the modernization of the justice and home affairs-sectors of the countries in the region, not the least to make them more compatible with European challenges and standards, for example in the fight against transnational organized crime and terrorism.

Here is where Europe’s self-interest becomes all too evident: We need to acknowledge that the reform of the security system in the Balkans is no one-way-street; it is an exercise clearly in our common European interest.

More importantly, the international community’s massive and long-term involvement in Bosnia and Herzegovina and other places like Macedonia (FYROM) or Kosovo is about the restoration of peace and security in the first place.

It is, however, not about the restoration of obsolete institutions.

Rather, it is about the “invention” of a democratic security system for the formerly communist states of the region.

Consequently, involvement of the European Union in the countries of the so-called Western Balkans is arguably the most comprehensive and wide-ranging European project to date in soft-power state building.

I will thus try to present security sector reform in Bosnia by focusing on lessons that might bear some relevance for other countries as well – soon for Kosovo, if and when it becomes independent – but also for such remote places as Afghanistan, Sudan or Congo.

The EU – per definition a regional organisation – is, after all, on its way to become a global player.

Let me quickly add a caveat: Each country’s and region’s historical, political and security situation is unique and we should not aspire to create “one fits all” templates for post-conflict societies.

The Case of Bosnia and Herzegovina

I will first briefly describe where we started from and then outline where the international community and in particular the EU are now in Bosnia and Herzegovina with a view to security sector reform.

Before addressing the various security – and related political – reforms in Bosnia, I want to highlight the policy approach I had taken as High Representative, in particular my strong conviction that any successful reform must be based on and driven by domestic ownership and local responsibility.

That applies particularly to Bosnia where the conflict has severely damaged the multi-ethnic fabric of this society.

I will return to this subject in some more detail later, but I want to draw your attention to that concept already now, since it is at the heart of the matter.

All external stabilization and reform efforts will be in vain, if domestic buy-in and local ownership and responsibility are not carried through the overall reform process.

The international community's post-conflict involvement in Bosnia and Herzegovina started with the US-brokered Dayton Peace Accords (DPA) in late 1995.

The “Dayton Constitution” confirmed the country's effective partition into two so-called entities:

The Republika Srpska (RS), which regarded itself as a sovereign and exclusively Serb nation state, and the Bosniac-Croat Federation, which was further sub-divided into ten cantons.

Although it confirmed Bosnia's war-time division lines, the DPA also created instruments for re-making Bosnia and Herzegovina as an integral, albeit highly decentralized, multi-ethnic state.

Yet, the Dayton Accords did not create a state in the conventional sense.

It was General Rupert Smith, who in his excellent book on “The Utility of Force” (2005) characterizes Dayton as no more than just a “very detailed ceasefire agreement”.

However, with the Office of the High Representative (OHR), *i.e.* the international civil administration, and the NATO-led military presence, Dayton provided the necessary instruments for an extended process of state building.

Thus, both the international peacemakers and the Bosnian authorities themselves had to struggle for years to find a better end to the war.

Bosnia and Herzegovina has come a long way, but there is still considerable unfinished business left.

Back in late 1995 Bosnia and Herzegovina – the State – merely comprised of a Central Bank, a Constitutional Court, a tripartite Presidency, a Parliament and three state ministries.

But there was no central government or prime minister to speak of,
no unified army,
no state intelligence service or state-level police,
no unified judicial system and
no single economic space.

The three ethnic armies – the former warring parties – perceived this state of affairs only as a prolonged ceasefire. In a way they were right.

The major innovation of the Dayton agreement was the creation of the Office of the High Representative (OHR) with an international representative at its helm to act as the “final authority in theatre” to quote from the Annex of the Accords: “charged with monitoring the implementation of the Agreement and with the co-ordination of the civilian peace-building efforts.”

The OSCE – yet another regional organisation - assumed responsibility for organising general elections as well as for arranging balanced regional arms reductions.

The UNHCR took charge of promoting refugee return and served as lead agency for humanitarian issues.

The UN Mission in Bosnia (UNMBiH) had a comparatively narrowly defined mandate, although it was initially charged with some important aspects of the security sector management: the police and judicial reform.

In addition, the international financial institutions (IMF, WB) and numerous multilateral and national aid organisations and a host of NGOs active in Bosnia were all supposed to be ‘co-ordinated’ by the High Representative.

The High Representative, in turn, reports to the 55-member “Peace Implementation Council” (PIC) comprising the international stakeholders, governments, international agencies and other donors.

As an interim sui generis international organisation, created for the sole purpose of implementing this peace agreement, the High Representative has the explicit endorsement of the Security Council to whom he in turn reports twice a year.

To restore and maintain a safe and secure environment, a NATO-led and U.S. – commanded Implementation Force (IFOR) of originally 60,000 troops was deployed to oversee the separation and disarmament of the former combatants.

Driven by domestic political considerations in Western capitals, IFOR was supposed to finish its job within one year – a mission impossible, as one was soon to find out.

It is worthwhile noting that in the early stages the international troops were not supposed to assume a “policing” role, apprehend indicted war criminals or otherwise support civilian peace implementation activities.

This only changed after valuable time was lost in the crucial transfer-period from military action to post-conflict reconstruction and stabilisation.

Perhaps the biggest success of such a complex and highly improvised structure, that had started the state building experiment in Bosnia, is the fact that it held together at all.

From the outset, the international community’s “conflict architecture” in Bosnia and Herzegovina lacked formally agreed command and control structures – this improved over time – and the international civil and military components remained separate for too long.

But the international Bosnia-mission – the first “humanitarian intervention” of its kind – expanded and started to learn on the job, by “creatively” interpreting its mandate.

Back in late 1995 it became all too obvious, that the “failed state” of Bosnia and Herzegovina was unable to exercise its formally granted sovereignty and indeed needed massive help to survive.

Although not a de jure-protectorate, Bosnia over time became a ward of the international community.

The defining moment came in December 1997, when the PIC – the international oversight body of 55 Governments and international agencies – granted the High Representative the so-called “Bonn Powers” to impose laws, take executive orders and dismiss domestic (and democratically elected) officeholders if he deemed such actions necessary for the successful implementation of the Dayton Accords.

This massive enhancement of international powers appeared necessary, indeed, because premature, democratic elections – on which the international exit strategy hinged – only further entrenched the three ethno-nationalistic parties.

In this way, elections, although formally the most essential democratic instrument, “legitimized” precisely those local political actors, who had in fact been responsible for the ultimate security meltdown in the Bosnian war between 1992 and 1995.

For the international community it soon became obvious, that there would be no quick-fix for Bosnia and Herzegovina and that only long-term engagement, based on a comprehensive mission implementation strategy, would do the trick.

Arguably the most important lesson in any peace and stabilisation exercise.

When it came to the local political establishment, there was absolutely no consensus about the most basic principles governing state and society.

Another lesson in “democracy promotion” in Bosnia and Herzegovina is this: Instead of “democracy”, the frequent elections cemented “ethnocracy” and consequently the further deepening of the country’s division.

Thus, the newly created state institutions proved to be arenas for unproductive political haggling, rather than efficient decision-making.

This is where the High Representative came in, who, over time had to take on an ever increasing number of domestic tasks. Although this proved unavoidable, in order to veer Bosnia towards civilized forms of political discourse and the urgently needed reforms, it also created a “dependency syndrome”.

But it was the regional context, too, that warranted increased international engagement at the time.

Today it’s easily forgotten that post-war Bosnia and Herzegovina was surrounded by Milosevic’s Serbia and Tudjman’s Croatia, officially guarantors of the Dayton Peace Accords, de facto, however, they continued to scheme against a united Bosnia and Herzegovina.

Only with the demise of the Tudjman and Milosevic regimes in 2000, the two neighbours began scaling down their improper meddling in Bosnian affairs.

The ensuing result was, that the Serb and Croat political establishments in Bosnia and Herzegovina are slowly reconciling with the idea that Bosnia and Herzegovina was no temporary arrangement, but a permanent state with a European perspective.

However, some politicians in Belgrade and Banja Luka, the capital of the Bosnian-Serb entity, still believe they can link the future status of Kosovo with that of Bosnia and Herzegovina.

As Bosnia’s relations with its neighbours have somewhat normalized, the strategy of the international community had shifted from post-conflict management to integration, *i.e.* integration into European and Euro-Atlantic structures.

Let me reiterate: Only with the “regime change” in Zagreb and Belgrade was the international community able to decisively move from “containment” to reform, including in the security sector.

The international community’s aim then was no longer the search for an exit strategy, but to assist the country in devising an “entry strategy” into Europe.

In this way 2000 marks the turning point in Bosnia’s post-war history.

The *ad hoc* structures of Dayton would thereby yield gradually to the self-sustaining processes eventually leading to EU and NATO membership.

After this brief overview of Dayton-Bosnia, let me now address three security-relevant issues: Military – Law Enforcement – and the Judiciary.

The Role of International Peace Forces in Security Sector Reform

I made reference to the immediate post-war period, when 60.000 strong IFOR had a crucial, albeit restricted and time-limited role and mandate.

The international troops had to enforce the ceasefire, to separate the combatants according to the agreed line of partition and they supervised initial disarmament efforts.

However (and here I repeat myself), IFOR rejected any involvement in policing, including the apprehension of indicted war criminals and declined to assist in civilian peace implementation efforts.

In contrast, its successor, the Stabilisation Force (SFOR), has over the years played an ever increasing role in facilitating freedom of movement, in the refugee and IDP return process; it eventually engaged in the apprehension of indicted war criminals, and cooperated with the civilian implementers (OHR, OSCE, the UN agencies) in the difficult task of supervising reforms of the officially two – in reality three – post-war armies of Bosnia and Herzegovina.

In its last phase SFOR played a crucial role in the establishment of a unified civilian command over Bosnia and Herzegovina’s armed forces and intelligence agencies.

SFOR’s European successor EUFOR (“Althea”), presently at 6000 troops, continues to exercise this expanded mandate in full co-ordination with the High Representative who, since 2002, has also been the EU-Special Representative (EUSR).

This double-hating of the international civilian administrator (which will come to an end with the envisioned closing of OHR in mid-2007) is the expression of the willingness on the part of the EU to bring the stabilisation efforts to a successful conclusion and assist in the “Europeanisation” of Bosnia and Herzegovina.

Achievements in the military sector are considerable, indeed:
 International peace forces in Bosnia have overseen the downsizing of the local armed forces, starting at around 430.000 in 1995/96.
 This task is by now successfully completed. Today the Bosnian joint armed forces comprise mere 12.000 troops.

Just to sum up:

After almost eleven years of robust international engagement, Bosnia and Herzegovina now boasts unified armed forces under the civil command of the tripartite- Presidency, a single Defence Minister and a joint headquarters.

This all would not have been possible without the cooperation between both international and domestic actors and global and regional agencies.

Law Enforcement, Police and Intelligence Reform

Let me now turn to police and intelligence matters.

From the outset in 1996, the UN- International Police Task Force (IPTF) had a rather weak mandate, restricted to monitoring and assisting the local police.

In spite of its uneven overall record, IPTF managed to reduce, restructure, vet and retrain those police forces that had largely served as bastions of their respective nations' war machines.

By claiming the right to certify officers and staff, IPTF managed to cut the size of the police forces roughly in half and enhanced their professional know-how.

In addition, in 2000, the IPTF was mandated by the High Representative to establish the "State Border Service" as the first state level security sector institution.

This crucial state building measure was taken by me against the fierce protest of the Serb side. In the end, I had to use the "Bonn Powers" to equip Bosnia and Herzegovina's virtual state with a professional border guard.

Today, this multiethnic body, numbering around 2400 officers, controls Bosnia's once porous borders.

As part of my efforts to streamline the international presence in Bosnia and Herzegovina, the IPTF was eventually replaced by a smaller EU-Police Mission (EUPM) at the end of 2002.

For the first time ever in its long and winding integration history the European Union brought together its crisis management capabilities (intergovernmental competence of the "European Council") with its reconstruction competence (as integrated part of the European Commission).

The EU-Police Mission aims to complete the professional upgrading of the Bosnian police by focusing on management reform, which is considered the last major task in security sector reform in this country.

EUPM has made considerable advances in developing sustainable policing arrangements under the ownership of Bosnia and Herzegovina.

Meanwhile, another state level police agency – the State Investigation and Protection Agency (SIPA) – has been made fully functional.

A staff of around 1.000 provides enhanced and executive powers to fight major and organized crime including the investigation of war crimes and terrorism.

When it comes to intelligence reform, OSA, the newly created state-level intelligence agency, has been formed by uniting the two former entity secret services.

It, too, is now fully operational.

Entity intelligence agencies, for the longest time a source of immense security risks and ethnic bias, have been put out of business.

All archives, files and documents of those former entity agencies have become the property of the new state agency. The new agency gathers intelligence relating to the threats to security of Bosnia and Herzegovina, including: terrorism; espionage and sabotage against Bosnia and Herzegovina; illegal drugs, arms and human trafficking; proliferation of weapons of mass destruction; and organised acts of violence or intimidation against ethnic or religious groups within Bosnia and Herzegovina.

Finally, since 2003 a state-level Security Ministry is charged with the political oversight of all police agencies, while the Chairman of the Council of Ministers is in charge of the intelligence agency OSA.

After having elaborated on military and law enforcement – security reform – let me now turn to the last of my three parts.

Judicial Reform – The Establishment of the Rule of Law

Initially, the reform of the country's divided, inefficient, ethnically partial, politically compromised, and often corrupt court and judiciary system proceeded in an inefficient fashion.

There were international advisers, consultants and agencies aplenty, but there was no coherent reform strategy on the part of the responsible UN-mission.

Only with the establishment of the “Independent Judicial Council” (IJC) in 2001 judicial reform took centre stage in Bosnia.

In 2002, after thorough discussion with the PIC, I introduced a comprehensive and rather intrusive overhaul of the judicial system, including the reappointment and retraining of judges and prosecutors, in order to decisively modernize and streamline the country's outdated court system.

The “Rule of Law Pillar”, attached to the OHR, took responsibility for the proper execution and implementation of this long overdue reform.

Meanwhile, with the help of regional organisations like the Council of Europe, the State Court is fully operational, equipped with special chambers to fight organised crime and to try war crimes cases.

To complete the law enforcement review of Bosnia’s security reform agenda, may I just add, that in parallel a modern penal system is being established, including the construction of a high security prison in Sarajevo.

This is just a snapshot view of a comprehensive overhaul and reform of Bosnia’s security sector that attests to the fact that working partnerships between UN-agencies and regional organisations are of crucial importance, indeed.

Almost at the end let me add a few more but significant security related reforms in Bosnia and Herzegovina which have taken on more relevance only since 9/11.

The introduction of a single passport and a state-of-the-art ID-card system, the introduction of flight-cards to stem illegal immigration via the Bosnian international airports are not necessarily on the list of core-security issues, but proved important in post-conflict peace building in Bosnia and Herzegovina and the wider region..

Let me conclude by emphasizing two rather broad parameters against which the success of any security sector reform needs to be measured:

1. Public Responsibility: Do Governments exercise their “responsibility to protect” their citizens and have they in turn become reliable security-partners in the region and beyond?
2. Sustainability: How will a successful SSR help to promote - beyond the traditional security realm – investment security, to take a seemingly far off example and – more generally – socio-economic development in an increasingly interdependent political environment.

International peace building efforts must aim at sustainable solutions in order to free capacities and assets both of the United Nations system and regional organisations to tackle the manifold security challenges of an ever increasing number of weak and failing states – by the way one of the main challenges of our time.

The recently created “Peace Building Commission” is a case in point.

A close and professional partnership between the United Nations and regional organisations is an essential precondition for success.

Thank you.