

## THE POLICE FORCES IN BiH

# Persistent Fragmentation and Increasing Politicization



**In a report from Atlantic Initiative and Democratization Policy, author Bodo Weber argues that the combination of persistent institutional fragmentation and continued politicization of police agencies in BiH constitutes an increasingly dangerous security risk**

The police forces of Bosnia and Herzegovina are assigned a key role in maintaining public order and security and in preventing the re-emergence of any kind of violent interethnic conflict. The police represented one of the weakest points when the international community started to engage in supporting the reconstruction and democratic transformation of the state in post-war BiH. Pre-war, the police had been highly professional but lacked any tradition of independence from politics. During the war they underwent a process of deep de-professionalization and further politicization, even criminalization, as the interior ministry was divided into ethnic components and police were drafted into participating in ethnic cleansing and war crimes. Reforming the police - with the goal to decriminalize them, raise their professional level and shield them from political interference - became one of the top priorities of international efforts to restore public order and safety and support democratic consolidation.

## The Collapse of Reform

Under international leadership police officers were vetted, the number of police officers was reduced, the posts of police director and police commissioner

were established at entity and cantonal levels, Independent Boards were created to select candidates, transparent rules for hiring and promotion of police officials were set, and training and education was modernized. While these measures proved moderately successful, one crucial reform ultimately failed - the attempt to overcome the structural fragmentation of the country's police among the various levels of government and the concomitant lack of institutional hierarchy among the numerous police agencies. The collapse of police reform in 2007 marked the first major development that resulted from a policy shift by the West, now under European Union leadership, towards lowering conditionality in the face of domestic resistance to reform, in the futile hope that this would create reform momentum. The consequence of Brussels initialing a Stabilization and Association Agreement in 2007 in return for a mere written commitment by political leaders to future police reform and the creation of a number of (impotent) agencies at the state level (first and foremost the Directorate for Coordination of Police Bodies of BiH) instead of actual agreement on police reform was that there was no reform; neither the political elites nor the EU ever revisited the reform commitment. In 2012 the EU

closed its Police Mission (EUPM) despite not having completed its mandated task - quite the contrary: attempts in both entities to roll back reform in areas where EUPM had set closing benchmarks were in full swing.

The EU's disengagement from serious reform has meant that structural problems in both entities remain unaddressed. In the Republika Srpska, the police remain both highly centralized and highly politicized. In the Federation, the police agencies remain fragmented. The Federation police agency remains weak, the ethnic Bosniak-Croat divide within cantonal police agencies in mixed cantons has not disappeared, and cooperation between Federation and cantonal police remains ad-hoc and dependent on goodwill. The state-level Ministry of Security and the Directorate for Coordination of Police Bodies of BiH exist in an institutional twilight zone; cooperation between them and among various other agencies depends on goodwill that is rarely forthcoming.

## Political Control

As a second consequence of the EU's reform disengagement, the police have faced massive reform rollback attempts by the ruling political elites since 2011,

when the first general elections following the shift in Western policy were held. In the RS, a new Law on Police Officials and a new Law on Internal Affairs have further strengthened the political stranglehold over the police. Up until 2014, RS President Milorad Dodik had further secured political control over the police through an informal, parallel command structure bypassing the interior minister. Following the October 2014 elections that weakened the ruling Alliance of Independent Social Democrats (SNSD) of RS President Milorad Dodik, he picked a new interior minister whose political loyalty is beyond doubt, as part of his efforts to further strengthen his political grip over the police. In the Federation, an open conflict erupted between entity and cantonal interior ministers and heads of police at entity and cantonal levels, and between the two largest parties, the Party of Democratic Action (SDA) and the Social Democratic Party of BiH (SDP), over the latter's attempt to establish political control over the police by way of new cantonal and entity LIAs. The attempt failed in 2014 just as general elections and the end of the rule of the SDP were nearing; the Federation adopted an LIA version championed by the West. But attempts at re-politicization through new LIAs continue at the cantonal level; changes to the book of rules for the Federation police agency appear to have the same purpose. This massive push for stronger political control has prompted all levels of police forces, from the State Investigation and Protection Agency (SIPA) down to the cantonal police corps, to steer clear of organized crime and corruption cases that might implicate the ruling elites. Since the Western policy shift of 2006, the international community's impact on policing has been extremely limited. The Office of the High Representative's small public-security department has remained the most active international actor. The United States Embassy is another important actor, although it has limited its leverage by focusing its attention over the last two years almost exclusively on foreign fighters. The EU substantially reduced its engagement with the closure of EUPM; its only remnant is a small sub-department on policing established in mid-2012 within the EU Special Representative's office that operates in a policy vacuum, its

## Recommendations

### To domestic actors in BiH

- Civil society must take an active role in monitoring and reporting on the work of police agencies and publicly advocating for police reform.
- Civil society must lobby for its representatives to be included on Independent Boards to ensure and safeguard their independence so they can become truly independent.

### To the international community in BiH, especially the EU

- The EU must tackle structural police reform issues as part of BiH's EU integration framework even though the acquis is thin on policing. Structural issues need to be addressed through the political criteria for EU integration, with individual member states taking the lead in shaping such a policy.
- Starting with the 2016 EC Report for

BiH, the EU needs to introduce a separate section within the chapter on political criteria that analyzes the state of police agencies in BiH.

- The EUSR's Rule of Law section must start now to take a much more pro-active role in advancing specific aspects of police reform that can be dealt with in the immediate term, especially in addressing unresolved issues and new challenges related to reform rollback. The good cooperation with the US Embassy and the OHR on policing issues must be continued and expanded to ensure a greater chance of success in this effort.
- The EU must urgently begin to address the problem of the highly politicized RS police.
- The international community in BiH, including Western donors, must support civil society in becoming a serious actor on the issue of police reform.

leverage dependent on practical cooperation with the OHR and the US Embassy. The biggest success of this informal cooperation has been to prevent the passage of LIAs in the Federation brought forward by the SDP.

### Defensive Force for the Ruling Parties

A number of case studies have shown that the combination of persistent institutional fragmentation and continued politicization of police agencies in BiH constitutes an increasingly dangerous security risk. The police's underwhelming performance during a terrorist attack on the US Embassy in Sarajevo in November 2011 and during violent social protests in February 2014 demonstrated that the vacuum created by fragmented police agencies makes normally manageable security risks far more serious. The RS police's response to a fatal attack on a police station in Zvornik by a Bosniak returnee in April 2015 demonstrated the extent to which the RS leadership's anti-Islamic propaganda has shaped the work of the police; while the police have undertaken very little substantive effort to deal with the relatively small problem of Islamist extremism in the RS, the attack was blown out of proportion by the RS-controlled media and

RS politicians, straining relations between the Serb majority and Bosniak returnees. A feeling of insecurity has spread among returnees, making them more susceptible to radicalization, and attacks on returnees have substantially increased this year. The ineffective police response to the February 2014 protests in the Federation suggests that senior police officials are reluctant to take responsibility and act accordingly within the scope of their mandate. This raises the question of how the police would have reacted if the protests had assumed a violent inter-ethnic character (as some politicians suggested they would). At best, the police would have remained on the sidelines; more likely, the police would have taken sides along ethnic lines. Finally, in the RS, the entity police appear to have been transformed over the years into a defensive force for the ruling parties. All available information suggests that the RS police were instructed in February 2014 to shoot protesters in the event social unrest spread from the Federation. In light of the recent RS opposition pledge to use its role in the BiH Council of Ministers and SIPA to investigate allegations of corruption by the RS leadership, including President Dodik, a future clash between SIPA and the RS police cannot be discounted.