

## Chapter 4

# Lost Opportunities and Unlearned Lessons – the Continuing Legacy of Bosnia

*Kurt W. Bassuener*

### Introduction

The international intervention in Bosnia following the 1995 Dayton Peace Accords was among the first in a wave of such missions following the Cold War that were often derided, mostly from the right, in the United States as “nation building.” Many of the personnel who worked in Bosnia, be they soldiers, administrators, police, trainers or aid and development professionals, were involved in subsequent high-profile missions: Kosovo, East Timor, Afghanistan, and now Iraq. While these missions have major differences amongst them (particularly the nature of the interventions, as well as the mandate and composition of forces involved), the question of providing for public security and ensuring it into the future with local actors was a major factor in all of them. Yet, of these, perhaps the only one that can be termed a success would be East Timor. Kosovo, Afghanistan, and Iraq still experience serious public security problems, Iraq’s being most severe.

Bosnia should have provided lessons on how to create a secure public environment to allow a sustainable peaceful order to take root. Or rather, it should have provided vivid examples of how not to further those goals. Those lessons do not appear to be recognized, much less learned and applied. This is especially true of the United States, which played a prominent role in all but one (East Timor) of the missions listed above, and has been by far the dominant player in Afghanistan and Iraq. In each case, deficient public security in all its aspects, including minority communities’ safety, has been a serious damper on post-

conflict stabilization and self-sustaining democratic development. The international community failed to seize a window of opportunity in all the above cases. This does not necessarily doom efforts to establish viable local public security, but certainly makes them more difficult and costly. Bosnia itself seems to be moving consistently forward of late due to an understanding of the current situation and of past failures.

The case of Bosnia, even after a belated international intervention in the war, is a cautionary tale of missed opportunities. Public security is a primary responsibility of governance, and therefore an inherently political question. The fact that this vital function remained in very dubious hands was not addressed directly until years after Dayton, and the consequences of that delay continue to be felt.

Military and civilian planners both should familiarize themselves with the Bosnia experience to grasp the centrality of establishing public security as a *sine qua non* of establishing a legitimate and stable postwar order. Without it, there can be no mission success. Gradualism, while expedient, rarely pays. A willingness to tackle public security head-on in the early phases of an international mission, combined with clear-headed planning on how to domesticate it sustainably, provides the most assured “exit strategy.”

## **The Case of Bosnia**

### ***The War in Bosnia***

The war in Bosnia and Herzegovina (hereafter “Bosnia” for brevity’s sake) began in April 1992 and went on until the signing of the Dayton Peace Accords in November 1995. In those three-and-a-half years, and estimated 200,000 people were killed, and hundreds of thousands more were expelled from their homes or emigrated. It was by far the bloodiest of the five wars fought within the territory of what was once Yugoslavia over the course of a decade.<sup>1</sup> The antagonists were the Bosnian

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<sup>1</sup> These were: Slovenia (1991), Croatia (1991-1995), Bosnia (1992-1995), Kosovo (1998-1999), and Macedonia (2001)

government, which was internationally recognized at the beginning of the war; the Bosnian Serb “Republika Srpska,” which was militarily integrated with rump Yugoslavia (Serbia-Montenegro); and Bosnian Croat forces which were heavily integrated with Croatia. Both the neighboring states had designs on territory within Bosnia and Herzegovina, and worked with their co-ethnics to seize it. During these wars, the term “ethnic cleansing,” or forced expulsion and/or killing of other ethnic populations entered the English lexicon. Importantly, both regular and irregular forces, including Interior Ministry police forces (including from neighboring Serbia and Croatia) conducted ethnic cleansing campaigns and combat operations. This particularly included Interior Ministry “special police,” who were often better equipped and trained than the armies. These forces were instrumental in clearing undesired populations by means of terror or extermination. While the United Nations Protection Force (UNPROFOR) was present in Bosnia through the war, it provided little in the way of public security, hampered by its mandate and a lack of international political will to confront the Bosnian Serbs, who were by any measure the primary - though not only - offenders.

### ***Dayton and IFOR***

The Dayton Accords, signed in November 1995 after weeks of “proximity talks” at Wright-Patterson Air Force Base in Dayton, Ohio, brought open hostilities in Bosnia to a formal end. The signatories, which included Croatia and Serbia for their co-ethnics in Bosnia, agreed to a weak Bosnian state composed of two “entities:” the Federation of Bosnia and Herzegovina (which already technically existed from the previous year) and the “Republika Srpska.” These entities were ethnically derived, and held most of the powers that would normally accrue to a state: defense, taxation, and justice. The Federation was further divided into cantons, which led to four layers of governance for residents of the Federation: state, entity, canton, and municipality. The RS only had three. Policing was to be handled at the canton level in the Federation, and at the entity level in the RS.

In essence, the wartime nationalist parties (with some greater competition within the Bosniak community) were party to designing a political system that would protect their wartime gains and their own grip on power. However, the Accords contained passages committing the signatories to allow refugee return and arrest and hand-over to the International Criminal Tribunal for the former Yugoslavia (ICTY) indicted war criminals.

Part of the Dayton deal was that an international Implementation Force (IFOR) fielded by NATO was to guarantee separation of forces and the cantonment of weapons to preclude a resumption of hostilities. The Bosniak and Bosnian Croat communities generally welcomed the force, while the Bosnian Serb community generally saw it as an occupier. The force, with 60,000 troops (20,000 American) was allowed to deal with other public security issues such as assisting in refugee return and arresting war crimes suspects, but the Pentagon ensured that it did not have to pursue these tasks. This was a failure on the part of President Clinton to assert control over the U.S. military. In the mission's first few days, a challenge occurred when Bosnian Serb political leaders pressed Bosnian Serb residents to evacuate Grbavica, a Serb-inhabited neighborhood in Sarajevo that was to fall under Federation control. The IFOR Commander, Admiral Leighton Smith, met scenes of forced removal and wanton vandalism with apparent indifference. In the following months, reports of indicted Bosnian Serb political leader Radovan Karadzic driving through U.S. Army checkpoints leaked out. IFOR did its strictly military mandate well. But the strict constructionist approach adopted at U.S. military insistence did little to promote public security for individual Bosnians.

Dayton also created *ad hoc* bodies to assess implementation and progress. The Peace Implementation Council (PIC) is the supreme international supervisory body on Bosnia's Dayton Implementation, and consists of some 55 governments and international organizations, including the United Nations and the World Bank. The international High Representative, who was charged with coordinating the international civilian component of Dayton implementation on the ground through his office (OHR), reports to the PIC. The Organization

for Security and Cooperation in Europe (OSCE) was engaged in organizing elections, and later took a serious role in the promotion of democracy and human rights.

Yet despite the considerable international commitment of resources and personnel, very little ground was gained in the initial post-Dayton years. Not surprisingly, both Belgrade and Zagreb continued their pernicious involvement in Bosnia, violating the terms of the Dayton Accords regularly in various ways, most notoriously by sheltering war crimes indictees. Political power structures built on or supported by black marketeering and other criminal activity during the war maintained and usually expanded their assets postwar. It is fair to speak of a political-criminal nexus in each of the three communities, and often more than one. The international community's desire for a quick win or "deliverable" early after intervention led to a push for elections in 1996. Given a far from a level playing field, a short time lag since the end of the war, and the ethnification of the franchise through the design of governing structures, the 1996 elections served to grant a further veneer of legitimacy to the wartime political players and to cement them in power. These political forces used this time to further their personal economic interests and make it more difficult for Bosnia to become a functioning state.

The international community sent mixed signals in Bosnia, despite the massive commitment of troops and civilian personnel. The unrealistic one-year time frame initially articulated by President Clinton for domestic political purposes signaled a lack of commitment to Bosnia's recovery. The disposition of international forces toward the fundamental public security issues of secure minority refugee return and arrest of war crimes indictees also signaled irresolution. There was no apparent strategic approach to the international engagement in Bosnia, and the local political actors took note and drew their conclusions accordingly. A political fear of casualties, particularly with American forces, led to repeated threats (and incidents) of public disorder by nationalists should indictees be arrested, mosques be rebuilt, refugees allowed to return. This tactic was repeated regularly, and went essentially unchallenged for years, leaving the initiative to the adversaries of progress. International

engagement in Bosnia may have been pervasive, but it also appeared hollow and rudderless.

In 1996, despite the 1994 Washington Agreement that created the Federation (and incidentally was the first international agreement in Bosnia that recognized rights vested in peoples rather than citizens), there remained three armies, three separate intelligence services, and three interior ministries – the main body charged with promoting public security. The Dayton Bosnian state didn't have any of these capacities – they were vested in the entities.

### *Post-Dayton Public Security*

Bosnian security structures, especially those under the control of the Bosnian Serb and Bosnian Croat political leaderships, had little or no incentive to promote the tougher aspects of public security or perception thereof – it ran contrary to their interests, and would essentially undo the ethnic cleansing they had driven. All three of the main nationalist parties – the Bosnian Serb Serbian Democratic Party, the Bosnian Croat branch of the Croatian Democratic Union, and the Bosniak Party of Democratic Action – all had vested political capital in maintaining “kept populations” of internally displaced persons and refugees who depended on them for housing, income support, etc. These persons often lived in the homes of previous residents who had been “cleansed,” and were kept reliant on the patronage of these parties. Furthermore, the return of refugees could make them homeless again with no guarantee that they would be able to go back to their home. That is, if it still existed or if it would be safe to return to an area where they were a minority. A number of efforts to promote minority refugee return in the first few years after the war ended in failure, and violence against returnees was not uncommon. Intimidation was the norm.

Integral to this problem was the fact that the police that had been working during the war, including in “ethnic cleansing,” killings, rape and other violations of human rights, were likely to remain on duty. The International Police Task Force (IPTF), a UN-run body charged with

police training (but without executive powers), certified police in both entities. However, the local police forces were not seen by a critical mass of refugees and IDPs who expressed an interest in returning to their homes to have been sufficiently weeded of likely war criminals. Even if these persons were removed from the police force, they usually remained in the community as a menacing, and often influential, presence. For a number of years after Dayton, minority refugee returns were very low, and remained on the outskirts of towns rather than in them. Demographically, returnees were more likely to be old, returning to live their final years in their homes. Very few returnees came with young children or with expectations of finding work.

The impediments to credible locally provided public security were fundamentally political, not technical. There was no doubt also a need to build institutions, provide appropriate law-enforcement training, etc. But to attempt to move on those fronts with the political actors and incentive structure unchanged was a recipe for stagnation.

### *Ownership of What, Exactly?*

In 1998, well before Bosnia's institutions showed any hope of being able to handle the tasks normally expected of government, the international community began to employ the term "ownership" to indicate that Bosnia's institutions should take responsibility for these functions. This included the onus of public security, including the arrest of war crimes indictees and protection of returnees.

However, the term "ownership" begs the questions *of what?* and *by whom?* The nature of the Bosnian forces charged with maintaining public security, and the masters they served, had no interest in hastening their own demise by scattering their constituency. Their basic platform was fear of the other ethnic communities and promising protection to their own, so maintaining that as a central concern was critical.

The Dayton formula, taken rigidly, stood in the way of having its most fundamental aspects implemented, by providing insurance for the

political and criminal powers that benefited most from the war. This approach allowed them to retain and even expand their influence.

### *“Bonn Powers” and War Crimes Arrests*

By the end of the second full year of international post-Dayton engagement in Bosnia, the international community seemed to be slowly sobering to the immensity of the task that remained, and the inadequacy of the tools to address it. At the December 1997 meeting of the Peace Implementation Council, the High Representative was given new powers to strengthen his hand in dealing with the Bosnian power centers. Soon termed the “Bonn powers,” the PIC gave the High Representative paramount authority to not only oversee implementation of Dayton’s provisions, but also to interpret what these meant. In essence, the international community now had an “elastic clause” allowing it more flexibility to push needed reforms forward. Not initially employed to a great extent, their application grew over time to be an essential trump card.

Another event earlier in 1997 also had an important impact on public security in Bosnia. In July 1997, British paratroopers attempted to arrest two Bosnian Serb wartime officials for war crimes. One, Milan Kovacevic, was successfully arrested. The other, Simo Drljaca, foolishly drew a weapon and was gunned-down by the paras. This was the first forcible arrest of a war crimes indictee in Bosnia, launching a trend that forced remaining indictees into hiding. Another innovation, the sealed indictment, was developed by the International Criminal Tribunal for the former Yugoslavia (ICTY) to preclude indictees from preparing to violently resist impending arrest or flee. Since then, an increasing number of indictees have been captured or have surrendered for trial.

Despite the innovations discussed above, Bosnia remained essentially stagnant for years following Dayton. Provision of public security remained the preserve of police forces that had been essentially unreformed since the end of the war. The political masters of these

forces saw little or no incentive to promote a climate of public security for minorities, would-be returnees, or even “their own” populations, given the centrality of fear to maintaining their grip on authority. With the exception of the Bosniak SDA (which saw a unitary state as one in which they would hold sway), the nationalist parties were against conveying powers to the state, where they would exercise less control.

In 2000, democratic transitions took place first in Croatia and then in Serbia. While neither completely overturned the wartime order, this change provided more leverage to the international community to curtail these countries’ engagement in Bosnia. However, President Vojislav Kostunica of Serbia was an avowed nationalist, and gave a shot in the arm to Bosnian Serb nationalists who had begun to show signs of resignation to remaining in Bosnia (albeit with rigid guarantees that maintained *de facto*. Both countries remain under international pressure for their suspected harboring of war crimes indictees.

Minority returns did not begin occurring in significant volume until 2000. Not coincidentally, this was after indicted war criminals had begun to get arrested, and obstructionist public officials were dismissed with greater frequency. It is worthy of note that minority returns to northern Bosnia, in the RS, rose heavily in the British sector, where more war crimes indictees were forcibly arrested and where the troops took a more proactive and informal approach to their duties. This was despite the fact that some of the most chilling atrocities occurred in the area during the war, particularly around Prijedor, where the infamous Omarska, Trnopolje, and Keraterm detention camps were situated. Neither the American nor the French sectors earned such a reputation.

In 2001, a long-planned public event to mark the launch of the reconstruction of the famed Ferhadija mosque in Banja Luka, deliberately demolished during the war, was disrupted by violence unchecked by RS police or SFOR. The mob violence, clearly instigated and abetted by RS officials, was clearly intended to convey the message that minority returnees to the RS would be unsafe, and that the results of ethnic cleansing were irreversible.

### ***The Problem is Political***

Political structures are the key for Bosnia's ability to develop a functioning state under democratic governance and rule of law, factors essential to the mainstream European aspirations of the population. Bosnia's governing system and electoral structures ensured that the nationalist parties who prosecuted the war and their patronage networks remained dominant, hindering most progress. A lack of security for persons from one ethnicity in the territory controlled by another was central to maintaining these parties in power. The deeply politicized public security structures were involved in not only wartime activities but also continued organized crime. In essence, the forces that were charged with providing public security were seen by large swathes of the population as threatening their personal security. Bosnia's electoral system and convoluted governing structures gave little incentive to national reconciliation, reform, reconstruction, or professionalism. Instead, the system, with its many layers and overlapping competencies, facilitated graft. Politics was (and remains) a for-profit enterprise in Bosnia. Without fundamental political and structural changes, Bosnia would remain a dysfunctional ward of an increasingly fatigued international community.

### ***Leveraging the International Factor***

While the two High Representatives who had use of the Bonn powers, Spaniard Carlos Westendorp and Austrian Wolfgang Petritsch, used them increasingly to deal with obstructionist officials or those implicated in crimes, as well as to advance progress by decree, there seemed little strategy in their approach.

The attacks on September 11, 2001 in the United States created a renewed interest in Bosnia on the part of the Bush Administration, which had entered office vocally disdainful of "nation-building" in general and American engagement in the Balkans in particular. The fear of Islamist terrorist operations emanating or supported from Bosnia bolstered Washington's commitment to maintain a foothold force presence in

Bosnia, despite the emerging likelihood of the European Union succeeding SFOR with its own mission. This presence was deemed essential for national security reasons, and was also designed to assist EUFOR in operations to apprehend indicted war criminals.

With the replacement of Mr. Petritsch planned for mid-2002 and the likely arrival of Lord Paddy Ashdown, a British politician and former Royal Marine who earned a reputation for being forward-leaning on the Balkans, the Democratization Policy Institute (DPI) published *An Agenda for Bosnia's Next High Representative*.<sup>2</sup> The authors of the *Agenda* reverse-engineered from the goal of Bosnian candidacy for the EU, and then assessed what changes had to be made in Bosnia to make this a viable prospect. The *Agenda* then proposed ways that the High Representative could pursue these objectives within his powers. Central to our approach was the concept that Bosnia would not develop the ability to self-reform until certain major impediments were eliminated or sidelined. Simply put, some problems were just too great for Bosnians to overcome under the existing system. It was important to discern which issues, including those of public security, could be addressed by a combined approach with Bosnians and internationals, and which had to be confronted, at least initially, by international actors alone. Overall, the *Agenda* proposed a framework of increased cooperation and consultation, while recognizing that the internationals had to do some things themselves before a handoff of “ownership” could be made responsibly.

In the realm of public security, DPI had four direct recommendations, and one overarching one that would influence the entire political dynamic in Bosnia. While these are three years old, they remain relevant to a great extent. Each will be addressed in turn below. Most of the other recommendations would have had an indirect public security benefit, such as a judicial reappointment process, legal review and reform, and customs revenue redirection to state coffers. All the DPI recommendations were aimed at helping create of foster political and

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<sup>2</sup> *An Agenda for Bosnia's Next High Representative*; Democratization Policy Institute, Washington, 2002. Available at DPI's archived cite: [www.anonime.com/dpinstitute](http://www.anonime.com/dpinstitute)

administrative structures capable of self-propelled reform and achieving the European aspirations of Bosnia's population.

The Bosnian electoral system built-in advantages for the nationalist parties that prosecuted the war and maintained patronage networks involved in organized crime and terrorism. Candidates can seek office by appealing only to their own ethnic group, making it politically advantageous to stoke nationalist fears. The resulting dearth of political moderates led to the need for OHR to remove public officials, apply pressure to cobble-together moderate coalitions, and impose legislation. Polls by the National Democratic Institute and others showed that citizens of all ethnicities did not have national or ethnic issues foremost in their priorities; the most salient concerns were economic. An electoral system that forced politicians to look beyond their own ethnic base for votes would force them to campaign on cross-cutting issues addressing voters' aspirations and needs. DPI recommended that the High Representative convene a group of Bosnian experts with some international advisors that to design new laws that would: conform to the spirit of the Dayton Accords, the Constitutional Court's ruling on Constituent peoples, force politicians to seek votes from outside their ethnicity and, if possible, simplify balloting. The High Representative could then introduce these as legislation at the relevant levels of Bosnian government, with the reserved right to impose them. Given the politicization of public security structures in Bosnia and governance in general, changes in this area would have an enormous impact on the provision of public security.

More directly pertinent to public security was the proposal to establish an internationally staffed Organized Crime Task Force. The rationale for creating such a force was that the persistence of wartime leaders, excessive layers of Bosnian government with little or no accountability, and impotent policing and judicial institutions left the country "paralyzed" by parallel power structures and riddled with organized crime.<sup>3</sup> While not all politicians are corrupt, organized crime's influence made reform difficult, for too many politicians found the

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<sup>3</sup> Ibid, p. 5.

system profitable. In addition, the country became susceptible for use as a transit stop, or even base of operations, for foreign terrorists. Radical militants with connections to the SDA and other Bosnian organizations dating to the war endangered long-term stability, and threaten Western targets in the country and beyond. Furthermore, parallel power structures wield major influence in the daily lives of many Bosnians, particularly in the RS and those Federation cantons dominated by the SDA and HDZ.

The proposed OCTF would be an international joint venture of the High Representative, the SFOR Commander, and NATO and EU governments, mandated to target parallel power structures involving terrorists, organized crime bosses, and war criminals, clearing the way for Bosnia to achieve self-sustaining peace and democracy. As even the most honest Bosnian officials are intimidated by the task of confronting organized crime and terrorists, and corruption is endemic in governing institutions, the recommendation was that the OCTF be directed exclusively by internationals initially, with greater local involvement as it achieves successes. As time progressed, Bosnians were to take an increasing role in the OCTF, with the goal of handing it over eventually to Bosnian state control. Even at this stage, the integration of EU and NATO personnel would be helpful, as a way station to the country's Euro-Atlantic integration. Prosecutions would fall under a special chamber of the Court of BiH. The full proposal is available at [www.anonime.com/dpinstitute](http://www.anonime.com/dpinstitute).

Two other public security recommendations were to press forward on the unification of the armed forces and intelligence services. Bosnia's militaries at the time, while being reduced, were still consuming a far greater proportion of the country's resources than any conceivable external threat could warrant, especially considering continuing NATO occupation. The intelligence services were more pernicious, with their lack of transparency, connections to neighboring states, Bosnian political actors, and criminal and terror networks. The unification and vetting of both forces would reduce threats to Bosnian reform and European integration while also reducing expenditure.

The Agenda also proposed the bolstering of the nascent State Border Service (SBS), which was at the time just extending its reach to all Bosnia's border crossings. Not only had the SBS quickly developed a solid reputation for effectiveness and professionalism in the short time it had been operational, but it also had helped reduce illicit cross-border trade and increase customs revenues, despite swimming upstream against the entities' legendarily corrupt customs services. Greater control of the borders since the SBS' inception has helped ameliorate Bosnia's image as the open back door of Europe for illegal immigration, a security threat brought into more stark relief after the September 11 attacks.

Finally, the *Agenda* proposed continued support for accelerating minority refugee return, and removing structural impediments to this process by working with neighboring governments to adopt a common simplified return process. Integral to this was enforcement of existing property laws, including holding public officials accountable for holding illegally acquired property by dismissing them without opportunity for reappointment.

### ***The Brcko Model***

Heavily influential in DPI's thinking was the example of the Brcko District in northeastern Bosnia. Brcko was the site of some of the earliest and most brutal "ethnic cleansing" of the war, and was strategically located at a point that would sever the RS in two if awarded to the Federation at Dayton. When Dayton was signed, Brcko was essentially left out for binding arbitration. In the meantime, the Administrator of the District was to be an American with even more power in his realm than the High Representative had in his, without the two-year wait for the Bonn Powers. Brcko was essentially a protectorate within a protectorate. The Administrator used this power to establish a local legislature, multiethnic police force, and create a functioning judiciary. Eventually in early 1999, the arbitration panel finalized Brcko's status as being part of the state of Bosnia and Herzegovina, but not subject to either entity. As a result of this good governance and its

strategic location, Brcko has become the most prosperous municipality in Bosnia. Admittedly, running a district is less daunting than a whole country. But one still wonders what sort of results might have been achieved if the initial High Representatives the authority and vision of the first Administrator did in Brcko.

### ***Making Up for Lost Time: the Mission Implementation Plan***

Despite the lost time, the international community in Bosnia now shows a more proactive and strategic approach than it had in the past, finally confronting some of the most fundamental problems standing in the way of Bosnia's ability to progress on its own.

Perhaps the best overall reflection of this new approach was the adoption of a Mission Implementation Plan (MIP) in January 2003. To quote the High Representative himself, "the purpose of the MIP is to set out clearly the core tasks which remain for me and my Office, and to provide us with a means of evaluating our progress."<sup>4</sup> In the 2004 review quoted, Ashdown states that "(s)ome of the key goals in the MIP have been accomplished during 2003; and significant progress was made on others. The achievements of the last year include:

- Restructuring the judiciary and adopting new criminal codes;
- Establishing a State Court capable of dealing with complex and high-profile cases;
- Launching fundamental reform of (Bosnia's) indirect tax system;
- Endowing the Council of Ministers with a permanent premier and new ministries;
- Providing (Bosnia) with a new defense structure based on civilian, state-level command and control and creating a common defense ministry; and
- Registering the near-total completion of Property Law implementation and the transfer of responsibility for refugee return to domestic governments."<sup>5</sup>

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<sup>4</sup> OHR Mission Implementation Plan 2004 (February 2004); available at [www.ohr.int](http://www.ohr.int)

<sup>5</sup> Ibid.

Ashdown states the “overriding objective for the OHR remains the same in 2004 as it was in 2003: To ensure that Bosnia and Herzegovina is a peaceful, viable state on course to European integration.”<sup>6</sup> In light of progress made in 2003, the MIP articulated four rather than six core tasks:

- Entrenching the rule of law;
- Reforming the economy;
- Strengthening the capacity of (Bosnia’s) governing institutions, especially at the State level;
- Embedding defense and intelligence sector reforms so as to facilitate (Bosnian) integration into Euro-Atlantic structures.<sup>7</sup>

These core tasks remain in the recently released 2005 iteration of the MIP.<sup>8</sup> The MIP goes on to list a number of programs under each core task, including which international actors are responsible for them, with a defined transition point for the program to be considered completed or ready to be handed-off to a lead Bosnian body to complete. As Ashdown states in the introduction to the 2004 MIP, “the speed of (Bosnia’s) progress toward transition – and towards a reconfigured international presence that can relinquish its powers – will be determined not by rigid timelines, but by an ongoing assessment of the situation on the ground. Are the habits of stalemate and obstruction being replaced by a dynamic of compromise and reform? Is peace enduring? Has the rule of law been made secure? Is the state functional and viable? Is (Bosnia) on track for European integration? Only when we are satisfied that sufficient progress has been made in these respects will we be able to declare our mission fulfilled. It follows from this that the more energetically our (Bosnian) partners implement reform – and the more (Bosnia) becomes a normal transition country – the sooner OHR will be able to hand over to a more traditional international support structure. Our clear aim is to achieve that objective at the earliest opportunity: we

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> [http://www.ohr.int/print/?content\\_id=34144](http://www.ohr.int/print/?content_id=34144)

do not want to prolong the role of OHR a day longer than is strictly necessary.”<sup>9</sup>

Central to the “entrenching of the rule of law” is ensuring security for citizens and justice for those who had been victimized. One of the main drags on Bosnia’s forward movement has been the continued impunity of war crimes indictees and the lack of effort expended by the Bosnian Serb entity’s authorities to apprehend them. Bosnia’s failure to be invited into NATO’s Partnership for Peace Program in 2004 was directly attributed to this problem, resulting in the High Representative’s dismissal of a number of senior officials in the RS. Already, the implementation of the Constitutional Court’s decision that all of Bosnia’s three “constituent peoples” – Serbs, Croats, and Bosniaks – were constituent throughout the territory of the entire state, and that entity constitutions had to be amended to reflect this, has altered Bosnia’s political landscape significantly, given the number of returnees.

The 2005 MIP, with its self-assessment of progress was just published in March. The new high court of Bosnia, the Court of Bosnia and Herzegovina, has inaugurated new special chambers to adjudicate war crimes cases that are either handed down by the ICTY, or have never been pursued, and to address organized crime and corruption. Each will be endowed with both Bosnian and international judges, and international prosecutors will be involved in the Prosecutor’s Office of Bosnia and Herzegovina. Bosnians will soon see other Bosnians tried for crimes committed in their country during the war against their fellow citizens. There is also an effort to build a Bosnian Judicial Police service. Police reform is a major hurdle to clear in the effort to attain a Stabilization and Association Agreement with the EU, and a public information campaign to create ground-up demand for this has just been started by OHR.<sup>10</sup> The intelligence services, a source of much mischief, have now been merged into a single service. There is now a state-level Defense Ministry, and civilian command and control of the armed forces. A new effort to coordinate among Sarajevo, Belgrade, and

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<sup>9</sup> 2004 MIP.

<sup>10</sup> See OHR’s April 1, 2005 Press Briefing [http://www.ohr.int/ohr-dept/preso/pressb/default.asp?content\\_id=34414](http://www.ohr.int/ohr-dept/preso/pressb/default.asp?content_id=34414)

Zagreb on refugee return – completion of Annex VII of the Dayton Agreement – has been initiated as well. These are major innovations and milestones for postwar progress, reflecting an effort to foment progressive partnership, not merely a cop-out handoff of “ownership” of an inherently dysfunctional system.

### ***Exogenous Factors: an Improved Neighborhood Yields Better Public Security***

Of course, external factors have assisted in promoting progress in Bosnia. So long as its two large neighbors, Serbia and Croatia, harbored territorial ambitions on its territory and influenced or controlled actors within the Bosnia, stabilization was always delicate. Democratic transitions in these countries in 2000 helped reduce the threat-level, both real and perceived, of future warfare in the country.

Even after the ouster of Milosevic in 2000, elements of the elected government, most notably President Kostunica, voiced discontent with Bosnia’s statehood and protected numerous indicted war criminals. His ties to the military and Orthodox Church both acted as drags on Serbia’s efforts to reform. The breakthrough of democracy was not converted into an outright victory for democracy due to the lack of will to capitalize on electoral success with thoroughgoing reform of state institutions, including the security services and the judiciary. The assassination of Prime Minister Zoran Djindjic in early 2003 brought home the depth of the threat posed by the still dominant criminal-political nexus, but the following crackdown (Operation Sabre) did not effectively bring the problem under control. This was illustrated by the involvement of state institutions in trafficking sophisticated arms and air defense techniques to Iraq, Libya, and other pariah states in the Yugoimport/Orao scandal that was discovered in autumn 2002.

Croatia’s transition was less problematic in many ways than Serbia’s; Tudjman’s death not only cleared the way for a competitive election but also removed the problem of having to decide what to do with a man who would likely be indicted for war crimes by the ICTY. Unlike his

counterpart Kostunica next door, Croatia's President Stipe Mesic publicly disavowed any designs on Bosnia, much to the chagrin of Bosnian and (especially) Herzegovinian Croats. However, the legacy of the 1991-1995 wars in Croatia and Bosnia continued to have a negative impact on Croatia. The public outcry over the sentence meted-out to General Tihomir Blaskic spooked the fragile coalition government led by Socialist Ivica Racan, and cooperation with the ICTY became more fraught. The spectre of an indictee at large – Gen. Ante Gotovina – recently torpedoed Croatia's scheduled talks on EU accession. Even more detrimental to Bosnia's progress was the lack of forward movement on allowing Croatian Serbs to return to their homes, which would in turn allow other Bosnian citizens to return to homes in the RS. County-level obstruction was the main obstacle, but the national government did not make a concerted effort to overcome it. All told, the transitions in the neighboring countries were necessary, but not sufficient, conditions for Bosnia's progress since.

### *Strategy and Will are Key*

Serious end-state planning, strategic tasking, and vision of international actors on the ground, particularly the High Representative, have been the decisive factors in Bosnia's recent progress. While external factors like the governmental changes in Zagreb and then Belgrade certainly had an influence, the pivotal factor in breaking the inertia in Bosnia was the decision that the status quo was untenable, and could only be changed by catalytic intervention from the OHR, with appropriate international backing. Had this determination been made at the outset, or at least sooner, a different dynamic would probably have developed, due to the incentives local actors would face and the assumptions they would draw. In 1996, local "spoilers," including senior political leaders, rightly determined there were few incentives to cooperate with the international community or implement unpalatable segments of the Dayton Accords. By 2004, there were ample incentives to do so and serious consequences for recalcitrance. In an ironic and amusing turn, many of the most vociferous opponents of the Dayton Agreement, particularly among the Bosnian Serbs, have now become "Dayton fundamentalists," taking a

very strict-constructionist legalistic view of the document to prevent encroachment on their influence and interests.

### *Bosnia's Future*

Bosnia's future is by no means assured at this stage. Still too many of the country's youth determine that they should seek their fortunes abroad, taking with them their ideas and skills, as well as hope. There has been some noteworthy progress in reversing this brain drain, and many in the international community, including the High Representative, see this as a fundamental index of success or failure in the overall effort to assist Bosnia.

Furthermore, there is an understandable skepticism toward new initiatives on the part of many, if not most, Bosnians. Undergoing a series of frequent elections has left many concluding that politics does not provide an avenue to improve their condition. The unwieldy non-nationalist bloc that came to power in 2000 with high aspirations disappointed many of its initial voters (who tended to be younger), allowing nationalists to return to power by default, not by strength of their programs. Many in the now-opposition seemed to blame the incoming High Representative for their electoral fortunes, initiating an acrimony that has not yet been dispelled. Having been under international protectorate for almost a decade, many feel like guinea pigs in experiments that keep changing with the rotation of personnel. At this stage of international involvement, the standard of proof is higher than it would have been earlier for the same initiatives. This is not insurmountable – many if not most of the new institutions, such as the SBS or the planned special panel on organized crime, are popular with Bosnians. But the construction of a cohesive ground-up constituency for the full package of reforms is not what many had hoped.

Perhaps the most troubling issue remaining to secure public security in Bosnia in the long term is the country's electoral structure. Refugee return, arrest of war crimes indictees, dismissal of obstructionist officials from all three main communities, and establishment of new state

institutions (including public security organs) have changed the demographic and political landscape of Bosnia for the better. But there will only be international supervision and intervention for so long; ultimately the “ownership” question will return. Until Bosnia’s electoral system forces political actors to build platform and issue-based constituencies, rather than ethnic ones, will the progress made be ensured and self-sustaining.

## Lessons Not Learned

No two situations are identical, and simplistic analogies can lead to false conclusions. Yet few situations are *sui generis*. Most intervention scenarios are variations on a theme, and there are dynamics that are consistent, humans being human. The Bosnia experience therefore should have provided some guideposts for future missions, particularly to militaries such as the American, which had little experience in such operations (at least since the Second World War).<sup>11</sup> However, there is little evidence this occurred, judging from the conduct of subsequent missions.

### ***1) You never get a second chance to make a first impression.***

A post-conflict mission, as with peacekeeping or peace enforcement, generates a mixture of great expectations and trepidation on the part of the local population. Will they maintain order? Will conditions improve while they are here? Can they confront and face-down the former belligerents? How tough are they? There is precious little time to make a strong impression, but it is imperative to do so. Critical to accomplishing this is a willingness to confront challengers and “spoilers” immediately and without hesitation. Failing to do so ensures expanding threats to public security further down the line. Furthermore, attention to the basic need of the population for security is usually appreciated and pays dividends later. Ignoring this need spells peril for a mission.

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<sup>11</sup> For a fascinating discussion of the U.S. military’s oft-forgotten past experience in what are now termed “stability operations,” read Max Boot’s *The Savage Wars of Peace* (2002).

Ray Jennings of the US Institute of Peace published a paper soon after the invasion of Iraq titled *The Road Ahead: Lessons in Nation Building from Germany, Japan, and Afghanistan for Postwar Iraq*, in which he concluded that an intervening power essentially has a narrow window in which to make clear to the local public, including political and security actors, that it is in control.<sup>12</sup> Once this time has elapsed, the local powers-that-be and the general population will have taken the measure of the intervening force and drawn conclusions. The mission will trade on the capital it earns in this period for the mission thereafter, allowing it to accomplish more, or saddling it with a deficit in respect it will have to expend greater effort to dispel. Failing to seize the opportunity available at the beginning of a mission reduces the likelihood for successfully achieving sustainable peace.

IFOR arrived in Bosnia in late 1995 with 60,000 troops – three reinforced heavy divisions. This show of overwhelming force gave the international community enormous leverage. The communities of Bosnia were exhausted by war. The Bosniak community in particular was inclined to see the NATO mission, and the American troops especially, in a favorable light. The Bosnian Serbs, while not at all happy with the occupation, realized that Dayton probably saved the RS from total collapse, and were quiescent. At this stage, there would have been little resistance to more aggressive measures to ensure public security, particularly by arresting indictees and helping ensure safety for those desiring to return to their homes. The intervening force in essence makes the rules, and has to be seen to do so.

However, the unwillingness of the American military (and many other contingents) to take-on a public security role at the outset left public security in the hands of those who prosecuted the war. Preventing effective international policing role – civilian police might need to be bailed-out, risking casualties – maintained this status quo. President Clinton declared that the U.S. would withdraw in a year. IFOR showed a hands-off approach to the forced evacuation and burning of Grbavica in 1995 and a laissez-faire attitude toward indicted war criminals. The

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<sup>12</sup> The report is available on the USIP website at the following link: <http://www.usip.org/pubs/peaceworks/pwks49.html>

casualty aversion of the U.S. military (or, more accurately, the political leadership and senior officers) was legendary. These factors led the actors who gained the most from the war conclude that they could wait-out the international community, and threaten unrest when they feared for their interests. They perceived no pressure or incentive to give any ground, especially on providing public security to Bosnian citizens (of whatever ethnicity) who they fought to expel in the first place. The wartime power elites began to assess their situations and consolidate their control over their respective fiefdoms, including their economic interests.

No large-scale hostilities broke out in Bosnia after Dayton. Bosnia has made a great deal of progress since the war, particularly in the past three or four years. But this progress comes not because of, but despite the initial posture of the intervening forces and their mandate. A great deal of time and money were squandered, and the criminal power elites are that much more entrenched, rich, and powerful as a result. Bosnian ability to promote public security from within was also stunted by the unwillingness to address the fundamental political and structural issues following the war. For years, particularly in the RS, no logical partnership could exist between international and Bosnian actors on ensuring public security. A “dead zone” between the responsibility exercised by the international forces (primarily external security) and domestic forces (charged with providing public security, but at best not proactive) allowed space for the nationalist political-criminal nexus to flourish. This left most ordinary Bosnians with little confidence in either set of actors and a growing sense of fatalism and political apathy that that further impedes the country’s recovery.

There are other lamentable consequences of these largely wasted years. Bosnia suffers severely from brain drain, losing its best and brightest, particularly its youth. Many would-be returnees have now permanently settled abroad, taking foreign citizenship and depriving their country of their human capital, because they determined they would not be secure should they return. Life goes on. It is Bosnia’s loss, and at least in part due to the weak mission assigned after Dayton and maintained for years after.

Furthermore, perception of initial success is important in donor and troop contributing countries as well. It is never a good idea to project overconfidence and delude voters that a commitment abroad will lead to rapid and sustainable success; the fact that it takes effort should be underscored. But the ability to achieve early and durable victories raises the credibility of the exercise, maintaining the public support that will be needed to see it through. This, of course, requires planning of what issues to target at the outset.

## 2) *Goals and strategies to achieve them are indispensable.*

It may have been understandable in the immediate aftermath of the war that the Dayton model was not yet seen as unworkable without regular interpretation and intervention. But by the time the Bonn powers were adopted in December 1997, the same month Clinton announced U.S. troops would remain in Bosnia as long as they were needed, the policy of muddling along without goal-oriented planning was no longer tenable. Soon after, the mantra of “ownership” began to be heard from the international actors, but it was unclear what was actually being offered, other than a handoff of what was viewed as an insoluble problem and abdication of responsibility for addressing it. This was effectively a shift from naïveté into cynicism when the “evolutionary” model didn’t gain ground.

The lack of a coherent political-military strategy to help Bosnia develop to the stage at which it would not need international life support was among the most crippling failures of the international community post-Dayton. Any such strategy must have the flexibility to adapt to unforeseen circumstances, both advantageous and negative. But the basics should have been obvious. What sort of institutions would be needed to make a truly democratic Bosnia viable? What were the impediments to public security – the necessary precondition for political and economic stability and development? How could these obstacles be overcome? Had such simple questions been pondered and honestly answered, the folly of muddling through would have become readily apparent, and a strategy would have to emerge to address, *inter alia*, the

threat posed to public security and stability by the wartime power brokers. While increasingly effective use of the Bonn powers and forward movement had accelerated under Petritsch, clear-headed strategic thinking only became apparent with the arrival of the current High Representative. The disposition of national capitals is critical. Paradoxically, the author concludes that the reduced visibility of Bosnia and the concentration of governments on other issues has actually helped accelerate progress in Bosnia by giving a strong High Representative more leeway.

Considered goals and detailed implementation strategies to attain them are crucial to establishing sustainable public security mechanisms. Benchmarks denoting advancement toward these goals, not merely incremental progress over previous failures, are integral to this.

### 3) *Visible commitment is essential.*

The massive show of force brought by the 60,000 troops of IFOR should have provided a great deal of leverage to help transform the situation on the ground and remove or neutralize threats to public security. This potential was unrealized, in large part because the local actors who stood to lose from such a development determined (rightly) that the political will to confront them was lacking.

Potential “spoilers” who had no interest in a successful stabilization and democratic development in Bosnia didn’t have to wait long to determine that the initial commitment to ensuring some of the harder aspects of the Dayton Accords – namely refugee return and accountability for war crimes indictees – was soft. The declaration of President Clinton that U.S. troops would be in Bosnia for only a year may have been politically expedient at home, but it had a profoundly detrimental impact on the ground. It took two years to arrive at a pledge that the mission would go on as long as necessary. Had that been arrived at sooner, this alone would have changed the calculations of those in positions to menace public security. Even after the declaration that there was no set end-date for the mission, American politicians continued to discuss an “exit

strategy,” including such potentially disastrous shortcuts as formal partition of the country. This hardly bolstered perception of resolve.

In addition to the duration, the *depth* of international commitment to ensuring public security in Bosnia was also placed in doubt early in the mission by a *laissez faire* response to intimidation and arson in Grbavica and the impunity of war crimes indictees. Bosnian Serb wartime leader Radovan Karadzic’s driving through U.S. Army checkpoints unhindered most vividly illustrated the latter. The eventual wave of forcible arrests changed this perception somewhat, but this came years later. Still, the most wanted indictees, Karadzic and former Bosnian Serb Army commander Ratko Mladic, remain at large.

**4) *Underlying problems don’t magically disappear – they have to be confronted.***

The Dayton Accords can provide a framework for progress in Bosnia, when interpreted with larger long-term goals in mind. The ultimate goal should be that Bosnia’s political institutions develop to the stage where Dayton can be transcended, and that governmental institutions can be designed for a country Bosnia’s size and configuration. These just happen to be the hurdles Bosnia has to clear to achieve an EU Stabilization and Association Agreement.

For all too long, the international community appeared to operate on the premise that given time, Bosnia would simply evolve out of its problems. Perhaps, had there been no clock ticking in terms of international and donor commitment, this might have been a tenable strategy – though by no means assured of success. But this soft touch combined with early signals of attention deficit disorder created disincentives for change and evolution, and incentives for obstinacy.

Bosnia’s problems, including those in the public security sphere, are at their fundament political ones, requiring political remedies. Confronting the centers of power in each ethnic community is essential to creating a democratic center of power at the national level, which in turn is a

prerequisite for Bosnia's entry into the Euro-Atlantic mainstream. This would have been seen clearly had there been an effort to plan beyond the immediate term. Instead, wishful thinking prevailed. Sidestepping the problems posed by the concentration of power in the hands of nationalist political parties and organized crime only aggravated them.

These problems included the persistence on intimidating wartime figures in security structures, including local police, bureaucratic resistance to facilitating refugee return, and rampant corruption. The impunity of indicted war criminals for years after their indictment did not bolster accountability or the credibility of international forces. At a time when local security structures were essentially unreconstructed, the mantra that it was the responsibility of local bodies to apprehend these suspects, while technically true, was also cynical and ultimately counterproductive.

#### **5) *Personnel retention and institutional memory are vital.***

Public security in Bosnia involves aspects of politics and criminality that have to be learned on the ground. Expertise in what constitute the major threats, from whence they derive their support, how politically connected they are, is essential to developing plausible strategies and tactics to address them. Even in developed countries at peace, it can take years to develop a solid case against organized crime networks. A committed cadre of human capital to plan and execute public security strategies is essential.

However, as with most international missions, personnel are rotated in cycles far too short to allow this accumulation of knowledge and contacts. The local actors who pose threats to public security already have the built-in advantage of living in their own country. But the international community prevents its own ability to catch-up, and has been known to repeat its mistakes.

In the DPI proposal for the OCTF, we insisted that international personnel be detailed for a minimum of two years to allow for the

necessary development of in-theater experience. This view is widely shared by many analysts and rule-of-law professionals, who see the current staffing norms as self-defeating. To accomplish this, personnel need sufficient financial incentive, and greater flexibility from the government agencies in their home countries. All too often, missions such as the one in Bosnia are viewed as an extracurricular activity by parts of the governments that back them, preventing organizations like OHR and the OSCE from retaining their most experienced and knowledgeable personnel. This trend reduces not only the effectiveness and efficiency of international efforts, but also their credibility in the eyes of Bosnians.

**6) *Identify and develop a local constituency.***

For years, the international effort in Bosnia seemed to work at a level that didn't interact a great deal with the average Bosnian. The High Representatives and many of their staff, as well as a great number of the international personnel, lived in a rarified world. For example, the previous High Representative would travel in a diplomatic car with Austrian flags, even though he was the most powerful executive in Bosnia and *not* representing Austria.

Most Bosnians express frustrations with the inefficiency and corruption of their institutions. There is no lack of support for the idea of reform, and surprising commonality on aspirations. All communities express concern about their economic future and whether their children will see fit to remain. Tapping into this constituency is essential to promoting a self-sustaining democratic Bosnia under rule of law. In so doing, Bosnian political actors could be squeezed between their own voters and a High Representative that has the power to impose in the case of their recalcitrance. This observation was one DPI made throughout its *Agenda*, aiming to involve the general population in designing and directing the reform effort. This strategy would have the added benefit of bringing new leaders to the fore, which is clearly necessary in Bosnia's sclerotic parties, which have little in the way of internal democracy or accountability.

The current international High Representative has made clear that his goal is to help Bosnia develop the institutions to eventually be a viable applicant to the European Union. This is particularly useful, as it is a popular goal among Bosnians and the EU supplies many democracy and reform benchmarks.

Bosnia is lucky in that it has the EU so nearby as a visible magnet for reform and hope for the future; many other countries emerging from war do not. But the bottom line that there must be a local constituency to move forward and achieve success is universal. The mistake in Bosnia was that for too long the international community sought a constituency among Bosnian politicians, who by-and-large had no interest in changing the status quo, regardless of what might be best for their people.

7) ***Building professional state-level institutions is critical to ensured stability.***

In Bosnia, the state was designed to be incredibly weak, with no source of revenue independent of the entities at least one of which wished it to remain weak.

Properly exploited, this vacuum actually could have provided an opportunity to build new state institutions from scratch, without having to rely on co-opting personnel beholden to the dominant power elites. The few state institutions that did function, such as the Constitutional Court, were generally far more professional than the governing institutions at the entity level or below. Over time, there has been a more concerted effort to develop state institutions in Bosnia, along with dedicated revenue streams to keep them afloat. The State Border Service and Court of Bosnia and Herzegovina, with its special chambers discussed above, are further examples of this trend.

## **Manifestations Beyond Bosnia**

In other situations, public security has fallen through the cracks due to lack of forward thinking combined with insufficient international political will. In many cases, the consequences have been more dire than those in Bosnia.

### ***Kosovo***

In Kosovo, there was little willingness for NATO's Kosovo Force (KFOR) to undertake maintenance of public security upon its arrival, which allowed the KLA to effectively fill that vacuum. A lack of accountability of KLA figures for postwar violence against minorities also had a detrimental effect on the society as a whole, and helped entrench organized crime.

KFOR was challenged at the outset of the mission when some returning Kosovo Albanian refugees and IDPs looted some abandoned Serb villages, claiming many of the contents were stolen. While this could have been true, allowing this sort of activity sent a signal that it would be tolerated, and that essentially there were no rules. Far worse was the wave of killings of Serbs and Roma in Kosovo following the arrival of KFOR. Again, initially there was little done to investigate or protect. Mitrovica became a divided city at the outset of the mission, and was allowed to remain so.

The division of labor was somewhat different from that in Bosnia – there was to be an international civilian policing mission under the UN, but it was not operational for a long time after the KFOR mission began, and remained under strength for much longer. KFOR did not take this problem on. Some high-profile attacks, such as a murder and rape at Devic monastery in June 2001, were undoubtedly linked to the KLA, but no charges followed. A climate of impunity developed as a result, one that is proving very difficult to supplant, and stymies the development of democratic politics and rule of law.

Kosovo also suffers from its indeterminate status. Few honest observers believe that continuing to muddle through is tenable. By failing to address the status question, or even seriously consider it, the international community foreswore the best opportunity to foster a political culture that demands accountability and respects rule of law. The best way to institutionalize these values would have been to nod to reality and state clearly and early that Serbian forces would not return, and that independence was an option (but not guaranteed). This should have been coupled with a willingness to maintain security for Kosovo's minorities at the outset, and articulating that this, as well as security for the territory's neighbors, would be litmus tests for Kosovo's hopes for independence. The hope that this problem, more intractable than those seen in Bosnia, could be avoided indefinitely has reduced options and detrimentally affected public security for all Kosovo's residents by further entrenching violent elites who see no gain in reform or political compromise. Creating "facts on the ground" has had a perverse logic given the lack of incentives (and disincentives) on offer. The reduction in Kosovo's indigenous Serb population may well be irreversible after the events of March 17, 2004. All this is a result of lack of serious planning and lack of will to confront Kosovo's threats to public security.

Domestic public security structures are a mixed bag. The Kosovo Police Service (KPS) was recruited and trained from scratch, including Kosovo's variety of ethnicities, and had a fairly decent reputation for professionalism. The Kosovo Protection Corps (KPC), designed to be a repository for the KLA, saw itself as an army-in-waiting, and was never really dissuaded from this pretension. Furthermore, its members were implicated in being involved in fomenting insurgencies in Macedonia and Serbia's neighboring Presevo Valley. Members were also suspected of attacks on minorities. Rarely were there consequences for members, and never for the institution. A serious long-term plan for Kosovo would have confronted Kosovo Albanians with the reality that the existing KPC stood in the way of the goal of Kosovo's independence.

With the indictment of Kosovo's Prime Minister, former KLA commander Ramush Haradinaj, by the ICTY and recent statements by

Serbian President Boris Tadic that Serbia would not give up Kosovo, the region's future remains in doubt.

## *Afghanistan*

In Afghanistan, the exaltation of a “light footprint” for American and other Coalition forces, and a subordination of public security and the building of legitimacy for the provisional government to the perceived exigencies of warfighting has left a very shaky foundation for that country's institutional and democratic evolution.

The Bush Administration's pursuit of a “light footprint” in Afghanistan, reflecting the Defense Department efforts to reform the military, and its decision to begin diverting attention and personnel to the impending war with Iraq, meant there were always too few international troops to provide for public security. There was no credible attempt to promote public security beyond the confines of Coalition bases and Kabul early in the mission. Subsequent Provincial Reconstruction Teams (PRTs) scattered throughout the country – bases of platoon-to-company level units together with international civilian officials and Afghan government officials – explicitly eschew this as a goal (though it was hoped it would have this effect). There were hopes that the International Security Assistance Force would be expanded beyond the confines of Kabul to the major towns, patrolling the few major roads connecting them, but the forces to achieve this were never forthcoming. Furthermore, an irrational division between that Coalition forces and ISAF has been maintained, forgoing a potential force multiplier. As a result, Afghans outside the capital have to rely on warlords for their public security, except in infrequent cases where the Afghan police and Afghan National Army (ANA) are sufficiently developed to handle these tasks.

The results of this “light footprint” approach are readily apparent “a continuing public security vacuum in much of the country, the continued strong influence of warlords and their impunity for past crimes, and an explosion in the production of opium poppies. While presidential

elections in late 2004 were largely peaceful, parliamentary elections have been postponed, and international commitment appears to be waning.

### ***Liberia***

Liberia is a case where even a “light footprint” of professional western forces could have had a major positive impact. The launch of the UN Mission in Liberia could have been preceded by the deployment of the full U.S. Marine Expeditionary force waiting offshore in summer 2003. Such a force could have intimidated all local combatants and secured the major towns in the country until the handoff to the UN mission in Liberia (UNMIL) later in 2003. The Liberian population, including many combatants, was prepared to welcome such a force. And while there might have been some resistance on the part of warlord-cum-President Charles Taylor’s forces, the outcome would have been a foregone conclusion. The British landing in Freetown, Sierra Leone, in 2000, throwing back the RUF rebel advance on the city, made a distinct impression region-wide, and saved the UN Mission in Sierra Leone (UNAMSIL) from humiliation and failure. Washington’s failure to commit more to such a relatively inexpensive endeavor to begin the rehabilitation of a country it had abandoned over a decade before was a lost opportunity to prove that President Bush’s trip to Africa weeks before was about more than domestic political maneuvering. While Liberia is on the mend now, it seems clear that the effort would be well advanced had it been launched on a more solid foundation of public security.

### ***Iraq***

In Iraq, the evident lack of planning and preparation for postwar public security has had a strong detrimental impact on the effort to build a durable, stable democratic post-Baath order, and cost many lives: Coalition, Iraqi, and others. More than in Bosnia, Kosovo, or even Afghanistan, the mandate and disposition of Coalition forces in Iraq, in

their unwillingness to contend with public security for the Iraqi population, has adversely affected the stated goal of constructing a viable democratic postwar order.

As in Afghanistan, a premium was placed on fighting light, and rosy assumptions were made about securing the postwar order. Most infamous was the testimony before the Senate by Deputy Secretary of Defense Paul Wolfowitz that the estimate that 200,000-300,000 would be needed to occupy Iraq, made by Army Chief of Staff General Eric Shinseki, was “way off the mark.” Compounding these errors of judgment in planning was the idea that the Iraqi police forces would simply wait for orders from their new masters. The U.S.-led Coalition failed to harness the organization and manpower of the defeated Iraqi Army, even if only to muster them, disarm them, and employ them in some fashion consistent with the needs for public order and reconstruction. The official reasons given for this error – that the army had already disbanded itself, and was anyway riddled with Baathists, do not withstand serious scrutiny. By the time that attempts were made to reach-out to unemployed members of the disbanded army, most were disgruntled, and some no doubt had joined the ranks of the insurgency.

The Coalition’s posture showed a laissez-faire attitude to public security during the wave of looting that went on immediately upon defeat of the Saddam Hussein regime. This was brought into most vivid relief by the unpreparedness of American forces to secure the National Museum and National Library. Numerous public assets were destroyed, costing untold sums to repair – if repairs have been made to date. Through such inaction, the Coalition sent a signal that such criminal activity was not its concern – a signal that has since come back to haunt these forces. For in addition to the general looting that went on, armories were systematically looted, and weapons and munitions not seized have since been directed at Coalition forces.

It is too early to say whether Iraq will emerge from its current crisis into becoming a prosperous, peaceful democracy. If it does, however, it will be because the errors made in devising the mission for Coalition forces have been surmounted.

## Conclusion

The case of Bosnia shows the consequences of failure to plan on the basis of a goal and devising a political-military strategy to achieve it. For years, this left the international community and Bosnians who wished to build a functioning democratic state with no fixed point around which to coordinate and collaborate, or way to measure their progress. The failure to grapple with this necessity stemmed initially probably more from wishful thinking that success could be had on the cheap than outright cynicism. As the mission wore on, it became clear that cynicism – or at the very least insufficient will – in major capitals played an important role in retarding Bosnia's progress. There were insufficient domestic political constituencies demanding accelerated progress in Bosnia once the war had been swept from the front page by Dayton. Avoiding crisis, rather than securing progress, became the political imperative on the part of the intervening governments. Because of this, public security in the country remained tenuous and entirely dependent on external inputs; hardly a sustainable solution. The advantage conferred by entering the country in force in December 1995 was not leveraged into making fundamental improvements to public security, nor was there planning for viable domestic policing capability. While the situation was quiet, there was little or no freedom of movement, and impunity for indicted war criminals. The country was *de facto* partitioned, with international acceptance on the ground.

Some progress was visible even before the Bonn Powers were adopted, like the early and successful separation of forces and the forcible arrest of indicted war crimes suspects in 1997. Others, like dismissal of obstructionist public officials, became more prevalent under High Representative Petritsch. The Constitutional Court of Bosnia and Herzegovina was the first state-level body to play a serious positive role with its decision on constituent peoples in 2000. But this remained unimplemented for an excessive amount of time, despite the threats of High Representative Petritsch.

By the early years of the current decade, the international community became more seriously engaged in promoting transformation of the

Bosnian situation, including public security. The most fundamental change was the appointment of a High Representative with a solid vision and a strategic approach, willing to use his powers to leverage change in Bosnia, both by building support for reform among the general population and by coercive pressure on Bosnian officials at all levels. Integral to this approach is the need for solid backing by the donor community. The Ashdown team's strategy has yielded impressive results thus far, with more in store, despite some bumps and unfortunate conflict with Bosnians who profess to share the same goals along the way. This progress would not be possible were there no Bosnians with whom to partner in the construction of these new institutions and norms.

The Bosnia experience provides a useful model through which to view the development of local public security mechanisms, in large part because this process remained stunted so long for political reasons, and has only moved forward appreciably in the latter half of the international community's post-Dayton engagement there. Recognition of this reality underscores the centrality of political factors and incentives in creating public security in a post-conflict scenario.

Interveners need to recognize that they must seize control and responsibility for the full spectrum of public security at the outset of their mission. While this fact is daunting, unless there are credible non-military policing mechanisms at the intervention stage,<sup>13</sup> there is simply a vacuum that only the military can fill. It is self-defeating not to approach the issue in this fashion, as the problems ignored now must be confronted later, only with a poorer correlation of forces. This was the case in Bosnia, and has repeated itself in subsequent missions.

The most fundamental lesson that must be drawn from the Bosnia experience is that basing a mission on the hope that factors will coalesce into conditions favorable to success is costly, and potentially disastrous, folly. Public security, essential to progress on any front, can be best domesticated when international actors assume effective responsibility

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<sup>13</sup> Such a civilian post-conflict force has been proposed by Robert Perito of the U.S. Institute of Peace in his recent book, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force*. <http://www.usip.org/pubs/catalog/loneranger.html>

for it early on, and then build on that foundation to develop viable and sustainable local bodies to whom responsibility can be safely handed. This is the precise reverse of the first iteration of the term “ownership” in Bosnia, when wartime criminal-political networks remained unchallenged. It may sound paradoxical, but deep international commitment, with the requisite strategy and will, allow for faster domestication of responsibility for public security.