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## Military Aspects of the OSCE Mission to Bosnia and Herzegovina

### *Introduction*

During 2008, through its Department of Security Co-operation (DSC), the OSCE Mission to Bosnia and Herzegovina continued to assist Bosnia and Herzegovina in integrating its fledgling defence sector with its overarching security sector needs. Throughout the year, the need for a more comprehensive approach to fulfilling these needs became increasingly apparent and re-confirmed the importance of raising awareness about the OSCE participating States' commitments to establishing and maintaining democratic control of Europe's security sectors. The role of the military structures of Bosnia and Herzegovina and their ongoing restructuring would serve as useful examples for discussion and project implementation in other areas of security.

Recognizing that Bosnia and Herzegovina has a long history of multicultural and inter-religious co-existence and that it is, at the same time, a relatively young state, the OSCE Mission to Bosnia and Herzegovina and the DSC have accepted the fact that developing a peaceful, democratic state with a functional security sector is an arduous process. This is better understood when considering that, while 13 years have passed since the signing of the peace agreement that ended the war in Bosnia and Herzegovina, the state-level security sector that the Mission now works with is much younger, having been massively overhauled to create a unified armed forces in 2006, following the completion of the Defence Reform Commission's 2005 report. This reformed state security sector requires significant support to meet the expectations placed on it.

The OSCE Mission to Bosnia and Herzegovina has contributed significantly to politico-military aspects of security in Bosnia and Herzegovina. It has promoted the fulfilment of confidence- and security-building measures between the entities and state authorities and assisted in the establishment of a unified armed forces that is commanded and controlled at the state level and overseen through a process of democratic controls.<sup>1</sup> It continues to assist in the implementation of a sub-regional arms control regime and also supports the democratic rehabilitation of the security sector.

These efforts are testament to the hope that Bosnia and Herzegovina will become a strong participant in the OSCE and will increasingly determine its own future through democratic means. However, the OSCE Mission does

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<sup>1</sup> The state of Bosnia and Herzegovina consists of two entities, the predominantly Serb Republika Srpska and the predominantly Bosniak-Croat Federation of Bosnia and Herzegovina.

not only rely on hope; it plans and operates a series of projects that are dedicated to increasing the skills and knowledge required to operate and manage democratic security structures.

Following the enactment of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) in 1995,<sup>2</sup> Bosnia and Herzegovina joined the pool of new European states that were emerging from the fragments of former socialist and communist countries and entering into the international arena with the great challenge of transitioning to democratic forms of government. With so many models of democracy to choose from, guidance was required; but with so much pride at stake, the guidance provided had to be carefully assessed.

Ever since the OSCE Mission to Bosnia and Herzegovina was established, the OSCE's international advisors have been urged to bear in mind that Bosnia and Herzegovina emerged from the Socialist Federal Republic of Yugoslavia as a fragmented country, with exhausted citizens and a depleted treasury. By joining the OSCE in 1992, the country's leaders signified their intention to have their new sovereign state develop into a democracy. Nearly four years later, they agreed that developing democratic processes and institutions would require assistance, not only to formulate a peace agreement to end the fighting, but also to implement that agreement. They called on the OSCE to support this process.

Asking the OSCE for support meant turning to a community of states that have already agreed on a set of shared principles, normative measures, and best practices for enhancing and/or maintaining co-operative security. Specifically, the international community intended that Bosnia and Herzegovina and the other parties to the GFAP would use the OSCE as an instrument for creating and/or improving dialogue and, most importantly, preventing internal conflict.

Our approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. It excludes any quest for domination. It implies mutual confidence and the peaceful settlement of disputes.<sup>3</sup>

To promote its tenets and implement its GFAP tasks, the OSCE established its Mission to Bosnia and Herzegovina. Annex I-B of the GFAP assigned the OSCE the role of regional stabilization by assisting in the implementation of the agreements on confidence- and security-building measures (Annex I-B,

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2 *General Framework Agreement for Peace in Bosnia and Herzegovina* (Dayton Peace Accords), initialled in Dayton, Ohio, USA, on 21 November 1995, and later signed in Paris, France, on 14 December 1995.

3 *Lisbon Declaration On A Common And Comprehensive Security Model for Europe for The Twenty-First Century*, in: Organization for Security and Co-operation in Europe, Lisbon, 1996, Lisbon Document 1996, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 419-446, here: pp. 430, p. 426.

Article II) and on sub-regional arms control (Annex I-B, Article IV). Upon its establishment, the Mission created a specialized department (now referred to as the DSC) to work towards the fulfilment of these tasks. This department has evolved alongside Bosnia and Herzegovina's security sector both to complement the increased domestic capacity and to support the existing requirements.<sup>4</sup> The Department's mandates and objectives were transformed yet again in 2006, following the approval of the Bosnia and Herzegovina Defence Reform Commission's 2005 report and the adoption of the new Law on Defence of Bosnia and Herzegovina. The new Law on Defence<sup>5</sup> formally established a unified Bosnian-Herzegovinian armed forces, accountable to the state of Bosnia and Herzegovina, and abolished the entities' armies and ministries of defence.

Thus began a new era of politico-military affairs in Bosnia and Herzegovina. In developing its objectives for the future, the OSCE Mission looked to its experience in transforming the military structures in Bosnia and Herzegovina, its tasks under the GFAP (Article IV on sub-regional arms control in particular, Article II having been completed with the formation of the unified armed forces), and especially Bosnia and Herzegovina's OSCE commitments.

#### *Tasks under OSCE Politico-Military Commitments*

The OSCE has a special relationship with Bosnia and Herzegovina. Not only is Bosnia and Herzegovina a participant in the Organization, but the Organization is a significant participant in the shaping of Bosnia and Herzegovina. The overall goal is "to establish the conditions in which military force can be eliminated as a means of resolving conflicts in Bosnia and Herzegovina".<sup>6</sup> The OSCE Mission's DSC is responsible for guiding and assisting the country in fulfilling its obligations within the OSCE's politico-military dimension.

The DSC is the only department of its kind in the OSCE structures within South-eastern Europe. Whereas other OSCE field presences in the sub-region have politico-military officers, or political officers with secondary functions, the Mission to Bosnia and Herzegovina has an entire programme established to work on politico-military requirements in Bosnia and Herzegovina and also to assist with politico-military projects throughout the sub-region.

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4 For a detailed description see Heinz Vetschera, From Regional Stabilization to Security Co-operation in Bosnia and Herzegovina – The Role of the OSCE Mission, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 381-412.

5 The new law was enacted on 1 January 2006, replacing the previous Law on Defence of Bosnia and Herzegovina (2003).

6 Quoted in Marcel Stoessel, The role of OSCE in Bosnia and Herzegovina, in: Graduate Institute of International Studies 1/2001, p. 23.

It is able to function successfully because it maintains its own collection of experts and has a budget to run its own programmes, which is overseen by a director and executed through three sections, each of which focuses on a specific topic related to increasing democratic control over politico-military aspects of security in Bosnia and Herzegovina or the security sector.

By means of focused and collaborative projects, these sections are responsible for assisting the leaders and managers of the security sector in Bosnia and Herzegovina. Their activities have raised awareness of democratic principles among politicians, civil servants, and military professionals with the intention of decreasing the threat of another conflict; they have also promoted the use of OSCE instruments to alleviate obstacles to progress.

These instruments include a series of documents and decisions that give advice on politico-military aspects of security and place commitments on participating States. Among the most influential are the OSCE Code of Conduct on Politico-Military Aspects of Security, the OSCE Document on Small Arms and Light Weapons, the OSCE Document on Stockpiles of Conventional Ammunition, and, in the area of parliamentary oversight, the July 2006 Brussels Declaration of the OSCE Parliamentary Assembly, which calls for parliamentary oversight of security and intelligence agencies. The Department looked to all of these when defining its new objectives for 2008.

In setting its programme objectives for 2008, the Department drew particularly on the OSCE Code of Conduct on Politico-Military Aspects of Security, which will continue to influence planning for the following years.

The Code of Conduct “intrudes into an area of state power which has hitherto been considered a *sanctum sanctorum* – the armed forces”.<sup>7</sup> As democracy – which is indispensable for stability and security – has become essential to the philosophy of governance in Bosnia and Herzegovina, the armed forces have had to be transformed accordingly. This has been done by placing the state’s security sector institutions, comprising the armed forces, the state Intelligence and Security Agency, and state police forces, under democratic civilian control.<sup>8</sup>

Although the Code is only “politically binding”, Bosnia and Herzegovina and all the other participating States are expected to abide by its provisions for achieving and attempting to sustain security and stability within their own borders and across the region. We are well aware that internal strife can easily spill across frontiers, threatening international peace and security.

One way of maintaining security and stability is through the democratic control of the armed forces and the police; they possess weapons of law and steel and if left uncontrolled, can threaten the civil population that they were established to protect and serve.

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7 Victor-Yves Ghebali, Revisiting the OSCE Code of Conduct on Politico-Military Aspects of Security (1994), in: Heiner Hänggi/Theodor H. Winkler (eds), *Challenges of Security Sector Governance*, Münster 2003, pp. 85-117, here: p. 109.

8 Cf. *ibid.* p. 87.

In his 1962 thesis on the role of the military in politics, Samuel Edward Finer wrote that “the army is a purposive instrument [...] It is rationally conceived to fulfil certain objects. One may be to assist the civil power, but the principal object is to fight and win wars.”<sup>9</sup>

Understanding that the former armies in Bosnia and Herzegovina were established under wartime conditions with the purposes that Finer ascribes to armies in general, those developing the unified Armed Forces of Bosnia and Herzegovina (AFBiH) took care to consider the evolution of military purpose in the post Cold-war era. The AFBiH was therefore envisioned to meet the contemporary needs of the early 21st Century.

In addition to defending the territorial integrity of Bosnia and Herzegovina, the AFBiH are expected to support the policies and priorities of Bosnia and Herzegovina and its political alliances and to contribute to peace support operations abroad. The AFBiH are to co-operate with Bosnia and Herzegovina’s civil authorities to protect the safety and security of the country’s inhabitants in times of natural and man-made crisis within the territory of the state. Most importantly, the AFBiH and all other participants in the security sector of Bosnia and Herzegovina are expected to adhere to national and international laws, especially international human rights laws.

In this context, the DSC determined that it could benefit the security sector of Bosnia and Herzegovina by working closely with all its authorities to ensure that its institutions received similar opportunities to increase their knowledge of OSCE expectations.

It is important to note that the OSCE Mission to Bosnia and Herzegovina continues to be available to *assist* Bosnia and Herzegovina’s authorities to meet their politico-military objectives but does not attempt to *impose* its rules and provisions; hence, the DSC has aimed to ensure that more responsibilities are taken over by the relevant authorities so that Bosnia and Herzegovina can be an effective player in the international arena and maintain peace and stability in the region on its own.

#### *Arms Control Section*

In 2008, the Arms Control Section of the DSC worked to improve Bosnia and Herzegovina’s compliance with the variety of arms control commitments to which it has committed itself, including the OSCE Document on Small Arms and Light Weapons (SALW), the OSCE Document on Stockpiles of Conventional Ammunition, the Document on Conventional Arms Transfers, the Vienna Document 1999 (VD 99), and Article IV of Annex I-B of the GFAP.

The first three documents are politically binding agreements for the management and security of small arms and light weapons and all-calibre ammunition, including the elimination of excess and dangerous stockpiles

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9 Samuel E. Finer, *The Man on Horseback: The Role of the Military in Politics*, London 1962, p. 7.

and progress towards domestic capacity. The final two concern large-calibre weapons. While VD 99 covers all OSCE participating States and is politically binding, Article IV is a legally binding agreement between four states in the sub-region: Bosnia and Herzegovina, the Republic of Croatia, Montenegro, and the Republic of Serbia.

Obligations are derived from each of these documents and, as a participating State, Bosnia and Herzegovina has agreed to fulfil many commitments each year, including exchanges of information and inspections that it must allow to occur within its territory and which it may conduct in others', as agreed. For example, in accordance with VD 99, Bosnia and Herzegovina is subject to a verification regime that obliges it – alongside the other 55 participating States – to accept a number of inspections per year that depends on the number of active units.

Bosnia and Herzegovina has an existing surplus of approximately 30,000 tons of ammunition and explosives produced before and/or during the 1990s war that have surpassed their expiry dates; they are considered unsafe and unstable and pose a significant risk to the population and the environment. In addition, securing these munitions imposes a significant cost to the state in terms of both finances and manpower.

To transform existing storage practices, the Department participates in an expert working group on surplus weapons and ammunition, which serves to advise the Ministry of Defence of Bosnia and Herzegovina and the international politico-military community on best practices and guidelines for managing stockpiles of munitions, disposal methods, and capability requirements.

Department officers also meet regularly with political leaders and defence experts to make them aware of the OSCE instruments and to advise them that the preferred method of disposal of surpluses is destruction. For example, during a workshop on SALW issues organized by the DSC and the Office of the United Nations Development Program (UNDP) in Bosnia and Herzegovina for the members of the Bosnian-Herzegovinian Parliamentary Assembly Joint Committee on Defence and Security, the DSC Director explained that the OSCE Document on Stockpiles of Conventional Ammunition offers participating States a means by which to request specialized assistance<sup>10</sup> from one another.

The outcomes of the Arms Control Section's activities indicated the need for improvement in many areas, especially inter-ministerial and inter-agency co-operation and co-ordination. The low level of co-operation in 2008 limited the achievement of one of the DSC's goals: to improve the management and security of small arms, light weapons, and all-calibre ammunition,

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10 See Organization for Security and Co-operation in Europe, *OSCE Document on Stockpiles of Conventional Ammunition*, FSC.DOC/1/03, 19 November 2003, here: Section I: General Principles.

including the elimination of excess and dangerous stockpiles and progress towards increased domestic capacity.

Since the establishment of the AFBiH in 2006, it has not been possible to develop an effective, sustainable disposal plan for surplus SALW due to internal disagreements within the Ministry of Defence and a lack of political will to agree on the method of disposal of surplus items.

Although the Department, UNDP, the European Union's military presence in Bosnia and Herzegovina (EUFOR Althea), and NATO Headquarters Sarajevo all made attempts to encourage the development of political will to destroy surplus weapons and ammunition and also to increase the domestic capacity for doing so, the actual pace of destruction<sup>11</sup> did not increase, and neither did domestic capacity. In fact, the only storage sites to be closed during 2008 were those that simply had their contents moved to other locations.

The lack of political consensus on legislative reform also affected the Department's goals, in particular the entities' practice of blocking any legislative change that is interpreted as transferring competencies from them to state level in order to protect their interests. The Parliamentary Assembly of Bosnia and Herzegovina did not adopt the Draft Law on Weapons or the Draft Law on the Control of Movement of Weapons and Military Equipment. These would have increased the state's control over the possession of weapons and the transportation of weapons within Bosnia and Herzegovina.

Bosnia and Herzegovina did, however, succeed in providing most of the OSCE exchanges of information on time and in the proper form, albeit with the assistance of the DSC. The Department continued to organize workshops, briefings, and consultations to improve the quality of information exchanges and planned to reduce the assistance provided to the Ministry of Foreign Affairs in preparing information exchanges; however, due to the Ministry's restructuring in late 2008 and insufficient numbers of staff, it was unable to fully meet all the requirements in this area.

#### *Parliamentary Section*

The Parliamentary Section supported the Parliamentary Assembly of Bosnia and Herzegovina in exercising its authority to carry out oversight of the security sector. It did this by working closely with two parliamentary joint committees formed by members of both houses of the Parliamentary Assembly.

The Joint Committee on Defence and Security oversees the programmes, activities, and budgets of the Ministry of Defence, Ministry of Security, State Border Police, State Investigation and Protection Agency, National Interpol Office, and the Mine Action Centre of Bosnia and Herzegovina.

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11 Less than half of surplus weapons have been destroyed.

The Joint Committee for the Oversight of the Intelligence and Security Agency of Bosnia and Herzegovina oversees the programme, activities, and budget of the Intelligence and Security Agency of Bosnia and Herzegovina. It also monitors the implementation of the Law on Protection of Secret Data. Both Joint Committees report to the Parliamentary Assembly about their respective activities and findings and their opinions on draft legislation that affects the proceedings of the security sector, and give their opinions on the security policy of Bosnia and Herzegovina.

In 2008, the Parliamentary Section co-organized workshops, seminars, and round tables to make specialized knowledge and skills more accessible. For example, the Section conducted a seminar together with the Konrad Adenauer Foundation on how to involve party caucuses in the democratic oversight of the security sector. Another example is the ongoing Secret Data Procedures Project. Initiated in 2007, this project seeks to harmonize the handling of secret data with EU standards. It resulted in the Agreement on Exchange of Secret Data between Bosnia and Herzegovina and the Slovak Republic that was signed in May 2008. This was the first agreement of this kind that Bosnia and Herzegovina has signed with a EU country.

The Parliamentary Section also assisted the two Joint Committees by supporting, and often organizing, a series of study visits to other European capitals, which helped the Committees' members to increase their awareness of methods used to perform parliamentary oversight of the security sector. Following a visit of the Committee to the German *Bundestag*, the German Armed Forces Commissioner visited Bosnia and Herzegovina in 2008 to give a presentation on his function and the legal basis of his office. As a result of this, the Parliamentary Assembly put into its own legislative procedure a draft law to establish a Military Commissioner for Bosnia and Herzegovina.

Representatives of both the Parliamentary Assembly and Intelligence and Security Agency of Bosnia and Herzegovina visited the OSCE Conflict Prevention Centre and the OSCE Action against Terrorism Unit in December 2008 to study the practical application of parliamentary oversight and its transfer to the executive. This visit served to highlight the OSCE's partnership capabilities and how this partnership affects the relationships between the 56 participating States in terms of conflict prevention and combating terrorism.

In addition to studying methodology, the members of the Joint Committees were supported in deepening their understanding of specific issues, such as the status of surplus SALW in Bosnia and Herzegovina, as well as with drafting legislation and defending their opinions. The Parliamentary Section provided both Joint Committees with legal and issue-specific expertise aimed at helping them improve their oversight work and encouraging the executive branch to respect their authority.



### *Institutions Building*

For a democracy to function, a state needs to have appropriate and effective institutions that can fulfil the demands of the legislative and executive branches. With regard to the security sector, the Ministry of Security and the Ministry of Defence of Bosnia and Herzegovina, in particular, should meet the requirements of democratic control by placing civilian ministers at the head of each sector and by educating and training the armed forces on democratic principles.

In 2008, the Institutions Building Section supported security sector reform by assisting the state-level security institutions in understanding the principles of the OSCE politico-military commitments and by promoting these principles itself, which include measures to ensure that the state's security and defence policy are consistent with international law.

The Section's primary focus was to support ministries and agencies in implementing the Security Policy of Bosnia and Herzegovina that was adopted by the Presidency in 2006. The Section worked closely with the Bosnian-Herzegovinian Inter-ministerial Working Group for Monitoring Security Policy Implementation and Training (IMWG), which was established by the Council of Ministers of Bosnia and Herzegovina in 2006 to monitor and co-ordinate all activities pertinent to the implementation of the Security Policy.

Through its work with the IMWG, the Institutions Building Section endeavoured to create links between Bosnia and Herzegovina's institutions and advance their mutual co-operation. Due to structural changes in some ministries and institutions, awareness of responsibilities and capacities is limited, and the Section has to encourage co-operation between them. However, the defence and security institutions did strengthen their capabilities and increase their capacity for co-ordination. They illustrated this through participation in co-operative initiatives.

For example, in June 2008, the Department of Security Co-operation and the Ministry of Defence, in co-operation with the German Command and General Staff College, conducted a seminar on the conditions and procedures for making decisions at politico-military level about whether to deploy Bosnian and Herzegovinian forces on Peace Support Operations abroad. Participants included Members of Parliament, executive and senior level officials of the AFBiH, Ministry of Defence, and Ministry of Security, and senior representatives of the Presidency and the Council of Ministers of Bosnia and Herzegovina.

The Institutions Building Section also raised awareness of OSCE politico-military commitments through seminars on the OSCE Code of Conduct on Politico-Military Aspects of Security. Four such seminars were conducted with the Ministry of Defence of Bosnia and Herzegovina for officers

of the armed forces and senior officials from the civilian security sector, including police officials from the entities.

The seminars not only served to explain the Code, but also to demonstrate how the participants might develop their own system for training their personnel in its principles. More than 300 officials have participated in seminars over the years.

#### *Dayton Peace Accords Annex 1-B and Support for Article IV*

Apart from assisting Bosnia and Herzegovina in fulfilling its obligations as a participating State within the OSCE's politico-military dimension, the OSCE continued to assist with the implementation of the task assigned to it by Article IV of Annex 1-B of the GFAP, which envisaged negotiations on sub-regional arms control between Croatia, Serbia and Montenegro, the Federation of Bosnia and Herzegovina, and Republika Srpska (the Parties changed in 2006 following the establishment of the AFBiH and the secession of Montenegro from Serbia, in January and May, respectively).<sup>12</sup> The OSCE's relationship with Bosnia and Herzegovina is quite particular, as responsibilities are split between the Mission in Bosnia and Herzegovina and the Personal Representative to the OSCE Chairman-in-Office for Article IV.

In 2008, the Arms Control Section supported Article IV activities under the supervision of the Personal Representative in Vienna. It also worked under the Director of the Department of Security Co-operation in providing direct assistance on improving the capacity and capabilities of the AFBiH and the Ministry of Foreign Affairs.

The Section assisted Bosnia and Herzegovina's authorities in preparing the exchange of information under Article IV and also facilitated eight Article IV inspection missions that involved Bosnia and Herzegovina by directly supporting the OSCE international assistants with briefings on the technical aspects of Article IV and providing interpreting services during the inspections proceedings. The Section and Department interpreters also prepared four different language versions of a handbook for conducting Article IV inspection missions. These same interpreters were also responsible for translating official documents related to Article IV activities and interpreting for the Personal Representative and the parties' delegations during the official Article IV-related meetings.

The Section encouraged the Ministry of Defence and Armed Forces to make a decision on the permanent location of the Bosnia and Herzegovina (Arms Control) Verification Centre. This decision was not made in 2008, and the Verification Centre consequently remained disconnected from the OSCE Communication Network, also known as the Integrated Notification Appli-

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12 Article II of Annex 1-B concerning the implementation of CSBMs has been successfully implemented and hence terminated.

cation. This lack of integration prevented the Verification Centre from notifying the Parties to the Agreement through this designated network. Although this situation did not impair the Article IV activities in 2008, it did hamper the proper functioning of the local system that was put in place so that Bosnia and Herzegovina could gradually assume full responsibility for implementing Article IV without direct OSCE assistance (as is the case for the other Parties to the Agreement).

Bosnia and Herzegovina has now decided to take over the responsibility for the full implementation of its Article IV obligations from 1 January 2010.

### *Conclusion*

In late 2008, the Bosnia and Herzegovina Ministry of Foreign Affairs established its Department for OSCE and Regional Initiatives. This and the indication by the Ministry of Defence that it would assume full responsibility for overseeing the armed forces' implementation of Article IV are clear signs that Bosnia and Herzegovina authorities are preparing to take over responsibilities that have been primarily supervised by the international community in Bosnia and Herzegovina up to now.

Our Mission welcomes these moves toward increased independence and will tailor its future assistance to the needs of the maturing state-level structures.