

***The Western Balkans Counter-Serious Crime
initiative (WBCSCi) in the context of the
Integrative Internal Security Governance (IISG):
Obstacles to Implementation
in Bosnia and Herzegovina***

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Abstract

The location of the Western Balkans makes of it a sensitive area for the proliferation of criminal networks. Albeit regional leaders seem aware of Europe's changing criminal landscape, considerable gaps in regional cooperation persist. The Integrative Internal Security Governance represents a policy coordination framework designed to foster cross-border cooperation in the region, enabling the Western Balkan countries to cope with internal security challenges in a long-term and self-sustainable perspective. Bosnia and Herzegovina took part in the initiative and committed to implement key priorities that would allow law enforcement agencies to keep pace with the changing nature of this significant threat. However, functionality along the law enforcement chain remains a matter of serious concern. A highly fragmented law enforcement sector still inhibits the country's ability to detect, investigate and prosecute cases of serious and organized crime, jeopardizing first and foremost human security. In light of country's integration objectives, Bosnian authorities should reopen discussion on structural reforms, starting from a serious and credible debate on police reform. This would allow Bosnia and Herzegovina to constructively participate in regional initiatives, fulfilling membership criteria, and improving the security of its citizens.

Key words: Organized Crime; Western Balkans; IISG; WBCSCi; Bosnia and Herzegovina; European integration

1.1. A New Approach to Regional Security Cooperation in the Western Balkans

The Integrative Internal Security Governance (IISG) is a new approach to internal security governance introduced in the Western Balkans (WB) region¹, which aims to promote capacity-building in the security sector as well as to foster the reform process in the targeted countries.² A policy-level concept, the IISG was introduced at the European Union (EU) level only after the **Western Balkan Counter-Terrorism Initiative (WBCTi)** already began to be implemented in mid-2016.³

This is not the first initiative launched to tackle security issues at the regional level, in the attempt to promote coordination among all relevant stakeholders in the region as well as good governance practices. Indeed, regional cooperation initiatives proliferated in the past years, especially after the security situation in the WB region started to feature higher than ever on the EU's agenda, with a special emphasis on challenges associated with terrorism that began to be discussed in the EU policy circles by 2014, to gain prominence in several key documents shortly afterwards – namely, the European Agenda on Security for the period 2014-2020 revised in 2015 and the European Union Global Strategy (EUGS) released in 2016. Security and rule of law as key policy areas for intervention were re-emphasized in the 2018 new EU enlargement strategy, which described reform in these sectors as *conditio sine qua non* in terms of regional EU perspective, urging, among other things, the establishment of “a concrete and sustained track record in tackling corruption, money laundering and organized crime”.⁴ Equally, in the framework of the Berlin Process, counter-terrorism, corruption and organized crime started to feature as key topics of discussion, especially during the UK chairmanship of 2018, which for the very first time convened the ministers of interior/security under the auspices of the London Summit.⁵

Interestingly, however, the WBCTi, first policy pillar on which later the IISG was built and expanded, is the product of an indigenous, regionally-owned initiative started in Brdo as an informal meeting among the ministers of the countries of the region, which only later has been endorsed by the EU.

The following sections briefly describe the so-called Brdo-Brijuni Process and the WBCTi, to enter later into details of the IISG, its structure and policy fields.

¹In this paper, the terms “Western Balkans” (WB) and “Western Balkans Six” (WB6) are used as synonyms and refer to the countries of the region part of the EU enlargement strategy and involved in the IISG initiative, i.e. IISG Beneficiaries. These are Bosnia and Herzegovina, Serbia, Montenegro, North Macedonia, Kosovo and Albania. Slovenia and Croatia, while involved in the initiative as promoters and leading supporters, do not fall into this category.

² IISG – Integrative Internal Security Governance, <https://wb-iisg.com/>

³ Integrative Internal Security Governance (IISG) in the Western Balkans, Terms of Reference, 8 September 2017, <https://www.rcc.int/p-cve/docs/108/integrative-internal-security-governance-iisg-in-the-western-balkans-2017>

⁴ European Commission, A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, COM(2018) 65 final, 6 February 2018, https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargementperspective-western-balkans_en.pdf

⁵ Jelka Klemenc and Ivana Boštjancic Pulko, The Berlin Process as an Actor in Internal Security and Counter-Terrorism: Opportunities and Pitfalls, Institute for Democracy “Societas Civilis” – Skopje, July 2018.

1.1.2. The Brdo-Brijuni Process and the proposal of a WBCTi

The Brdo-Brijuni Process (hereinafter: Brdo Process) is a Slovenian-led ministerial regional framework in the area of internal security. The idea was launched by the Republic of Slovenia and the Republic of Croatia during the informal meeting of the then Prime Ministers of the two countries in January 2010, while the Process was formally initiated by the meeting of the WB leaders in Brdo in March 2010. What started as an informal, regional initiative, the Brdo Process reached its 7th Summit this year in Tirana, with Slovenia chosen as meeting venue for 2020.⁶ The aim of the initiative was to strengthen cooperation in the region in order to accelerate progress toward the European integration of the Western Balkans Six (WB6), in a time when attention to the region was low – not to say inexistent – if compared to present. In the attempt to re-energize the process, the leaders of the region emphasized the necessity to constructively address bilateral and regional issues and to move beyond the symbolic/declarative approach that characterized similar previous initiatives.⁷

Developed with the support of the Brdo Process Conference, the WBCTi was a Slovenian proposal of late 2014, which initiated the development of an integrative and complementary approach in the areas of Counter Terrorism (CT) and Prevention and Countering of Violent Extremism (P-CVE) in the Balkans. It was later presented to the EU Council's working bodies, to be endorsed by the majority of EU Member States (MSs), EU institutions and agencies as well as international and regional stakeholders.⁸ The initiative aimed to **integrate all forms of international assistance** connected with the CT/P-CVE policy area, thus **decreasing the duplication of efforts** in the field while providing specific tools to **overcome shortcomings mostly related to priority-setting, coordination and financial cost-benefit efficiency**. A complex and multifaceted initiative, the WBCTi became officially part of the EU policy process in 2015, when Brussels agreed to implement the first WBCTi integrative Plan of Action (iPA) for the period 2015-2017.⁹

The implementation of the WBCTi iPA 2015-2017 began in early 2016. Key feature of the initiative has been the introduction of a multi level mechanism of coordination, which involves three existing regional networks – i.e. the Counter-Terrorism Initiative (CTI) Network, the Police Cooperation Convention for Southeast Europe Counter-Terrorism Network (PCC SEE CTN) and the Regional Platform for Prevention and Countering Violent Extremism Leading to Terrorism and

⁶ Albania to Host the Brdo-Brijuni Process Summit, Exit-Explaining Albania, 6 May 2019, <https://exit.al/en/2019/05/06/albania-to-host-the-brdo-brijuni-process-summit/>

⁷ Ministry of Foreign Affairs of the Republic of Serbia, Process of EU integration and regional cooperation, Brdo-Brioni Process, 6 February 2018, <http://www.mfa.gov.rs/en/foreign-policy/eu/regional-initiatives/brdo-brioni-process>; Conclusions on Common Strategic Vision of Europe whole, free and at peace, December 2015, http://predsjednica.hr/files/NEWSLETTER%20VIEWS%20and%20NEWS_no%203.pdf

⁸ Rajko Kozmelj, Integrative and Complementary Approach in the Fight against Terrorism and Violent Extremism in the Western Balkans (WBCTi), March 13, 2016, <https://www.linkedin.com/pulse/integrative-complementary-approach-fight-against-violent-kozmelj>

⁹ Conclusions of the Council of the EU and of the Member States meeting within the Council on the Integrative and Complementary Approach in the Fight Against Terrorism and Violent Extremism in the Western Balkans, 14986/15, December 2015, https://wbcti.wb-iisg.com/wp-content/uploads/sites/2/bp-attachments/4051/Doc-1_council-conclusion-ST_14986_2015_INIT_EN.pdf

Recruitment of Foreign Terrorist Fighters (P/CVE-FTF Platform)¹⁰ –, whose meetings allowed for a thoughtful examination of policy gaps and the presentation of jointly-agreed solutions, highlighting the significance of integrating each network's activities into the strategic overview of regional cooperation and its external dimension.¹¹ Together with the establishment of a three-level mechanism of coordination, longstanding issue and primary reason behind the launch of the initiative, **the WBCTi promotes the alignment of policy solutions in order to complement the EU integration objectives**, incentivizing at the same time the merging of expertise through the facilitation of information exchange and good governance practices with regional counterparts.¹² Importantly, it not only **provides the instruments for the establishment of a unified list of priorities** based on specific needs identified through the cooperation between regional and international actors, but it also **combines activities executed by different donors to directed them towards the same expected result** – thus allowing for efficient allocation of resources.¹³

All in all, positive feedbacks on the WBCTi and the successful implementation of the iPA 2015-2017 incentivized regional stakeholders and international partners to discuss further development of the WBCTi's approach into the IISG, expanding its scope to include other two areas of internal security cooperation – namely, serious and organized crime and border security.

1.1.3. The IISG Structure and Policy Fields

The idea of gradually expand the WBCTi's approach to the IISG concept was officially proposed at the 2016 informal meeting of the Brdo Process, to be endorsed by the Council of the EU in late 2016 in the form of Council Conclusions.¹⁴ As a step to strengthen the external dimension of the Union's internal security, the EU's working bodies agreed to encourage the establishment of a broader mechanism of coordination to include other two policy fields/Pillars dealing with serious crime and border management – respectively, the **Western Balkans Counter Serious Crime initiative (WBCSCI)** and the **Western Balkans Border Security initiative (WBBSi)** –, in order to tackle more broadly the internal security of the region and to ensure coherent support from the international community.¹⁵

As far as the IISG structure is concerned, two are the key working bodies: the IISG Support Group (IISG SG) and the IISG Board. The former, whose membership include the IISG Chair, Lead Partners

¹⁰ The CTI Network involves cross-border operational cooperation among police operatives, the PCC SEE CTN incentivizes the search of policy level solutions for effective operational cooperation between police and intelligence services, while the P/CVE-FTF Platform, led by the Regional Cooperation Council (RCC), constitutes a strategic policy-level network which aims to strengthening cooperation in the field of P/CVE. For more details on structure and functioning of the three-level network mechanism see Western Balkan Counter-Terrorism Initiative (WBCTi), Integrative Plan of Action 2015-2017, Final Report, Ljubljana, March 2018, https://wb-iisg.com/wp-content/uploads/bp-attachments/5066/WBCTi-iPA-2015-2017_Final-report.pdf

¹¹ *Ibid.*

¹² Vladimir Đorđević, Jelka Klemenc & Ivana Kolářová, Regional security cooperation reinvented: Western Balkans counterterrorism initiative, *European Security*, Vol. 27, No. 4, 2018.

¹³ *Ibid.*

¹⁴ Brdo Process Ministerial Meeting – supporting the WBCTi approach, April 18, 2016, <https://wb-iisg.com/event/brdo-process-ministerial-meeting-supporting-the-wbcti-approach/>

¹⁵ Vladimir Đorđević, Jelka Klemenc & Ivana Kolářová, Regional security cooperation reinvented, *op. cit.*

and other members offering support to the IISG SG, represents the core of the coordination mechanism. Indeed, the IISG SG is in charge of coordination, monitoring and evaluation of planned activities, while all members of the group shared responsibility as concerns inter-pillar coordination, achieved via mutual communication and constant exchange of information. Moreover, the IISG SG is tasked with executing an advisory role towards all IISG Partners, while it also should assure that any internal security issue is appropriately addressed, i.e. prioritization. The latter, by contrast, it is a regional high-level committee governing the IISG implementation process, convened at the level of interior/security ministers. Hence, the IISG Board, which convenes at least once per year and whose meetings are hosted by existing regional frameworks, provides political guidance on security threats in the WB, endorses IISG positions and proposals, while it is responsible, inter alia, for the coordination of operational priorities.¹⁶

All in all, the ultimate ambition would be the one to foster the establishment of a regionally-owned policy cycle, transferring practices from the existing EU Policy Cycle (*see Textbox 1*) with whom the IISG should be coordinated.¹⁷ Hence, the IISG should be understood as a **policy process** which integrates all forms of external assistance – *including projects and initiatives* – to the WB Beneficiaries, to enable them to cope with internal security challenges **fostering solutions of long-term relevance and of long-term sustainability**.¹⁸

Textbox 1

The EU Policy Cycle

Adopted in 2010, the EU Policy Cycle represents a four-year plan methodology directed to optimize cooperation and coordination among MSs, the EU institutions and agencies and relevant third parties in the fight against serious international and organized crime. Through threat assessments elaborated after revising data from different sources, – at the Union and national levels –, the Council of the EU adopts crime priorities and drafts multi-annual strategic plans containing a list of strategic goals. These are later implemented by operational action plans overseen by national coordinators and EUROPOL.

¹⁶ Integrative Internal Security Governance (IISG) in the Western Balkans, Terms of Reference, 8 September 2017.

¹⁷ Conclusions of the Council of the EU on strengthening the EU internal security's external dimension in the Western Balkans including via the Integrative Internal Security Governance (IISG), 15413/16, December 2016, <http://data.consilium.europa.eu/doc/document/ST-15413-2016-INIT/en/pdf>. For more details on the EU Policy Cycle see Council of the EU, The EU Policy Cycle to tackle organized and serious international crime, <https://www.consilium.europa.eu/en/documents-publications/publications/empact/>

¹⁸ Integrating external assistance and security policy development in the Western Balkans – 'Integrative Internal Security Governance' (IISG), <https://wb-iisg.com/wp-content/uploads/bp-attachments/4436/IISG-One-pager-Nov17.pdf>

For the scope of this paper, the following section will enter into details of Pillar II, which is considered to be particularly challenging in terms of implementation at the regional level, especially as far as our country case is concerned – i.e. Bosnia and Herzegovina (BH).

1.1.3.1. Pillar II: WBCSCi¹⁹

The European criminal landscape is rapidly changing. According to Europol Serious Crime Threat Assessment (SOCTA) 2017, Organized Criminal Groups (OCGs) are increasingly international, flexible and inter-connected. OCGs operating in the EU are described as highly diverse, ranging from more traditional groups with hierarchical structures to small ones linked by loose networks and supported by individual criminals, who operate on an *ad hoc* basis. Key markets in terms of profits and distribution are the illicit trafficking of drugs, trafficking in human beings (THB) and migrant smuggling. Interestingly, though, OCGs are now described as increasingly “poly-criminal”, meaning they are involved in more than one criminal activity. Up to 45% of OCGs are reported to have expanded their “crime portfolio”, with the majority of them active in the trafficking of illicit goods, a sector that would allow for the rapid shift to different commodities based on the level of demand for smuggling services. Flexibility and ability to shift from one criminal market to the other are therefore key feature of modern OCGs, whose ventures are facilitated by three set of activities deemed as “engines” of organized crime – namely, document fraud, money laundering and the online trade in illicit goods and services,²⁰ the latter considered particularly concerning in terms of expansion rate and dynamism.²¹

As the WB6 are concerned, the region maintains economic, political and social vulnerabilities. This volatile situation, in turn, ends up favoring criminals – which logically benefit from vulnerable economic and political systems. A new report published by the Global Initiative (GI) against Transnational Organized Crime – a network of experts headquartered in Geneva –, investigates hotspots of organized crime in the region, analyzing for the very first time routes, border nodes and major intersections that do represent, at present, “hotspots” of illicit activity.²² The report identifies **geography**, **economic vulnerability** and **weak governance** as key factors creating the conditions for an hotspot of illicit activity to emerge. While the Balkans are not a unique case in terms of OCGs distribution, strength and infiltration in the legal economic/political system, the overlapping of the above-mentioned three conditions make of the region a sensitive area for the proliferation of criminal networks. This was also incentivized by a **legacy of conflict**. Smuggling networks established during wartimes as well as the ways illicit activities (and those who were

¹⁹ Lead Partners are PCC SEE Secretariat and UNODC.

²⁰ Corruption is mentioned as a transversal cause which, in the majority of cases, functions as a facilitating factor enabling almost all types of criminal activities, despite its impact may vary from one to another. See European Union Serious and Organized Crime Threat Assessment (SOCTA), Europol, 2017, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>

²¹ *Ibid.*

²² See also Regional Serious and Organized Crime Threat Assessment (SOCTA), Developed within the project “Enhancing Capacities for Strategic Analysis and Strategic Assessment in the Criminal Investigation Directorates of the Serbian, Montenegrin and the former Yugoslav Republic of Macedonia Ministries of Interior”, July 2017, <https://polis.osce.org/node/9401>

involved in them) contributed to the process of state-building in the region have certainly played a key role in the crystallization of a “criminal system”, which resulted in the expansion of OCGs and the capitalization of their links with business and politics.²³ Moreover, conflicts in former Yugoslavia produced territorial changes which resulted, for instance, in the emergence of “grey zones” – the consequences of the unresolved dispute over the status of Kosovo is a case in point –, or complex systems of power-sharing which still complicate data collection and information exchange, as in the case of BH.²⁴

Although most OCGs operating in the region are known to the authorities, murky links with business and politics coupled with existing gaps in the law enforcement chain and data collection systems, do limit the ability of national actors to further develop efficient policy and legal frameworks, improve data collection and tackling capacity-building and resourcing in order to overcome shortcomings and successfully fight organized crime.²⁵

Against this backdrop, and in the light of the deficiencies at the level of coordination and prioritization discussed above, the integrative and complementary approach of the IISG was extended to the area of internal security dealing with Serious and Organized Crime (SOC).

The needs identification process as concern Pillar II started already in 2017, while the priorities of the EU Policy Cycle 2018-2020 were fully considered.²⁶ Hence, priorities identified under the WBCSCi iPA 2018-2020 can be summarized as follow:

- **Improve efficiency of serious crime investigations**, which include the necessity to improve cooperation between police and prosecution in the investigation phase;
- **Enable automated exchange of data**, which should follow the EU standards;
- **Improve cross-border exchange of information**, e.g. improving the national capacity to better use Europol tools. This would translate into the ability to identify and tackle gaps in cross-border operational cooperation, enhancing cooperation with Europol as well as inter-agency cooperation at the domestic level.

Others key priorities, listed in broader terms, include the fight against:

- Cybercrime;
- Illegal migration, THB and migrant smuggling;
- Corruption;
- Money laundering;
- Illicit firearms and illicit drugs trafficking, incl. their online scale.²⁷

²³ Actually, many of those who were involved in illicit activities during wartime moved up to business and politics, without shaking off their criminal past. See Walter Kemp, Crooked Kaleidoscope. Organized Crime in the Balkans, Global Initiative against Transnational Organized Crime, June 2017, <https://globalinitiative.net/ocbalkans/>

²⁴ Global Initiative against Transnational Organized Crime, Hotspots of Organized Crime in the Western Balkans. Local vulnerabilities in a regional context, May 2019, <https://globalinitiative.net/oc-western-balkans/>

²⁵ European Political Strategy Centre, Engaging with the Western Balkans. An investment in Europe’s Security, 17 May 2018, https://ec.europa.eu/epsc/publications/other-publications/engaging-western-balkans_en

²⁶ IISG – Western Balkan Counter Serious Crime initiative (WBCSCi), Integrative Plan of Action 2018-2020, Final Draft, 17 April 2018, <https://wb-iisg.com/docs/final-draft-wbcsci-ipa-2018-2020/>

Most of planned activities are scheduled to be implemented by the end of 2019 or 2020. While the structure and development of the Plan of Action is not well-defined as for the WBCTi – e.g. lack of well-structured actions and relative indicators as well as precise regional scope for singular actions –, relevant outputs are expected. Three of them, in particular, reflect the three more specific priorities discussed above. These are:

- Increased capacity of local actors in investigating cases of SOC and corruption;
- Enhanced information sharing and improved intelligence exchange mechanism;
- Improved intelligence-led policing in the WB region.

As regards the first output expected, evaluation of results would be possible based on the number of needs assessment reports with follow-ups achieved, of legislative/regulatory pieces reviewed, as well as of inter-agency cooperation protocols concluded. As regards the second output expected, good practices transferred and established networks to facilitate cross-border investigations would allow for an evaluation of achieved results. Finally, as far as the third output expected is concerned, the number of relevant guidelines and regulatory proposals produced and implemented, together with threat assessment reports prepared, would be considered in the final evaluation phase.²⁸

While some activities have been clearly defined and are ongoing, other actions will be developed later. However, many of them are expected to be implemented by the end of 2019, meaning that a partial evaluation would be possible already by the end of this year. It is also worth mentioning here the results of a mid-term evaluation carried out by the United Nations Office on Drugs and Crime (UNODC) Independent Evaluation Section (IES) at the beginning of 2019. Although recognizing the evaluation could provide just indicative evidence – being the WBCSCi, its Plan of Action and the IISG itself at their infancy –, it nevertheless identified some weakness and threats which, if not properly addressed, might compromised the long-term sustainability of the initiative and, consequently, its overall success. Hence, the evaluation recommended “a better prioritization of the priorities themselves” – which might sounds reasonable given the very broad set of key areas of intervention listed above –, the establishment of more systematic management systems and processes, greater effort at systematically collecting data for monitoring and evaluation, as well as more efficient and consistent stakeholder engagement.²⁹ While the scope and complexity of the initiative pose unique challenges, attention should be paid to the weakness identified by UNODC, especially as it concerns the “weak results-based monitoring system”, i.e. lack of clear indicators for specific actions envisaged.³⁰ By contrast, UNODC IES also listed strengths and

²⁷ IISG – Western Balkan Counter Serious Crime initiative (WBCSCi), Integrative Plan of Action 2018-2020, Final Draft, 17 April 2018.

²⁸ *Ibid.*

²⁹ Evaluation Reports: 2019 – United Nations Office on Drugs and Crime, Final Evaluation Brief, February 2019, https://www.unodc.org/unodc/en/evaluation/reports_year_2019.html. For more details, see Independent formative In-depth evaluation of the Western Balkans Counter-Serious Crime Initiative (WBCSCi) in the context of the Integrative Internal Security Governance (IISG) mechanism including the European Union action: "Instrument for Pre-Accession Assistance (IPA II) Multi-Country Action Programme 2017 – Support to the Western Balkan Integrative Internal Security Governance".

³⁰ *Ibid.*

opportunities of the initiative and praised the decision to promote a formative evaluation in such early stage, which do demonstrate “an interest in culture of evaluation and organization learning”, encouraging at the same time other organizations and programmes to emulate this practice, as well as the IISG to sustain it in the long-term. Hence, the IISG not only identified the “right customer needs”, but it has also been successful at bringing decision-makers on the table, earning the trust of beneficiaries and assuring visibility and presence.³¹

Most importantly, it understands security threats as interlinked, in line with SOCTA Europol analysis of crime as a network, thus recognizing the growing change of the criminal landscape in Europe and beyond.³² Indeed, the integrated approach, expanded to all three Pillars, does not only enable *intra-pillar* coordination – i.e. coordination of mechanisms, policy solutions and joint objectives within one single policy field –, but above all it fosters *inter-pillar* coordination, thus allowing to tackle those hybrid security threats that cross-cut two or more Pillars.³³ The IISG represents therefore a mechanism to address *holistically* internal security, strengthening the effectiveness of efforts in all the three spheres of action envisaged.

³¹ *Ibid.*

³² Rajko Kozmelj, Integrative Internal Security Governance as a challenge and as a model of regional cooperation, October 1, 2016, <https://www.linkedin.com/pulse/integrative-internal-security-governance-challenge-model-kozmelj>

³³ IISG – DCAF Support to the Integrative Internal Security Governance (IISG) in the Western Balkans, <https://wb-iisg.com/docs/dcaf-support-to-the-integrative-internal-security-governance-iisg-in-the-western-balkans/>. For instance, illegal arms trafficking is considered to be a cross-cutting inter-pillar security threat, since firearms are the object of trafficking by OCGs (WBCSi), their smuggling is one of the paramount cross-border activity which compromises border integrity (WBBSi), while they might become means to commit terrorist acts (WBCTi). Some cross-cutting inter-pillar security threats fall into Europol category of “enabling factors”, which facilitate OCGs activities.

1.2. Implementation of Pillar II Priorities in Bosnia and Herzegovina: Doomed to Failure?

As discussed in the first part of this paper, the IISG represents a coordination mechanism aimed to enhance cooperation and coordination among Beneficiaries as well as relevant international stakeholders. It addresses internal security issues from a holistic perspective, while its ultimate ambition would be the one to spur the establishment of a regionally-owned policy cycle to tackle organized and serious international crime. Albeit the WBCSCi iPA 2018-2020 does not set out specific regional/country scope for the actions envisaged, it nevertheless set out key priorities that need to be address by all IISG Beneficiaries in order to enable effective cross-border cooperation and coordination.

The second part of this paper does therefore analyze the potential for implementation in BH of the three more precise priorities discussed above, as individuated in the WBCSCi iPA 2018-2020. Firstly, a brief overview of BH's police system is presented, since all three priorities clearly touch upon functionality along the law enforcement chain. Secondly, potential for implementation of the WBCSCi iPA 2018-2020 and related obstacles are discussed, to conclude with some reflections on the current state of affairs in light of the country's integration objectives.

1.2.2. The Police System in BH: A Brief Overview of Structure and Functional Issues

The complex constitutional-legal framework of BH is reflected in the police system of the country, divided in three organizational levels and based on the principle of **coordination, rather than subordination**.³⁴ The first organizational level reflects the cantonal division of the Federation of Bosnia and Herzegovina (FBH) and represents a decentralize police system with elements of coordination. It comprises ten Cantonal Ministries of Interior (MoI). These, accordingly, are not subordinated to the FBH MoI. The latter might entrust the Cantonal MoI(s) to carry out duties that fall under its competencies, whereas a single functional IT system as well as joint databases perform the role of linkage between the two. The second organizational level comprises police organizations at the entity/district level – FBH MoI, RS MoI and Brčko District BH Police – with their competencies prescribed by the respective Laws on Internal Affairs and Law on Police for Brčko District. Differently from the FBH, the police structures of RS and Brčko District are centralized, with clear procedures regarding coordination and subordination.³⁵ Finally, the third organizational level comprises police organizations at the state level – i.e., the Ministry of Security (MoS) of BH and seven administrative organizations with operational independence, three of which have police authorities.

Within this complex organizational structure, two factors seem to jeopardize response efficiency when cases of organized and serious crime are detected. The first factor is related to the **unclear process in determining jurisdiction through legislation**. Hence, the attribution of competencies to

³⁴ Denis Hadzovic, Armin Krzalic and Alma Kovacevic, Overview of Policing in Bosnia and Herzegovina, Centre for Security Studies – BH, 2013.

³⁵ *Ibid.*

police organizations, which are regulated by respective Labor Laws as well as Criminal Procedures Codes and Law on Police Officials, results at the very least arduous. The second factor is related to the existence of a **flawed system for the exchange of information among the three organizational levels** of the police structure. As concerns the first factor, the legal framework defines competencies based on the direct determination of these in the respective Labor Laws of the police organization, or through direct determination of a crime which link the Labor Law with the Criminal Code. However, the co-presence of four Criminal Codes that reflects the constitutional organization of the state do complicate the attribution of competencies and creates dilemmas in determining these in the practice, especially when certain types of organized and serious crime are concerned (e.g. financial crime or drug trafficking).³⁶ Uncertainty in this respect brings to overlapping of competencies and turf wars, with damaging effects on response efficiency. Indeed, often police organizations at different levels are investigating the same type of crime, while the competent prosecutor might happen to be reported from different organizations simultaneously. As regards the second factor, key obstacle to inter-agency cooperation appears to be mostly related to the lack of a unifying database, which would allow for timely communication and exchange of information at different organizational levels. Quite the contrary, in most cases legislation seems to provide police bodies with discretionary power as regards the scope and the methods of cooperation with fellow police agencies.³⁷

The overlapping of competencies coupled with a dysfunctional system to timely exchange information mostly happen at the initial stages of investigation. Therefore, when collecting operational information, often crime-related dilemmas emerged as well as needless inter-agency rivalries. The consequent fragmentation of resources obviously inhibits an efficient response to cases of serious and organized crime, playing ultimately into hands of OCGs.³⁸

1.2.2. Obstacles to Implementation and Room for Improvement

Recalling the three specific priorities listed in the WBCSCi iPA 2018-2020, by the end of 2019 or 2020 at most, BH should:

- **Improve efficiency of serious crime investigations**, which include the necessity to improve cooperation between police and prosecution in the investigation phase;
- **Enable automated exchange of data**, which should follow the EU standards;

³⁶ For more details on crime-related dilemmas, see Hadzovic, Krzalic and Kovacevic, Overview of Policing in Bosnia and Herzegovina, pp. 71 et seq.

³⁷ *Ibid.*

³⁸ It should be noted that “corridors for poly-criminality” are not only located in particularly vulnerable areas, but they all are positioned along main border regions, nearby borders between entities or between one entity and a foreign country. It is not by chance that, for instance, RS is invested since the entity borders important countries of origin and/or transit for illicit goods (Serbia, Montenegro, Croatia), whereas cities such as Tuzla and Trebinje are located along important drug trafficking routes. It follows that coordination among police officials at all levels of government becomes highly relevant to effectively tackle these kind of activities and enable efficient regional cooperation. See Global Initiative against Transnational Organized Crime, Hotspots of Organized Crime in the Western Balkans, op. cit., pp. 8 et seq.

- **Improve cross-border exchange of information**, e.g. improving the national capacity to better use Europol tools. This would translate into the ability to identify and tackle gaps in cross-border operational cooperation, enhancing cooperation with Europol as well as inter-agency cooperation at the domestic level.³⁹

In light of the above, one question arises as to whether it is realistic to expect the country to respect taken (morally binding) commitments. Indeed, the first priority is strictly connected with the ability to rapidly communicate and exchange information along the law enforcement chain. While it seems that once a case is handed over to the competent Prosecutor's Office the investigation proceeds rather smoothly,⁴⁰ difficulties related to the initial stages of the investigation do complicate the picture and point to the necessity of a **review and improvement of existing legislation** in order to fully allow police bodies to carry out their duty without conflict of competencies, which in most cases just delay response efficiency. Equally, as concerns the second priority, the establishment of systems allowing automated exchange of data at the regional level should obviously be preceded by the **establishment of mutual accessible databases at the country level**, to allow efficient inter-agency cooperation. It would be also necessary to improve legislation in this regard, possibly **clarifying issues related to the discretionary power attributed to police bodies when inter-organization cooperation is concerned**. This is strictly connected with the third priority, which calls for better inter-agency cooperation at the domestic level in order to enable a fruitful use of Europol tools and to efficiently tackle shortcomings in cross-border cooperation. The point here is that to improve cross-border cooperation, attention should be paid to enhance first and foremost cooperation and coordination at all three organizational levels of the country's police system. It should also be noted that BH's authorities have yet to fully implement the agreement on operational and strategic cooperation with Europol. The failure in establishing a national contact point, as required by the agreement, results in the impossibility for Europol's Liaison Officer to be deployed in the country, and vice versa.⁴¹ To make better use of Europol tools would require the immediate and full implementation of the signed agreement, which entered into force more than two years ago.⁴²

Importantly, the implementation of Pillar II priorities is strictly connected with the fulfillment of EU membership criteria. The European Commission (EC) issued this May a new Communication on EU Enlargement Policy, followed by an Opinion on BH's application for membership and an analytical report that reviews the situation in the country, assessing achievements and highlighting reform priorities to be addressed as future steps towards EU accession.⁴³ In particular, as regards BH's

³⁹ IISG – Western Balkan Counter Serious Crime initiative (WBCSCi), Integrative Plan of Action 2018-2020, Final Draft, 17 April 2018

⁴⁰ Hadzovic, Krzalic and Kovacevic, Overview of Policing in Bosnia and Herzegovina, op. cit.

⁴¹ For more details on the agreement see Europol, Agreement on Operational and Strategic Cooperation between Bosnia and Herzegovina and the European Police Office, <https://www.europol.europa.eu/agreements/bosnia-and-herzegovina>

⁴² European Commission, Commission Staff Working Document, Analytical Report, SWD (2019) 222 final, May 2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf>

⁴³ See European Commission, Enlargement Package 2019, Strategy and Reports, https://ec.europa.eu/neighbourhood-enlargement/countries/package_en.

preparation to implement the acquis in the area of Justice, Freedom and Security (Chapter 24), the EC stresses the existence of ***systemic shortcomings in the operational cooperation of law enforcement agencies***, which severely affects the quality of investigations.⁴⁴ A limited exchange of intelligence and the lack of mutually accessible databases are also listed among main reasons behind the unsatisfactory track record of investigation, prosecutions and final convictions. These shortcomings, in turn, end up favoring OCGs operating in the country, increasing at the same time distrust about the institutions on the part of the citizens. The EC urges BH to address these issues in the coming year, while it strongly recommend to strengthen cooperation among law enforcement agencies, suggesting the establishment of specialized multi-agency investigations teams for complex crimes, to improve quality and accessibility of databases, and to revise and improve the current legal framework on the fight against organized crime.⁴⁵

The Commission's recommendations are clearly in line with priorities set out in the WBCSCi iPA 2018-2020. The fragmentation of law enforcement agencies, overlapping of competences and lack of timely and comprehensive exchange of information have a negative impact on detecting almost all cases of organized and serious crime. Since the EC invites law enforcement agencies to make better use of regional initiatives, BH's authorities should be aware of the importance to participate constructively in initiatives such as the IISG, using the framework and instruments it offers to improve human security and to ensure effective implementation of the EU aquis.

⁴⁴ SWD (2019) 222 final.

⁴⁵ SWD (2019) 222 final.

Conclusions

The leaders of the region and their European counterparts seem to be aware of the changing nature of organized crime in Europe, as well as of existing gaps in regional cooperation. The mixed results of past initiatives spurred a thoughtful reflection on the unsatisfactory performance of institutions and frameworks already in place, contributing to the promotion and development of a new approach to regional security cooperation in the Western Balkans.

However, as observed, the potential of the Integrative Internal Security Governance in Bosnia and Herzegovina will remain unexploited if structural reforms at the country level are not to be discussed and implemented. Otherwise, the respect of agreed-upon commitments under the WBCSCi iPA 2018-2020 is unquestionably doomed to failure. The core of the issue, as in most cases, is eminently political. In order to improve the security of citizens, and to allow competent bodies to detect, investigate and prosecute cases of serious and organized crime, political parties should reopen discussions on structural reforms in the country, **starting from a revision of the structure and functioning of the police system.**

This is even more urgent in light of the country's integration objectives. Indeed, despite intra-state political tensions, the path of Bosnia and Herzegovina toward European integration seems to be one of the few points on which all political parties agree.⁴⁶ Hence, as highlighted in the recent Opinion of the European Commission on Bosnia and Herzegovina's application for membership, ensuring effective cooperation among law enforcement's bodies and with prosecutors' offices is one of the key steps to be undertaken **in order to fulfill the membership criteria.**⁴⁷ The same point is recalled by the Peace Implementation Council, which recommends improving cooperation along the law enforcement chain in order to enable police forces to address challenges the country and its citizens are facing.⁴⁸

To improve the legislative and institutional framework is not an easy task; however, if the criminal landscape in Europe is changing, state's structures and legislations need to be changed accordingly. The current impossibility to proceed with government formation in Bosnia and Herzegovina is further undermining the state's ability to undertake the necessary reforms. It would be impossible to stick to the commitments under WBCSCi iPA 2018-2020 by the end of 2019/2020 if a credible debate on police reform is not re-opened. Overcoming the current political gridlock would allow taking at least initial steps to fruitfully address these issues, improve citizens security and meet the requirements under European integration.

⁴⁶ Office of the High Representative, 55th Report of the High Representative for Implementation of the Peace Agreement on BiH to the Secretary-General of the United Nations, May 8, 2019, http://www.ohr.int/?p=100919&fbclid=IwAR0HRlVxZtkEalpXPcIJo5jPdMBXzXSdLiMwjiY9I7b5ht_C9vPO-gP8

⁴⁷ European Commission, 2019 Communication on EU Enlargement Policy, Annex 1 – Conclusion and recommendation of the Commission's Opinion on Bosnia and Herzegovina's application for membership of the European Union, COM(2019) 260 final, May 2019; Council of the European Union, Enlargement and Stabilization and Association Process, Council Conclusions, 10446/19, June 2019.

⁴⁸ Office of the High Representative, Communiqué of the Steering Board of the Peace Implementation Council, June 18, 2019, <http://www.ohr.int/?p=101437>

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