



Centar za sigurnosne studije - BiH

Centre for Security Studies - BH

***Policing in Bosnia and Herzegovina
During the COVID-19 Pandemic (2020–2021)***





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During the COVID-19 Pandemic (2020–2021)
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This paper is a partial version of a more extensive work entitled “Bosnia and Herzegovina at Thirty Years of Statehood: Politics and Policing in Times of COVID-19”, to be published in the edited volume *Die COVID-19-Pandemie und ihre Auswirkungen auf die Staaten des Westbalkans. Eine Bestandsaufnahme für den Zeitraum 2020–2022* by Tectum publishing house and forthcoming in autumn 2022.

Abstract

This paper provides an account of the developments of policing in Bosnia and Herzegovina in the course of the COVID-19 pandemic from 2020 to 2021 to shed light on elements of continuity and changes from previous trends observable since the 2010s. It is contended that the COVID-19 has made manifest the extent to which the factual management capacity of the Bosnian state administration and the police forces has consolidated in the entities and cantons. By contrast, central state police agencies suffer from chronic stagnation, institutional dysfunctionality, and a lack of factual management capacity to face unexpected challenges and emergencies. Moreover, the COVID-19 pandemic has fostered certain conditions for advancing the rollback of the democratically oriented police reform observable at the entity and cantonal levels since the last decade, which manifests through politicisation, militarisation and slight informalisation of policing. In particular, such police counter-reform has been more acute in the Republika Srpska under the SNSD rule, in contrast to the Federation of Bosnia and Herzegovina, whose police forces are affected by severe degrees of institutional fragmentation, dysfunctional working and clientelism.

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List of Abbreviation

BiH – Bosnia and Herzegovina

DCPB BiH – Directorate for Coordination of Police Bodies of Bosnia and Herzegovina

FBiH – Federation of Bosnia and Herzegovina

HDZ BiH – Croatian Democratic Union of Bosnia and Herzegovina

OSA BiH – Intelligence-Security Agency of Bosnia and Herzegovina

SDA – Party of Democratic Action

SIPA – State Investigation and Protection Agency

SNSD – Alliance of Independent Social Democrats

1. Introduction

The global COVID-19 pandemic has tested the institutional functioning of the Bosnian state and placed the police at the centre of public life, as enforcers of the state of emergency and the measures aimed at preventing the spread of the virus. More than two years after its outbreak, the pandemic has revealed the extent to which the working of the state-level police agencies has become stalled and dysfunctional. In contrast, the factual management capacity of the police forces has consolidated in the entities and the cantons, where they are subject to capture by ethno-nationalist parties.

This paper offers an overview of the developments of policing and the politics towards the police by the ruling political elites at the national, entity and cantonal levels. It is argued that the Bosnian police have been experiencing since the 2010s a process of rollback of the democratically oriented police reform, which has advanced in the course of the COVID-19 pandemic. Research on the police is faced with limitations due to the secrecy and lack of public information on the dynamics of police work, which is a common feature observable elsewhere due to the sensitiveness of their tasks as part of the state's public security. In particular, Bosnian police agencies are characterized by a lack of accountability and low external oversight by civil society¹. To overcome these constraints, the findings of this paper are grounded in a careful review of secondary sources, which comprise journal articles, working papers, reports from Bosnian or international NGOs and think tanks and news articles. In addition, field research was conducted for four weeks in July 2021 in Sarajevo, where some unstructured interviews were conducted with independent researchers and representatives of local and international organisations directly involved in monitoring the developments of the Bosnian police. Due to the sensitive nature of the information and concerns regarding publicly disclosed data, the statements provided by the interviewees are presented here anonymously.

This paper is structured in three sections. Firstly, the developments in the Bosnian police forces since the 2010s are examined. It is claimed that autocratisation of politics has resulted in police counter-reform at the entity and cantonal levels, while stagnation of police reform has occurred at the state level. Secondly, how the COVID-19 pandemic has contributed to advancing these trends mentioned above is analysed through an account of the state management, policing and citizen security during the course of the pandemic from 2020 to 2021. Lastly, the findings of this paper and some future perspectives are discussed.

¹ Hodović, Mirela, *Assessment of Police Integrity in Bosnia and Herzegovina*, Sarajevo 2016, pp. 11–31

2. Underlying Context: An Ongoing Police Counter-Reform

Following a period of far-reaching institutional reforms of the police around over seventeen years (1995–2012) under the auspices of the international community, aimed at restructuring the entity and cantonal-level police forces, establishing state-level police agencies, orienting police work with the principles of the model of democratic policing and to an “Europeanisation” of Bosnian citizen security apparatus², the Bosnian police reform has stalled at the state level or has been partially rolled back in the entities and cantons.³ It can be stated that a factual police counter-reform has been taking place since the 2010s, understood as the deliberate non-compliance or contravention by ruling political elites of the normative framework of the democratically oriented police reform or the rollback of those measures initially put into practice in conformity with the new police laws. This police counter-reform has operated through three mechanisms: politicisation, militarisation and informalisation of policing.⁴

Police counter-reform in Bosnia and Herzegovina (BiH) coincides with a sharpening of ethno-nationalist politics by the three dominant ruling parties [the Alliance of Independent Social Democrats (SNSD), the Party of Democratic Action (SDA) and the Croatian Democratic Union of BiH (HDZ BiH)] and a deepening of autocratisation of the political regime, what Bieber (2020a) calls an “ethnocratic authoritarianism”.⁵ However, since the entities and cantonal governments are more robust in their political competencies vis-à-vis the central government, a differentiation in the degree of autocratisation at a sub-national level should be made.⁶ While the Republika Srpska under the rule of the SNSD and the leadership of Milorad Dodik has become a case of consolidated competitive authoritarianism with strong autocratic traits, the Federation of Bosnia and Herzegovina (FBiH) is still a defective electoral democracy with more political pluralism but with a chronic degree of dysfunctionality due to continued disputes and lack of agreement between the two main ruling parties: the SDA and the HDZ BiH. In other words, authoritarian politics have advanced to a different path and degree of intensity in each entity, although both of them show features proper of defective democracies.

As autocratisation of politics in BiH shows nuances at the sub-national levels, police counter-reform also portrays different degrees of intensity in the entities and cantons. Hence, more empirical manifestations of politicisation, militarisation and informalisation of policing are being made manifest in the Republika Srpska in contrast to the FBiH.

² Cf. Blaustein, Jarrett, *Speaking Truths to Power: Policy Ethnography and Police Reform in Bosnia and Herzegovina*, Oxford 2015, pp. 55–59; Padurariu, Amelia, *The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts*, in: *Stability: International Journal of Security & Development* (2014), vol. 3, no. 1, pp. 1–18; Collantes, Gemma, *Becoming “European” through Police Reform: A Successful Strategy in Bosnia and Herzegovina?*, in: *Crime, Law and Social Change* (2009) vol. 51, no. 2, pp. 237–241

³ Cf. Weber, Bodo, *The Police Forces in BiH – Persistent Fragmentation and Increasing Politicization*, in: *AI-DPC BiH Security Risk Analysis Policy Note 6*, Berlin 2015, p. 8 ff

⁴ Cf. Tremaria, Stiven, *Policing and Autocratisation in Bolivarian Venezuela*, in: *Bulletin of Latin American Research*, Vol. 41 (2022), Issue 1, pp. 159–161.

⁵ Cf. Bieber, Florian, *The Rise of Authoritarianism in the Western Balkans*, Cham 2020a, p. 34

⁶ Cf. Kapidžić, Damir, *Subnational Competitive Authoritarianism and Power-Sharing in Bosnia and Herzegovina*, in: *Southeast European and Black Sea Studies* (2020a), vol. 20, no. 1, pp. 83–84

Although rollback of police reform has mainly arisen in the entities and cantons, since there is where core police powers reside, this has impacted the functioning of the state police agencies, leading to a factual stagnation in the consolidation of the state-level police reform. But in a general trend, after initial restructuring efforts, the Bosnian police at its different levels are today “being squeezed by constant efforts to roll back reforms and by increasing political pressure to relinquish its still-fragile and incomplete operational autonomy and submit to ethnic party loyalties”.⁷

Growing politicisation of policing is a common feature in both entities, manifested by an increase in political interference over operational policing and the establishment of patron-client relations among politicians and police officers. Political interference is reflected by the non-transparent working of independent boards due to political influence over their members, which as a rule are party affiliates, driving to questionable appointments of unsuitable candidates or politically motivated dismissals of police commissioners or directors.⁸ Consequently, “despite the legal ban on party membership, commissioners and directors as an unwritten rule remain linked to ruling parties, mostly as a result of the failure to insulate the selection process from political influence through the establishment of Independent Boards”.⁹ Two other manifestations of political interference over operational policing have become salient: Firstly, the misuse of appointments as a tool of manipulation or pressure among politicians from different ethnic constituencies, as these should be ratified by the cantonal or entity government to come into effect, which creates delays in filling vacant posts and an ineffective operative functioning of police forces. Secondly, the attempts to curtail police professionalism and budgetary autonomy by introducing changes in the laws on internal affairs to undermine police independence and increase the role of the Ministers of Interior on policing issues vis-à-vis the police administration.¹⁰

Moreover, as part of the process of state capture referred above, entity and cantonal police officers are reported to be involved in patronage relationships or criminal networks together with local politicians; this leads to the police largely serving the interests of certain ethno-nationalist elites.¹¹ Consequently, police service is considered to be connected to criminal activities and politically biased. Examples of this are found in the involvement of officers in illegal businesses or the outrageous non-enforcement of the law against persons linked to these businesses¹², or in the misuse of the local police forces to repress dissenting voices to the ruling political elites, particularly to arrest opposition leaders during electoral periods¹³ or in the context of anti-government demonstrations, as it was observed in the unlawful arrest of

⁷ Weber 2015, p. 20

⁸ Cf. Kovačević, Alma/Visca, Hamza, *Assessment of Police Integrity in Bosnia and Herzegovina*, Sarajevo/Belgrade 2015, p. 10; Hodović, Mirela, *Assessment of Police Integrity in Bosnia and Herzegovina*, Sarajevo 2016, pp. 16–17

⁹ Weber 2015, p. 4

¹⁰ Cf. *Ibid.*, pp. 10–11; UNSC, *Fifty-Ninth Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina*, S/2021/409, New York 2021, p. 33

¹¹ Cf. Ruge 2020, pp. 8–10

¹² Cf. Interview #4

¹³ Cf. Kovačević/Visca 2015, p. 7

social activists and the disproportionate use of force by the Republika Srpska police during the *Pravda za Davida* protests.¹⁴

Particularly in the Republika Srpska, more robust manifestations of police counter-reform are observable in the last years through militarisation of policing. Police militarisation means “the process through which government agencies tasked with providing public safety adopt the weapons, organisational structure, and training typical of the armed forces”,¹⁵ and the management of police agencies or core police functions are delegated to the military.¹⁶ The move toward an iron-hand military-like policing is particularly notable under the tenure of the hardliner Dragan Lukač (SNSD) as Minister of Interior since 2014.¹⁷ The establishment of a military-oriented training, equipment and operational functioning of the Republika Srpska police is seen by recent reorganisations of the entity’s police forces into increasingly militarised formations with long-barrelled weapons like automatic rifles, Kalashnikov-type firearms and military-grade equipment from purchases to Russia and Serbia.¹⁸ Bilateral cooperation with those countries also includes knowledge exchange and training in counterterrorism, crowd management and rescue operations. The most striking step toward militarisation of policing in the Republika Srpska is the creation of a militarised “reserve police” through the transformation in September 2019 of the riot police – known as Support Unit – into a 1,000-men gendarmerie with public security and territorial defence functions, attached to each of the ten Police Administrations of the entity but under the direct command of the Ministry of Interior.¹⁹

Lastly, a subtle process of informalisation of policing in both entities is observable in very specific cases. Informalisation of policing refers to the de facto self-organised taking over by citizens, or through an informal delegation from or outsourcing by the government, of core policing functions such as law enforcement, intelligence gathering, prevention and management of crime and creation of formal social control.²⁰ Still, it is not plausible to claim that the ruling political elites do a systematic policy to create or support groups of a para-police nature that permanently and systematically exercise policing functions. Some sources account for the existence of paramilitary formations in the Republika Srpska, which are supported by local municipalities with their budgets as they are legally registered as associations of citizens. Examples are *Srbska čast* (Serb Honor) and the *Ravna Gora Movement*; both are extremist right-wing groups with ultranationalist ideology and military-like uniforms and structure, whose members stem mainly from the criminal milieu or are demobilised war combatants.²¹ In the FBiH, scandals surfaced in 2017 in the media about the

¹⁴ Cf. UNSC 2020a, p. 26

¹⁵ Flores-Macías, Gustavo/Zarkin, Jessica, *The Militarization of Law Enforcement: Evidence from Latin America*, in: *Perspectives on Politics* (2021), vol. 19, no. 2, p. 521.

¹⁶ Kraska, Peter, *Militarization and Policing – Its Relevance to 21st Century Police*, in: *Policing* (2007), vol. 1, no. 4, pp. 503.

¹⁷ Cf. Interview #5

¹⁸ Cf. Bajrović, Reuf/Kraemer, Richard/Suljagić, Emir, *Bosnia on the Chopping Block: The Potential for Violence and Steps to Prevent it*, Philadelphia 2018, pp. 5–7

¹⁹ Cf. Lakić, Mladen, *Bosnian Serbs Unveil Controversial New Gendarmerie Force*, in: *Balkan Insight* [Online], 24 September 2019.

²⁰ Cf. Tremaria 2022, p. 167, 169

²¹ Cf. Bajrović/Kraemer/Suljagić 2018, pp. 8–9; Sorguc, Albina/Rovcanin, Haris, *Serb Chetniks’ Links to War Criminals and Extremists Uncovered*, in: *Balkan Insight* [Online], 5 February 2021

existence of para-intelligence structures among Bosniaks and Bosnian Croats politicians for mutual espionage and intelligence gathering after the Croatian intelligence agency tried to recruit a person from the Salafi community in Stranjani, near Zenica, to deliver illegal weapons secretly.²² However, a more apparent manifestation of a growing informalisation of policing is the increasing number of private security companies in both entities – many of them owned by high-ranking politicians, whose security guards are equipped with long-barrelled guns and tasked with the protection of local politicians, influential business people and private properties, and patrolling in some gated communities. In 2016 figures, the ratio of police officers to security guards stood at 3.4:1.²³

As a combined result of the factors mentioned above, the consolidation of state-level police institutions has experienced stagnation and is currently in a dead zone, mainly due to a lack of cooperation and diverging opinions among the ethnic constituencies about the competencies of the Bosnian central state in the field of policing. While the SDA supports reforms likely to strengthen policing functions under the central government's jurisdiction following its agenda for a unitary Bosnian state, the HDZ BiH claims to maintain a proper decentralisation of policing as stated in the “original Dayton”.²⁴ A similar position is upheld by SNSD representatives, who argue that the implementation of the state-level police reform runs against the constitutional framework and the Dayton Peace Agreements; consequently, it undermines and even threatens the existence of the Republika Srpska by fostering further state centralisation.²⁵ Nevertheless, what seems to be behind these positions is the reluctance by local and regional political elites to cede spaces of power and give up control to the central state over their – figuratively speaking – “reserve armies”.²⁶

As a result, state-level police institutions have been trapped between stagnation and dysfunctionality and become the plaything of power-political arrangements among the ruling parties. Institutions like the Ministry of Security or the Directorate for Coordination of Police Bodies of BiH (DCPB BiH) have so far not played any meaningful role in enhancing coordination among the different police forces of the country and are de facto trapped in an “institutional twilight zone”, partly due that these agencies lack factual law enforcement powers.²⁷ The DCPB BiH has made little progress in enhancing international operational police cooperation from the Bosnian state with Europol and Interpol due to the refusal from Dodik to establish a single central contact point seated in Sarajevo.²⁸ A similar case has been reported in the functioning of the Police Support Agency, as police forces have been reluctant to relinquish control over procurement processes, which are a form of influence peddling and corrupt practices with public funds.²⁹ In addition, contrary to the overstaffed local police forces, state-level police agencies – particularly the Border Police – are missing personnel, as salaries and employment-related social benefits are lower in state-level agencies than in the

²² Cf. Interview #1

²³ Cf. Interview #5; Kržalić, Armin, Trends of Private Security in Bosnia and Herzegovina, in: Analysis Centre for Security Studies, Sarajevo 2017, pp. 1–4

²⁴ Cf. Koneska 2014, p. 123

²⁵ Cf. Juncos 2018, p. 105

²⁶ Cf. Interview #5

²⁷ Cf. Weber 2015, p. 8; Juncos 2018, p. 108

²⁸ Cf. Interview #2

²⁹ Cf. Interview #1

entities and cantons. This fact is because of an intentional policy by some representatives of the constituent peoples to make working in state institutions not that much attractive for officers.³⁰

Moreover, the proper functioning of state-level police agencies has been hampered by blockades from the representatives of the ethnic constituencies in the appointment of police directors or independent boards. In most cases, when an agreement is achieved in the Council of Ministers or the Parliamentary Assembly of BiH, this is based on personal arrangements and party interests but not on institutionalised practices for an autonomous working of such agencies.³¹ Thus, agreements for the appointments of the heads of the state-level police institutions are more grounded in an informal power-sharing for the allocation of posts. Namely, there is an unwritten repartition in the direction of state-level police agencies: the State Investigation and Protection Agency (SIPA) under a Bosnian Serb, Border Police under a Bosnian Croat, the DCPB BiH and the Intelligence–Security Agency of BiH (OSA BiH) under a Bosniak, while the position of Minister of Security is rotating among constituencies.³²

To sum up, after a period of protracted restructuring endeavours, Bosnian police forces have been experiencing dysfunctionality, stagnation or rollback of reforms due to an advance of authoritarian politics in the entities and cantons driving to politicisation, militarisation and informalisation of policing. Consequently, the central state and its institutions in the field of citizen security have been weakened and are marginally exercising their functions, which mirrors a broader process of erosion of the Bosnian state's capacity to be sustainable and efficiently managed.

3. When the Trends Remain the Same: Politics and Policing in Times of COVID-19

3.1. Politics and State Management

The COVID-19 pandemic has highlighted the dysfunctionality of the “Dayton order” and the extent to which mismanagement of the state, misuse of power and corruption have become integral parts of political governance in contemporary BiH. At an early stage, due to the uncertainty of the situation and the menace to public health that the pandemic seemed to mean, during the first three months of the COVID-19 outbreak (March–May 2020), there was an exceptionally cooperative behaviour among the political leaders of the three main ruling parties. Decision-making was restored and swift actions were adopted in state and entity-level institutions to curb the spread of the pandemic. Like in most of the countries of the world, the pandemic-related measures included declaring a state of emergency, closing of land and air border crossings, banning the entry of foreigners, prohibition of public gatherings, closure of state institutions and educational facilities, restrictions on the working of public transportation and to freedom of mobility by declaring a highly contentious curfew for people under 18 and

³⁰ Cf. Interview #1

³¹ Cf. Weber 2015, p. 6

³² Cf. Interview #1

over 65 years of age.³³ Such measures were adopted mainly by the parliaments or the presidents of the entities, as the competencies in the fields of health and public order are decentralised and exclusive to the entities. Likewise, implementation and management of these measures are the responsibility of the entities and cantons: they fall under the Emergency Situation Headquarter in the Republika Srpska, while in the FBiH each one of the ten cantons has its own Crisis Units within their respective ministries of health, under the coordination of the Federal Department of Civilian Protection.³⁴

The actions mentioned above were short-lived: The state of emergency was lifted by the end of May 2020 in the entities; this was followed by the implementation of some preventive health measures, such as the compulsory wearing of face masks or keeping social distancing in indoor areas, but in practice, this has resulted in a de facto normalisation of public life with quite any restrictions.³⁵ Cooperation among politicians was also short-lived: Once the situation became relatively stable and the state of emergency was lifted, contradictions and disagreements among the different levels of the state administration, the ethno-nationalist political factions, and the government and the opposition parties surfaced. In the course of the pandemic, “the competitive nature of federalism in Bosnia and Herzegovina, coupled with the lack of trust and the presence of animosity among Bosniaks, Croats, and Serbs, creates a space for disputes over powers and responsibilities as well as conflicts of interest”.³⁶ The outcome is “an ‘everybody against everybody’ kind of situation which is very confusing for the general public and has a negative impact on public trust in institutions and politics in general”.³⁷ These quarrels have brought to light the extent to which most Bosnian politicians lack responsibility and empathy toward ordinary citizens and prefer to pursue their divisive and confrontational politics instead of focusing on addressing issues of crucial concern to citizens like curbing the spread of the virus, procurement of vaccines or dealing with the adverse social and economic effects of the pandemic.³⁸ But above all else, the COVID-19 pandemic has advanced the conditions for reinforcing and deepening structural characteristics of the post-war Bosnian state: stagnation, dysfunctionality and mismanagement in the state institutional apparatus.

At the state level, the pandemic has revealed the fragmented patterns of the Bosnian mode of governance and the situation of stagnation and dysfunctionality in which state-level institutions are currently plunged. The country has not succeeded in establishing a sustainable, functional and jointly response to face appropriately the pandemic due to a lack of willingness by politicians to arrange a long-term coordinated response.

³³ Cf. UNSC 2020a, p. 21

³⁴ Sajic, Nina, Federal institutional design and the COVID-19 crisis management in Bosnia and Herzegovina, in: Chattopadhyay, Rupak et al. (eds), *Federalism and the Response to COVID-19: A Comparative Analysis*, Abingdon/New York 2022, pp. 53.

³⁵ Cf. Kapidžić, Damir, *Konsocijacijska demokracija u Bosni i Hercegovini za vrijeme globalne krize* [Consociational Democracy in Bosnia and Herzegovina During the Global Crisis], in: *Politički život* (2020b), Issue 18, p. 44

³⁶ Sajic 2022, p. 56.

³⁷ Živanović, Miroslav, *Bosnia and Herzegovina*, in Brändle, Max, et al. (ed) *Democracy and the State of Emergency: Political Battles Emerging out of the Corona Crisis in the Western Balkans, Croatia and Slovenia – Report Two*, Belgrade 2020b, p. 10

³⁸ Cf. Interview #1; Kapidžić 2020b, p. 46

This may be largely part of an intentional strategy by the leadership of certain ethno-nationalist parties – particularly the SNSD and the HDZ BiH – to evince that BiH is an unwieldy and non-viable country; so the best way forward is for each entity to handle and solve for itself its affairs separately.³⁹ At the state level, crisis management fell into two institutions: The Ministry of Security, as responsible for enforcing civil protection and coordinating entity-level civil protection services as acting head of the Protection and Rescue Coordination Body of BiH; and the Ministry of Civil Affairs, as responsible for coordination and planning among entity and cantonal authorities in the health sector. However, such a coordination role has been feeble since the entities and cantons have opted to introduce their own crisis management structures and adopt preventive measures, as referred to at the beginning of this section. Consequently, responses to the COVID-19 pandemic have been highly uncoordinated, resulting in disparate solutions and even contradictory measures in different parts of the national territory.⁴⁰

3.2. Policing and Citizen Security

As in most of the world's countries, the COVID-19 pandemic placed the Bosnian police forces at the centre of social life and public attention as enforcers of the preventive measures to curb the spread of the virus. Social control functions concerning the enforcement of the lockdown and the ban on movement and assembly fell to the cantonal police forces in the FBiH, the Brčko District Police and the Republika Srpska Ministry of Interior (comprising the entity police and the gendarmerie). Consequently, the enforcement of preventive measures against COVID-19 remained a field of exclusive competencies of the cantonal and entity police, whose officers carried out this work at an early stage under adverse conditions and exposed their own lives, as they initially lacked protective equipment such as face masks, gloves and sanitisers.⁴¹ But the sacrifice looks to have been worth it: According to the media, talks with interviewees and ordinary citizens, Bosnians assess the performance of the police during the management of the pandemic as fairly good, appropriate to the situation and the demands of the context, and without overstepping the bounds of legality, as any incidents of misconduct or misuse of power have been reported.⁴²

The role of state-level police agencies in managing the pandemic has been frankly marginal. The Border Police played only a partial role in guarding the cross-border movement and passenger traffic control. While this was possible at the checkpoints on the borderline between Croatia and BiH, the Republika Srpska National Assembly refused to establish a hard border with Serbia, so the control of the crossing points was taken over by the police of the Ministry of Interior.⁴³ Furthermore, any substantive coordination role was played by the DCPB BiH, which was completely absent in the management of the pandemic, as the central state lacked a strategy for the management of public security under crisis scenarios.⁴⁴

³⁹ Cf. Interview #3

⁴⁰ Cf. Kapidžić 2020b, p. 43; Živanović 2020a, pp. 9–10

⁴¹ Cf. Interview #2

⁴² Cf. Interview #3; Živanović 2020a, p. 10

⁴³ Cf. Interview #4

⁴⁴ Cf. Interview #2

The Ministry of Security was expected to play an active role in the area of civil protection and liaison among the cantonal and entity police forces as chair of the Protection and Rescue Coordination Body of BiH. However, this did not happen as the ministry was left without a holder after the resignation in June 2020 of its incumbent, the media tycoon Fahrudin Radončić (Union for a Better Future of BiH), citing irreconcilable differences with SDA high government officials concerning illegal migration and a harsh working environment in the Council of Ministers because of the antagonistic relationships among the SDA, SNSD and HDZ BiH.⁴⁵

In contrast to other countries of the world, it is not possible to refer to a securitisation of the pandemic by Bosnian politicians calling for a “war against COVID-19” that could have legitimated a militarised response by the police or the deployment of the armed forces to enforce curfews and other preventive measures.⁴⁶ This may be because memories of the war are still vivid and represent a constant fear in the daily life of Bosnians; hence, open references to war are a pretty sensitive issue to be subject to manipulation by politicians. On the contrary, analogies between the pandemic and the 1992–95 war were made public mainly by prominent journalists, intellectuals, social media activists and ordinary citizens through social networking apps.⁴⁷ A militarised response as part of the measures to curb the spread of the COVID-19 virus has not occurred so far in BiH. The role of the armed forces was relegated to a secondary status, to assist civilian bodies with non-combat materials and technical equipment, as instructed by the tripartite presidency in its capacity as commander-in-chief of the Bosnian army.⁴⁸ Since the beginning of the pandemic, the armed forces were only involved in the building of tents and health facilities at border crossings set up to quarantine people entering BiH in spring 2020.⁴⁹

Since the pandemic outbreak, police forces have continued to be subject to politicisation, militarisation and slight informalisation, thus advancing in the process of counter-reform undergoing over the last decade. Attempts toward increasing political interference in policing were taken in 2020 in the Bosnian-Podrinje Canton Goražde and the Brčko District through changes in the laws on police officers. These amendments aim to diminish police professionalism and independence by undermining open competition procedures to appoint police commissioners without the proper level of qualification but who are favourable to local governments.⁵⁰ Likewise, in the Zenica-Doboj Canton, amendments to the law on internal affairs were introduced in December 2020 to undermine the budgetary autonomy of the police, as the modification aims at abolishing the financial independence of the police administration and placing it under the direct management of the cantonal Ministry of Interior.⁵¹

⁴⁵ Cf. Petke/Bratić 2020, p. 3

⁴⁶ Cf. Bieber 2020b, p. 14

⁴⁷ Banjeglav, Tamara/Moll, Nicolas, Outbreak of War Memories? Historical Analogies of the 1990s Wars in Discourses about the Coronavirus Pandemic in Bosnia and Herzegovina and Croatia, in: *Southeast European and Black Sea Studies*, Vol. 21 (2021), Issue 3, pp. 353–372.

⁴⁸ UNSC 2020b, 19

⁴⁹ Cf. Interview #1

⁵⁰ Cf. UNSC 2020a, p. 29; 2021, p. 32; Interview # 2

⁵¹ Cf. Interview #1

Another manifestation of improper interference in operational policing is reflected in the politically motivated dismissals of cantonal police commissioners after the handing out of non-duly justified negative evaluations by independent boards in the Tuzla and Bosnian-Podrinje Goražde cantons, “leading to premature termination of their mandates and affecting the efficiency and stability of police bodies in question”.⁵² In the case of Tuzla, the dismissal of the police commissioner, Dževad Korman, opened a confrontation between the cantonal Ministry of the Interior and the municipal court, which in February 2021 was settled with a ruling in favour of Korman, leading to the restitution of his position and the indictment of the then cantonal Minister of Interior, Sulejman Brkić (the Social Democratic Party of BiH), for abuse of office and authority.⁵³

Nevertheless, some progress was made during 2020 in implementing the principles set out in cantonal, entity and state laws on police officers, which shows that police counter-reform is not a linear process, but patchy and subject to contradictions and inconsistencies.⁵⁴ For example, an advance was made after lengthy negotiations in the appointment of oversight and independent police agencies, as in December 2020, the West Herzegovina Cantonal Assembly appointed a new independent board; in February 2021, the Parliamentary Assembly of BiH did the same for overseeing the work of the directors of the SIPA, the Border Police and the DCPB BiH.⁵⁵ But on the contrary, delays and disagreement from representatives of the ethnic constituencies persist in the appointment of posts that have remained vacant for a long time or whose mandate expired. Those are the cases of the police commissioner of the Herzegovina-Neretva Canton without a holder since 2018, the director of the FBiH Police Administration since February 2019 or of the next director of the OSA BiH, as the mandate of the current holder, Osman Mehmedagić – who is at present under criminal prosecution due to presumed falsification of academic credentials and money laundering, expired in November 2019.⁵⁶

In the Republika Srpska, militarisation of the entity police advanced during the year 2020, as purchases of military equipment from Russia and militarised strategies in the management of citizen security – particularly crowd management – continued to take place. In particular, with the support of the gendarmerie, the Republika Srpska police reacted coercively to gatherings organised by the movement *Prazda za Davida* and filed criminal complaints against demonstrators due to infractions against the Laws on Public Order and on Public Assemblies.⁵⁷ Concerning informalisation of policing, during 2020, some scandals of para-intelligence activities brought to public light in the FBiH involving the presumed misuse for mutual espionage of the OSA BiH and the Federal Police Administration by Bakir Izetbegović, leader of the SDA and current chairman of the Parliamentary Assembly House of People, and Aljoša Čampara, FBiH Minister of Interior, respectively.⁵⁸

⁵² UNSC 2020a, p. 29

⁵³ Cf. Aljić, Miren, Dva komesara, jedna pozicija i sve po zakonu [Two commissioners, one post and all by law], in: *Oslobođenje* [Online], 9 February 2021.

⁵⁴ Cf. *Tremaria* 2022, p. 170.

⁵⁵ Cf. UNSC 2021, p. 34

⁵⁶ Cf. UNSC 2020b, p. 29; 2021, p. 33

⁵⁷ Cf. Kovačević 2021

⁵⁸ Cf. Interview #5

The power struggle between the two ones drove to Čampara leave the SDA in September 2020 and jump into the opposition by joining the party People and Justice. Another affair was made public in the Republika Srpska after Dodik openly claimed in May 2020 at a parliamentary session at the National Assembly that the entity's Ministry of Interior had been wiretapping opposition representatives and informing him of their discussions; Lukač claimed subsequently that Dodik's comments were just "a political joke" and no prosecution was carried out.⁵⁹

⁵⁹ UNSC 2020b, p. 26

4. Balance and Perspectives

The course of the COVID-19 pandemic has revealed the extent to which the management of the Bosnian and Herzegovinan state is complex and highly dependent on the will of the representatives of the ethno-nationalist parties; thereby, it is inefficient to respond in a quick and coordinated fashion to unexpected challenges and emergencies. In contrast, it reinforced the role of the entities and cantons as the institutional actors with a factual management capacity in the absence of a functional central state. Thus, the COVID-19 pandemic has demonstrated how management fragmentation, poor coordination and competition among the different levels of government have become hallmarks of governance in contemporary BiH. Consequently, the COVID-19 pandemic has just fostered the conditions for a deepening of the existing divisions among the levels of decentralisation, the chronic institutional dysfunctionality of the central state and the polarization among the three constituent peoples.

In addition, it is possible to claim that in the context of the COVID-19 pandemic, a continuation of the patterns of police counter-reform is still witnessed in BiH. Since the last decade, such a process has been most acute in the Republika Srpska under the SNSD rule. Despite having a more efficient management capacity due to its centralised structure and a more homogeneous ethnic composition, the political regime in the Republika Srpska has become stepwise more authoritarian, and the entity police constitute a tool of such deepening autocratisation. In the FBiH, politics and state management suffer from chronic degrees of co-optation by ruling political elites and institutional dysfunctionality, and cantonal police forces are constantly subject to political influence and clientelism.

As a closing remark, since the end of the 1992–95 war, BiH has faced serious difficulties in creating a functional political order and an efficient and cohesive state institutional apparatus, ensuring democratic governance and effective management of public policies, including citizen security. In particular, the Bosnian political system and the police have proven to be dysfunctional and corrupted, as they are hostages of private interests from the ethno-nationalist parties, which rely on power-sharing structures providing them with economic influence and social leverage. A fragmented state with low factual capacity for control and oversight is favourable for the ethno-nationalist elites to keep their quotas of power, sustain their clientelistic networks and carry out their criminal activities unchecked. Consequently, the ruling political parties have been the main ones responsible for obstructing the functioning of institutions and hindering a substantive consolidation of state managerial capacity. In particular, in the case of police reform, evidence reveals that the ethno-nationalist elites are not interested in strengthening state-level police agencies that are contrary to their sakes nor depoliticise local police forces so that they function independently and impartially. On the contrary, they are interested in counting on a police force that suits their interests, protects them and is at their disposal in the unfortunate event of an escalation of the political conflict.

References

- Aljić, Miren, Dva komesara, jedna pozicija i sve po zakonu [Two commissioners, one post and all by law], in: *Oslobođenje*, 9 February 2021. Available at <https://www.oslobodjenje.ba/vijesti/bih/dva-komesara-jedna-pozicija-i-sve-po-zakonu-628280> (accessed 9 August 2021).
- Bajrović, Reuf/Kraemer, Richard/Suljagić, Emir, *Bosnia on the Chopping Block: The Potential for Violence and Steps to Prevent it*, Philadelphia 2018.
- Banjeglav, Tamara/Moll, Nicolas, Outbreak of War Memories? Historical Analogies of the 1990s Wars in Discourses about the Coronavirus Pandemic in Bosnia and Herzegovina and Croatia, in: *Southeast European and Black Sea Studies*, Vol. 21 (2021), Issue 3, pp. 353–372.
- Bieber, Florian, *The Rise of Authoritarianism in the Western Balkans*, Cham 2020a.
- Bieber, Florian, The Authoritarian Bug, in: *Politički život* (2020b), no. 18, pp. 9–17.
- Blaustein, Jarrett, *Speaking Truths to Power: Policy Ethnography and Police Reform in Bosnia and Herzegovina*, Oxford 2015.
- Collantes, Gemma, Becoming “European” through Police Reform: A Successful Strategy in Bosnia and Herzegovina?, in: *Crime, Law and Social Change* (2009) vol. 51, no. 2, pp. 231–242.
- Flores-Macías, Gustavo/Zarkin, Jessica, The Militarization of Law Enforcement: Evidence from Latin America, in: *Perspectives on Politics* (2021), vol. 19, no. 2, pp. 519–538.
- Gazit, Nir, State-sponsored Vigilantism: Jewish Settlers’ Violence in the Occupied Palestinian Territories, in: *Sociology* (2014), vol. 49, no. 3, pp. 438–454.
- Hodović, Mirela, *Assessment of Police Integrity in Bosnia and Herzegovina*, Sarajevo 2016.
- Juncos, Ana, EU Security Sector Reform in Bosnia and Herzegovina: Reform or Resist?, in: *Contemporary Security Policy* (2018), vol. 39, no. 1, pp. 95–118.
- Kapidžić, Damir, Subnational Competitive Authoritarianism and Power-Sharing in Bosnia and Herzegovina, in: *Southeast European and Black Sea Studies* (2020a), vol. 20, no. 1, pp. 81–101.
- Kapidžić, Damir, Konsocijacijska demokracija u Bosni i Hercegovini za vrijeme globalne krize [Consociational Democracy in Bosnia and Herzegovina During the Global Crisis], in: *Politički život* (2020b), no. 18, pp. 41–50.
- Koneska, Cvete, *After Ethnic Conflict: Policy-Making in Post-Conflict Bosnia and Herzegovina and Macedonia*, Farnham 2014.
- Kovačević, Vladimir, Police “Targeting” of Bosnia Rights Activists Goes Unpunished, in: *Balkan Insight* [Online], 23 June 2021. Available at <https://balkaninsight.com/2021/06/23/police-targeting-of-bosnia-rights-activists-goes-unpunished/> (accessed 1 August 2021).

- Kovačević, Alma/Visca, Hamza, *Assessment of Police Integrity in Bosnia and Herzegovina*, Sarajevo/Belgrade 2015.
- Kraska, Peter, *Militarization and Policing – Its Relevance to 21st Century Police*, in: *Policing* (2007), vol. 1, no. 4, pp. 501–513.
- Kržalić, Armin, *Trends of Private Security in Bosnia and Herzegovina*, in: *Analysis Centre for Security Studies*, Sarajevo 2017.
- Lakic, Mladen, *Bosnian Serbs Unveil Controversial New Gendarmerie Force*, in: *Balkan Insight* [Online], 24 September 2019. Available at <https://balkaninsight.com/2019/09/24/bosnian-serbs-unveil-controversial-new-gendarmerie-force/> (accessed 28 July 2021).
- Padurariu, Amelia, *The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts*, in: *Stability: International Journal of Security & Development* (2014), vol. 3, no. 1, pp. 1–18.
- Petke, Sven/Bratić, Senada, *Bosnia and Herzegovina – Description of the Current Situation*, KAS Länderbericht June 2020, Sarajevo 2020.
- Ruge, Majda, *Hostage State: How to free Bosnia from Dayton’s Paralysing Grip*, Policy Brief ECFR/349, Berlin 2020.
- Sajic, Nina, *Federal institutional design and the COVID-19 crisis management in Bosnia and Herzegovina*, in: Chattopadhyay, Rupak et al. (eds), *Federalism and the Response to COVID-19: A Comparative Analysis*, Abingdon/New York 2022, pp. 49–58.
- Sarajevo Times [Online], *Dodik: RS Police Will Prevent the Arrest of Citizens who Deny Genocide*. 29 July 2021. Available at <https://www.sarajevotimes.com/dodik-rs-police-will-prevent-the-arrest-of-citizens-who-deny-genocide/> (accessed 1 August 2021).
- Sorguc, Albina/Rovcanin, Haris, *Serb Chetniks’ Links to War Criminals and Extremists Uncovered*, in: *Balkan Insight* [Online], 5 February 2021. Available at <https://balkaninsight.com/2021/02/05/serb-chetniks-links-to-war-criminals-and-extremists-uncovered/> (accessed 11 November 2021).
- Tremaria, Stiven, *Policing and Autocratisation in Bolivarian Venezuela*, in: *Bulletin of Latin American Research*, Vol. 41 (2022), Issue 1, pp. 159–174.
- United Nations Security Council [UNSC], *Fifty-Seventh Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina*, S/2020/345, New York 2020a.
- United Nations Security Council [UNSC], *Fifty-Eighth Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina*, S/2020/1052, New York 2020b.
- United Nations Security Council [UNSC], *Fifty-Ninth Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina*, S/2021/409, New York 2021.

Weber, Bodo, The Police Forces in BiH – Persistent Fragmentation and Increasing Politicization, in: AI-DPC BiH Security Risk Analysis Policy Note 6, Berlin 2015.

World Health Organisation, Bosnia and Herzegovina: WHO Coronavirus Disease [Online], 2021. Available at <https://covid19.who.int/region/euro/country/ba> (accessed 1 October 2021).

Zabyelina, Yuliya, Vigilante Justice and Informal Policing in Post-Euromaidan Ukraine, in: Post-Soviet Affairs (2019), vol. 35, no. 4, pp. 277–292.

Živanović, Miroslav, Bosnia and Herzegovina, in: Brändle, Max, et al. (ed) *Democracy and the State of Emergency: Responses to the Corona Crisis in the Western Balkans, Croatia and Slovenia – Report One*, Belgrade 2020a, pp. 8–11.

Živanović, Miroslav, Bosnia and Herzegovina, in Brändle, Max, et al. (ed) *Democracy and the State of Emergency: Political Battles Emerging out of the Corona Crisis in the Western Balkans, Croatia and Slovenia – Report Two*, Belgrade 2020b, pp. 8–12.

Interviews:

- Interview #1 with a representative from a local think tank, Sarajevo, 6/13 July 2021.
- Interview #2 with a representative from an international organisation, Sarajevo, 14 July 2021.
- Interview #3 with a representative from an international think tank, Sarajevo, 21 July 2021.
- Interview #4 with a representative from the academic sector, Sarajevo, 26 July 2021.
- Interview #5 with a representative from civil society, Sarajevo, 29 July 2021.



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