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Democratic Control of Armed Forces: An Analysis of the Role of the Parliamentary Assembly in the Defense Reform in Bosnia and Herzegovina

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Democratic Control of Armed Forces:
**An Analysis of the Role of the Parliamentary Assembly in the Defense Reform in
Bosnia and Herzegovina**

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ABSTRACT

The research begins with a discussion of the legal framework for defense reform in 2003 and in 2005 followed by an analysis of the role of the Parliamentary Assembly of Bosnia and Herzegovina in implementing the legislation for reform.

The analysis focuses on efforts to build the capacity of the Parliamentary Assembly and asks the question: have the efforts to build the capacity of parliamentary oversight of the defense reform implementation been successful in increasing democratic control of the Armed Forces of BiH?

I conclude that yes, the capacity-building efforts have been successful in increasing democratic control. However, the Parliamentary Assembly needs to take a more critical approach toward the Ministry of Defense and other actors in the politico-military scene and should use the political tools at its disposal: inquiries, hearings, withholding appointments, budget cuts, or legislative deals to ensure proper implementation of the defense reform. Only in this way will democratic control remain stable despite the gradual pullout of international forces such as the Office of the High Representative.

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Abbreviations

PA – Parliamentary Assembly [of BiH]
MoD – Ministry of Defense
DRC – Defense Reform Commission
AFBiH – Armed Forces of Bosnia and Herzegovina
BiH – Bosnia and Herzegovina
DCAF – Geneva Center for the Democratic Control of Armed Forces
EPAC – Euro-Atlantic Partnership Council
EUFOR – European Union Forces
FBiH – Federation of Bosnia and Herzegovina
GFAP – General Framework Agreement for Peace
HR – High Representative
IC – International Community
ICTY – International Criminal Tribunal for Yugoslavia
IFOR – Implementation Forces
IMF – International Monetary Fund
IPU – Inter-Parliamentary Union
JMC – Joint Military Commission
JS – Joint Staff
MPs – Members of Parliament
NATO – North Atlantic Treaty Organization
NGO – Non-governmental organization
OC – Operational Command
OHR – Office of the High Representative
OSCE – Organisation for Security and Co-operation in Europe
PfP – Partnership for Peace
RS – Republika Srpska
SCMM – Standing Committee on Military Matters
SFOR – Stability Forces
TCP – Tailored Cooperation Process
VFBiH – Army of the Federation of Bosnia and Herzegovina
VRS – Army of Republika Srpska

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METHODOLOGY

I approached this paper hoping to gain a greater understanding of the military reform in Bosnia and Herzegovina and especially the Parliamentary Assembly's role in overseeing that reform process. Part of this process was to gain general knowledge of theoretical issues of the role of legislative bodies in overseeing and implementing the laws such bodies pass.

In addition to theory, I also had to gain an understanding of the history of the Parliamentary Assembly's oversight capacity. I chose to focus my observation on the Parliamentary Assembly's role since the Dayton-Paris Peace Accords in 1995 that ended the 1992-1995 war in Bosnia and Herzegovina (BiH).

The document created in Dayton and signed in Paris, the General Framework Agreement for Peace, created a new constitution for Bosnia and Herzegovina and therefore started the parliamentary system on a new path. Not only did the war's end change the nature of the government in BiH, but also the disintegration of the Socialist Republic of Yugoslavia in the early 1990s and BiH's declaration of independence in 1992 gave the country a new direction toward democracy and away from communism.

With the country's history in mind, I decided that detailed observation of the role of the state legislative body prior to 1995 was not particularly relevant to my current research. However, the legacy of communism cannot be ignored, and I have referred to that legacy in this work, though my research in that area is only just beyond superficial.

In addition to background on the Parliamentary Assembly since 1995, I also researched a detailed background of the military reform since it officially began in 2003. I first established a secure background on the reasons for reform, the creation

of a strategy for reform, and the status of the reform so far. The status of reform was the most difficult to find literature on, as the most recent reform measures began in January 2006. Therefore I expect that more information may come out at the end of this year or early 2007. However, there is a great amount of information on the reform up until the 2005 adjustments to the reform strategy.

Because of the lack of sufficient literature on the current status of the defense reform implementation, I focused special attention in my interviews on this subject. My interviews were a key component to my research, and I could not have done this research without it. In an effort to get a full picture of the PA's role in the reform, I tried to talk to as many of the players in the defense reform implementation as I could. In this way, I hoped to be able to weed out the facts from the political bias. I also tried to speak with both internationals and native Bosnians to balance the mix of those directly involved in the defense reform. About half of the people I spoke with were Bosnian, and the other half from the international community. Those in the international community were from Western European nations and the United States. For a full list of interviewees, please see the interview list following this paper.

I had unfortunate timing in this research, because the Parliamentary Assembly was not in session for much of my stay due to the October elections. The turnover has recently taken place but was delayed during part of my research due to the one party's inability to come to a consensus on the Speaker. Because of the turnover and the delay, I was unable to speak with an elected representative in the Parliamentary Assembly (PA). However, I did speak with Mr. Željko Grubešić, the PA Expert on Defense and Security Matters. Mr. Grubešić works with the PA's Joint Committee on Defense and Security and was able to offer greater insight into the Committee's activities and capacities.

PREFACE

I came to this research with little background knowledge on the nature of the armed forces of Bosnia and Herzegovina following Dayton or of the efforts to reform those forces since 2003. Because my knowledge of military issues was limited, I came with few notions about what such reform should look like and why. However, while this allowed me a fresh eye, it may also have detracted from my ability to be critical of the reforms, and I had little or no basis for such criticism.

My topical background consisted mostly of an understanding of the 1992-1995 war in Bosnia and Herzegovina and the political structure as it existed following Dayton. My political understanding of the country's recent history, though, allowed me to understand the specific challenges facing Bosnia and Herzegovina with which many other countries confronting military reform have not had to confront. The defense reform in BiH has been and continues to be an extremely sensitive topic, and the background I had from living in and studying the region helped me approach my research with sensitivity.

I looked at key international documents that describe the nature of militaries and democratic control of defense. I am fully aware that most of these documents, though not all, were written and published by Euro-Atlantic organizations, giving me a predominantly Western view of military matters. Considering the BiH government's primary motivation for reforming the military – to join NATO's Partnership-for-Peace program – a Western view is particularly relevant. However I accept that NATO's requirements and therefore the reform's Euro-Atlantic approach to reform may not be the universal best. I am in no position to make such a judgment and will not attempt to in this paper, though I acknowledge that such a debate may be relevant.

Recognizing my limitations in having a Western approach, I tried in my interviews to get a balance of opinions between Bosnians and internationals. This, of course, does not mean that my viewpoint was any less Western, but by weighing both sides I gained a fuller understanding of the Bosnian point of view as it related to Euro-Atlantic approaches.

My hope is that I have accurately described here the challenges and successes of Bosnians and internationals alike in reforming the defense structure in Bosnia and Herzegovina.

INTRODUCTION

Since the end of the Cold War and more recently the terrorist attacks on 11 September 2001, the nature of security and defense has rapidly changed throughout the world. However, Bosnia and Herzegovina's security situation was unique and especially challenging. Bosnia and Herzegovina (BiH), like most other nations in the world has had to confront emerging defense in the twenty-first century. In addition, BiH, like other post-socialist states has had to confront the process of transition from communism in both military and political scenes. On top of these challenges, which are not unique to Bosnia and Herzegovina, the country has had to deal with the repercussions and domestic military changes resulting from the 1992-1995 war. Those involved in the country's military reform have had the unique challenge of taking on post-socialist, post-conflict, and twenty-first century security dilemmas all at once, making the reforms both exceptionally difficult and indeed making a successful reform that much more remarkable.

The war in Bosnia and Herzegovina has created the most complex dimensions in this particular reform. The war has been described in many ways: civil war, war of secession, war of aggression. In 1992, based on a nationwide referendum, Bosnia and Herzegovina declared independence from the shrinking Yugoslavia. Some Bosnian Serbs did not want to be independent from Yugoslavia, and Bosnian Serb leaders decided that Serb-held territory would secede from Bosnia and Herzegovina. Because most of BiH was multiethnic at the time, territory became a key goal in the war. Full-scale warfare broke out in 1992 following the referendum and continued until 1995. By 1995, the war had seen three sides: the Bosnian Serbs, the Bosnian Muslims also

called Bosniacs¹, and the Bosnian Croats. Involvement from neighboring states is disputed but largely accepted as true.

When the war ended, the state of Bosnia and Herzegovina split into two entities under one federal government: the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH). While remaining united under a central government, the two entities remained fairly separate. Each entity even had its own military force.

Agreements at the Dayton Peace Accords allowed the existence of three separate military forces in Bosnia and Herzegovina: The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska. However, before long the Croat Defense Council Forces and the Army of the Republic of Bosnia and Herzegovina joined to create the Army of the Federation of Bosnia and Herzegovina, which was controlled by the FBiH entity. While technically united, these two armies remained practically separated, and of course, the Army of the Federation was still very much separated from the Army of Republika Srpska, that is until the recent reforms.

The defense reform in Bosnia and Herzegovina reflects so many of the challenges – and successes – in the country since Dayton: unity, integration, democracy, and Euro-Atlantic accession. This particular reform has been an especially telling challenge of BiH's capacity to confront these obstacles, and this research looks into the government's ability and success in approaching such challenges.

The goals of the military reform in Bosnia and Herzegovina were clear from the start: Partnership for Peace (PfP) and eventually NATO membership. And one

¹ See note (d).

major condition for PfP membership was democratic civilian control of the armed forces. Commonly accepted theory requires that responsibility for democratic control lies in parliaments where state-level representation of civilians is highest.

All players in the reform's implementation understand the need for parliamentary oversight of the military in order to achieve membership in PfP, so the question remains: have the efforts to build the capacity of parliamentary oversight of the defense reform implementation been successful in increasing democratic control of the Armed Forces of BiH?

The Parliamentary Assembly (PA)² and its supporters have made great strides in legislation, budget control, and on MPs' knowledge of defense and security matters, all three of which are cited by George Katsirdakis, the Deputy Director of the Defense Partnership and Cooperative Directorate of NATO's Sector of Defense Planning and Operations, as ways for Parliament to obtain and maintain democratic control of armed forces.¹

The implementation of reform is not yet complete, but the successes thus far have been recognized and rewarded: at the NATO Riga Summit in November, Bosnia and Herzegovina, along with Montenegro and Serbia, was invited to become a member of NATO's Partnership for Peace.

Some of the greatest success has been in the establishment of democratic control of the Armed Forces of Bosnia and Herzegovina (AFBiH)³, creating a more stable security situation in BiH. However in order to show the government and the

² While the entities' legislative bodies are often referred to as parliamentary assemblies (the Parliamentary Assembly of the Federation of BiH and the Parliamentary Assembly of Republika Srpska), when not otherwise specified in this paper, Parliamentary Assembly refers to the *state* Parliamentary Assembly in Bosnia and Herzegovina. The same is true for the abbreviation PA.

³ The Armed Forces of Bosnia and Herzegovina (AFBiH) refers to the united army created by the Defense Reform Commission's 2005 recommendations and the 2005 legislation.

public in BiH that the parliamentary oversight in BiH has more than an observation deck, the Parliamentary Assembly must take action to effect change where change is needed in the process of military reform and transition.

This paper will cover the facts and opinions of the defense reform in Bosnia and Herzegovina. I will cover the background of defense in BiH since the end of the 1992-1995 war in BiH and the reasons for the defense reform. I will then cover the reform itself in its two major phases, the first in 2003 and the second in 2005. I will analyze the reforming legislation in both phases with special focus on the politico-military changes.

The main analysis will follow the description of reform with a discussion of the recent and current efforts to build the capacity of the Parliamentary Assembly in BiH to oversee the legislation's implementation as well as the efficacy of the capacity-building efforts. This section also looks at where the Parliamentary Assembly can improve in its ability to oversee the military and defense reform, most generally in addressing budget issues and on the MPs' need to be more critical of the Ministry of Defense.

The last section looks toward the future of the defense structure of Bosnia and Herzegovina, especially in light of BiH's recent invitation into NATO's Partnership for Peace Program.

BACKGROUND

THE GENERAL FRAMEWORK AGREEMENT FOR PEACE

In 1995 representatives of the State of Bosnia and Herzegovina (BiH), the Federation of BiH, the Republika Srpska (RS), and other relevant parties signed the General Framework Agreement for Peace (GFAP), otherwise known as the Dayton Accords or the Dayton-Paris Accords. Among many other elements of GFAP, the agreement effectively supported the existence of three separate armies in BiH: “The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska,”ⁱⁱ as was often written in the agreement.

While GFAP does not specifically address whether military command is under entity or state control, it does give more power of safety and security to the Entities than to the State. Included in concerns of the State is “international and inter-Entity criminal law enforcement, including relations with Interpol.”ⁱⁱⁱ This control of criminal law enforcement, referring to what are typically considered police rather than military duties, is the only power granted to the State in terms of security.

However, the Entities have a broader base for interpretation in their powers of security:

The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies...and by taking such other measures as appropriate.^{iv}

Vague as this statement might be, in light of the recognition of three separate armies within the State, the security powers of the State being confined to police activity, and the ambiguity contained in the Entity’s ability to take “other measures,” the military control seems to fall to the Entities.

Since GFAP does not specifically state under which government the command of the military would lie, the military seems to have ended up lying somewhere between state and entity governments or no government at all. However, GFAP did

establish a Joint Military Commission, which made a meager stab at providing some unity in military discussions and at establishing some level of civilian control.

The Joint Military Commission (JMC) was established to “serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander.”^v The JMC was chaired and effectively controlled by the IFOR Commander. Sitting on the Commission were, among others, the highest ranking military officials from each army as well as two civilians selected from each of the three major constituencies.^{vi} These six civilians were the only Bosnian⁴ civilians who had any measure of control of the armed forces within Bosnia and Herzegovina.

⁴ ‘Bosnian’ here and in all future references in this paper describes a person who lives in or is from the state of Bosnia and Herzegovina. ‘Bosniac’ describes a Bosnian who considers himself or herself of Muslim descent either religiously or culturally. The term ‘Bosniac’ is often used when referring to the three major constituencies in Bosnia and Herzegovina: Bosniacs, Croats, and Serbs. Bosniac can also be spelled Bosniak or Bosnjak.

TRIGGERS FOR REFORM

In July 2001, the Presidency of BiH announced its firm intention to make every effort to take all steps necessary to join NATO's Partnership for Peace program (PfP), which is generally accepted to be a first step toward full NATO membership.^{vii} It formally expressed a desire to have BiH become a member of PfP, and "the Presidency also expressed Bosnia and Herzegovina's commitment to...the implementation of defence reforms including restructuring of the Armed Forces."^{viii} This statement got the government and internationals in BiH thinking about how to reform the military.

However, no significant changes occurred until the discovery in 2002 of certain politico-military scandals. One scandal was what is now referred to as the ORAO affair. In 2002, it was discovered that the company VZ Orao, based in Republika Srpska, had violated a UN Embargo on exporting weapons and other military equipment to Iraq.^{ix}

The other affair was when "SFOR found out that the intelligence services of RS were spying on international officials in both Republika Srpska and the Federation."^x The result of these two scandals was the resignation of the Serb member of the BiH Presidency, Mirko Šarović in April 2003^{xi} and the creation of the Defense Reform Commission.

DEFENSE REFORM COMMISSION

These scandals pushed defense reform to the top of the agenda. A month after Mr. Šaravić's resignation, the High Representative (HR)⁵ Paddy Ashdown created the Defense Reform Commission (DRC)^{xii} to assess the military and the necessities for its reform in BiH.

Among other duties, the DRC was established to “examine the legal measures necessary to reform defense structures in Bosnia and Herzegovina, identify constitutional and legislative provisions at variance with such requirements and propose legislation” that meets the standards and goals to which the reform was aimed. Among these goals are:

- a) creating a defense system that meets NATO standards for PfP membership;
- b) creating a defense system with “democratic civil oversight of armed forces”;
- c) ensuring unified, state-level control of the AFBiH;
- d) ensuring that the size and nature of the military is within the physical and financial limits of Bosnia and Herzegovina.^{xiii}

The HR's mandate gave the DRC the ability to investigate the current status and shortfalls of the military in BiH in order to have a full understanding of the aforementioned “legal measures necessary” for reform. It also required that the reforms move BiH toward greater involvement in Euro-Atlantic organizations such as NATO, which was, and still is, the driving force for the BiH government in following through with the reform.

⁵ The High Representative is appointed by relevant United Nations Security Council resolutions and serves to help the implementation of the General Framework Agreement for Peace and to aid the institutions of Bosnia and Herzegovina (General Framework Agreement for Peace, Annex 10, Article 1.2). In a meeting in Bonn, Germany, in December 1997, the Peace Implementation Council gave significantly greater power to the High Representative. These powers, commonly referred to as the Bonn Powers, allows the High Representative to make decisions “to dismiss obstructive public officials and impose legislation if BiH's legislative bodies fail do so” (“Key Events Since Dayton”).

With the OHR mandate, the Defense Reform Commission set to work, and by September 2003 released their suggestions for reform in “The Path to Partnership for Peace.”^{xiv} This document laid out legislative suggestions that paved the way for the 2003 Law on Defense, a law that passed in both houses of the Parliamentary Assembly of BiH in December 2003.^{xv}

The implementation of reform began with the passage of the 2003 Law on Defense, which is discussed in detail below. However, as the June 2004 NATO Summit in Istanbul approached, High Representative Ashdown recognized the need for more thorough and more rapid military reforms if BiH was to be taken as a serious candidate for PfP membership in Istanbul. Therefore, in February 2004, the HR extended the DRC’s mandate to include:

Supporting the establishment of new institutional structures that will create a functioning and modern defence system. This includes the full establishment of the Security Committee of the Parliamentary Assembly, the adoption of Book of Rules for the State Ministry of Defence, the Joint Staff and Operational Command, and restructuring of the Entity Ministries of Defense.^{xvi}

This mandate called on the DRC to *support* the reforms that had already been created on paper in the 2003 Law on Defense, not to create new reforms.

Also included in the extension of the mandate was that the DRC should aid in the “timely appointment of personnel” in the new structure, help create the necessary budgets, help the Entities in inter-entity cooperation, creation of unified standards, and restructuring in light of the reform, and “identifying additional reforms necessary to further stabilizing the overall security situation.”^{xvii} This extended mandate essentially allows for the drafting of new proposals for reform as well as for the direct involvement of the DRC in overseeing the implementation of reform.

In June 2004 the North Atlantic Council decided at the NATO Summit in Istanbul to deny BiH membership into the Partnership for Peace until certain

measures were properly fulfilled, including further defense reform measures and greater cooperation with the ICTY in arresting indicted war criminals. However, the Council did recognize the major steps BiH and other membership-seeking countries had taken in reforming the military and therefore created the Tailored Cooperation Process (TCP) “as preparation for PfP membership.” The TCP allows BiH to work with PfP in selected capacities, but TCP membership is not equal to or even part of PfP membership and does not guarantee future membership.^{xviii}

With confidence behind the start of reform but the acknowledgement that more must change, the High Representative again extended the DRC’s mandate in December 2004, this time with more specific instructions:

The Commission shall examine and propose the legal and institutional measures necessary to enhance State level command and control, promote cooperation with the International Criminal Tribunal for the Former Yugoslavia, ...achieve fiscal sustainability, strengthen parliamentary over-sight, and promote development of a single military force by transferring the competencies of the Entity Ministries of Defence to the level of the State of Bosnia and Herzegovina and implement further the Commission’s recommendations...^{xix}

This second extension of the mandate called on the DRC to be more than just support the reform measures already in place. The DRC now was asked to make further reforms. The mandate presented the DRC with much specific requests and required that they be fulfilled not through helping hands but through new legislative measures.

So with such a request in hand, the DRC set to work and in September 2005 submitted its recommendations in the Defense Reform Commission 2005 Report, which among other things outlined extensive amendments to the 2003 Law on Defense. The 2005 Report will be discussed in detail below.

REFORM

NATO’S PARTNERSHIP FOR PEACE PROGRAM

One key motive behind focusing so much of the reform on ensuring that the military existed under democratic civilian control was NATO membership, which demands democratic control of armed forces. The Law states that all those in the military and in the governmental chain of command of the military “shall conduct required activities within their respective constitutional and legal authority, with the aim of fulfilling the conditions for achieving a membership of Bosnia and Herzegovina to NATO, by the start of the implementation of this Law.”^{xx}

The first step to NATO membership is membership in NATO’s Partnership for Peace Program (PfP). NATO has stated that in order for states to be invited to be a member of PfP, it must have “transparency in national defence planning and budgeting; democratic control of defence forces; preparedness for civil disasters and other emergencies; and, development of interoperability and co-operation, including NATO-led Partnership for Peace operations.”^{xxi}

Those working on defense reform recognized these requirements and sought out first where BiH lacked in these areas and how to improve in order to meet NATO’s requirements.

WEAKNESSES UNDER GFAP

From the implementation of GFAP to the 2003 reforms, the military structure in BiH remained essentially untouched, except for changes in the international security forces such as the handovers of duties between IFOR, SFOR, and EUFOR. When approaching military reform, the first step was to identify weaknesses in the system as it existed under GFAP:

- Inadequate State-level command and control of the Armed Forces;
- Ambiguities and inconsistencies regarding State and entity authorities in defence matters;
- Insufficient parliamentary oversight and control of the Armed Forces;
- Lack of transparency in defence matters at all levels;
- Non-compliance with international commitments, particularly politico-military aspects of relevant OSCE documents;
- The size, structure and equipment of the Armed Forces, which were not commensurate with real defence and security requirements;
- Disproportionate funding for defence activities;
- Deteriorating arms and ammunition stored at an excessive number of inappropriate locations; and
- Poor conditions of service for the full-time and conscript components of the Armed Forces.^{xxii}

The main themes in the system's weakness was that authority over the military was unclear and not sufficiently rested in the State; the size of the military and the defense budget was far too big, largely because of conscription; and certain politico-military dilemmas that kept the military from being a democratic institution in line with Euro-Atlantic standards.

To address all such issues, the Defense Reform Commission proposed legislative recommendations in 2003 that were considered in creating the 2003 Law on Defense.

DEMOCRATIC CONTROL OF THE ARMED FORCES

The DRC and the 2003 Law on Defense addressed all these points, but the most dramatic changes had to come in the democratic control of the armed forces. With the two armies answering to different chains of command and no central civilian or civilian body controlling both armies, Bosnia and Herzegovina would have no hope of becoming a PfP member state.

But what is democratic control? George Katsirdakis, Deputy Director of the Defense Partnership and Co-operative Directorate of NATO, explains democratic control and the necessity for it: “In an organized society where we have elected members that govern the country, obviously those elected members of the society must be able to control the various elements of that society, because they act on behalf of the people.”^{xxiii} Democratic principles tell us that society should have its say in controlling those institutions that act on society’s behalf. Therefore society should have a say in controlling defense and military institutions that are part of society and work on behalf of that society’s security. In a democratic structure, this theory translates to resting control in democratically elected persons or bodies, including the executive and legislative, parliamentary bodies.

Part of democratic control is the necessity for civilian control, which became an important factor in creating a plan for defense reform. Active members of the military may have expert knowledge of military matters but are bound by certain duties that would prevent them from properly representing constituents, representation which, as described above, is a the key reason behind establishing democratic control of armed forces.

2003 LAW ON DEFENSE

To achieve civilian democratic control, the Law had to clearly define the military chain of command and to make sure the highest levels of authority in the military were not active-duty military personnel. In other words, for an army to be under civilian control, the chain of command must begin within the government, rather than with high-ranking military officials.^{xxiv}

However, it was clear from the start that Bosnia and Herzegovina did not meet Euro-Atlantic standards for democratic or civilian control. The DRC's report stated:

Effective democratic parliamentary control and oversight of defence in Bosnia and Herzegovina...has been lacking in several important respects...Several issues related to democratic parliamentary oversight must be addressed as Bosnia and Herzegovina prepares its candidacy for NATO's PfP programme.^{xxv}

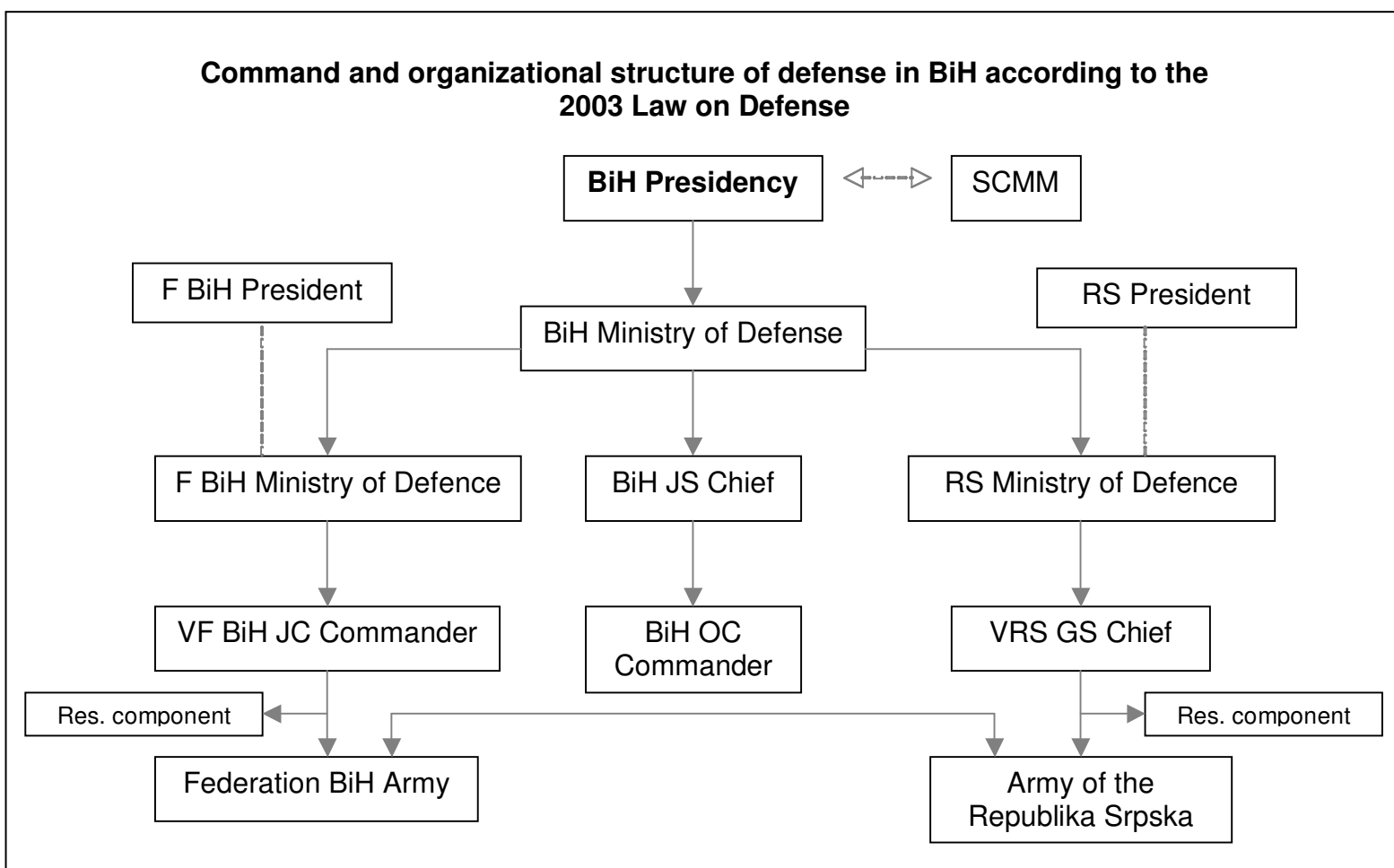
With these and other shortcomings in the armed forces in BiH in mind and using the NATO PfP requirements as a guide, the Defense Reform Commission went to work analyzing in detail the state of the armed forces and the changes that should be made to bring BiH closer to PfP membership. In September 2003, the Defense Reform Commission announced its findings in "The Path to Partnership for Peace," a document identifying the shortcomings of the then-current military structure and outlining the plan for its reform. With this information in hand, the BiH Parliamentary Assembly compiled and passed the Law on Defense, which passed in the House of Representatives of the Parliamentary Assembly on 1 December 2003.^{xxvi}

COMMAND AND CONTROL

Ministry of Defense

Primarily, the Law reshaped the command structure and defined the powers therein. The Law did not do away with the entity ministries of defense but rather legislated on the creation of a state ministry of defense that would have power over the entity ministries. Figure 1 shows the command structure as outlined in the 2003 Law.

FIGURE 1^{xxvii}



The Law also described the duties and authority of the commanding civilian positions and bodies including the Presidency, the state Ministry and Minister of Defense, the Joint Staff, the Operational Command, the Standing Committee on Military Matters, the Parliamentary Assembly, and the entity parliaments.^{xxviii}

The creation of the state Ministry of Defense was a great step toward unifying the control of the army, which was of course the goal. Before the law passed, the highest levels of operational command were the entity ministries of defense, which were not legally or practically united.

However, while the BiH Presidency and the state Ministry of Defense had authority over both entity ministries, the entity ministries did retain certain powers: “The 2003 Law on Defense defined two chains of command: operational and administrative chains of command. The entity ministries of defense were only granted responsibilities within the administrative chain of command.”^{xxix} The operational, therefore, fell to the BiH Ministry of Defense, and the Joint Staff and Operational Command.

Parliamentary Assembly

The Parliamentary Assembly should be a major player in democratic control as it is a large body of democratically elected officials. The Law gave the PA the authority to declare war or a state of emergency, to confirm nominees for positions in the military chain of command, to conduct appropriate investigations and make rules on the keeping of necessary secrets during such investigations.

The PA gained primary control over parliamentary matters regarding the AFBiH. The entity parliaments were not exempt from passing legislation regarding the AFBiH, but the PA had primary jurisdiction:

Article 36: The Parliamentary Assembly shall have primary authority to legislate all matters related to the organisation, funding, manning, training, equipping, deploying and employing of the Armed Forces of Bosnia and Herzegovina.^{xxx}

To reiterate, this statement does not exclude participation from entity parliaments. Entity parliaments are permitted to legislate on matters of the AFBiH when the PA

has not passed legislation one way or another. However, should contradictions in state and entity law arise, the state law is the final word, made clear in Article 35:

The Parliamentary Assembly shall exercise democratic parliamentary control over the Armed Forces of Bosnia and Herzegovina and all State-level defence institutions.^{xxx1}

This statement is ambiguous because “democratic parliamentary control” can be interpreted in any number of ways. However, it is clear here that whatever this democratic parliamentary control is, the PA’s control is paramount compared to the control of entity parliaments.

The purpose of these two articles (35 and 36) is to stress both the primacy of state law in military matters and to explicitly define the PA’s role in contributing to the command and control of the AFBiH.

The Law has the same intentions when it goes on to state the PA’s role in overseeing military matters:

Article 38: The Parliamentary Assembly shall have primary authority to oversee and investigate all matters related to the organisation, funding, manning, training, equipping, deploying and employing of the Armed Forces of Bosnia and Herzegovina.^{xxxii}

The PA here is granted the “primary authority,” to supervise the running of the military and therefore the handling of its reform. However, the Law announces the authority to act, not the capacity or will to do so. But for now, let me say simply that as written in the 2003 Law on Defense, the PA has the authority, the power, the jurisdiction, and most importantly the responsibility to oversee matters related to the military. Its capacity to fulfill this responsibility will be addressed in a later section.

Summary

So with this Law, the entity armies remained but were partially run by a central command that had control over both armies. The entities still participated in

administrative tasks (i.e. “funding, organizing, training, manning, and equipping”^{xxxiii}), but the final authority rested in the State. State institutions also had the authority to command operations, and to initiate and carry out the reform process. The state control had some measure of balance between the Presidency and the Parliamentary Assembly, as the PA could legislate on and oversee military matters, but the Presidency and the Ministry of Defense had the power to enforce the legislation and report to the Parliament on those matters that the PA oversaw.

DEFENSE REFORM COMMISSION 2005 REPORT

As previously described, in response to the High Representative's December 2004 extension of the Defense Reform Commission's mandate, the DRC addressed specific issues in the military and in the reform and proposed further legislation to adjust the reform process accordingly.

The Report was the combined work of all official representatives of the DRC, which included the BiH, FBiH, and RS Ministers of Defense, the chair and deputy chairs of the BiH Parliamentary Assembly Joint Committee on Security and Defense Policy, the Chief of BiH Joint Staff, three high-ranking representatives from NATO Headquarters in Sarajevo, the OSCE Director of Security Co-operation, the EU Force Commander, the Senior Deputy High Representative (OHR), and a member of the EU Presidency. There were also observers from various nationalities and professional backgrounds including representatives of certain embassies and from NGOs focused on defense and security issues. These observers did not have a vote in the DRC, but they could contribute in various other aspects of the Commission's work.^{xxxiv}

Because the 2005 Report posed specific recommendations on legislative measures, the chair and deputy chairs of the Parliamentary Assembly's Joint Committee on Defense and Security (herein: Joint Committee)⁶ were active members of the DRC with both a voice and a vote in the Commission's work. In addition, the Joint Committee, which is made up of members of both the House of Representatives and the House of People, thoroughly discussed all legislative measures proposed by the DRC before the report was released. Mr. Željko Grubešić, the Parliamentary

⁶ The Joint Committee on Defense and Security is not the only parliamentary committee that is made of members from both the House of Representatives and the House of Peoples (Christian Haupt, interview with the author). However, as the other joint committees in the Parliamentary Assembly are not referenced in this work, "Joint Committee" will always be used in reference to the Joint Committee on Security and Defense.

Assembly's Expert-Advisor for Defense and Security Matters who works closely with the Joint Committee, discussed his view of the role of the Joint Committee in the work of the DRC in 2005:

MPs from the Joint Committee supported strongly activity of DRC...[The Joint Committee] discuss about defense role and legislative role half of year. We discuss about all articles...We make the defense law and the service law in correspondence with NATO standards...And at the end of 2005, we finish the defense law and the service law in our committee. And after that the House of Representatives and the House of People concurred all proposal of our committee.^{xxxv}

By welcoming the opinions of members of the Parliamentary Assembly, the Defense Reform Commission contributed to building the capacity of the Parliamentary Assembly to legislate on matters of defense and also made sure that the elected officials of the government of BiH had a say in the proposal, making the DRC's work more democratic and ensuring that its recommendations would be taken seriously by MPs. And by making the process more democratic and inviting the BiH government to take ownership over the reforms, the government was more likely to put its power behind implementing such reforms after creating them on paper.

LEGISLATIVE RECOMMENDATIONS

The Defense Reform Commission 2005 Report (herein: the Report) recommended sweeping amendments to the 2003 Law on Defense and proposed a new law, the Law on Service in the Armed Forces of Bosnia and Herzegovina. Both laws were meant to create a unified system for operations and personnel within the AFBiH. The Report also made entity-level legislative recommendations in order to adjust entity laws to meet the new structure and especially to address matters in the suggested amendments to the 2003 Law on Defense such as the termination of entity ministries of defense.

Chain of Command

First and foremost, the 2005 recommendations for amendments to the 2003 Law on Defense got rid of the entity ministries of defense entirely, making it clear that the *State* of BiH had supreme control over the AFBiH and that there was a united command structure. As shown above in Figure 1, the 2003 Law on Defense allowed the two armies to stay separate, though the State Ministry of Defense (MoD) had authority over both. However, the Entity Ministries of Defense also had authority over each army, and while the MoD had control over the entity ministries, political tension and confusion was a likely and risky factor.

Therefore, the new chain of command meant that the entity ministries would be closed entirely, and the power those ministries previously enjoyed would go to the State Ministry of Defense, which was under the direct command of the Presidency. Therefore the Army of the Federation of BiH (VF) and the Army of the Republika Srpska (VRS) would be answering to the same people. These changes of course would not alone unite the armies, but without this unified chain of command, there was little to no hope of uniting the armies themselves, armies that had been answering to separate authorities.

Regimental System

In order to bring the VF and the VRS into one army while still “maintaining military heritage and identity,”^{xxxvi} the DRC adopted a regimental system. The Commission proposed that there be three regiments representing the three armies that had existed in practice (the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska). These regiments

would be in charge of offering “direction and advice on all issues related to ceremonial, custom, heritage and national or historic events. It is critical to understand that a regiment has no operational status and does not issue operational orders.”^{xxxvii}

Regiments would be quite limited in their ability to command troops.

The regiments’ staff would be fairly small in number, but the battalions would be divided according to the regiments to which the soldiers answered. Some battalions would answer to the regiment representing the historical Army of the Republic of Bosnia and Herzegovina, some battalions to the regiment of the historical Croat Defense Council, and some battalions to the regiment of the historical VRS.

When new recruits complete training and join the AFBiH, they may request to which regiment they want to answer. If their top request cannot be granted, they are allowed to postpone their joining or choose not to join at all. As the DRC wrote, “no individual will ever be forced to join a regiment not of their choice.”^{xxxviii}

Of course, to reiterate, when a soldier or battalion answers to a regiment, the regiment is not supposed to be issuing operational commands but rather maintaining all things ceremonial.

While the historical *is* important, the outcome of the final structure appears simply to be a way to allow ethnic divisions to remain even within a so-called unified army. The DRC argues that such a situation is important due to the new and changing international defense and security landscape:

The security challenges of the 21st century require highly professional, skilled soldiers who can operate in the confusing environment of today’s conflicts. This places a premium on unit cohesion and morale. For this reason, the Defence Reform Commission supports the conversion of the entity armies into three infantry regiments.^{xxxix}

With PfP and eventually NATO membership remaining the major driving force behind the reforms, the decision landed on forming an army that could quickly

become skilled enough to enter combat alone or in a multi-national campaign. Fully integrating these infantry battalions into cohesive and cooperative groups ready for modern conflicts and possibly multi-national operations would likely take significantly longer than creating the same cooperative groups without full integration. Cooperation takes time. Teamwork is easier when the team is made of friends. So the DRC went with the regimental system because regiments “provide the basis for *esprit de corps*, morale and unit cohesion by preserving and developing military heritage and identity.”^{x1}

Brigade Structure

The way the AFBiH would have any semblance of unity would be if these battalions that answer to regiments for all things ceremonial answered to a unified command for all things operational. For this unified command, the DRC proposed a brigade structure similar to that used in most NATO member states. This structure would take shape in the AFBiH with three brigades each with three battalions under its command. In each brigade, the three battalions would each represent three different regimental groups and therefore essentially three nationalities. The brigades would answer to the unified, state-level chain of command. Figure 2 reflects the chain of command and the ethnic breakdown of the battalions.^{xli}

Figure 2

QuickTime™ and a
TIFF (LZW) decompressor
are needed to see this picture.

Parliamentary Assembly

The section on the power and responsibilities of the Parliamentary Assembly remained largely unchanged from the 2003 Law on Defense. However, the DRC recommended that this particular section be moved closer to the beginning of the law before the discussion of the roles of other branches of government and high-ranking positions in the chain of command. The DRC moved the section in this way “to reflect the importance of the constitutional position of the Parliamentary Assembly.”^{xlii}

Other Structural Reforms

The Report outlines all the specific duties of the positions and offices in the chain of command, some of which remained the same as in the 2003 law, some that was added or changed, especially in the case of the Ministry of Defense as it absorbed all duties of the former entity ministries of defense. For the purposes of this research, these changes are not particularly relevant, so I will not describe them in detail here. Nor will I go into the other piece of legislation, the Law on Service in the Armed Forces of Bosnia and Herzegovina, which is included in the Report, because it lacks relevance to the research question.

The Report includes recommendations on entity-level legislation regarding the reform, which deals with various legal adjustments that would need to take effect should the aforementioned legislation pass in the Parliamentary Assembly, most notably the removal of mentions of and budgets for entity-level ministries of defense.

The Report also outlines a general timeline for the transfer of functions and the general implementation of these new measures. This timeline begins 1 January 2006 and ends 31 December 2007.

Professionalization of the AFBiH

Aside from structural reforms, the DRC recommended complete professionalization of the AFBiH. In the 2003 reforms, the DRC recommended significant reductions in the amount of conscripts and in the length of their contracts. However, in the 2005 reforms, the DRC suggested the elimination of all conscription:

The new Law on Defence embraces the concept of professional armed forces and the process of professionalisation and modernisation...[T]he Defence Reform Commission has agreed to eliminate conscription in order to facilitate the development of armed forces and defence structures that are truly professional.^{xliii}

Bosnia and Herzegovina does not have the need for conscription especially after the huge push to downsize the military since the reforms began. Nor can BiH afford to maintain a conscript army. Therefore, the recommendations and law supported the elimination of the conscript system and outlined how to create a professional army.

PARLIAMENTARY ASSEMBLY VOTES ON THE REFORMS

The DRC submitted the Report in September 2005, and in October 2005 both the House of Peoples and the House of Representatives that make up the Parliamentary Assembly voted on the amendments to the 2003 Law on Defense⁷ and on the Law on Service in the AFBiH. Both laws passed on 5 October 2005.^{xliv} Aside

⁷ The amendments to the 2003 Law on Defense changed more than fifty percent of the original law, which according to the Unified Rules for Legislative Drafting in the Institutions of Bosnia and Herzegovina (2005) requires the creation of a new law. Therefore, the amendments to the 2003 Law on Defense dismissed the 2003 law and replaced it with the “Law on Defense of Bosnia and Herzegovina.” (DRC 2005 Report, 41)

from a few minor changes that are not relevant to this research, the laws passed exactly as they were presented in the Report. The Joint Committee and the PA as a whole did spend some time debating the reform legislation, but the MPs' involvement in the DRC and in drafting the legislation within the Report helped speed the process along. When voting on the Law on Defense that October, only one member of each house in the Parliamentary Assembly voted against the law.^{xlv}

PARLIAMENTARY OVERSIGHT

The general agreement in democratic theory is that there exists a need for a legislative body to oversee the implementation of the legislation it passes, to hold responsible those who are in charge of such implementation. The Euro-Atlantic community certainly accepts this theory. The DRC wrote in 2003 that “civilian democratic control and oversight of the military is a central organising principle in states with methods of governance consistent with Euro-Atlantic practices.”^{xlvi}

As discussed above, NATO, which Bosnia and Herzegovina aims to join one day, expects that member countries have proper civilian democratic oversight of their militaries. George Katsirdakis, the Deputy Director of the Defense Partnership and Cooperative Directorate within NATO, spoke of his belief in the importance of parliamentary control of armed forces regardless of the supervision or effective implementation of laws in other branches of government:

The parliament has, and should have, one of the most important roles in controlling the armed forces. The reason because although the President and the government may represent of course elected representatives of the state, they do not always represent all the tendencies in the political spectrum, which is the case in the case of parliament – because parliament is much more representative of the people than obviously the government can be. The government represents only the leading element of political opinion at a certain point in time, but what about the other elements? So that is why parliament has such an important role in democratic control.^{xlvii}

What I believe Mr. Katsirdakis was getting at here was that because they are larger bodies of government than the executive and have many more members representing more concentrated groups of citizens and also are usually up for election more frequently than executives, parliaments are more representative of people and tendencies in the political sphere. With this in mind, parliaments should have a significant amount of control of armed forces to keep that control as representative of society’s expectations for the armed forces.

Of course, Mr. Katsirdakis left out another key reason for parliamentary control

of the armed forces: the parliament should serve as a check on both the active military and on the civilians in government who serve in the highest positions in the military chain of command, namely the president(s) and the executive-controlled ministry of defense.

With all this in mind and knowing that NATO expects member states to have proper democratic representation as well as a balance of powers in controlling the armed forces, leaders in BiH and in the DRC understood that the reform would have to address the Parliamentary Assembly's inability to effectively oversee the military.

PARLIAMENTARY ASSEMBLY'S CAPACITY BEFORE 2003 REFORMS

First we must look at *why* the Parliamentary Assembly did not have the ability to effectively oversee the military. The first reason is the result of a yet incomplete process of transition from socialism to democracy. Under the Yugoslav socialist system, questioning of military matters was not encouraged and sometimes not even tolerated. In addition, the role of a legislative body was minimal; no political tradition existed to promote Parliamentary criticism of the executive or the Communist Party.

The other reason for the Parliamentary Assembly's lack of sufficient and effective oversight was that it did not have complete power in this field but rather shared many of the duties of parliamentary control with the entity parliaments, which oversaw their own armies. For example, in the Federation of BiH, the entity parliament had the authority to act on certain key matters of defense: "Based on the Constitution of the Federation of Bosnia and Herzegovina, the entity Parliamentary Assembly has two main powers within the sphere of defence: authorising the use of military force by the entity and financing the armed forces of the entity."^{xlvi}

This lack of power kept the PA from being able to effectively oversee military matters as it did not have the power to gain sufficient information on the military or to properly react should something go wrong within the military. If a parliament does not like what it sees in the matters it supervises, then it should have the power to react in a way that effects change. Such powers often come with the authority to hold hearings, refuse approval of the executive's nominees, or withhold requested budgets. However, the DRC notes that before the military reform in BiH, the PA had "difficulties in securing information or the participation of government officials in parliamentary hearings, the lack of effective budget controls and oversight of defence expenditures, and underdeveloped relationships between defence institutions and

parliamentary committees,”^{xlix} all of which limited its capacity to effect change or even to properly observe where change was needed.

The first most practical capacity gap in the PA was the lack of a committee for overseeing military, defense, or security matters. Prior to the release of DRC’s 2003 report, “The Path to the Partnership for Peace,” committees in the state Parliamentary Assembly “recommended the establishment of a Joint Committee for Security Policy and Oversight and Control over the Agency for Information and Protection of Bosnia and Herzegovina,”¹ having recognized on their own the need for such a committee. The DRC upheld this recommendation, and the PA created the Joint Committee for Defense and Security Policy and Monitoring of the Work of Defense and Security Structures on the BiH Level, also known as the Joint Committee on Defense and Security.

CAPACITY-BUILDING IN THE PARLIAMENTARY ASSEMBLY

Since the country's leaders' almost universal decision to go ahead with defense reform in 2003, the Parliamentary Assembly's capacity to oversee the military and its transformation has grown immensely.

Chilean Senator and President of the Council of the Inter-Parliamentary Union, Sergio Pérez Verdugo, laid out the general necessities for parliamentary oversight of the security sector:

Parliament is responsible for setting the legal parameters, adopting the budget, and overseeing security activities. It can only exercise these responsibilities in full if it has broad access to information, the necessary technical expertise, and the power and intention to hold the government to account.^{li}

We will use these two lists as a starting point for assessing the efficacy of the measures the Parliamentary Assembly of BiH has taken to strengthen its capacity to successfully implement democratic civilian control of the armed forces. Does the PA have broad access to information, technical expertise, and the will to hold the government accountable? And with these tools has it set legal parameters, adopted the budget, and overseen security activities?

TOOLS FOR PARLIAMENTARY OVERSIGHT

Broad Access to Information: **Ministry of Defense**

The Ministry of Defense has proven to be fairly cooperative in sharing information with the PA, both through the aforementioned workshops and through regular reporting to the Joint Committee on the transition process. Mr. Haupt said, "In most cases the Minister of Defense has provided information that was requested [by] the Parliament...[But i]n some cases the Ministry of Defense is avoiding to provide the answers, or they're very slow, or the answers are very short."^{lii} However, the

general attitude is that the Ministry is fairly cooperative when the Parliamentary Assembly requests information.

As Mr. Haupt pointed out, some lack of information sharing comes from an unwillingness on the side of the Ministry, but some is also the fault of the Parliamentary Assembly itself. “There are many events,” said Mr. Haupt, “where we [in the international community] would probably...expect the Parliament to run an investigation or to ask for more materials, and [the MPs] are not doing it.”^{liii}

There are a host of reasons why the MPs don't always request further information when they should, but a large factor and one that needs significant attention to remedy, is the country's political tradition. The Communist system of which Bosnia and Herzegovina was a part when it was a republic within Yugoslavia, did not encourage citizens or government institutions to ask too many questions, especially not when it came to military and security matters: “In connection with this old bad tradition that with security matters you're not allowed or you're not supposed to ask questions. This was the past system.”^{liv} And it seems the legacy remains, though it is slowly changing. Mr. Haupt for one remains hopeful, saying, “I think there is more and more a feeling among Parliamentarians that they are not satisfied with implementation, for example with defense reform, and they are willing to take this forward now.”^{lv} Having worked closely with the Joint Committee for many years, Mr. Haupt is confident that the committee members are now, much more than before, willing to question the Minister: “If you compare now to three years ago when the Committee [on Defense and Security] was established, now the members of Committee know much more than before about all these matters.”^{lvi}

Inter-Institutional Cooperation

Do not let go unnoticed the amount of cooperation the PA has used in carrying out all of these projects, especially its cooperation with the Ministry of Defense. The workshops were often coordinated with the MoD, which allows both the PA and the MoD to share information and expertise as well as to foster a good and steady relationship between the two institutions.

A handbook written by the Geneva Center for the Democratic Control of Armed Forces (DCAF) and the Inter-Parliamentary Union (IPU)⁸ notes the importance of parliaments having strong and friendly relationships with other institutions: “Not all behaviour and interaction can be regulated by law...[I]nforming and involving parliamentarians fully...is not only a matter of transparency and legal accountability, but of dialogue between people too.”^{vii} A cooperative relationship between the PA and the MoD is key at this juncture, because synergism will help strengthen the capacities of both institutions and therefore strengthen the civilian and democratic oversight of the military. Cooperation will also hopefully ensure that the MoD respects the requests of the PA in terms of both information sharing and recommendations for change. Each institution can learn a lot from the other.

Suggestions

As Mr. Haupt mentioned above, the Parliament does not always push the Ministry or other institutions for all the information it needs. In the face of resistance from other institutions, the PA has proven to back down fairly easily. Therefore, the

⁸ “The IPU is the international organization of Parliaments of sovereign States” (www.ipu.org). It serves to connect parliaments throughout the world to coordinate and share experiences to improve the workings of parliaments to solve both global and domestic issues.

MPs need to make sure to ask pertinent questions when receiving reports and must also pursue further information where questions remain. Mr. Haupt said:

What we have to ensure is that [Parliamentarians] build up an awareness that they have to scrutinize, that they have to be critical, that it is in their interest to be critical and not just to please the Minister [of Defense]. So if something goes wrong, they have to ask the difficult questions, they have to demand the full implementation...because in the end it is to the benefit of the Parliamentarians.^{lviii}

In addition, while the PA has been quite successful in ensuring a typically friendly relationship with the Ministry of Defense, it should not forget that the Ministry need not be the only source of information. The PA should work on creating stronger relationships with other government institutions, international and intergovernmental organizations, and NGOs, all of which can be helpful in providing information.

Technical Expertise

One of the greatest obstacles in securing parliamentary oversight of the military in BiH is that many MPs lack of sufficient knowledge of military matters, especially as they related to politics. Stela Vasić of the Center for Security Studies, a Bosnian NGO, said, “You know it’s strange when you come to make a workshop to the Parliamentarians and talk about the role of NATO, and they are like completely—asking some silly questions.”^{lix} MPs come from many different backgrounds and therefore do not always have a clear understanding of what it means to oversee the military or how to do that, how to create a useful budget, or what questions would be most relevant during progress-report briefings from the Ministry of Defense.

Workshops

However, here too Parliament has made great strides in increasing the MPs' politico-military fluency. The MPs on the Joint Committee often attend workshops to learn about specific elements of the military and of their duties with regard to military matters. For example, Mr. Grubešić described some of the workshops he prepared for the MPs: "Every month we have one day for education for MPs. For example, I prepared presentation – I cooperate with a representative of MoD – I presented structure of Ministry of Defense, of Joint Staff, and I presented activity of MoD."^{lx} The Minister of Defense often attends these workshops to be available for MPs' questions so they may hear the most accurate answers.

Workshops like these are especially important after elections when new MPs begin their work. Therefore this sort of work should be ongoing, and there is every indication that it will be, provided funding remains, an issue discussed in full below.

Educational workshops are not limited, though, to the MPs on the Joint Committee. The Center for Security Studies holds workshops to which all MPs are invited. It is important that all MPs have at least a basic knowledge of military matters, because it is they who will have to debate and vote on relevant legislation and appoint certain high-ranking military personnel. Ms. Vasić said that most MPs are eager and willing to attend these workshops and to learn what they can about defense and security matters. She also praised in particular the Joint Committee's work in this area: "They are very good. We have very good relations with them. Whatever we organize, they were helpful."^{lxi}

Travel

In addition to the workshops, and actually to strengthen the depth and quality of such workshops, some MPs and Parliamentary Assembly staffers such as Mr.

Grubešić have been present on various trips to other European parliaments and organizations focused on defense and security matters to learn more about parliamentary oversight of defense and security:

We organize cooperation with other countries in Southeast Europe. We visited Serbia and Montenegro, Macedonia, Bulgaria, Hungary, Switzerland, Belgium, Slovakia, Lithuania, and we visited Council of Europe, Secretariat of OSCE Mission in Vienna, NATO Headquarters in Brussels. And also we invited our colleagues from Croatia, from Slovenia, from Germany, from France, from Estonia...the main goal of this activity was exchanging experience regarding parliamentary oversight...and during our visit to all country in the region, we visited ministry of defense...and speaker of the parliament.^{lxiii}

It is clear that the Joint Committee and the Parliamentary Assembly as a whole are working constantly to find the most effective way to oversee the military and to be up-to-date on the reforms.

The Joint Committee's educational workshops, cooperation with NGOs in providing further workshops, and visits to other European nations and organizations for security have gone a long way toward providing the MPs with more knowledge of the issues, allowing them to be more effective in carrying out their work.

Suggestions

These activities should continue every year, because education is always an ongoing process. Current MPs can build on what they already know, and after every election, new MPs will need to catch up.

My main concern is that many of these extremely helpful and important site visits are not funded by the BiH government but by the international community. For example, the visits to various European nations as discussed above were funded

almost entirely by NATO's Tailored Cooperation Program (TCP)⁹ in Bosnia and Herzegovina.^{lxiii} While outside funding itself is not a significant issue right now, problems will arise if and when such funds are withdrawn as the international community pulls out of BiH. The PA should look into its own budget to find ways to support its projects for oversight, or it should look for ways to secure smaller amounts of funding from various donors. It could also explore ways to ensure the repayment of loans so that it can securely take out loans to continue to increase its capacity for these important activities.

However, as discussed in full below, the Parliamentary Assembly often cannot make necessary budget adjustment due to the tardiness of ministries' budget proposals. Therefore the ministries should take steps to remedy this situation, and the international community should put pressure on the ministries to do so.

If these parties do not take it upon themselves to take action in this case, the Parliamentary Committee has a few other options. The first is that if no changes occur in the international community's or the MoD's actions, the PA should push for an inquiry or hearing on the matter or find a menacing political threat to get the ministries to produce on-time budgets. This political threat should be the PA's decision to block certain legislation that the government or the particular ministry or ministries that have turned in late budget requests want or need passed. Such action should not only solve or improve certain budget issues but also prove to the country that the Parliamentary Assembly is willing to assert itself to ensure proper implementation of the laws.

⁹ The Tailored Cooperation Program (or Process) is a program that allows TCP participant countries to take steps toward being involved in the Partnership for Peace. Each country's TCP is different depending on what it can offer to PfP and what PfP can offer it. TCP participants are included in some Partnership for Peace activities.

The second option is to look for other ways to gain the same or similar politico-military fluency on a smaller budget. For example, while some may need convincing, international parliamentarians may accept invitations to visit the PA in BiH, therefore allowing the same resource-sharing as Bosnian MPs received on visits to other European nations but with far fewer expenses.

While the latter strategy is not ideal, the former being more beneficial to the PA and its reputation in the political scene, its relative merits are worth considering, especially in a nation where the budget is exceptionally tight, and less-expensive, equally-effective alternatives are worth exploring.

Will to Hold the Government Accountable

This area is trickier to measure, so let us first look at it in reverse. What political elements decrease political will, and how have these elements affected the PA in BiH? The DCAF and IPO handbook lists the three most common factors in decreasing political will: party discipline, constituency interest (or lack thereof), and security concerns/confidentiality.^{lxiv}

Decreasing Political Will:

Party Discipline

Party discipline, the document argues, often makes parliamentarians wary of criticizing the executive if (s)he is of the same party.^{lxv} The situation in Bosnia and Herzegovina is unique in that there are three presidents that represent the country's three major constituencies. Therefore, the executive branch is always open to a broad range of criticism, because every party responds to at least two presidents not of one's own. Therefore, this concern, while not void in BiH, is of lesser importance in hindrance of political will.

Constituency Interest

Constituency interest, which the document interprets as typically society's lack of interest in security matters, means that parliamentarians are less likely to pursue issues of security if voters are not interested because "many parliamentarians think that it does not pay, in terms of being re-elected, to spend too much of their time on security issues."^{lxvi} Again, this case does not carry much weight in Bosnia and Herzegovina, because defense and security issues have great relevance to the lives of constituents and are often widely discussed in the media. In addition, membership in Euro-Atlantic organizations such as NATO does indeed pay off in terms of being re-elected. Advancement towards membership goals can go along way in re-election campaigns, and therefore investing time in security and defense matters should be an important consideration in campaign strategy. I have seen no evidence that parliamentarians have been less willing to act due to a belief that constituents are not interested.

Security Considerations

The final factor in decreasing political will is "security considerations forcing parliamentarians not to disclose their findings."^{lxvii} For obvious reasons, information on the impact of secrecy is not readily available. However, with the international community currently playing a large and active role in the military of BiH, it seems that if the PA knows certain secrets, the international intergovernmental organizations such as NATO, OSCE, and EUFOR probably do too. Therefore it is not up to the parliamentarians to keep that information confidential or even to be the sole bearers of investigation.

Political Tradition

Senator Verdugo did not mention political tradition as a reason for a decrease in political will, but it is an especially important aspect in countries of transition, especially post-socialist transition. Political tradition in socialist states tends, as it did in Yugoslavia, to limit questioning of the Communist Party or the country's leader. Questioning of the Executive, the Communist Party, or the military was not encouraged, creating a political tradition that amounts to an unwillingness to hold the administration or the military accountable for implementing laws such as the defense reform laws in BiH. While this tradition seems to be slowly changing as the country adapts to a democratic system, the country's history in this case still plays a role in detracting from political will.

Proving Political Will

Having essentially negated the factors that detract from political will, let us look at the PA's actions that reveal its will. First of all, the Joint Committee has proven to be one of the strongest committees in Parliament:

The Defense Security Committee in the State Parliament has a general feeling that it is probably *the* best committee in the State Parliament, so...the members are proud to be a member of this committee, which automatically results in a more proactive approach.^{lxviii}

The drive in the committee can be seen in all the efforts the MPs and Parliamentary staff have made to gain more knowledge of defense issues, namely site visits and educational workshops, and to create strong and friendly relationships with other institutions. They have cooperated with both international and domestic organizations and institutions to create mechanisms for proper oversight, such as the creation of the Joint Committee for Defense and Security and the frequent holding of informational

meetings and visits with players in the politico-military scene. All this reveals a strong will to address security issues and to improve the PA's ability to do so.

Suggestions

However, the PA must also be ready and willing to take action to bring about change. Of course, with the defense reform's progress thus far, the PA seems not to have many complaints or is unwilling to cause controversy that could undermine the progress of reform. Both reasons are logical and worth consideration. But in time, the PA will have to prove the reasoning behind its supervision: to hold the government accountable. All government institutions have room for improvement, just as the PA does, and it is the PA's job to help those institutions progress.

EFFECTIVE USE OF TOOLS FOR PARLIAMENTARY OVERSIGHT

With a generally positive assessment of the general tools Senator Verdugo listed, we must then look at how the PA has used these tools to properly carry out its duties as a legislative body. Let us focus for the purposes of this research on just the AFBiH and directly related matters and reforms. In other words, I shall not address the PA's role in internal security matters such as police reform and border security.

Legal Parameters

The PA passed two rounds of laws for reforming the structure of the military in BiH, first in 2003 and then again in 2005. It created the Joint Committee on Security and Defense and through legislation properly addressed its duties with respect to the military and the transition process. The Committee oversaw the implementation of the 2003 Law on Defense and was quite involved in reviewing and adopting DRC's drafts of the 2005 legislation. The then-Chairman and Deputy Chairmen of the Joint Committee served as ex officio members on the Defense Reform Commission as it confronted the second round of major reforms in 2005. Dr. Raffi Gregorian, the former Co-Chair of the Defense Reform Commission, said that it was "very very useful to have them there, because the expectation was that they would be our interlocutors in Parliament, to keep them [MPs] informed as to what was going on and also give us their expert advice on how to deal with certain issues in parliamentary procedure."^{lxix}

While the DRC was coming up with a plan for further legislative reforms, some MPs visited various defense institutions in BiH to ask personnel what they wanted and expected from the reforms. Mr. Grubešić, the PA's Expert-Advisor for Defense and Security, said, "Our MPs discussed with soldiers, with officers, with generals. What is their suggestion? What they want...to include in Defense Law and

Service Law? And the result was excellent.”^{lxx} This was a true show of a democratic system: representatives directly asking constituents about reforms that would have a direct impact on these citizens’ lives and jobs. And without the support of these members of the military, implementation of reform may have been much more problematic.

After the DRC released its 2005 Report with recommendations on legislative changes, the Joint Committee discussed the laws and made a few minor changes before overseeing the presentation of the laws to the rest of the Parliamentary Assembly for ratification.

Do not underplay the Committee’s success in this area. The creation of a single, unified military was a sensitive topic, and frankly one not required for PfP membership, as NATO did not specifically require a fully integrated army. Many Bosnians and Parliamentarians alike did not approve of the armies’ unification in this way, but the members of the Joint Committee helped push through the reforms. Dr. Gregorian, who worked closely with the Joint Committee in getting the 2005 reforms passed into law, remarked on the great efforts Committee members put in to creating a successful reform package, recognizing “the good will that [MPs] had towards trying to make [the 2005 defense reforms] happen even though in some cases members of the committee did things and adopted positions that they knew were contrary to what their party wanted them to do. A lot of courage demonstrated there.”^{lxxi}

These legislative achievements were no small feat. Reforming any military is typically fraught with political danger. The reform in BiH in particular, the idea of uniting the two armies, was an extremely sensitive topic. Once deciding to go ahead

with the reforms, reaching consensus presented another formidable foe. But the MPs rose above the fray and reached nearly unprecedented parliamentary consensus.

Suggestions

Legislation should not remain forever stagnant. Minor changes could be made to make smoother the transition process and the everyday running of the military. Dr. Gregorian suggested that the MoD might run more smoothly and be more efficient if it had one Deputy Minister instead of two. In addition, the power to remove general rank officers rests in the Presidency rather than with the Minister of Defense. The Presidency, however, rarely achieves consensus on matters such as this, therefore effectively barring the possibility of removing generals from the military who fall below standards.^{lxxii} These difficulties might be changed through legislation, and the PA should address such issues and look to see if there are other areas in the military that would function more efficiently with certain legislative changes.

However, I recognize that the recent legislative changes regarding military matters have been drastic and may need more time to settle before jumping into new changes.

All in all, the legislative achievements in the PA have been extraordinary and have gone a long way to helping the country achieve successful reform. Writing effective legislation requires a firm understanding of the situation at hand, which can be gained through both access to information and expertise, as Senator Verdugo suggested. Passing legislation requires the political will to push for consensus. Considering the success of the reform legislation and the overwhelming consensus on a highly sensitive and divisive topic, it is clear that the PA effectively used these three tools in dealing with defense legislation.

Budget:
Positive Changes

An accurate and transparent budget is an incredibly arduous and yet important task that is left largely to the control of parliaments. As budgets deal mostly (though sometimes not solely) with taxpayers' money, taxpayers have a right to know how the money is being spent and therefore deserve a transparent and well-adjusted budget. DCAF and the IPU note that "to this day, one of parliament's most important mechanisms for controlling the executive is the budget...As security sector organizations use a substantial share of the state's budget, it remains essential that parliament monitor the use of the state's scarce resources both effectively and efficiently."^{lxxiii}

Every year the Joint Committee on Security and Defense attends a two-day workshop on the defense budget. In cooperation with the Ministry of Defense, the workshop leaders "presented [to attendees] structure of the budget elements and what is necessary equipment for Army and everything."^{lxxiv}

This effort shows the Committee's commitment to having a greater understanding of the budget and into passing an adequate and yet largely reduced budget, noting the major downsizing of the AFBiH throughout the reform process. And the Committee's work has been easier due to the MoD's accurate and detailed budget requests. No doubt the MoD's cooperation in budget requests comes from the mutual respect shared between institutions. Dr. Gregorian said that in "the past two years the defense ministry has prepared a very well justified and explained budget. It's the only ministry in the state that does that, that actually follows the guidelines that Parliament requires. And as a result the Parliamentary committee has always supported their full funding request, as has the finance committee."^{lxxv}

Remaining Issues

However, in recent years the Parliamentary Assembly as a whole has not approved the defense budget requests in full, though often due to extenuating circumstances. For example, one year the IMF and the Principal Deputy High Representative at the time “ordered the defense budget cut by 75 million marks,”¹⁰ a decision which, for various reasons, the PA had to respect. This lack of sufficient funding will likely slow the transition process and may make the MoD less willing to cooperate on budget matters in the future. Therefore it is crucial that the PA address these budget cut-backs and that the Joint Committee find ways to push the budget through both houses or to fight last minute cutbacks by international community leaders.

The international community of course also has a hand in these cutbacks and in these budget issues as they arise. While the IMF surely needs to monitor the BiH government’s spending of IMF-loan money, the IMF should try to work with the Parliament to come to an agreement on spending. Spending time on these decisions will serve both to increase the Parliament’s capacity to properly assess similar budget concerns in the future and to uphold democratic principles that the IMF and HR infringe upon when making indisputable demands. While the demands may be fully within the law in BiH, that fact does not guarantee their democratic values.

According to Mr. Haupt, in most years the ministries deliver the budgets about three months late: in December rather than September. In order to have the year’s budget ready on time, the Parliamentary Assembly therefore has only one month (until the end of January) to review, adjust, and approve the budget.¹⁰

¹⁰ The respective ministries propose budget requests (i.e. the Ministry of Defense proposes the defense budget). The Parliamentary Assembly receives these requests, and the relevant committee reviews the budget (i.e. the Committee on Defense and

Because of the delay, the Parliament must pass the budget very quickly, because a delayed budget approval can have serious repercussions in the country's functioning. However, passing a budget too quickly has consequences of its own: "If you want to pass something in a hurry, it means clearly you are not able to look into the budget lines and you are not able to change or amend,"^{lxxvii} which, among other negative results, leaves both the MoD with what it claims is not enough funding and the Parliament which does not have sufficient funds to carry out its duties of oversight.

Mr. Haupt takes issue with the fact that "nobody is in fact asking the question whether it's inappropriate for the government to pass the budget three months late to the Parliament, ...why [the government is] undermining the right of the Parliament to scrutinize the budget and to intervene. But this question is not asked from the side of the international community."^{lxxviii} Therefore, instead of putting all the pressure on the Parliament to pass the budget on time, the international community should also make a point to pressure the ministries to deliver on-time budget proposals to the Parliament.

Of course, all of these adjustments would certainly be made easier if the ministries took it upon themselves to deliver their budget proposals to the PA on time.

However, the Parliamentary Assembly should not sit idly by waiting for the ministries or the international community to change. If no change can be seen, then, as mentioned above, the PA should call an inquiry or investigation into the reasons for the delayed ministries or should use other political tools at their disposal to pressure the ministries into giving MPs what they need to do their jobs properly.

Security reviews the defense budget) and makes adjustments based on the committee's discussion. Once the adjusted budget passes in committee, it goes to a vote in both houses of the Parliamentary Assembly, which is the last phase of approval.

Overseeing Security Activities

As discussed above, the Joint Committee regularly receives reports on the MoD's activities and has a friendly relationship with the MoD. The Minister of Defense regularly attends meetings and briefings for the Joint Committee.^{lxxix} Committee members have also gone on many site visits to various security institutions in Bosnia and Herzegovina. They spoke with members of the Joint Staff, with representatives from the MoD and the Minister of Defense himself, with soldiers, officers, and generals to gain a better understanding of their work and to see where they wanted improvements. The Joint Committee planned many such site visits including visits to regional offices of the State Border Service. Mr. Grubešić said, "Our committee visited about 65% of the state border. The main goal was: what is security at the Bosnian border? And we discuss with border police, with border guidance, with management."^{lxxx}

Visits such as these are extremely important in developing a close and trusting relationship between politicians and military officials. DCAF and the IPU recommend that parliamentarians in all countries take part in similar visits of security sector sites:

Parliamentary visits to the premises of the security services can be regarded as a way to develop a dialogue and build trust and understanding between political and military leaders. These visits of parliamentarians enhance their awareness of the soldiers' daily problems and demonstrate to the military that the political leadership is interested in and committed to soldiers' mission and well-being.^{lxxx}

Cooperation is always more efficient and effective than endless bickering, and visits such as this are excellent opportunities to build cooperative relationships.

With huge amounts of information on military matters and with the broad scope of defense and security issues and happenings in Bosnia and Herzegovina, the

PA will find it impossible to know everything. However, the PA is going to great lengths to oversee what it can about defense and security within its borders.

Suggestions

We have established that the Parliamentary Assembly's capacity has significantly increased since 2003. Its ability to oversee military matters, to know what is going on in the ministry of defense and within the military has seen enormous improvement. However, the PA is lacking in its willingness to openly and strongly criticize the government or the implementation process.

There are several different ways the PA could go about effecting change in this scenario including holding a hearing, blocking military appointments, or refusing to pass the necessary budget. For various reasons including the need for continuation of transition and reform implementation, blockades such as refusing to ratify military appointments or pass the budget would not be an effective option for the PA at this time. However, a hearing or the threat of one might help to speed the transfer of property and secure a stronger position for the PA in military oversight by putting power behind its laws and its oversight. The PA can have all the information in the world, but if it refuses to effect change based on that information, then it has gotten nowhere. DCAF and IPU write of the advantages of a hearing or inquiry:

With regard to security/defence issues, ad hoc committees of inquiry have a specific importance and their advantages are numerous. In particular: [t]heir very setting up may be viewed, by the public especially, as a positive political signal; [t]hey may be an adequate tool for detailed scrutiny of politically sensitive issues related to the security sector; [t]hey may allow a precise evaluation of the government's policy on specific security issues and propose, where appropriate, means of redress or reorientation likely to be accepted by the entire house and the government.^{lxxxii}

Despite the merits of an inquiry or the like, the PA has not taken appropriate action when necessary. When discussing the possibility of an Parliamentary inquiry or

investigation into military matters the PA deems inappropriate or not properly following the law, Mr. Haupt said, “If it gets tricky, [Parliamentarians] are not prepared to go to the very end.”^{lxxxiii} But going to the end, fully pushing the government for information and proper implementation practices is exactly the job of the Parliament. Mr. Haupt agreed: “Now it’s up to the Parliament to have a critical approach and to openly criticize the ministries if something is going wrong...”^{lxxxiv}

Example

The issue of property is an example of just such a time and place to squeeze the government on improper implementation. The most common complaint I have heard about the implementation of reforms is with arms control and dealing with the exchanging and destruction of movable and immovable property as outlined in the body of the 2005 Law on Defense. The details of that process are irrelevant in this paper except to say that the 2005 Law on Defense made ambiguous statements regarding the transfer of entity-owned military property that is immovable (i.e. land, barracks) and movable (i.e. small arms, ammunition). Some argue that the property was to be transferred from entity to state ownership in the beginning of January 2006. However some entity officials expect the state to pay the entity governments for the property, while others in the BiH government disagree because payment is not mentioned in the Law. In addition, much of the weaponry was to be destroyed due to the military downsizing. As a result of the ambiguity, some in the military and government are blocking efforts to transfer or destroy such property.^{lxxxv}

The Parliamentary Assembly is not directly responsible for coordinating the efforts surrounding the property debate. However, as it is responsible for supervising the implementation of the legislation it passed, the PA therefore has responsibility for overseeing the transfer and/or destruction of property as written in the law. Since this

aspect of the law is not being properly implemented, the Parliamentary Assembly has a responsibility to act.

The lack of cooperation in arms control and property transfer presents an opportunity for the Parliamentary Assembly to hold an inquiry and achieve these three desired effects: the public's positive interpretation of the inquiry, the opportunity to discuss in public a sensitive issue on all sides, and to address how this issue might be resolved. In addition, the international community's frustration with the lack of movement on the property issue would put them in the PA's corner, giving the PA a significant advantage and maybe the resources and power to back up their claims of improper implementation. The PA should take full advantage of the opportunity here to assert itself in the changing politico-military scene.

SUMMARY OF SUGGESTIONS

In terms of programming, effort, and the generally agreed-upon success of the Parliamentary Assembly's efforts at building its own capacity to oversee military matters, I must conclude that the best way to improve is to continue on the current trajectory, to maintain the educational programming and the efforts to get first-hand knowledge of the country's security situation through site visits and the like.

The PA can improve on its own knowledge of the issues and the ability for it to receive accurate and up-to-date information concerning the military if it maintains and improves upon its relationships with other institutions in the BiH government as well as international and intergovernmental organizations and NGOs. To build on these relationships, Parliamentarians and Parliamentary staff should be frequently in touch with these organizations, should ask for information, and should continue to invite representatives of these organizations to events in the Parliamentary Assembly, especially ones outlining the work of the PA.

The MPs must also take it upon themselves to ask for more information from the Ministry of Defense and other defense-related organizations. And they must take more critical stances toward the Ministry of Defense, even going so far as establishing and following through with an inquiry or parliamentary hearing.

Budget concerns should be at the forefront of the PA's criticism. The Parliamentary Assembly does not have enough funding to effectively carry out its duties of oversight, and some claim the defense budget is insufficient for the necessary military duties and reforms. The PA should use its political leverage to ensure that budget proposals are delivered on time to allow the PA enough time to make necessary adjustments that allow the PA enough time to approve a well-balanced budget.

THE FUTURE OF REFORM

While the defense reform in BiH has thus far been quite successful, most would say the most successful reform since Dayton, implementation is not yet complete, and the future is unclear.

Structure

The basic structural reforms should hopefully continue to be implemented and show signs that they will. The next large hurdle in this scene comes with personnel placement. All military personnel have been interviewed in recent months in the process of deciding where personnel should be placed based on specialty and regimental preferences. By the end of 2006 or beginning of 2007, all offered contracts should be delivered, and then it is up to those men and women to decide if they will accept the offered positions, though undoubtedly acceptance will for some mean geographical changes and maybe serving in a regiment not of one's preference. Some difficulties may arise here, but most seem both hopeful and confident that the process will be completed relatively on schedule and without any major delays. And from there will begin regular day-to-day business under the new structure.

At this point, the Parliamentary Assembly should begin regular visits to all operational and regimental bases to begin overseeing the military itself rather than simply the implementation of legal adjustments, which most commonly translates to overseeing the Ministry of Defense.

Partnership for Peace

On 29 November 2006, NATO invited Bosnia and Herzegovina to become a member of the Partnership for Peace Program.^{lxxxvi} Those I interviewed following the decision were largely divided in their ideas about the impact membership will have on the implementation of reform, though they all agree that it will have an impact. Some

believe the membership will accelerate and improve implementation, because politicians are motivated by the decision, having political proof that the reforms have been successful so far and that they pay off in terms of reaching the country's goals for Euro-Atlantic integration. Further progress in defense reform could therefore bring further integration, which motivates politicians to push ahead.

Others, however, are not as confident about the help membership will provide. While High Representative Christian Schwarz-Schilling celebrated the invitation, claiming it is “reward for many years of hard work and a reflection of how far the country has come in reforming its defence structures,”^{lxxxvii} some take a different stand. Most in Bosnia and Herzegovina agree that the decision was largely political and believe that while the defense reform has been successful, the invitation into PfP may not have had so much to do with this success as for various political purposes such as the upcoming United Nations Security Council decision on the status of the region of Kosovo, a sensitive topic in the region. The impact of the Kosovo decision deserves much discussion, which I will not offer because of its tangential nature to this research.

Part of the reasoning behind believing the decision did not have much to do with Bosnia and Herzegovina's actual progress is lack of completion of a key PfP requirement: cooperation with the ICTY. While “cooperation” is ambiguous, the general agreement was that without explicitly saying so, “cooperation with the ICTY” means capturing the two notorious indicted war criminals, Radovan Karadžić and Ratko Mladić. These men have not yet been caught, leaving BiH short of the necessary requirements for PfP. And yet NATO offered membership, presumably then for political reasons only.

While the political nature of the decision is not likely to impede reform, the *perception* that the decision was political could detract from the aforementioned political motivation.

Regardless of perceptions, though, PfP undoubtedly offers BiH unprecedented opportunity. High Representative Christian Schwarz-Schilling describes the open door offered to BiH through membership:

The Partnership for Peace is an extremely flexible and innovative programme designed to facilitate cooperation with partner countries to extend the zone of peace and stability in Europe. It consists of practical, bilateral activities between individual partner countries and NATO that allow partner countries to develop their own relationship with NATO, choosing their own priorities for cooperation. Ultimately, therefore, it is what its members make of it.^{lxxxviii}

Hopefully BiH will take advantage of the opportunities to increase Euro-Atlantic engagements and to use the specialized nature of the Program to find its own niche in NATO in the hopes of future membership. By bringing BiH closer to its goal of NATO membership, hopefully politicians will continue to work as hard as they have on the defense reforms to further implement the reform.

CONCLUSIONS

When inviting Bosnia and Herzegovina, Montenegro, and Serbia to join the Partnership for Peace last month, NATO included a signal to the countries that further reform and cooperation is still necessary:

[W]e reaffirm the importance we attach to the values and principles set out in the EAPC and PfP basic documents...We will closely monitor their respective efforts in this regard.^{lxxxix}

NATO will not let BiH slip into NATO without seeing further improvements. While the tasks ahead in order to continue implementation of reform and increase cooperation with NATO through PfP and to all other standards for NATO membership, challenges also create opportunities, and here Bosnia and Herzegovina must take advantage of the opportunity to prove its capacity on the international stage.

But how can BiH prove its capacity internationally if its institutions have yet to prove it at home? The Parliamentary Assembly in particular has an increasing capacity to oversee military matters and to effect change in the country. However, if it doesn't use the capacity it has spent so much time building, then what indeed is the point of all that work?

The MPs, especially those who sit on the Joint Committee on Defense and Security, need to first identify key places where implementation has been blocked or slowed such as the transfer of property and the many budget setbacks. Then it needs to take a critical stand on these issues and press the government to make the necessary adjustments. It can create the necessary pressure through a holding hearing or inquiry, blocking appointments, withholding budget requests, or making political deals based on legislation the government needs to see passed.

The PA has the capacity to take these steps. It has the necessary expertise, the backing of relevant laws, and the structure and highly respected reputation of the Joint Committee.

One issue now is whether or not it has the political will to follow through with its critical measures. With the political success of the reforms now formally backed by the international community through the PfP membership invitation, the MPs can ride the optimism wave to find the public support it needs, which for a representative body is key.

The second concern is whether or not the international community will support the critical measures. While constantly calling for democratic oversight, the IC has not recently proved to offer widespread support for the PA. As one defense expert told me regarding the idea of a parliamentary hearing on matters of defense reform, the international community does “push for democratic control, [but] there’s a limit...The international community probably doesn’t want to be asked certain questions.”^{xc} Therefore, the PA will have to assess if such a public display is worth the risk of losing some support from the international community both for the duration of the hearing and possibly for the future. If the PA believes that risk is not worth taking, then it should certainly not back down but rather look toward the other suggested avenues of parliamentary power.

If the PA can prove that it has power behind its words and is willing to take action to effect change rather than sitting by watching while its hard-earned legislative reforms disappear in a political pit of implementation, then it will prove to the international community, and more importantly to the BiH government and citizens that it is ready for the world stage.

Personal Reflections

I was surprised to find that there was not a noticeable divide between the opinions of Bosnians and of members of the international community in Bosnia and Herzegovina. That is not to say all opinions were all the same, but rather that they were not divided by citizenship. If nothing else, this aspect proves the teamwork that existed in the formation and implementation of defense reform. This was not a case of the international community imposing reform on BiH as has been suggested was the case with the recent attempts at police reform. Without a doubt, cooperation was a major key to the success of defense reform.

However, I was disappointed with the international community's general attitude of "someone else will do it" concerning supporting the capacity building of the parliamentary assembly. Often the reasons given for lack of significant engagement with the PA was that the institution's focus was elsewhere, on the practical implementation of reforms, for example.

While this reasoning is worth consideration because no organization can do everything, I wonder about the reasoning behind these institutions' priorities. The international community as a whole talks so much about democratic control, that it seems it would be a top priority. And maybe it is on paper. But democratic control is not likely to appear on its own, not even gradually. The IC should take more action to help boost the potential of the Parliamentary Assembly, should encourage the PA to be more critical, and should support it when it does just that.

The IC should act this way first of all to act like it means what it says, but also to improve the independent functioning of the Bosnian governmental institutions. If the IC concerns itself solely with the implementation of reform itself, of dealing with property issues and whether or not the defense budget can afford a helicopter, then the Bosnian government is losing an opportunity to make these decisions on its own. When certain international institutions pull out such as the OHR and when the ones left quit handholding, what capacity will the Bosnian government have? The new political tradition will not be to ask, "what would the IC do?" but "why isn't the IC doing it?"

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