

LAW ENFORCEMENT AGENCIES RESPONSE TO CONTEMPORARY SECURITY CHALLENGES IN BOSNIA AND HERZEGOVINA

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Abstract: Bosnia and Herzegovina, as part of Western Balkans and Europe, is facing same challenges as in other states in the region. Numerous security challenges in the region are making states and its citizens vulnerable and force the governments and law enforcement agencies to cooperate, exchange information and work together to respond properly. There is so much common in legal framework and organization of law enforcement agencies in other states in the region but Bosnia and Herzegovina is different. Unique political and administrative structure compare with other states in the region, 16 law enforcement agencies in inner security system divided in state level, two entities, one district and ten cantons and difficult cooperation and coordination between different ministries, institutions and agencies are some of obstacles. This paper focus on how much the differences in Bosnia and Herzegovina influence planning, decision making process, cooperation, coordination, control and time to respond on security challenges such as organized crime, terrorism and illegal migrations.

Keywords: law enforcement, security challenges, organized crime, terrorism, illegal migrations

Introduction

The signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, colloquially called the Dayton Peace Agreement, put an end to the 1992-1995 war. What constitutes the Dayton Peace Agreement is a set of international treaties, twelve annexes to that agreement, and an Initialing Agreement concerning the modalities of concluding and the entry into force of other agreements (Seizović, 2020: 13). In terms of security systems, the Agreement left three armies and three police systems inherited from the war period. The Defense Reform in Bosnia and Herzegovina, which ended in 2005, established the Ministry of Defense of Bosnia and Herzegovina and the Armed Forces of Bosnia and Herzegovina and a single chain of command and control in the field of defense security (Bajramović, 2016: 214). Attempts to implement police reform and establish a unified internal security system have failed. The internal security system in Bosnia and Herzegovina is comprised of numerous police and security agencies which, in cooperation with other institutions in Bosnia and Herzegovina,

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seek to address the challenges posed by contemporary security threats and risks. Given that contemporary threats and risks generally exceed national borders, police agencies in Bosnia and Herzegovina are formally cooperating with police and other law enforcement agencies in the region and internationally. This paper will discuss the capabilities and results of police agencies in Bosnia and Herzegovina to respond to contemporary security threats and risks.

1. DEVELOPMENT OF POLICE AGENCIES IN BOSNIA AND HERZEGOVINA AFTER THE SIGNING OF THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

In 2003, the European Commission presented police reform in the Report on BiH's willingness to negotiate the Stabilization and Association Agreement with the European Union as a major short-term priority for BiH to move closer to this process (Čepon, 2008: 9). The total number of police officers in 2004 was 16,800, which is too much according to the European standards because the optimal number of officers in BiH is around 11,000. Administrative lines for police work are determined by war events and not by technical police criteria, which is necessary for successful work (Muehlmann, 2007: 38). On 2 July, 2004, the High Representative of the International Community in Bosnia and Herzegovina, Lord Paddy Ashdown, decided to establish a Police Restructuring Commission to propose a "unified structure of police duties for Bosnia and Herzegovina" (PRC Report, 2004: 3,193).

Very complicated structure of police services in BiH (Čepon, 2008: 9), 16 in total, in addition to state-level police agencies (Border Police of Bosnia and Herzegovina – BP BiH, State Investigation and Protection Agency - SIPA, Directorate for Coordination of Police Bodies) includes 13 more agencies : two entities, in the Federation of BiH (in which all ten cantons have their own police agencies) and in the Republika Srpska, and the police forces of the Brčko District of BiH (Hadžović, 2012: 27; Smajić, 2010: 60). "The existing police system and operations in Bosnia and Herzegovina are organizationally complex, dysfunctional and irrational." (Spahić, 2012: 212).

Although it operates at the state level, the Ministry of Security of BiH does not organizationally link the FBiH Ministry of Internal Affairs, the RS Ministry of Internal Affairs and the Brčko District Police. The entity ministries operate as two separate police structures, with the FBiH police acting in a decentralized manner, while the RS police operate in a centralized manner and the Brčko District Police as an independent police body. In the Federation of BiH, all 10 cantons have independent Ministries of Internal Affairs and the FBiH Ministry of Internal Affairs, according to the Law on Internal Affairs of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH, 49/05), has jurisdiction over four points of this law in relation to the Cantonal Ministries of Internal Affairs (Spahić, 2012: 213). Police reform in BiH is largely politicized because it is the result of political process, negotiations and compromise (Batt, 2008: 19).

2. CONTEMPORARY SECURITY CHALLENGES AND RISKS

Security challenges are constantly changing, modifying and upgrading in the contemporary world. There are numerous challenges and risks and their ranking varies depending on the threat, challenge or risk and the perception of residents in the given country. Security risks are (the order doesn't reflect the frequency of the risk): organized

crime and violence of crime groups; Conventional threats; Terrorism; Organized crime; Corruption; Non-democratic regimes and violated human rights; Unstable states; Economic crisis; Financial crisis; Illegal human trafficking; Illegal drug trafficking; Illegal weapons trafficking; Proliferation of weapons of mass destruction; Illegal migrations; Piracy; Usage of energy sources for political purposes; Poverty; Incurable diseases; Environmental threats; Lack of water and air (pollution); Cyber threats; Technological disasters; Natural disasters – earthquakes, volcanos, fires, floods...; Special challenges – traffic accidents; Civilization, religious and ethnic differences. (Cikotić et al., 2018:60-61) Given that many of these risks occur in Bosnia and Herzegovina, we will further elaborate on the responses of law enforcement agencies to: (transnational) organized crime, terrorism and illegal migration.

3. TRANSNATIONAL) ORGANIZED CRIME, TERRORISM AND ILLEGAL MIGRATIONS AS CONTEMPORARY SECURITY THREATS

3.1. Transnational organized crime and organized crime

There is no single definition of transnational organized crime. Numerous theorists agree that this phenomenon is easier to describe than define. Therefore, there is no global strategy for combating transnational organized crime, but each state, through its national security system, defines the forces, the method and the form to fight. Transnational organized crime is a factor of instability and a threat to countries in transition, but because of its global influence it also threatens the states with consolidated democracy (Smajić et al., 2017: 55). We currently have 21 contemporary transnational organized crime activities: drug trafficking; weapons trafficking; Human trafficking; Human smuggling; Corruption; Usury; Money laundry; Prostitution; Migrant smuggling; Cyber-crime; Intellectual property theft; Sea piracy; Human organs trafficking; Cultural property theft and smuggling; Motor vehicle theft and smuggling; Environmental crime; Weapons smuggling; Insurance fraud; Child trafficking; High-tariff goods illegal trade; games of chance, various types of gambling (Smajić et al, 2017:57).

The Strategy of Bosnia and Herzegovina for Combating Organized Crime and Corruption (2009), as the cause of the emergence and development of organized crime, cites the liaison between the authorities and members of organized crime groups and in some cases members of organized crime groups coming to power. Due to the specific and dysfunctional system of police agencies in Bosnia and Herzegovina, it is also clear that organized crime in Bosnia and Herzegovina developed with its particularities (Smajić et al., 2017: 61) and there is a claim that nothing in Bosnia and Herzegovina is as organized as organized crime (Dobovšek, 2006: 7 cited by Smajić et al., 2017: 61). Organized crime is a disintegrating factor in Bosnia and Herzegovina and the response to this phenomenon is carried out separately at the level of Brčko District, cantons and entities (Smajić et al., 2017: 64).

The BiH Border Police is competent to enforce the Law on Supervision and Control of the State Border Crossing, the Law on the Movement and Stay of Foreigners, the prevention, detection and investigation of criminal offenses prescribed by the criminal codes of BiH when these offenses are directed against the security of the state border or against the execution of affairs and tasks within its jurisdiction. The Central Bureau of Investigation of the Border Police of Bosnia and Herzegovina is responsible for conducting, detecting and prosecuting criminal offenses in the field of organized crime. The State Investigation and Protection Agency is responsible for combating organized crime, terrorism, war crimes, human trafficking and

other crimes against humanity and values protected by international law and grave financial crimes (Kržalić, 2014: 40-42).

Service for Foreigners' Affairs directs its operation through preventive and repressive activities. When talking about prevention of irregular migrations, as well as other phenomena that might present security risks and threats in BiH, the Service can, through numerous activities, prevent issuance of visas and arrival of security-interesting foreigners to BiH, and efficiently detect presence of such foreigners in the country. On the other hand, using available mechanisms, the Service can use repressive measures on foreigners and remove them from the territory of BiH (Buzar, 2019:205).

3.2. Terrorism

The structures from which certain acts of terrorism were directly or indirectly generated are recognized in religious and national extremism and right-wing ideology, which is increasingly present in Bosnia and Herzegovina. In addition, there is a phenomenon of extremism of national (ethnic) characteristics, which is particularly aggressive before the elections in Bosnia and Herzegovina. It serves as a basis for inciting certain political crises, confrontations and tensions, all with the aim of gaining as much support from the electorate as possible (Kržalić, 2014: 99).

The attack of September 1997 in Mostar is considered the first terrorist attack in the post-war Bosnia and Herzegovina. The perpetrators of the attack were linked to Al-Qaeda and they activated a car bomb, injuring 29 people (Huseinović, 2019: 1). The second terrorist attack took place in Vitez in October of 2008, when a bomb was activated at a mall, killing one person and injuring eight (Sladojević, 2019: 1). The most famous terrorist attack in Bosnia and Herzegovina is certainly the attack on the United States Embassy in Sarajevo by Mevlid Jašarević in October 2011. A police officer from the Directorate for Coordination of Police Bodies of BiH, who was securing the embassy, was wounded during the attack and the attacker himself was shot in the leg and overpowered by members of the Special Police Unit of the FBiH Police Administration (www.nezavisne.com/novosti/bih/Hronologija-najgorih-napadi-u-BiH/337523).

In 2001, Bosnia and Herzegovina became a member of the Counter-Terrorist Coalition and since then is clearly determined and ready to develop and strengthen capacities for prevention and countering terrorism. Having in mind the obligations from the Stabilization and Association Agreement with the EU in this field, BiH is following the approach of the EU in prevention and countering terrorism, harmonizing its legislation and measures it undertakes. Strategic approach in countering terrorism in BiH is defined by the Strategy for the Prevention and Fight against Terrorism in 2015-2020.

The Agreement on Mutual Assistance and Operational Cooperation in the Fight Against Terrorism entered into force on 22 April, 2010, and it promotes cooperation and coordination of activities in the fight against terrorism, in particular timely exchange of information, establishment, composition, competences, working methods and financing of working bodies and implementation of joint activities, as well as other issues aimed at improving the fight against terrorism and creating a more secure environment in Bosnia and Herzegovina. In the context of the fight against terrorism in BiH, the establishment of a Task Force on Counter-Terrorism, as a permanent body of signatories with headquarters

in the State Investigation and Protection Agency, is particularly significant. Parties to this agreement are the State Investigation and Protection Agency, the BiH Intelligence and Security Agency, the Border Police of BiH, the Directorate for Coordination of Police Bodies of BiH, the Federation Police Administration, the Ministry of Internal Affairs of Republika Srpska, the Police of the Brčko District of BiH and the Service for Foreigners' Affairs (www.sipa.gov.ba/bs/aktuelnosti/formirana-operativna-grupa-za-borbu-protiv-terorizma/15351).

3.3. Illegal migrations

Migration is a very complex and dynamic global phenomenon because globalization has enabled and facilitated the movement of people more than ever before in the human history. The International Organization for Migration (IOM) estimates that there are over 244 million migrants worldwide, representing 3.3% of the world's population. (International Organization for Migration, World Migration report 2018). The refugee and migrant crisis, which during 2015 and 2016 was rated as the largest mass movement of migrants after World War II, was a real challenge for the European Union and the transit countries.

The issue of illegal migration has been present in BiH for a long time, while BiH began to face an increased influx of illegal migrants into its territory since late 2017, as a result of the reflection of the migrant crisis in Europe. In BiH, from the beginning of the migration crisis until April 2020, nearly 58,000 illegal migrants were registered and biometrically processed, while close to eight thousand are currently residing in our country (N1, 24.04.2019).

When talking about migrations management in BiH, BiH Ministry of Foreign Affairs (MoFA) is inevitable, its competence and procedures it applies during visa issuance in Diplomatic-Consular Representations (DCR) of BiH around the world. In line with established visa regime of BiH with other countries, foreigners apply for an entry and stay visa in BiH, after which comes a procedure set by the Law and series of by-laws, which results in the end in cooperation with the Service for Foreigners' Affairs which is competent to carry out necessary checks of the foreigner prior to visa issuance. BiH Ministry of Security is competent for creation, handling and implementation of migration and asylum politics in BiH. Ministry is also competent for reception of requests for international protection-asylum in BiH, and implementation of procedure of establishment of refugee status in line with the Law on Asylum and by-laws. Ministry also monitors the status in regard to meeting the European standards in the field of asylum, prepares drafts of laws and by-laws in this field, and ensures reception, support and accommodation to asylum seekers through management over Asylum Centre in Delijaš near Sarajevo. BiH Ministry of Security resolves complaints of foreigners against decisions by the Service for Foreigners' Affairs and Border Police BiH, which decide on status issues of foreigners in BiH, monitors the status in regard to meeting the European standards in the area of asylum, coordinates activities and prepares drafts of laws and by-laws in the field of migrations, and develops the Migration profile of BiH (Buzar, 2018:234-235).

The BiH Intelligence and Security Agency is responsible for security screening of the foreigners for the purpose of determining security reasons for Bosnia and Herzegovina (Ministry of Security of Bosnia and Herzegovina, 2017: 77).

The BiH Border Police investigates criminal offenses under the provisions on misuse of public documents that serve as proof of identity and obligation to hold a visa, provisions on movement and residence of foreigners and asylum, if these offenses are committed when crossing the border or are directly related to crossing of the border, offenses relating to the transport of goods across the state border whose traffic is not allowed, goods without official approval or in case of violation of a valid ban (Kržalić, 2014: 42). A very important segment of the work of the BiH Border Police in this context is the control of the crossing of the state border, during which the BP BiH may, after determining that a foreigner could abuse his or her visa or visa-free stay, deny them entry to BiH. On the other hand, it prevents the illegal crossing of the state border beyond the border crossing points by using the institute of “deterrence of illegal crossing of the border”, which has become especially significant since the migrant and refugee crisis.

The Service for Foreigners’ Affairs prevents illegal migrations at the very source i.e. at the migrant’s country of origin through the procedures of verifying the invitation letters for foreigners coming from the visa-regime countries, as well as through cooperation with the diplomatic and consular representation office of BiH in the process of issuing visas to foreigners. By controlling the movement and stay of the foreigners in BiH, through inspection controls and operational checks in the field, the Service detects illegal foreigners or foreigners who abuse the approved residence, and takes measures to terminate their stay or to deport and remove them from the territory of BiH. The Service also registers and biometrically processes illegal migrants in BiH.

Early in 2019, the Service had detected amongst the migrants 5 persons related to international terrorism, who were discovered through the cooperation and exchange of information of the Service with the domestic and international partners, primarily through the exchange of biometric data. The possibility of using the migrant route through BiH to infiltrate potential terrorists among the migrants has indicated a real threat (Klix, Feb 19, 2019). This case emphasizes the importance of the biometric system used by the Service for Foreigner’s Affairs, as well as the general usage of biometric processing of irregular migrants and significance of cooperation and exchange of such information in the procedure of detection of security-interesting migrants (Buzar, 2019:211).

Conclusion

Bosnia and Herzegovina is politically and administratively an extremely complex state, so different levels of authority in BiH have their own police agencies dealing with the internal security issues. Such a numerous, complex and functionally separated system of police agencies is unable to successfully complete all the tasks brought by contemporary security challenges and risks. Collaboration with the international institutions and organizations such as Interpol and Europol greatly contributes to a more effective response to security threats and risks. No country is able to stand against these phenomena on its own, so international cooperation is indispensable.

Contemporary security risks and threats that most threaten national, regional and international security are transnational organized crime, terrorism and illegal migration. Links between these security risks and threats are evident, and very often the same criminal groups commit crimes in relation to the latter. It is noticeable that the relevant police and

other law enforcement agencies are getting involved in solving the problems caused by these phenomena at all levels of authority in BiH.

Due to such a fragmented security system in BiH, fragmented databases and records, and the competencies of police agencies, there is a possibility of overlapping in the work of different agencies. It may be that two or more agencies have focused their work on data collection and investigation of the same criminal group without being aware of it. Such situations lead to unnecessary waste of resources and do not contribute to effective combating against contemporary security challenges and risks. There are examples in the world where the competition between the law enforcement agencies and the lack of cooperation and information sharing has led to absence of an effective response to certain phenomena. For this reason, interagency cooperation and information exchange in such a security system in BiH is crucial to combating all phenomena. The assumption is that the transnational organized crime, terrorism and illegal migration will not disappear in the near future, but the degree of vulnerability will change depending on the international trends. All BiH law enforcement agencies can achieve far better results in preventing and combating contemporary security risks and risks through mutual and international cooperation and assistance.

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