

# **Intelligence Reform in Bosnia and Herzegovina and the International Community**

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Speaking about the intelligence or more precisely about the civilian intelligence-security reform in Bosnia and Herzegovina (BiH) one should emphasize that this story is about a *completed* reform in the Western Balkans: the country has a single state level, multi-ethnic intelligence-security agency, equipped with all the necessary laws and by-laws, under a well functioning parliamentary oversight and other kinds of control. It has an apolitical character and is free of any direct party influence. Its staff fulfilled and vetted along clear criteria and its leadership was unanimously appointed by the Council of Ministers for the second term. It is budgeted to the affordable level by the state, technically enhanced with international assistance, carrying out its task in a professional way, and is a more and more respected international partner. And the most important element of this process is that since July 2006, the agency (hereafter OSA/OBA) is fully in domestic ownership. There is an international monitoring only to have a sight at its functioning but this is a monitoring “light”: the Office of the High Representative (OHR) practically co-ordinates some further international assistance and keeps an eye on the domestic politicians to prevent them from extending any political influence over the service. The country had general elections on 1 October; general elections are always a nerve straining period for intelligence agencies, maybe not in BiH only.

OSA/OBA began functioning on 1 June 2004 and since that time there has been no ethnic friction within its ranks and no political or professional scandal around it. The agency has competency over the whole country and there is no entity competency above it. Its regional offices cross the inter-entity boundary lines and each of its unit is multi-ethnic. The whole process can be declared a success story, one of the not too many ones in that special country.

The purpose of this small presentation is not to recall the long and rough road of the reform but to flash a beam of light at the role of the international community in this process and to make an attempt to draw the appropriate conclusions and lessons from it. Let us start with the timing.

The intelligence reform was initiated in June 2003 by Paddy Ashdown, the High Representative for BiH, almost in parallel with other key reforms of the security sector of the country. The natural question is why is it that those vital reforms were launched only eight years after Dayton? I presume that the previous High Representatives realized pretty well that defense, police and intelligence were the most sensitive topics from a political and ethnic point of view and they were not really eager to be deeply involved in these “missions impossible”. There were too many other things to deal with and to show up some heroic activity. On the other hand, Ashdown realized that the international community should not be able to leave Bosnia and Herzegovina without a strong, centralized state system which provides that the central power, the state government, be the owner of the law enforcement, defense and intelligence institutions. This is the guarantee for the integrity, independence and safety of Bosnia and Herzegovina. In other words: the tools of power must have been taken out of the hands of the nationalist forces. The results so far are: intelligence reform has been completed, defense reform is on the track, but implementation will take several years, police reform is in the centre of heavy political fighting. The *first lesson* we can draw is: without the initiatory role of the international community and without a strong international administrator not a single key reform would have started in Bosnia and Herzegovina. According to the conviction of the author some of them might have been initiated even earlier, had the actual High Representative been more decisive.

The basic method chosen by the High Representative was rather simple, but in the majority of cases very efficient: international guidance combined with deep domestic involvement. The chairs of the reform commissions were foreign experts having their own weight and prestige in the relevant field; the members were domestic experts and in some commissions even domestic politicians. The domestic actors accepted

the international leadership but would not have accepted each other at the helm. The Expert Commission on Intelligence Reform chaired by the author did not include any political figure, was small in number (besides the Chair it was composed of six domestic intelligence officers), excluded voluntary observers unlike in other commissions, kept a low profile, but used the press and media from time to time, followed the European standards, took from international experiences, but tried to find Bosnian solutions. The approach was very dynamic: the first draft of the Law on the Intelligence-Security Agency was ready within two months from the establishment of the Commission and within a year, the law was adopted unanimously by the Parliamentary Assembly, the overwhelming majority of the by-laws was prepared for the approval of the Director General, the Parliamentary Oversight Commission was formulated and began its work, and OSA/OBA was officially established. The *second lesson* is that smaller international and larger domestic involvement can lead to a dynamic process and does not leave wide space for political games and time gaining, not to speak of international rivalry.

Equally important is the number of the internationals engaged in the process. The largest number of internationals involved in the intelligence reform was four persons. The fact that there is no specialized international organization for the civilian intelligence-security structures played a positive role in drafting the law and creating the agency: there was no need to make a large bureaucratic apparatus with important bosses who accept the ideas and approve every step in the process. The Chair of the Commission, who later on was appointed as the Supervisor for the Intelligence Reform, reported directly to the High Representative and was assisted by a small implementation unit within the framework of the OSCE Mission. The *third lesson* is: the number of the internationals participating in a certain process should be optimized or to sized down to the absolute necessary number only. Otherwise, the local actors will not regard the case as their own one and will try not to undertake any serious responsibility in the implementation. An exaggerated number of internationals leads to contradictory feelings: superiority of the internationals and inferiority of the locals. The

personal impression of the author is that as a rule the international organizations are oversized in the region's countries.

On the other hand, not having a specialized international organization for intelligence-security structures has its negative side too. All other actors of the security sector are taken care of by international missions like NATO, EUPM, EUFOR, OSCE, CAFAO, EC Delegation and others. From an international point of view intelligence as a whole is left out in the cold. (Not taking into consideration the bilateral partner assistance.) The international sponsor organizations regard their relevant institutions as their babies, support them in many ways and sometimes even protect them in an undeserved way. This simple fact can lead to rivalry, intrigues and counter games. The situation can be really sharpened when the dynamic of the different reforms is not the same: some are ahead of the others. More problematic is the unequal technical and financial support, which not only creates tension but increases the costs for example in the field of technical intercept. All these problems came to the surface in Bosnia and Herzegovina in a striking way. The OSCE Mission hosted the Supervisor and its supporting unit, provided the necessary logistic but never regarded the issue as its own. The Mission declared dealing with intelligence was not included in its mandate despite the fact that the name of the organization contains the word: security. And also despite the fact that the mission spent a lot of efforts to solve the issue of military intelligence. The *fourth lesson* is that civilian intelligence structures must find a room in the international systems and not be regarded as a sort of pariahs.

We should be aware of the fact that a paradigm shift is picking up speed in the security community in the world, generated by the so-called asymmetric challenges like terrorism, organized crime and illegal trafficking. The key element of this paradigm shift is: only a coherent and integrated approach may be efficient against the above mentioned phenomena. This is valid internationally and nationally inside every democratic country. The demand of the epoch is much stronger cooperation and coordination between the different actors of the broader security sector (military intelligence, law enforcement, custom organization, border services, private security companies and so forth)

than in earlier cases. The guiding words are intelligence sharing: the actors of the security sector should change the well known principle “need to know” into “need to share”. Intelligence communities within each country are going to become more and more important. (In Bosnia and Herzegovina such a community was established in the summer of 2005.) The *fifth lesson* is that the international sponsor organizations should encourage the organizations supported by them to cooperate and share intelligence and formulate an intelligence community.

The evident question is who will coordinate the international efforts in this field? It is quite difficult or more precisely quite sensitive to find the right answer. Typically each international organization tries to keep its sovereignty and wants to be treated equally with the others as a minimum. Some foreign intelligence-security agencies, especially the most influential ones, prefer to have strong liaison relationship with the partner agencies of the region on a bilateral basis and are not really interested in multilateral cooperation and even less in international monitoring of their cooperation. Additionally, the European Union and the European Commission which are going to undertake more and more responsibility toward the region only recently realized that they had to give up their decent distance kept towards the intelligence-security sector; nevertheless they still discriminate it. In Bosnia and Herzegovina the EC Delegation with the assistance of the EUPM tried to finance and create a separate technical intercept system for the law enforcement organizations only, deliberately ignoring the intelligence-security agencies’ needs. Only the rather brutal intervention of the Supervisor for the Intelligence Reform prevented this project from its realization. All of us are pretty well aware of the fact that the Western Balkans is and will remain for a while a security headache for the European Union. The question is where it is better and easier to intercept terrorists and organized criminals: in the countries of origins, in the transit countries or in the target countries. I think this is not a real question. And for me, for a former intelligence officer, it is also not a question that without efficient intelligence-security agencies in the region the security challenges cannot be faced. I am not even afraid to declare that we need the services of the post-conflict countries more than they need us: there is no substitution for them. The *sixth lesson* is that the European Union

and the European Commission should drop the discriminative behavior toward the intelligence-security agencies and treat them on an equal level with law enforcement or border guards. The European Union can not wriggle out its responsibility for the whole security sector's reform in the region and is to work out the comprehensive and coherent concept for it.

The regional approach is vital. In the Balkan the role of the secret services was always a special one and they still have a political weight and influence in certain countries. Practically in every country of the region this sector is undergoing democratization and reforms, but not everywhere under the monitoring of the international community. The mentality of the intelligence officers changes not so quickly and some of them still dream about those "old good days". But their relevant countries are eager to become members in the European integrations. The association process gives an excellent opportunity for the EU to include this element too into its assessments. The EU should investigate the legal regulations of the existing agencies, the oversight and control on them, their "philosophy" and especially their activity in combating our common threats: terrorism and organized crime. (So far the EU put an accent only on one element: the capture and extradition of the war criminals.) *The seventh and last lesson:* by this work the European Union can and should make a real contribution to the stability and security of the region having made so many headaches for us in the last two decades. And do not forget the historical lesson: the stability of the Balkan means stability for the whole Europe.