BOOK REVIEW


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In the spring of 2011, a political crisis emerged in Bosnia and Herzegovina (BiH) after several years of simmering political stalemate. The President of one of BiH’s two entities, Milorad Dodik of the Republika Srpska (RS), threatened to organize a referendum in that entity on the question of whether it would recognize decisions imposed by the High Representative, including those related to the state court (Court of BiH) and state prosecutors. In essence, such a referendum was seen by many as a dangerous first step towards not only reversing the reforms achieved in the years since the end of the war, but also towards a future referendum on the secession of the RS from BiH. Since 2006, the BiH government had been deadlocked on a number of issues related to the country, its structure and both past and future reforms needed to move forward in the EU membership process. Political rhetoric among the country’s divided nationalist ruling parties has grown increasingly commonplace, grounded in diametrically opposite views of the vision of and for BiH. For a number of reasons, these issues came to a boiling point in May 2011, with the threatened referendum being postponed only after the direct intervention of the European Union foreign policy chief Catherine Ashton, and the agreement that the EU would begin a process of ‘structured dialogue’ with BiH authorities at the state and entity level on issues related to the justice sector. Some observers saw this as an effective response by the EU to a political crisis with potential implications, while others saw this as EU appeasement in the face of domestic political obstruction, and a potential sign that reversals of past state-strengthening reforms might be tolerated.

Regardless of how one views these developments throughout 2011, the issue of justice sector reform in BiH has been and clearly continues to be an issue on the agendas of international and domestic officials alike. Andy Aitchison’s

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book, Making the Transition: International Intervention, State-building and Criminal Justice Reform in Bosnia and Herzegovina, is a timely reminder of efforts to reform the criminal justice sector in post-war BiH and looks back at past reforms that — particularly in light of the reform stagnation of the past five years — can at times be easy to forget.

Aitchison’s book looks at the three key elements of the criminal justice framework in BiH — the police, courts and prisons — in order to better understand the approaches to reform in a state undergoing multiple transitions. Four questions shape his analysis: 1) what role does criminal justice sector reform play in a post-war, state-building exercise; 2) to what extent do the demands of state-building shape criminal justice reforms; 3) how do different agencies approach criminal justice reform; and 4) to what extent is international intervention in BiH conducive to the transfer or transplant of other models and practices (p. 5). While his book is aimed at addressing issues of interest to criminal justice scholars and practitioners, his selection of BiH as a case study renders the book useful to students of post-war BiH more generally as well.

Following the establishment of the framework for the study, including a review of transitional and international approaches in post-war states, methods of policy transfer, an interesting discussion on lustration in transition countries, and a short chapter summarizing BiH’s war and aftermath, Aitchison’s book is divided into three main sections as he explores reform efforts related to the police, criminal courts and penal system. In each he reviews the sector’s Yugoslav inheritance to provide a basis for understanding the starting point for post-war reform efforts. He further touches on the impact of the war in each sector, including the potential impact of personnel with questionable wartime records, on the credibility of these institutions.

His review of police reforms begin with the Dayton Agreement’s Annex 11 mandate to establish a UN International Police Task Force (IPTF), and the limitations and challenges of reforming a policing structure that was highly decentralized and fragmented as a result of the war and of the peace agreement that placed policing at the entity or canton level (in the Federation) with no state-wide coordination or competencies. The highly visible role of the police, and the fact that the police are the element of a criminal justice system that is the most familiar and directly relevant to citizens, clearly led to a sense that reform in this sector was critical. ‘The police services needed ‘cleansing’ in some way to distance and distinguish themselves from those which had engaged in or supported programmes or persecution during the war’ (p. 80). However, the ability to achieve reform in such a divided environment was circumscribed by the political reality. His discussion of the IPTF focused on the process of certifying all police offices in the country (and the related issues of bans on appointment), and then on the transition to the EU Police Mission, the establishment of the State Border Service and SIPA, and some targeted efforts by the United Kingdom’s Department for International Development (DFID) to support reform in two municipalities (Prijedor and Zepce.) His discussion of the Police Restructuring