



## ANALYSING EUROPEAN UNION POLICE MISSION IN BOSNIA AND HERZEGOVINA: A TOOL OF CIVILIAN CRISIS MANAGEMENT

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### ABSTRACT :

**F**rom its creation, European Union has engaged in crisis management and conflict prevention. The EU today continues to struggle for peace, security, and prosperity across the European continent and often beyond in order to secure its own border from the threats. To promote the rule of law, democracy and accountability in the conflict region of Bosnia, Police mission becomes an important instrument because it works on the basis of Civilian Crisis Management strategy of the EU. Police operations can entail advice, assistance, training, and even substituting for local police forces as EUPM mentions in its agenda to 'monitor, mentor and accountable' police and it also fight against organized crime which is one of the greatest threats identified by the ESS for the EU. EU is one of the main players in BiH. EU Policies were aimed at managing the conflict situation in BiH not only by military intervention but also through their police and civilian crisis management missions and the EUPM was one of them.

**KEYWORDS :** Bosnia and Herzegovina, Civilian Crisis Management, European Union Police Mission, European Security Strategy, Normative Power.

### INTRODUCTION:

Since the 1990s, the world has witnessed the diminishing importance of traditional military forces. Instead greater importance has been attributed to the non-traditional military forces such as the police missions and the civilian missions. These missions provide much room for the regional player to become a global actor in the field of security deploying civilian means. Embarrassments of regional organisations have ambitions or capacities to be involved in peace and security issues. Among such organisations, the European Union (EU) is "in a position today to consider the type of role that it might play in mediation efforts, it is first and foremost because it has itself not without difficulty, but with unswerving determination-managed to build peace within its own borders" (European Parliament 2012).

### The European Union and Civilian Crisis Management

The 'Civilian crisis management', which is a European concept is a subject that falls firmly under the framework of the Union's Common Foreign and Security Policy(CFSP), whose objectives as set out in the Lisbon Treaty of the EU encompass: "to consolidate and support democracy, the rule of law, human rights and the principles of international law; and preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations (UN) Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders"(Council of the European Union 2010: 29). It is a very unique idea of the EU and it lies at the heart of the EU discourse on the human

security-based approach to global security and provides an important step towards a common EU understanding on democratic governance. Specifically, it has promoted the mainstreaming of human rights and fundamental freedoms, good governance and rule of law in all policy sectors.

This aspect was developed at the European Council of Feira in June 2000 (European Council 2000). Member states agreed on four priority areas where the EU should become an actor in civilian crisis management: police, strengthening the rule of law, civilian administration and civilian protection. It got more importance when the European Security Strategy (ESS) of December 2003 noted; 'civilian crisis management helps to restore civil government' (Council of the European Union 2003). The December 2004 Brussels Council established the 'Civilian Headline Goal 2008' and added monitoring and support of EU Special Representatives to the EU's Civilian capabilities to respond the international crisis.

The EU is increasingly engaged in civilian crisis management operations. The European Union's Police Missions are one of the instruments of the civilian dimension of the European Security and Defence Policy (ESDP). Bosnia and Herzegovina (BiH) has been a testing ground for the civilian crisis management capabilities of ESDP. Juncos terms it as "a laboratory (for the ESDP) to check its crisis management capabilities" (Juncos 2007: 46). The failure of Kosovo prompted EU to take action itself for the solution of the problem of BiH.

### **Establishment of the European Union Police Mission in Bosnia- Herzegovina**

The Dayton Peace Accord brought an end to the war in BiH and establishes BiH as a single, democratic and multiethnic state with two entities: the Federation of Bosnia and Republika Srpska. From then on, the UN's International Police Task Force<sup>1</sup> (IPTF) maintained local stability in BiH. The European Union Police Mission (EUPM) in BiH was the successor of UN's IPTF. On 18-19 February 2002, the General Affairs Council meeting announced the EU's readiness to deploy EUPM to BiH to take over from the UN IPTF in January 2003<sup>2</sup>. The BiH occupies a special position due to the fact that it was here that the first police mission ever was launched by the EU and it took over the ongoing UN's IPTF in BiH. The European Union Police Mission (EUPM) was launched in January 2003, as the EU's first ever civilian crisis management mission, which ended on June 30 2012.

The inaugural EU civilian crisis management operation EUPM in BiH began in January 2003 and was set to run through 2005. It took over the functions of the previous UN mission there while expanding its rule of law tasks and responsibilities.

The EU's involvement in BiH serves two purposes: stability and transformation. The instruments of the EU's second pillar, Security Defence Policy (ESDP), aim to maintain the stability of BiH, while the community instruments are tasked with the handling of the accession process. It is hoped that the EU integration perspective will bring in much needed momentum for the redefinition of post-conflict politics in BiH. BiH is a unique case as a future EU candidate country whose political and territorial integrity is under the guarantee of the Peace Implementation Council (PIC) of the International Community maintained by the EU security instruments. The EUPM, have a mandate to enforce the full implementation of the Dayton Agreement. It is the most crucial element of the International community's presence that could transform the inoperative political institutions of BiH into efficient, competent political bodies that would follow through with the implementation of reforms all over BiH.

### **Mandate of the European Union Police Mission in Bosnia- Herzegovina**

The Police Mission in BiH had a threefold mandate to monitor, mentor and inspect the management and operational capacity of the Bosnian Police Force. The mission proved more difficult than expected and forced the EU to increase the quality of the police it sent on its mission (Nowak 2006:26). The EUPM in BiH provided training to BiH police officers to improve their working standards and effectiveness in the fight against organized crime. The aim of EUPM, as Missiroli (2003a: 12) defines, is to support the local authorities in training their police forces to the highest European and international standards through monitoring, mentoring and inspecting the management and operating of the police. The aim of EUPM is to establish sustainable policing arrangements under BiH ownership in accordance with the best European and international practice based on a management approach. The EUPM aimed to ensure that the domestic policing structures, put in place by IPTF, were functioning effectively by monitoring, mentoring and inspecting managerial and operational capacities of the BiH police. In addition to this work, the EUPM Police Commissioner identified two key issues to be addressed by EUPM: ensuring that the

BiH police provide a secure environment for returnees, and enabling the BiH police to tackle organized crime and corruption. As Javier Solana High Representative of the European Security Strategy stated, "BiH is directly relevant to two of the five threats identified in the European Security Strategy (ESS): state failure and organized crime" (Council of the European Union 2003:4). The EU sees state failure as a fertilizer for organized crime. Hence, "restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organized crime is one of the most effective ways of dealing with organized crime within the EU"(Council of the European Union 2003:6).

The ESS is clearly built on European values and visions of the world. A basic premise is that, in order to create a democratic society, it is important to focus on multilateralism as an instrument to promote values such as good governance and a legitimate state with coercive control of its executive powers (Council of the European Union 2003:9-10). However, in the ESS these values are also instruments to be used to face and reduce the threats to the EU. One aim of the engagement in the Balkans from the early 1990s and onward has been to prevent the export of the conflict and its negative implications to Western Europe (Woodward 2003: 297).

As regards an overview of the structure of the mission, at initial stage the mission comprised approximately 500 police officers from more than 30 countries, estimated at an annual budget of 38 million Euros (Penone, Fabien and Xaviour Domino 2006:33). Approximately 80% of the police officers were nationals of EU member states and the remaining 20% came from so-called 'Third States' (i.e. non-EU countries).<sup>3</sup>

By 2003, when the EU took over the police mission, it was argued that the immediate post-conflict era was over, and that the task of policing was to be transferred to local police structures. For that reason, the mandate of the EUPM is more political and focused on institution-building compared to its predecessor, the more technical and action oriented IPTF mission of the UN<sup>4</sup> and following the decision of the peace implementation council and Steering Board.<sup>5</sup>

The significance of the EUPM mandate lay in the fact that it encouraged BiH to start taking over the business of 'doing' things for itself rather than having decisions imposed from abroad (Brljavac 2012). The EUPM presence in BiH has three strategic components: 'supporting the local police in the fight against organized crime, increasing the accountability of local police and providing support to the implementation of police restructuring' (Council of the European Union 2007). The EUPM assistance through these strategic pillars aims to strengthen Bosnian ownership and set up functioning institutions for rule of law. As Javier Solana remarked in the opening ceremony of the EUPM, "The framework for a democratic and professional police is crucial to providing all citizens of Bosnia with a safe and stable environment. A peaceful and stable Bosnia and Herzegovina is our first common goal in EUPM" (Solana 2003: 1).

EUPM further sought to establish effective policing arrangements under BiH ownership in accordance with best European and international practice. The EUPM aimed through mentoring, monitoring, and inspecting to establish a sustainable, professional and multiethnic police service in BiH.

### **Evaluation of the European Union Police Mission in Bosnia and Herzegovina**

The tasks of the EUPM mission were to be refocused on the fight against organised crime, through strengthening BiH operational capacity and assisting in the planning and conducting of major and organised crime investigations, and the implementation of police reform, which will create a single structure of policing, improve law enforcement co-operation and reduce corruption and waste. EUPM, EUFOR and the EUSR will strengthen their co-ordination in line with agreed principles, under the overall political direction of the EUSR (Council of the European Union 2005:3).

One of the major objectives of EUPM was to combat organized crime<sup>6</sup> and corruption. The practice of organized crime in the Western Balkans has a transnational or cross-border characteristic. The BiH, being situated in one of the busy crossroads between Central Europe and the Middle East, is faced with threats of trafficking of drugs, humans and illegal log cutting and exports. The main focus of the mission is to help BiH in the fight against corruption and organised crime (EUPM 2010). The mandate of EUPM has been specially strengthened to enhance the ability to support domestic support agencies to fight against organized crime. EUPM is main coordinating agency of the ESDP' all policing aspects who look after the fight against organized crime. Officers of EUPM provide operational advice and support by monitor and inspect the police operations on their early planning stage

(European Commission 2009).

The EUPM helps build the operational capacity with enhanced executive powers to fight major and organized crime, corruption, financial viability and sustainability and the development of institution and capacity building at management level (Penksa 2006: 4).

However, EUPM's role in combating organized crime had certain shortcomings. First, the EUPM's remit was performed according to the principle of local ownership and sustainability with "monitoring, mentoring and inspecting" activities focusing on mid- and senior management levels of local police (EUPM 2010). Second, EUPM did not have a mandate to directly engage in police restructuring (Collantes and Gemma 2007:13).

There are also some obstacles in cooperation with local police. The language barrier and the short-term appointments of the police officers to the EUPM mission obstruct the development of a productive relationship through which an active learning process could be possible for the Bosnian police.

The second major strategic pillar pertains to making the police mechanism more accountable and transparent. This strategic pillar is related to addressing the issue of corruption and violation of human rights in the conduct of normal policing. In BiH both international community and the Bosnian politician identified that the corruption is an important problem which is the main reason of low level of accountability and trust in the police institutions. The EUPM sets its main agenda to improve the level of awareness against corruption in its rule of law area. An essential component of sustainability is local ownership since imposed police reform measures are difficult to maintain if they are not supported by local actors. The case of the EUPM undertakings based on local ownership, however, clearly shows that this is not an objective which can be attained easily and without trouble. The process of transferring from "parental care" to "ownership" brings along different dilemmas, which mutually reinforce each other and this makes the process even more difficult (Donais 2009:117-131).

Frequent interaction with people in the field helped the mission in identifying recurrent problems that improve the need of police accountability in BiH. In order to improve police accountability in BiH the EU took the help of audit department. The members of the inspection department were the eyes and ears of the mission. Besides constantly taking the pulse of police work in the field, they also carefully monitor the media as a source for sensitive or controversial cases. According to Pierrard, the Deputy Head of the Inspection Department "Ensuring police accountability is really our main concern" (Mission Mag 2008: 2). Merlingen (2009) is of the opinion that the mission has made the local police more accountable, for example by setting up, training and mentoring internal control units which investigate misconduct. It has also professionalised police training. Ultimately, the Mission's aim is to help counterparts reach EU standards so that they can join the EU.

Third objective is that, the EUPM supported institutional capacity building in BiH. It supported the creation of entity regions for efficient, centralized and cost-effective policing. The idea of a single police structure was central for the EUPM. Although there were police present in the post-conflict region of BiH but it was divided on the ethnic grounds. There were poor law and order situation, corruption and criminality, these problems provide a lot of room for the police restructuring in BiH police. The lack of transparency, accountability and corruption also present there. So it was necessary for the police to go beyond the ethnic lines and fight against organized crime and illegal trafficking of women which was identified as a greatest threat for the European security.

An overall assessment of EUPM's functioning with reference to the objectives outline in the mission's statements reveals that it can be credited with some success. From an evaluating perspective, the EUPM ought to be credited with at least two achievements. First, "it has advanced the transformation of the Bosnian police from an instrument of ethnic warfare into a professional service" (Merlingen 2009:162). Second, it contributed significantly to the change of 'Bosnian policing mentalities, institutions and practices', as well as bringing them closer to the 'European norms and standards' (Ibid).

### **Criticism of the European Union Police Mission**

In BiH when the EU was promoting the rule of law and good governance through the EUPM. At the same time, some issues, such as organized crime and corruption, have remained high on the list of problems the country is faced with, and are therefore the key problems that EUPM missions have been focusing on (Lostroscio 2011:1). In view of this, because there is lack of sustainable reforms certain major criticisms can be levelled against EUPM. Lyon appropriately sums up the EUPM assessment in the following words: "the police missions have just have been



a partial success story with many scopes for improvement” (Lyon 2005).

The EUPM received much criticism on the basis of lack of coordination with the other international organizations present of the BiH at that time. The EUPM cooperates with EUFOR Althea (Military Mission of the EU) in assessing any threats to public order and consequently advising domestic as well as international authorities (EU Council Secretariat 2006).

It is very difficult to maintain two different peacekeeping missions in a country without any policy clash, even if they are different in their nature, structure and outlook. The Council of the EU assigned EUPM a non-executive monitoring, mentoring and inspecting role at the medium and senior level, which was to assist in the building of the capabilities of the Bosnian police forces, according to European and International standards with a long term capacity building of the police reforms (Council of the European Union 2002:1-6). On the other hand EUFOR Althea provides a safe and secure environment by the military means, and to implement other aspects of Annex 1A and 2 of the Dayton Agreement. Although there is a very good coordination between the two missions and in theory the mandates of the two missions did not clash. But the reality was different (Juncos 2006:14). The problems of coordination between the EUPM and EUFOR show the inability of the EU in providing a comprehensive civilian and military approach to crisis management.

The main criticism of the EUPM was the problem of implementation of the mandates. The EUPM had a non-executive mandates in its initial days. It can only monitor, mentor and inspect and bring the problematic cases in the knowledge of the HR/EUSR, but could not take disciplinary or criminal investigations against police officers (PIPO Review: 2003). The EUPM had an ambitious mandate, namely to modernize the Bosnian police according to ‘Best International and European practice’ (Council of the European Union 2002). The EUPM’s approach based on local ownership and best European and international practices along with the EUPM mandate to mentor, monitor and inspect, without any executive or enforcement powers.

At the institutional level it took the legacy from IPTF. With the first Head of Mission of EUPM being the former Commissioner of the IPTF, and many officers transferred from one mission to the other, the line of distinction in the eyes of the public was rather blurred, often leading to confusion where the IPTF’s mandate stopped, and EUPM’s started.

## CONCLUSION-

The case of BiH is helpful to survey the circumstances under which the EU is deploying its normative power and the use of force. An examination of the EU’s concern in BiH demonstrates the EU’s preference for civilian instruments as also the promotion long-term structural approaches to conflict prevention. The EUPM in BiH was also seen as a way to improve its credibility in the region, which was badly damaged during the Civil War.

The primary lesson bring from the case of the BiH is that the EU could not expect to be considered a global player if it was not able to bring stability to its own neighbourhood. In BiH, the EU has played a major role in enforcing the norms of peacekeeping, democracy promotion, and maintaining the rule of law, and it has met with some success in these respects. The EU’s role moved beyond the impact of the Dayton Agreement of November 1995, which enforced peace through the principle of separation. In contrast to the Dayton model of ‘norm promotion’ that “managed to avoid mentioning ‘the people’ and referred to the three communities: a state without a subject and a ‘democracy without demos’ the EU has devised a more integrated polity with a ‘single army, single police and a simplified and accountable decision-making process” (Juncos 2005: 54-55).

The EU operations since 2003 represented a major breakthrough for ESDP, particularly for crisis management capability of the EU. For the first time, the EU actively engaged in security affairs, covering a variety of tasks that extend from policing tasks to military intervention. As Missiroli remarks, “The missions show that the EU is capable of reacting to ongoing or emerging security crises” (Missiroli 2003b: 500). As such, the police missions of the EU in BiH can be regarded as a means by which EU has enforced norms promotion in the region. One of the strategic objectives of EUPM was supporting the process of nation building, and thereby contributing to peace enforcement, reconstruction and stabilization in BiH. Clearly, this is in consonance with the EU norms.

The EU took notice of the complex situations in the Balkans, as well as the problems of the challenge of post-conflict management and peacekeeping. The EUPM, in recent years, assisted in achieving greater security for BiH citizens, and in achieving higher democratic and professional standards in BiH security sector. As High

Representative Catherine Ashton said,

“EUPM BiH has in many respects contributed to shaping our common security and defence policy and the EU’s role as a security provider. Since 2003, we have developed the capacity to deploy efficiently both civilian and military means on various continents, and our neighbourhood has always been a priority. The completion of EUPM reflects the progress achieved by Bosnia and Herzegovina in strengthening the rule of law” (EUPM 2012).

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1. The IPTF, which had been working on the reform of the police structures in the country for seven years (1996–2002), was an executive police mission with police officers in the field to support the implementation of the rule of law in BiH. One of its main tasks was to carry independent and legitimate police force under the rule of law.
2. The EUPM Planning Team had been in the region for more than eight months to plan the transition from the IPTF, which had been deployed there for seven years.
3. In 2003 the group of "Third States" participating in EUPM with personnel included Canada, Cyprus, Bulgaria, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Switzerland, Turkey and Ukraine. These countries had the same rights and obligations as contributing EU member states but the senior decision-making positions in the mission could only be occupied by EU nationals.
4. Security Council Resolution 1396 of 5 March 2002 authorized the transfer of international policing from the UN to the EU.
5. For the day-to-day management of the peace implementation, a Steering Board was created which is made up of the United States, Canada, Russia, Germany, Great Britain, France, Italy, Japan, the Presidency of the European Union, the European Commission as well as Turkey as representative of the Organisation of Islamic Countries. The Steering Board was also meant to be responsible for identifying and prioritising projects from the thematic areas covered by the Working Groups. There was scope for EUPM to contribute its own ideas to the discussions, and mentor the Working Groups on project development, but it was never entitled to prescribe solutions.
6. The UN Convention against Transnational Organized Crime 2000 defines the organized criminal group as a structured group of three or more persons, existing for a long period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit (United Nations 2000: Art. 2).



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