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Police Reform in Bosnia and Herzegovina: State, Democracy and International Assistance

POLICE REFORM IN BOSNIA AND HERZEGOVINA: STATE, DEMOCRACY AND INTERNATIONAL ASSISTANCE

The article takes as its starting point an assertion by Clifford Shearing that there is a lack of synchronisation between patterns of policing in established democracies and the international policing assistance programmes they pursue. This provides a background against which to examine concrete examples of multilateral (UN and EU) and bilateral (UK) assistance to post-war Bosnia and Herzegovina. The discussion of these programmes is set in the context of ongoing debates on democratic policing and explores problems and needs experienced in policing post-war and post-socialist Bosnia and Herzegovina. International responses to these problems and needs are examined and a mixed picture emerges in which multilateral assistance schemes appear to suggest Shearing's concerns remain pertinent ten years on, while bilateral assistance from the UK suggests that there are circumstances in which international policing assistance escapes the framework of the state and recognises the importance of non-state actors in security provision.

Key words: state; democratisation; police; reform; Bosnia and Herzegovina.

INTRODUCTION

On 14 December 1995 representatives of Bosnia and Herzegovina (BiH), Croatia and Yugoslavia gathered in Paris to sign the General Framework Agreement for Peace in Bosnia and Herzegovina, marking the beginning of a process of reconstruction, reform and democratisation. On the same day, at a conference organised by the US Departments of State and Justice, Clifford Shearing presented a paper describing the limitations of current trends in policing assistance to emerging democracies (published as Shearing 1997). Shearing's basic claim can be broken down in to two parts: firstly, policing assistance focuses primarily on the democratisation of *state* police; and secondly, in doing so it neglects the development of "networked policing" characteristic of established democracies, so represents a limited or partial understanding of policing in particular and governance more generally. This paper asks to what extent international agencies in BiH have engaged with the challenges of democratising state police institutions, and to what extent they have engaged with a broader understanding of policing beyond the framework of the state. International policing assistance has constantly featured in BiH over the ten years since Shearing delivered his speech; as such it is an ideal site in which to consider the continued relevance of his concerns.

In the sections that follow, the paper summarises a selection of literature representing 'conventional wisdom' on policing and democracy before outlining why Shearing sees this wisdom as a limited basis for policing assistance to emerging democracies. Following this, the paper sets out the specific context of policing assistance in BiH, examining the impact of authoritarian government, war, and economic transition policing bodies. The bulk of the paper will then concentrate on

three examples of policing assistance to BiH: the two successive major international policing missions under UN and EU auspices are considered together, and support the contention that international policing assistance focuses predominantly on *state* policing; secondly the work of the UK Department for International Development (DFID) is presented as an example of policing assistance escaping the constraints of a state-bounded framework.

POLICING, DEMOCRACY AND THE STATE

Shearing's 1995 paper begins with an analysis of 'conventional wisdom' on policing, democracy and the state. He observes the police to be a critical institution in frameworks of democratic governance and cites Bayley (1995) in support. There is no shortage of further material on which he could have drawn. In BiH, the outgoing High Representative Carlos Westendorp remarked in 1999 that policing was one of three sectors most vital to democratisation (*16th Report of the High Representative* 1999). Jones and colleagues describe the police "the most central public service in a modern state," protecting those fundamental freedoms underpinning democracy (1996: 187). Marenin (1998) argues that without a democratised *and* effective police service, political democracy is unlikely to succeed. Drawing on experience in Ukraine, Beck (2001) observes that the police have the opportunity either to hinder or advance democratisation; their subsequent restraint in public order policing after contested elections illustrated difference that policing can make in moving towards democracy.

The potential association between state police action and the maintenance of democratic government is clear. Police institutions might also serve as an indicator of the level of democratisation in a given state and a number of authors have attempted

to develop 'democratic criteria' against which police can be judged. Marks, writing on South Africa, states that police behaviour is indicative of "a government's operational commitment to democracy" (2000: 558) and elsewhere develops criteria against which to judge the democratic nature of policing: a structure representative of the policed population; community orientation and proactive modes of behaviour; and a perception of the public as clients (Marks 2003). Another scheme, offered by Jones, Newburn and Smith (1996) lists seven principles: equity, delivery of service, responsiveness, distribution of power, information, redress, and participation. Importantly, the criteria are listed in order of priority so that *responsiveness* is qualified by principles of *equity*. The scheme neutralises the challenge of the 'tyranny of the majority' potentially faced by democratic institutions, and might perhaps be argued to be criteria for policing in *liberal* democracies, based on concepts of citizenship and rights. These analyses are focused very much on the state police and the role they play in supporting democracy.

Shearing does not challenge the validity of these conceptualisations of democratic policing, nor the importance of efforts to assist emerging democracies in creating structures of policing that respond to the needs of ordinary citizens without political interference. This is, he says, "clearly a path that must be negotiated by emerging democracies" (1997: 30). Yet, while acknowledging their validity, Shearing claims that, by focusing exclusively on the state, they fail to present a full picture of contemporary policing in the established democracies of Western (donor) states where security provision is not a state monopoly. Recent years have seen many challenges to the notion of the state as the sole provider of law, order and security. A generalised retreat or reshaping of the state (Müller and Wright 1994) has been described with particular reference to the sphere of security provision and criminal justice (Garland

1996; Loader and Walker 2001; O'Malley 1997; Rose 2000). The reconfiguration of the state has been attributed to various factors. Shearing himself (1994) points to a growing recognition of the limits of state police when faced with private spaces. In this analysis state recognition of such limits leads to efforts to harness the capacity of other bodies to achieve order and security, while individual recognition leads to various private paths to security: the recruitment of private patrols, vigilantism, or the purchase of security technologies and hardware. O'Malley and Palmer (1996) have noted the increasing dominance of a market-based paradigm in which problems of government are framed. It is in this context, accompanying the rise of consumerism, that O'Malley (1997) locates the 'hollowing out of the nation state' and the relocation of various public services in the private domain. Among others, Loader and Sparks (2002) describe the commodification of policing. Shearing has recognised a new conceptualisation of security as a commodity with implications for the marketisation of security provision and the redefinition of policing. Regardless of the theoretical approach used to explain the origins of these trends, Shearing (1997) argues that they reflect *actual* developments; whether one thinks them positive or negative they have to be acknowledged and engaged with. It is this acknowledgment and engagement that Shearing argues is missing from overseas policing assistance, leaving it focused primarily on state organs. Loader (2000) has provided a strong basis for understanding how regulation might ensure that the principles of democratic policing, explored above, might be extended to cover more broadly conceived networks of security providers. Shearing in his Washington paper (1997), and elsewhere with others (Dupont et al 2003), has sought to provide theoretical and practical underpinnings for reinvigorated and progressive democratic policing assistance accounting for the network of bodies engaged in security provision, public, private, or

hybrid.

It is worth observing that the trend towards state-retreat might not be universally recognised. Many works exploring the shifting sands of state and the governance of security focus on a narrow set of developed, Anglophonic states. For example O'Malley (1997) refers to developments in Australia, New Zealand and the United Kingdom while Garland (1996) draws on examples from the UK. Some work has begun to redress this balance, including Shearing's own suggestions on new directions in security provision in South Africa (1997; also Brodeur and Shearing 2005), and Wood's (2004) work on community projects in Argentina. Yet, recent input from continental Europe suggests that an alternative story of continued state dominance in security provision can be told in relation to certain states active in the field of international policing assistance (Ferret 2004).

In BiH, we have an opportunity to explore if Shearing's concerns have been addressed in the ten years since he aired them in Washington. Regardless of the position one takes on the democratic credentials of Yugoslav self-management as theory or practice, it is clear that the path set out for BiH in 1995 took the country in a new democratic direction. The massively expanded state militias which formed the basis of post-war police forces lacked the experience of policing in a liberal democratic state, and faced the challenge of addressing the role they had played in the war while adjusting to new post-war policing structures. Since 1995, a number of international organisations have been working with governments and police forces in BiH to develop models of democratic and accountable policing throughout the country. The combination of international and local influences in BiH, where policing policy is being developed in line with reform agenda sponsored by the

international community, makes the country an ideal site to examine trends in contemporary policing and policing assistance. This allows us to explore to what extent international organisations and development agencies seek to, and are able to, go beyond the state in their assistance programmes.

MAP 1 insert

The local context in which international organisations implement assistance programmes is a complex one, and merits a brief explanation, not least to clarify the use of the word 'state' in relation to BiH in this paper. The post-war state of BiH (shown in map 1) results from peace agreements negotiated in 1994 in Washington and 1995 at Dayton. The first established the Federation of Bosnia and Herzegovina (FBiH), a federal union of ten cantons, eight of which featured either a clear Bosniac or Croat majority. Each Canton has its own police force under an Interior Ministry, and a two-tier system of criminal courts (municipal and cantonal) under a Justice Ministry. The federal level of government includes a police force with jurisdiction over inter-cantonal crime, a supreme court with appellate and limited first instance criminal jurisdiction, and a prison service. In December 1995, FBiH joined Republika Srpska (RS), which featured a unitary structure of government and an overwhelming Serb majority[1], to re-form BiH within its pre-war boundaries, but as a state composed of two asymmetric entities. The shared institutions of the newly formed state had limited competency, primarily covering customs, monetary and foreign policy. While this state-level government had competence over inter-entity crimes, this was not backed by any institutional framework. These levels of government were supplemented in 1999 with a further special district in Brčko, a contentious area linking the North and West of RS with the South and East of the

entity. Residents of Brčko district could elect to be citizens of either sub-state entity, but also voted for their own assembly, and had their own policing and judicial structures.

In this context, the word 'state' might be used to refer to 'the state government', those shared institutions made up by a rotating three-member Presidency, a Council of Ministers, and two parliamentary chambers. In this sense, specific to BiH, it distinguishes state from entity, district, cantonal and municipal governments. Simultaneously, 'state' might be used more generally to refer to what Copp calls "the animated institutions of government", a system of offices, roles and people engaged in producing, administering and enforcing laws (1999: 7). This second definition must be taken to include *all* levels of government in BiH, national or sub-national. Therefore to distinguish between the general concept of 'the state' and the particular meaning of 'state' in BiH's constitutional set up, 'state' will be reserved for the general concept while 'state-level' will be used when referring to the shared institutions of BiH. Thus, state police would refer to all police forces under cantonal, entity, district and state-level governments, while state-level police would refer only to those forces established since 2000 and supervised by shared institutions.

LEGACIES OF SOCIALISM, LEGACIES OF WAR: POST-CONFLICT POLICING IN BOSNIA AND HERZEGOVINA

Before exploring approaches and achievements in international policing assistance it is necessary to introduce the post-war context of implementation. This must account for the historical legacies of socialism and of war and the challenges of a shift towards a market based economy.

Authoritarian-socialist legacies: police militarization, public alienation

In the former Yugoslavia, the bulk of public policing was carried out by militia, structured along military lines and lacking in external accountability at the local level (Kutnjak-Ivković and Haberfeld 2000)[2]. In light of the discussion of policing and democracy above, and taking policing as an inherently political activity, some form of accountability to those being policed is desirable (Jones 2003). Militaristic hierarchies are not necessarily incompatible with local accountability, but many European states with centralised militaristic forces under defence ministry supervision (e.g. the French *gendarmerie*, Italian *carabinieri*) balance these with local level forces (Mawby 2003). Nor is accountability simply structural. Marks (2000) states that authoritarian *traditions* and *cultures* must be challenged. Where personnel are retained from a previous regime, there is a risk that their 'deep level' values influence the practices of new recruits, perpetuating an occupational culture obstructive to new models of police-public relations. Alienation of the public from an unaccountable and unresponsive police force failing to meet their needs discourages cooperation, undermining police effectiveness. In order to address the problems inherited from previous authoritarian regimes, shifts in the nature of policing must be *visible* (Beck and Chistyakova 2002); DFID see the need for a paradigm-shift from police *force* to police *service* (*Safety, Security and Accessible Justice* 2002).

Dealing with a violent past: police and war crimes

The war in BiH between 1992 and 1995 featured the systematic use of public police in policies of ethnic cleansing and human rights abuses. The roots of the police role in the war can, in part, be traced back to the constitutional arrangements of the former Yugoslavia. Defence was a federal matter with the People's Army controlled

by central government. Policing, although overseen from Belgrade, was run primarily from republic-level ministries of the interior. The Public Security Service (Služba Javne Bezbednosti) took the form of a militia, organised along military lines with commissioned and warrant officers, rank and file, and reservists. As individual republics had no 'proper' military as such, the militia took on part of this role when war broke out. The new role required a massive expansion of numbers and saw normal entry requirements and training being waived (Kutnjak-Ivković and Haberfeld 2000). Boundaries between police and army blurred; police became part of the offensive and defensive strategies of participants in armed conflict. In turn, where participants sought to implement policies of forced transfer, ethnic cleansing or other attacks on civilians, police organisations became involved in these human rights abuses.

A study of the forty-seven defendants found guilty by the International Tribunal at the Hague of war crimes committed in BiH by October 2005[3] reveals that eight (17 per cent) were convicted for crimes committed while serving as regular or reserve police officers, while a further two (4 per cent) were operating as military police officers (see table 1). In addition to these two groups a further twelve individuals (26 per cent) committed offences while working in prisons and detention camps but in roles that could not be definitively attributed to the police. Boundaries between police, military, and civilian political authorities became blurred in the detention camps, where each played a role. Duško Sikirica, security commander at Kertarem camp, worked under the authority of the police in Prijedor but wore military uniform (*Prosecutor v Sikirica* 2001). The camp was established under police orders and employed the services of thirty police reserves (*Prosecutor v Kvočka* 2001). The Konjic barracks, used to detain Bosnian-Serb civilians, came under the joint authority

of the police, territorial defence and Croat Defence Council (Hrvatsko Vijeće Obranje) (*Prosecutor v Delalić* 2001).

TABLE 1 insert

Other cases show police officers engaged in forced population transfers, beatings and murder (e.g. *Prosecutor v Todorović* 2001; *Prosecutor v Mrða* 2004). The tribunal also highlighted cooperation between police and military and paramilitary units outside the camps; this occurred, for example, at Srebrenica, where over 7,000 civilians were killed (see *Prosecutor v Erdemović* 1996; *Prosecutor v Simić* 2003; *Prosecutor v Stakić* 2003). Police premises were also used for systematic programmes of murder (*Prosecutor v Jelisić* 1999).

The legacy of the conflict for policing in BiH is clear: the police have been implicated in some of the worst excesses of wartime violence against civilians. As the organisation tasked with public protection they were heavily involved in acts designed to undermine public security and to harm specific sectors of society. The BiH authorities and international community faced the task of rebuilding public confidence in a service burdened by the combined legacies of authoritarianism and of its role during the war. The Hague trials might go some way towards achieving these ends, but the level of involvement of the police in war crimes was such that it demanded more large scale action, seen in the certification process carried out under UN auspices and described below.

Separatist legacies: new divisions in policing

Despite the peace brokered in 1994 between the Sarajevo government and separatist Bosnian-Croat forces, Mostar remained a vivid illustration of divisions

across a range of sectors. The destruction of the old bridge over the River Neretva symbolised the division of the city between Bosnian-Croat administrations concentrated in the West and its Bosniac counterpart in the East. This pattern of division was replicated throughout the nascent FBiH. In the wake of the conflict, the UN International Police Task Force (UNIPTF) found itself faced with the task of disbanding Bosnian-Croat para-police forces in the area as well as other 'special' police units throughout FBiH (*UNMIBH: Background* 1998). In March 1997 a joint police force was established for Mostar (*5th Report of the High Representative* 1997), but there were continuing problems in creating unified cantonal policing structures elsewhere (*10th Report of the High Representative* 1998).

BiH still featured a high number of police forces for the size of the country despite the closure of irregular policing units established during the war, (*Report from the Commission* 2003). In the initial post-war period, separate forces existed at entity and cantonal level, and also for Brčko district. These have been supplemented with specialist court police and state-level policing agencies such as the State Border Service (SBS). The geographic fragmentation of policing needs to be understood in light of the war and widespread ethnically targeted violence. Radical decentralisation gave each of the constituent peoples (Bosniac, Croat and Serb) a power base and thus some kind of guarantee of security.

Corruption

The reasons for corruption amongst police are multiple. Goldsmith (2003) observes that resource shortages and low or irregular salaries can lead to corruption. Structural factors such as weak mechanisms for accountability can, at the very least, facilitate corruption. A Transparency International (TI) survey in BiH found that just

under 15 per cent of respondents had been asked to pay a bribe to a police officer in the previous twelve months (Divjak 2004). The prevalent experience of police corruption by the public has a wider impact on levels of trust and cooperation; 55 per cent of respondents in the TI survey felt that 'most' or 'almost all' officers were involved in corruption while only 5 per cent felt that hardly any engaged in corrupt behaviour. Corruption goes beyond taking bribes; at least one human rights organisation expresses concern over political partisanship in policing, reflecting a legacy of political interference in law enforcement. In the late 1990s, accusations of partisan policing were levelled against police in Una Sana Canton; these included the failure to investigate crimes against opponents of the Party of Democratic Action (Stranka Demokratske Akcije), illegal detention and police brutality (*Politics of Revenge* 1997).

Post-war landscapes of crime and justice

Many of the issues explored so far are largely internal to the police: their organisational role during the war, their structures emerging from socialist rule and war, and corruption. The final set of problems discussed situates policing in BiH in the wider social and criminal justice contexts of the post-war and post-socialist period, exploring changes in patterns of crime, changes in public perceptions of crime, and wider programmes of criminal justice reform.

There is widespread acknowledgment that various factors in the shift from socialism to market economies and political liberalism result in increased crime and awareness of crime (Lewis, 1998; Łos 2002; Plywaczewski 2001; Yakushik 2001; Zvekic 2001). Actual rises and a new sensitivity to crime increase public anxieties during periods of rapid social change. Mawby (1998) recognises the complexity of

the situation, noting that the quest for 'hard' evidence of quantitative or qualitative changes in crime between socialist and post-socialist periods is problematic. He suggests statistics from the socialist era were prone to being massaged and are therefore suspect. Moreover a new relationship between state and citizen may alter reporting behaviours.

A number of post-Yugoslav states have experienced combinations of violent conflict with massive political and economic change. In particular this applies to BiH, Croatia and Serbia. Nikolić-Ristanović (1998) draws on a range of sources, including human rights reports, interviews and personal experience to explain the impact of conflict on crime. She paints a picture in which the black economy becomes essential to the continuation of everyday life, providing vital goods and employment. In such an environment, state interests in punishing criminal enterprises weaken, and ties between state and criminal enterprises may be formed. Criminogenic factors may also be exacerbated by conflict: social disorganisation; breakdown of formal/state and informal/community networks of control; and limited capacity for collective problem solving. Criminality learned through experience or association iduring conflict may continue in to peacetime.

Maljević (2002) notes factors mediating public perceptions of crime and crime related risks present in BiH in the wake of the war. During the war, many lost family members who previously played a protective role, increasing their sense of vulnerability. Minority status, especially in the wake of a conflict which manipulated perceptions of ethnic difference and separateness, is also central to the perception of risk and vulnerability. Specific incidents like the murder of two elderly Bosnian-Serb returnees to the municipality of Drvar on 15 April 1998 (*10th Report of the High*

Representative 1998) and scores of other return-related instances of violence such as arson, intimidation and assault increase feelings of anxiety and insecurity among returnees in particular. Moreover, these crimes represent new forms of conventional violent crime which the police are expected to deal with.

Just as changes in policing may impact elsewhere in the criminal justice system, for example the number of cases proceeding to court, changes elsewhere in the system impact on policing. This can be seen by looking at one aspect of changes in procedural codes recently adopted throughout BiH. The abolition of the role of the investigating judge, part of root and branch reform of the judicial systems of BiH, has put a greater investigative responsibility on police and prosecutors, who must establish a new relationship with each other (Sijerčić-Čolić 2001). At a time of ongoing internal change, wider shifts in crime and the criminal justice system create additional pressures on BiH's police services.

Clearly the police forces of BiH faced numerous problems at the end of the war above and beyond the challenges posed by the legacy of authoritarian policing which the country shared with other emerging European democracies. The police services needed 'cleansing' in some way to distance and distinguish themselves from those engaged in war-time persecution; they had to find a coherent way to police the country in spite of the organisational patchwork that policing in BiH had become; finally they had to face up to public perceptions of widespread corruption while adjusting to the challenges of policing the new BiH. The following section will explore how those states seeking to assist BiH on its path to establishing democratic modes of policing have sought to address these challenges, and to what extent they have done this within and beyond a framework of state provision of policing. Firstly

this will be discussed in relation to multilateral assistance provided by the UN and EU, supporting Shearing's concerns that international policing assistance remains bounded in terms of the state. Secondly, the paper explores the work of DFID as an example of policing assistance beyond the framework provided by the state.

INTERNATIONAL ASSISTANCE: STABILISATION AND REFORM

Core civilian missions and policing in Bosnia and Herzegovina

Annex 11 of the General Framework Agreement for Peace (GFAP) provides for an International Police Force under UN authority. The force was to assist entities in meeting constitutional obligations to "ensure a safe and secure environment for all persons in their respective jurisdictions" (*GFAP* 1995: Annex 11[1]). When this UN force disbanded in December 2002 the role was taken over by the European Union Police Mission (EUPM). This second mission, continuing to identify its purpose in terms of Annex 11, was scheduled to run to the end of 2005, but has been extended by two years. The European mission's initial aim was to "establish sustainable policing arrangements under Bosnia and Herzegovina ownership in accordance with best European and International practise, thereby raising current BiH police standards" (*Mission Statement* 2003). The following section explores the different means by which the UN and EU policing missions have successively worked alongside, and at times against, the police forces in attempts to create reformed policing services throughout BiH. It will be argued that these two agencies, representing the core of post-war policing assistance in BiH since 1995, have focused primarily, if not exclusively, on the state as the provider of policing, confirming Shearing's assertions in his Washington paper.

The initial task force mandated by Annex 11 was headed by a Commissioner, appointed by the UN Secretary General, receiving guidance from the Office of the High Representative (OHR), and reporting to OHR and the Secretary General. The initial IPTF role included monitoring and facilitating enforcement activities, offering advice and training to police forces, advising government bodies, assessing threats and evaluating capabilities, accompanying and assisting police, and reporting human rights violations to the authorities. This expanded in December 1996 to include proactive investigation of human rights abuses by law enforcement personnel (*From Promise to Reality* 1997). Initially mandated for one year, the challenges facing the task force were such that its mandate was soon extended. The situation in BiH was tense: while return programmes struggled to reverse the ethnic segregation imposed during war, police forces still included officers complicit in war crimes; illegal 'special' police units existed and even those police forces with official recognition could not be relied upon for the cooperation demanded by Annex 11. The UN mandate eventually ran to seven years, and was followed immediately by a similar programme under EU auspices. In response to challenges in BiH, the UN interpreted its mandate to provide a number of tools to reform policing, reflecting a two-pronged approach based on enforcement and cooperation: investigation and public criticism of police; disciplinary measures such as imposed probationary periods and the removal of officers from duty; direct challenges to police authority over the inter-entity boundary line (IEBL); training; and legislative and policy support.

The least forceful enforcement-oriented intervention was public critique of police. Examples can be seen in strong criticisms of police use of force, including firearms, at a *Bajram* march of Bosniacs to a West Mostar cemetery in 1997 (*From Promise to Reality* 1997); again over the use of force in the arrest of Goran Vasić; and over

failures in investigation of the murder of Bosnian-Serb returnees in Drvar (*Concerns in Europe January-June 1998: Bosnia-Herzegovina* 1998). In the first example, subsequent domestic investigations resulted in criminal charges against officers. Yet even then, the slow pace of the process highlighted recalcitrance among officers expected to instigate proceedings against their colleagues (*15th Report of the High Representative* 1999).

Intervention was more intrusive in early 1999, following an investigation of local policing in the Bosnian-Croat majority municipality of Stolac. All officers were placed on a three month probationary period (*Concerns in Europe January-June 1999: Bosnia-Herzegovina* 1999), however the experiences of the task force during investigations underlined a further problem. UNIPTF officers were attacked by locals supportive of the mainly Bosnian-Croat police (*Concerns in Europe July-December 1998: Bosnia-Herzegovina* 1999). This example problematises the principle of local control over policing, especially where a majority may exercise undue influence at the expense of others. Differential service provision from police based on ethnicity is not unique to BiH; yet given recent history, and the desire for sustainable minority returns, there is an argument for strong checks against local abuse of police powers. In this context Jones et al's (1996) scheme prioritising *equity* over *responsiveness* seems fitting to encourage responsive policing within the boundaries of a liberal democracy.

From 1998 onwards, UNIPTF began a major process certifying individual officers with the authority to serve in BiH. The process involved three stages: registration, screening by questionnaire, and in-depth background checks. Overall, 23,751 officers and other staff registered, of whom 16,803 (71 per cent) were granted provisional

authorisation after the second stage, with 15,786 (66 per cent) receiving full certification (*Report of the Secretary General on UNMIBH* 2002). Background checks were complemented with training in human rights, public order and crime related topics. The certification project has faced numerous difficulties: the UN recognised attempts by law enforcement agencies to circumvent certification procedures (*Report of the Secretary General on UNMIBH* 2001); since the process closed, summons have been issued from The Hague against two serving officers, Novo Rajak and Boban Simić, suggesting gaps in coverage (Freeman 2004). In February and June 2004, further action was taken by OHR to remove five officers for involvement in "egregious criminal activities" and giving support to indicted war crime suspect Radovan Karadžić[5]. A further round of removals as part of "direct and sweeping action" against public officials seen to have contributed to "institutional failure to purge from the political landscape… conditions conducive to the provision of material support and sustenance to individuals indicted [for war crimes]" saw a further eight police officials in RS dismissed and barred from public office[6]. These OHR removals all took place *after* the end of the certification process. Most recently a number of officers decertified by the UN have challenged the procedure in domestic courts under the European Convention of Human Rights (*Press Release SC/8019* 2004).

In one of their strongest actions, UNIPTF, supported by NATO's Stabilisation Force (SFOR), directly challenged police authority over the IEBL and freedom of movement between the two entities of BiH. Amidst ongoing concerns over police abuses of human rights (*3rd Report of the High Representative* 1996; *4th Report of the High Representative* 1996), police conduct around the IEBL was described as the "greatest obstacle to freedom of movement" (*5th Report of the High Representative*

1997: s. 85). This included intimidation and arbitrary fines imposed on those crossing the line between FBiH and RS. In May 1997, any IEBL checkpoints set up without prior UNIPTF approval were declared illegal and dismantled with support from SFOR troops. The government of RS claimed that this exceeded the terms of the UNIPTF mandate and instructed police not to cooperate. The issue of obstruction to freedom of movement was eventually addressed outside the sphere of criminal justice by an OHR decision to implement a scheme of uniform vehicle registration, making it impossible to identify a vehicle's entity of origin (*Decision on the deadlines for the implementation of the new uniform licence plate system* 1998).

In addition to these enforcement based interventions, the task force played a wider role in developing a legislative framework for policing and in attempting to establish police forces representative of the population of BiH. At a relatively early stage in their mandate UNIPTF worked with OHR and domestic authorities to produce a model law for cantonal policing (*4th Report of the High Representative* 1996). In late 1998 the mission negotiated with the OHR and RS government to produce a framework for police reform, which included the recruitment of over 2000 non-Serb officers (24 per cent of the force), and tying the service into IPTF protocols on selection and training. In the same period working groups were established on minority recruitment in the cantons of FBiH (*12th Report of the High Representative* 1999). A number of different methods were employed to develop minority representation, including voluntary redeployment, selection of minority candidates for police academies, refresher training for returnee officers, recruitment campaigns targeted at women, and housing assistance for officers willing to relocate.

A UN matrix presents a vision of *competence* and *integrity* on two different levels:

individual and organisational. The endpoint of the individual stream is certification of officers, while for organisations it is UN accreditation for basic democratic standards in policing. In order to reach this goal police forces had to be adequately resourced, with effective management and human resource systems and willing to engage in inter-force cooperation (competence), while having an inclusive multi-ethnic make up, freedom from political interference, and featuring transparency and public accountability (integrity). The introduction of Independent Cantonal Commissioners and Entity Directors to block political interference by 2002 was one UN initiative aimed at achieving these organisational goals (*Report of the Secretary General on UNMIBH* 2002). Towards the end of their mandate, UNIPTF became involved in preparing for the establishment of a state-level force to target organised and high level crime, the State Information and Protection Agency (SIPA). This work was continued by the EUPM when it took over in 2003.

The above discussion offers some indication of the multiple approaches adopted under the UN in order to work towards democratised public police services in BiH, meeting several of the criteria highlighted by Jones et al (1996). The EUPM continues this work under the authority of an international Police Commissioner and the EU Special Representative, a role filled by the High Representative since 2002. Continuity between UNIPTF and EUPM was assured by the retention of UN personnel by the new mission (*Report of the Secretary General on UNMIBH* 2002), and through ongoing work on projects like SIPA. The EUPM also participated in the discussions on restructuring police services in BiH preceding the establishment of a Commission on the subject (*25th Report of the High Representative* 2004). The focus of the EUPM has not been solely on political aspects of reform and the mission has deployed a large number of officers in support functions. In January 2004, 396

officers were deployed from EU states (including France - 85, Germany - 76, the UK - 55 and Italy - 51) with a further 99 officers from outside the EU. Officers are deployed throughout the country: 79 officers are spread across the four HQ departments including the Commissioner's office, operations and administration, but the largest single concentration of officers is represented by the 65 officers working with the State Border Service (SBS) (*Deployment of Police Officers* 2004).

The remits of the IPTF and EUPM have been largely limited to working with individual police bodies within the existing institutional framework of state provision of policing. Where they have looked beyond existing bodies, they have still done so within the overall framework of state policing, for example with the establishment of state level bodies such as SBS, SIPA, and judicial police serving the Court of Bosnia and Herzegovina. In spite of all the work undertaken by the UNIPTF and EUPM, OHR argues that much remains to be done in the development of policing in BiH. The work of UNIPTF is described as "post-conflict stabilisation" while the era of the EUPM was to be one of "capacity building and reform" (*Report to European Parliament: July-December 2002* 2002). Subsequent reports note that the EUPM has tentatively stepped beyond this into discussions on a broader programme of police restructuring (*25th Report of the High Representative* 2004). While stabilisation in a post-conflict situation might be intrinsically linked to a continued focus on existing institutions, we might ask why the capacity building and reform agenda of the EUPM has not led to greater development of policing capacity beyond the state. In short, why has EU policing assistance continued to be bound by the 'conventional wisdom' that, according to Shearing, gives an incomplete understanding of contemporary policing?

There appear to be three reasons why this might be the case, the first structural, the second motivational and the third revisiting the conventional wisdom that Shearing seeks to move beyond. Both the UN and EU policing missions to BiH operated on the framework of secondments from state police in donor countries. In a sense, this locked them in to a framework of state policing provision. Other agencies operating in the field of policing in BiH, such as aid and development agencies, might not be restricted by such a structure, yet it is clear that it has been a constraining factor in how the two core policing missions to BiH have operated. Police officers employed by donor states were brought to BiH to work alongside, monitor and assist officers in other state services.

With regard to the EUPM only, the focus on state policing bodies at all levels, and particularly on state-level bodies such as SIPA and SBS, may stem from the fact that international policing assistance is not solely altruistic. During fieldwork in BiH, one respondent characterised EU interventions in policing as "self-interested generosity"; the term is well illustrated when Javier Solana notes the threat of a poorly policed BiH to EU member states (e.g. *Interview with Sead Numanović for Dnevni Avaz (BiH)* 2004). This threat does not stem from localised disputes which threaten peace in local communities in the manner described by Brodeur and Shearing (2005) in relation to South African Peace Committees. Rather Solana is referring to what Chris Patten (2004), as Commissioner for External Relations, described as "those sorts of crime prone to cross borders and spread throughout Europe": the smuggling of drugs, guns and people; crimes dealt with by and between states.

Finally, to argue that the continued basis of state provision as a model for international policing assistance represents a failure of donor-democracies to

synchronise international assistance with domestic practice requires an acceptance of Shearing's views on the role of non-state agencies in contemporary policing practice across a number of jurisdictions. To engage fully with that debate is beyond the scope of this article, but it is still a debate that ought to be acknowledged. Ferret (2004) argues that the role of non-state agencies in policing tasks is strictly limited in France and Spain, rather that tensions are between local and national provision *firmly within the framework of the state*. Continental European states play an important role in police assistance in BiH: in January 2004, 54 per cent of EUPM officers were drawn from France, Germany and Italy. A continued emphasis on state-centred models of policing need not be taken to represent a discrepancy between domestic arrangements and international assistance; it may simply be the dominant model in a cooperative venture between states with different patterns of domestic policing.

Micro-level reform: the Department for International Development and local experimentation

This final sub-section will focus on one organisation whose work suggests that, in at least one established democracy, the role of non-state participants in policing and the relevance of this to policing assistance has been recognised in the ten years since Shearing's Washington address. While the core of policing assistance in BiH has been carried out under the auspices of agencies with specific international mandates, a number of other agencies have been involved in projects on a smaller scale; these include DFID, the Swedish International Development Agency (SIDA), OSCE, UNICEF, the Canadian International Development Agency (CIDA), the US Department of Justice, and Save the Children UK. The work of DFID will be explored to illustrate how bilateral UK policing assistance in BiH represents a shift

from wholly state-focused assistance. The work of DFID in BiH forms part of a larger programme, *Balkans Safety, Security and Access to Justice*, covering several countries. In turn, this is part of a strategy for global poverty reduction. DFID ties security, justice and conflict prevention to economic growth through guarantees for economic rights and the development of a climate for investment in future wellbeing (*Safety, Security and Accessible Justice* 2002). Thus DFID's policing work forms part of a general humanitarian and developmental agenda.

While working with entity level ministries to develop the capacity for strategic planning (project B1), DFID also operates two pilot projects in the towns of Žepče and Prijedor, focusing on the justice sector (project B3) and community policing and community safety (project B2). DFID selected such an approach for a number of reasons: funding levels mean that DFID has to carefully target resources; similarly, small scale pilot projects are an economical test of reform programmes and success may be used to promote wider implementation; finally, the two sites were chosen because of the impact of past conflict. Ethnically-based parallel administrations persisted for several years in Žepče. Prijedor, in RS, saw large scale ethnic cleansing during the war and now hosts a large number of displaced Serbs, both from within BiH and from Croatia. Areas with fractured communities and high levels of inter-community tension are the most challenging locations for the introduction of community policing and community safety programmes. Success in these sites would help to rebuild local communities and suggests a good chance of success elsewhere.

Project B2 currently has two distinct components and reflects a holistic understanding of security provision, which goes some way towards Shearing's (1997) notion of escaping state-monopolised visions of security provision. The first

component does focus on state agencies, primarily the police, working directly with officers to improve policing skills, practices and leadership, and promoting partnership. The second component looks beyond the state to develop community involvement in security provision, through consultative groups, crime audits, crime and disorder strategies, while at the same time addressing broader security concerns through conflict-resolution and returnee safety (*Project Bosnia 2* 2003). These two components will eventually feed into a third component where lessons learned are reviewed and fed in to relevant ministries. These components represent an attempt to ensure community involvement in decisions relating to police priorities. They are a consequence of DFID's assertion that "the state on its own cannot provide SSAJ [safety, security and access to justice]. The provision of law, order and justice is also the concern of civil society" (*Safety, Security and Accessible Justice* 2002: 21).

In its use of public consultation over the role of state-provided security services such as the police, the project still locates security provision as a largely state-centred responsibility. Yet by encouraging communities to play a proactive role in conflict resolution and returnee safety DFID displays a commitment to non-state action in *preventative* approaches to crime and disorder, and here it would suggest that both decision making and implementation can be located at a local level with non-state bodies. DFID further recognise the ongoing importance of the state in a third component, where the state provides the means to roll out positive elements of local initiatives.

Unlike the internationally mandated bodies such as UNIPTF and EUPM, DFID has no direct access to sources of executive power. Thus the schemes in Žepče and Prijedor work on the basis of consultancy and through building client relationships.

This is in line with DFID guidelines promoting local ownership as a path to sustainability (*Safety, Security and Accessible Justice* 2002). One result of this approach is that reform may progress more slowly than those implemented by other agencies, yet the flexible and cooperative approach builds relationships of trust, allowing new modes of thinking about policing to take root without creating resentment, and allows DFID to go beyond the state in conceptualising security provision. While larger projects like DFID's B1 work in close cooperation with higher level government agencies and core international civilian missions, smaller projects such as B2 and B3 do not necessarily fit into this framework. As a result there is a risk that their work may be overlooked and nullified by larger reform strategies. Recent attempts to restructure of BiH's police driven by the OHR and EC through a Police Restructuring Commission represent a major risk to micro-projects. While DFID has been consulted in discussions about restructuring, it is one voice among many. The creation of new policing units and structures of management could fundamentally alter the field in which DFID is engaged.

What emerges from DFID's work is a mixed picture of policing assistance to a nascent democracy. The projects have a rather holistic approach; the importance of policing to broader issues of peace-building and democratic consolidation is recognised, tying DFID's work into broader issues of rebuilding divided communities, resolving local conflicts, and ensuring the safety of displaced persons returning to their pre-war homes. Likewise, the project is not limited to policing, but sees policing as part of a larger field in need of reform and reconstruction. Accompanying projects work with individual courts and relevant ministries in accordance with DFID guidelines on a sector based approach (Clegg et al. 2000; *Safety, Security and Accessible Justice* 2002). The policing project also suggests DFID recognises the

complexity of contemporary security governance, where neither rowing nor steering need be state monopolies. In doing so, the project says something about policing in contexts beyond BiH; it points to a trend in policing witnessed elsewhere, where local consultative groups and crime and disorder audits seek to gauge local concerns and feed these back in to local policing policies involving a range of partners. Finally, the work of DFID is important as an example of more general assistance programmes to transitional societies; it shows the benefits of cooperation with other agencies involved in reform and reconstruction alongside a willingness to go beyond the specific programmes of these bodies. Yet while such an approach offers BiH's citizens an alternative vision of policing, it runs the risk of being lost in the growing pace of police restructuring in the country.

CONCLUSIONS

Shearing's concern about a lack of synchronisation between domestic policing in established democracies and the policing assistance they give to emerging democracies has provided a starting point in this discussion of three examples of assistance programmes. Through the example of DFID we have seen an attempt to involve communities in policing decisions and ongoing projects to create a secure environment. Thus, in the ten years since Shearing raised his concerns in Washington, and since BiH stepped out on the path to peace and democracy, we can see that at least one agency has moved beyond conventional wisdom towards a more complex vision of policing in their assistance programmes. Yet *mainstream* policing assistance to Bosnia has remained focused on a paradigm dominated by state provision. This paper has proposed three possible reasons, each of which may contribute to the continuing focus on state provision in policing assistance in the case

of BiH: the structures of the main agencies delivering police assistance; the motives of donors; and the domestic policing structures of certain donor states. However, policing assistance itself is provided by a *network* of donors, including agencies like DFID, working on a relatively small scale. Through these we might see the emergence of models of policing assistance that come closer to those Shearing aspires to, and that he has worked towards developing.

ENDNOTES

[1] UNHCR estimates cited by the Constitutional Court of Bosnia and Herzegovina suggest the composition of Republika Srpska went from being 54.3 per cent Serb in 1991 to 96.7 per cent in 1997: "Due to the massive ethnic cleansing during the war… Republika Srpska is now an almost ethnically homogenous entity." (2000: paragraphs 86-87).

[2] Davidovic (1993) does describe self-protection as an aspect of the Yugoslav self-management system. This consisted of local preventative measures against flood, fire, vandalism and violence, and a security service for productive enterprises akin to private security provision in a market economy. These forms do not seem to have survived the war in tact.

[3] These forty-seven defendants represent those who had been found guilty in a first instance tribunal for offences committed in BiH, and whose convictions had not, by 26 October 2005, been reversed in appeals proceedings. Cases relating to crimes outside BiH, resulting in acquittal, withdrawn before the conclusion of proceedings, or still pending, have been excluded.

[4] A number of individuals in this group played an ambiguous role. It was unclear whether they answered to military, police, or other civilian authorities, for example Goran Jelisić (*Prosecutor v Jelisić* 1999) and Dragan Kolundžija (*Prosecutor v Sikirica* 2001).

[5] All decisions to remove public employees and politicians are listed by date on the OHR website (www.ohr.int.decisions/archive.asp). The removals referred to here took place on 10 February (Dragan Bašević, Veljko Borovčanin and Ivan Sarač) and

30 June 2004 (Mile Pejčić and Zoran Petrić).

[6] Those barred from office in this second round of removals were Svetislav Jokić and Pero Sakota (1 July 2004), and Predrag Jovičić, Milorad Marić, Milomir Malis, Zoran Ostojić, Petko Pavlović and Mrsko Skočajić (17 December 2004).

Abbreviations

BiH	Bosnia and Herzegovina	**RS**	Republika Srpska
CIDA	Canadian International Development Agency	**SBS**	State Border Service
DFID	Department for International Development	**SFOR**	Stabilisation Force
EUPM	European Union Police Mission	**SIDA**	Swedish International Development Agency
FBiH	Federation of Bosnia and Herzegovina	**SIPA**	State Investigation and Protection Agency
GFAP	General Framework Agreement for Peace	**SSAJ**	Safety, Security and Access to Justice
IEBL	Inter-Entity Boundary Line	**TI**	Transparency International
OHR	Office of the High Representative	**UNIPTF**	UN International Police Task Force
OSCE	Organisation for Security and Cooperation in Europe	**UNMIBH**	UN Mission in Bosnia and Herzegovina

Map 1 Bosnia and Herzegovina, showing entities, cantons and Brčko District
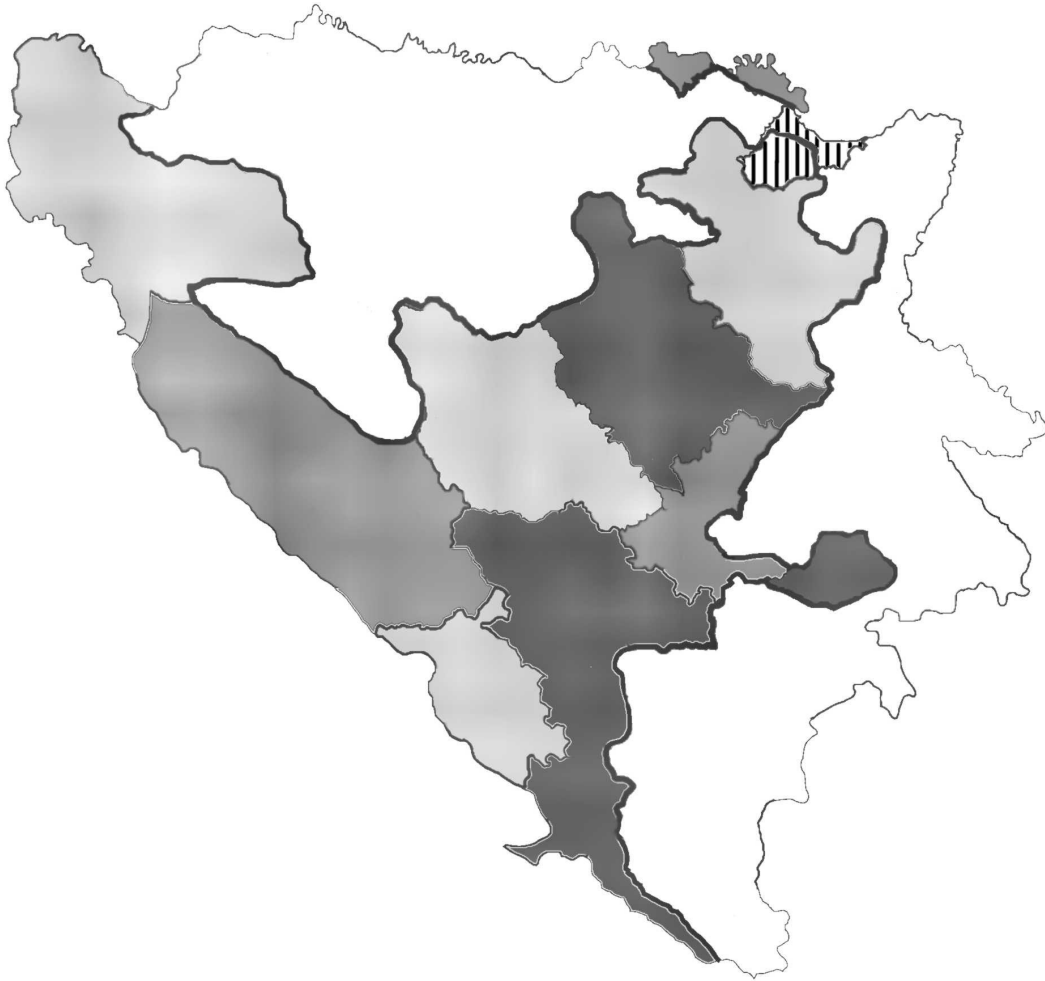
White: Republika Srpska

Grey (various): FBiH and Cantons

Stripes: Brčko District

Table 1 Wartime role of those found guilty of crimes in BiH at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. 26 October 2005.

	Percentage	N
Defence/Military	36.2	17
Camps/Prisons[4]	25.5	12
Police	17.0	8
Politics	17.0	8
Military Police	4.3	2
Total	100	47

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