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A Dense Policy Space?
The Police Aid of the OSCE and the EU

Introduction

The eastward enlargement of NATO on 2 April 2004 and of the European Union on 1 May 2004 prompted concern among OSCE practitioners and observers over the Organization's future. Does the geographical and functional expansion of these two powerful institutions render the OSCE less relevant for the governance of European security?[1] In this article, we want to extend this line of analysis by inquiring into the impact on the role of the OSCE of the recent expansion of the EU into a new field – that of civilian crisis management. To keep the analysis manageable, we focus on the EU's most advanced civilian capabilities, namely police missions.[2]

At first, the development of police capabilities by the EU triggered concerns in the OSCE over the potential of yet another competitor on the ground in a field in which it had worked hard to develop a comparative advantage. In this article, we show that such concerns are unfounded, as in this issue area complementarity rather than competitive interest is likely to prevail in the relationship between the two organizations.[3] To this end, we liberally draw on the work of Michel Foucault on governmentality to analyse and contrast the police aid approaches of the EU and the OSCE before delineating each organization's comparative advantage in the policing field. This stocktaking exercise sets the stage for our recommendation that to further enhance their cooperation, the EU and the OSCE should specialize on their distinct areas of expertise and, through joint police support programmes, assemble comprehensive police reform packages for countries in transition. We begin, however, by sketching out the police-related activities of the two organizations.

1 For assessments of the impact of NATO and EU enlargement on the OSCE, see Monika Wohlfeld, EU enlargement and the future of the OSCE: The role of field missions, in: *Helsinki Monitor* 1/2003, pp. 52-64, and Andrei Zagorski, The OSCE in the context of the forthcoming EU and NATO extension, in: *Helsinki Monitor* 3/2002, pp. 221-232.

2 Our analysis draws partly on information gathered in interviews in the General Secretariat of the Council of the EU, the EU Police Mission in Bosnia and Herzegovina, and the OSCE Spillover Monitor Mission to Skopje.

3 For an early argument along these lines, see Ralf Horlemann, Zivile Krisenprävention der EU und ihre Kompatibilität mit dem REACT-Programm der OSZE [Civil Crisis Prevention and Its Compatibility with the REACT Programme], in: *S+F Vierteljahresschrift für Sicherheit und Frieden* 4/2000, pp. 311-312. Horlemann's formalistic analysis, however, focuses exclusively on the compatibility and complementarity of the crisis management capabilities and instruments of the EU and the OSCE. Thus, he does not take account of the ideational context which shapes how these formal assets are utilized. Nor, given the time of writing, could he inquire into the complementarity of the two organizations' peacebuilding efforts in the field.

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In December 1999, the Helsinki European Council, in order to respond effectively to the challenges of crisis management under the European Security and Defence Policy (ESDP), adopted an action plan with a particular emphasis on the development of non-military capabilities.[4] In 2000, the European Council in Feira identified action in the area of policing as a priority, and a year later a police unit, currently comprising eight officers, was established in the General Secretariat of the Council of the European Union.[5] In the same year, the Police Capabilities Conference held in Brussels gave concrete form to the pledges made by the member states in Feira to voluntarily provide up to 5,000 police officers for international missions involving the EU.[6] At the end of 2004, two police missions were deployed, one in Bosnia and Herzegovina (EU Police Mission, EUPM, since 1 January 2003) and one in the former Yugoslav Republic of Macedonia (EUPOL Proxima, since 15 December 2003), with three further missions in the planning stage: in Kinshasa (Democratic Republic of Congo), Sudan, and Iraq.

Since the OSCE Yearbook last carried a contribution on police-related activities in 2001,[7] the OSCE has also advanced considerably in establishing itself as Europe's lead organization in the field of international police assistance. A Strategic Police Matters Unit (SPMU) was set up within the Secretariat, consisting of four police officers under the leadership of the Senior Police Advisor, Richard Monk. The new police unit developed a strategic concept for the development and delivery of police assistance programmes. Informed by this concept, police capacity-building projects in the three Caucasian republics (Armenia, Azerbaijan, and Georgia) and in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan) were initiated or are under consideration. In addition, the Organization continues to provide police aid to the Balkans (Albania, Croatia, Kosovo, Macedonia, Serbia and Montenegro).

Having briefly sketched the police-related activities of the two organizations, we now turn to an investigation of the governmentalities of EU and

4 For the purpose of this paper we shall focus exclusively on police-related activities in the framework of the ESDP and shall therefore not cover police aid delivered by the European Commission, such as the Police Assistance Mission of the European Community to Albania (PAMECA). For a brief overview of the co-operation between the European Commission and the OSCE on police matters, see the *Annual Report of the Secretary General on Police-Related Activities in 2003*, SEC.DOC/2/04, 20 May 2004.

5 Correct as of 31 December 2004.

6 Of these 5,000 officers, 1,400 are deployable within 30 days, although difficulties in meeting this target have arisen, as the recent attempt to put together a force for the EU Police Mission (EUPOL) Proxima in the former Yugoslav Republic of Macedonia showed. EU member states have also committed up to 13 rapidly deployable integrated police units (of 60 to 100 officers each). Two member states can provide a total of four headquarters facilities, two of which are rapidly deployable. In November 2004, these pledges were reaffirmed at a post-enlargement Capabilities Conference.

7 Thorsten Stodiek, OSCE International Police Missions, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 331-341.

OSCE police assistance. The Foucauldian notion of governmentality brings to the fore two aspects of governance: its technical means and its mentalities or rationalities.[8] The latter should not be considered to be ideologies that can be opposed to "the truth". But neither are they carriers of neutral information. Rather, they are made up of a variety of sometimes incoherent concepts, assumptions, and logics by virtue of which actors such as the EU and the OSCE make a particular domain – in our case transitional policing – thinkable as a series of problems in need of political attention.[9] To render their "will to assist" practicable, i.e., to translate the governmental ambitions embodied in their rationalities into the realm of action, the EU and the OSCE draw on appropriate technical means or, to use the Foucauldian term, technologies of governance. With the help of such technologies, they seek to "improve" the conduct of host governments and local police forces in accordance with their understanding of "good policing". In the sections that follow, we shall investigate the police-related rationalities and technologies of the EU and OSCE with a view to highlighting similarities and differences. We begin by contrasting the programmatic aspect of the police aid work of the two organizations.

The Police Aid Rationalities of the EU and the OSCE

Our purpose in this section is to reveal the ways in which the police-related activities of the EU and OSCE are dependent on and embody distinct rationalities, which supply them with their knowledge and objectives.[10] Police aid rationalities, we suggest, can be analysed along two dimensions. First, we establish what meaning the EU and the OSCE attach to transitional policing, i.e., policing in countries in transition from authoritarianism or internal conflict. The underlying "constructivist" assumption here is that actors behave towards objects or issue areas on the basis of the meaning they attach to them by bringing them under a certain description. Second, we investigate how the two international police aid donors understand their roles in relation to the

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8 Cf. Graham Burchell/Colin Gordon/Peter Miller (eds), *The Foucault Effect. Studies in Governmentality*, Chicago, IL, 1991; Mitchell Dean, *Governmentality. Power and Rule in Modern Society*, London 1999; Nikolas Rose, *Powers of Freedom. Reframing Political Thought*, Cambridge 2000. For an application of this approach to the study of international institutions, see Michael Merlingen, Governmentality. Towards a Foucauldian Framework for the Study of IGOs, in: *Cooperation and Conflict* 4/2003, pp. 361-384.

9 Political rationalities of governance are intimately linked to power, forming a power/knowledge complex. The power of rationalities is their symbolic power to describe, represent and interpret those countries and populations that are to be brought under (international) governance. For an overview of Foucault's thinking on the mutual entwinement of power and knowledge, see Michel Foucault, *Power/Knowledge. Selected Interviews and Other Writings, 1972-1977*, New York 1980.

10 Cf. David Garland, "Governmentality" and the Problem of Crime, in: Russell Smandych (ed.), *Governable Places: Readings on Governmentality and Crime Control*, Aldershot 1999, p.17.

police in recipient countries. This relationship is shaped by the policing model to which the EU and the OSCE subscribe and which they wish to promote in the host countries and by the ends towards which the aid is directed.

We shall argue that while the EU and the OSCE conceive of transitional policing in the same fashion, they frame their relationship with police aid recipients differently. Further below, we shall argue that these differences, which are reflected in police aid practices, constitute the ground for closer cooperation between the two organizations. We begin, however, with the question of how the EU and the OSCE frame transitional policing so that it becomes a problem to be addressed through international assistance.

Both the EU and the OSCE conceptualize transitional policing in terms of its relationship with democratization and peacebuilding. Their operative assumption is that "good policing" is a key element of conflict management and the consolidation of democratic governance. First, only a democratic, human rights-oriented police is capable of safeguarding the lives and property of citizens independently of their ethnic, economic, or social profile, and guaranteeing the security of the public spaces that are so important to the exercise of political and civil rights. If the justice system cannot or will not ensure citizens' equal standing before the law by protecting both individuals and communities, then peace and democratic society cannot flourish. Moreover, pervasive insecurity in the form of crime and social violence is detrimental to the strengthening of civic values and an obstacle to post-conflict rehabilitation.

Second, the state's monopoly of violence is not only wielded by the military but also by the police. In a democracy, this formidable repressive potential needs to be held in check so as to ensure that the police does not become a state within the state, abusing its coercive means and discretionary powers to harass, intimidate, extort, torture, or kill. Systematic police brutality and other forms of everyday police harassment impede peacebuilding efforts and undermine the ideal of the protective democratic state by curtailing the civil liberties of citizens, corroding their trust in public institutions, and contributing to an order of endemic insecurity. In short, what these arguments suggest is that a police service which ensures individual-level security is a constitutive element of peaceful and democratic governance. Wayward police forces in countries in transition from authoritarianism or internal conflict endanger the construction of peace and democracy.

Another important similarity in how the EU and the OSCE conceive of transitional policing is the acknowledgement by both that policing reforms will come to naught if they are not integrated into a comprehensive rule-of-law approach that also tackles the reform of the judiciary. Even the best police assistance programme will ultimately be ineffective if corrupt, ethnically biased, or otherwise dysfunctional judges let suspects go.[11] Finally, both or-

11 The need for comprehensive rule-of-law reforms, which ideally also include penal reforms, is one of the lessons learned from UN police operations. See Eirin Mobekk, *Inter-*

ganizations believe that international assistance, supervision, and intervention play an important role in encouraging and promoting the transition to democratic policing. The legacies of authoritarianism and internal conflict, including the divisive role played by the police, often pose serious obstacles to police reform. Hence, in some countries, international involvement is required to bring about the "right" policing changes.

Yet, while the EU and the OSCE share the same view of the problem to be acted upon, they differ in how they understand their relationship with police aid recipients. This difference is determined by the specific policing model each organization subscribes to and wishes to promote in host countries and by the specific objectives it prioritizes.

Policing models can be analysed in terms of the relative importance they attach to the notions of "care" and "control".[12] A model that is preoccupied with "control" produces an image of the police as "hard cops" engaged in fighting crime and securing public order against civil unrest. A model that is more attuned to the notion of "care" lends itself to a conception of police officers as "soft cops", whose job requires them not only to act as enforcers of law and order but also as a kind of social service. Our claim is that while the EU's police aid rationality gives priority to a more control-oriented model of policing, the OSCE privileges one more focused on service and community. In what follows, we briefly unpack this argument and trace a series of conceptual differences in how the two organizations see their role in relation to the police in recipient countries.

The EU's police aid rationality is informed by a "modernist" view of policing. At its core are three related elements: the professional policing model, a state-led conception of policing, and a particular understanding of what constitutes the core functions to be carried out by the police.[13] The professional policing model frames police officers as figures of authority, an authority that is based not only on the officers' legal status but, more importantly, on their status as professionals who possess superior competence and expertise in matters of crime and justice.[14] The model thus implies a hierarchical police-citizen relationship that subordinates the latter to the former. Policing, consequently, is understood as authoritative intervention into social relations grounded in the legitimating appeal to specialized knowledge.

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national Policing as Part of Post-Conflict Reconstruction and Peace-Building: The Challenges of Ensuring Effective Linkages, Background Paper 2 for the conference Internation al Post-Conflict Policing Operations. Enhancing Co-ordination and Effectiveness, held at Wilton Park, 26-29 January 2004, at: http://www.wiltonpark.org.uk/documents/conferences/WPS04-3/pdfs/WPS04-3.pdf, pp. 81-94.

12 Cf. Mike Stephens/Saul Becker (eds), *Police Force, Police Service. Care and Control in Britain*, London 1994.

13 Cf. Egon Bittner, *The Functions of the Police in Modern Society*, Rockville, MD, 1970.

14 However, building on the lessons learned from the EUPM, the EU is acknowledging the limits of this kind of model and has thus started to increase the number of civilians in its police missions.

Another, closely related, feature of the way the EU conceives of policing is its state-centrism. Policing, in this view, is an expression of state power and thus mainly or exclusively the task of the public police. This state-led conception of policing reflects a Weberian understanding of the relationship between the state, law, and the use of force, thus bringing to the fore the sovereignty-related and coercive aspects of the relationship between the police and the population rather than its consultative and co-operative features. Hence, a state-centric interpretation of policing attaches little importance to the role of citizens and non-governmental organizations in the production of public order and security, thus encouraging passivity on their part in policing matters. Civil society is the recipient of public security rather than an active participant in its production.

Finally, the EU's police aid rationality presupposes that the core function of policing in countries in transition is the effective enforcement of law and order, including lawful police conduct. The underlying image of the police is that of agents of social control, whose core tasks are the fight against crime and the preservation of general order. This law-and-order focus is seen as necessary for at least two reasons. First, the EU assumes that crime and disorder are major short-term obstacles preventing countries from escaping from authoritarianism or internal conflict. Organized crime, in particular, is seen as being linked to corruption and terrorism, impeding investment and international trade, keeping countries underdeveloped, and corroding their states from within.[15] Second, the EU calculates that breaking established patterns of police abuse and impunity is a major contributory factor to the legitimacy of policing reforms. Only if the police distance themselves from their negative record can they expect that their moral authority and their right to enforce the law and to issue commands will be accepted by all segments of society.[16]

Turning to the OSCE, its police aid rationality is informed by a model of policing that is marked by post-modern ideas.[17] To begin with, without denying altogether the validity of the professional police model, the OSCE does not regard policing to be the exclusive brief of police experts. In line with post-modern interpretations of current changes in the field of policing, the OSCE assumes that the knowledge required for policing is not owned by any particular group of persons. The advantage of the resulting hybrid conception of policing, which valorizes lay knowledge and capacity, is that it encourages the police to be integrated with, and accountable to, the communities they serve. Another closely related aspect of the OSCE mentality is the emphasis

15 Cf. The London Statement – Defeating Organised Crime in South Eastern Europe, London, 25 November 2002. The statement was issued at the conclusion of a ministerial conference on organized crime, which brought together the EU and the countries of the region.

16 Cf. Ronald Weitzer, *Policing Under Fire. Ethnic Conflict and Police-Community Relations in Northern Ireland*, Albany, NY, 1995, p. 83.

17 Cf. Les Johnston/Clifford Shearing, *Governing Security. Explorations in Policing and Justice*, London 2003.

it puts on the responsibility of citizens for the provision of public security. In addition to executive policing concentrated in the hands of the public police, there is room, in this view, for civil policing, i.e., for citizens and non-governmental organizations to play an active role in the policing of their communities. The nexus of self-policing and external policing is regarded as containing the potential for both effective and democratic policing.

Finally, the OSCE's concern with law and order in transition countries is augmented by the Organization's strong interest in policing functions in relation to issues of local justice and quality of life. Under this broad conception of policing, police officers are agents of civic governance who, often in co-operation with other agencies, assist people who experience some kind of personal emergency such as sexual abuse, and help communities to address the deep-seated problems of which crime and disorder are merely the symptoms.[18] The OSCE believes that conceiving of the police as an agency of social improvement that seeks to promote individual-level security in all its aspects is an important aspect of transforming a transitional police force into a human rights-oriented police service that enjoys the trust of the population.

Having discussed at some length the distinct policing models held by the EU and the OSCE, we now turn to a brief discussion of the different ends towards which the two organizations direct their police aid.

The EU conceives of its police missions as instruments for defusing low-intensity crisis situations, generally following – or, as in the case of the EUPM, in parallel with – the deployment of military forces in the wake of civil war. This connection between the military and the police in the context of crisis diplomacy rests on the assumption that restoring order in post-conflict settings is best left to the military and maintaining order to the police because the former is a blunt instrument, "capable only of imposing a most basic, rigid form of order".[19] Yet, while routine public security tasks within the scope of peace operations are best carried out by the police, the local police force is unfit to carry out its functions in many war-torn societies. To fill this gap, the EU developed rapidly deployable police missions capable of substituting for dysfunctional local police forces or of supervising and reinforcing them. Finally, the fact that the EU frames its police aid objectives in terms of crisis management implies that, at least at the conceptual level, it does not envisage becoming engaged in the long-term project of building a democratic and human rights-oriented police service.[20]

As to the OSCE, it sees the "value added" of its police aid in its contribution to sustainable peacebuilding (pre- and post-conflict). While this does

18 Cf. Ian Loader/Neil Walker, Policing as a Public Good. Reconstituting the Connections Between Policing and the State, in: *Theoretical Criminology* 1/2001, pp. 15-16.

19 Michael J. Dziedzic, Introduction, in: Robert B. Oakley/Michael J. Dziedzic/Eliot M. Goldberg (eds), *Policing the New World Disorder: Peace Operations and Public Security*, Honolulu, HI, 2002, p.8.

20 According to the current institutional division of labour within the EU, long-term police aid is administered by the European Commission.

not exclude police-related activities in crisis situations, it does assume that the Organization can maximize its impact by operating principally at the level of what has been called unstable peace, i.e., that stage in the conflict lifecycle that precedes or follows the confrontation between armed factions.[21] Consequently, the OSCE inscribes its police aid work in a longer timeframe than does the EU, taking a developmentalist view of the role of police reform in promoting the transition from authoritarianism or following internal conflict. In particular, the OSCE assigns great importance to efforts to change policing ideologies, norms, and attitudes – a process that is time consuming but crucial for building sustainable peace. Moreover, the OSCE assumes that police reforms have a positive impact not only on police conduct but also on the political and social context within which the police operates. In short, OSCE police aid is an instrument principally directed at, firstly, creating a human rights-oriented, publicly accountable, and responsive police service and, secondly, influencing the political and, to a lesser degree, economic development of countries in transition.

To summarize this analysis of police aid rationalities, that of the EU is characterized by, on the one hand, a control mentality that privileges the law-and-order function of policing and, on the other, an emphasis on the rapid deployment of aid with a view to containing crises and assisting in the implementation of peace agreements following the termination of civil wars. The OSCE, on the other hand, has a service mentality that balances a focus on law enforcement with a pronounced concern with the democratic accountability of the police, the empowerment of citizens and non-governmental organizations in the policing field, and the promotion of community justice. Moreover, its police aid is generally framed as a contribution to long-term peacebuilding and the consolidation of democracy.

From Rationalities to Practices: EU and OSCE Police Aid on the Ground

In this section, we argue that the two organizations' distinct policing rationalities – their policing models and reform objectives – give rise to distinct patterns of action on the ground. While the EU, using the technology of intensive co-location, targets its police aid principally at the law-and-order function of the local police, the OSCE, specializing in the design and delivery of training, has built a niche for itself as a provider of support for community policing. To illustrate our argument, we briefly analyse EU police aid practices in Bosnia and Herzegovina and the OSCE's activities in the former Yugoslav Republic of Macedonia (FYROM).

The police aid provided by the EUPM, the first operation of its kind under the ESDP, has five key features. First, it concentrates assistance on re-

21 See Michael S. Lund, *Preventing Violent Conflicts. A Strategy for Preventive Diplomacy*, Washington, D.C. 1999, p. 39.

forms in support of crime control, especially the fight against organized crime. Second, it emphasizes an expert-based, technology-driven approach to law enforcement. Third, it provides little room for citizen involvement in policing. Fourth, it focuses on the sovereignty-related and coercive aspects of the relationship between the Bosnian police and the population. Finally, co-location is the key technology used by the ca. 500-strong EUPM to effect its reforms.

The mandate of the EUPM, which superseded the United Nations International Police Task Force (IPTF) on 1 January 2003, is to reform policing under Bosnian ownership in accordance with best European and international practices.[22] To carry out its mission, the EUPM identified four distinct strategic priorities, which have in turn been given concrete form in seven reform programmes and 45 reform projects. Twenty-three of these projects are dedicated to fighting organized crime (as of summer 2004).

Under the Crime Police Programme, forensic assessment capabilities are being improved and witness protection programmes enhanced. At the insistence of the mission, which emphasizes the need to move towards the use of sophisticated, technology-based crime fighting approaches such as intelligence-led policing, criminal intelligence units were established in all cantons to ensure the more effective collection, dissemination, and management of intelligence on organized criminal activities. The programme also aims at fostering closer working relations between the police and the chief prosecutor's office and at improving inter-cantonal and inter-entity police co-operation in combating organized crime.[23] The Criminal Justice Programme, which ran until the summer of 2004, was closely related to the Crime Police Programme. Among other things, it promoted standardized crime reporting formats and skills to improve crime case management.[24]

Running in parallel with these single-issue programmes, the mission's two institutional reform programmes are also designed to enhance the capacity of the Bosnian police to fight organized crime. The first targets the State Border Service (SBS), which was officially inaugurated in mid-2000 and assumed control of all international border crossing points in 2002. Its key function is to combat cross-border organized crime. The second programme is tasked with developing the State Information and Protection Agency (SIPA). SIPA is a state-level law enforcement agency, which, once it is fully operational, will focus on policing organized crime, including human trafficking and trafficking in weapons of mass destruction, as well as terrorism.

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22 Cf. General Affairs and External Relations, Council Conclusions, 18 February 2002.

23 Following the Dayton Peace Accords, Bosnia and Herzegovina is made up of two entities – the (Bosniak-Croat) Federation and the (Serb) Republika Srpska – as well as the Brcko District, which is administered separately. Each of these three territorial units has its own police force. In addition, the Federation has ten cantonal police forces. Finally, there are two state-level law enforcement agencies.

24 These reform activities were taken over by the new Police Training and Education Programme.

Among its scheduled tasks is the processing of criminal information and the exchange of law enforcement information between the entities.[25]

The point we wish to make is that the EUPM focuses its attention and resources on crime, and on organized crime in particular. Furthermore, in seeking to tackle this phenomenon, it follows a strategy oriented towards detection and arrest. In other words, the mission encourages the Bosnian police forces to rely on their surveillance capabilities and coercive powers in combating the perceived threat. The EUPM thus promotes the improvement of border management, the gathering of criminal intelligence and the intimidation and incapacitation of criminals and organized crime groups. This strategy of relentless law-enforcement downplays policies that ally crime control with the democratization and "localization" of policing, based on the recognition of the potential contribution to crime reduction of a partnership between the police and the public.[26]

As already mentioned, the EUPM uses the tool of co-location in implementing its reform programmes. Mission staff are deployed in 24 monitoring units co-located at medium and senior level in police units of the state, the entities, and the cantons as well as in the police force of Brcko District. Furthermore, co-locators are placed as advisors within the state-level ministry of security, other state-level police organizations, and the ministries of the interior of both the Federation and the Republika Srpska. Overall, EUPM officers are currently deployed in over 30 locations throughout the country.

Co-location works by assembling, in Foucault's terms "spaces of constructed visibility", in which the police officers of the host country perform their tasks under the trained eye of foreign experts. The operation of the national police apparatus is thus rendered fully transparent, at least in principle. The co-locators mentor and advise their Bosnian colleagues but they also record, evaluate, and report on their behaviour in order to pressurize them to comply with best European and international practices. If co-locators judge that the conduct of Bosnian officers deviates significantly from the norms set by the police aid regime, they have the power to recommend the removal of the individuals concerned.[27] In short, the co-locators' individualizing gaze is designed to constrain the behaviour of the observed in a certain direction: to make them conform to appropriate rules and codes of policing as defined by the EUPM. The upshot is that little attention is given by the mission to the activation of local policing knowledge. The EUPM thus effects its reforms with the help of a technology that emphasizes the disciplinary aspects in the

25 For a comprehensive analysis of all EUPM reform programmes, see Michael Merlingen/ Rasa Ostrauskaitė, The EU and the Democratisation of Policing in Countries in Transition: The Case of BiH, in: *Populacao e Sociedade*, special issue, 2004, pp. 127-144.

26 There are isolated initiatives to make policing more responsive to local needs, such as the Ustikolina community policing project. But overall, these efforts remain underdeveloped.

27 The final decision, which cannot be repealed, is made by the High Representative for Bosnia and Herzegovina.

relationship between donor and recipient. This and other features of its police aid practice set the EU apart from the OSCE.[28]

In the wake of the Ohrid Framework Agreement of 13 August 2001, which in Annex C, Article 5 stipulates a number of measures to promote non-discrimination and equitable representation in the police and other public institutions, the OSCE agreed with the Macedonian government to reinforce its Spillover Monitor Mission to Skopje, notably with a view to assisting the authorities in reforming the police. The upshot of this agreement was the establishment of the Police Development Unit (PDU).

The police support activities of the Mission to Skopje and, with variations, other OSCE missions have at least four distinguishing features. First, they focus on reforms in support of community policing.[29] Second, citizens and non-governmental organizations are regarded as subjects of responsibility, autonomy, and choice in the field of policing. Third, the Mission values a consultative style of policing that is based on co-operation between the police and the population and adapted to local needs. Finally, the principal technology used to administer the aid is training.

Community policing is oriented towards local problem-solving, including crime prevention and the building of confidence between the police and ethnic minorities.[30] Its institutional prerequisites are Citizen Advisory Groups (CAGs), interagency co-operation, and police officers deployed in local communities. The attitudinal prerequisites are citizens who think of themselves as active participants in their own governance and a police force that conceives of itself as a service provider rather than a power existing above and beyond a population to be controlled.

In a transition country such as the FYROM, none of these elements of community policing is likely to be well developed, if they exist at all. Hence, one of the main tasks of the Spillover Mission is to develop the institutional and attitudinal foundations for community policing. To this end, it assisted the ministry of the interior in developing a framework for the development of community policing throughout the country. A principal pillar of this "New Approach to Policing" is training.

The Training and Educational Support divisions of the PDU develop and deliver training to Macedonian police cadets and officers at the Police Academy in Idrizovo. Besides teaching technical skills such as drug identifi-

28 Conversely, the EUPM displays many features also typical of the IPTF. For an analysis of the IPTF, see Michael J. Dziedzic/Andrew Blair, Bosnia and the International Police Task Force, in: Oakley/Dziedzic/Goldberg, cited above (Note 19), pp. 253-314.

29 This is not to say that the OSCE focuses the police aid it provides to countries in transition exclusively on community policing. It is also active in other aspects of police reform such as the development of modern career planning systems.

30 Practitioners and scholars diverge on what precisely, operationally speaking, is implied by "community policing". Hence, some observers speak of an essentially contested concept and point to the ensuing implementation problems in international police aid programmes. Cf. Eirin Mobekk, Policing from Below. Community Policing as an Objective in Peace Operations, in: Renata Dwan (ed.), *Executive Policing. Enforcing the Law in Peace Operations*, Oxford 2003, pp. 53-66.

cation and firearms instruction, the curriculum also emphasizes subjects such as human rights training, policing in a multi-ethnic society, community policing, and domestic violence awareness. These subjects are designed to facilitate the integration of the police into local communities via a shift in ethos within the police: from a force to a service, from law enforcement to community orientation, from policing alone to policing in partnership.[31]

As to the teaching philosophy underpinning this training regime, it is based on a paradigm of knowledge creation and transfer according to which it is best to avoid being overly prescriptive but rather to promote the mutual development of trainers and trainees. This kind of approach values experiential learning, which incorporates local knowledge and aims at nurturing the latent aptitudes of trainees. Moreover, it is attuned to the importance of cultural and political contexts and therefore acknowledges that "good policing cannot be defined operationally, that is by specific practices, nor learned or taught by the transference of 'proven' policies from one setting to another".[32]

As part of its commitment to long-term police reform, the PDU also monitors and advises on the recruitment and selection of new cadets, paying particular attention to enhancing the number of women and ethnic minorities in the service. Finally, by means of its Police Reform and Community Development divisions, the PDU undertakes a number of further activities aimed at supporting the New Approach to Policing. They include efforts to raise awareness among citizens and municipal leaders of the benefits of community policing; providing technical assistance in the decentralization of police command structures and the formation of CAGs; and supporting and advising on the operation of public complaints mechanisms to deal with citizens' complaints about unprofessional police behaviour, including ethnic bias and human rights violations.

To conclude, its activities in the FYROM show that the OSCE has developed notable expertise and capacities for supporting the long-term development of what can be called "policing at a distance", i.e., policing that is centred on mechanisms of social control that are indirect and persuasive rather than sovereignty-based and coercive. The Organization thus places great importance on police accountability and the active participation of citizens in policing matters. To advance these objectives, it facilitates the integration of the police service into local communities by creating partnerships in which the police, citizens, local non-governmental organizations, and other public services or state agencies combine to tackle problems. In administering its police aid, the OSCE displays a pronounced cultural sensitivity and willingness to listen to recipients. It emphasizes dialogue with the authorities (national and subnational) as well as the mobilization of local knowledge and

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31 Cf. Superintendent Roy Fleming, contribution to the Supplementary Human Dimension Meeting on "The Role of Community Policing in Building Confidence in Minority Communities", Vienna, 28-29 October 2002, CIO.GAL/104/02, 12 December 2002, p. 25.

32 Otwin Marenin, The Goal of Democracy in International Police Assistance Programs, in: *Policing: An International Journal of Police Strategies and Management* 1/1998, p. 165.

capacities. As a result, police aid practices in the FYROM and elsewhere are markedly co-operative and value mutual accommodation rather than unilateral prescription. This approach sets the OSCE apart from the EU as well as from many other bilateral and international police aid donors.

Having analysed the police aid governmentalities of the EU and the OSCE, we turn next to the policy implications of our argument. The question to be addressed concerns how the two organizations can further enhance their co-operation in the area of policing.

EU-OSCE Co-operation in the Area of Policing

So far, the OSCE's lead role in policing reforms in Central Asia and the Caucasus has not been questioned by the EU. The ESDP rule-of-law mission in Georgia (EUJUST-THEMIS) notwithstanding, the Caucasus and Central Asia are likely to remain a space where the OSCE and its police-related activities enjoy superior legitimacy and credibility. Thus, while the potential for competition or duplication in most countries within these two regions is small, the field of police-related activities in the Balkans represents a dense policy space, where a problem of absorption can be said to exist.

As acknowledged by the Gothenburg European Council in June 2001, the evolving civilian crisis management capabilities of the ESDP call for intensified, mutually reinforcing co-operation between the EU and the OSCE in order to avoid rivalry and overlap. In response, the Council of the EU approved conclusions on "EU-OSCE relations in conflict prevention, crisis management and post-conflict rehabilitation".[33] Although thegCouncil specified that it would be best to ground the mutual adjustment of policies in an understanding of comparative advantages of each organization, it stopped short of identifying the actual issues that each organization should specialize in. In what follows, we try to make up for this omission. Based on our analysis of the governmentality of EU and OSCE police assistance and the lessons learned from the successful co-operation in Macedonia, we submit that co-operation between the two organizations in the area of policing can be further enhanced by taking into account the following shortcomings and comparative advantages.

To start with the EU, one clear comparative advantage it has *vis-à-vis* the OSCE is the broad range of crisis management tools it has at its disposal. Certain weaknesses in EU military assets notwithstanding, the ability to combine and sequence military and civilian instruments and capabilities makes it possible for the EU to intervene effectively in all stages of a crisis and to co-ordinate the transition from military to civilian operations, includ-

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33 *EU-OSCE cooperation in conflict prevention, crisis management and post-conflict rehabilitation*, Conclusions of the 2540th meeting of the General Affairs and External Relations Council, Brussels, 17 November 2003, 14486/03 (Presse 319), pp. I-IV.

ing police missions.[34] The impact of this kind of EU-led comprehensive peace operation can be further strengthened by drawing on the accumulated police aid skills of the OSCE, not least in situations in which security concerns might otherwise prevent the OSCE from being active on the ground.

As pointed out earlier, the EU delivers its policing reforms principally via the technology of co-location. Co-location has proved an effective means to bring about changes in local policing conduct within a short period of time. Its comparative advantage is that it institutes a surveillance regime that constrains police officers to alter their behaviour without requiring them to modify their beliefs or attitudes – which is time consuming. However, co-location is a manpower-intensive and intrusive technology and thus can only be deployed by international actors – such as the EU – that have substantial resources and political leverage over the host country.[35] Yet the key drawback of co-location is that once the co-locators leave, any perceptible gains may be lost. In other words, police reforms brought about using co-location run the risk of being "highly perishable". Therefore, while co-location is an effective crisis management tool, its efficacy as a means for bringing about sustainable police reforms is restricted. These limits point to the need to supplement co-location with longer-term reform efforts such as those undertaken by the OSCE. Most relevant here is the OSCE's expertise in (re-)training cadets and officers with a view to instilling democratic policing values. We shall return to this point further below.

One of the features of EU police aid governmentality is its emphasis on law and order, notably the fight against organized crime. While such a focus on law enforcement can be an important short-term contribution to the stabilization of war-torn societies, its impact on long-term policing developments is less beneficial. Research suggests that police forces working primarily on law enforcement are characterized by a low integration into the social fabric and tend to prioritize the arrest and punishment of the guilty over due process.[36] These unintended effects of EU police aid undermine the very objective it is supposed to promote: a democratic police service that can ensure individual-level security. A way out of this dilemma is to balance the detection- and arrest-oriented law enforcement approach of the EU with the community-oriented approach of the OSCE.

Community policing is one of the OSCE's principal areas of specialization. This mode of policing enjoys widespread support among Western practitioners and academics, but it has not yet been fully taken on board or operationalized by other international organizations. The strength of this model,

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34 The EU has recently resolved to establish a "Civil-Military Cell" that will ensure coherence in undertakings of this kind. Cf. European Council (Brussels), 17 and 18 June 2004, Presidency Conclusions, at: http://europa.eu.int/rapid/pressReleasesAction.do?reference=DOC/04/2&format=HTML&aged=1&language=EN&guiLanguage=en.

35 Cf. Annika S. Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations*, Adelphi Paper 343, Oxford 2002, p. 74.

36 Cf. Alan Wright, *Policing. An Introduction to Concepts and Practice*, Cullompton 2002, p. 150; also Clive Coleman/Clive Norris, *Introducing Criminology*, Cullompton 2000.

which requires a long-term commitment on the part of the donor institution, lies in its ability to render the police more accountable and responsive to the public. This ensures greater transparency in operational policing matters, not least by encouraging co-operation between the police and the local community – including non-governmental organizations. Community policing is fully compatible with effective crime control as long as a concern with law and order is linked with notions of community justice. Indeed, with regard to certain types of (organized) crime, community policing even promises to be a more effective crime control approach than strategies which tend to be expert- and technology-driven. For instance, it is unlikely that trafficking in human beings can be tackled successfully unless communities are empowered, to some extent, to police *themselves*.[37]

Finally, one area in which the OSCE has more to offer host countries than the EU is training. The Organization has a commitment to and recognized expertise in basic and specialized police training, with a particular emphasis on the training of minority cadets and officers. Through its dedicated efforts, the OSCE contributes significantly to helping police forces in transition countries bridge the attitudinal and cultural gaps that inevitably stand between them and the goal of a modern, human rights-oriented, and democratic police service.[38] As suggested earlier, these pedagogical activities, with their focus on changing how local police officers think, can be productively combined with the external constraints placed on police conduct by co-location.

The potential benefit of grounding closer co-operation between the two organizations in these areas of comparative advantage is that it enables them to assemble and deliver comprehensive police reform packages. Although the police-related activities of the EU and the OSCE in the FYROM are formally independent of each other (each mission has a separate mandate), the two organizations were able to settle on a division of labour in reforming the Macedonian police that proved successful.[39] EU co-locators mentor, monitor, and advise local police, including border police, at middle to senior management level with a view to ensuring that conduct conforms with best European policing practices, while the OSCE specializes in the (re-)training of cadets and

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37 This is not to say that community policing is a panacea. In divided societies, the political, social, and economic conditions for community policing are only partially present. The OSCE's capacity to contribute to the creation of these conditions, however, is limited. For a critical view of the transformational effects of community policing in countries in transition, see Diana R. Gordon, Democratic Consolidation and Community Policing. Conflicting Imperatives in South Africa, in: *Policing and Society* 2/2001, pp. 121-150.

38 Cf. Robert B. Oakley/Michael J. Dziedzic, Conclusions, in: Oakley/Dziedzic/Goldberg, cited above (Note 19), p. 526.

39 The joint EU-OSCE fact-finding mission in preparation for the launch of EUPOL Proxima – the first mission of this kind – and the involvement of the OSCE in the planning phase of the EU mission played an important role in ensuring the complementarity of the two organizations' police-related activities on the ground. Cf. CIO.GAL/85/03, 5 September 2003. Moreover, the fact that the current Proxima police commissioner Baart D'Hooge is a former head of the PDU certainly contributes to the excellent record of co-operation between the two organizations in this area.

officers – including the border police – as well as the development of community policing. We submit that this comprehensive police reform package, especially if further refined by deploying joint EU-OSCE police missions, constitutes a model that can be generalized and applied to other countries.

However, enhancing EU-OSCE co-operation in the area of police aid will require not only the political will of the two organizations but also a more integrated approach to strategic planning. Furthermore, it would be desirable, as indeed some EU member states suggest, for the EU to have a liaison officer representing its General Secretariat at the OSCE's headquarters in Vienna.[40] A liaison officer could be instrumental in facilitating the exchange of information and the co-ordination of positions, particularly with regard to joint EU-OSCE police missions.[41]

Conclusion

The rapid evolution of EU police capabilities has triggered internal political pressure and external expectations for speedy operationalization in order to demonstrate their specific value and to reinforce the image of the EU as a global actor. This has provided grounds for speculation that the EU would press ahead on its own at the expense of considering alternative institutional frameworks such as the UN and the OSCE. Although not altogether groundless, these fears seem to have been exaggerated as, above all, the close collaboration between the OSCE and the EU in the FYROM and the EU's military operation in the Democratic Republic of Congo, code-named *Artemis*, which was deployed swiftly and effectively in response to the call of the UN Secretary-General, demonstrate.[42] Yet, while the EU has made an effort to ensure that there is no duplication between its actions and those of other international actors, there is room for improvement with regard to its co-operation with the OSCE. Building on our analysis of the police aid governmentalities of the two organizations, we have suggested that the possibility of deploying joint police missions be explored. We would like to conclude with the even

40 However, we do not go so far as to suggest the establishment of steering committees, such as exist for UN-EU co-operation in the field of crisis management. Two such steering committees, one in Brussels and one in New York, were put in place as a consequence of the Joint Declaration on UN-EU Co-operation in Crisis Management, which was adopted on 24 September 2003.

41 A separate Council liaison officer, however, will become redundant when, or if, the Constitution for Europe is ratified and the new position of EU foreign minister, combining the portfolios of both the Commissioner for External Relations and the High Representative for the Common Foreign and Security Policy, is created. The European Commission Delegation to the International Organizations in Vienna with its seat in the OSCE Secretariat will then be able to take charge of co-ordinating EU and OSCE police assistance.

42 It must be noted, however, that in the case of Bosnia and Herzegovina, there was a certain degree of friction between the EU and the OSCE with regard to the question of which organization should take over from the UN-IPTF. The OSCE had to abandon its plans for a follow-up mission as it became clear that the EU was determined to press ahead with its own police operation.

In: IFSH (ed.), OSCE Yearbook 2004, Baden-Baden 2005, pp. 341-357.

more ambitious proposal that joint operations designed to tackle all elements of the rule-of-law chain – for instance by combining an EU police mission with an OSCE rule-of-law component – hold even greater promise for providing countries with effective support to escape from authoritarianism or internal conflict and to establish sustainable peace and democracy.[43]

43 The ongoing discussions in the EU on the need for a strategy on the role of the EU within the OSCE would provide an excellent opportunity for member states to discuss this option. Moreover, close co-operation of this kind in the areas of conflict prevention, crisis management, and post-conflict rehabilitation would be in accordance with the new EU Security Strategy, which emphasizes the importance of pursuing EU objectives through effective multilateral efforts. Yet enhanced co-operation between the two organizations also carries the danger of further increasing political tensions within the OSCE. Some participating States are already voicing their concern that certain OSCE countries or groupings are monopolizing the Organization with a view to advancing their political aims at the expense of others'.