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# The Internal-External Security Nexus and EU Police/Rule of Law Missions in the Western Balkans

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## *Abstract*

Common Security and Defence Policy (CSDP) police/rule of law missions in the Western Balkans are increasingly guided by externally imposed normative agendas that respond primarily to EU internal security needs rather than functional imperatives or local realities. In line with these needs, EU police reform efforts tend to prioritise effectiveness and crime fighting over longer-term democratic policing and good governance reforms. In practice this means that police reform initiatives are technocratically-oriented, yet value ridden fitting EU security concerns and needs. As a result, the police reform process can be—and often is—disconnected from the political and socio-economic reforms necessary for long-term stability and sustainable peace. Police assistance in Bosnia and Herzegovina has been shaped by a determined *albeit* questionable focus on organised crime and corruption. The focus of EU police reform in Macedonia on primarily crime fighting aspects of policing has compromised the functioning of the Macedonian police. Similarly, the politics of (non)-recognition of Kosovo's self-proclaimed independence and the intrusiveness of EULEX Kosovo's executive mandate contravene meeting local challenges.

## *Introduction*

This article challenges the official EU discourse on democratisation and good governance in the realm of police assistance. Rather, it argues that EU domestic political and security needs–important and legitimate as they may be–weigh more heavily than otherwise indicated in the design and implementation of Common Security and Defence Policy (CSDP) police/rule of law missions in the Western Balkans. This prioritisation of domestic needs can come at the expense of local social realities and/or functional imperatives. In other words, police effectiveness and crime fighting can become more important than longer-term democratic policing and good governance reforms.

This is not exclusive to the EU if we take into account what Andreas and Nadelmann describe as the growing recognition that in a globalised world, governments are forced to homogenise their criminal laws, sign bilateral and multilateral agreements and collaborate within international institutions. Moreover, if necessary, they might also engage in 'arm-twisting politics […] to prod foreign governments to cooperate'[1] and in the aggressive exportation of favoured crime control norms in an attempt to contain the domestic repercussions of transnational crime.

The 'area of freedom, security and justice' has become a policy of distinct interest to the EU, particularly in its relations with the Western Balkans. Following the successive wars in the former Yugoslavia throughout the 1990s, EU focus has shifted from the prevention of armed military conflict to conflict prevention and building sustainable peace. The strengthening of state institutions and the establishment of accountable and effective police, border police and judiciary systems, which would counter transnational crime, is considered essential to advancing the overall prosperity and stability of the region.

Simultaneously, in the last ten years, it has become increasingly evident that internal security concerns (e.g. radicalisation, terrorism, organised crime), and their connection to the

Western Balkans, have undeniably had an impact on its foreign and security policy.[2] Thus, EU reforms in the 'area of freedom, security and justice' aim at gradually transforming post-conflict societies into democratic and rule of law abiding states (in the case of the Western Balkans, also into full-fledged EU member states), but also enable the EU to achieve its own internal security objectives, in line with Rees' and Anderson's arguments.[3]

These internal needs translate into patterns of behaviour that in the post-conflict states of the Western Balkans have attempted to shape the public security institutions through a combination of advice (i.e. 'suggesting' reforms) and imposition. A key EU mechanism used during the post-conflict and stabilisation phase is the deployment of CSDP police/rule of law missions. This approach of strong control over the police/rule of law reform process tries to combine—even within a single mission—an international presence whereby limited executive and oversight competences (executive mandate) can co-exist with monitoring, mentoring and advisory roles towards the local administration (non-executive functions). This hybrid model has shaped to varying degrees the CSDP missions in Bosnia and Herzegovina, Kosovo and Macedonia.[4] In Bosnia, the EU Police Mission (EUPM)'s non-executive mandate has monitored, mentored and inspected the police reform process since 2003, with the capacity to 'suggest', not impose, reforms. However, it could, if necessary, resort to the Office of the High Representative (OHR) powers. In Kosovo, the EU Rule of Law (EULEX) mission is engaged in the reform of the entire spectrum of civilian law enforcement institutions through a combination of executive and non-executive powers. While in Macedonia the two EU police missions (EUPOL Proxima and the EU Police Advisory Team - EUPAT) deployed between 2003 and 2006 were non-executive, their strong hand approach, which included prescriptive recommendations and the EU's conditionality policy, has promoted the EU security agenda.

The article analyses first conceptually and then empirically the impact the motivations driving the EU's foreign and security policy have on its police/rule of law missions in the

Western Balkans. It first examines the strengthening effects the 9/11 era has on what Andreas and Nadelmann describe as the 'global reach of law enforcers'[5], with clear directional shifts for security sector reform (SSR), including police reform and rule of law.[6] While admittedly CSDP missions only became operational in 2003, these directional shifts and the evolution of the EU security agenda provide a useful framework to better understand the securitised nature of EU CSDP police/rule of law missions in the Western Balkans. The conflicting trends that permeate the EU internal-external nexus are then highlighted to situate the discussion on CSDP performance operationally. A third section examines the normative underpinnings of EU police operations. These conceptual conclusions are subsequently exemplified through the cases of Macedonia, Bosnia and Kosovo.

## *The Securitization of Police Reform*

The rethinking of Cold War-related security concepts in favour of 'human security' during the 1980s and 1990s meant that—despite being born late as a concept in policy debates—SSR moved quickly to become the centre-piece of any discussion on best peacebuilding strategies for countries emerging from internal conflict. It has increasingly been conceived in academic and policy circles as a tool of good governance, thus leading to the establishment and entrenchment of the principles of transparency, democratic civilian control, accountability and relations with civil society actors.[7] These links have indeed been present in the discourses that have guided police reform assistance throughout the 1990s. As the most visible branch of government, the behaviour of police forces has a considerable impact on peacebuilding strategies. Having police forces that are responsive to the needs of citizens and ready to protect the rights of all, and are transparent while performing their duties and accountable for their acts, is considered crucial when redefining state-societal relations in any war-torn country.[8]

Much of the picture described so far has been called into question by the War on Terror, launched following the 9/11 attacks in New York. According to Rubin, the new sense of vulnerability brought into the picture by 9/11 has given a new direction to statebuilding and stabilisation operations. Western states are using this kind of operations to transform or strengthen certain states in agreement with their interests and needs. As Rubin explains, 'the terminology deployed, the very endeavour to "build" states, and the process by which international mandates are defined and undertaken all reflect an inherent political dimension, one that is not benign and selfless but self-interested and instrumental'.[9] Others, such as MacGinty, would argue that the current confusion between 'peace' and 'order' pre-dates 9/11.[10] Although MacGinty is not alone in putting forward this argument, there is a sense that 9/11 has reinforced and accelerated the internationalization of crime control.[11] Regardless, the fact is that SSR activities and its 'normative identity' (i.e. good governance) are in practice gradually disassociated. This disconnect has been described as a dangerous trend for the credibility and distinctiveness of SSR (and reforms in its various components, including the police) as a 'force for good' for countries recovering from internal conflicts and/or when assisting fragile states.[12] Isacson and Ball's study on US police assistance as a foreign policy tool in the post-9/11 world illustrates this point eloquently:

> *If it is to be effective, Washington's [...] police assistance must address the crisis of governance afflicting the security sectors in recipient countries, not simply the short-term interests of counter-terrorism, counternarcotics, geopolitics, or oil. In fact, these immediate interests will not be served if security assistance aggravates the political and social conditions that led many poor performers into their current crises.*[13]

The post-2001 period has therefore culminated in a situation whereby international assistance could, if required, prioritise short-term 'hard' security needs that allow for a quick stabilization of post-conflict societies (and the threats associated with those unstable scenarios). This choice often comes at the expense of longer-term reforms of a more structural and behavioural nature linked to the democratisation of security forces and peacebuilding agendas (i.e. 'soft' security). Specifically in the field of police reform, this 'securitization of international assistance'[14] has particularly concentrated on hard-line policing skills that serve internal needs—e.g. crowd control, criminal investigation, search operations, anti-terrorist operations—rather than democratising law enforcement by transforming police culture and behaviour. The latter is a long-term process that implies, among other, tackling the socio-political context within which the police operates, offering sufficient training on organisational culture, and building links between the police and society.[15]

Moreover, the increasing emphasis in the post-9/11 world on terror-crime networks is notable, particularly in the use of illicit markets to finance terrorist acts or their common capacity to flourish within fragile states. This association, while contested in scholarly circles, has penetrated policy discourses—even in the context of the Western Balkans[16]—to the point that it is increasingly difficult to find security agendas that refer to terrorism without organised crime, emphasising the same or similar strategies to tackle both perceived threats. As elaborated in the next section, the link is most visible in crisis management capabilities, including those of the EU, that have been built up with external operations in mind, but that, once established, have been perceived as serving Western internal security concerns.

## *Externalising EU Internal Security Needs and Interests*

The above analysed globalisation of insecurity implies that countries must adapt to a changed security environment of porous boundaries and complex threats (e.g. transnational

crime, organised crime, terrorism and corruption), which follows the erosion of state security after internal conflict and violence. In order to combat these threats, the international community has promulgated a particular vision of how states should organise themselves internally based on the principles of liberal democracy and market-oriented economics.[17] In this regard, the EU has adopted the democracy and good governance agendas that reflect domestic values that the EU considers should be promoted in peacebuilding and the reconstruction of post-conflict states.[18] Following 'common European values and interests'[19], the EU is committed to providing: security or freedom from fear; economic prosperity or freedom from want; political freedom (democracy, respect for human rights, and the rule of law); and social well-being (health, education, and a clean environment).[20]

Yet, a parallel exclusive and defensive approach to European security—aiming at the removal and/or containment of the perceived threats—has become predominant. The growing perception of a security deficit in the Union—coming from its neighbourhood—has created an 'internal security field'; that is, 'a domain of practices and ideas which presuppose[s] a single "security continuum" along which the issues of immigration and asylum are closely linked to concerns with organised crime, terrorism and anti-drugs policy'.[21] This blurring between internal and external security has led to the so-called 'internal-external security nexus',[22] a reasoning whereby the EU is seen as advancing the internal security concerns and interests of at least some of its member states by using foreign policy tools. Clear evidence of this can be found in the 2003 *European Security Strategy*, the EU guidebook on external action objectives: 'the post-Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked'.[23] Moreover, the EU explicitly acknowledged the existence of a linkage between internal and external security in its 2005 strategy on the external dimension of Justice and Home Affairs (JHA) issues.[24] Similarly, the *Draft Internal Security Strategy for the EU* adopted by the Council of the EU in

February 2010 seeks to define a European Security Model that, among other, relies on 'greater interdependence between internal and external security'.[25] And, in February 2011, the European Parliament *Draft Report on the Development of the Common Security and Defence Policy* clearly states that 'the internal and external aspects of EU security should be treated as complementary dimensions of the same strategy'.[26]

As the 'area of freedom, security and justice' expands and deepens within the Union, the outer edges grow sharper. The dangerous outside is seen as having moved closer after enlargement so that there is no buffer zone between the core and the outside.[27] This development drives the EU to strengthen its external borders. Consequently, as Rees argued, EU internal security objectives increasingly permeate foreign policy agreements with third countries, whether in the fight against crime, the combat of international drug trafficking or migration.[28] Specifically, the *European Security Strategy* mentions:

> *The European Union and Member States have intervened to help deal with regional conflicts and to put failed states back on their feet, including in the Balkans, Afghanistan, and the DRC. Restoring good governance to the Balkans, fostering democracy and enabling the authorities there to tackle organised crime is one of the most effective ways of dealing with organised crime within the EU.* [29]

As our analysis below demonstrates, police reform processes may relegate—if necessary—good governance and democratic principles to a second place, in favour of capacity building for the fight against organised crime. Moreover, this strategy and other key documents say little about root causes and underlying injustices that create and perpetuate insecurity around certain threats for the EU.

As numerous EU officials admit informally, the EU actively engages in the Western Balkans in line with a policy of 'we help them to help ourselves'.[30] This logic could explain why and how internal security values increasingly permeate the foreign policy domain. Internal security resources and capabilities—police officers falling under the Ministries of Interior, judges, prosecutors and customs officials—are utilised in peace support operations (including CSDP missions) for foreign policy purposes. The idea of linking 'their' development with 'our' security pre-dates 9/11 and indeed, was predominant throughout the 1990s. One could refer, for example, to the *Declaration of the Zagreb Summit* (November 2000). It emphasised the importance of regional cooperation in the Western Balkans (particularly between Croatia, Bosnia, Macedonia, Albania and at the time the Federal Republic of Yugoslavia) to reinforce the fight against organised crime, corruption, money laundering, illegal migration and various forms of trafficking, in exchange for the prospect of accession to the EU through the Stabilisation and Association Process. Within this framework of reinforced regional cooperation, emphasis was given to the need to train police officers and magistrates as well as strengthening border controls.[31] However, the question is to what extent in the post-9/11 period the policy is more about 'ourselves' than about 'them'. In this respect, the 2011 European Parliament report on CSDP post-Lisbon Treaty acknowledges that the 9/11 attacks have made the internal-external nexus particularly evident when fighting certain threats (which in the report include terrorism, organised crime, cybercrime, drugs and trafficking in human beings).[32]

As Karen Smith demonstrates, there is a certain inconsistency between discourse and practice: the externalisation of JHA empowers EU institutions to act within new competences by adding extra leverage for the EU in terms of international 'actorness', through, for example, CSDP police missions.[33] This has led to the securitisation of the CSDP, whereby it is reshaped through institutional restructuring and the introduction of new ideas, norms and

procedures *in tandem* with EU political interests so that the underlying objective becomes the fight against alleged EU internal and external threats.[34] In support of this argument, the Lisbon Treaty stipulates that the enhanced Petersberg Tasks 'may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories'.[35]

## *The Politics of EU Police Reform*

The externalisation of internal security concerns has also manifested itself through policing practices, which increasingly extend across borders and for generations have reflected ambitious Western efforts to export their own definitions of 'crime' and promote their own values to other parts of the world.[36] Consequently, short-term needs of Western powers to fight terrorism and respond to trafficking and migration are seen as likely to infuse most SSR assistance (including police reform and rule of law). This trend emphasises police effectiveness at the expense of the long-term aspiration to promote democratic policing, such as training for human rights protection for trafficked persons, which are highly relevant to 'the attainment of political, social and economic reconstruction, rehabilitation and good governance'.[37] EU police missions, which comprise 'strengthening missions' (support) and 'substitution missions' (executive), have also followed this logic.

A comprehensive concept for CSDP police strengthening missions, which constitutes the core activity of EU policing, was initially drafted in 2002 and updated in 2009.[38] Its stated general objective is,

> *to (re)establish or to strengthen and improve, under local ownership, a sustainable, transparent and accountable police system in the host country, to improve its police/law enforcement capacities and to ensure the home*

> *country police/law enforcement services are able to undertake the full range of law enforcement functions with strict respect for human rights, fundamental freedoms and within a broader Rule of Law perspective in accordance with the demands of a democratic society.*[39]

In an effort to portray police reform as an integral part of its statebuilding/peacebuilding approach, the EU tackles police reform in numerous external objectives (integrated in the European Commission - EC), which it portrays as complementary. It links conflict prevention with the promotion of human rights, development with security, crisis management (CFSP/CSDP) with SSR policies which aim to promote good governance. Indeed, the Council's document on SSR, which constitutes the broader framework for action on police reform, contains a similar set of objectives to those outlined above. It argues that the EU could provide assistance in a range of areas, from administration, transparency and accountability to launching public awareness campaigns to build societal trust, and education in the principles of modern policing, human rights, international and gender issues. The EC concept document on SSR follows the same line of argument, presenting policies and financial instruments that can help develop the governance side of police reform/assistance, such as civilian oversight, de-politicisation, civil society relations, to name a few.[40]

Yet, the move toward the SSR approach is particularly indicative of the creeping of EU member state interests to the EU level, and with it, EU internal security concerns. Specifically, the development of SSR missions was heavily influenced by UK efforts during its presidency of the Council of the EU (July-December 2005) to integrate its foreign policy interests into the EU agenda policy, but also to promote the 'whole of government' approach to intervening in conflict and post-conflict environments.[41] In practice, this has led to the recognition that it is imperative to tackle rule of law in a comprehensive manner in line

with the good governance agenda, and thus reform the judiciary and penitentiary systems in a conflict-torn country in parallel with the police, the approach followed in Kosovo.[42] The significance of this synergetic approach—an important lesson identified in the police missions in the Western Balkans[43]—is also spelled out in the revised 2009 EU comprehensive concept for police support missions.

The 'internal-external security nexus' has also led to a thickening of police cooperation, the creation of EU cross-border policing institutions and an outward extension of EU policing priorities and practices to the immediate neighbours. In this regard, it is worth noting the *Police Cooperation Convention for South East Europe* signed in May 2006 (during the Austrian Presidency of the Council of the EU) by Romania, Moldova, Albania, Bosnia, Macedonia, Montenegro and Serbia. These countries pledged to enhance their cooperation in the areas of information sharing and communication, training and joint threat analysis (particularly in relation to organised crime, illegal migration and human trafficking).[44] Moreover, cooperation between the JHA and CSDP policies, especially at strategic and intelligence levels, is considered a prerequisite to effective threat identification and analysis.[45] The signature of a cooperation agreement between EUROPOL (European Police Office) and the Council Secretariat on sharing information on CSDP missions in 2005—e.g. in the case of EULEX Kosovo—constitutes a concrete example of the link between internal and external security. Furthermore, JHA and CSDP bodies in the Council have engaged in more active coordination (regular meetings, exchange of information and personnel).[46] The political ramifications of the internal-external nexus include EU member states deploying high quality border guards and organised crime experts to civilian operations. According to Dwan, EUPM in Bosnia has received support in its call for organised crime experts because of the interest of many interior ministries and police departments in EU member states to block smuggling and crime routes crossing the Balkans.[47]

Contrary to the EC's long-term approach, CSDP police missions were designed to deliver police aid that aims first and foremost at speedy effects, not at sustainable solutions to internal security problems. The Council admits that CSDP missions have an intrusive and result-oriented mandate. They are undertaken when the Council—through the political clout of the EU member states—wants to retain political control and strategic direction. This applies particularly to those situations where it is important to regularly exercise pressure on local authorities or actors in order to achieve the desired results.[48] Consequently, CSDP police missions can become a medium for creeping EU member state internal security concerns in foreign policy. EU police officers are 'co-located' in local police institutions to carry out the formula of 'monitoring, mentoring and advising' (MMA): they are deployed at different hierarchical and territorial levels and are involved in a variety of tasks ranging from monitoring and teaching techniques of investigation, examination, search and territory control to hands-on training for personnel.[49]

In addition to the civilian police capabilities committed in June 1999, some EU member states undertook to provide rapidly deployable police elements, notably Integrated Police Units and Formed Police Units (IPU and FPU), including the creation of a European training dimension. The police reform process is allegedly embedded in the dictum of 'winning the hearts and minds' of the population in conflict-torn environments. However, Merlingen and Ostrauskaite note that CSDP missions 'encourage a controlling policing style' that has the potential to undercut, *albeit* unintentionally, the development of an interface between the indigenous police and civil society actors/citizens, thus hindering accountable policing.[50] Equally, Ryan argues that the reforms introduced through EU police assistance ignore the needs of the local populations and thus, merely provide 'an impression of internal security' in order to mask their actual goal, that of 'insulating' EU member states from these unstable societies.[51] The underlying discourse here is that police reform has been 'based on

technical fixes'[52] and conceived as a technocratic process—tackling specific sectors for reform using specific methodologies—but the process is by no means apolitical. On the contrary, as Paris explains, institution building reforms in (post)-conflict societies are not ideologically neutral.[53]

## *Exporting the EU Agenda through Police Reform in Macedonia*

Police reform in Macedonia has its source in the Ohrid Framework Agreement (13 August 2001) agreed upon following the inter-ethnic strife between ethnic Albanians and Macedonians and the Stabilisation and Association Agreement signed with Macedonia on 9 April 2001. The stated objective is the strengthening of a multi-ethnic and democratic police, judiciary and prosecution services 'in accordance with European Union models, standards and best practices'.[54] However, the EU police reform in Macedonia, particularly when conducted through the CSDP missions there, focused primarily on 'hard' policing emphasising crime fighting (e.g. countering organised crime) rather than 'soft' policing, whose objectives included developing inter-ethnic relations, strengthening the respect for human rights and embedding good governance. This approach to police reform has compromised the performance of the Macedonian police.[55]

The EC has assisted the long-term institutional development and structural changes to enhance police transparency, accountability and professionalism. Since 2000, it concentrated on the establishment of new institutions, structures and chains of responsibility in the Ministry of Interior and the police. However, a close look at key strategic documents underpinning the reform of the Macedonian police—the National Police Reform Strategy, the Action Plan for Fighting Organised Crime, the Strategy for Integrated Border Management and the Action Plan for Migration and Asylum—whose drafting and adoption the EC supported and influenced, points to issues that aim to bolster EU internal security interests.[56] Similarly, EC

assistance to police reform through Twinning programmes and technical assistance, have concentrated on border police, the fight against cross-border illegal activities, and corruption in the Public Prosecution Office.[57] While the professed aim was to ensure democratic control and oversight of the police, the emphasis was put on the reinforcement of control of Macedonian borders to stop perceived threats in the country from spilling over into EU territory, according to the logic of the internal-external security nexus. In that spirit, new departments were established in the Public Prosecutor's Office to combat organised crime and corruption; the National Central Offices of INTERPOL (International Criminal Police Organisation) were upgraded; and a Professional Standards Unit was created in the Ministry of the Interior (MoI) to investigate corruption cases in the police.[58]

The two CSDP police missions—EUPOL Proxima (2003-2005) and EUPAT (six months in 2006)—aimed to facilitate the implementation of police reform through monitoring, mentoring and advising the Macedonian police. The mandate objectives included: the consolidation of law and order, including *the fight against organised crime*, focusing on the former crisis areas; the practical implementation of the comprehensive reform of the Interior Ministry, including the police; the *operational transition towards and the creation of a border police*; confidence-building measures between the police and the local population; and *enhanced cooperation with neighbouring states in the field of policing*. Therefore, three out of four of the objectives (in italics) of Proxima's mandate focused on satisfying EU internal security concerns. Indeed, a participant in Proxima's fact-finding mission admitted in confidence that although human rights issues in Macedonia faced substantial shortcomings, they were not given a key place in the mission activities and programmes.[59]

In addition, whereas during the first year of its existence, Proxima had been unable to tackle the more demanding facets of its mandate, namely countering organised crime, this very aim was further strengthened with the extension of Proxima's mandate. Consequently,

the mission had, from August 2004 onwards, essentially aimed at the improvement of crime scene management, border policing and the capacity of the UBK—the agency tasked with state security and counter-intelligence—to plan and manage operations to counter terrorism and fight organised crime. Although smaller in size, the subsequent CSDP mission, EUPAT, concentrated on the same issues as Proxima.[60] Its focus on organised crime was said to allow the 'advisory team' to act as an 'early warning mechanism in case things flared up in Kosovo'.[61]

Moreover, the efficiency of international programmes—meeting the set deliverables on paper—over the sustainability of police reforms was prioritised. An EU police officer admitted his frustration when dealing with badly trained Macedonian police officers. These joined the police ranks to meet the quotas for female and minority police officers—as part of the prerogatives agreed upon in the Ohrid Framework Agreement—rather than ensure that Macedonian police are well-trained and able to meet international standards of policing, including the respect of human rights.[62]

Despite ambitious goals and a largely cooperative local government, the transformation of the Macedonian police has been slow and cumbersome. Persisting ethnic Macedonian perceptions of ethnic Albanians as not trustworthy is exemplified in counter-trafficking operations launched in the former crisis regions in Macedonia: ethnic Macedonian high level MoI officials chose not to involve their ethnic Albanian counterparts who they suspect would inform the presumed perpetrators of the impending police operation.[63] International observers cite corruption, lack of transparency and political pressure within the MoI as lagging behind.[64] In its latest report, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment noted that 'it is not convinced that the Sector for Internal Control and Professional Standards can be considered as an independent body which is able to carry out prompt, thorough and effective investigations',

although there were improvements with aggressive internal investigations and an active ombudsman.[65] Law enforcement officers (especially the Special Mobile Units known as Alfa Units)[66] and prison officials are accused of using excessive force during the apprehension of criminal suspects, abusing detainees and prisoners, not adequately investigating such allegations, and discriminating against minorities.[67] In line with the argument that the EU is preoccupied with internal security needs, the latest EC multi-annual indicative planning document for Macedonia for 2009-2011 points out that, 'continued efforts have to be undertaken to adopt and implement a strategic plan for the development of administrative structures and capacities for the management of *migration and visa issues*, as well as guidelines for processing asylum cases.'[68] Admittedly and despite Proxima's shortcomings, the persisting lacunas in the police reform are also, among other, the result of the non-renewal of the mission's mandate—at a moment when the mission was beginning to bear fruit[69]—a decision that was predetermined for political reasons.[70]

While progress on democratic policing is lagging behind, the fight against organised crime has seen some results. With the demarcation of a border at Blace in October 2009 following the establishment of diplomatic relations between Skopje and Pristina, the path to completing border police reform in Macedonia was opened. This development has allowed the Macedonian and Kosovo respective special police forces to work together, which has resulted, for example, in the confiscation of war arsenal near Blace, on the Kosovo-Macedonian border, and the conduct of joint patrols. The Macedonian police have also managed, among other, to crack down on trafficking of counterfeit goods in Sutka, the Roma suburb of the Macedonian capital.[71]

While this is notable progress, the concentration on particular facets of the police reform (i.e. short-term effectiveness) has compromised the broader peacebuilding process, since the police reform remains disconnected from policies that would help promote long-

term inter-ethnic relations and socio-economic development. These include, among other, police training at management level on human rights, gender mainstreaming, and the implementation of relevant laws beyond simple legislative adoption. Such steps are necessary since it is increasingly clear that inter-ethnic relations in the country are deteriorating and intra-ethnic disputes within the ethnic Albanian community are particularly challenging. As the EU has pointed out, this socio-political scenario could negatively impact the integration of Macedonia into the EU.[72] While there still seems to be no political will to create a cross-ethnic Macedonian identity, the job market remains dependent on the grey economy and necessary foreign investment is limited, which breads corruption since uniformed personnel (army and police) are also directly affected by unemployment.[73]

## *Re-focusing the EU Police Mandate in Bosnia*

EUPM arrived in Bosnia on 1 January 2003 intending to contribute both to the peace implementation process and the country's preparation for EU membership.[74] Its objective has been to raise police standards through local ownership and best European and international police practices. It has relied on a monitoring, mentoring and inspecting mandate and a co-location strategy at mid and senior management ranks at state, entity, cantonal and Brcko levels.[75] The first mandate or EUPM I (2003-2005) included organised crime and corruption among its strategic priorities. This resulted—among other—in two, out of seven, programmes dedicated exclusively to the state-level institutions with the greatest impact on the fight against organised crime and other cross-border criminal activities: the BiH Border Police and the State Investigation and Protection Agency (SIPA). Admittedly strengthening state-level institutions was also part of the process of building Bosnian statehood. There were also special projects on 'Major and Organised Crime' and the 'Fight and Intervention against

Human Trafficking'. The cumulative effect was the introduction of intelligence-led policing practices, training and organisational structures.[76]

Merlingen and Ostrauskaite have argued that EUPM I was influenced by the conviction—shared with other international actors—that organised crime was the main police problem in Bosnia.[77] Simultaneously they highlight the numerous 'low-key peacebuilding activities' launched in the 2003-2005 mandate.[78] Indeed, despite a slow start and a multiplicity of operational problems, organised crime and corruption co-existed with three other strategic priorities: police independence and accountability; financial viability and sustainability; and institution- and capacity-building. Some of the ensued reforms helped fight organised crime and corruption (e.g. the Public Complaint Bureaus), but others fell directly in the areas of de-politicisation, sustainable police numbers, gender and minority recruitment, human rights, police education, police-media-public relations and community policing. EUPM's aim was to establish a sustainable, professional, multi-ethnic police that 'mirrored at all levels the ethnic and cultural diversity [of Bosnian society]'.[79] These reforms were necessary to complete unfinished work from the UN period (1995-2002) regarding the development of a 'democratic policing' framework in accordance with the objectives of the Dayton Peace Accords. In sum, the 2003-2005 period had important aspects of what could be described as a 'classic peacebuilding mandate' with a stabilisation goal in mind.[80]

Persistent concerns in Brussels and some European capitals over the impact of organised crime on their internal security needs, combined with the lessons from the enlargement to Romania and Bulgaria and the candidate status granted to Croatia and Macedonia, are behind the gradual consolidation of organised crime discourses within EUPM from 2006 onwards.[81] Disagreement among EU member states over the possibility of having an executive mandate, with those in favour possibly motivated by perceptions of the organised crime threat emanating from Bosnia, characterised debates before the launch of

EUPM II. The executive mandate was never introduced but instead EUPM II and III (2006-2007, 2008-2009) were narrower in focus and more pro-active.[82] They were mandated to assist with the planning and conduct of organised crime investigations and operationalising the inspection side of the mandate, which had not been really implemented during the 2003-2005 period.[83] 'Mobile inspection teams' were deployed—using both EUPM and local resources—to deal with cases considered complex, time-consuming or not properly treated by the local police, often in the areas of corruption, misuse of power and misconduct. These teams also aimed to help build a working relationship between the police and prosecutors, an area that was slowing down a more effective fight against organised crime. The fact that EUPM also included in its ranks judges and prosecutors facilitated the teams' work.[84]

EUPM II and III also had responsibilities in the police reform sector, which primarily translated into technical assistance to the police restructuring process. This top-down, 'micro-managed' process (led by the OHR and the EU)[85] advocated from 2004 the 'centralisation' and 'rationalization' of police structures to tackle the fragmentation and thus, inefficiency, of the existing police system. Some of the projects in the 2003-2005 period (e.g. minority and gender recruitment, community policing) remained unfinished by the time EUPM II began. Bosnian police agencies took over those projects under EUPM supervision.[86] In 2009, the International Crisis Group concluded that the police had become one of the most trusted institutions in the country.[87] Important as this is, it is concerning that as late as 2009 the existing data also showed that some law enforcement agencies had not yet met the 'national representation' (or ethnic quotas) clauses of their respective Law on Police Officials. This obligation has not been abandoned but merely sidelined, despite its ongoing impact on the police's daily work (i.e. the phenomenon of unfilled ethnic positions). There were also important deficiencies by the end of 2009 in the number of female officers within police ranks (still below the stipulated 10 per cent European ratio), gender training and related legal

provisions.[88] However, the EU discourse at the time—shared by at least some Bosnian law enforcement agencies—was still dominated by concerns over the country's readiness to face adequately the problem of organised crime and corruption, something that the EC echoed in 2010. Persistent legal and financial gaps, and insufficiently developed investigative practices and co-operation between and within law enforcement agencies, and between police and prosecutors, were some of the issues raised.[89]

Against this background, EUPM's most recent mandate (EUPM IV, 2010-2011) takes the fight against organised crime and corruption a step further. EUPM continues to assist with some specific investigations. However, the 'hands-on' methodology is largely substituted by a structural approach that emphasises co-ordination, co-operation and communication at national, regional and international levels, between police-prosecutor-penitentiary sectors and with a particular emphasis on state-level agencies (as illustrated by its co-location policy).[90] The results of this new approach include the signing or ratification of bilateral agreements between Bosnia and Albania, Macedonia, Montenegro on security matters (mainly terrorism, illegal drug trafficking and organised crime) and border management (including joint patrols).[91]

EUPM IV has retained 'residual capacities' in the fields of police reform and accountability, but the fight against organised crime and corruption has been prioritised.[92] These residual capacities are mostly related to the mission's contribution to the implementation of the 2008 Police Laws that resulted from the police restructuring process. The implementation of these laws has proven slow and challenging due to the country's political but also financial situation since 2006. This process includes the establishment of the BiH Directorate for Coordination of Police Bodies. This new state-level agency is responsible for international police co-operation (including EUROPOL and INTERPOL), VIP protection

and providing the institutional framework for the co-ordination of state-level law enforcement agencies.[93]

EUPM's growing focus on organised crime and corruption is questionable on two grounds. First, it is undeniable that organised crime is an important issue in Bosnia but its portrayal as the main police problem is contested. EUPM's refocusing is therefore debatable. Merlingen and Ostrauskaite have argued that EU evaluations are 'as much based on speculation as on empirics'.[94] These evaluations do not seem to be shared by, for example, the UN Office on Drugs and Crime (UNODC).[95]

Second, the solutions advocated to fight organised crime and corruption have primarily come in the form of training, technology transfer and organisational changes. However, necessary 'social crime-prevention strategies' that take into account the difficult Bosnian socio-economic context have not been adequately incorporated into the police reform process.[96] This situation applies to the development of strategies to fight organised crime and corruption, but also when considering the impact those decisions have for the local population. A case in point is visa liberalisation—granted to Bosnia in 2010—but where political/security imperatives tend to weigh more for EU member states than developmental needs on the ground.[97] As summarised by an EC official as early as 2003, 'what is good for peace in Bosnia and what is good for the needs of EU member states is not always the same thing'.[98]

The overreliance on transfer of skills and technologies to fight organised crime and corruption also brings to the fore questions over EUPM's commitment to local ownership and sustainability, two of its identified goals as early as 2003. EUPM has made important contributions in this regard in order to tackle the 'dependency' problem that Bosnian police institutions seemed to have developed due to the more 'intrusive' approach of the preceding UN police mission.[99] Simultaneously, financial limitations, work routines and workloads, and

organisational cultures have on occasion led to the underuse of the expensive networked computers, high-tech border equipment and trained officers introduced with EUPM technical assistance and EC funds. While these technologies follow best EU standards, they do not necessarily fit the Bosnian context. Longer-term behavioural reforms focusing on police management and culture, and a more realistic evaluation of what Bosnia can financially afford, are still required.[100] Moreover, the sustainability of reforms introduced in the areas of transparency, accountability and cross-country standardization is not guaranteed. The capacity of police institutions to shield themselves from the type of ethnic/nationalist penetration that characterised it during the Bosnian war and the immediate post-conflict phase needs to be reinforced, something that the 2004-2008 police restructuring process and the 'carrot' of the Stabilisation and Association Agreement did not accomplish.[101] The impact of persisting ethnic/nationalist discourses is a real threat for democratic law enforcement in Bosnia. Current debates on the future of EUPM are therefore of great importance. EU member states are divided between the option of renewing the mandate or terminating the mission on 31 December 2011 and transferring rule of law/police to the EUSR. The discussion is ongoing but the 'in between' option is a six-month renewal of EUPM (until July 2012), with a small group of experts focusing primarily on the strategic/political dimensions of law enforcement and criminal justice and helping the EUSR prepare to take over these tasks. Nonetheless, organised crime will remain a heavy influence in EU-Bosnian relations, as evident from the requirements of the accession process.[102]

## *Top-down EU Police-building in Kosovo*

In an environment that is far more complex than either Macedonia or Bosnia due to Kosovo's unclear political status, the European Union launched on 9 December 2008 its biggest and financially most lavish civilian intervention abroad to date, the Rule of Law

Mission (EULEX) in Kosovo. The mission is in principle 'status neutral' towards Kosovo's independence, in accordance with the UN Security Council Resolution 1244, since some EU member states do not recognise Kosovo sovereignty.[103] However, the mission acts 'status positive'—as a senior EULEX official explained—'in order to be operational and have concrete output'.[104] It is conceived as a joint effort with local authorities, in line with the local ownership principle, with a view to develop in Kosovo an independent multi-ethnic judiciary, police and customs service adhering to European best practices. It complements ongoing EC initiatives in rule of law reform, most notably, the Twinning project aiming to strengthen the professional capabilities of the Kosovo border police; the furbishing of the Ministry of Internal Affairs; and the establishment of an independent prosecution service.

Furthermore, EULEX retains some executive powers in the broader field of rule of law, particularly to investigate and prosecute serious crimes, carry out sensitive investigations, and 'revers[e] or annul [when necessary] operational decisions taken by the competent Kosovo authorities'.[105] 'The key priorities of the mission', as the Council explicitly noted, 'are to address immediate concerns regarding corruption and the fight against organised crime'.[106] Terrorism and money-laundering have been added to the mission's priorities in the past year, as the updated EULEX Kosovo website attests[107], further strengthening the mission's orientation towards tackling organised crime. Local stakeholders and Kosovo society tend to perceive the objectives, legal mandate and activities of the EU mission as a continuation of the United Nations Mission in Kosovo (UNMIK)'s failed policies.[108]

EULEX took over the rule of law functions previously led by UNMIK, which was created for an open-ended period of time in 1999. The Kosovo Police Service (KPS)—at just over 7,500 well-trained officers, including ethnic Albanians, Serbs, Bosniaks and Turks and an impressive 15 per cent of female officers[109]—is the second most trusted institution in

Kosovo (after the Kosovo Protection Corps–KPC), probably also because it is perceived as a bastion against possible Serbian aggression.[110] According to the latest EC progress report on Kosovo, the KPS has reached a satisfactory level in overall policing (i.e. maintaining public peace and order and combating minor crimes) and also recently in riot control.[111]

Given that the KPS is one of the most developed security institutions in Kosovo, it may seem paradoxical that EULEX police is the biggest component. Not only does it count 1,600 experts (1200 internationals and 400 locals)[112], but it also heavily weighs on the executive side. It comprises special police, crowd and riot control police, 'executive police' (including a war crimes unit, a witness protection unit and a financial unit) in addition to the 'strengthening police'. The special police department alone has over 550 police officers deployed in EULEX containers prepared to react for crowd and riot control, if needed.[113]

This continuing focus on policing in Kosovo results from the fact that the KPS constitutes the main tool for the fight against organised crime, a security challenge which also compromises the work of the KPS. Despite progress on technical policing skills and overall policing—as described in the EC progress report on Kosovo—experts argue that the KPS is associated to the entanglement of structures of organised crime with the political class[114], exposed to corruption because of the low salaries of KPS officers, and hampered by the dearth of equipment.[115] The international community is accused of having contributed to the stabilisation of local organised crime power structures by allowing leading former Kosovo Liberation Army (KLA) actors a major say in the political and societal reconstruction.[116] Although the KPS was not meant to succeed the KLA, former KLA fighters have joined the police force, leading to embedded corruption and links to organised crime. According to an official with years of experience in Kosovo, much was known about major criminal suspects in the public order institutions, but Embassies and foreign services of powerful states interfered with the work of international and domestic police. The United States is singled out

as a country hampering European law enforcement efforts.[117] This situation has led to the phenomenon of so-called 'multifunction persons' who pursue political, economic and criminal interests simultaneously.[118]

The ability of the KPS to fight serious crime is curtailed by the fact that crucial areas of crime-fighting (including intelligence sharing) remain the *domaine réservé* of internationals. EULEX staff has worked in the UNMIK INTERPOL Office; has established closer relations with the Southeast European Cooperative Initiative Centre (SECI), EUROPOL (with which it has signed an agreement for information sharing), and the European border management agency (FRONTEX); has signed a Memorandum of Understanding with NATO's Kosovo Force (KFOR); and has liaised with and assisted the International Criminal Tribunal for the former Yugoslavia (ICTY). The mission has contributed to the completion of strategies and action plans on integrated border management, the fight against organised crime, drugs, terrorism and more recently on migration control. It has played a significant role in initiating an ongoing legal co-operation between Serbia and Kosovo and a formal exchange of information with Belgrade to fight organised crime in the region. The mission has also used its executive powers in the areas of corruption and war crimes. Both EULEX judges and prosecutors and EULEX police have been variously involved—jointly with the KPS and the SPRK Anti-Corruption Task Force—in raids, searches, investigations, arrests and convictions, usually targeting high profile officials.[119] While these strategies have improved crime fighting, they also point to an absence of trust in the local institutions (in sharing intelligence) as well as a prioritisation of result oriented action over the creation of sustainable Kosovo crime fighting institutions.

The 'strengthening police' of the EULEX mission that implements activities through the MMA on management functions—work that requires primary staffing at station level across the country, at the borders and the airports—has remained largely invisible in day-to-

day operations. The EULEX MMA tracking mechanism points to 36 areas of focus under police reform, out of which three have been deferred for lack of funds and more than half can be said to concentrate on 'hard' security issues. These include, among other, intelligence-led policing, criminal justice components, organised crime capability, strategy drafting for combating drug trafficking and illegal migration, numerous aspects of border policing (communication, planning and strategy development), and the development of intelligence systems.[120] Since 2009 and using MMA activities, EULEX police is implementing an UNMIK-sponsored programme aiming to increase intelligence led policing capacities and to create a single crime intelligence strategy. However, structural and professional KPS capacity continues to face difficulties in the field of investigations (particularly in the area of data collection, collation and analysis for operation planning). This would imply that further training and better equipment—areas falling under long-term police reform—are needed. Moreover, in 2010, the EC reported that the Directorate against Economic Crime and Corruption in the KPS, responsible for police investigations on economic crimes and corruption, has been prone to political interferences.[121] EULEX efforts to develop professionalism in the KPS have not managed to control this systemic deficiency.[122]

EULEX officials link organised crime to socio-economic and political development arguing that it is corruption and organised crime that hamper the creation of a democratic political culture in Kosovo.[123] Yet, it is real everyday problems that render life difficult in Kosovo. Smaller minorities—Bosniaks, Croats, Gorani, Roma, Ashkali and Egyptians, and Turks— suffer from discrimination due to association with the former Serb majority, lack of access to information or tertiary education in their own languages, and attacks and occupation of their homes.[124] Serbs and Albanians living outside the main areas of their respective communities face similar difficulties. Despite the minority/ethnic quota system, the KPS finds it difficult to operate in minority areas because of poor investment in protection mechanisms

(victim and witness protection programmes and protection of property rights). Questions over which legal framework is applicable, how discretionary and subjective powers are enabled in security and justice matters, and who is in charge, are particularly problematic issues (especially in north Kosovo) and seriously hamper police work.[125]

Simultaneously, the ability of EULEX to implement its ambitious mandate largely depends on the political circumstances surrounding its deployment. The mission has defined its tasks (emanating from its mandate) in a technical manner so as to avoid being caught up in the politics of non-recognition. The complex political situation north of the Ibar River, however, has held the mission back.[126] The Pristina-Belgrade dialogue mediated by the EU since 8-9 March 2011 is likely to tackle some of the consequences of the dispute for control of rule of law, especially in view of the violent events at Gate 1 in Jarinje in late July 2011. Despite the reintegration of Serb police officers into the KPS in late June 2009, the international community considers north Kosovo 'a lawless area'.[127] Given the relatively small number of police officers engaged (318 in total, the majority of whom are Serb) compared to the territory they cover, the high rate of illegal activities and organised crime, the different parallel policing institutions, and the non-operational courts, efforts to establish law and order in the north are seriously compromised.[128] Under these circumstances, EULEX is more a law enforcement mission in the north than an MMA mission. Yet, it is seen by many ethnic Albanians in Kosovo as a mere peacekeeper since it does not use its executive powers to arrest anyone working in the parallel security structures and/or engaged in criminal activities.[129] The sensitive status question, however, necessitates that EULEX accommodates Serbian concerns. This includes the need to agree with Belgrade on the modalities of EULEX work north of the Ibar and the applicable laws, as well as Belgrade's consent to deploy EULEX judges.

The absence of an EU policy on the future of Kosovo because of the divergence in EU member state positions has resulted in the EU being unable to take substantial steps to integrate Kosovo in the Stabilisation and Association Process. Thus, it is unable to establish a real prospect of EU integration.[130] It also means that Kosovo cannot join the visa liberalisation regime (while every surrounding state has or is about to). More broadly, the EU—due to EU member state bickering—has no substantive long-term peacebuilding policy for Kosovo. Fundamental questions regarding EULEX *raison d'être* remain unanswered: *for what* and *for who* is EULEX creating security institutions? The direct consequence of this situation is that the EU does not have real leverage on Kosovo's political leaders, since it does not recognise the very institutions whose development it is supporting.[131] Yet, in order to progress in its crime fighting activities, EULEX needs the cooperation of local institutions to have access to the necessary evidence for the arrest of suspected culprits following its raids.

## *Conclusion*

The CSDP approach to police reform in the Western Balkans is heavily influenced by internal political and security concerns of the Union and its member states. It is to be expected, if one concedes to the line of thinking alluded to before, that of 'we help them to help ourselves'. This approach ultimately prioritises effectiveness of policing, short-term crime fighting and often sidelines—perhaps involuntarily—necessary long-term police reforms that would ensure the sustainability of the process (e.g. meeting gender and minority quotas; supporting human rights and specialised training at all levels; engendering inter-ethnic relations; guaranteeing that legislative and structural changes are implemented; ensuring the systemic functionality of the police). The real challenge comes when the CSDP approach to police reform leads to reforms that do not push forward peacebuilding in the conflict ridden

society and therefore contribute insufficiently—if at all—to the democratic and good governance agenda, as illustrated with the cases of Bosnia, Macedonia and Kosovo.

An assessment of EU police reform in Macedonia four years following the end of the CSDP police missions demonstrates that an over-emphasis on crime fighting rather than long-term police reform, which could help realise a change in the work ethics and behaviour of the Macedonian police, has met societal and political resistance affecting the functioning of the Macedonian police. In Bosnia, the EU's commitment to fight organised crime and corruption has gradually led to mandates narrower in scope and more pro-active in methods despite questions around the gravity of the threat and the appropriateness of those goals and methods to the longer-term needs of policing structures. In Kosovo, EULEX has prioritised its executive mandate, which it uses to counter corruption and fight organised and transborder crime. As a result, the EU mission bypasses sharing sensitive intelligence with the local institutions but simultaneously fails to build local crime fighting capacity. Moreover, the absence of a long-term EU policy on the unresolved status question due to differing EU member state positions on the recognition of Kosovo compromises EU political leverage on police reform.

The EU's pattern of behaviour seems to go *in tandem* with broader trends that are permeating development and security policies of key international actors in the post-9/11 world. The conclusions drawn in this article add to those voices that warn against the use of short-term gains in the 'war' against terrorism, organised crime and other transnational threats as the new defining lines for intervention strategies in countries suffering from crises of governance.

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[1] Andreas and Nadelmann, *Policing the Globe*, vi, 224.

[2] Council of the EU, *Strategy for the External Dimension of the Area JHA*.

[3] Anderson, 'Internal and External Security in the EU'; Rees, 'Inside Out: the External Face of EU Internal Security Policy'.

[4] Although fYROM is the name used in international agreements, including by the EU, the abbreviated version of 'Macedonia' is used here. As is common practice, Bosnia will be used in this article to refer to Bosnia and Herzegovina. Furthermore, for reasons of simplicity, the predominant international appellation 'Kosovo' will be used for the territory referred to as Kosovo-Metohija in Serbian and as Kosova in Albanian. It should be considered as an abbreviation of the term used by EU institutions, namely 'Kosovo under UNSCR 1244'.

[5] Andreas and Nadelmann, *Policing the Globe*, 223.

[6] The most commonly endorsed definition of 'security sector reform' is that of the OECD Development Assistance Committee (DAC) guidelines, on which the documents on SSR by the Council of the EU and European Commission are based. The term refers to the democratic 'reform' (construction/reconstruction/transformation) of a number of actors considered to be part of the security sector, ranging from those with a mandate from a state authority to use force to security management and oversight bodies, justice institutions and non-statutory security forces . The police belong to the first category of security actors, also known as 'core security actors'. OECD DAC, *Security System Reform and Governance*, 20-21.

[7] See, for example, Domisiewicz in Ebnother and Fluri, *After Intervention*, 161-198.

[8] Bayley, *Democratising the Police Abroad*.

[9] Rubin, 'Politics of Security', 27.

[10] MacGinty, 'Peace Become Order?', 3.

[11] Andreas and Nadelmann, *Policing the Globe*, 4-6.

[12] Bailes, 'Introduction'.

[13] Isacson and Ball, 'US Military and Police Assistance', 446.

[14] Duffield, 'Governing the Borderlands: Decoding the Power of Aid'.

[15] Ioannides, '"European Policing"? Critical Analysis of EU Crisis Management'; Hinton and Newburn, 'Introduction', 24; Collantes-Celador and Juncos, 'SSR in the Western Balkans', 148.

[16] Albrecht and Getos, 'Researching Terrorism and Organized Crime', 140-142; Council of the EU, *European Security Strategy*.

[17] Paris, 'International Peacebuilding and Mission Civilisatrice'.

[18] Smith, *European Union Foreign Policy*, 196.

[19] European Union, 'Consolidated Versions of the Treaty on European Union'. These are expressed in the EU Charter of Fundamental Rights, incorporated in a Protocol attached to the Lisbon Treaty. The United Kingdom, Poland and the Czech Republic, however, have opted out of this part of the Treaty. The Lisbon Treaty extends the definition of values guiding EU foreign policy provided in the Amsterdam Treaty (Art. 2; Art. 21, para. 2) by further emphasising equality, solidarity and human dignity.

[20] Biscop, *Value of Power, Power of Values*, 15.

[21] Bigo, 'The European Internal Security Field', 164.

[22] Bigo, *Polices en Reseaux*.

[23] Council of the EU, *European Security Strategy*, 2.

[24] Council of the EU, *A Strategy for the External Dimension of the Area JHA.*

[25] Council of the EU, *Draft Internal Security Strategy*, 4.

[26] European Parliament, *Draft Report on the Development of the Common Security and Defence Policy*, 11. This report was adopted by the European Parliament's Committee on Foreign Affairs in April 2011.

[27] Grabbe, 'The Sharp Edges of Europe'.

[28] Rees, 'External Faces of Internal Security', 218.

[29] Council of the EU, *European Security Strategy*, 6.

[30] Ioannides' interviews with EU officials, Brussels, February-May 2005.

[31] European Union, *The Declaration of the Zagreb Summit*. The authors are grateful to Tobias Flessenkemper for his suggestions in relation to this point. Jef Huysmans' linkage of the development of the internal market and the JHA Pillar to concerns over migration is an additional illustration of the long-standing nature of some of these issues. Huysmans, 'The EU and the Securitisation of Migration'.

[32] European Parliament, *Draft Report on the Development of the Common Security and Defence Policy*, 11.

[33] Smith, *European Union Foreign Policy*.

[34] Bono, 'Perils of Conceiving EU Foreign Policy as a "Civilizing" Force', 155.

[35] European Union, *Consolidated Versions of the Treaty on European Union*, Article 43. The Lisbon Treaty (Art. 43, para. 1) broadens the reach of CSDP by widening the Petersberg Tasks to include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and

peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking and post-conflict stabilisation.

[36] Andreas and Nadelmann, *Policing the Globe*.

[37] Ball, 'Reforming Security Sector Governance', 517.

[38] While the European Commission was consulted (though its contribution was muffled), other relevant actors, such as EUROPOL, were not.

[39] Council of the EU, *Draft Comprehensive Police Concept for ESDP*, 13.

[40] Collantes-Celador, 'EU and its Policy towards SSR', 157-158.

[41] Ioannides, 'European Union SSR Policy', 37-39.

[42] Council of the EU, *European Security Strategy*, 12; Council Secretariat, *Initial Elements for an EU SSR Concept*, 3.

[43] Ioannides' interview with a Council Secretariat official, Brussels, July 2007.

[44] Austrian Presidency of the EU, *Police Cooperation Convention for South East Europe.*

[45] For further details see, for example, the Council of the EU, *Strategy for the External Dimension of the Area JHA*, 4-5, 8.

[46] For more examples, see the activities of the Council of the EU's Political and Security Committee (PSC) and the Standing Committee on Operational Cooperation on Internal Security (COSI). Council of the EU, *Next Steps in Enhancing Cooperation between the External and Internal Aspects of EU Security*. The authors are grateful to Tobias Flessenkemper for his suggestions in relation to this point.

[47] Dwan, 'Capabilities in the Civilian Field', 67.

[48] Serrano, 'Strategic Approach to ESDP', 43. This situation is also true today for the European External Action Service.

[49] In the Macedonian case, this term refers to EU police officers being deployed at all hierarchical and territorial levels, following the development of the chain of command of the local police. In Kosovo and Bosnia, CSDP police officers were only deployed at management level.

[50] Merlingen and Ostrauskaite, 'ESDP Police Missions', 233.

[51] Ryan, 'EU's Emergent Security-First Agenda', 328. His analysis is based on the cases of Montenegro and Albania where the EU has not deployed CSDP missions but has assisted in policing matters through Commission tools.

[52] Pugh, 'The Ownership of Regeneration and Peacebuilding', 4.

[53] Paris, *At War's End*, 13.

[54] Delegation of the European Commission in Macedonia, 'EC Project Harmonisation in the Area of Justice and Home Affairs', 3.

[55] Ioannides, *The European Union and Learning from Support for Post-Conflict Police Reform*.

[56] The National Police Reform Strategy was drafted along the lines of the recommendations on structural reforms presented by EC police advisers. Ioannides' interviews with EC police officers, Skopje, June 2004 and June 2005.

[57] Council of the EU, *Joint Paper on Lessons Learned*, 3.

[58] This is the only tool for sharing and verification of police and judicial information outside EUROPOL/Schengen and therefore an indispensable tool for fighting organised crime.

[59] Human rights made Proxima's agenda only when the violations had an inter-ethnic character; EU police officers did not deal with police misconduct within each community. Ioannides' interview with EU official, Skopje, May 2005.

[60] Ioannides, *The European Union and Learning from Support for Post-Conflict Police Reform*.

[61] Ioannides' interview with an official in the Council Secretariat, Brussels, December 2005.

[62] Ioannides' interview with EU police officer, Skopje, June 2005.

[63] Ioannides' interview with former PROXIMA official, Pristina, May 2010.

[64] US Department of State, *2009 Human Rights Report*. By mid-2010, 20.3 per cent of the police service was minorities, short of the government's 25 per cent quota for minority officers.

[65] Council of Europe, 2008. *Report to the Government of "the former Yugoslav Republic of Macedonia" on the Visit to "the former Yugoslav Republic of Macedonia"*, 17.

[66] Special Mobile Police Units, commonly known as "Alfa" units, consist of non-uniformed police officers. With the exception of Skopje, the group was disbanded in late 2008.

[67] Council of the EU, *Joint Paper on Lessons Learned;* Mehmeti, 'Implementation Ohrid Agreement'.

[68] European Commission, *Instrument for Pre-Accession Assistance (IPA), Multi-annual Indicative Planning Document (MIPD)*, 18.

[69] Ioannides' interview with former Proxima officials, Brussels (September 2010) and Pristina (May 2010).

[70] On the one hand, EU member states wanted to be in a position to offer Macedonia 'EU candidate status' to push the reform process forward. On the other hand, the Macedonian government was able to negotiate that Proxima be terminated because the presence of a crisis management mission in the country could jeopardise their chances of getting a positive *avis* from the EC on its prospects for EU membership. Ioannides, 'EUPOL PROXIMA / EUPAT (fYROM) in the former Yugoslav Republic of Macedonia', 195.

[71] Rizovska, 'Macedoine: Veritable Arsenal de Guerre a la Frontiere avec le Kosovo'.

[72] Ibid.

[73] Schenker, 'Only Europe Can Complete the "Macedonian Project"'.

[74] The mandate of EUPM has been renewed three times since the end of the initial 1 January 2003- 31 December 2005 period, each extension for two years (EUPM II - 2006-2007, EUPM III - 2008-2009, EUPM IV - 2010-2011). EUPM personnel numbers have gradually decreased.

[75] Although EUPM's mandate was non-executive, it could for example refer names of police officers for suspension or removal to the OHR/EUSR. This prerogative was used on very few occasions.

[76] Merlingen and Ostrauskaite, 'Power/Knowledge in International Peacebuilding', 315; European Union Police Mission, *Strategy Implementation Plan*.

[77] Merlingen and Ostrauskaite, *EU Peacebuilding and Policing*, 65.

[78] Ibid., 76.

[79] European Union Police Mission, *Strategy Implementation Plan*, 5.

[80] Collantes-Celador's phone interview with EUPM official, July 2011.

[81] Collantes-Celador's phone interview with EUPM official, July 2011; Merlingen and Ostrauskaite, *EU Peacebuilding and Policing*, 77.

[82] Juncos, 'Bosnia: a Testing Ground', 6.

[83] This more pro-active role was boosted by the clarification of responsibilities over organised crime between EUPM and EUFOR from September 2005, whereby EUPM would take the lead under the political coordination of the EUSR. Collantes-Celador and Juncos, 'SSR in the Western Balkans', 143.

[84] Collantes-Celador's interview with EUPM official, Sarajevo, September 2009; Juncos, 'Bosnia: a Testing Ground', 6.

[85] Collantes-Celador's interview with European Commission official, Brussels, April 2007.

[86] Collantes-Celador, 'Becoming "European" through Police Reform', 235-236.

[87] International Crisis Group, *Bosnia's Incomplete Transition*, 2.

[88] Collantes-Celador's interviews with EUPM officials, Sarajevo, September 2009 and September 2010. Admittedly EUPM has supported gender initiatives in 2010-2011.

[89] Collantes-Celador's interviews with state-level Bosnian police officer and cantonal Ministry of the Interior official, Sarajevo, September 2009; European Commission, *Bosnia 2010 Progress Report*, 15, 58-59.

[90] Collantes-Celador's phone interview with EUPM official, July 2011; European Union, 'Council Decision 2009/906/CFSP', L322/22-23.

[91] European Commission, *Bosnia 2010 Progress Report*, 23-25.

[92] European Union, 'Council Decision 2009/906/CFSP', L322/22.

[93] Collantes-Celador's interviews with police experts, Sarajevo, September 2009 and September 2010, and phone interview with EUPM official, July 2011; European Commission, *Bosnia 2010 Progress Report,* 57-58.

[94] Merlingen and Ostrauskaite, 'Power/Knowledge in International Peacebuilding', 312.

[95] Collantes-Celador's phone interview with EUPM official, July 2011; Albrecht and Getos, 'Researching Terrorism and Organized Crime', 135-139.

[96] Merlingen and Ostrauskaite, 'Power/Knowledge in International Peacebuilding', 315.

[97] Collantes-Celador's interview with EU official, Sarajevo, September 2010.

[98] Collantes-Celador's interview with European Commission official, Brussels, May 2003.

[99] Collantes-Celador's interview with EUPM official, Sarajevo, August 2003; Collantes-Celador, 'Becoming "European" through Police Reform', 234-237.

[100] Merlingen and Ostrauskaite, 'ESDP Police Missions', 230; Collantes-Celador's interview with EUPM official, September 2009.

[101] Collantes-Celador's interviews with police experts, Sarajevo, September 2009 and September 2010.

[102] Collantes-Celador's phone interview with EUPM official, July 2011; EUPM, *Mission Magazine*, 3-5.

[103] Five EU member states, including Spain, Greece, Cyprus, Romania and Slovakia, have not recognised Kosovo sovereignty. The non-recognizing capitals complain to Brussels each time a routine report even suggests that EULEX is venturing beyond the bounds of status-neutrality and straying from its mandate under UNSCR 1244, and Brussels, in turn, notifies EULEX headquarters of its offense. 'Kosovo/EULEX: At Full Operating Capability, but not Without Problems', *Balkans Leaks*.

[104] Ioannides' interview with senior EULEX official, Pristina, April 2010.

[105] European Union, 'Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO', 93. Grevi, 'EULEX Kosovo', 357.

[106] Council Secretariat, *EULEX Kosovo* (2010). Interestingly, the version EULEX/08, updated July 2009 reads, 'The key priorities of the mission are to address immediate concerns regarding protection of minority communities, corruption and the fight against organised crime'. Council Secretariat, *EULEX Kosovo* (2009).

[107] Information accessed on 3 August 2011 from: http://www.eulex-kosovo.eu/docs/info/basic/Basic-ENG.jpg

[108] Ioannides' interviews with Kosovo officials and civil society actors in Pristina, Mitrovica, Pec, Gracanica, Strpce, Vushtrri, Decani, Prizren and Djakova, April-May 2010.

[109] Ioannides' interviews with international and local trainers at the Center for Public Safety, Education and Development (KCPSED), Vushtrri, May 2010.

[110] Forum for Civic Initiatives and Saferworld, *Policing in Kosovo*, 10-11.

[111] European Commission, *Kosovo 2010 Progress Report*, 53-54.

[112] Statistics are available on the EULEX Kosovo website at: http://www.eulex-kosovo.eu/docs/info/police/Police%20ENG%20500.JPG [Accessed 3 August 2011]

[113] Qosaj-Mustafa, *Strengthening Rule of Law in Kosovo*, 9.

[114] Ioannides' interviews with Kosovo SSR experts and international officials, Pristina, April-May 2010.

[115] Heinemann-Gruder & Grebenschikov, 'Security Governance by Internationals', 50-51, 56.

[116] Bieber, 'Policing the Peace after Yugoslavia'.

[117] Friesendorf, *The Military and Law Enforcement in Peace Operations*, 123.

[118] Reljic, *Die-Balkan Mafia*, 16.

[119] EMGportal, 'EULEX and Local Authorities Stepping Up the Pace', 3.

[120] EULEX Kosovo, *Monitoring, Mentoring and Advising Tracking Mechanism*.

[121] European Commission, *Kosovo 2010 Progress Report*, 12 & 56.

[122] Qosaj-Mustafa, *Strengthening Rule of Law in Kosovo*, 18.

[123] Ioannides' interviews with EULEX officials, Pristina and Mitrovica, May 2010.

[124] Stevens, *Filling the Vacuum*.

[125] This situation results from diverging EU member state positions on Kosovo recognition; the Belgrade-Pristina disputes and inter-ethnic disagreements in Kosovo on the 'status question', and differing approaches by multiple international actors present on tackling this complexity.

[126] EULEX strategy in the north is based on four components: to restore the District Court in the north of Mitrovica; to re-establish the customs checkpoints at Brnjak and Jarinje (gates 1 and 31); to support local police officers in police sub-stations in the northern municipalities of Kosovo, including Zvecan, Zubin-Potok, nothern Mitrovica and Leposavic; and to exercise the rule of law executive operations whenever needed. Forum for Security, *'Political' Law Enforcement in Kosovo*, 7.

[127] KPS station commanders, however, continue to report through EULEX for the time being. Ioannides' interview with EULEX official, north Mitrovica, May 2010.

[128] Forum for Security, *"Political" Law Enforcement in Kosovo*, 10.

[129] These parallel structures include the Serbian Ministry of Interior (MUP) officials that patrol the streets in civilian clothes, the Serbian Intelligence Agency (BIA), the military counter-surveillance service, the permanent functioning of the reserve component of the military, or the 'bridge watchers' that monitor passersby on the main bridge over the Ibar River. Some members of the Serbian Ministry of Interior (MIA), who receive double salaries and take an active part in various meetings and activities organised by parallel structures in north Kosovo, are also members of the KPS. Ioannides' interviews with EULEX senior officials in north Mitrovica and Kosovo officials in the Ministry of Internal Affairs, Pristina and Mitrovica, April and May 2010. Also see, International Crisis Group, *North Kosovo*, 3-4, 12-16.

[130] EU officials in Brussels talk of the '22+5' formula for Kosovo to point to the discordance of EU member state policies. It is worth noting, however, that the five non-recognisers address Kosovo political status differently. For example, Greece, Slovakia and occasionally Spain, *de facto* recognise the Kosovo passport as a travel document. Ioannides' interviews with EU officials, Brussels, September 2010.

[131] Ioannides' interviews with international actors and Kosovo politicians, Pristina, May 2010.