Power/Knowledge in International Peacebuilding: The Case of the EU Police Mission in Bosnia

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This article develops the argument that peacebuilding brings into play microphysical and nonsovereign forms of power that circulate through opaque capillaries that link foreign peacebuilders and indigenous populations. It examines the governmentality of liberal peacebuilding and the practices of “unfreedom” it licenses; brings into focus the constellation of social control that is effected by the EU’s efforts, in the context of its security and defense policy, to promote democratic policing in Bosnia; and shows how a normatively committed form of governmentality theory can be employed to limit the inevitable political pastorate in the international construction of liberal peace in posthostility societies. 

KEYWORDS: Bosnia, European Security and Defence Policy, Foucault, governmentality, peacebuilding, policing.

International peacebuilding is in vogue. Many Western governments and their citizens sympathize with the idea and practice of aiding countries transiting from civil war to better themselves by strengthening fundamental freedoms, the rule of law, and other elements out of which a peaceful polity is assembled. This framing of peacebuilding as an uplifting and civilizing mission rests on an assumption that, since the end of the Cold War, has become so naturalized in Western political discourse and mainline academic treatises on security governance as to be nearly invisible.

The entrenchment of liberal peace in postconflict societies requires that the freedom of individuals is fostered and their political voice is strengthened. The developments since 9/11 have only reinforced this “truth.” In this article, we provide a different read-

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ing of liberal peacebuilding by bringing into focus the relations of domination it produces and subjecting them to an immanent critique, using what Kevin Stenson calls a “normatively committed form of governmentality studies.”

The international construction of liberal peace in post-hostility societies licenses forms of micropower that, although they reach deep into domestic orders, remain largely unnoticed by the literature. They are masked either by the humanistic theme of the peacebuilding discourse or by the forceful interventions through which metropolitan actors impose their humanitarian empire on countries emerging from conflict. The mainline peacebuilding literature shares with practitioners a pronounced will to “improve” societies that violently differ from those of the West. This ambition, and the inscription of natives in relations of domination it facilitates, are not interrogated, though the manner in which international peacebuilders implement what Michael Pugh calls the New York consensus is extensively scrutinized.

As to more critical readings of contemporary peacebuilding, they, too, pay insufficient attention to the mechanisms in it through which the international comes to reside within transitional societies. Even those works that frame peacebuilding as disciplinary governance or that draw a parallel between it and colonialism—for instance, criticizing the highhanded use of illiberal power by the international administrators of liberal peace: censorship, the manipulation of elections, the removal of democratically elected officials, and so forth—fail to theorize and analyze the humble and mundane practices through which “unfreedom” operates in such international projects of improvement.

To bring into focus the neglected elements of subtle coercion and subjectification in multilateral efforts to bring order based on political liberty to post-hostility countries, we use an empirical site that has so far not been given much attention by researchers: the efforts of the European Union, in the context of its new European Security and Defence Policy (ESDP), to promote democratic policing abroad.

The case for focusing on ESDP police missions is compelling, both conceptually and empirically. In the 1990s, the international donor community, notably the United Nations, identified policing reforms in postviolence societies as a principal element in the construction of an order of liberal peace and began to act accordingly. In line with the new international consensus, the European Union views its police missions as vehicles to advance security-sector reforms in support of peace in target countries through the dissemination of “best European policing practices.” Moreover, police interventions are at the forefront of the operationalization
of the civilian ESDP, both in terms of the quantity of the personnel made available by the member states and the number of deployed missions.

In the second half of 2005, the European Union has four concurrent missions engaged in (re)forming the indigenous police forces in Bosnia (the EUPM), Macedonia (the EUPOL Proxima), Congo (the EUPOL Kinshasa), and Iraq (the EUJUST Lex). Moreover, in July 2005, EU foreign ministers agreed in principle to launch an ESDP mission to provide support to the Palestinian police and build upon the work of the recently established EU Co-ordination Office for Palestinian policing. Although no date is mentioned, the mission could be launched as early as January 2006. In the same meeting, the EU also adopted a comprehensive supporting action to strengthen the African Union Mission in Sudan (Amis II), which includes a substantial civilian component in support of the local police. In this article, we analyze the EUPM to develop our argument that peacebuilding brings into play microphysical and nonsovereign forms of power that circulate through opaque capillaries that link foreign peacebuilders and indigenous populations.

The critical thrust of our empirical-analytical engagement with EU policing notwithstanding, we do not militate against this form of peacebuilding, as such. Given the often repressive and divisive role played by police forces in war-torn countries, projects to assist in the reform of law enforcement in countries emerging from violence have a place in a progressive international politics. However, there is a need to ask of such aid if its form and content are justifiable in normative terms. Police assistance, just like peacebuilding more generally, is a field of governance in which the play of freedom and domination can be configured differently. This creates an opening for reformatory discourses. Thus, we not only bring into focus the power in ESDP police aid, but also provide recommendations as to how current and future missions can be rendered less nonegalitarian. Our advocacy, far from being idealistic, is informed by our reading of the rationality inscribed in EU peacebuilding.

The article proceeds as follows. First, we describe the conventional, functionalist understanding of police aid, and we point out its shortcomings. We argue that like other forms of development aid, police aid inscribes the recipients in structures of discipline and normalization. Drawing on Michel Foucault, we conceive of these structures as hybrid forms of rule in which practices of “unfreedom” are enacted in the name of liberty. Next we contextualize the EUPM before exploring a series of subjugating practices, most of them inconspicuous in nature, through which the mission pursues its projects of improvement, and we document the constellation of asymmetric social control that is effected by them.
From a critique of the governmentality of policing reforms in Bosnia, we move, in the conclusion, to suggest ways as to how the EUPM and its sister missions in the restless European Elsewhere can reconfigure their programs along more egalitarian lines. We end by drawing out the significance of our analytical and prescriptive engagement with EU policing for critical perspectives on peacebuilding more generally.

International Police Aid

International assistance for rule-of-law reforms has become a cottage industry since the end of the Cold War. The rewriting of laws, reforming of prisons, retraining of police forces, and other measures aimed at upgrading the justice system in countries transiting from internal conflict are widely seen as vital for peacebuilding. Moreover, as Thomas Carothers points out, rule-of-law reforms are attractive to the international donor community because of their apparent nonideological, technocratic character.8

While economic globalization generates a new politics of contestation symbolized by such events as “the Battle of Seattle,” the globalization of the rule of law is hardly controversial. Who would disagree, for instance, the statement by one of the foreign-aid bodies of the US government, the Transition to Democratic Policing program of the Department of Justice, that in order “to thrive, an emerging democratic government must [have] an effective democratic police agency”?9

While a number of arguments are advanced by practitioners and scholars in support of the link between international aid in support of police reforms and the transition to peace and democracy, two interrelated explanations stand out. First, only a democratic, human-rights-oriented police is capable of securing the lives and property of citizens, independent of their ethnic, economic, or social profile, as well as 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 in respect of individual and communal protection, 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 postconflict rehabilitation.

Second, it is the police, together with the military, that wields the state’s monopoly of violence. In a democracy, this formidable repressive potential is held in check by making the police accountable to the public in order to ensure it 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, the dominant perspective in the literature is that the provision of collective and individual security is a foundation on which progress in the political (and economic) transition of disrupted societies rests. By molding “apolitical police forces that are composed of different political contingents and ethnic groups, and who will protect citizens, uphold the rule of law and help maintain order with a minimum of force,” foreign aid in support of police reforms makes a crucial contribution to peacebuilding.\(^\text{10}\)

Having been identified as an important aspect of rule-of-law reforms, police aid is analyzed as nonideological political-development assistance inscribed in a commitment to universal human rights and validating the causal link between the consolidation of democratic institutions and the entrenchment of peace.

In such a functionalist interpretation, the kinds of domination enacted by policing and police aid are concealed. Democratic policing is not simply about the apolitical protection and vindication of universal human rights and the provision of individual-level security. It is also inevitably about putting in place the flanking measures that (violently) secure a historically situated, particularistic social order against the incivility and disorder of those dreaming of different orderings.\(^\text{11}\) More important for the purpose of this article, a functionalist interpretation of police aid conceals that it, just like economic and political reconstruction aid in general, is inscribed in a regime of power that binds international peacebuilders and locals in an unequal, albeit variable, relationship. To elaborate on this point, we next turn to Foucault.

The Political Rationality of Peacekeeping

We conceive of the relationship between international peacebuilders and locals as a hybrid form of governance that articulates a pastoral rationality of power to a liberal one. Foucault employed the metaphor of the Christian institution of the pastorate to describe a secular rationality of power that is based on the detailed knowledge and comprehensive regulation of those subjected to it.\(^\text{12}\)

At the core of the pastorate is a paternalistic order of difference. Its figures are, metaphorically speaking, the shepherd, a distinct and superior kind of being, and the flock to be cultivated and
protected. The members of the flock are imagined to lack the habit of or aptitude for making responsible choices. Hence, they are in need of constant surveillance and hierarchically administered benevolence. The effect, albeit not necessarily the intention of the political pastorship, is to constitute subjects as inferior and dependent things. This conception of the subjects of rule stands in stark contrast to that circulating in liberalism.

Liberalism, in our Foucauldian rendering, is a rationality of power that imagines a form of governance that operates through the activation of the autonomy of citizens and the promotion of certain kinds of freedom from governmental interference. Hence, liberal subjects are expected to be active participants in their own government and to assume responsibility for their own welfare and security. The valorization of individual liberty notwithstanding, liberal political reasoning seeks to recruit freedom for governmental purposes. It dreams of “making up” free citizens capable of bearing a particular, regulated freedom. Yet even though liberal freedom understood in this Foucauldian sense implies a process of subjectification, the liberal subject is in a nonnegligible sense freer than the pastoral subject. It is the object of government like in the pastorate, but it is also the partner and accomplice of government.

Contemporary peacebuilding is underpinned by a rationality that joins, albeit uneasily, elements of both the pastorate and liberalism. It assembles heterogeneous programs and technologies with a view to promoting liberty through practices of “unfreedom.” The underlying assumption is that a period of pastoral discipline and administration is needed to inculcate habits of responsible choice into natives and install institutional capacities for liberal peace in violently divided societies. Normatively speaking, the danger is that the pastorate in peacebuilding becomes too strong and the liberal freedom that is the goal of the project of improvement is reduced to an artefact, a freedom that is choreographed under the pastoral guidance of foreigners and thus difficult to see as freedom at all.

It is at this point that what we call the peacebuilding dilemma comes into view. How can peacebuilding be committed to liberty as a condition of the security of the liberal peace and shape individual conduct and its institutional conditions with a view to fostering “free” choices that are in conformity with capitalist relations of production and other imagined correlates of the liberal peace?

There is no principled solution to this peacebuilding dilemma. The free persons imagined by peacebuilding are always already situated in subject-molding networks of power/knowledge. Yet while the dissolution of the dilemma is impossible, certain specific
transformations are possible that lead to what Foucault in another context called a “minimum of domination.” To effect such transformations, the critical ethos of liberalism has to be played strategically against the pastorate.

A principal element of liberal rationalities is their inclination to interrogate the goals and methods of government. They warn of too much government and council limitation and restraint. Liberalism, in this framing, is “an instrument for the criticism of reality.” This, we argue, implies that the very rationality that infuses peacebuilding can be used, firstly, to ask if there is too much governance in a particular regime of peacebuilding and, secondly, to clear a space for a more laissez-faire approach that is responsive to what David Scott calls the subaltern demand for a future constructed in its own vernacular image.

Yet to perform this critical work, a detailed map is needed of the manifold, often subterranean conduits of pastoral power that traverse those sites where a domestic order of liberal peace is constructed under the guidance of internationals. The Foucauldian governmentality framework provides the necessary tools for the excavation/mapping of this form or power and thus can give voice to the liberal critique of the pastorate in peacebuilding provided it is “wedded to a firm normative commitment to enhance and provide vigilant defense of liberal institutions and values against attack from within and from outside.”

**Peacebuilding in Bosnia**

In this and the next section, we contextualize and describe the EUPM, then turn to an exploration of its practices of “unfreedom.” In 1995, the Dayton Peace Agreement (DPA) brought the war in Bosnia to a formal end. It also stipulated the country’s new political structure, which is composed of joint state institutions and distinct territorial units: two entities—the Federation and the Republika Srpska—and the separately administered Brčko District. Moreover, the DPA brought into existence a powerful system of control run by international actors that opens up the country and its population to a level of surveillance, intervention, and regulation unprecedented since the colonial period. The rationale for this vast project of international improvement is that Bosnia can be released into political self-governance only once its people can be trusted to use their freedom wisely and make the right political choices.

The international administration of Bosnia is overseen by the Peace Implementation Council (PIC), whose steering board
comprises countries such as the United States, Germany, France, and the United Kingdom and international institutions such as the European Commission. The executive body of the PIC is the Office of the High Representative (OHR), which under annex 10 of the DPA is mandated to monitor the civilian implementation of the peace settlement.

While the OHR had few powers in the beginning, this changed when the PIC gave it new executive competences in 1997. The upshot was that the OHR came to enjoy “absolute powers over an open-ended spectrum of issues.” International military forces (at first, NATO troops; since December 2004, EU troops) together with international police missions (at first, UN civilian police officers; since January 2003, EU police officers) provide the necessary flanking measures for this system of rule and the peace it enforces. Also, EUFOR Althea, just like its NATO predecessor, has executive policing powers that are vested in the five-hundredstrong Integrated Police Unit, made up primarily of Italian military police—the carabinieri. The unit is especially active in the fight against organized crime.

Policing proper in Bosnia is addressed by the DPA in a separate annex. In it, the United Nations is requested to establish an International Police Task Force (IPTF), with a view to developing democratic policing structures and practices. In response, the UN Security Council agreed in 1995 to set up the UN Mission in Bosnia (UNMIBH), which was comprised of the IPTF and a UN civilian office that supported the policing reforms through the promotion of the rule of law.

At its peak, the IPTF consisted of about two thousand officers, and it had vast executive powers. It restructured and streamlined the indigenous police forces, using a certification process to select out officers with what it considered inappropriate wartime records or insufficient policing proficiency. From an initial force of more than forty-four thousand, only about seventeen thousand police officers were certified. Also, the IPTF took charge of the recruitment and training of new cadets, the continuing training of certified officers, as well as organizational reforms of the police apparatus. UNMIBH’s intrusive interventions notwithstanding, when its mandate expired in 2002 there was widespread international agreement that the local police could not yet be trusted to enforce the law effectively and in a democratic fashion. Hence, continued international oversight of Bosnia’s transition to democratic policing was deemed crucial to the overall consolidation of liberal peace.
The EUPM

In March 2002, the Council of the European Union agreed to ensure the continuing involvement of the international community in policing reforms in Bosnia in line with the objectives of the DPA. Launched on January 1, 2003, the EUPM became part of an assemblage of international actors that govern reforms in aid of democracy and the rule of law.

On various levels and through a team of liaison officers, the mission cooperates closely with the EU Special Representative (EUSR) and the OHR, EUFOR Althea, the Organisation for Security and Cooperation in Europe (OSCE), the EU Monitoring Mission (EUMM), and the International Criminal Tribunal for the former Yugoslavia (ICTY). Also, the EUPM is supported by the European Commission’s institution-building programs—notably, the police-related activities funded by the Community Assistance for Reconstruction, Development, and Stabilisation (CARDS) program. CARDS aims, inter alia, at modernizing the material resources available to domestic police (information technology, vehicles, and so forth) and at upgrading police management, training, and crime-fighting techniques.

According to the mission mandate, the principal task of the EUPM, which at its peak comprised about five hundred officers and civilian experts, is to reform policing under Bosnian ownership in accordance with best Western/European practices. To carry out its mission, the EUPM identified four distinct strategic priorities, which, in turn, were concretized in the form of 7 reform programs and about 120 reform projects. The four strategic priorities, which reflect a continuity with the concerns that animated the policing reforms undertaken by the IPTF, are police independence and accountability; organized crime and corruption; financial sustainability; and, finally, institutional capacity building. In the sections that follow, we take a closer look at this project of improvement with a view to bringing into focus the element of “unfreedom” in the inconspicuous practices by virtue of which the EUPM promotes democratic and effective policing.

Policing in Bosnia

The EUPM inherited from the IPTF an apparatus of power that was tuned to privilege the deployment of coercive means to better the indigenous police by eliminating “black sheep” and cultivating
the remaining. To ensure continuity between the two police aid missions, the EUPM took over this apparatus, although in adjusted form. The size of the EU mission is significantly smaller, its policing powers are less extensive and coercive, and the element of nonconsensuality in the reforms is more limited.

These adjustments notwithstanding, there remains a political pastorate at the center of the EUPM. In what follows, we document this pastorate by exploring two key pillars of the mission’s police-aid regime: the disciplinarization and normalization of police officers and the governance of crime in Bosnia.

Remaking Indigenous Police Officers

A principal political technology in the repertoire of ESDP police missions on which the EUPM draws to discipline and normalize the Bosnian police is co-location. The technology manipulates relations of visions and mobilizes “truth” to spin fine meshes of a web through which pastoral power gains access to individual police officers: their “souls,” know-how, and conduct.

At the heart of co-location is a disciplinary regime centered on visibility. Any such regime brings into play three elements: hierarchical observations, normalizing judgments, and corrections. Penetrating observations, which are organized around certain notions of normality typically defined by experts, constitute individuals as cases whose behavior and characteristic features can be documented in detail. The encoding of particular, institutionally salient features of the observed subjects in written reports and files makes possible all kinds of comparisons between those exposed to surveillance and between them and the operative standards at the heart of the panoptic machine.

At this point, the disciplinary gaze gives way to a judgment: Do those who have been brought under a certain description measure up to the established norms or deviate from them? Deviants are made the target of repetitive normative corrections. Regimes of power based on visibility work on the assumption that the threat of constant surveillance incites individuals to become their own overseers, exercising surveillance over and against themselves and subjecting themselves to the strictures of normality as defined by those in power. In short, such regimes construct fields of visibility only to transform them into domains of power.

The vision-centered technique of domination employed by co-location is supplemented by another technique: mentoring. It articulates a pedagogical project of disseminating professional know-how to a moralizing project of self-improvement. To begin with,
mentoring places trainees under the obligation to learn the things that experts know. Drawing on forms of practical knowledge, mentors tutor trainees in what they consider the technically correct—that is, competent—way of conducting the tasks defining a particular profession. They incite subjects to cut up the world in a particular manner and to act in a suitably rational fashion in their sphere of competence. Yet mentoring is not only concerned with the transfer of technical know-how. It is also about character building. Mentors morally cultivate their charges in an effort to program their standards of appropriateness in line with the ideologies of the profession into which they are conscripted. They may also equip them with the means to effect by their own means a certain number of operations on their own bodies and souls, thoughts, and conduct so as to transform themselves in order to attain professional standards of perfection.29

The point to be made here is that by combining visibility and “truth,” the political technology of co-location pulls the reformation of subjectivity into a structure of domination.

How is this hybrid technology of control instantiated in Bosnia? The EUPM approaches indigenous policing as a dispersed ensemble of practices, thereby producing multiple localized sites that can be monitored and improved. The mission co-locates its experts along senior local staff with strategic and tactical responsibilities in ministries of interior and the new state-level ministry of security as well as alongside indigenous officers in field headquarters and police stations. Overall, EUPM staff is deployed in more than thirty locations throughout the country in 2005.

Co-location ESDP-style generates its constraining and normalizing effects through a series of analytically distinct, albeit in practice overlapping, recurrent operations. In the monitoring phase, spaces of constructed visibility are assembled, in which the daily routines of indigenous officers are subjected to the trained gaze of the foreign experts.30 The co-locators observe the microstructure of police work in the police stations, headquarters, and ministries to which they are assigned and report their observations up the chain of command. The upshot is that the conduct of the observed officers and civilian staff is rendered fully legible, at least in principle, by the mission headquarters, where all the reports are collected.

In a second phase, the recorded information, at both central and local levels, is evaluated and compared with the standards of normality operationalized in the mission’s more than 120 reform projects and the benchmark of best European practice that informs them. Gaps in performance are identified and deviance is attributed to individuals or their organizational environment. To
address institutional shortcomings, the mission (re)engineers legal and calculable spaces and relations within the targeted police organizations and between them and the political system to implant European notions of security and performativity in local policing structures and processes.31

As to shortfalls at individual-level, these are corrected through mentoring. This operation involves subjecting the mentees to repetitive criticism and inciting them to change their ways of doing their jobs. Mentors and mentees meet at regular intervals. At these occasions, the former present, to quote one of the co-locators we interviewed, their “truthful assessment” of the mentees. A principal element of this judgment, which mobilizes the seemingly universalizable and indisputable standards of policing embodied in the notion of best European practice, is to bring out the inferiority of indigenous policing conduct. Going beyond the calculated administration of shame, mentors also seek to activate certain ethical values in their mentees—say, a commitment to fair policing—and they insist on assisting them in making concrete plans for improving their technical skills in line with mission standards.

This highly personalized form of pedagogical development aid is supplemented by efforts to reshape the relations of mentees to their own selves. Thus, co-locators provide them with norms and little techniques for managing stress and pressure; developing clear career aspirations, and learning how to work effectively toward them; coping well in complex and uncertain environments; increasing self-confidence, and so forth. In short, through mentoring, co-locators effectively integrate techniques of the self into a panoptic regime of domination.

In the fourth and final stage of co-location, locals are again subjected to the penetrating gaze and “truth” of their overseers. This enables co-locators to make judgments about the scope and severity of remaining gaps between standards of normality and indigenous policing; it is also an opportunity for the mission leadership to review policy. At this stage, mission resources may be reallocated and projects of improvement may be refined, dropped, or added.

A characteristic feature of this regime is that co-locators immerse themselves in the details and minutiae of the work of indigenous police officers. This “intimacy” sharpens the individualizing gaze of the foreign experts and enhances their power to refashion the behavior and “souls” of the observed natives in the name of appropriate rules and codes of policing as they are defined by the mission. The upshot of the pastorate administered by the EUPM is that local police officers are, on certain issues, de facto answerable to it, rather than to local political structures or citizens.
In the case of the EUPM, the power of co-location is reinforced by the mission’s reforms of the police apparatus that bring into play the power to punish and to reward.\textsuperscript{32} For instance, through its Internal Affairs program, the EUPM, among doing other things, set up and reinforced professional standards units to deal with internal investigations and to assist in implementing disciplinary and noncompliance guidelines and procedures. One of the effects of these reforms is to valorize behavior that is in line with the policing ideology of co-locators and to deter and punish what is considered by the EUPM to be inappropriate conduct. Going beyond constraints and punishment, the mission also put in place incentive structures to incite officers to refashion themselves.

Of particular importance in this regard is the Police Administration program. The EUPM designed it to overhaul the recruitment and selection procedures and to elaborate a competitive career-development system aimed at increasing the motivation of police officers to work on their own “improvement.”

In the section that follows, we extend our analysis of the pastoral power in the police reform regime of the EUPM to one of its strategic priorities: the governance of crime in Bosnia. Our purpose is to document the power of the European Union to render criminality in the country intelligible under a certain description and capable of being subjected to a particular crime-control strategy. We begin by investigating the discursive field within which crime in Bosnia is interpreted. Next we analyze the mission programs through which crime control is made practicable. In doing so, we bring into focus the scope of pastoral power in these discursive and nondiscursive practices. We also show their effects.

\textit{Foreign-Threat Constructions: Policing Organized Crime}

The policing priorities of the post-Dayton Bosnian police were initially shaped by the IPTF. This determining role of external actors in setting policing goals has not changed with the launch of the EUPM. The mission, just like EUFOR Althea and other EU actors on the ground, identifies organized crime, to which corruption and terrorism are articulated as supplements on a security continuum, as the central law-enforcement issue in the country.\textsuperscript{33} Here, we want to interrogate this agenda. Without necessarily denying that organized crime in Bosnia hampers the construction of an order of liberal peace, we argue that there is nothing “natural” or inevitable about problematizing this form of criminality as the principal threat to, and emanating from, the country. We begin, however, by sketching out the narrative through which the
European Union focuses attention on organized crime in Bosnia and its western Balkan neighbors.

According to the EU Council’s Multidisciplinary Group on Organised Crime, which is responsible for the formulation of crime policies in the Justice and Home Affairs pillar of the Union, the Western Balkans are a crossroads for organized crime. Organized crime groups in the area are said to be engaged in a range of ventures, ranging from drug trafficking to illegal immigration, from trafficking in human beings to commodity smuggling (cigarettes, for example) and financial crime (as with money laundering). The threat posed by these activities is imagined to be very grave. The EU Council describes them as “real obstacles to democratic stability, sound and accountable institutions, the rule of law, and economic development.” Yet the narrative is not limited to constructing the region as being afflicted by organized crime. For instance, in the European security strategy, the European Council frames organized crime in the Western Balkans as a major threat to the European Union itself.

The European Commission, which is in charge of crime-fighting measures in the European Community pillar of the EU, shares the view of the council. Organized crime, it says, is “endemic to the region.” With regard to Bosnia, the commission paints the abysmal picture of a place where organized crime entered into a symbiosis with business and politics. This is seen as creating an environment conducive to a variety of illicit big-money operations. For instance, the smuggling of cigarettes, drugs, and other goods is said to be roughly equivalent to the annual state budget, and trafficking in persons is described as a sophisticated business. Furthermore, just like the European Council, the commission regards Bosnia and its western Balkan neighbors as “one of the gateways to the European Union for criminal activities” and thus as a grave danger to the European Union.

An even more extensive threat construction was provided by a ministerial conference on organized crime in southeastern Europe held in London at the end of 2002. At the conference, which brought together the European Union and the countries of the region, organized crime in southeastern Europe was framed as a megathreat. According to the concluding statement, it is linked to corruption and terrorism, it impedes investment and international trade, it keeps the countries of the region underdeveloped and corrodes their states from within, and it poses a serious and growing threat to the European Union. Hence, the document urges, everything possible has to be done to rid the region from the
scourge of organized crime: “It is an enemy we must defeat, or it will defeat us.”

The European Union, then, narrates organized crime as the principal criminality in Bosnia and its Balkan neighbors: Organized crime groups live off and victimize these places and abuse them as transit routes through which they threaten the European Union. This discourse, with its dramatic tone, is the obligatory grid of intelligibility through which countries such as Bosnia are rendered legible for themselves and the European Union.

To denaturalize the narrative and bring to the fore its contingency, we next show, with reference to Bosnia, what is mobilized out of its discursive picture and concealed by it. First, the narrative is structured around referent objects rather than referent subjects. Ordinary Bosnians have by and large been written out of it. It is not they who are imagined to be in need of police protection against crime; rather, the organized crime discourse selects for protection the Europeanization of the Bosnian state and the consolidation of its market economy.

Second, and closely related, the discourse articulates concerns about the fate of the country to EU concerns about its own security. Reflecting the fear in the EU member states about organized crime originating from or transiting through its “near abroad,” the insecurity narrative incites a slippage from law-enforcement aid based on the notion of local ownership of police reforms to the pursuit of Western crime-fighting objectives. The effect of this slippage is that a gap opens up between, on the one hand, the criminality prioritized by the EUPM and, on the other, the threat perceptions and feeling of insecurity of ordinary citizens.

Third, and no less noteworthy, the narrative problematizes organized crime in the absence of hard evidence. EU actors on the ground, including the EUPM, as well as governmental and non-governmental representatives of the international community and assorted local experts, regularly highlight in public the devastating impact of organized crime on Bosnia. Yet there is little knowledge of the extent of this form of criminality and its impact on the country. Further, while the crime-investigation success rate of the local police is above that of many EU members (old and new), the presumption of the European Union and other international peace builders is that it is not (yet) doing its job when it comes to organized crime. How otherwise could it be explained that the war against this enemy has not yet been won?

Again, we do not claim that organized crime does not exist in Bosnia or does not have any negative impact on its reconstruction.
Rather, we submit that the European Union’s construction of the most dangerous criminal activity in the country, and the agendas written into, or out of, the discourse, are at least as much based on speculation as on empirics. What is more, this insecurity narrative generates powerful effects: it incites EU intervention into the governance of organized crime in Bosnia. This will to govern and improve is made practicable by a certain criminological framing of the nature of organized crime, of its internal processes and external conditions that the European Union imagines can be acted upon to control it.

In its efforts to make organized crime governable, the European Union deselects criminologies that focus on social features—say, relative deprivation or lack of employment opportunities—as the reasons for deviant behavior. Rather, its view of the phenomenon is grounded in volitional theories that remove crime from the social relations within which it emerges. Organized crime is brought under description as an entrepreneurial activity like any other, a rational choice based on opportunities for criminal behavior and the likelihood and expected costs of prosecution.44 Hence, its dynamics are framed in terms of “the commodity-buyer-price formulae of neo-classical economics.”45

This economic mentality of thinking about organized crime is clearly visible in the EU Organised Crime Reports. The conception of criminal activity circulating in these analyses put out by Europol is marked by the abstract logic of rational choice and expressed in the language of commerce and industry. For instance, in the 2003 edition we read of “criminal goods and services” and the relocation of the activities of organized crime groups in search of better “criminal market opportunities.” Organized crime, which is referred to as a “complex industry” comprising “suppliers and subcontractors,” is said to pursue “diversification into multi-crime activities” and to “exploit the absence or delay of political [crime-reducing] initiatives.”

In the next section, we bring into relief how the EUPM constrains Bosnian police forces to act on the European Union’s problematization of organized crime and what the effects of this translation are.

Foreign Interventions: Crime-fighting Programs

The EUPM deploys a series of reform programs through which it concentrates Bosnian crime-control measures on organized crime.46 Moreover, these programs, which upgrade the administrative, operational, and technical capabilities of the indigenous police, institute
a crime attack strategy that is built upon the European Union’s economic imagery of criminal behavior. The strategy, we shall argue, has the unintended effect of reinforcing pastoral relations between, on the one hand, the EUPM and the local police and, on the other, the latter and citizens.

Of particular importance in redirecting Bosnian policing toward the fight against organized crime is the Crime Police Programme, especially its special project on major and organized crime (MOC).47 One of its key subprojects focused on the restructuring of the criminal-investigation departments across the country. Co-locators were tasked to work with local authorities to put in place a new organizational structure that gives priority to major and organized crime, rather than regular or bulk crime. In line with their advice, the crime departments at the state and entity levels as well as the crime department of the Brčko District were restructured to reflect the new focus. The departments were divided into seven subdivisions, including units on organized crime, terrorism, and human trafficking. At lower administrative levels, too, crime departments were remodeled under the watchful eye of co-locators whose job was to ensure that the process was both compatible with the new organizational model institutionalized at the state and entity levels and tailored to the local crime threat.

Another key MOC subproject was concerned with the institutionalization of intelligence-led policing in the local police forces.48 To implement this technology-based, proactive crime-fighting methodology that relies on risk assessments, the mission insisted upon and secured the establishment of criminal-intelligence support subdivisions in all crime departments. It then elaborated guidelines, procedures, and routines for the work of the new intelligence units to ensure the effective management of the collected data on (organized) criminal activities. For instance, the EUPM program-development department created templates for recording and maintaining crime intelligence, including criteria for assessing, coding, and retrieving the information and procedures for ensuring data security. Also, it identified and codified the routine tasks of intelligence officers—say, through the definition of the format of daily intelligence briefings. Co-locators verified the correct implementation of these procedures. Additional MOC projects included the development of witness protection capabilities and specialized training courses on organized crime.

A closely related EUPM reform program centers on the State Investigation and Protection Agency (SIPA). The agency was set up by the IPTF in 2002 to act primarily as an informational clearing
house facilitating the exchange of crime-related intelligence between the decentralized local police organizations. Once the EUPM took over from the IPTF, it quickly concluded that the fragmentation of Bosnian law enforcement was a serious obstacle to an effective attack on organized crime. Consequently, in the new SIPA law, which was drafted by the OHR and the EUPM and came into force in summer 2004, the remit of the agency was expanded, notably by adding a stronger operational component with a view to enabling it to play a pivotal role in the state-level fight against major and organized crime.

Initially, EUPM co-locators were heavily involved in drafting the book of rules on the internal organization and the organizational chart of the institution. Later they began to focus on improving the systematic gathering, analysis, use, and exchange of intelligence as well as the flow of intelligence between Bosnia and foreign law-enforcement agencies. Through their mentoring, monitoring, and inspecting activities, co-locators shaped the agreements on intelligence exchange and the installation of appropriate computer hardware and software for intelligence handling, storage, and exchange.

The point we want to make here is that, just like the crime police program, the SIPA program promotes an intelligence-led policing model. Yet, while the former takes the decentralization of the indigenous crime police as a given and thus focuses on capacity building at the local and regional level, the latter seeks to centralize the fight against organized crime through building up a strong state-level agency with investigative powers.

So far, we brought into focus how the EUPM, in line with the European Union’s rendering of the danger of organized crime, prioritized this criminality in its reform activities. Also, our discussion highlighted how the mission went about institutionalizing a preference for a detection- and arrest-oriented crime-control strategy in the local police apparatus. This strategy, which is informed by the economistic criminological categories through which the European Union apprehends crime and crime control, emphasizes the investigative and coercive powers of the indigenous police, notably the proactive gathering of intelligence on individuals and groups and their intimidation and incapacitation based on risk assessments. Next we show that the mission’s crime-control approach is marked by a double bias, which, we contend, strengthens, albeit inadvertently, the political pastorate at the core of the EUPM.

First, the approach downplays policies that, based on the recognition of the contribution to crime reduction of a partnership between the police and the public, ally crime control with the democratization and “localization” of policing. The mission’s state-
centric law-and-order approach presupposes that the police, through the judicious use of its sovereign powers, is capable of providing territorialized security. Arguably, however, crime control is beyond the capacity of the state police in the absence of strong societal control mechanisms. And it is precisely such social mechanisms that are missing in post-hostility countries. More important from a normative perspective, through its preoccupation with fashioning prosecutorially minded police officers and its attendant lack of concern for a strong police-citizen interface, the mission undermines its own objective of combating one of the legacies of ethnic fighting: the nonconsensuality in local police-citizen relations.

Second, the EUPM deselects social crime-prevention strategies. Besides the fact that a focus on tracking down and cracking down on criminals is arguably of limited effectiveness in dealing with (organized) crime in a post-hostility society marked by high poverty and unemployment rates and other symptoms of underdevelopment, the lack of sensitivity to the localizing socioeconomic context also raises normative questions. What is the ethical posture of the European Union toward a cultural other and the normative space given to the other’s autochthonous development? The standards of universalizable normal life built into the EUPM’s crime agenda partly clash with how (some) locals fashion their lives in contexts that strongly differ from those in the West. At least certain forms of “organized” crime fought by the European Union, such as people smuggling and illegal logging, are not so much a deviation of normal social life in Bosnia and the restless European Elsewhere than a coping mechanism—that is, a productive adaptation of citizens to the normality of underdevelopment and conflict. In denying the legitimacy of such “alternative” practices and trying to suppress them, the EUPM adds a layer of “excess governance” to its projects of improvement.

* * *

A principal theme that emerges from our excavation/mapping of relations of power/knowledge in EU policing in Bosnia is that “unfreedom” in peacebuilding may work through inconspicuous political technologies and harmless knowledges. While, for instance, the often spectacular exercise of quasi-sovereign powers by the OHR is easily recognizable, and thus easily criticized, the humble and mundane practices of the EUPM and the policing knowledges inscribed in them seem to be characterized by the absence of power effects. Yet, as we have shown, there is pastoral power in seemingly innocuous practices—a form of power that is, however,
microphysical and diffuse in nature.

Our critique notwithstanding, we do not want to belittle the European Union’s efforts to assist war-torn countries in the reform of law enforcement. To conclude, we thus exploit the conceptual clearing provided by our Foucauldian analysis of the opaque, nonsovereign forms of power produced and sustained by the EUPM to foreground our normative intent. We begin by sketching out specific ways to render current and future ESDP police aid less nonegalitarian before developing a more general argument as to how the pastoral element in peacebuilding can be limited.

To advance the agenda of what we call “police aid lite,” we identify two distinct sites in the police-aid complex at which the play of domination and freedom can be configured differently: the relationship between ESDP missions and local police forces and the indigenous police-subject relations incited by missions.

To reduce the salience of pastoral power in the relationship between EU police experts and those to be improved, we urge a move toward police aid based on indirect and persuasive forms of co-location, the mobilization of local knowledges and concerns, and the radicalization of the commitment by the European Union to the local ownership of policing reforms. Among other things, this would imply that co-locators, in their relationship with the indigenous police, put less emphasis on surveillance and mentoring and more on open-ended, dialogical interaction. As it is currently configured by the European Union, the technology of co-location brings into play a mimetic process in which police officers in target countries are incited and constrained to adopt “best European policing practices.” The result is a nonegalitarian relationship in which one party directs and the other takes advice.

A dialogical version of co-location would be based on the reciprocal perspective-taking of ESDP experts and indigenous police officers. The role conception of the former would be that of partners, rather than overseers. They would try to affect behavioral and attitudinal changes through the give and take of argumentation, while showing a willingness to be persuaded by good arguments as to why their advice cannot be accepted or has to be adapted to the cultural, economic, and political contexts of indigenous policing. Co-locators and local police officers would thus be bound together in a relationship of near equals in which the former would abandon their claim to possess universalizable policing expertise that is superior to local policing knowledge and norms.

Also, we urge the European Union to pay more attention to the power effects of its criminological knowledge and the crime-fighting approach allied to it. Its decontextualized, economistic framing of (organized) crime prompts ESDP police missions to pro-
mote a “hard policing” style in target countries. Yet by emphasizing intelligence-led policing and other technology-based, sovereign policing methods, they reinforce the existing barriers between local police officers and citizens. The former come to see themselves as professional crime fighters, and they begin to cultivate their own expertness.

The upshot of the ensuing professional closure is that the pastoral element in the relations between police officers and citizens remains strong. To avoid such an unintended effect, missions have to “soften” the crime-fighting approach they seek to institutionalize in the indigenous police. We recommend they place less emphasis on technology and more on community relations in the pursuit of public security.\footnote{This would imply that EU experts promote a more “caring” policing style that aims at assisting people who experience some kind of personal emergency such as sexual abuse and help communities address the deep-seated problems of which crime and disorder are merely the symptoms.} This would imply that EU experts promote a more “caring” policing style that aims at assisting people who experience some kind of personal emergency such as sexual abuse and help communities address the deep-seated problems of which crime and disorder are merely the symptoms.\footnote{In more abstract terms, the reconfiguration of ESDP police interventions suggested here would amount to joining a commitment to international assistance to an ethos of agonistic respect for difference. We imagine missions to be more careful in making sure gradually to limit the pastoral relations sustained by them, which initially may be needed to keep the peace and suppress extralegal coercion by the indigenous police. They would actively seek ways to quickly move from framing local police officers and citizens as subjects in need of pastoral care to treating them as liberal subjects of responsibility, autonomy, and choice.\footnote{The missions’ projects of improvement would be more closely aligned with the aspirations, desires, interests, and ways of doing of the locals. The upshot would be that the form and substance of indigenous policing would not be reshaped in line with best Western/European practice as it is currently stipulated by mission mandates, but in accordance with how the Europeans and the natives negotiate the tensions and contradictions inscribed in the relationship between the international and the local, the universalizing and the particularizing. The normative promise of this limited reform agenda is not that relations of power would be evacuated from ESDP police aid or that post-conflict policing would be transfigured into a domain of democratic powers, but that their practices of “unfreedom” would be held to a minimum.}

Finally, we contend that there is a more general conclusion for peacebuilding to be drawn from the way in which we engaged EU policing analytically and prescriptively. The international construction of an order of liberal peace in post-hostility societies, we argued, is informed by a hybrid rationality combining the pastorate and lib-
eralism. The pastoral element creates the ever-present tendency in such projects of improvement to degenerate into overtly authoritarian interventions. Yet this tendency can be attacked from within the *imaginaire* of peacebuilding through the strategic deployment of the other rationality enfolded in its practices. The critical ethos of liberalism can drive cracks into the solidity of pastoral relations produced and sustained by peacebuilding provided it is articulated to an analytical approach that is capable of documenting the unspectacular ways in which domination operates in such international endeavors.

As we have shown, Foucauldian governmentality studies fits the bill. The bringing together of its analytical tools and the critical ethos of liberalism empowers critics to denounce the unaccountable pastoral power licensed by international projects of improvement and to create the conceptual space for more self-limiting and less nonegalitarian practices. The practical value-added of such a move is that it opens up a space of contestation that enables critics to call upon peace builders in their own political language to honor liberalism’s commitment to limited government.

Notes


16. This hybrid political rationality is not unique to peacebuilding. It is a manifestation of the “daemonic” coupling of the political pastorate and liberalism that Foucault regarded as characteristic of modern governmentalities. Indeed, one can even go farther and argue that despotism is an inextricable part of liberalism: There is a pastorate at the very core of liberal freedom. See Mitchell Dean, “Liberal Government and Authoritarianism,” Economy and Society 31, no. 1 (2002): 37–61; Hindess, note 14; and Mariana Valverde, “Despotism’ and Ethical Liberal Governance,” Economy and Society 25, no. 3 (1996): 357–372.


22. For details, see Michael J. Dziedzic and Andrew Bair, “Bosnia and the International Police Task Force,” in Oakley, Dziedzic, and Goldberg, note 5, pp. 253–314.

23. Council Joint Action of March 11, 2002, establishing the EU Police Mission (2002/210/CFSP). The mandate of the EUPM expires at the end of 2005. Preparatory work on a follow-up mission, which will probably last until 2007, is well advanced, both on the ground and in the EU Council.

24. To ensure smooth cooperation between the OHR and the EUPM, the high representative, Paddy Ashdown, was also appointed EUSR.

25. Between 2002 and 2005, the European Commission allocated about 18 million aria to policing reforms in Bosnia.

26. For instance, in contrast to the IPTF, the EUPM cannot decertify Bosnian police officers.

27. The EUPM enhanced the involvement of locals in Bosnian policing reforms by, among other things, setting up a Police Steering Board and working groups for each EUPM reform program. In these fora, the EUPM consults with senior local police officers on its reform priorities and
projects and internationals and locals jointly monitor and assess the progress of the mission reforms and elaborate recommendations for improvement.


30. To subject indigenous policing to their gaze, co-locators require, and are given, unimpeded epistemic access to local officers, premises, internal documents, and decision-making processes.


32. Bosnian police officers who try to resist the disciplinary gaze of co-locators can be dismissed by the high representative, against whose decisions there is no recourse.

33. EUFOR Althea is integral to the European Union’s engagement in the war on organized crime in Bosnia. For instance, in 2005 EUFOR Althea conducted a series of countrywide anticrime operations, including roadblocks and border surveillance. The OHR, too, is involved in the fight against organized crime as part of its engagement in rule-of-law reforms. Thus, the Rule of Law Department, while significantly smaller than the Rule of Law Pillar that it replaced in October 2004, continues to have an executive mandate. Notably its Anti-Crime and Corruption Unit plays an active role in the war on organized crime.

34. General Affairs and External Relations Council, 10369/03, Presse 166 (Luxembourg, June 16, 2003), p. 15.


40. Other international actors, including NGOs, dramatize organized crime in the country in similarly stark terms. For instance, in a recent report on organized crime, the Institute for War and Peace Reporting described contemporary life in Sarajevo in the following way: “Mafia shootouts and bombings continue to shake Sarajevo, and people living here say they have not felt so unsafe since the 1992–95 war”: Hugh Griffiths and Nerma Jelacic, “Investigation: Will Europe Take on Bosnia’s Mafia?” *IWPR*

41. For instance, a survey of people’s feeling of insecurity in Banja Luka, which was carried out in the context of a Swiss project running from 2001 to 2002, found that “[v]andalism, violence and crime perpetrated by idle youth [were] accentuated as three main security problems.” Moreover, “[d]isrespect of traffic rules and irregular vehicle parking [were] marked as the prime problems of the city”: Milan Danicic et al., *Good Governance in Bosnia and Herzegovina: Police Training for Democracy* (Holzkirchen: Felix Verlag, 2003), p. 43. See also the Bosnian victimization survey carried out in 2001, which found that 75 percent of the population felt secure, compared with, say, 77 percent in Belgium and 64 percent in Poland. The survey is quoted by ICMPD and TC Consult, “Financial, Organisational, and Administrative Assessment of the BiH Police Forces and the State Border Service,” Final Assessment Report (Sarajevo, 2004), p. 6.

42. For different academic assessments of the criminalized political economy of Bosnia and its western Balkan neighbors, see, for example, the various contributions to the special issue of *Problems of Post-Communism* 51, no. 3 (2004); Michael Pugh and Neil Cooper, *War Economies in a Regional Context: Challenges of Transformation* (Boulder, Colo.: Lynne Rienner, 2004), chap. 5; and Francesco Strazzari, “Between Ethnic Collision and Mafia Collusion: The ‘Balkan Route’ to State Making,” in Dietrich Jung, ed., *Shadow Globalization, Ethnic Conflicts, and New Wars: A Political Economy of Intra-State War* (London: Routledge, 2003), pp. 140–162.

43. See, for instance, the statistics in ICMPD and TC Consult, note 41, p. 39.


46. The IPTF, too, incited the local police to prioritize the fight against organized crime, notably from 1998 onward. Hence, there is a certain continuity between the IPTF and the EUPM activities in this area. For instance, the IPTF’s Special Trafficking Operations Programme (STOP) was followed up by the EUPM Fight and Intervention Against Human Trafficking (FIGHT) project.

47. Due to space constraints, our discussion of EUPM crime-fighting measures is limited to two reform programs. For a comprehensive description and analysis of relevant mission reforms, see Merlingen and Ostrau-skaitė, note 31, chap. 4.

48. This MOC subproject was closely tied to another crime-police project that contributed to the establishment of a countrywide computer network to handle crime-related intelligence and information.

49. At the time, the institution was called the State Information and Protection Agency.

50. Bosnia’s decentralized policing structure is made up of twenty different forces allied to fourteen different legal orders at three different governance levels.

51. Another important player in the digitalization of SIPA’s criminal intelligence was the already mentioned International Criminal Investigative Training Assistance Program (ICITAP) from the United States, which is the principal bilateral police-aid donor in the world.

52. The development of state-level public security agencies is one component in the European Union’s two-pronged strategy to change
Bosnia’s geographically fragmented policing structure. The other track consists in creating a new single structure across the country, a process that is expected to be completed by the end of 2007.

53. There are isolated initiatives to make policing more responsive to local needs (e.g., the Ustikolina community policing project), but overall, these efforts remain underdeveloped.

54. Cf. Waddington, note 11, p. 11.


56. This is not to say that such a policing model is a panacea. For a critical view of its transformational effects in countries in transition, see Diana R. Gordon, “Democratic Consolidation and Community Policing: Conflicting Imperatives in South Africa,” *Policing and Society* 11, no. 2 (2001): 121–150.

57. Such a reorientation of ESDP police aid does not mean that the local police would be encouraged to go soft on crime. On the contrary, it holds the promise of rendering the indigenous police more effective with regard to certain types of (organized) crime such as trafficking in human beings that can only be tackled by empowering communities to control themselves. Also, by promoting stronger community ties, ESDP missions would contribute to greater police effectiveness by encouraging citizens to provide local officers with the necessary crime-related information that is so crucial to high clear-up rates. However, while such a caring policing style that focuses on issues of justice and the quality of life in local policing, in addition to law and order issues, limits the pastoral power in police-citizen relations, it is by no means beyond power. Policing, as we argued earlier, inevitably generates effects of power as it secures the security of a historically situated, particularistic social order.