International Journal of Human Rights, Volume 23, Issue 4, 2019, pp. 447-453
DOI:10.1080/13642987.2018.1503897

Introduction to Special Section on 'Police Reform and Human Rights in the Western Balkans'

Gemma Collantes-Celador[1] and Stephanie Schwandner-Sievers[2]

Throughout the Western Balkans a range of international actors have been involved in the comprehensive reconstruction of polities, economies and societies ravaged by the violent conflicts and political turmoil of the 1990s. The reform of police forces in accordance with international policing and human rights standards and practices has played a crucial role in the wider peace- and state-building efforts. To international proponents of liberal democratic governance, the police, alongside the judiciary and the penitentiary system, should serve as an important pillar of protecting human rights.[3] Given a history of the police's participation in the war efforts during Yugoslavia's disintegration process as well as their role as henchmen of the previously ruling regimes,[4] tackling the legacies of ethnic bias and human rights violations in the police forces appeared of utmost importance. Beyond this specific war-related necessity and guided by the concept of 'democratic policing', international-facilitated police reform processes in the Western Balkans – like in many other parts of the world – have aimed to turn the police into a 'servant' of citizens, not the state. This implies that the police forces should operate in an accountable, transparent and law-abiding manner in accordance with internationally and domestically agreed human rights standards. The envisaged result is the provision of security to all citizens equally, which in turn contributes to the improvement of domestic human rights practices and the emergence of a rule of law culture.[5] But how effective have these endeavours been in practice? What lessons can we draw from efforts to implement democratic policing agendas in the Western Balkans?

Published by Taylor and Francis. This is the Author Accepted Manuscript issued with: Creative Commons Attribution Non-Commercial License (CC:BY:NC 4.0).
The final published version (version of record) is available online at DOI:10.1080/13642987.2018.1503897. Please refer to any applicable publisher terms of use.

The idea and original conceptualisation of this special section harks back to an interdisciplinary workshop on 'Police Reform and Human Rights in the Western Balkans', which we co-organised in 2012, together with Denisa Kostovicova of the London School of Economics and Political Science, at the Crucible Research Centre for Human Rights of the University of Roehampton, London. The workshop also benefited from the support of the South East Europe Working Group of the British International Studies Association. However, apart from ourselves (Gemma Collantes-Celador is a security studies expert at Cranfield University at the Defence Academy of the United Kingdom, and Stephanie Schwandner-Sievers a social anthropologist at Bournemouth University, both specialised on the region) and two of the contributing authors, Barry J. Ryan and Tobias Flessenkemper, the other contributors to this special section joined the project after the workshop. True to the original workshop's objectives, the aim has remained to investigate why and how the policing-human rights paradigm, as designed by the external interveners, often faced important challenges at grassroots levels during the implementation phase. Given the interdisciplinary diversity of the project as well as of the contributing academic experts and practitioners, we posed a set of initial questions to ensure cohesion in the ensuing discussions:

a) Are 'universalist' and 'local' paradigms of policing and human rights valid categories when making sense of the complex reality on the ground? Is this a competing or a complementary relationship?
b) Are externally introduced paradigms on policing locally subverted and resisted? If so, why, how and by whom? Are human rights in the context of police reform understood and implemented in the same manner by the various international and domestic stakeholders in the reform process?

c) Whose human rights are prioritized and/or marginalized? Who or what (actors, domestic politics, socio-cultural dynamics) determines this prioritization of human rights? How does such prioritization affect the implementation and outcomes of police reform?

In line with classic ethnographic approaches in the social sciences, particularly in social anthropology[6] and in area studies at large, and with new methodological and theoretical perspectives reflecting a shift from state-defined approaches to those of individuals and communities, evident particularly in Security Studies,[7] the contributors were thus asked to engage with the police reform – human rights nexus as experienced at grass-roots level. Already the 2012 workshop thus subscribed to the premise that the key to effective international intervention lies in a serious engagement with the perspectives of the intended beneficiaries of international interventions. In recent years, such approach, particularly in peace studies, has become prominently known as, and subsumed under, 'the local' or 'ethnographic turn'.[8]

However, contributors were encouraged to go beyond simply mapping a disconnect between the external design of the reform processes and its transformation and adaptation to the local context. We outlined three lines of enquiry as the basis for engaging more meaningfully with the police reform – human rights relationship in the Western Balkans. We hope that these lines of enquiry might offer wider applicability when assessing human rights reforms in the police sector in post-conflict and transitional processes elsewhere: firstly, to problematise the all-encompassing notion of 'the local' within the specific contexts interrogated; secondly, to trace the ways in which 'universalist' approaches and paradigms, implemented through top-down reform policies, might have been subverted and resisted by domestic actors and thereby led to concrete, yet often different consequences from those

intended; thirdly, to explore the ways in which local knowledge and experiences might have shaped grass-roots perceptions, expectations and agency in response to the externally-led reform process. The case of police reforms in the post-conflict and post-communist Western Balkan societies thus allows us to trace the actual social and political life of human rights beyond normative legal scripture and discourse alone.[9] This objective was originally inspired by R. A. Wilson's anthology of classic social anthropological studies into the 'tensions between global and local formulations of human rights' and 'the two intertwined processes of the legal venacularisation of human rights law, and the projection of local political discourses and practices into the global political language of rights'.[10] It also draws from human rights and conflict studies scholar Mark Goodale's suggestion that a better understanding of 'the chaos of human rights praxis' on the ground might be the only way forward to advance human rights for local people in legal recourse, practice and experience beyond an aspirational intervention discourse alone.[11] In the case of the Western Balkans such necessity might be of greater urgency against an intervention context which political contestants in the region and international critical analysts alike have often denounced as a neo-colonialist intervention regime.[12]

The three countries analysed in this special section – post-communist Albania and the Yugoslav successor states of Serbia and Montenegro – all have in common that they currently enjoy formal candidate status in the European Union (EU) accession process. Several relatable results emerge through these different case studies, even though their treatment is distinct in terms of the issues the contributing authors have chosen to focus on, while critically assessing the human rights provision resulting from external interventions into specific processes of domestic police reform. Conversely, the quite different cases of Bosnia and Herzegovina, and Kosovo, both – as of yet – only with potential candidate status in the EU accession process,

and both with different patterns of involvement by external actors, are not discussed as separate case studies. Tobias Flessenkemper's introductory chapter, however, offers a wider regional overview, including a focus on these two special cases, which illustrates the complex and dynamic relationship between police reform and human rights from a regionally comparative perspective.

Drawing from his extensive professional experience working as political advisor for the European Union in the Western Balkans, Flessenkemper analyses EU reforms and their effects, on the ground, in the region, as an evolutionary process shaped by three overlapping and inconclusive approaches - *containment, intervention, integration*. These approaches were not driven by 'universalist' paradigms of human rights and/or policing but rather responded to the constant tension between the EU's desire to democratise the Western Balkans and the need to meet its member states' security needs (especially around the growing securitisation of migratory movements) via creating stability in the region. Flessenkemper's analysis can be situated within contemporary debates on the emergence of a 'stabilitocracy' in the Western Balkans. This concept refers to the backsliding or stagnation of democratic governance with active or passive toleration by external actors, namely the EU, in exchange for the false promise of stability.[13] Flessenkemper both substantiates and expands the 'stabilitocracy' debate by historically tracing the inherent tension between democracy and stability aims in EU policy for the Western Balkans from the 1990s to 2014 through the prism of the externally introduced and demanded police reform process. Flessenkemper concludes that, exactly through this evolutionary process, debates about the relationship between democratic policing and human rights have entered the domestic public and political spheres in the region; and institutional and organisational frameworks of the police have changed, indeed. However, most remarkably, he

also documents that a corresponding transformation in the attitudes of police officials or in the political culture of governing elites in charge of the law enforcement sector has not taken place.

These conclusions resonate with the more specific findings of the three case studies. Albeit from different angles, all three describe the politicisation of law enforcement and related reform processes with clear repercussions in changing institutional cultural practices and mindsets, including around human rights. This politicisation, de facto, has compromised existing, civic potentials and capacities, among both individual police officers and the wider populace, for improving human-rights based policing at local levels. For example, Barry J. Ryan's Foucauldian analysis of Montenegro, observing encounters of the Montenegrin police with various marginalised communities, including the Roma, reveals the inherent difficulties in changing the mindset of police officials amidst a securitisation and marketisation-driven national regime of liberal governance as shaped by international intervention. On the one hand, Ryan concludes that the liberal reforms introduced in Montenegro have made the police more disciplined and more competent, particularly in information gathering and sharing with international security partners. On the other, doubts remain on how much those reforms have enabled a broader and more solid legitimacy basis of the police beyond its traditional support base. However, the latter is a crucial component in any democratic policing agenda that prioritises, among other things, the protection of human rights and fundamental freedoms of all individuals and communities in society. His contribution, overall, describes how Montenegrin authorities used the post-Yugoslav new discourse of human rights and fundamental freedoms not to emancipate, but rather to enhance their political and economic control over the population. Comparably, yet with a specific focus on social activism towards gender equality in Serbia, security studies expert Filip Ejdus and psychologist and activist Mina Božović's article speak to the limits of human rights reforms within wider Europeanisation

discourses that many local stakeholders perceive as externally introduced with little local history. These authors explore the obstacles – at times politically endorsed but more generally emboldened by a hesitating government position and strong societal opposition – which effectively prevented Pride Parades for taking place peacefully in Serbia up until 2014. Against a background of domestic laws guaranteeing the freedom of public assembly and EU pressure, Ejdus and Božović describe three distinct sets of indirect methods used by the police to contest and resist the holding of Pride Parades: *hypersecuritisation*, *technical obstruction* and *responsibility transfer*.

As already indicated above, Flessenkemper's study of the EU as a primary driving actor of the reform process regarding policing and human rights issues in the Western Balkans situates the specific case studies of Serbia, Montenegro and Albania in a historical continuum of external interventions underpinned by the securitisation/democratisation tension. While the three subsequent case study contributions do not necessarily follow an anthropological path of engaging with culturally potentially different understandings of how human rights might be conceptualised, they do reveal both some intended and much unintended impact of the EU's democratisation versus stability contest on the human rights culture on the ground. It is thus the EU's 'stabilitocratic' ambivalence in conjunction with specific domestic political agendas and strategies that have shaped the police reform processes in question. Ejdus and Božović's analysis of the Serbian government's and its police forces' inability to protect the freedom of public assembly for Serbia's lesbian, gay, bisexual, trans, intersex, queer (LGBTIQ) community in the period between 2001 and 2013, is a case in point. As these experts demonstrate, discrimination against the LGBTIQ community was mentioned for the first time in the 2008 EU Progress Report due to the prioritisation for years of issue pertaining to the International Criminal Tribunal for the former Yugoslavia (ICTY) and to the Kosovo situation.

Each of the three subsequent EU reports analysed by Ejdus and Božović engages more deeply with this issue and is increasingly more critical of the Serbian police and political authorities. Their findings for the case of Serbia tally with Flessenkemper's argument on the EU oscillating between 'negative' and 'positive' human rights obligation demands of the police as reflecting the highlighted tensions between its democratisation and stabilisation aims.

Criminologist Arianit Koci and sociologist Tonin Gjuraj most directly address the possible dissonances that can arise when externally introduced concepts from different social, political and cultural backgrounds are locally implemented. They describe the introduction of 'community policing' as a means of crime reduction in post-communist Albania against very specific constellations on the distribution of political power, centrally and locally, that differ from standard EU (and US) assumptions. As with the other contributions, their specific approach to the discrepancies described here also focussed on what they identify as cultural misunderstandings, that have opened up the space for local interpretations and political manipulations that have effectively undermined the human rights improvements in policing intended by the international interveners.

In summary, the case studies of Serbia, Montenegro and Albania included in this special section respond to the three lines of inquiry identified earlier - i.e. the notion of 'the local'; patterns of subversion and resistance by domestic actors; and the role of local knowledge and experiences in informing grass-root perceptions, expectations and agency - in very distinct and different, yet evocative and comparable ways. All three contributions disaggregate the notion of 'the local' by emphasizing the positionality – often in opposition to each other - of various domestic stakeholders, ranging from governments, individual police officers and trade unions to religious leaders, NGOs, journalists, small businesses and the wider population, to name a few. In doing so they reveal considerable, and always contextually specific, civic potentials

and legacies. Most notably, each of the contributions describes – within this broader notion of 'the local' – spaces for resistance, subversion, adaptation created by contradictory domestic and international political interests, exploitations and prioritisations.

The synopsis provided here of the four articles that form part of this special section cannot do sufficient justice to the wealth of empirical material contained in each of them. However, we do hope it provides a useful indication of the value which the following articles, some of these completed already a couple of years ago, still hold for the ongoing study of two pertinent issues. Firstly, by contributing to a better understanding of the unintended impact at grassroots level of security and securitisation dynamics as shaped by the ongoing EU-Western Balkans relationship and negotiations over accession (now evident in the Berlin Process and the impact of Brexit in the region). Secondly, by contributing a South East European (Western Balkan) set of case studies to the ongoing search for best approaches to the protection of human rights and fundamental freedoms in police reforms in post-conflict and transitional societies.

Acknowledgements

The guest editors are grateful to all the contributing authors for their patience and understanding in the rather lengthy germination process of this Special Section; to Denisa Kostovicova for her initial collaboration in this project; and to Tobias Flessenkemper for helpful suggestions on an earlier version of this Introduction to the Special Section.

[1] Centre for International Security and Resilience, Cranfield University at the Defence Academy of the United Kingdom, Shrivenham, UK. Corresponding author. Email: G.Collantes-Celador@cranfield.ac.uk
[2] Department of Social Sciences and Social Work, Bournemouth University, Bournemouth, UK.

[3] See, for example, Roland Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press, 2004); Paul Jackson, 'Security Sector Reform and Peace Building', *Third World Quarterly* 32, no. 10 (2011): 1803-1822.

[4] Florian Bieber, 'Policing the Peace after Yugoslavia: Police Reform between External Imposition and Domestic Reform', *Discussion Papers* 10-07 (2010), Tokyo: GRIPS, http://www.grips.ac.jp/r-center/en/discussion_papers/10-07/ (accessed February 19, 2016).

[5] See, for example, Christoph Bleiker and Marck Krupanski, 'The Rule of Law and Security Sector Reform: Conceptualising a Complex Relationship', *SSR Paper 5* (2012), The Geneva Centre for the Democratic Control of Armed Forces (DCAF), https://www.dcaf.ch/rule-law-and-security-sector-reform-conceptualising-complex-relationship (accessed May 1, 2017); David Bayley, *Changing the Guard: Developing Democratic Police Abroad* (Oxford: Oxford University Press, 1995).

[6] Wanda Vrasti, 'The Strange Case of Ethnography and International Relations', *Millennium: Journal of International Studies* 37, no. 2 (2008): 279-301.

[7] Mary Kaldor, *Human Security: Reflections on Globalization and Intervention* (Cambridge: Polity, 2007); Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Boulder, London: Harvester Wheatsheaf, 1991 – 2nd edition).

[8] Roger Mac Ginty and Oliver P. Richmond, 'The Local Turn in Peace Building: A Critical Agenda for Peace', *Third World Quarterly* 34, no. 5 (2013): 763-783.

[9] Richard A. Wilson, 'Afterword to Anthropology and Human Rights in a New Key: the Social Life of Human Rights', *American Anthropologist* 108, no. 1 (2006): 38-51; Damien Short, 'Sociological and Anthropological Approaches', in *Human Rights: Politics & Practice,* ed. Michael Goodhart (Oxford: Oxford University Press, 2009), 92-108.

[10] Richard A. Wilson, *Human Rights, Culture & Context: Anthropological Perspectives* (London: Pluto Press, 1997), 23.

[11] Mark Goodale, 'Toward a Critical Anthropology of Human Rights', in: *Human Rights: an Anthropological Reader*, ed. Mark Goodale (Oxford: Wiley-Blackwell, 2009), 379.

[12] See, for example, Mariella Pandolfi, 'From Paradox to Paradigm: The Permanent State of Emergency in the Balkans', in: *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, eds. Fassin, Didier and Mariella Pandolfi (New York: Zone Books, 2010), pp. 153-172. See also various indications of this debate in the contributions that form this special section.

[13] BiEPAG, 'The Crisis of Democracy in the Western Balkans. Authoritarianism and EU Stabilitocracy', *Policy Paper*, European Fund for the Balkans and Centre for Southeast European Studies of the University of Graz, 2017, http://www.biepag.eu/publications/the-crisis-of-democracy-in-the-western-balkans-authoritarianism-and-eu-stabilitocracy/ (accessed April 13, 2018)

https://dspace.org/

Introduction to Special Section on 'police reform and human rights in the Western Balkans'

Collantes-Celador, Gemma; Schwandner-Sievers, Stephanie

2019-04
Taylor & Francis
https://doi.org/10.1080/13642987.2018.1503897
Collantes-Celador G, Schwandner-Sievers S. (2019) Introduction to a special section on “police reform and human rights in the Western Balkans”. International Journal of Human Rights. Volume 23, Issue 4, April 2019, pp. 447-453

Downloaded from a DSpace repository. https://dspace.org/