

## **Under Construction: ESDP and the ‘Fight Against Organized Crime’**

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### **Abstract**

This paper discusses the phenomenon of ‘organised crime’ as a matter for EU foreign and security policy. Primarily aimed at searching for conceptual guidance, it draws on literature on criminology and policing, presenting two different theoretical perspectives for analyzing the phenomenon of ‘organised-crime fighting’, a utilitarian and a critical one. Against this backdrop, the paper discusses how ESDP has developed and engaged the issue of organised crime. Specifically, it outlines the character of ESDP as a mechanism for ‘civilian crisis management’ and illustrates its ‘working’ through the case of the EU’s police mission in Bosnia and Herzegovina (EUPM) by placing it in the two different theoretical frames. Deciding in favour of a social constructivist approach, the paper concludes by suggesting that a successful strategy must focus on the dissemination of the EU’s understanding of ‘organised crime’ abroad.

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## **Introduction**

The fight against organised crime has gained a prominent place on the EU’s security agenda. When EU institutions discuss threats and dangers, organised crime is one of them, “a true scourge”, an “enemy” that must be defeated, with the European Security Strategy (ESS) listing it as one of five main security challenges facing EU member states.<sup>1</sup> This assessment has led to notable institutional developments. Most visibly, the dissolution of borders between Member States has been accompanied by increased internal cooperation in police and judicial affairs and by strengthening the EU’s external border(s) around the Schengen provisions.<sup>2</sup> Hence, since the 1997 Amsterdam Treaty, Member States created an internal EU order under the label ‘Area Of Freedom, Security and Justice’ (AFSJ) by moving issues of asylum, immigration and external border-control in the domain of Justice and Home Affairs (JHA), and creating Europol, Eurojust, the European Judicial Network (EJN), and the border control agency FRONTEX. In addition to internal cooperation and strengthening borders, a third response to the governance of European security has been to task the emerging European Security and Defence Policy (ESDP) with addressing what the ESS calls the “external dimension” of organised crime (European Council 2003: 4). Fighting organised crime is among the declared goals of ESDP and an objective in a number of ESDP missions conducted since 2003.<sup>3</sup> This makes it part of the EU’s vaguely stated objective of developing “a stronger international society, well functioning international institutions and a rule-based international order” (European Council 2003: 9) through the EU’s trademark practice of “multilateral cooperation”. Yet if one pierces through this language, how precisely is ESDP involved in fighting organised crime?

In contrast to the first two responses, this question has, so far, not been given much scholarly attention.<sup>4</sup> This neglect can be seen as a result of four factors. The first is a conceptual blind-spot, namely that policing is generally understood to be a domestic practice with no link to foreign policy. Although the gradual dissolution of borders among Member States and the creation of the AFSJ challenged this view, this process only expanded the ‘domestic’ realm onto an EU level and moved the ‘foreign’ realm to the EU ‘outside’. Thus, research on EU activities to fight organised crime remains by and large limited to look at Member States’

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<sup>1</sup> European Parliament (2005); London Statement (2002); European Council (2000, 2003).

<sup>2</sup> For a discussion of the development of AFSJ, see Monar (2001); Rees (2003); Kaunert (2005); Lavenex and Wagner (2005); also Wagner (2003a).

<sup>3</sup> See Grevi et al. (2005); House of Commons (2006); and the EU’s website.

<sup>4</sup> Exceptions are Smith (2003); Rees (2003); Merlingen and Ostrauskaite (2005);

activities to cooperate ‘inside’ the EU and to stop organised crime from ‘entering’ the EU.<sup>5</sup> Second, as a foreign policy instrument (or, rather, process) ESDP is mainly scrutinized for its lack of military capabilities as compared to NATO. This fostered the view that attempts to forge a common foreign and security policy were failing, as the EU could not live up to expectations in responding to events in the Balkans in the 1990s (Gordon 1997), or now in supporting the American ‘war on terror’ (Shepherd 2006). Third, analyzing EU foreign and security policy is notoriously difficult. Research among students of CFSP/ESDP is characterized by attempts to come to terms conceptually with what they’re actually studying (Carlsnaes 2004).<sup>6</sup> The same difficulty bedevils, fourth, the notion of ‘organised crime’. If one goes beyond the popular image of the Italian mafia as a closely-knitted hierarchical organization, the phenomenon is difficult to pin down, with a recent EU-sponsored report on the topic even noting that “the combined international organised crime literature reflects a profound lack of a common theoretical understanding” (van Duyne and van Dijk 2006: 2).<sup>7</sup>

Recognizing these are serious obstacles, this paper’s aim is modest in making some first cuts into the topic by exploring ways how the EU’s ‘fight against organised crime’ could be analyzed. Starting from the view that an understanding of instruments developed under ESDP requires an understanding of the end(s) they intend to serve, the paper starts from the ‘bottom-up’. That is, it primarily aims at shedding conceptual light on the phenomenon of organised crime to see how it becomes a concern for foreign policy and what kind of ‘foreign’ policy it asks for. In its search for conceptual guidance, the paper begins by drawing on literature on criminology to present two different theoretical perspectives for analyzing the phenomenon of ‘organised-crime fighting’, a utilitarian and a critical one. Against this backdrop, the paper discusses outlines how these perspectives illuminate different facets of the EU’s strategy to ‘fight’ organised crime through ESDP. Specifically, it outlines the character of ESDP as a mechanism for ‘civilian crisis management’ and illustrates its working through the case of the EU’s police mission in Bosnia and Herzegovina (EUPM), the aim being less to provide a detailed empirical account of how EUPM has been ‘fighting’ organised crime but to get an idea of what its activities look like from the two different perspectives. The paper concludes by suggesting that a third angle is needed to understand the difficulties this mission is facing, and that ESDP’s most important but also most difficult task is to disseminate the EU’s understanding of ‘organised crime’ abroad.

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<sup>5</sup> Monar (2001); Rees (2003); Smith (2003); Kaunert (2005); Tekofsky (2006); Wagner (2003a).

<sup>6</sup> See also Winn and Lord (2001); Webber et al. (2004); and contributions in *International Peacekeeping* 11/3, 2004.

<sup>7</sup> See also Levy (2002); Contributions in Allum and Siebert (2003).

## Two Perspectives on 'Crime'

Thinking about how to differentiate 'criminal' from 'non-criminal' is a precondition for any policy intending to 'fight' crime. The question of what crime is lies at the core of criminological research, and though there is no singular answer, it is generally said to be 'committed' (or carried out) and therefore attached to certain kind of behavior. More precisely, one speaks of crime as an act (or practice) deviating from (or 'violating') an established norm (Garland, 2002). Identifying criminal behaviour thus logically requires the existence of a norm that can be deviated from, which consequently means that a definition of crime is always made against the backdrop of a definition of order and, as will be argued, a victim.<sup>8</sup> On this basis one can differentiate between two analytical perspectives (for a more differentiated overview of sociological theories of crime, see Rock 2002).

The first is the utilitarian or positivist/functionalist model which starts from a fixed understanding of order and, as a consequence, crime. It is what Robert Cox (1981) would call a 'problem solving' approach which deliberately blocks out complex analyses of motives and meanings, assuming instead that order is known and that focus must be placed on its protection. In what among criminologists is known as 'control theory' (Rock, 2002: 56f), the assumption is that individuals deviate from this order because it is profitable or enjoyable for them and, thus, that they will deviate if they can.<sup>9</sup> Yet such 'default' behaviour is seen as following a misguided rationality because it ignores broader societal norms and, in this sense, is considered 'normless'. Scholars working in this tradition tend to agree with the Durkheimian view that deviance, or normlessness, is a symptom of weak or broken bonds between individuals (or groups) and 'society', that is, "a consequence of defective social regulation" (Rock 2002: 52). Attempts to specify these broken bonds leading to (or allowing) criminal behaviour are also prone to identify pathological conditions, moving from an understanding of deviance as a practice towards reading it as a property of, for instance, class and/or ethnicity.

The second approach found in 'radical criminology', inspired largely by Foucault and developed as a critique of the utilitarian perspective focuses on the social construction of order and crime and, thus, on the very question of who defines criminal behaviour.<sup>10</sup> It rejects the view that there is (or can be) 'one' objective definition of order and crime, instead embracing the pluralist assumption that society is fractured into groups disagreeing about the

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<sup>8</sup> Of course, violating a norm does not automatically designate a crime, just as there are degrees for the severity of crime.

<sup>9</sup> Scholars justify this by emphasizing the predictive value of worst case scenarios allowing for the design of preventive measures intended to reduce or constrain incentives of would-be-offenders.

<sup>10</sup> Chambliss (1982); Campbell (1998); Bigo (2001); Nader (2003); Rock (2002: 65f).

meaning of normal behaviour. Hence, rather than conceiving of ‘anomie’ as norm-less and, thus, as acting without norms, ‘deviance’ is seen as acting according to a *different* understanding of order. Furthermore, because notions of order and disorder are seen as mutually-constituted building blocks of collective identity, the designation of ‘criminals’ is not merely a social convention but an almost inevitable one, an answer to the cognitive necessity of identifying the ‘Other’ (Connolly 1991). Assuming that labelling something/-one ‘criminal’ or not, is a *political* act, this approach asks for a critical analysis of discourses of ‘criminalization’.<sup>11</sup>

The difference between these two (admittedly stereotypical) perspectives on ‘crime’ is further visible in how they deal with the notion of ‘the victim’, an element which criminology has come to accept as central to a comprehensive understanding of crime.<sup>12</sup> This perspective is important because it brings into sharper focus the relational dimension of criminal behaviour as not merely ignoring (‘violating’) a rule written on a piece of paper but as negatively affecting (‘hurting’) the lives of other humans which can be identified as a victims. The identification of the victim is a necessary component in the criminal justice process, as “without the cooperation of the victim in reporting crime, furnishing evidence, identifying the offender, and acting as witness in court, most crime would remain unknown” (Zedner, 2002: 435), and it is an important conceptual element in perspectives on crime more generally, with a broadening of the victim category affecting the definition of crime, and vice versa.<sup>13</sup> In the utilitarian model identifying (potential) victims takes away the exclusive focus on the individual or group (potentially) committing crime and hence, requires a more comprehensive approach towards preventing/controlling it. Victims are thus interesting not only as a measure for crime rates but also for the tricky question to what extent they provoked the crime. The critical perspective rejects this latter question as an invitation for ‘blaming the victim’ and, more generally, criticizes the utilitarian approach for failing to take into account the political roots of victimization. More precisely, it argues that ‘the victim’ is nothing but a category serving the symbolic function of upholding a certain idea of order, blocking out other potentially more severe instances of human suffering. In tandem with its critique of ‘criminalization’ discourses, the victim category, in particular the fear of becoming a victim is seen as being instrumentalized for political purposes by the powerful.<sup>14</sup>

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<sup>11</sup> This is intertwined with the ‘securitization’ move pointed out by Ole Waever (Buzan et al., 1998; Williams, 2003)

<sup>12</sup> For overviews, see Elias (1986); Rock (1994); Davies et al. (2003).

<sup>13</sup> Which means victim is understood here as more than a single human being physically hurt.

<sup>14</sup> See, in particular, Elias (1986); Falandysz (1982); for a differentiation between ‘radical’ and ‘critical’ victimology, see Walklate (2006).

### **The Ambiguity of ‘Organised Crime’**

Before outlining how these two perspectives approach the phenomenon of organised crime it is necessary to unpack the qualifier and ask more generally what makes crime ‘organised’. As noted in the introduction, there is consensus among experts that ‘organized crime’ is notoriously difficult to define, with one scholar calling it an “open concept” (van Duyne). The 2000 UN *Convention against Transnational Organised Crime*, which serves as the primary reference for the EU’s approach, speaks of ‘organised criminal groups’ defined as “a structured group of three or more persons, existing for a long period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit (United Nations, 2000: Art. 2). The document goes on defining a ‘structured group’ rather loosely as “a group that is not randomly formed...and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure” (Ibid.). It is not difficult to see how this definition is rather vague, but so are attempts to grasp organised crime through concepts such as ‘system’ (Armao 2003) or ‘network’ (Castells 2000). What makes these groups (or systems/networks) criminal is the deviant practice of its members, with the UN defining ‘serious crime’ as a conduct constituting an offence punishable by at least four years of prison. This inserts actorness into the structural understanding of ‘organised crime’ (although it is notable that the above UN definition emphasizes the *aim* rather than the *act*).

Even if the prefix ‘inter’ or ‘transnational’ is not always used, organised crime is generally understood to be a cross-border phenomenon, with article 3(2) of the UN convention defining an offence as transnational if it is (i) committed in more than one state, (ii) committed in one state but prepared/planned/directed/controlled in another state, (iii) committed in one state but involves an organised criminal group that engages in criminal activities in more than one state, or (iv) if it is committed in one state but has substantial effects in another state. Once understood as such a cross-border phenomenon, ‘fighting’ organised crime ceases to be a purely domestic matter and inevitably becomes a foreign-policy issue. Hence, the ESS describes organised crime as an “internal threat” with an “important external dimension” (European Council, 2003: 4). The transnational character poses significant challenges to the understanding of foreign policy dealing with issues beyond state borders. First, ‘organised crime’ activities are assumed to follow an economic rationale – in pursuit of ‘financial or material benefit’ as the UN puts it – and must hence be assumed to be embedded in the logic of the market (Levi 2002; Allum and Siebert, 2003).<sup>15</sup> Yet the notion of the market as a self-

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<sup>15</sup> Practices commonly listed are trafficking of drugs and people, extortion, kidnapping for profit, toxic waste dumping, ‘sophisticated’ credit card fraud, money laundering, smuggling to evade tax on goods like alcohol and tobacco, copyright theft, and so on (Levi 2002: 880)

regulating mechanism makes it hard to pin down responsibilities and attribute offences to specific members of a 'structured' group, even more so with the market going 'global', which means that the picture of organised crime emerges only by connecting a number of 'local' activities across the globe (Levi 2002: 886). Second, a foreign policy aimed at addressing 'the external dimension' of organised crime not only faces the problem of pinning down the problem but must also find a way to convince other states that it is shared, as the decision as to what constitutes an 'offence punishable with at least four years of prison' varies with context. Agreement on the existence of a cross-border network or, at least, of the cause-effect chain between local activities in one part of the world (such as planting poppies in Afghanistan) and the impact in another (selling or consuming heroin in London) does not guarantee consensus on whether or what part of this chain qualifies as 'criminal'. Definitions of order and deviance are prerogatives of sovereignty and embedded in national (even local) cultural traditions, meaning the global landscape of crime cannot be read "too flatly" (Loader and Sparks, 2002: 98f).<sup>16</sup> These two problems emerge more clearly when trying to define the victim/threat of 'organized crime' and the strategies to address it.

### **Of Victims and Hosts**

Broadly speaking, organised crime can be seen as doing harm on two 'levels': the individual and the state/society (Massari 2003). They are interlinked in the EU's discourse. When the ESS identifies 'Europe' as a prime target for organised crime, it presupposes that there is something like an EU-internal understanding of order and deviance, the latter identified as the trafficking of drugs, women, weapons, and illegal migrants (European Council, 2003: 4f). According to a report published by the European Parliament, these activities are threatening because they "distort not only the free market and healthy competition but also the very rules of civil coexistence" (European Parliament, 2005: 31). This can be read as an attempt to give a universal meaning to the phenomenon, glossing over that the definition of 'healthy competition' and the 'rules of civil coexistence' may be EU specific and, thus, taking politics out of defining the order, threat and victim. Even more so, despite the ESS' acknowledgment that organised crime is an 'internal threat', its source is located in the EU's external space. It is framed as a global economic phenomenon that weakens state structures and fuels regional conflicts "in other parts of the world" (European Council 2003, 4f), with revenues from trafficking seen as undermining the rule of law and social stability. Organised crime thus becomes tied up with a breakdown of governance elsewhere, portrayed as both producing and thriving off regional conflict and state failure in what Robert Cooper (2004) called the 'pre-

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<sup>16</sup> Commenting on EU Member States' attempts to increase judicial cooperation among them, even The Economist recognized that "law is essential to national sovereignty and even identity. Arguments about logic and efficiency and logic are beside the point" (Economist, 2006).

modern world'. Indeed, the ESS projects the image of "weak states where organised crime flourishes" explicitly into the EU's neighbourhood (European Council 2003: 7).<sup>17</sup>

It is important to unpack the EU discourse. Incidentally, the ambiguity of the status of individual victimhood is particularly visible when it comes to the trafficking of human beings, the organised-crime activity most often referred to by the EU (Europol 2003; Aradau 2004; Saari 2006). It is not difficult to see how secretly crossing state borders bypassing the formal entry requirements is an illegal activity, and that the groups offering such a service qualify for committing criminal acts from the perspective of the state whose borders are being 'violated'. However, the utilitarian habit of working with clear indicators runs into difficulties when it comes to the question to what extent the trafficked humans are victims. On the one hand, they may have willingly paid for this service and, thus, knowingly collaborated with the traffickers. Technically speaking, absent an offender trafficked humans do not deserve the status of victims and could even be seen as part of the 'structured group'. On the other hand, if trafficked humans are being coerced into entering a slave-like relationship as in the case of forced prostitution or other kinds of labour, then they become mere commodities which do not possess agency and, thus, cannot be held responsible.<sup>18</sup> With reality presenting state authorities and concerned NGO's with a mix of these two scenarios, the representation of trafficked humans by state as well as non-state agencies is ambiguous and often contradictory. As Claudia Aradau points out, trafficked women are caught between a security and a humanitarian discourse which identifies them as both guilty criminals and innocent victims, metamorphosing "from suffering beings worthy of pity into risky beings who are to be contained" (Aradau 2004: 255).

This illustrates the broader problem of defining the 'state' as a victim of organised crime to 'the state', symbolized by the 2003 Europol report on human trafficking, which begins by noting the "difficulty in clearly identifying the threat Trafficking of Human Beings poses to a state". From a utilitarian perspective, taken up in the EU discourse, the threat is found in the subversion of state authority and the destabilization of social order. For instance, Peter Lupsha (1996) offers a typology of three stages in which organised crime is threatening the 'nation-state': (i) the 'predatory stage' in which criminal organizations are said to move in and gradually undercut or, rather, bypass the 'legitimate' market structure, (ii) the 'parasitical

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<sup>17</sup> Although the ESS is keen on stressing that everything is related, regional conflicts and failed states seem to take on the status of 'root causes' not only for organised crime but for WMD proliferation and terrorism as well. See Berenskoetter (2005).

<sup>18</sup> On the question whether smuggled humans are victims or participants, see Kyle and Koslowski (2001). On the problems courts in the EU have on deciding whether someone is guilty of a border offence or a victim of someone else, see Minderhoud and Guild (2006).

stage' in which such groups infiltrate business, local and regional politics, creating shadow-markets and beginning to take over state-like tasks, and (iii) the 'symbiotic stage' in which criminal groups are fully integrated in economic and political institutions of the state, wielding significant political power (Lupsha, 1996). Another author even entertains an image of the mafia as a state-like actor in the Hobbesian world, conquering and colonizing territory "using armed force or diplomacy" (Armao 2003: 32f). There are at least three problems with such a presentation. First, adopting the 'conquering' image for a moment, there is a bias in the presentation where the 'attack' comes from. The not uncommon view is that liberal democracies are particularly vulnerable to be infiltrated due to their relative economic and political openness and their constitutional restrictions in applying measures to combat criminal groups (Allum and Siebert 2003). Other countries considered attractive 'hosts' for organised crime are weak or 'failed' states, that is, states experiencing significant political and/or economic transition which are "potentially subject to a sustained assault from organised crime groups" (Rees, 2003: 117). Yet whereas the former are portrayed as vulnerable victims, the latter take on the function of a "home base" (Montanaro-Jankovski 2005: 10).<sup>19</sup> Apart from the intriguing implication that, drawn to its logical conclusion, only strong authoritarian states would be able to resist organised crime, a more neutral assessment suggests that both democracies and failed/weak states are in the dubious position of being both victim and host.

This points, second, to the weakness of the conceptualization of criminal groups as 'predators' preying on 'states'. Even if one assumes the EU as a bounded space, with consensus on order and deviance amongst its members, an understanding of organised crime as 'networks' or 'systems' cannot be transformed into an actor-like entity situated in an anarchical system. Cross-border practices cannot be externalized and portrayed as alien or foreign, attacking and conquering from the outside (Massari 2003). Even more so, third, there is no intrinsic reason for seeing such networks as destabilizing, that is, as pursuing revolutionary objectives of rupturing and replacing order. From a utilitarian perspective, practices spread because they resonate with universal desires for material wealth, and while groups may compete for control of market segments there is not reason for them to change a system they are profiting from. To the extent that activities follow the logic of supply and demand they cannot be seen as 'violating' the market. For business to be 'illegal' it requires agreement that either the goods/services dealt with are 'bad' (such as drugs or prostitution) or that the practices (such as tax evasion) violate political regulations of the market.<sup>20</sup> In other

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<sup>19</sup> It is difficult to ignore how this parallels the link made between terrorists and rogue states prominent in the US discourse, see Berenskoetter (2005).

<sup>20</sup> For an analysis of the securitisation of money laundering in the EU, see Mitsilegas (2003).

words, the threat of organised crime is framed in violation of moral conventions, which means one can only speak of ‘the state’ as a victim by invoking the image of collective victimhood, by assuming society’s identification with a collective notion of the ‘good’ order inscribed into state institutions.<sup>21</sup> For foreign policy, this raises the problem touched upon earlier: if organised crime is a transnational phenomenon, does it require the existence of a transnational order and a transnational society that understands itself as a victim?

It is precisely this exposure of the political dimension of defining order, crime and victimhood which the critical model scrutinizes. It emphasizes that organised crime is not a threat that can be ‘witnessed’ and ‘reported’ and which by itself is “penetrating civil society with a pervasive climate of fear” (Beetham 2003: xi). Rather, the critical model points to the government’s ability to create and control such a climate through a “politics of anxiety” (Lee 2007). From this perspective, the view that organised crime is riding on the wave of globalization poses the biggest problem, because through this link the threat of organised crime is fuelled by the uncertainties affiliated with the latter – a loss of control, the increase of ‘risk’, the unraveling of identities. The fear of the predator becomes an emotional response to uncertainty and invites conflating unfamiliar behavior with criminality, exacerbating the unease with strangers, in consequence often ‘ethnicizing’ organised crime as ‘Italian’, ‘Albanian’, or ‘Russian’ to name those prominent within the European discourse (Loader and Sparks 2002). From a critical perspective, by inflating an unfounded feeling of victimhood in the general public, stereotyping turns innocent groups into ‘real’ victims – not of organised crime but of a discourse that imposes upon them the label of the ‘criminal’ that needs to be taken care of.

### **Counter-Measures**

In the domestic setting, the utilitarian answer to the Durkheimian view that individuals deviate if they experience insufficient normative guidance is to improve the regulation of society. In simple terms, it is concerned with the efficiency of institutions providing and protecting order. Within states, two key institutions doing so are the police and the judicial system (to which one could add institutions of punishment, such as prisons). Being situated at the gateway to the criminal justice process and with everyday contact to society, the police is

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<sup>21</sup> Consider, for instance, David Beetham list of the threat of organised crime, which names “privatization of the public sphere in the interest of private advantage, government by secret connivance rather than open debate, loss of accountability and responsiveness to the public” and the “diminution of effective electoral choice” (Beetham 2003: xi). It is clear these dynamics are only threatening when held against notions of legitimacy and accountability cherished in ideal-type liberal democracies. Yet there is a certain irony when anti-globalization demonstrations are being treated as criminal activities by democratic states (Laffey and Weldes 2005: 77) or when the Sicilian mafia replaces state institutions by building on practices endogenous to society, taking on policing functions because state institutions are deemed inadequate (Levi 2002: 893; Rees 2003: 116).

of particular importance and can take on two roles in fulfilling the ordering function, an 'exclusionary' or an 'inclusionary' one (see Rock 2002; Bowling and Foster 2002). The first approach aims at reducing the incentive for crime by increasing the costs of committing them. It asks for establishing a structure of deterrence through preventive measures such as 'target hardening', 'access control', and 'surveillance', a militaristic style of high profile policing with a show of strength, and the threat of severe punishment. Slightly different, the inclusionary approach sets up a communal model of policing through 'partnership' between police and society. Based on the assumption that "it is 'policing' rather than 'police' that is vital to social order" (Bowling and Forster 2002: 981), upholding order is most effective if the institution of the police is being trusted and supported by society. The approaches can, to some extent, work side by side and may also encompass educational measures aimed at teaching appropriate behaviour to potential deviants. Even if a utilitarian frame portrays the order violated by organized crime in universal terms (e.g., the rules of civil co-existence), it cannot ignore the overarching challenge of turning domestic ordering mechanisms, whether of the control/exclusionary or the communal/inclusionary kind, into instruments of foreign policy: having police and judicial agencies perform in (cooperation with) a 'foreign' context inevitably blurs the distinction between internal and external. Apart from the question to what extent the 'foreign' must be turned 'domestic' for such work to be effective, a foreign policy of 'crime fighting' makes for a thin line between cooperation and intervention, as becomes apparent when taking a closer look at the EU's approach.

### **'Civilian Crisis Management' as State Building**

In its attempt to address the 'external dimension' of organised crime, the EU pursues an agenda of building order under the umbrella of multilateralism. The 2000 Millennium Strategy recommends "closer cooperation with third states and international organizations" (European Council, 2000: Ch. 2.10) and the ESS advocates the promotion of 'good governance', emphasizing that "it is in the European interest that countries on our borders are well governed" (European Council 2003: 7). This agenda, also at the heart of what is now called the European Neighbourhood Policy (ENP),<sup>22</sup> informs the institutional design of ESDP as an institution tailored for 'civilian crisis management'.

Although the build-up of military capabilities (or lack thereof) has been its most discussed feature, the formal enactment of ESDP during the 1999 German EU presidency and the subsequent summits in Helsinki (1999) and Feira (2000) specified ESDP's aims and carved out an institutional vision that was different from a conventional military alliance by focusing

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<sup>22</sup> On the ENP, see Smith (2005); and Wolff (2006) specifically on judicial and police cooperation.

on ‘comprehensive crisis management’.<sup>23</sup> Of course, as Bono (2004) reminds, ‘crisis management’ can encompass various meanings, yet what is important for the purposes of this paper is that the ‘comprehensive’ qualifier signals that EDDP operations have a strong civilian component besides the military one. The Feira European Council in June 2000 took an important step in building up this civilian component by dividing it into four priority areas, namely the police, rule of law, civilian administration and civil protection. It was agreed that EU Member States should be able to provide up to 5000 police officers capable of carrying out police operations ranging from advisory, assistance and training tasks to substituting to local police forces. Two documents attached to the Feira Presidency Report discuss concrete targets which emphasize “the police” as the instrument of priority but also note that the (re-)establishment of judicial and penal systems are part of “a positive outcome” of a police mission. Thus, the deployment of judges, prosecutors, and penal experts is called for to ensure a successful renovation of courts and prisons and thus bring “EU-style” system of law and order to the target country.

This was followed up by a flurry of activity on the operational level. A meeting of the Member States’ ‘Chiefs of Police’ in May 2001 devised a *Police Action Plan*, and a follow-up conference in October 2004 saw the *Declaration of the EU Chiefs of Police* setting out specific steps for capacity building so that “police operations” could contribute to the fight against organised crime within an ESDP framework. The document notes that “Organised Crime is a major obstacle for the consolidation of law and order in former crisis areas. Europe is a prime target for organised crime (...) and external action, *inter alia* through international police missions, can help improve our internal security” (European Council, 2004d: Paragraph 7). With this the Chiefs of Police followed the course set on the political level by the *Action Plan for Civilian Aspects of ESDP*, adopted by the Council in June 2004, which notes that the EU should become “more ambitious” in its crisis management goals and “more capable” of delivering them. Among other things, the Action Plan emphasises “coherence” between ESDP and the fight against organised crime (European Council, 2004a: Paragraph 11) and lists Security Sector Reform (SSR), border control, and even media policy as important elements of ESDP missions (Ibid, Paragraph 1). The Action plan was followed by a *Civilian Capabilities Commitment Conference* in November 2004 and the agreement on the *2008 Civilian Headline Goal*. Member States further established a *Committee for Civilian Aspects of Crisis Management*, a *Civil-Military Cell*, and a *European Police College* (CEPOL). The latter’s 2004 task plan noted that the purpose of police training was not only to improve EU-internal interoperability, with a particular focus on organised crime (Art. 6,1),

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<sup>23</sup> See Keane (2005); House of Commons (2006); and the EU’s website.

but also “to offer its infrastructure to senior police officers of applicant countries” (Art. 6,3) and “to prepare police forces of the European Union for participation in non-military crisis management” (Art 7,f). The latest step, notably outside the EU, has been the creation of a *European Gendarmerie Force* (EGF), a paramilitary police force of about 800, signed into existence in 2004 by the defense ministers of France, Italy, Spain, Portugal, and the Netherlands, whose headquarters in Italy was opened in January 2006. Somewhat overambitious, the EFG declares itself as the missing link between military and civilian tasks, able to fulfil “all police missions” within the range of the Petersberg tasks and, among other things, capable of substituting, strengthening, training, and monitoring local police. The EU, in a more sober tone, welcomed the initiative as providing personnel “for the more demanding scenarios...to guarantee public security and public order” (European Council, 2004b: 3).

Here the question emerges, which ‘public’, that is, whose security and whose order are we talking about? This is essentially the question of the victim highlighted previously, crucial for evaluating the character, scope, and success of ESDP operations. It will be taken up again below. For now, it is worth noting that if one takes together the view held within EU circles of (i) weak or failed states being breeding grounds for organised crime and of (ii) ‘security sector reform’ being a core area for ESDP, then crime-fighting *de facto* becomes a state-building enterprise. More generally speaking, conducting operations intended to ‘fight’ organised crime under the label of crisis management implies a connection between ‘crisis’ and ‘crime’, and the task quickly becomes one of addressing the ‘crisis’. This resonates strongly with the Durkheimian view of ‘repairing’ societies and turns a foreign policy of crime fighting into one of building order. EU documents do not hide such ambitions. The frequent emphasis on implementing “EU style” law and order and “establishing sustainable policing arrangements under local ownership according to best European and international practice” (European Council, 2004d, Paragraph 5) makes quite explicit the EU’s aim of exporting its own vision of policing and judicial systems abroad. The following will assess to what extent ESDP has been successful in doing so, and how the critical model evaluates this approach, by taking a look at the EU’s involvement in Bosnia and Herzegovina.

### **Test Case EUPM (Bosnia)**

Since the ESDP “jumped off the paper” (Keane, 2005) in 2003, it engaged a number of missions, many of which involved the aim of fighting organised crime.<sup>24</sup> With the ESS

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<sup>24</sup> For an overview, see Grevi et al. (2005); House of Commons (2006); and the EU’s website. If one accepts the view that EU foreign and security policy consists of what various EU bodies do *plus* what EU member states do, then one would have to add the European involvement in Afghanistan since December 2001 under ISAF, with Germany leading the police reconstruction, Italy the reconstruction of the judicial system, and the UK the fight against drug cultivation.

explicitly mentioning “Balkan criminal networks” targeting ‘Europe’ (European Council, 2003: 4f), the European Police Mission (EUPM) in Bosnia and Herzegovina (BiH), launched on 1 January 2003, is not only ESDP’s first civilian crisis management operation but also considered the most important ESDP mission for fighting organised crime. Hence, it is often identified as a ‘test case’ for ESDP.<sup>25</sup> Based on a Council Decision from March 2002 and an endorsement by the UN Security Council, EUPM took over from the UN International Police Task Force (IPTF), which had been present since the 1995 Dayton agreement (European Council, 2002). When it renewed EUPM for another two years, beginning in 2006, the Council emphasized that the mission was to be

refocused on the fight against organised crime, through strengthening BiH operational capacity and assisting in planning and conducting of major and organised crime investigations, and the implementation of police reform, which will create a single structure of policing, improve law enforcement co-operation and reduce corruption (European Council, 2005b: Paragraph 8).

Specifically, EUPM’s stated objectives are to establish “sustainable policing arrangements under BiH ownership” by actively supporting, advising, and guiding “where appropriate” the preparation and implementation of police restructuring. The latter is specified, importantly, as the centralization of legislative and budgetary competencies for all police on the state level, ending “political interference” with operational policing and the establishment of “technical policing criteria” on the local level (European Council, 2006). For doing so, EUPM focuses on enhancing the power of the State Investigation and Protection Agency (SIPA), to reform the Ministry of Security and the State Border Service (SBS). It has developed a Directorate for Police Restructuring Implementation (DPRI) whose Steering Board is co-chaired by the head of EUPM. In addition to these institutional reforms, EUPM declares a number of objectives for its work on the ground, which are worth listing in full (European Council 2006):

- Improve, through proactive mentoring, monitoring and inspecting, police managerial and operational capacities, in order to enhance BiH’s capacity to fight organised crime in accordance with existing international, and in particular regional, commitments and obligations.
- Assist the BiH Police in initiating and conducting counter-organised crime activities and follow up their actions.
- In close cooperation with the EUSR, monitor the exercise of political control over the police and address inappropriate political interference in the operational management of the police.

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<sup>25</sup> See House of Commons (2006). For an overview of the EU’s involvement in BiH more generally, see International Crisis Group (2003); Juncos (2005); Muehlmann (2007).

Until December 2005, EUPM had a staff of up to 1,000 personnel, more than half of which were police officers, of which about 80 per cent were deployed by EU member states, and an annual budget of 38 Million Euro, of which 20 Million came from the Commission.<sup>26</sup> Under the guidance of the EU's Special Representative (EUSR) for BiH,<sup>27</sup> it operates alongside the EU's military mission (EUFOR-Althea) which in 2004 replaced NATO's Stabilization Force (SFOR). According to the Council's official Factsheet, EUFOR is "operating closely" with EUPM, providing support to the fight against organised crime by "putting pressure on networks and helping to develop and strengthen the capacity of local police and law enforcement agencies" (European Council, 2005a). Furthermore, EUPM runs under the *Stabilisation and Association Process* (SAP), which focuses on institution building more generally. As BiH hopes to start accession negotiations at one point, the EU can be expected to have significant leverage when asking for compliance with its plans for 'security sector reform' (Muehlmann, 2007). In short, one would assume the EUPM operation is bound to leave an imprint.

### **Two Stories, plus one, of Policing Bosnia**

Taking the two conceptual frames outlined at the outset, there are two ways of analyzing the work of EUPM, the utilitarian and the critical one. I will suggest that the latter serves as an important critical check on the former, yet that it falls short to understand the political dimension of the engagement and that, therefore, a third perspective is needed to grasp some of the key hurdles faced by the EU in 'fighting' organised crime.<sup>28</sup>

#### ***The Utilitarian Frustration***

The utilitarian lens dominates policy-oriented research and is close to the official EU discourse outlined earlier. Here the victimization of 'Europe' targeted by 'Balkan networks' occurs in form of human rights violations symbolized through trafficked humans suffering abuse and violation of dignity and right for self-determination (Montanaro-Jankovski, 2005: 10, 14). To this is added the smuggling of illicit goods, in particular drugs and small arms, which is linked to the destabilization of societies and official state structures in the Balkans, a prominent victim here being Serbian Prime Minister Zoran Djindjic, who was assassinated in March 2003. The causes for these activities in and from the Balkan states are seen in the fragmentation of state authority after the break-up of Yugoslavia, weak government and economic underdevelopment, in short, 'weak/failed states' symptoms. The criminal groups

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<sup>26</sup> The numbers are from Grevi et al (2005: 2). Deployments have declined since.

<sup>27</sup> During its first three years, it was headed by EUPM Commissioner Kevin Carty, who was succeeded in January 2006 by Brigadier General Vincenzo Coppola.

<sup>28</sup> I use Montanaro-Jankovski (2005) for the utilitarian position, and Merlingen and Ostrauskaite (2005) for the critical position. Although they do not completely fit the two 'ideal types', they come close.

are identified along ethnic lines, with Kosovo Albanians considered the most active and considered an “increasing threat” to EU Member States due to their widespread Diaspora and readiness for “extreme violence”, sometimes forming alliances with other (‘Russian’) groups (Montanaro-Jankovski 2005: 11f).

Given the ambiguity of this discourse when it comes to pin down the victim discussed above, measuring success of the EU’s engagement in Bosnia in terms of ‘improving capacities’ to fight organized crime is difficult. Still, a variety of indicators lead to the verdict of EU ‘inefficiency’ in what is primarily considered a technical task of capacity building under the heading of ‘security sector reform’. A scan of reports from Europol, credible NGO’s, or the International Migration Organisation show no indicators for a reduction in trafficking, nor a decrease in the perceived threat of organised crime to EU societies (Montanaro-Jankovski 2005). Looking at Bosnia, one insider notes that beyond the official rhetoric the EU’s attempts of police restructuring (or) were “far from what had been envisaged at the beginning of the process” (Muehlmann, 2007: 15). Indeed, an International Crisis Group (IGC) report from September 2005 even suggested that “all efforts at reform have failed” (International Crisis Group, 2005: 5).

The utilitarian verdict identifies a number of causes for the EU’s unsatisfactory performance. First, EU programs aimed at addressing problems of trafficking (of humans, drugs, small arms) are considered too broad to tackle causes and consequences. Besides EUPM, other EU initiatives like the *Community Assistance for Reconstruction, Development and Stabilisation* programme (CARDS) are seen as too focused on institution-building while lacking “sufficient operational mechanisms” (Montanaro-Jankovski 2005, 22). Second, missions are seen as partly in conflict with each other and without clear oversight: “there is limited coordination at all levels: on the ground in the region, between EU capitals, between EU institutions and EU capitals, and within the EU institutions in Brussels” (Ibid). Among such disconnects, the missing operational link between EUPM and Europol is maybe the most apparent one. And the parallel presence of EUPM and EUFOR in Bosnia has created frictions regarding mandate and strategy to fight organised crime. As Ana Juncos (2006) has pointed out, EUPM officials were irritated by EUFOR personnel repeatedly engaging in operations against traffickers, which EUPM officials saw as undermining the effort of developing a ‘homegrown’ police force. The coordination problem between the two missions was addressed in late 2005 by an agreement that EUPM was to take the lead, at least on paper, under the coordination of the EUSR. Furthermore, institutional developments in Brussels, such as a Civilian-Military Planning Cell, while having little impact on the actual operation, invited institutional turf wars between directorates (Juncos, 2006).

The key problem is said to be a lack of policy coherence brought about by the blurring of internal and external realms of responsibility and reflected in the involvement of different EU bodies. While ESDP is an intergovernmental process pushed forward and controlled by member states (Wagner, 2003b), since the Feira summit declared police and judicial personnel to be part of ESDP missions, civilian operations must be ‘coordinated’ with Community instruments overseen by the Commission.<sup>29</sup> Not surprisingly, the involvement of JHA leads to an overlap of finance and control mechanisms and invites conflicts over responsibility and accountability between Council and Commission.<sup>30</sup> Furthermore, underlying EU-internal fights over agenda-setting power are tensions arising out of blending security and development policy. Whereas the Council has adopted state-building objectives into the ESDP, the Commission has linked its external assistance programmes to security policy, which means both institutions are now claiming expertise in operating in a ‘security-development interface’ (Schroeder, 2006). This invites not only conflicting policy initiatives but poses the question where to draw the line between a development agenda and organised crime fighting. Then there is the blurring of civilian and military spheres. The Headline Goal 2010 states in a footnote that police components may be deployed “together with military components and temporarily under military responsibility” (European Council, 2004e: 4). Clearly, this challenges the self-understanding of the police as the institution enforcing internal order by working within society, and of the military to uphold the autonomy of doing so by protecting the state against external intervention. Even if the EGF claims to straddle this divide, the challenge remains that the majority of the EU member states are keen to uphold a clear distinction between police and military (Bigo 2001). Finally, into these configurations comes what Thomas Muehlmann calls the ‘Ashdown factor’, namely the influence of the EU’s High Representative Lord Ashdown in setting the agenda for ‘security sector reform’, and doing so in part by following personal visions and ambitions (Muehlmann 2007: 25f.).

Taken together, the utilitarian finding is that the EU’s determination to fight organised crime in Bosnia was “diluted in uncoordinated efforts” (Montanaro-Jankovski 2005, 21). What remains is a familiar narrative: the threat remains grave, the EU is incompetent, and the list of recommendations emphasizes more money, more personnel, more specific targeting, and more coordination among the various European bodies involved.

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<sup>29</sup> See European Council (2004a, c). For the problem of coherence in European foreign policy in general, see Winn and Lord (2001); Missiroli (2001).

<sup>30</sup> See also the JHA involvement in asylum and immigration policy (Boswell 2003) and ‘terrorist financing’ (Vlcek 2005).

### ***The Radical Critique***

The story put forward by critical approach shows a very different picture of the EU's activities in BiH. In basic terms, it assumes that there is nothing like an objective threat of organised crime but analyzes how the EUPM is involved in imposing a disciplining discourse of normality onto the Bosnian society. Generally speaking, against the utilitarian focus on the most 'effective' way to create order, the critical perspective argues that neither judicial system nor police are neutral actors merely 'enforcing' or 'applying' law. Following the insight that in particular the police has been shown to have "a major impact on what becomes defined as crime, which offences are prioritized, and which sections of the community are portrayed as 'dangerous'" (Bowling and Foster, 2002: 980; Ericson 1982), these instruments are considered producers of order and, moreover, instruments of oppression. Mixing Foucault's notion of governmentality with a Marxist perspective, scholars following this approach identifies a power relationship where those controlling law enforcement agencies create an atmosphere of fear and impose a particular meaning of 'crime' and 'victim' to justify measures designed to maintain the order of things to their benefit.<sup>31</sup> Hence, this perspective turns the analytical thrust around by picturing the socially weak as victims of criminalization and, in its final consequence, understands 'deviant behaviour' as legitimate resistance, as an act of justice symbolized in the figure of Robin Hood. This does not change in a foreign policy context, where the argument follows the general line of criticism that Western interventions in the name of humanity with the aim of improving local conditions are, in the end, practices of colonialism. Such interventions "license forms of micropower" and exercise "subtle coercion and subjectification" by reaching deep into domestic order (Merlingen and Ostrauskaite, 2005: 298).

Consequently, the EU's agenda of security sector reform in BiH is seen not as one of technical assistance but as a political attempt to impose order. The aim of this analytical perspective is to problematise the view that organised crime is the principal threat to and emanating from Bosnia (Merlingen and Ostrauskaite 2005: 309; see also Hansen 2006). By doing so the analyst is asked to differentiate between how the threat is perceived from within the EU, and how it is seen in Bosnia itself. The verdict is that ordinary Bosnians are not part of the threat analysis: "It is not they who are imagined to be in need of police protection against crime; rather, the organised crime discourse selects for protection the Europeanization of the Bosnian state and the consolidation of its market economy" (Ibid, 311). In other words, the EUPM's institution-building agenda is not designed *for* the society that it is being build *in*. Established along EU recommendations, institutions like SIPA do not serve the need of

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<sup>31</sup> For a discussion of this 'third' dimension of power, see Lukes (2005).

Bosnian society but are to ensure smooth cooperation with JHA institutions, in particular the collection and transfer of intelligence. In short, the criticism is that, if anything, EUPM aims only at disciplining Bosnian society and make it safe for the EU. Employing a Foucauldian language, the work of EUPM is understood as creating a “paternal order of difference” which shapes people and their practices. The aims and tasks of EUPM of ‘mentoring, monitoring, and inspecting’ are seen as attempts of remaking indigenous police officers through “hierarchical observations, normalizing judgments, and corrections” (Ibid, 306). The mentoring scheme is a character building programme that moulds bodies and souls of the indigenous police officer to function appropriately, as seen by the EU, subsequently “monitored through the trained gaze of the foreign expert” (Ibid, 307). These practices are confirmed through the EU’s expansion of its mandate allowing EUPM personnel to randomly inspect local police officers. In short, from this perspective the victim is Bosnian society onto which structures of governance, in this case police and judicial institutions, are being (unconsciously?) imposed.

The critical frame thus juxtaposes the utilitarian one in critically examining the EU’s state-building agenda. It reminds that the qualifications of doing so under a UN mandate and by invitation of the host country may ease the colonial character, yet that through such missions the EU is trying to expand its idea of order beyond the EU’s border. Such a critical analysis does not necessarily lead to a condemnation of ESDP missions *per se* but can be accompanied by normative calls for a policy that reduces the status of Bosnians as victims of quasi EU-colonialism (Merlingen and Ostrauskaite 2005: 316). While this serves as a useful corrective to the utilitarian narrative, analytically speaking it may be overplaying its hand. Has EUPM actually been able to reshape reality in BiH? Here some doubts may be allowed. While there has been some progress in “raising basic policing standards” (Muehlmann 2007: 3) and building up formal institutions like SIPA or SBS, the utilitarian frustration cannot be ignored. If one considers that EUPM took over from the UN’s police mission and is backed by the leverage of EU membership, the finding that the overall state of policing in BiH has not seen significant changes suggests, at the very least, some limits of the EU’s ‘pastoral power’. Indeed, it could be argued that intrusive rhetoric and measures are indicators of EUPM’s *lack* of success of implementing EU standards.

The two perspectives, then, analyze different facets of EUPM, not least by identifying different ‘victims’ (EU society, trafficked humans, Bosnian society). Yet while the question of which story is more accurate appears out of place, both are missing an important dimension of the mission. While the utilitarian focus on institutional efficiency acknowledges turf wars among EU institutions, it fails to take into account that a (foreign) policy of promoting order

is inherently political. While the critical story recognizes the latter, it comes close to treat Bosnian society as a *tabula rasa* and neglects that ideas of order cannot simply be imposed but are politically contested.<sup>32</sup> Fleshing out this latter point requires a third story.

### ***The Difficulty of Getting the Picture Across***

Rather than framing EUPM's work as one of either technical assistance or imposing order, a third perspective may employ Bourdieu's concept of a field within which actors compete for meaning (of order, crime, and victim), and where habitus is difficult to change (Chan 1996; also Rubinstein 2005). While threat images of organised crime emerge and are maintained in the popular discourse, this does not mean that notions of order, victim, and crime can simply be invented and controlled by politicians or, in this case, law enforcement agencies. Rather, assuming in good social constructivist fashion that meaning is produced intersubjectively, these narratives need to be accepted. Similarly to the among IR scholars more familiar framework of securitization, the authority of discourses of 'criminalization' and 'victimization' emerges in a relational setting, meaning that the ability to decide and succeed in framing some practices as 'organised crime' rather than others depends on the ability to convince society – the audience – that these practices are violating the order society wants.<sup>33</sup> In other words, this frame proposes that the obstacles faced by the EU are to an inability to transport the threat image of organised crime into Bosnian society.

As the 2005 IGC report notes and statements from EU officials confirm, government and parliament of the Republika Srpska (RS), in particular the leading Serbian Democratic Party, repeatedly obstructed and rejected EUPM's reform proposals.<sup>34</sup> The EU has gradually identified this as its main problem, noted in the third objective outlined above. One explanation for this resistance which fits easily into the official narrative is 'corruption'. It sees a Bosnian police force fragmented into over 15 police agencies which are over-funded, over-staffed, and intertwined with political structures benefiting from trafficking activities. In other words, the EU appears to face an environment where organised crime has entered, to use Lupsha's terminology, the 'symbiotic stage'. While reports from NGO's such as the IGC are quite blunt in identifying a strong link between politicians and organised crime, EU representatives note this between the lines. For instance, EUPM Commissioner Kevin Carty noted in frustration over the resistance of RS authorities to his reform proposals

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<sup>32</sup> For how this is a general problem in 'post conflict peacebuilding', see Pouligny (2005).

<sup>33</sup> On the importance of studying the discourse on organised crime, see Levi (2002); Massari (2003); van Duyne and van Dijk (2006). On securitization and threat images more generally, see Williams (2003); Balzacq (2005).

<sup>34</sup> See interviews with the heads of EUPM, Kevin Carty (2005a, b) and Vincenzo Coppola (2006a, b); also International Crisis Group (2005); Muehlmann (2007).

I do not understand the politicians that are hindering this. The only ones whom police restructuring poses a danger are the criminals. It's a big shame that individuals are hindering and preventing police reform and BiH's progress toward Europe (Carty 2005a).

This line is echoed by his successor, Italian Brigadier General Vincenzo Coppola, in reaction to the RS' withdrawal from the newly established DPRI Steering Board in May 2006. When a local journalist suggested that politicians were resisting police restructuring because of upcoming elections, Coppola noted that Bosnians could only benefit from police reform. Starting from the assumption that the people want to "go to Europe", he noted that "I've heard many people stating that one of BiH's greatest problems is organised crime. For that reason this country needs a security system able to effectively fight against crime." (Coppola 2006b).

Yet the question is whether Bosnians actually agree that their greatest problem is organised crime. As the IGC report points out, a key problem is a lack of public trust in the institution of the police and the judicial system more generally, with the civil war having left memories of the police as "key instruments in ethnic cleansing" (International Crisis Group, 2005: 6, also Muehlmann 2007). Transforming the image of the police from an oppressive force working for a particular segment of society towards that of a 'neutral' servant independent from political parties is a daunting one, and one which EUPM has great difficulties to bring about. While most statements of EUPM representatives do not acknowledge the political nature of their 'technical' work, public relations campaigns and a new citizen-friendly website of EUPM show that the EU is not unaware of the problem. It entertains both 'militaristic' and 'communal' policing styles in trying to win over the trust of Bosnian society. The EUPM website features reports of arrests of drug dealers and human smugglers, intimidating images of police officers storming houses and declaring 'showdown with organised crime' as well as reports about reduced number of road accidents and police officers helping repair a school or organising a childrens' festival.<sup>35</sup>

However, from a EU perspective, have these initiatives succeeded in disseminating 'its' threat image of organised crime into Bosnian society by combining it with 'local' concerns? That it is here where EUPM may fall short emerges in a revealing interview given by Coppola to a local Bosnian newspaper in March 2006. When asked about his opinion of the biggest threat to the internal security in BiH, Coppola (2006a) begins by noting that the level of petty crime in BiH is comparable to that in other countries. In order to justify EU intervention, he goes on to say that organised crime is "the biggest concern *for all of us* and what I mean here is drugs,

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<sup>35</sup> See <http://www.eupm.org/>

human trafficking, illegal migration, etc” (emphasis added). When the newspaper asks concretely how to curb human trafficking and the “flourishing of night bars throughout BiH, in which those women are prostituting themselves”, Coppola’s answer remains very vague, merely noting the absence of an “appropriate law” and the lack of initiative to fight against “this kind of problem”. When asked whether the approach chosen in some EU countries to legalize prostitution and soft drugs would also be a solution for BiH, Coppola again does not give a clear answer but replies that legalization would not be possible “in Italy” and “other countries” and that “in our opinion that is not a good solution because there is this philosophical approach to the problem”. Staying close to the official EU discourse, he also notes a “third level” of organised crime namely “the presence of a strong level of corruption and money laundering, which affects the economy and financial institutions of the country”. Yet again, when Coppola is asked how to tackle the problem of corruption and whether gifts for better treatment are also given in other European countries, his answer is paternalistic by proposing that this required a change of mentality through education and that while corruption may occur occasionally “the mentality of people in Italy has changed completely” (Coppola 2006a).

This interview provides only a glimpse into the work of EUPM, but it crystallizes the task as well as the challenge. In what must be considered an attempt by the head of EUPM to gain local support one can witness severe difficulties in (i) identifying a threat for ordinary Bosnians which would justify EU intervention, and (ii) portraying a ‘European’ standard of order and victimhood which Bosnians could identify with and adapt to. In other words, it turns the spotlight on the difficulty of translating the EU-official discourse into the Bosnian discourse and linking it with local concerns, and reveals the vulnerability of the EU’s portrayal of itself as a model for progress (see also Helms 2007).

## **Conclusion**

This paper attempted to bring some clarity or, at least, analytical edges into the phenomenon of ESDP’s fight against organised crime. Rather than summarizing the discussion, which due to its exploratory nature has probably produced more questions than answers, it suffices to conclude by pointing to some of the key issues that have emerged. To begin with, because ‘organised crime’ is an open concept impossible to pin down in any positive sense, the strategy of framing it from two different angles has proven to be a useful exercise. Simplified as they may have been, pitching utilitarian and critical perspectives against each other revealed different facets of the phenomenon or, rather, the attempts of dealing with ‘it’. Beyond providing analytically stimulus, this exercise also produced some important practical insights because the way the phenomenon of organised crime is framed, in particular in

relation to its 'victim', has direct impact on the strategy chosen to address it. Thus, the causal link made in EU circles between 'weak'/'failed' states and organised crime inevitably pushes ESDP towards a strategy of state-building, merging security and development policy. Yet if those amorphous 'structured groups' are cross-border phenomena then state-building must be too, meaning that EU-internal and external ordering practices must be part of the same enterprise. The consequence of appropriating police and judicial personnel under a foreign policy agenda is a blurring of the separation between 'the domestic' and 'the foreign', between EU-inside and -outside.

Leaving aside the question how this can be reconciled, if at all, with the principle of sovereignty, practitioners who devise foreign policies of 'crime fighting' must recognize that this is not a technical but a fundamentally political undertaking. Indeed, the critical frame makes apparent that while promoting order under the label of 'best practices' may resonate with the notion of the EU as a 'normative power' (Manners 2002), it has the unmistakable flavour of a *mission civilisatrice*. However, while it is useful in exposing this dimension, critical research should not get seduced by the concept of governmentality. Even if one reads into it hierarchical power relations, which Foucault did not, a governmentality approach must not distract from empirically assessing the dynamic and the success of ordering practices. In other words, rather than assuming that one side (the EU) is imposing meaning on the other (Bosnian society), thereby invoking the paternalism that is being critiqued, analyzing the political contestation of and, hence, the adaptation and resistance to threat images appears more fruitful to understand not only the successes but also the limits of outside intervention.

In the end, if there is a strategy for the 'external dimension' of organised crime, it must focus on fostering a shared understanding of the problem, and here especially of the 'victim'. Yet the limited success in implementing 'European' standards of policing in a society situated in the geographical middle of Europe, despite the carrot of membership at its disposal, suggests either that threat images are difficult to transport across borders, or that the EU has not paid enough attention to this dimension (or both). In this sense, ESDP's fight against organised crime remains under construction.

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