



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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JASAREVIC: Good morning. We are here with Mr. Tobias Flessenkemper, the Chief of the EU (European Union) Coordination Office, political advisor, but I'll actually let him introduce himself. So Mr. Flessenkemper, please tell us a little more about what is the post that you hold right now and what is it that you do.

FLESSENKEMPER: *I'm working for the European Union Police Mission in Bosnia – Herzegovina in the headquarters in Sarajevo. As you know the European Union Police Mission is a mission in a broader European context. We have different European Union tools or instruments in place in Sarajevo. EUPM, European Union Police Mission, is a civilian crisis management operation in the European Security and Defense Policy (ESDP). We also have a EUFOR, European force called Operation Althea. Also an ESDP operation. We have the European Commitments delegation in Sarajevo doing a lot of technical assistance work. We have the office of the European Union Special Representative here in Sarajevo which already shows you there is a lot of coordination within the so-called EU family to be done.*

EUPM's mandate is tightly linked to both military security aspects, developmental aspects and technical assistance on the side of the European Commission, but we're also underpinning the political process which is led by the EUSR. Hence we have a European Union Coordination Office because we have to cooperate, tie in, agree with our partners, both here in Sarajevo but also in Brussels. This post also includes strategic advice to the Head of Mission. My office is carrying out mission reviews.

JASAREVIC: What is a mission review, I'm sorry.

FLESSENKEMPER: *We are regularly reviewing the progress of the mission, every six months, in order to be able to react to developments here in Sarajevo but also to new strategic orientations that may be from Brussels or to the ever-changing environment of the western Balkans. So we regularly look at our work, what has been achieved, where do we go next and do we need to make changes to our mandate, mission, deployment in the field? Do we need to look for new personnel, different kind of expertise?*

I've assumed this post some three years ago when the mission was actually in a strategic reorientation. Before that I had been working also in ESDP context in EUPOL PROXIMA in Macedonia and so I've been involved in policing in a European context for almost five years now. Previously in my life, before coming to the western Balkans I've been in Brussels in the non-governmental associated sector for quite some time in the field of education, democracy building, human rights, etc.

JASAREVIC: Do you have any specialty as far as the police work goes? Is there any particular area that you've been focusing on, say either management, or recruitment, training, community relations, investigation? Any aspect in particular of police work?

FLESSENKEMPER: *I'm not a police officer. By training I'm a political scientist and by job experience I've been working more on the managerial side, on the strategic side of things. So I don't have any specialty in policing myself. However, through my exposure in a policing environment, in an international policing environment, I've gotten quite good understanding of the various aspects you mentioned. We, in EUPM are not at the mission cycle where we look at recruiting police officers into Bosnian police, we are much further on in the cycle of rebuilding policing*

structures in Bosnia – Herzegovina so we would look more at crime investigation issues, international police cooperation, what we call the whole criminal justice chain. I coined this phrase from crime to prison, we would like to look at the whole chain of events. So I gained some experience in this field.

JASAREVIC: Very well, just based on our prior conversation, we sort of agreed that the best use of our time today, which is limited, is to actually start somewhere in the midst of this interview script and to actually start with, I think we said depoliticizing, or actually accountability and effectiveness.

FLESSENKEMPER: *I think we started there.*

JASAREVIC: Internal management?

FLESSENKEMPER: *No, no, we started with accountability and effectiveness.*

JASAREVIC: This is an issue of special interest to many, the issue of what can be done to improve accountability to government and community needs. A police service may respond well to directives from its own managers but it may not deal with the community or with what leaders feel is important. So enhancing accountability to the community and policy makers includes improving the capacity to collect and to analyze information about performance and outcomes, improving responsiveness to government and the community needs and creation of oversight. So have you worked for the local or national police forces to develop this external accountability and if so in which capacity.

FLESSENKEMPER: *The situation in Bosnia – Herzegovina is very specific, in particular in this field of accountability and oversight. The war, let's start actually before the war in Yugoslavia, police had been, as you know, an instrument of the state and not a service to citizens, an instrument to the Party, to the league of communists. That tradition can be traced through the war where police forces we must say in that respect played a role, were political tools.*

With the establishment of the post war Bosnian political structure, we came to hyperfragmentation of police forces or as we now like to say services. One of the ambitions of the United Nations at that time was to make police first of all more accountable to the citizenry. They looked at the qualifications, they looked at appointment structures, trying, however, because of the very political history of police in this area, to put buffers between politicians and police. They established in the UN context independent selection and review boards, very much inspired by Anglo-Saxon models, public complaint bureaux. Not hypersophisticated, but in my opinion, very good transitional structure.

In BnH (Bosnia – Herzegovina) this has now led, in 2008, in my analysis to a situation where actually political influence is de jure very far away from police managers but de facto the political influence is there on a very daily basis. Under the structures which have been established by the UN can only be considered in a transitional set up because these oversight bodies are far too far away from elected politicians, meaning the parliamentary side is missing. People are rather clever in manipulating systems. We have the de jure bodies which should be independent, but we just create the political struggle of who should be in these bodies, we moved into an antechamber which is even less transparent and which is even less clear to the citizens how people come into these bodies.

Personally I have argued for a couple of years now to slowly move away from these systems and parliamentarize them more, giving thus parliaments and

government a certain strategic say as in any mature democracy on police management and police oversight, but on the other hand depoliticize the action of police and giving them more independence. Because the flip side of the current system is also that the police are de facto not that independent with their budgets, police commissioners have no budget autonomy, but the ministers interfere very strongly, etc.

JASAREVIC: For clarification, when you say that you were actually making arguments for this kind of transition or switch, where exactly do you make an argument? Who do you make an argument to? Is this a part of the EU strategy that you're advising?

FLESSENKEMPER: *Me personally?*

JASAREVIC: Yes.

FLESSENKEMPER: *We have a discussion within the mission. We have a team working on police reform questions across the board. One of the pillars, as we say, one of the key—I should say a few words about EUPM's mandate. We're working actually on three levels. We're working on police reform questions, we're working on a more operational side to support the fight against organized crime and thirdly to strengthen oversight and accountability, all aspects. Now all three are in a way interlinked. But in the context of our work on reforming, constantly giving advice on reforming the system in BnH, we have a discussion internally to say how can we improve these oversight mechanisms, these control mechanisms. In this context we obviously have discussions. In the European mission we obviously haven't got—we can't say there is one European model on how you should do this. Obviously every model in organizing police oversight needs to be responsive to the situation of the country, to local customs, traditions, capacity, etc. But then obviously all of our policy comes with certain visions into the field. That's one place where we have this discussion. We're forging a consensus on where we would like things to go.*

However, as I said, these are systems which had been established only a couple of years back. When I mean transitional, it doesn't mean one year, but it could well be that these systems are staying in place for ten, twelve years. Then slowly we are moving into something which is more compatible with other EU countries and because obviously one of the tools to bring Bosnia – Herzegovina closer to the European Union. That's one of the fora where we can have these kinds of policy discussions. This would also include our partner organizations like the Office of the High Representative, or the EUSR or sometimes also ICITAP (International Criminal Investigative Training Assistance Program).

I just wanted to make one last remark on oversight, politicization, etc. In the Yugoslav system, the police was not an independent organization, it was part of the Ministry of Interior, as they say here, the MUP (MINISTARSTVO UNUTRAŠNJIH POSLOVA). This tradition also is still visible in Bosnia – Herzegovina, particularly in the entities in the Federation and the Republika Srpska and in the cantons whereby actually Minister and Police Commissioners or Directors of Police have a very strange, very direct working relationship and where we can always and still see, a direct influence of the Minister in the operational activities of police.

So how you phrased, or the script phrased the question is more complicated to answer here. To sum up, depoliticization of operational influence, a stricter separation of political oversight and operational management of police, but that wouldn't mean to exclude politics from police, that's gives them a clearer defined

task in overseeing the police. Basically we have gone quite some miles already, mechanisms which also would allow the public to hold those politicians who are responsible for police accountable.

JASAREVIC: What are those mechanisms?

FLESSENKEMPER: *They aren't there yet.*

JASAREVIC: They're planned.

FLESSENKEMPER: *The problem, this will be the objective. Currently, because basically we still have in a way the MUP structure, an integrated Ministry of Interior. In BnH we have made a slight separation. We have brought these kinds of independent appointment bodies, review bodies, into the fold. Locally for entity police, for cantonal police, the MUP structure is more or less still there. It is not as bad as in Croatia or in Serbia where police remain largely unreformed. We still have that structure. But with the reforms we have pushed, for instance the establishment of the border police, the establishment of the SIPA, State Investigation and Protection Agency, we have already moved into a de-linking of ministerial functions from police management.*

JASAREVIC: It seems the way you're phrasing it that accountability is very closely tied to depoliticizing. We're basically talking almost the same thing.

FLESSENKEMPER: *It is for us, in our vision it is. You're right. You phrased the question differently. In the end we are in a bit of a situation that may be difficult to grasp for outsiders. Police have the highest approval rate in this country of any kind of public institution, 90%, and different polls have told us this, of the population trust their police.*

JASAREVIC: But, pardon me, this is very curious. What is this trust based on? Is there a history for this trust? What is it based on? Where is it coming from? Especially if you're talking about a police that was in a different system, a communist system. You've described in certain terms as loyal to the state and having claiming allegiance to the state primarily, not to the citizens, so where is this faith, this trust, what have you?

FLESSENKEMPER: *That's what I'm saying, I used the word contradictory, but it isn't contradictory. You have to consider certain conditions of BnH, of Bosnia – Herzegovina. It's a highly fragmented country. People are very immobile so local communities stick very much to their belly and police officers out a population of 3.5 to 3.8 million, we have 17,000 police officers are very close to their communities where they live and work. So the street-level policing, in a way, the police officers see the people, they're very close, they may also be relatives. So at the visible level of policing, people feel close to their officers. What they don't trust—this is where this trust comes from which polls tell us. We suspect it comes from there.*

What people don't trust is the police management or even the politicians involved in these questions. There it immediately enters the discourse of politicization, the link, the famous Balkan link of police, criminals, politicians, which dates back to the last days of Yugoslavia, the secret police element where these privatization elites come together, etc. So there is very little trust in the upper echelon. But the lower echelon, where people are seeing daily, this is not a real problem, despite even the fact that we do know of petty corruption. We know the petty corruption is relatively limited. It is of course not really acceptable levels but we see this.

They know the population is aware of the pressure police are under sometimes from a political level. They sometimes even defend their police officers against the political level who would not allow them to do their work. So this is the picture. You can only sketch it because there are so many things. The reality here is more complex than the school book of crisis intervention, post conflict policing would tell you. This has a lot to do also, as I said, with the nature of Bosnia – Herzegovina, with the nature of the conflict which was very complicated and with even the territorial nature of this country.

Now, depoliticization, accountability, to give you one more element for consideration in the future. On the Federation side, the Federation as you know is split into ten cantons. These link politics, police, is extremely close on a very tactical level even. If you look at some of the cantons, the smaller ones like Gorazde canton, but even Livno, Ljubuski, etc. These are cantons that have a very small population which is not even a borough of a larger city in Western Europe or America. Here we have a very close link of local politics interfering, managing almost day-to-day policing. You also need to consider that police is one of the few competences of cantons, meaning they really have a say on this. Also it consumes quite a large part of the budget which means they receive more petty corruption in cantons, we see more petty corruption, we see more day-to-day interferences.

In the Republika Srpska, which is closer still to the Yugoslav model, the police performance on the lower echelons is probably better, less corrupted, less susceptible to petty corruption, but the system as such is more politicized meaning there is an implicit knowledge of everyone in the Republika Srpska police, if there is a difficult case or something that is close to those in government or close to criminal circumstances, not to touch it at all. So people would circumvent these problems and concentrate on the easy cases. So we have two different ways of politicization. One is a strategic politicization where the rise of solid police structure in the Republika Srpska, and the other one is a more local politicization with a more chaotic structure. But that leaves the Federation level police, because there are ten cantons of police and the Federation police a bit out of the loop which means you will need almost a militarist who is the director of the Federation police. The Federation police have the advantage of not having the strategic political interference because of the weakness of the Federation and some of the major arrests they are able to support in the last couple of months of a rather large and complex group here in Sarajevo. That is probably also due to this difference of the political system in the two parts of the country.

So depoliticization is the key accountability question. Community policing questions, the service idea, etc., is relatively close both to the population and the people in the police. However, if you go through this you would see a lot of lack of skills, of imagination, of a real culture of service, etc. But I always coined this phrase “you’re probably better off meeting a Bosnian police officer, be more polite, than say a police officer in a country farther east in Europe.” You know what you get here.

JASAREVIC: Just sort of a curious question that came to my mind as you were talking, it has to do with the effectiveness in a sense, because you were comparing these two models of politicized police force.

FLESSENKEMPER: *Service we like to say. It’s really important that you say service.*

JASAREVIC: Pardon me. So service, police service, the two kinds of models politicizing the police service. It seems that in both cases you’re actually talking about reform

that needs to take place. You're talking about models that are more appealing and are more service oriented. But at the same time you're talking about these two contradictions in practice, but at the same time that have their own effectiveness. You're talking in terms of Republika Srpska sort of circumventing the cases that you don't touch, but at the same time providing other services to the community and to the government and even eliminating something as petty crime or corruption or what have you, petty corruption rather.

Then also you're talking about effectiveness in a sense in case of the Federation where there is a sense of trust and confidence in the police even though it might be based on ties of intimacy and knowing police officers by other means, by virtue of them living in the same community. So we're talking a kind of effectiveness in practice. But you actually went over with me the script itself has a different kind of effectiveness in mind. I'm sure that when you're talking about accountability and depoliticizing and so forth, there is a model of effectiveness that you are aiming for. So I don't know if this is an appealing question for you at all to tackle, but it is sort of tackling the issue of what effectiveness do you have even with these contradictions in practice, and kind of the effectiveness that you're trying to actually achieve and hoping for and actually seem likely to appear in cases that the depoliticizing and accountability are put in place on both levels, both a better level of accountability towards the government and a better level of accountability sometime in the future toward the community itself. If this is not an appealing question -

FLESSENKEMPER: It is a very appealing question, I'm trying to—. Perhaps the word effectiveness is something which we don't really use that often. Actually if we look back into our analysis, the police are relatively effective. So we are not unhappy with the results, particularly in the general policing, public peace and order, general policing, common crime. They are actually doing very well. The key problem starts with the politicization. Then it doesn't become effective because the police are not independent. Also citizens have seen very little results. They know what is going on. This is why the European Union has put such an effort, or accent on this, what we call our organized crime, support the fight against organized crime. We have also found out—you know you may have a very effective police with the right technical capabilities, right education, etc.

What we see is effectiveness across the board developing in a satisfactory manner and you may have now a relatively effective police, but it can only act inside the criminal justice system. You have to know that here the criminal codes have been changed in the last couple of years, shifting more responsibility towards the prosecution, basically putting the prosecution fully in lead of the investigation. With prosecutors who have never led an investigation. So the task for us in order to get results was very much to look now at a new interface, police prosecution, less at the interface any more of citizen police, citizen report. Of course there is under reporting like everywhere else. We have also put in place certain community tools like a crime hot line which we marketed very much together with the local police. We have an anonymous line where people can report crime anonymously.

We're promoting also the usual telephone numbers of police. We've invested quite a lot in awareness raising of report, it's vaša policija, it's your police. Actually the claim vaša policija is used now throughout Bosnia – Herzegovina and is accepted. That is reflected in the high approval rate. So the interface for effectiveness becomes now prosecution. It actually becomes to a certain degree prison. Bosnia – Herzegovina has inherited a prison legislation which is extremely insufficient for nowadays threat scenarios and nowadays high-risk

individuals. It was very much a social correction kind of prison system of the late '80s of Yugoslavia which is still in force here which means incarceration next to where you live, a lot of leave of absence, etc. It was very much a reintegration model. But obviously in Yugoslavia you haven't had high-risk individuals committing complex crimes. You had actually mostly political crime or very petty crime, so it had more a social function prison than a really deterrent function or even separating people from running groups.

So now we have to start to look at this as well to make it effective. What is the value of a good investigation, a trial, incarceration by then, because a trial takes time. People already qualify for leave of absence because after a third of the sentence, etc., they can go out. You need to look at the infrastructure. This is how high-risk individuals are actually put behind bars. We know that they are managing groups from within prison. All of this has to be seen and this is reflecting on the perception of effectiveness of police. The whole system doesn't function. Police may be effective in its own rights, but the citizen wants the result. He wants to be sure that things go then into the right direction. Also the police officer wants to see these results. It also enhances their effectiveness as they see them working well together with the prosecution, speedy trials, good incarceration, etc.

JASAREVIC: This is one—.

FLESSENKEMPER: So you cannot see it in isolation, that's basically to sum it up.

JASAREVIC: This is really interesting.

FLESSENKEMPER: Effectiveness cannot be seen in isolation.

JASAREVIC: Bringing up this intersection with prosecution is just amazing, an amazing new piece of information for this particular archive on policing reforms or policing in Bosnia in general. But just something I've heard off of the street, from the police officers themselves, some were quite frustrated by the fact that they got a call in for a crime for what have you. They go on to investigate. To sum up their frustration, I don't quite understand the mechanics of it but basically the point is that they can only do so much because they have to rely on the prosecution to send in a team and help them with the investigation and these people don't know exactly what they're doing. By the time they get organized or even manage to send people out in the field, the crime is already done with, the criminal or alleged criminal has fled and the damage has already been done and they feel quite goofy and frustrated and what have you. They're kind of looking back at the good old days when at least they could have gone out and felt that when they get a call they can go out and respond themselves rather than rely on a third party that as they see it is just slowing them down and deferring response.

FLESSENKEMPER: *That's exactly it, what I tried to say in a bit more abstract terms. Through the change of the legislation, there is a faction of the prosecution for certain level of crime. What we have been working on now, just yesterday there was a conference. There is a high judicial and prosecutorial council in this country. We have been together with all our partners and we sort of spotted this major difficulty, frustration, also coming from the side of our police colleagues. We really pushed hard now to develop better rules and regulations at this interface, to draw clearly the delineation how should you work, how independent can police act up to a certain level. Because you cannot wait for everything for an instruction of the prosecutor. We also had cases where we had to involve ourselves with the prosecution as EUPM, as foreign police presence explaining to the prosecutor*

that for certain cases you have enough evidence. Prosecutors obviously want sometimes to take even more evidence, more evidence, more evidence. But in order to prevent further things happening, it is sometimes important to say this is a sufficient amount of evidence to order pre-trial detention which allows them to investigate further while the alleged offender or the suspect is at least taken out of the game for a while. So this is a very, very important issue. It has not been considered.

If you look in the policing history, in the international policing history, the rule of law element, the criminal justice element, the policing element has been seen in isolation. This lesson I hope, at least for what we know here in the European Union context has been that. You cannot do a police stand-alone mission. Even a community policing mission. If you would only do a monitoring thing, it cannot be seen in isolation. You have to see the whole criminal justice system at least. When we talk about again effectiveness as well. That lesson I think has been clearly learned.

So when the reform of the criminal legislation has been promoted here mainly by the Office of the High Representative a couple of years back, they weren't even considering the effect of these changes for day-to-day policing. That's why exactly these stories and these stories we know very well. They have led to a huge reorientation of our working methodology.

JASAREVIC: This is very helpful. We'll stop for a second.

JASAREVIC: We'll actually move on to the next section. Let's talk about working with non-state security groups. You mentioned briefly prior to recording that you actually do have the cooperation, you have interesting things to say about this particular topic. So let me actually read it off the script to formulate the question and then we can take it from there.

Another issue of special interest to many is the relationship between the police and non-state security groups such as neighborhood watch associations, night watch patrols or street committees. Sometimes these units are formed by groups of citizens, in other instances, they're under the authority of elders or traditional or religious leaders. That's not applicable to Bosnia. Sometimes police forces also reach out to traditional leaders or respected members of the community or religious groups to help resolve questions, issues, disputes. So my first questions are about the non-state security groups and the police. If non-state security groups are present in places you have worked or actually rather in Bosnia particularly, would you describe these groups very briefly?

FLESSENKEMPER: The groups we are most interested in are in the private security industry. As you know the reform of military sector. The vetting process, certification process as we call it here, have left a couple of people, hundreds, thousands, estimates vary, without a job in the public security sector. So there is an emerging industry of private security companies. That has also to do with obviously the economic developments in the country, the protection of sites, post 911 obviously, all kinds of new security, regulations which have been put in place both by companies and public institutions.

We have observed here an increase of the industry and initially this industry has been very much also dominated by, let's put it this way, shady characters, people who had war-time records, who had links to politics, war-time politics, etc. So our interest has been very much to look at this sector in order to enhance the regulative framework. Again, we are here in Bosnia – Herzegovina with a

fragmented system, regulation is devolved to canton entities so there is no state-level regulation. There may be different rules with regard to the carrying of arms of these companies. In some areas 50% of their personnel may be allowed to carry arms, in others less, etc. Weapon registries, etc. So this has been actually the prime focus in this area. We are cognizant of the fact that the private security industry has a role to play. Where we get extremely variable, when the Republika Srpska wanted to create its own Republika Srpska own private security company. So where actually we had the impression that police reform efforts we were undertaking would maybe be implemented by some of our partners, but at the same time, largely unsupervised and uncontrolled structures in-state ownership or in public ownership would be created.

That's where we started also, together with the Office of the High Representative to look very particularly at this area. We also had carried out a couple of inspections of these companies together with our friends from EUFOR to see weapon holdings, the whole mechanism, how do these companies function. We are not pessimists about these companies. We believe there is space that they can integrate in an overall security system and they have their place in that, but this needs to be closely watched. For Bosnia – Herzegovina it is also a typical result of the war. You have it actually all over the Balkan region, it is one of the transition processes, you have it in neighboring countries with those offices of the state secret police who had been left without a job going into this sector, etc.

On the noncommercial side, we don't have these kind of phenomena like neighborhood watch, etc. What we have however tried to do in the framework of community policing is to strengthen ties, particularly in those areas, rural areas, where police stations are remote, where you have so-called returnee communities in rural areas who have a feeling of insecurity. Objectively they may not be less secure than in more urban areas, but there is a feeling of insecurity which obviously can be explained psychologically due to what happened to those communities a couple of years earlier.

JASAREVIC: Can you just clarify for the sake of whoever the listener is going to be, the return issue.

FLESSENKEMPER: *In Bosnia – Herzegovina and with the peace treaty and the Dayton-Paris Peace Accords. The right to return to pre-war communities, municipalities, or the pre-war place of residence is guaranteed. It has been the key objective of the international community and partly of the authorities of Bosnia – Herzegovina to implement this right. Now, it's not the place to do a critique of if it works or not, but there are people who have decided to return to their pre-war municipalities, largely in rural areas. This has been a very complex process. In the rural areas people live in dispersed settlements or very small villages. They may feel insecure as so-called minority returnees. There are groups of people who don't belong to the ethnically-dominant group. The police is usually managed by the group that is ethnically dominant.*

To give you an example, in the Republika Srpska, in the eastern Republika Srpska which is along the Drina horrible crimes happened during the war in these rural communities. Older people mainly who returned back to their pre-war homes and these are in the mountains, far away, etc. They have a subjective feeling of insecurity. So what did we do to strengthen their feeling of security? We tried to create, we called it Security Forum. They had all kinds of other names, little more municipality-based fora where people could discuss security issues. It quickly actually evolved then into more general public peace and order

policing, market day organization of traffic and these kinds of things. That is not really a non-state police security actor, but it is the fora where this happens.

We have never really seen an emergence of neighborhood watch; however, just recently through an unfortunate combination of coincidences, in the spring, we had three quite terrible acts of juvenile delinquency, of juvenile violence, killing people. There we had sort of reactions in the population to strengthen our calls for more police presence, for more presence of police -for instance in trams and autobuses, etc. Let's see how it plays out because obviously here in an area where there is very little crime actually, these kinds of incidents trigger always a bit of disproportionate reaction. I mean it's very unfortunate when people are killed in a tram, but it is not something that happens every day. The last time that something like this happened is years ago. Then you have this call also for we have to take a little bit more care of our security. But people in Bosnia – Herzegovina still mainly believe in the state, so all the calls go in that direction, police be more present.

JASAREVIC: What were the actual venues for people calling for more police presence or even just voicing their anxiety about these crimes? What were the particular venues?

FLESSENKEMPER: This is interesting because we could actually say this has always been a combination of press excitement and somehow street protest. The street protest however here we have to interpret it, there are two strands, like everywhere. The press has taken the more oppressive kind of position, the mass press. There's very few press and TV, playing on these anxieties and calling for socially oppressive solutions while more liberally-minded groups have actually started to do demonstrations on the street, more against the political system to say the political system is not paying enough attention. For instance, to the needs of the young people and address demands of resignations of mayors of ministers, etc. So it is very unorganized in a way. It was not very targeted in their demands, either side.

The more oppressive side got it wrong because statistically there is no problem. Of course there are incidents. The other one got it wrong in terms of the demands were too untargeted. The whole thing played out quickly, I think it's almost forgotten.

JASAREVIC: Let's move on to the next question. Let's see, again being mindful of time, let's see, let's do the reform process or processes in terms of Bosnia. I'll put up the general question here, I'll read it off the script and then you will, as you've done it in the past, you will make it country particular. We have talked about your experience in a number of functional areas so I'd like to turn the conversation to some of the broader challenges that often affect efforts to build or reform an institution. There's something actually here, there's a question, it is very rarely the case that personnel have all the skills they need to carry out their jobs effectively and support a process of change. In this imperfect world, do you have advice about a sequence of steps reformers in general of police should follow? Are there some tasks that just have to be done before others? Perhaps this goes back and ties nicely into your talk about the interface and observing police as this island, this isolated thing versus an integrated system.

FLESSENKEMPER: It's a very good question and we have been thinking about this obviously as an organization, also in the broader context of what are we doing as a European Union having launched a couple of police missions over the last couple of years. There are no obvious mechanics. Traditionally we could see like vetting,

certification, training, retraining new cadets, setting up training institutions, developing curricula, get the people out, that was sort of the idea.

Now we know in a rather sophisticated country like Bosnia – Herzegovina, which had a very good policing system before the war, which has a policing and administrative tradition which dates back very long, that was a bit too simple of an answer. Of course training needs to be done. However countries and problems are never in isolation. I think they need to be more focused from the beginning on recurrent training. Things are developing very quickly. If you look in the field of crime investigation which is our particular interest, the technical capabilities, you need to fight crime nowadays, interception, telecommunication interception, internet traffic interception, the understanding of internet traffic needs permanent training. The development of skype, skype.com as a communication platform, voice over internet protocol, is something that ten years ago was unperceivable. That actually people would communicate in that way. So we have to look at an inbuilt mechanism of recurrent training.

Another element was, I think we had an intellectual problem of understanding—I always formulated like you had three levels of intervention, skills, capacity and attitudes. Skills can be addressed rather quickly. Again, I think the skill sets always need to be reviewed. The capacity to manage in a more complex and open society, for the police to interact, community, politics, business, understanding the broader, for instance European integration process meaning what is going on with new requirements coming in through the Schengen boarder-free travel regime, the Schengen standards which have to be implemented, other kinds of new policing standards and police cooperation standards, short globalization we could call it because there is no national policing any more. This is something which will take more time, and it takes time at home.

The third one is attitudes. Attitudes are a longitudinal problem. We discussed before force and service. In Yugoslavia like in Communist countries, police was a force of the state, for servicing the Party and the state, it wasn't a service to citizens. To change this attitude, no longer for the authorities but to be service to the citizens and a service of the citizens, this is something that takes time. Not only within the police, we had very interesting discussion here and polling actually about the police. In the context of the poll we talked about earlier where people said, and you can hear it all over again, give them back their batons and everything will be fine. They should be much more aggressive these police officers. So that was also the attitude of the public is sometimes not there. Policing doesn't mean beating up people. All of these need different levels of intervention. I wouldn't know how to sequence them because only by doing you will find out what is the missing element.

I talked about the holistic approach to the criminal justice. This was not—I don't blame anyone, it was not foreseeable, it was not clear that this would be the next problem around the corner. So sequencing will always need to be very country specific and very group specific. For instance, here in this war scenario, you had a police service that allegedly had 80,000 plus members in 1995, where anyone was sort of drawn into the police, paramilitary, etc. Of course, getting all of these people out of the service or the force at that time is obviously the first thing you have to do. You have to organize the ranks to see who is actually qualified, who has the minimum standard, who is clean, who hasn't committed crimes, etc. That is obviously a step, you need to know who you're working with. But I guess pretty soon after you need to refresh this already. These are things that are traditionally

done. This is what I would even consider hardware, seeing who is there, who should be in there, how do we get new people into this. That's the hardware.

What is the software you're putting into the system, that you need to be, I think, far more flexible. Again, I think people knew how to police. Interestingly, obviously in Bosnia – Herzegovina the certification/vetting process resulted in a lot of the old police officers staying on. You're going probably to meet some police commissioners and police directors. These are people who joined the service in the '70s. They have a solid education, police education. There you can't start explaining to them to do basic work. You need to get actually a bit more sophisticated software in there, management capacity, that's what I'm saying. Skills is probably for the younger ones, for the lower ranks, but capacity is something you need to look at, managing, understanding the complexity. Development of initiative has been one of the key problems we have here, the self initiative.

JASAREVIC: There is the following question. What kinds of allies in the host country are essential for success and do you have any advice about the best way to build support among these people?

FLESSENKEMPER: Our key ally is our target population, meaning the police itself. If you're not working in partnership, in our view, now we're in a particular view because we are an EU mission who wants to help Bosnia – Herzegovina become part of our family. So we are no longer an international organization, but we are—I mean, we are an international organization, but we are an organization where we want BnH police officers to become our colleagues inside the European Union.

JASAREVIC: Is that well understood?

FLESSENKEMPER: Yes.

JASAREVIC: How is that even communicated?

FLESSENKEMPER: That is communicated every day on the political level but also on a practical level. We're working obviously on very specific instruments, for instance the Schengen acquis which is the technical word for basically migration and border control standards which is regulated throughout the European Union and that is a real European standard and this is clear that we're not going to work on issues which wouldn't fall into this acquis. We're looking at the integration of Bosnia – Herzegovina into EUROPOL which is the European police office in the Hague where we have now signed the strategic agreement last year and hope that we get Bosnia – Herzegovina in the near future to sign an operational agreement with EUROPOL which means we will then move into an exchange of personnel-related data and case files through the Hague which is then real policing, it is no longer advice and so on, it is partnership and real policing. So that's a key ally.

There are a number of more allies. I think here in Bosnia – Herzegovina most problems are the political allies, meaning the parliamentary level which would be also in line with our idea of police as a service. This has been very underdeveloped. We don't have, as I call it, a security community within BnH made out of police professionals, humanitarians, NGOs, human rights defenders, the legal system, all kinds of people should be part of a security community, it's a bit of a virtual community, but people who are interested in this. Even the business community must be interested in well-functioning police because that makes Bosnia – Herzegovina interesting for investors, makes it interesting to run

business. If you have a problem you have responsive police. So that kind of alliance is still in an emerging phase. Again, I mentioned it before we are working a lot with media and outreach, together with the local police on certain issue-setting campaigns. That was good probably also to win in the end the general public for our effort.

JASAREVIC: The next question has to do with cultural specificities. This is how it is phrased. Are there underlying political, social, or economic conditions that have made reform harder or easier in your current job and could you tell us about one cultural difference that has required you to change a proposal you had made? Was there a cultural practice that made it easier for you to do your job or any aspect of it? Earlier we were talking about for instance—.

FLESSENKEMPER: *I mean the underlying difficulty of this country is the Constitutional set up.*

JASAREVIC: Ah.

FLESSENKEMPER: *The constitutional set up of Bosnia – Herzegovina makes every form extremely difficult because Bosnia – Herzegovina is a political system that is not hierarchically organized, everything exists in parallel, the state level which is Bosnia and Herzegovina. The two entities, the two districts, the ten cantons, they all have their level of competence. This is reflected in the police but also in the judicial system and other parts of public administration. They are not in a hierarchical system.*

Maybe to someone who knows a federal state like the United States of America, there is no hierarchy here, it is all in parallel. Even the court system is not hierarchically organized in that way that you could actually say you go from your lower level courts up to the constitutional court. So this is a real problem here. This is the heart of the problem of this country and the definition how people want to form a polity in Bosnia Herzegovina.

I'm always wary of this argument of cultural differences, at least in the western Balkan context. As an EU organization, we have a lot of expressions of European cultures and traditions within the European Union and Bosnia – Herzegovina is representative of many of those. If you look in our southeastern European member states, from Greece, Romania, Bulgaria, central European member states but also Austrian, Germanic traditions are reflected here. So I wouldn't be sure to say that we have huge cultural differences. They are determining factors, in particular with regard to the expression of citizenship, of freedom, of how you interpret your responsibilities and rights, which have been more complicated here A) because of the pre-war history in Yugoslavia, the war which has been fought on mainly so-called ethnic grounds which have then been sort of cemented in a political system which is based on group rights. That has been a problem. But is this a cultural problem? I don't think so. It has been more a build-up of certain political factors which found an expression in the system.

JASAREVIC: So you're talking in the sense, rather than cultural specificity, you're talking about some local particularity.

FLESSENKEMPER: Yes.

JASAREVIC: You were talking earlier for instance about, how did you put it, the initiative.

FLESSENKEMPER: *Yes, but that you can see. If you look into the member states of the European Union, I am myself from Germany and obviously Germany had been*

the first enlargement country of the European Union with the integration of the former German Democratic Republic. You see many of these traces of the socialist system in public administration. It used to be very hierarchical. It was basically ordered straight from the General Secretary of the Party through different ministries, etc. So this kind of self initiative, I wouldn't say this is a Bosnian-Herzegovinian specificity. Some people may argue that the tradition of this country is being always part of larger empires has possibly led to a certain attitude in Bosnia to let the state be the state and rather wait before doing something yourself.

I'm not a sociologist so I won't judge on this, and I find that always very difficult to say, for me this is cultural determinism. Seeing for instance the younger people here or even middle-aged people and older people, you can't say that all of BnH citizens are like this. So there is a mixture of different influences and, of course, the institutions are rather heavy. Now the question is has cultural differences made us change certain proposals or not? I wouldn't be able to think of anything where we could say this is really because of cultural differences that we changed certain things. There have mainly been political considerations, rather.

I can give you an example. We have looked now into so-called laws of internal affairs. Every level of government, cantons, entities, multiple districts, state, has a law on internal affairs. We have been working on harmonizing these laws meaning you have different legal texts in these different entities, cantons, state, but that the content of these laws is the same. One of the proposals that we made for the cantons was to reduce the number of police administrations. This is a sort of sub-level on how we organize the district, to the minimum. That was a very rational proposal, but some of the cantons are so-called special-regime cantons because there is a power-sharing agreement between Bosniacs and Croats. That basically meant we had to withdraw some of our proposals because a certain municipality would be part of this larger power-sharing agreement and people felt they needed a police administration.

That comes back to what I said earlier. People feel very much that their rights, group rights, history of the conflict, but also history of Yugoslavia and even history of the Ottoman Empire is enshrined in certain institutional and administrative units. Now if that is true or not, I don't think so. If you look at it from a service point of view, it doesn't really matter if there is a police administration in a small place like Zepce or if everything is done from Travnik, that doesn't make any difference. But these are the kinds of things where we often have to adjust for political consideration. But I wouldn't call that cultural, that is politics.

JASAREVIC: I think we have time just for one more question if we squeeze it in. Are there any innovations or experiments you know about with respect to managing the reform process, either in your current position or elsewhere which you think merit more attention?

FLESSENKEMPER: Innovation?

JASAREVIC: Innovation, experiments, Bosnia specific or not?

FLESSENKEMPER: *I'd like to say that it may be now very obvious, with hindsight many things are obvious, but I think the innovation, not only Bosnia – Herzegovina came to is the holistic, as we call it the holistic approach to criminal justice and to the whole justice system, the criminal justice system. That needs further development and that needs further development in peace operations. Your institute is called Fragile States and this needs, I think, more thinking, because in the end you*

need to be able to provide the assistance package from the beginning. But that is much easier said than done. Now if you're coming in a post-war scenario like here in Bosnia – Herzegovina in '96, lots of things had to be done, from basic humanitarian things to getting things back in order. So maybe more reflection is made on how to develop instrumental—packages, operational packages for aid workers or those who come and assist. But I still believe you have to do it from the beginning.

Personally I am very much on the side of traditional justice systems. There has been a lot of discussion about transitional justice nowadays in our work. We somehow failed to understand sometimes what is meant with it, because in the Balkan context we have opted through the establishment of the ICTY (International Criminal Tribunal for the former Yugoslavia), through the reinforcement of the rule of law locally, etc., for a very traditional concept of trying war crimes, etc.

But maybe these kinds of traditional justice discussions can be brought in from the police into this holistic approach from the beginning. Is that in relation, I'm not sure because I don't have an overview of all the research and all the studies and practice that has been gathered in other theaters of operation. We believe that is key. We have also examples where in the broader context of corruption, because that is very much linked to the discussion about failed states and corrupted elites, etc., where you had interventions like in Georgia where the EU had a small mission for a year in Georgia, just after the change only attacking the justice system. That was again partial. So if you bring some prosecutors up to speed, but how many can you bring up to speed in a year and you don't have the police underpinning this, you also have your problem. So a holistic approach in criminal justice I think may be one of the innovations or rather lessons identified.

JASAREVIC: Okay, Mr. Flessenkemper, thank you so much for your time and for your insights.