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Democratization and Police Reform

by

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List of Acronyms and Abbreviations

ai	amnesty international
AWS	Akcja Wyborcza Solidarność, Solidarity Electoral Action of Poland
BASCAP	Business Action to Stop Counterfeiting and Piracy of the International Chamber of Commerce
BGS	Bundesgrenzschutz, Federal Border Guard of Germany, since 2005: Federal Police
BKA	Bundeskriminalamt, Federal Criminal Investigation Office of Germany
CEU	Council of the European Union
CIA	Central Intelligence Agency of the USA
CID	Criminal Investigation Department
CIVPOL	Civilian Police (usually of the United Nations)
CoE	Council of Europe
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DEA	Drug Enforcement Administration of the USA
DoS	Department of State of the USA
DPKO	Department of Peacekeeping Operations of the United Nations
EC	European Community
ECHR	European Court of Human Rights
EU	European Union
EU15	European Union with 15 Members from 1995-2004
EUPM	European Union Police Mission in Bosnia-Herzegovina
Eurojust	European Union Judicial Cooperation Unit
Europol	European Police Office
FBI	Federal Bureau of Investigation of the USA
FBiH	Federation of Bosnia and Herzegovina in Bosnia-Herzegovina
FREEDOM	Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of the USA
G7	Group of Seven: Canada, France, Germany, Italy, Japan, UK, USA
GAO	General Accounting Office of the USA, since 2004: Government Accountability Office
HR	High Representative of the Peace Implementation Council for Bosnia-Herzegovina, since 2003 also representing the European Union
HRW	Human Rights Watch
ICC	International Chamber of Commerce
ICG	International Crisis Group
ICITAP	International Criminal Investigative Training Assistance Program of the USA
IFOR	Implementation Force, NATO-led peacekeeping force in Bosnia-Herzegovina
IMF	International Monetary Fund
INGO	International Non-Governmental Organization
INL	Bureau for International Narcotics and Law Enforcement Affairs of the US Department of State
Interpol	International Criminal Police Organization
IPTF	International Police Task Force in Bosnia-Herzegovina
JNA	Jugoslovenska Narodna Armija, Yugoslav People's Army
MDF	Magyar Demokrata Fórum, Hungarian Democratic Forum
MO	Milicja Obywatelska, Police in the People's Republic of Poland

MONUC	Mission de l' Organisation des Nations Unies en République démocratique du Congo, Mission of the United Nations in the Democratic Republic of Congo
MSZP	Magyar Szocialista Párt, Hungarian Socialist Party
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OHR	Office of the High Representative of the Peace Implementation Council for Bosnia-Herzegovina, since 2003 also representing the European Union
OPS	Office of Public Safety of the US Agency for International Development
OSCE	Organization for Security and Co-operation in Europe
PIC	Peace Implementation Council for Bosnia-Herzegovina
PiS	Prawo i Sprawiedliwość, Law and Justice Party of Poland
PMI	Philip Morris International
PRC	Police Restructuring Commission of Bosnia-Herzegovina
RCMP	Royal Canadian Mounted Police
RS	Republika Srpska in Bosnia-Herzegovina
SB	Służba Bezpieczeństwa, Security Bureau (Secret Police) in the People's Republic of Poland
SDP	Socijaldemokratska Partija, Social Democratic Party of Bosnia-Herzegovina
SDS	Srpska Demokratska Stranka, Serbian Democratic Party of Bosnia-Herzegovina
SEED	Support for East European Democracy Act of the USA
SFOR	Stabilisation Force, NATO-led peacekeeping force in Bosnia-Herzegovina
SIPA	State Investigation and Protection Agency of Bosnia-Herzegovina
SZDSZ	Szabad Demokraták Szövetsége, Alliance of Free Democrats of Hungary
UDBA	Uprava Državne Bezbednosti, State Security Directorate (Secret Police) of the Socialist Federal Republic of Yugoslavia.
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNHCHR	United Nations High Commissioner for Human Rights
UNIFIL	United Nations Interim Force in Lebanon
UNMIBH	United Nations Mission in Bosnia-Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in the Sudan
UNODC	United Nations Office on Drugs and Crime
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force in Croatia and in Bosnia-Herzegovina
UNTAC	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in East Timor
USAID	United States Agency for International Development
UW	Unia Wolności, Freedom Union of Poland
WEU	Western European Union
ZOMO	Zmotoryzowane Odwoły Milicji Obywatelskiej, Special Police in the People's Republic of Poland

1. Introduction

“Reform of police forces has been central to the reconstruction of governments whether they were emerging from authoritarianism or conflict. [...]he dominant template of police reform is now described as democratic policing, and the encouragement of democratic police practices has become the common goal of assistance to police by the international community, whether undertaken by individual countries or under multilateral auspices. The assumption behind the priority given to police reform in transitions to democratic government is that what the police do critically affects the character of government. [...] Authoritarian police are the hallmarks of undemocratic governments.”
(Bayley 2006: 17)

The monopoly of the legitimate use of force is the constituting characteristic of the modern state (Weber 1972: 29) and the way how this monopoly of force is exercised by the police critically affects the form of government: In an authoritarian state the police exercises the monopoly of force in an authoritarian way. In a liberal democracy¹ there are much more limitations on what the police is allowed to do. These limitations are intended to secure human rights, and among those especially civil liberties and political rights. Despite its core function for the state, the police is an organization that is especially difficult to control. In a democratic state it is intended that there is only limited political influence on the police. The law enforcement sector is meant to be accountable to the law and should not be guided by arbitrary decisions of individual politicians. But the police can not exist as an institution of a democratic state and be totally independent from democratic control. The line between democratic control and political influence is blurry. Especially in a transition to democracy there is a conflict between depoliticization of the police and the introduction of democratic control of the police. There are different ways to manage this conflict. For example, there are consensual or semi-consensual elections of the chief of police. There is the office of an ombudsman. And there are decentralized police structures that disperse the democratic control of the police to different sub-national governments so that no single level of government has too much power. It is the purpose of this paper to look at such structures for the control of the police in new democracies, on the reforms of such structures, and especially on the decentralization versus centralization aspect of it. The research question of this paper is:

Why are some states decentralizing the democratic control of the police, while others are centralizing it, both with the aim of democratization?

¹ The terms “democracy” and “liberal democracy” are used interchangeably in this text.

One could assume that there is a trend to decentralize police if the aim is democratization, since decentralization is an important component of different programs for democratization aid and good governance since the 1980s. The trend to decentralize has even increased since then. Some speak of an age of decentralization and link it to the new possibilities for sub-national governments in a globalized world (Campbell / Fuhr 2004: 3-4, Fuhr 1999: 22). But the picture is not that clear. Assuming that police structures in established democracies serve as examples for new democracies, one can find a wide variety of examples. From decentralized police structures in the USA and the UK to centralized police structures in France and Japan. There are also police reforms in established democracies, but also there is no clear trend to centralize or decentralize. For example the Netherlands have decentralized their police structure in the early 1990s, but Finland has centralized its police structure in the late 1990s (Tupman / Tupman 1999: 13).

Similarly, newly democratizing states choose different ways to structure their police. Poland has chosen to decentralize its police in 1991, has then recentralized the police in 1995, has again decentralized the police in 1999, and has made further adjustments to the combined central-decentral control of the police since 2002 (Haberfeld et. al. 2002). At the same time, Hungary has debated a possible decentralization of the police but has chosen to keep it centralized (Kertész / Szikinger 2000: 280). Yet both states have many commonalities: their democracies have emerged at the same point of time from soviet style socialism. They have both remarkable achievements with respect to democratization and both states joined the European Union in 2004. On the other hand, the conditions in the former conflict nation Bosnia-Herzegovina² differ a lot from those in Poland, but both states have chosen decentralized police structures (Wisler 2007: 263). At the example of Bosnia-Herzegovina it becomes evident that not only national, but also international factors are important for decisions about police reform. The European Union has made police reform in Bosnia-Herzegovina a pre-requisite for a possible accession of the country (OHR 2007). Knowing about the relevance of international and national factors, this paper examines both, and identifies those factors that are relevant for decisions whether to centralize or decentralize the democratic control of the police.

² The official name of the country in the long version is "Bosnia and Herzegovina". But for increased readability the common short version "Bosnia-Herzegovina" is used in this paper.

This study can be categorized as part of two different research areas. On the one hand, it is a paper from the discipline of International Relations. On the other hand, it is a paper from the discipline of Comparative Politics, especially Comparative Democratization. In the area of International Relations, questions of international police cooperation and police assistance are “remarkably understudied” (Andreas / Nadelmann 2006: VIII). This paper is especially concerned with policing with respect to human rights. There is plenty of research on human rights in International Relations, but this research is often limited to the formal respect being paid to human rights by states, and not to the de facto respect by every representative of those states (e.g. Risse et. al. 2002), such as the ordinary policeman on the street. Also Comparative Democratization research has paid relatively little attention to the police. The military, as the other state institution to exercise the monopoly of force, has had much more attention, since it is often involved in coup d'états. As former Bolivian President Gonzalo Sanchez has put it: „When you have a corrupt chief of police, you fire him. When you have a corrupt chief of the army, he fires you” (quoted after Zirnite 1998: 173). But this paper is not concerned with the coup d'état as the immediate change of government. Instead it is concerned with the mid to long-term change of the form of government: the consolidation of democracy. In democratization research this paper would be categorized as a paper about “democratic quality” – a category that again has relatively little attention, but is important for the stability of democracy (Munck 2007: 65, Berg-Schlosser 2007: 37).

The combined attention to international and national factors influencing police reform is reflected by the structure of this paper. After describing the underlying theory and method in chapter 2, international and transnational influences are being described in chapter 3 and 4. Chapter 3 examines police structures and police reforms in established democracies as possible role models for new democracies. Chapter 4 looks at international and transnational actors that actively try to influence police reform. After having examined these external factors, three cases of police reform in new democracies are examined in chapter 5. These are Poland, Hungary and Bosnia-Herzegovina. And finally the concluding chapter 6 is dedicated to the findings of this paper and suggestions for further research.

2. Theory and Method: Between International and National Influences

In order to answer the research question of this paper it is necessary to identify the relevant influences on police reform. The search is guided by theoretical assumptions about possible relevant influences on police reform. First of all, it is assumed that national as well as international and transnational influences could be relevant. The background for this assumption are theories about policy diffusion and policy transfer (Stone 1999). These theories are increasingly being used due to increased interdependence in an age of globalization. Even policy areas that seem to be a classic example of internal political affairs are not free from external influences. A conventional comparative approach to police reform, without consideration of international and transnational influences, thus would have been likely to exclude relevant factors. Holzinger, Jörgens and Knill (2007: 24) identify a number of reasons for policy diffusion and policy transfer that are relevant for this paper: First, states can voluntarily agree to comply with international law and chose similar policies to implement this law. Second, states can be coerced to implement certain policies. The coercive means could be, for example, conditional economic aid or conditional membership in international organizations. Third, states can use transnational communication to import policies that have been tested in an other state, instead of developing and testing their own policies. If these theories of policy transfer and policy diffusion are applied to police reform, even such a classic matter of internal political affairs, can be partly explained with the major theories of International Relations (IR). Based on liberal IR theory, states cooperate with each other in order to work against common problems, such as crime and especially transnational crime. Based on realist IR theory, hegemonic states force other states to take measures against transnational threats, such as trafficking in drugs and humans, or internal conflicts with spill over effects. And based on constructivist IR theory, trends and norms in policing spread throughout the globe (Andreas / Nadelmann 2006: VIII).

Based on the theoretical assumption that states can import policies from other states, chapter 3 examines the police structures and police reforms in a number of important established democracies, as these might serve as role models for new democracies. Based on the theoretical assumption that states and international organizations

actively promote police reform policies, chapter 4.1 is dedicated to such international actors in the area of police reform. In addition to the international actors, also transnational actors are being considered in chapter 4.2. These include INGOs, businesses, and the “epistemic community” (Haas 1992) of police researchers. Of course also national influences on police reform need to be considered. This is done in the case studies in chapter 5. Each of them includes a brief description of the pre-democratic police structures, since the existing legacies might create “path dependencies” (Pierson 2000) that influence the police reform. Since the research question is about the decentralization versus centralization aspect of police reform, the decentralization and centralization of the general state administration needs to be considered, as well as reforms in this area. Given the fact that new democracies are being examined, the progress of democracy and the situation with respect to human rights will be considered. And given the fact that the police is responsible for internal security, the security situation also needs to be considered. Of special interest are also corruption (Fjeldstat 2004) and ethnic diversity (Bakke / Wibbels 2004, Kymlicka / Opalski 2001), as there are existing debates about their reciprocal effects with centralization and decentralization in general.

In order to isolate the relevant influences from the many assumed possible influences, there will be a structured and focused case comparison (Bennet 2004: 30-37, Munck 2004: 119). It is focused because the influences on one specific dependant variable (police decentralization/ centralization) are being examined. And it is structured because several assumptions about possible influences are being disclosed and guide the research. As mentioned before, there is not much research done on the topic of this paper and no single work could be identified that is investigating the same research question. Therefore it is not possible to test given hypothesis. Instead the purpose of this paper is to generate new hypothesis about relevant influences on police reform that lead to centralization or decentralization of the democratic control of the police. Therefore it is a qualitative and inductive case comparison. The list of possible explanatory variables is open to supplementation during the research. In order to reveal possible new explanatory variables there will be a process tracing (Bennet 2004: 22) for each individual case. However, the depth of this process tracing is limited by the resources that can be devoted to this paper, and its design as MA thesis.

The cases have been selected from police reforms in countries in transition to democracy since the end of the cold war. Three cases have been selected for the purpose of two case comparisons by the rule that one comparison is between cases with a variation of the dependant variable and many similarities between explanatory variables, and the other comparison has little variation of the dependent variable but very different explanatory variables (Munck 2004: 107). The first comparison is between Poland and Hungary, because Poland has decentralized its police two times (with recentralizing adjustments) and Hungary kept it centralized all the time, while both countries share many commonalities. Their democracies have emerged at the same point of time from soviet style socialism. They have both remarkable achievements with respect to democratization and both states joined the European Union in 2004. The second comparison is between Poland and Bosnia-Herzegovina. Both countries have chosen decentralized police structures, although there are many differences between the peaceful transition to democracy in Poland and the civil war and post-conflict reconstruction in Bosnia-Herzegovina. Finally, there is a comparison between all three cases and a consideration of international and transnational influences in order to generate findings on the basis of these three cases that might serve as basis for further research.

In this study the primary method to examine the influencing factors for police reform is an examination of secondary literature. Since political science is paying very little attention to the police, this paper is partly based on sources from other disciplines, such as jurisprudence, criminology and police research. In addition to the secondary literature, also primary sources, such as official government documents, have been used. I tried to complement the information from existing literature and documents, by conducting interviews and surveys myself, but this was not successful. I have sent very short questionnaires concerning the local influence on the Polish police to all Polish province police headquarters in August 2007. But the response rate was 0%. I also tried to get an interview with a Roma minority police officer on relations between the police and the Roma minority in Hungary, but this was also not successful. Therefore the research needed to be based on secondary literature and primary documents. Nevertheless, the present sources have been sufficient to produce relevant findings.

3. Possible Role Models: Police Structures in Established Democracies

Describing the police structures and police reform in established democracies serves two purposes. On the one hand, those states are likely to serve as role models for states in transition to democracy. On the other hand, it serves as a frame of reference to assess whether the police structures in the case studies are rather centralized or decentralized by international comparison. States that have been chosen as possible examples, are the USA and France as the oldest democracies of modern times, the UK as a very influential state that also served as the basis for the US police system, and Germany and Japan as examples of states that have been successfully led to democracy by external intervention, which included an externally supervised police reform. After the short description of the police structures in these selected countries, the chapter is concluded with a brief categorization of the police structures of the states of the G7, the EU15 and Switzerland.

3.1 Policing in the United Kingdom

The police structures in the United Kingdom and in the United States both have their roots in the so called frankpledge system of the 12th and 13th century in England. In this system the king appointed for every shire (or county) one shire-reeve (or Sheriff), who was the local judge and chief of police. The sheriff was the only paid professional in the policing system. Two unpaid constables have been drafted per every about 100 citizens, to assist the sheriff and patrol in their neighborhood³ (Mawby 1999: 29, Roberg et. al. 2000: 33). When the judiciary became independent, the sheriff was not anymore the local judge, but he remained the local chief of police and prison warden. In the late 18th century increasing crime rates, especially in cities, led to demands to create a professional police force. The attempt to create a London city police in 1785 was rejected, as citizens feared a repressive police after the example of the authoritarian states in continental Europe. But there have been fewer concerns about civil liberties in the English colony of Ireland. And therefore a Dublin city police has been established with a police act of 1786. The Dublin police was designed to be a centralized, militarized and repressive colonial police (Waddington

³ If wealthy citizens have been appointed as constables, they often paid someone to perform their policing duties. (Mawby 1999: 29)

1999: 24-26, Mawby 1999: 32). In England it took until 1829, until the home secretary Sir Robert Peel managed to get approval for a police act establishing the London Metropolitan Police. His plan was to establish a professional police that was not repressive and respected the civil liberties of the citizens. Therefore the London police was unarmed and was wearing a uniform that clearly differed from military uniforms. For the democratic control of the police, local watch committees have been established since 1835 comprised of local council members and representatives of the judiciary (Mawby 1999: 33, Roberg et. al. 2000: 35, Waddington 1999: 21-24).

The London Metropolitan Police served as a role model for the introduction of many local police forces in England and Wales. Since 1856 all counties and boroughs have been obliged by law to run a professional police force. In exchange the national government covered 25% of the costs. In 1874 the national financing has been increased to 50% in exchange for a centralized setting of standards for the police. So by the late 19th century the unpaid self-policing system has been completely replaced by more than 200 professional local police forces each under the control of local committees, but meeting national standards due to shared local-national financing of the police. With several reforms increasing the minimum size of a police force, the number of police forces in England, Wales and Scotland has been reduced to 51 until the 1960s and has remained stable since then (Mawby 1999: 42, Tupman 1999: 5). Most scholars describe the English police system as a decentralized system, as only the standards are set nationally, but policing is mainly a local task. However, some scholars disagree and argue that it is rather centralized, because they consider the national control more important than the local control (e.g. Loveday 1999). Contrary to common belief, there is no centralized criminal investigation police in England. Every local English police has its own criminal investigation department (CID). Only the CID of the London Metropolitan Police (Scotland Yard) has such a good reputation that it is often called for help by other local police forces (Mawby 1999: 41). To summarize, the characteristic of the English police system is its mixed national and local democratic control with the 50/50 financing that ensures national standards but defines policing as a mainly a local task.⁴

⁴ The police structures in England and Wales are identical. In Scotland the local control is exercised mainly through representatives of the judiciary and less through local council members. In Northern Ireland the centralized colonial policing model has been kept until today. But a police reform is part of the peace agreement of 2006. On some Channel Islands unpaid constables are still part of the policing system (Mawby 1999: 33, 41-45, BBC 2006).

3.2 Policing in the United States of America

At first the English colonies in North America adapted the English policing system with its unpaid constables. But some counties decided to have paid police forces instead. With the independence of the USA, the office of sheriff was turned into an electoral office and a network of sheriff departments⁵ and other local police forces emerged throughout the states. Especially cities increasingly developed professional police forces after the example of the London metropolitan police between since the 1830s (Roberg et. al. 2000: 38-40, Mawby 1999: 31, 38). Until the 1920s the local police was almost the only form of police structure in the USA.⁶ But this form of policing has been heavily criticized due to high levels of corruption and political influence. In a patronage system people have been rewarded for political support with employment by the police. For example, after the elections of 1880 in Cincinnati 219 of 295 police officers have been replaced (Roberg et. al. 2000: 44). In such a police system the police officers have been loyal rather to their patron than to the law. Decisions about police actions against labor rallies, for example, have been made according to political considerations instead of the legal situation of labor unions (Roberg et. al. 2000: 45, Mawby 1999: 39). And also the treatment of Afro-Americans was largely influenced by "local customs" instead of laws, especially in the Southern states. Even though federal law (Ku Klux Klan Act of 1871) regulated the equal treatment of Afro-Americans by the police throughout the states, it had little effect in the South. It took until 1936 until the law was first successfully applied by the US Supreme Court (Skolnick 2001: 223).

In the early 20th century there were increasing demands for a police reform in order to professionalize the police, reduce corruption and political influence, and increase the accountability of the police to the law. As a structural method to achieve these goals the so-called progressive movement demanded police centralization. Further arguments for police centralization have been economies of scale arguments and the examples of continental European police forces that have been considered to be much more professional. They have been able to employ criminologists with

⁵ Today only three US states do not have sheriff departments: Alaska, Hawaii and New Jersey. In only two counties the sheriff is appointment instead of elected: Dade County Florida and Denver County Colorado (Roberg et. al. 2000 : 40).

⁶ In the 19th century US federal police agencies have been limited to guard the border, the railroads and the postal service.

university degrees, which was impossible for small local police forces in the US. Especially influential was the development of criminal investigation records by the French criminologist Alphonse Bertillon. He established a system to take pictures and body measurements of criminals on file that was later complemented with fingerprints. The storing of such files by more than 3000 local police offices in the USA would have been much more inefficient than a centralized system. (Roberg et. al. 2000: 45-47) In 1908 the FBI was created within the national department of justice, with very little competences, as it was based on an executive order by President Roosevelt and had no approval from Congress. The bureau took over the national clearinghouse for criminal investigation records from the Association of Chiefs of Police. Since the 1920s, the FBI got more competencies and funding, and developed into a federal criminal investigation police. Parallel to the FBI and local police forces, also state police agencies have been created. Before 1900 only Texas and Massachusetts had state police agencies, but until 1960, all states created a state police service (Mawby 1999: 38-40, Roberg 2000: 51-59). The division of competencies between different police agencies is not totally clear until today. For a given policing task, there are often more than one police agency that could claim responsibility. Therefore the distribution of police competencies between local, state and federal level has often been an issue of political debate. Especially economic difficulties during the recession of the 1930s led counties to downsize their local police and accept increasing competences by the state police. This is also true for the FBI, which got a good reputation in the fight against organized crime during the prohibition era and afterwards. Therefore the FBI became a general criminal investigation police, which can claim jurisdiction over any "federal crime", which is given, for example, if the crime involves crossing a state border or has effects in more than one state (Roberg et. al. 2000: 58-90, Mawby 1999: 47). However, since the 1960s there is a movement against police centralization, as arguments for centralized police have been counterbalance with the idea of "community policing", which is about better relations between police and the local community. (see p. 34) To summarize, the characteristic of the US policing system are police agencies on all state levels: the municipality, the county, the state, and the federal level. The system is clearly decentralized, when it comes to preventive policing and emergency response. But the federal level has increasing competencies when it comes to the investigation of trans-state crimes and especially organized crime.

3.3 Policing in France

Police researchers often use the term “Napoleonic” to categorize a certain police structure, which can be found for example in today’s France, Italy, and Spain (Tupman 1999: 13). In the 19th and early 20th century it was the most common police structure throughout continental Europe. It was used by countries as diverse as Portugal, the Netherlands, Poland, Austria-Hungary and many German states. These countries either developed a Napoleonic police structure when they had been conquered by Napoleon, or, if they had not been conquered, they modeled their police structure after the Napoleonic model. This Napoleonic police structure is to be described here at the example of the motherland France. The hallmark of the structure are different national police forces, which are accountable to different national ministries. In France, the Gendarmerie is responsible for policing throughout the country and especially in rural areas. It is accountable to the ministry of defense. The Police Nationale is responsible for policing in cities and is accountable to the ministry of the interior. The Police Judiciaire is the criminal investigation police and is accountable to the ministry of justice. However, the Police Judiciaire and the Police Nationale are working very close together. They often share buildings and employees can transfer from one organization to the other, while the Gendarmerie is a completely separate organization. (Horton 1995: 26)

The Gendarmerie is the oldest police agency in France, named as such since its reconstitution in 1791. The predecessor-organization was the Maréchaussée, a military police in existence since the 14th century, whose functions had been expanded towards general policing since the 16th century. However, the main function of the Maréchaussée was not to protect the citizens, it was to protect the state, by preventing revolutions, civil disorder, and policing the military (Horton 1995: 18). With increasing urbanization, special city guards have been created with the responsibility to police a particular city. The first of such city guards has been created in 1667 in Paris. Joseph Fouché, who was Napoleons Minister of Police from 1799 to 1810, has established a centralized management of the different city polices. But this centralized control of the police was limited to the protection of the state, which remained a central function of the French police due to the many insurgencies and

coup d'états.⁷ The protection of the citizens from criminals in cities remained at first under the decentralized control of the local mayors, while the centralized Gendarmerie was policing the rural areas. But with the integration of the Paris police and the Lyon police into one national police, the centralization of city polices started and more of them have been integrated until the 1920s. However, the complete centralization of the city polices into one national police is a result of the occupation by Nazi-Germany. (Horton 1995: 10)

Since the 1980s, the centralized character of the French police is being challenged by the community policing idea, which is called "police de proximité" in France. In several cities small municipal police agencies have been created to establish good relations to the community and work parallel to the national police. However, the bulk of the police work is still done by the national police. The municipal police agencies together have only about 5% of the employees of all French police agencies (Brogden / Nijhar 2005: 111). So despite of some community policing, the main characteristic of the French police structure remained the different centralized police forces, which are accountable to different national ministries.

3.4 Policing in Germany

The police in Germany has been radically restructured after World War II. The main influencing factors have been the police reform plans of the occupying powers and the history of the German police system. German politicians have been advocating for the "status quo ante", meaning the structure of the police in the Weimar Republic before the Nazis seized power. But the Weimar Republic did not actually have a well structured police. In the situation of fragile statehood⁸ after World War I different guards have been created parallel to the police agencies, and some of those guards have been integrated into the official police agencies. And when statehood has been

⁷ Major insurgencies and coup d'états in France: 1799: coup d'état by Napoleon I, 1814/15: restoration of the monarchy, 1830: revolution, 1848: revolution, 1848-1852: second republic, 1851/52: coup d'état by Napoleon III, 1870-1940: third republic, 1871: revolutionary commune in Paris, 1934 violent fascist protests in Paris, 1946-58: fourth republic, 1958-1962: state of emergency in the Algerian war, since 1958: fifth republic, 1968: student protests and general strike, 2005: violent protests of immigrants

⁸ The situation of fragile statehood in Germany lasted for a while: 1919: foundation and defeat of the Bavarian Soviet Republic; 1920: Kapp-Lüttwitz Putsch; 1923: German government declares state of emergency due to continuing insurgencies. The founding of the „Weimar Republic“ 1919 happened in Weimar instead of in Berlin, because Berlin was characterized by insurgencies and violent clashes between left wing and right wing extremists.

regained, existing agencies have been kept with very little reform. A “democratization of the police” was not on the agenda, as stability and security had priority before democratization. However, one constant in the German policing system was the responsibility of the German states for policing. Already at the unification of the German Reich in 1871, all 25 German states kept the sovereignty in the area of policing. Some city-states had police after the English model, while most states, including Prussia, had Napoleonic policing systems. Prussia, as the largest German state and with its special role, dominated the German policing system, but the police was not centralized until the Nazis seized power. After the occupation of Germany the allied powers have redrawn the borders of the German states and abolished Prussia as a state. As a consequence, there was not anymore one single state that could dominate the others. (Funk 2000, Leßmann-Faus 2000, Reinke / Fürmetz 2000)

The allied occupation powers have agreed on a police reform program, which is usually described with the so-called four “D”s: denazification, demilitarization, decentralization and democratization. The implementation of this program varied in the different occupation zones. There was more concern about denazification in the Soviet and the American zone, while the British and the French tolerated more police officers with a Nazi history. When it comes to democratization, the longest lasting influence of the Western allies was the limitation of police powers. Traditionally the German police had very far-reaching powers that included even some lawmaking and some judicial competencies. These powers have been abolished. Local watch committees had been created for the democratic control of the police after the English model. But these committees have been abolished with the foundation of the Federal Republic of Germany in 1949. As a matter of police decentralization, municipal police agencies have been created, but with the exception of the British, the occupying powers allowed the creation of state police agencies parallel to the local police agencies. The West German politicians did not like the idea of municipal police agencies and advocated for police centralization. They were finally allowed to centralize the police in each of the German states with the founding of West Germany, but the occupying powers required them to keep this decentralized character of the police (Reinke / Fürmetz 2000).

In East Germany the police has been completely centralized on the national level in 1952, like all other administrative structures in the socialist authoritarian state. With the reunification of Germany in 1990 the East German states have adopted the West German policing system and received assistance from the West German police. Thereby the decentralized system of state police agencies has been established for Germany as a whole. Since Germany regained full sovereignty with its reunification, there are some contended tendencies to expand the competencies of the Federal Criminal Investigation Office (BKA) and the Federal Border Guard (BGS). The border guard has been renamed to Federal Police in 2005, to reflect the diminishing importance of borders in a unified European Union. (Lindenberger 2000, Haselow et. al. 2000, Lisken / Lange 2000) In spite of these recent developments, the German police system is still characterized by its decentralized structure on the state-level. There are no municipal police agencies and only limited competencies for federal police agencies, such as in the area of transnational organized crime.

3.5 Policing in Japan

After World War II the US administration had similar plans for police reform in Japan as in Germany: demilitarization, decentralization and democratization. But depoliticization was not on the agenda, as the Japanese government has been kept, and even the Japanese emperor was not forced to resign. Unlike in Germany, there was no democratic tradition that could have been build upon. The empire existed since 1868, and before, there was a feudal system called Shogunat Tokugawa (1603-1868). In the Shogunat, the policing system was very decentral. The samurais, as the lowest ranking noble men, have been responsible for policing in their area. For that purpose, they combined five to ten families to a group (gonon-gumi) that was punished as a whole, if one of their members committed a crime. Therefore policing was based on a high level of social control. At the end of the Shogunat the new emperor secured his power with a new centralized police after the examples of France and Prussia. The Japanese police had similar far reaching powers as in Prussia, and it still employed the gonin-gumi system of social control. (Aldous 1997: 19-40, Leishman 1999) After World War II, the national police has been kept until 1947, when a police reform plan has been implemented together with the entry into force of the new constitution. According to this plan, every city with more than 50 000 inhabitants had to create a municipal police. For the policing of smaller towns and

rural areas, the US advisors proposed state police agencies on the level of the Japanese prefectures (todōfuken). But as a compromise with the Japanese cabinet, the national police has been kept to police the rural areas instead. However, the cities did not have enough financial resources to create adequate municipal police agencies. The low salaries of police officers led to a further increase of the high level of corruption. And as the municipal police agencies have been overstrained, the national police continued to be active in cities. So the plan for the police reform was based on the US model, but the result was a somehow Napoleonic system with competing police agencies (Aldous 1997: 148-207, Leishmann 1999).

In 1951, the Japanese parliament has passed a law that allowed the cities to hold a referendum whether to keep or abolish their municipal police agencies. And within only six months, 1028 cities have held referenda of which 1024 resulted in the abolition of the local police and the integration of their police stations and officers into the national police. In response to continuing demands of US officials for police decentralization and democratization, Japan has reformed its police again in 1954. In this reform the national police has been restructured into sub-divisions along the lines of the prefectures. The control of these sub-divisions is mixed: by the national minister of the interior and by the local prefect, as well as by a national and a prefectural civil watch committee. However, the democratic control on the sub-national level is rather consultative. The advice needs to be passed to the national level, where the control of the police actually lies (Aldous 1997: 218f, Leishman 1999). This police structure is in existence in Japan until today. In essence, it can be described as centralized system, with minor decentralized consultation mechanisms.

3.6 Overview of Police Structures in Established Democracies

The police structures in five very important democracies have been briefly described above. Japan is an example of a centralized police structure. France is an example of the Napoleonic structure, with different centralized police agencies. And the USA, the UK, and Germany are examples of different decentralized police structures. The USA has police agencies on all state levels, Germany has its police mainly on the state-level, and the UK has a system of combine central and decentral democratic control of the police. An overview of the police structures in the states of the G7, the EU15 and Switzerland can be seen in Figure 1. The G7 and the EU15 have been

chosen as they can be described as “clubs of democracies”, and Switzerland has been added as it is also a very old democracy with a distinct political system. The figure also illustrates some changes to police structures. For example the Police in the Netherlands used to be Napoleonic, but was reformed in 1990 after the example of the decentralized English police, but the result is not an exact copy. On the contrary, Austria and Luxemburg have chosen to merge their Napoleonic police agencies into centralized national police agencies. Centralizations of previously decentralized police structures happened in Sweden and in Finland.

Police Structures in the States of the G7, the EU15 and Switzerland

National, Centralized	Napoleonic, Centralized (competing police forces, predominantly centralized)	Decentralized
Denmark Ireland Japan*	Belgium* France Italy Portugal Spain*	Canada* Germany Switzerland UK* USA
Austria since 2005	Austria until 2005	
Finland since 1997		Finland until 1997
Greece since 1984	Greece until 1984	
	Netherlands until 1990	Netherlands since 1990*
Luxemburg since 2000	Luxemburg until 2000	
Sweden since 1965		Sweden until 1965

Fig. 1: Police Structures in the States of the G7, the EU15 and Switzerland

Source: Own illustration based on Tupman / Tupman (1999: 13), additional information from Mawby (1999), Aldous (1997), Simoner (2004), Bundesinnenministerium der Republik Österreich (2005)

***)Remarks** to some countries: **Belgium** has the most decentralized structure within the Napoleonic category. Besides the federal police there is also a local police, under combined national and local democratic control. **Canada** has a policing system, which is in large parts similar to that of the USA. But the federal Royal Canadian Mounted Police (RCMP) works as a border guard and is responsible for policing in the sparsely populated states North West Territories and Yukon. In other states counties can decide whether to run their own police or to make a treaty with the RCMP. Some counties, especially in sparsely populated areas, employ the RCMP. But the vast majority of the Canadian population is policed by decentral police agencies. **The Netherlands, Japan and the United Kingdom** have all combined systems of central and decentral democratic control of the police. The majority of scholars argue that the police in the UK and in the Netherlands is predominantly under decentral control, while the police in Japan is predominantly under central control (see above in this paper). **Spain** has provincial police agencies in the Basque region and in Catalonia. Apart from these special regions the system is Napoleonic.

4. International and Transnational Police Reform Actors

This chapter is dedicated to the international and transnational actors in the business of police reform. States and international organizations as actors (e.g. as donor countries) are described in part 3.2. And part 3.3 is dedicated to transnational influences, such as NGOs, businesses, or an epistemic community.

4.1 States and International Organizations as Police Reform Actors

States can not only serve as examples for police reform, they also actively influence the reform of police in other countries – either as individual donor countries of police assistance or through international organizations. The activity in the area of foreign police assistance has seen a steep increase since the end of the cold war, especially when it comes to countries emerging from conflict and countries in transition to democracy. The single most active state in the area of foreign police assistance is by far the USA, and the most important international organization in this issue area is the United Nations (UN). Increasingly the European Union (EU) is becoming active in the business of foreign police assisting. There is also a number of rather less important international police reform actors. For example the World Bank and the Inter-American Development Bank use some of their funds to finance programs in the area of security sector reform, sometimes involving law enforcement (Bayley 2006: 36). The Organization for Security and Cooperation in Europe (OSCE) has had smaller police missions in Kosovo since 1997 and in Croatia since 1998. The Organization for Economic Cooperation and Development (OECD) is active in providing research and advice in the areas of security sector reform, law enforcement and measures against corruption. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) provides also research and advice on police reform, besides its main work on control of the military. Interpol is active in facilitating international police cooperation that also involves police assistance especially if less developed countries have difficulties to keep up with global Interpol standards of communication and information sharing. Among individual states Japan and Australia need to be mentioned as actors in police assistance. Both are main donor countries to help in the process of police reform in Indonesia. But for the cases selected in this paper, the main actors are the USA, the UN and the EU.

4.1.1 United States of America

The USA has a changeful history of using police assistance as a means of foreign policy. As mentioned before, they had major influence on the restructuring of the German and the Japanese police after World War II. But during the Cold War, US police assistance increasingly got a bad reputation. It has been uncovered, especially for Latin America and Vietnam, that the US has trained and equipped police forces of authoritarian states, which then used their resources for human rights violations (Bayley 2006: 26). In these cases the fight against Communism has been obviously regarded more important than the promotion of human rights and democracy. Until 1974 police assistance was partly an activity of development aid and was administered by the Office of Public Safety (OPS) of the US Agency for International Development (USAID). But when it became publicly known, that funding for development aid was used to support human rights violations, the US Congress decided to change the Foreign Assistance Act. Effective from 1974, it prohibited any training, advice or financial assistance for any law enforcement agency of any foreign government, and with this decision the OPS has been closed (Bayley 2006: 26, Call 2002: 317). But police assistance re-emerged in spite the publicly announced ban of it, and new offices in this issue area have been created. The first office was the Bureau of International Narcotics and Law Enforcement Affairs (INL) in the Department of State (DoS). It was created in 1985 mainly as a means in the U.S. War on Drugs, which was and still is an important factor in U.S. foreign policy with respect to police assistance and police cooperation (Friesendorf 2007: 9, Andreas / Nadelmann 2006: 128). In the mid 1980's the War on Drugs was so high on the US agenda that Congress could support the creation of the INL with exemptions from to the Foreign Assistance Act. The first exemption, already in place since 1974, was for training provided by the FBI and the Drug Enforcement Administration (DEA). It was followed by exemptions for assistance to Honduras and El Salvador in 1986 and 1987. With the end of the Cold War and the breakdown of the Soviet Union, the number of exemptions saw a steep increase. For example in 1989 with the "Support for East European Democracy" (SEED) Act, in 1992 with the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets" (FREEDOM) Support Act, in 1996 with exemptions for the monitoring and enforcement of sanctions and for the reconstruction of civilian police in countries emerging from conflict, and finally in 2001 with the Antiterrorism Assistance Program (Bayley 2006: 26).

The increasing importance of police assistance for US foreign policy is reflected by its funding. But it is very difficult to figure out what the funding for police assistance actually is, as there is no such line item in the US Budget. Due to the pattern of different exemptions from the general prohibition of police assistance, there are several agencies involved in this business. For example the budget of the INL has increased from 147 million US\$ in 1993 to 1.1 billion US\$ in 2003. But not all of this money is used for police assistance, some of it is spent, for example, on drug crop eradication and alternative crop support programs. David Bayley (2006: 30) made a calculation combining the budgets of different agencies for police assistance, and for the fiscal year 2004 he comes up with an estimated 635 million US\$. And this calculation does not include extraordinary expenses through emergency legislation, such as in Afghanistan and Iraq, activities of the CIA, or funding of police reform programs of the United Nations or any other multilateral organization or donor conferences. Therefore the figure represents the regular annual budget of unilateral and non-clandestine activities. The US police reform programs in Afghanistan and Iraq alone would increase the budget by several billion US\$. According to the INL (2007: 7) the US has given police assistance in some form to more than 150 countries around the world, which is three quarters of the countries of the world.

While the INL is the most important US agency to finance police assistance, the most important US agency to provide police assistance is the International Criminal Investigative Training Assistance Program (ICITAP). This program was created in 1985, based on an exception from the prohibition of police assistance in the Foreign Assistance Act. Due to the pattern of foreign police assistance by exemption, ICITAP is organized in an unusual and rather intransparent way. It is located in the administration of the Department of Justice, but its funding is organized by the Department of State, which channels the funds through USAID (Call 2002: 320). As David Bayley (2006: 39) describes it: “the sole organization in the U.S. government whose statutory purpose is assisting police abroad operates through bureaucratic sleight-of-hand rather than by coherent authorization and consistent Congressional oversight.” The first big police reform project for ICITAP was the reconstruction of the police of Panama: In December 1989 the USA has invaded Panama as a strike in the War on Drugs, and arrested the Panamanian state leader Manuel Noriega. He was

then convicted on charges of drug trafficking, racketeering, and money laundering in Miami (Lindsay-Poland 2003: 118). As this was a unilateral invasion, the USA had to reform the security sector of Panama alone and ICITAP was responsible for the police reform. Initially it was not prepared for the task, but it learned and grew, and applied the lessons from Panama to other police reforms, such as 1992 in El Salvador and Haiti together with the UN (Call 2002: 329-350).

However, not every foreign police assistance effort of the United States is a complete restructuring of a police such as in Panama. And the commitment is usually not as big as it was in Germany or Japan. Most police assistance projects are managed by a small office with only a few people staff, who organize police training by police officers from the US or by contractors. Since 1994 major parts of the US foreign police assistance have been outsourced to the DynCorp corporation (see p. 31). The goal of most US police assistance programs is to strengthen the law enforcement capacity in favor of US international law enforcement interests, such as the fight against transnational organized crime, the war on drugs, or the war on terror. Democracy and human rights is often named as a primary goal of police assistance, but looking at the programs in detail reveals that it is usually only a secondary goal (Bayley 2006: 46, GAO 1993: 5). Therefore the impact of US police assistance on the structure of police is not as big as it has been in Germany or Japan, where decentralization was a clear goal. But the impact is existent, as most US police assistance is also an export of US police curricula, US police standards, and US policing trends. The most important exported trend in this context is “community policing”, which is often associated with democratic policing and decentralized policing (see p. 34). This export of norms is especially relevant when it comes to states that deliberately invite foreign police experts to help train and reform their police. In cases of forced police reforms, such as in peace-keeping situations, the US is usually only one actor in a multilateral police reform project under the auspices of the United Nations. Whether the USA uses its influence to promote decentralized police structures largely depends on the priorities of the individual police assistance project. If democratization is the priority, then some sort of decentralized democratic control of the police is usually on the US assistance agenda. But if the priority is more security related, then the main goal is to strengthen the police, with much less attention for its democratic control.

4.1.2 United Nations

The United Nations (UN) is the most important international organization to perform police reform operations. The annual budget for UN Civilian Police (CIVPOL) is more than 2 billion US\$(Bayley 2006: 43). The number of CIVPOL police officers has risen from less than 5000 in the year 1993 to more than 9500 in the year 2007, which are drawn together from more than 90 countries. Meanwhile the number of the total uniformed personnel in peacekeeping operations, including soldiers, has increased to more than 83.000 (Fig. 2). The number and scale of UN peacekeeping operations has seen a steep increase since the end of the Cold War. This is due to radical changes in international and national security arrangement, and due to the end of the East-West confrontation, which has made decision-making in the UN Security Council less difficult. But some important disagreements between the five veto powers remain. Before 1992, the UN Department of Peacekeeping Operations (DPKO) did not even exist, and every mission had to set up its own organization. Traditionally peacekeeping only involved the monitoring of a cease-fire without the mandate to enforce it. Over the 1990s the understanding of peacekeeping changed to include peace enforcement, and the experiences and reactions of the international community in Bosnia-Herzegovina have been an important step in that direction.

Police Officers and Other Uniformed Personnel in UN Peacekeeping 1991-2007

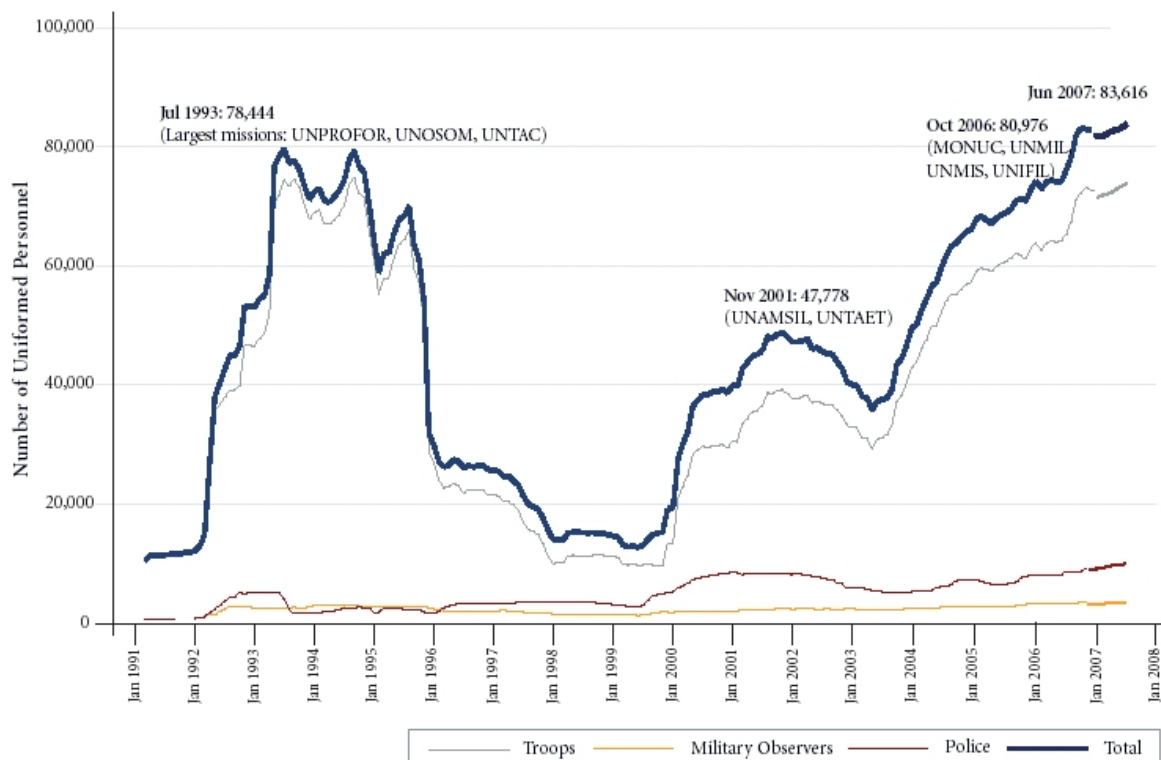


Fig 2: Police Officers and Other Uniformed Personnel in UN Peacekeeping 1991-2007

Source: Peace and Security Section of the United Nations Department of Public Information (2007)

The first police officers in UN missions have been deployed in 1960 in Congo and 1964 in Cyprus. But the number of police officers active for the UN stayed very low until the 1990s. The first post Cold War police deployment of the UN was 1989/1990 in Namibia. In line with the traditional understanding of peacekeeping, the UN police officers in Namibia have only monitored the behavior of the national police and did not have a mandate to reform the police. This changed in 1993 with the police deployment in El Salvador, where it was the clear mission to create a new police force with respect for human rights. In a transition period the old police force was responsible for policing under monitoring from CIVPOL, while the personnel for the new police force went through vetting and training in order to ensure depoliticization and demilitarization of the new police (Perito 2004: 87, Hansen 2002: 20). This pattern of police reform continued in the UN missions, such as in Somalia and Haiti – but in the later cases with less success than in El Salvador. For this paper the most important UN engagement was that in Bosnia-Herzegovina and it will be described in an own case study in part 5.3. An important development for CIVPOL happened in 1999, when transitional administrations have been established in Kosovo and East Timor. These administrations included a judicial and penal system and police forces, which means the international community took over all functions of the security system. This new type of UN police work, beyond police monitoring and police reform, is usually called “executive policing”. It was considered to be necessary due to the withdrawal of Yugoslav security forces from Kosovo and the withdrawal of Indonesian security forces from East Timor. The perceived security vacuum needed to be filled before a new local police could be created. (Perito 2004: 89, Hansen 2002: 25)

For the purpose of policing in post-conflict, peace-keeping and peace-enforcement scenarios, the demand for Gendarmerie type police forces has increased. These police forces, modeled after the French example, are organized like a military unit, but trained for policing. Therefore they are considered to be more suitable for the task between military engagement and peacetime policing. In English language the Gendarmerie type police forces are also referred to as constabulary forces, after the example of the English Constabulary in colonial Ireland. Police officers from units with experiences from conflict areas, such as the Royal Ulster Constabulary in Northern Ireland or the Spanish Guardia Civil in the Basque Country, are especially

demanding for the task of policing in peacekeeping situation (Perito 2004: 33, 241). This means a turning away from the goal of demilitarizing the police, at least for the transition period. But for example in Kosovo and East Timor the transition period turned out to be longer than expected.

Besides the DPKO, also the UN High Commissioner for Human Rights (UNHCHR) and the UN Office on Drugs and Crime (UNODC) are active in the area of police assistance. The UNHCHR is actively involved in setting the standards of policing with respect to human rights and monitoring it. Already in 1979 the UN has adopted a Code of Conduct for Law Enforcement Officials (UNHCR 2002). The UNODC mandate to organize police assistance is only in place since 2003, when the UN Convention Against Transnational Organized Crime entered into force. The convention provides to organize assistance if participating countries can not meet the standards of the convention without external help. So far UNODC did not promote a certain police structure, just like the UNDPKO did not promote a “one size fits all” police structure to implement in every country. But both UN agencies increase the international police cooperation and exchange of best practice experiences. Thereby they facilitate the global spread of police trends, such as “community policing”. (see p. 34)

4.1.3 European Union

Even though European states are less active in foreign police assistance than the USA, they also have a long history in doing so. The activities of the United Kingdom and France in post WWII Germany have already been mentioned. European States have also been active in assisting their former colonies during the transition to independence and afterwards. However, after the decolonization period and especially since the end of the cold war, European states prefer to contribute personnel to multilateral police missions instead of acting unilaterally. This is due to the increasing activity of the UN in this field and due to the increasing integration of European states into the European Union (EU). Police assistance is affected by three different areas of activity of the EU: by police and judicial cooperation in criminal matters within the EU, by EU enlargement policy and pre-accession assistance, and by the common foreign and security policy.

Police and judicial cooperation is the so-called third pillar of the EU since the treaty of Maastricht in 1992. The most notable effect for police cooperation was the creation of the Europol Drugs Unit in 1994. Its mandate has been upgraded by the Europol convention in 1998, and the European Police Office (Europol) has been created as its successor organization in 1999. Europol is not a police agency with executive powers. It is solely facilitating European police cooperation against transnational crimes. The Annex of the Europol convention covers almost all serious crimes from murder, through all kinds of trafficking and smuggling, to kidnapping, racism, organized robbery, fraud, counterfeiting and corruption (Europol 2006). In addition to Europol, also the EU Judicial Cooperation Unit (Eurojust) and the European Police College are active in the area of European police and judicial cooperation. However, all these agencies do not have a mandate to reform national police structures, they simply facilitate cooperation. Nevertheless European police and judicial cooperation provides an umbrella under which an exchange about best practice models of policing takes place. For example, between 2000 and 2003 an EU handbook “for best practice concerning neighborhood and community policing” (CEU 2003a) has been compiled and is promoting community policing.

As in many other policy areas, the EU enlargement policy has put more pressure on states to reform their police forces than the EU internal cooperation. States that wish to join the EU, need to fulfill the expectations of existing member states, which have been written down in 1993 as the so-called Copenhagen Criteria. These criteria need interpretation and can not be applied technically. But especially the criteria of stable institutions guaranteeing democracy, rule of law, human rights and protection of minorities has led several new democracies to reforms with the aim of compliance. This also included police reforms. But the criteria only demand a certain result, which includes policing according to democratic and human rights principles, they do not demand a certain type of police structure to achieve this goal. The EU offers pre-accession assistance, which includes monetary assistance as well as training and advice. And the EU monitors the compliance with the criteria and publishes the results in annual reports on the candidates’ progress towards accession. In order to set the standards of policing with respect to human rights, also the Council of Europe (CoE) is active. In 1979 the CoE has passed its first declaration on the police (CoE 1979) and in 2001 it has created a European Code of Police Ethics (CoE 2001).

As a matter of common foreign and security policy the EU is performing police reform missions within peacekeeping scenarios since 2003. Before, other European organizations have been active in this area. For example the Western European Union (WEU) had police missions, such as the mission to create a police force of Mostar (Bosnia-Herzegovina). In 2003 the EU has taken over full responsibility from the UN for the police reform in all of Bosnia-Herzegovina, which will be further described in section 5.3. Since 2003 the EU has conducted further police missions, such as in the former Yugoslavian Republic of Macedonia and in Afghanistan, but so far the mission in Bosnia-Herzegovina remains the largest EU police mission.

4.2 Transnational Police Reform Actors

Transnational relations are usually referred to as interactions across national borders that involve at least one non-state actor (Risse 2002: 255). There are different non-state actors that influence police across national borders. There are businesses (for-profit organizations) and non-governmental organizations (non-profit organizations). In addition to organizations, also networks can be considered as actors, and in transnational relations the networks of so-called “epistemic communities” are very important.

4.2.1 Businesses

Some police officers in peacekeeping missions have contracts with private businesses instead of contracts with the UN or their national governments. While most national governments recruit their peacekeeping police officers from their national police agencies or use a state agency to recruit officers from decentralized police agencies, the USA has decided to outsource this task to a private business. Since 1994 the DynCorp corporation is recruiting and training police officers and deploys them as US contingents to police missions abroad. In that way DynCorp was involved in police assistance to states such as Haiti, Albania, Bosnia-Herzegovina, Slovenia, Kosovo, East Timor, Liberia, the former Yugoslavian Republic of Macedonia, Serbia, the Palestinian territories, Afghanistan, and Iraq (Perito 2004:91). While the US government and DynCorp have been the pioneers in the area of

outsourcing of police assistance, later other businesses have entered the market and other governments are contracting them. For example, the British government is using ArmorGroup Ltd. for police training in Iraq (Kearney 2006). However, these private security businesses are working on behalf of states and not as independent actors, pursuing their own police reform goals. They would not be active in police assistance if they were not employed by states. This is different when it comes to businesses that employ security services to guard their premises. What seems to be a minor security business by Western standards can have considerable impact on the local policing structure. For example, in Indonesia an important aspect of police reform is the separation of the police from the military. But the military is fighting for its turf in the area of policing and is competing with the newly founded police. Both are offering their protection services to businesses. The multinational corporations ExxonMobil and Freeport Mining have decided to pay the military several million US\$ per year for the security of their premises (Heiduk 2006: 256). Thereby these non-state actors have harmed the police reform activities of state actors in Indonesia.

Besides these unintended consequences, businesses also try to influence law enforcement on purpose. The main concern of businesses, when it comes to transnational crime and international law enforcement, is counterfeiting and product piracy. The OECD (2007: 12) estimates that the value of transnational trade in tangible counterfeited or pirated products was up to 200 billion US\$ in 2005. Therefore businesses try to take countermeasures. For example, the multinational tobacco corporation Philip Morris International (PMI) is funding its responsible office for brand integrity with an annual budget of about 35 million US\$, not including judicial and other extraordinary costs (Schild 2007). In 2004 PMI has signed an agreement with the EU Commission to combat contraband and counterfeit cigarettes. With this agreement PMI is providing a budget of 1.25 billion US\$ over a period of 12 years to reimburse the EU and participating member states for their measures against counterfeited cigarettes (EU Com 2004). Compared with the interstate actor Europol and its budget of approximately 60 million Euro in 2004, this means that the non-state actor PMI and its influence on transnational law enforcement is not to be underestimated. In addition to the activities of individual businesses against counterfeiting and product piracy, there are also activities of business associations. For example the International Chamber of Commerce (ICC) has created the

Business Action to Stop Counterfeiting and Piracy (BASCAP) in 2005. Before 2005, there have already been several national business associations with transnational activities in this area. For example the French association of luxury companies Comité Colbert has campaigned against counterfeiting and product piracy in China, India and Russia, as mayor source countries of counterfeit products. However, these actions are mostly targeted to influence police priorities and police capacity, but not police structures in the sense of this paper.

4.2.2 International Non-Governmental Organizations

Non-profit organizations sometimes act in similar ways as for-profit organizations. When it comes to purchasing security, international non-governmental organizations (INGOs) find themselves in situations where they pay specific providers of security and thereby influence the structure of competing agencies in the law enforcement sector. This is especially true for relief INGOs that need to get aid to their recipients fast. And for the sake of the speed of their aid, they are turning a blind eye on the people with whom they are working (Acree 2006). Besides these unintended consequences on the local law enforcement structure, INGOs are also a major actor to provide monitoring of the human rights compliance of police services. The judgments in human rights reports of amnesty international (ai) or Human Rights Watch (HRW) often find their way in official government papers. Human rights INGOs have established credibility in monitoring human rights violations as they work only for the purpose of human rights and do not need to be considerate of diplomatic turbulences and issue linkages like states do (Risse et. al. 2002). But even though human rights INGOs are important to monitor the effectiveness of police reforms, they usually do not actively influence reforms with proposals on how police agencies should be structured. An exception is the International Crisis Group (ICG) that publishes analysis and suggestions on security issues, including internal security and policing. So looking at all INGOs as one category of actors, it can be said that they are important to create general reform pressure, but specific proposals for police centralization or decentralization are rather seldom.

4.2.3 An Epistemic Community Promoting Community Policing

An epistemic community is “a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area” (Haas 1992: 3). The line between an epistemic community and other areas, such as the INGO-world, may be blurry and they can be overlapping. But what is important for the understanding of the concept of an epistemic community is the perception by outsiders. The advice provided by members of an epistemic community is usually perceived as expert knowledge, and not as the promotion of a specific interest. The relevant epistemic community for advice on police reform is the international community of police researchers and criminologists. There have been several trends within this epistemic community. For example “zero tolerance” as a reaction to high crime rates, or “intelligence led policing” as a reaction to terrorism. But a very important trend that is enduring since the 1970s until today is the idea of community policing (Innes 2006, Brogden / Nijhar 2005). Community policing is often perceived as democratic and decentralized policing. Therefore it is highly relevant for this paper.

“One of the most serious COP [Community Policing] fallacies are that police organization can be effectively decentralized, both organizationally and managerially by adopting community policing strategies alone.” (Brogden / Nijhar 2005: 77)

“One thing democratic policing is not is community policing. The two are frequently conflated in writing about police assistance and reform. Community policing shares several practices that are part of the democratic police paradigm, specifically an obligation to consult with communities, the mobilization of the public in cooperative efforts at crime prevention, and locally focused problem-solving.” (Bayley 2005: 208)

Many of the ideas associated with community policing have existed before, but in the 1960s and 1970s they have gained momentum in the USA, and community policing has then become a global policing trend in the 1980s and the following decades. As mentioned before, there was a tendency to centralize the police in the USA until the 1960s, as a means to fight against corruption, politicization, and misconduct in the decentralized police system. The police centralization has led to a perception of increased distance between citizens and the police. This perception has been increased by the effects of mechanization of the police. For example, police officers increasingly patrolled in police cars, which made them less approachable than police officers who patrol on foot. Community policing is the idea to reduce this distance between citizens and the police. Police officers should not be considered as a state

force external to the community, but rather as citizens themselves, as part of the community. While this underlying idea of community policing remains a constant, there are different ways of how to achieve this community police integration. One way are more consultations between the police and representatives of the community. Those representatives can be local council members, neighborhood committee members, members of a special municipal crime prevention committee, or just individual citizens who are considered to be important representatives of the local community (Roberg et. al. 2000: 65-82). These consultations can be formal, with roundtable meetings, or informal, for example when a police officer approaches local owners of shops or pubs and asks them about crime-related problems, or if the police invites to a barbecue party, where citizens can talk about their security perception in an informal atmosphere. An other way is to make the police more easily approachable, for example with more patrols on foot or by bike, or by training police officers for more politeness and neighborliness in contact with citizens. A further way to achieve community policing goals can also be the architecture of police stations. An often cited example of police stations that allow close community police relations are the Japanese kobans. These very small police stations often have the appearance of a kiosk. They invite people to come in with an open door or glass door. And there are only a few police officers working inside, but therefore there are many kobans spread decentralized throughout the city. (Brogden / Nijhar 2005: 23-44, Roberg et. al. 2000 : 65-82, Waddington 1999: 206-227)

Community policing also means a broader concept of police work. Crime prevention is considered more important, which means policing is more than just enforcing laws. It is also involves solving problems that lead to crime. Often the police can not solve these problems alone, but needs to work together with other relevant community actors, like social workers, youth clubs, shop owners or the municipal administration. Such a police philosophy can lead to good results, as the measures taken can be more adequate and sustainable. But community policing can also lead to problems. The broad understanding of police work can move policing away from law enforcement to the enforcement of standards set by involved and orderly citizens, who request certain measures from the police. Thereby community policing can lead to an increase in social control. Also the applicability of community policing is limited to citizens who live in communities. But in big cities, many people live in apartment

buildings and do not know their neighbors. Therefore the idea of community policing can also be considered as a romantic idea of good old times, where the local sheriff knew all the people in his village. But its applicability to a modern urbanized society is limited. (Brogden / Nijhar 2005: 46-83)

Despite controversies over community policing, it has become a global trend in policing, embraced by many scholars and practitioners around the world. And it is usually seen as a way of democratic policing. The idea of a police run by the community instead of a police separate from the community resembles the democratic idea of a state run by the society instead of a state separate from society. In addition, community policing is also tied to the local context. It is self-policing of a community and not of a nation state. Nevertheless, community policing ideas have also been adapted by countries with centralized police systems or even with authoritarian governments: In China community policing measures are used to increase social control (Wong 2001). In Kenya community policing was used as a means to democratize the police, but the result was closer to a decentralization of repression (Ruteere / Pommerolle 2003). Also the impact of community policing differs from country to country. For example, in France community policing was introduced as “police de proximité”, but it did not change much of the structure of the police. The Napoleonic police system continues, only the cities have employed some municipal police officers parallel to the old structure that persisted (Horton 1995). On the contrary, in the Netherlands the application of community policing has led to a radical reform of the police structure: The old Napoleonic system was abolished and a new system of combined central and decentral control was introduced (Jones 1995). Also international organizations are promoting community policing. For example, the EU Commission has compiled an EU handbook “for best practice concerning neighborhood and community policing” (CEU 2003a) between 2000 and 2003. And in 2003, the participants of an EU conference of police experts have concluded that “the notion of community policing should be the basis of the organizational development of EU Member States police bodies.” (CEU 2003b)

4.3 Overview of International and Transnational Police Reform Actors

Most international and transnational police reform actors do not have a clear police decentralization or centralization agenda. Nevertheless, they are important for police reform, as they create general reform pressure. But two actors have a tendency to influence police reforms with the aim of democratization into the direction of police decentralization. These are the USA and the epistemic community of police experts. The most active nation in the business of international police assistance is the USA, and therefore ideas on democratic policing are being exported that are based on the decentralized police system of the US. Police decentralization was already on the international police reform agenda of the USA in Germany and Japan after WWII. And since then, police decentralization needs to be at least considered, if police reform with the aim of democratization is being discussed. The transnational epistemic community of police experts is promoting the idea of community policing, which is often perceived as a synonym for democratic and decentralized policing. Actually, community policing is only one of many tools to achieve democratic and decentralized policing, and not a synonym for it. But nevertheless the idea of community policing has effectively linked the ideas of democratic policing and decentralized policing.

International and Transnational Police Reform Actors

	Actors	Examples	Influence on Police Centralization or Police Decentralization
International	States	USA	If Priority is Democratization: Tendency Pro Decentralization
		UK, France, Germany, Japan	General Reform Pressure
		EU	General Reform Pressure
	IOs	UN, OSCE, OECD, DCAF	General Reform Pressure
Transnational	Businesses	DynCorp, PMI, BASCAP	General Reform Pressure
	INGOs	ai, HRW, ICG	General Reform Pressure
	Epistemic Community	Police Experts	Promoting Community Policing with a Tendency Pro Decentralization

Tab. 1: International and Transnational Police Reform Actors

5. Police Reform in New Democracies

5.1 Poland

The democratization in Poland began in 1980 with the strike of the unofficial labor union Solidarność. The strike was triggered by price increases of consumer goods in the centrally planned economy, but soon the striking workers demanded more than low prices. With the Gdańsk Agreement of August 1980, the socialist leadership gave in to several demands. Among other things, it agreed to increase the minimum wage, to abolish censorship and to allow the formation of free trade unions. This agreement was a short peak for civil liberties and political rights in Poland (see Fig. A1 on p. 84). But the liberty was short lived. As Solidarność became a successful opposition movement with about 9 million members, the communist regime decided to declare martial law in December 1981. The resulting street protests and strikes have been brutally crushed, resulting in several wounded and at least nine dead. More than 6000 Solidarność members have been arrested and the union has been banned. (Roszkowski 2006: 26)

The Polish police was an important factor in the fight of the regime against the opposition. It was called militia (Milicja Obywatelska, MO) instead of police, to symbolize the communist ideology of the people's republic. The MO was under the centralized control of the communist party and not of the state. Its main purpose was to secure the socialist order. To crush protests there was a special riot police division within the MO called ZOMO (Zmotoryzowane Odwody MO, Motorized Reserves of the MO). The ZOMO was also responsible for the killing of nine protesting miners in December 1981 (Roszkowski 2006: 29). The planning and supervision of activities to protect the state was done by the secret police called Security Bureau (SB). The SB spied on a large number of Solidarność members and prepared the list of important figures to be arrested with the declaration of martial law. And the SB continued to spy on the opposition after 1981, when Solidarność became an underground movement. The border between different policing tasks was blurred as the SB could summon regular police officers as needed. Even when martial law was not in place, members of the opposition have not been treated with respect to human rights. They have been considered as “counter revolutionary” or “class enemy” and had no recourse to justice (Haberfeld 1997: 641). The relevance of the secret police and the riot police

for protection of the regime was also reflected by the number of its personnel. According to figures of 1989 the regular police (MO) had 62 276 officers, while the riot police (ZOMO) had 12 566 officers (20% of MO) and the secret police (SB) had 24 390 officers (39% of MO)⁹ (Los / Zybertowicz 2000: 132).

Martial law was lifted in 1983, but the ban on Solidarność continued and the regime was on increased alert, keeping surveillance on the opposition. Nevertheless, Solidarność stayed an important political force operating from the underground. In 1986 the opposition started again with street protests and the reactions of the regime have been some reforms making it appear more democratic. The Constitutional Tribunal (constitutional court) was established in 1986 and the office of ombudsman was established in 1987. The office of ombudsman was proposed by the Council of Europe in 1985 as a means to check the compatibility of national laws with international human rights standards, like those mentioned in the Helsinki Accords, which Poland signed in 1975. However, the constitutional court and the ombudsman did not have real powers. They have been rather make-up for the old regime (Rose-Ackerman 2005: 74). But as Mikhail Gorbachev lifted the pressure of the USSR on its satellite states and as Solidarność continued to protest and to strike, the regime agreed to roundtable talks with the opposition in December 1988. In April 1989, the outcome of these roundtable talks was a negotiated transition from socialism to liberal democracy. The first step was the legalization of Solidarność as a political party, to allow further formations of new parties, to have free elections to a newly founded second chamber of parliament (Senate) and semi-free elections to the more important first chamber of parliament (Sejm). One third of the seats in the Sejm was open for competition, while two thirds had been reserved for the communist party and its subsidiary parties. When the elections were held in June 1989, Solidarność candidates captured all available seats in the Sejm and 99 of the 100 seats in the Senate. Under these circumstances the alliance of communist parties began to crumble. Even though it did have a majority in the Sejm, it did not manage to elect a socialist prime minister. As a compromise, the Solidarność member Tadeusz Mazowiecki was elected as prime minister, and the socialist Wojciech Jaruzelski was elected as president. The new government began with radical reforms in September 1989. As Polish state-owned enterprises have been privatized, as the

⁹ For comparison: in 1997 the figures are 7% for riot/anti-terror and 6% for intelligence (Los / Zybertowicz 2000: 132)

Polish economy has been transferred into a market economy, and as other socialist states in Europe also transformed into democracies, it soon became clear that the transition in Poland would happen faster than initially negotiated at the roundtable. In May 1990 free local election were held, resulting in a large victory for several local groupings of Solidarność throughout Poland. In November 1990, five years earlier than negotiated, the first free presidential elections were held and Solidarność leader Lech Wałęsa was elected as the new Polish president. Finally, in October 1991 the first free parliamentary elections were held. But major reform legislation has been already passed, when members of the old regime had a majority in the Sejm. There are many speculations why the members of the old regime agreed to the negotiated transition. The most convincing explanation seems to be that they have managed to arrange a transition that was to their personal economic benefit. The privatization of state assets to members of the regime has already started before 1989. (Roszkowski 2006: 46) And when the privatization officially started in the Fall of 1989, many state assets have been sold under intransparent circumstances to members of the old elite for prices below the actual market value. Essentially it can be said that the peaceful transition has been paid for with state assets (Rose-Ackerman 2005: 27). In addition, the old elite has been co-opted not only into the new economic system, but also into the new political system. The old communist party has reformed itself into a social-democrat party and continued to participate in elections.

Among the many reforms in Poland from 1989 to 1991, two are of special importance for the topic of this paper: The police reform, which included a decentralization of the police, and the general decentralization of the administration. Decentralization was already an issue for Solidarność in the early 1980s, in order to loosen the grip of the centralized communist regime. In 1983 the regime reacted to this demand with a law on the system of people's councils and local self government. But similar to the changes in 1986 and 1987, this law was also rather make up and did not bring real changes. Decentralization was again a topic at the roundtable negotiations. Solidarność considered the local level as the power base for its movement and demanded more local autonomy. On the other side, the old regime tried to redirect the topic of decentralization to the province-level (*województwo* or *voivodeship*), where the central state had more control (Wollmann / Lankina 2003: 101). At that

time, Poland's administration was divided into 49 provinces, each with an average population of approximately 700 000, and each province was governed by a centrally appointed governor (wojewoda). As a result of the negotiations the municipal level (gmina) was introduced as the level for local self government and the first elections were held in May 1990. The result of these elections was an overwhelming victory for many local Solidarność groupings throughout Poland. These new local governments had a considerable number of competencies, including new local police forces. But the new local autonomy was restricted by limited financial autonomy. The local governments were dependent on funds from the central government. And so the central government used the granting of funds to exercise some influence on issue areas that have been formally competencies of the local government (Rose-Ackerman 2005: 102, Wollmann / Lankina 2003: 102).

5.1.1 Police Reform of 1989/90

The police reform was also a major project of Solidarność, since the repressive police was considered a hallmark of the authoritarian regime. Officially the old militia (MO) has been dissolved and a new police force has been created. However, in practice the new police force inherited all the property of the old militia (police stations, cars, etc...) and many of the police officers. So the creation of the new police can also be considered as a reform of the existing police. The new police force was called police (Policja) instead of militia and new uniforms have been introduced. The highest ranking police officers, including the chiefs of police and their deputies in all 49 provinces, have been dismissed. In addition all police officers in charge of political indoctrination have been dismissed. All commissioned and warrant police officers had to go through a vetting process, before they could be transferred to the new police. The main purpose of the screening was to identify those police officers, who collaborated with the secret police (SB). As a result of the vetting, 50% of the commissioned police officers and 30% of the warrant police officer have been dismissed (Haberfeld 1997: 646). The officers in the new police were not allowed to be a member of any party. But they did have the same active and passive voting right as any other citizen. In order to prevent direct political influence on the police and to ensure democratic control of the police, the new post of national chief of police has been created. The national chief of police is the highest in command in the police hierarchy, and police officers have to take orders only from within the police

hierarchy. They are not allowed to take orders directly from politicians. The national chief of police is meant to be a non-political figure who is appointed in a semi-consensual way. He is chosen by the minister of the interior, but he needs approval from a newly formed advisory committee. This committee is composed of a member of the Sejm and a member of the Senate, who need to be members of different political parties (Haberfeld 1997: 646, Plywaczewski / Walancik 2004: 100). However, the provision to have committee members of different parties does not guarantee the participation of the opposition in a multi party system. Therefore the system can be characterized as semi-consensual. The national chief of police is accountable for the national police to the minister of the interior and to the parliament. In addition to the new national police, also new local police forces have been created in 1990. These local police forces have been financed partly by the new local governments and partly through transferred funds from the central government. The main responsibility of the local police forces was preventive policing, like patrolling, while the national police remained responsible for criminal investigation and largely also for emergency response. But as the local governments had constantly lack of funds, the local police was looking for funds elsewhere and police corruption became a rampant problem (Haberfeld 1997: 650).

Corruption was a problem in the local polices, as well as in the national police and many other areas of public service. It is a common problem in most post-socialist states (Shelley 2003, Wedel 2001). Parallel to the privatization of the official economy, there was also a capitalization of the socialist shadow economy, and this basically meant the change from non-monetary corruption to monetary corruption. It was such an important factor, that corruption was not only a means to get money on an individual basis, it also developed into an alternative source of revenue for whole organizations. Karklins (2005: 21) describes a bribe-extortion-pyramid-scheme at the Polish police, where individual police officers take bribes and have to pass a certain amount of the bribes up the police hierarchy. In addition, corruption is not only used for individual benefit, but also to compensate lack of funding of the police. The lack of funds has led the police to handle the problem in the old socialist style and use the shadow economy to “arrange things”. In the end, organized crime groups supported the new police forces with funds and with equipment like cars, radio equipment and weapons. (Haberfeld 1997: 650) Thereby the organized crime groups

could support the police in the fight against their competitors: the “unorganized” criminals, while the organized crime groups could do their business without or with less interference from the police.

The increasing levels of crime¹⁰ and especially transnational organized crime in the first years of the transition have been an important reason for international police assistance to Poland. Germany has been giving equipment and training to the Polish police, while most other states focused on advice and police training as the prime means of police assistance. In the year 1995, for example, 17 000 Polish police officers went through training programs provided by the USA, the UK and Germany. (Haberfeld 1997: 650) The training was usually focused on very basic aspects of police work, such as producing appropriate documentation of criminal investigations (GAO 1993: 4). Such basic training was especially important, since many experienced police officers have been dismissed and the remaining police force consisted of mostly young and inexperienced police officers and was also understaffed. For example in 1995, one third of the positions in the Warsaw police have been vacant (Haberfeld 1997: 650, Plywaczewski / Walancik 2004: 110).

5.1.2 Police Reform of 1995

After the first police reform in 1989/90, the next major reform of the Polish police happened in 1995. On the one hand, this reform was a reaction to high levels of crime and high levels of police corruption. On the other hand, it was also a political decision by a new government. At the first free parliamentary elections in 1991, Solidarność did not exist anymore as a unitary party. Instead it broke up into several smaller parties at odds with each other and competing for votes. The result of the elections was a parliament consisting of 29 parties. The post-Solidarność movement still had a majority, but the formation of a government was extremely difficult. In only two years four prime ministers have been elected and four different governments have been formed. In order to stabilize the political landscape, a 5%-threshold has been introduced and early elections have been held in 1993. The result was that most of the post-Solidarność parties failed to come past the 5%-threshold and the

¹⁰ Official crime statistics show an increase of the crime rate by 61% in 1990. (Plywaczewski / Walancik 2004: 101) But crime statistics are not very reliable, especially in authoritarian states and during the transition. However, there was the public perception of a step increase in crime rates.

winner of the 1993 elections have been the post-communists. They formed a governing coalition together with allied socialist parties and the peasant's party. In the following presidential election, they managed to consolidate their power with the election of Aleksander Kwaśniewski, a former youth minister in the communist regime, who succeeded Lech Wałęsa as the Polish president in 1995. The new post-communist government continued largely the economic reform policy of the Solidarność and post-Solidarność government, but it reversed some measures in the area of decentralization and police reform. Most importantly for this paper, the local police was abolished in 1995 and was integrated into the national police. Further measures have been to expand the list of cases, in which police officers are allowed to use firearms. Also the possibilities to conduct secret police operations has been extended. Examples are the clandestine surveillance of correspondence and the use of undercover agents for controlled purchase and controlled delivery of criminal goods. The justifications for these measures have been high levels of crime and corruption (Plywaczewski / Walancik 2004: 96).

5.1.3 Police Reform of 1999

The recentralization of the police in 1995 was reversed when the post-Solidarność parties regained power. More than 30 parties have merged in 1996 into the AWS (Akcja Wyborcza Solidarność / Solidarność Electoral Action) and together with the liberal UW (Unia Wolności / Freedom Union) they managed to win the 1997 parliamentary election and form a governing coalition. This government started a big decentralization project that also included a decentralization of the police. An expert committee was set up in 1997 and drafted a new administrative structure for Poland that was implemented in 1998 and 1999. The new size and number of the provinces (województwa) was partly modeled after historic structures of the Polish state. In 1972 the communist regime has reformed the administrative structure and has replaced 17 old provinces with 49 new provinces. In 1998 the number of provinces was again reduced to 16, with a population size ranging from one million to 5.1 million inhabitants. Each province has a province parliament (Sejmik) that elects a province government with a province governor (Marszałek Województwa). But the highest representative of the province is the prefect (Wojewode) who is not elected from the province. Instead, he is a representative of the central government and he is appointed from the national prime minister after nomination from the national minister

of interior and administration (see Fig. 3). The prefect is meant to monitor the self-government of the province and has the right to intervene on behalf of the central government if deemed necessary. This structure limits the self government with a strong national influence and has some similarities to the structure in France after the 1982 département reform (Wollmann / Lankina 2003: 106). Such a strong national influence is not present on the two lower tiers of local government. Since the 1989 reform there are 373 counties (Powiat), with an average population of 104 000 each, and 2489 municipalities (Gmina) with an average population of 15 500 each. 65 towns have the status of a county and are not further divided into municipalities. Each county has a county council (Rada Powiatu / Rada Miasta) and each municipality has a local council (Rada Gminy). These councils elect local governments headed by a mayor (Wollmann / Lankina 2003: 106). According to the reform of 1998, all mayors have been elected by the councils. But with a later reform in 2003, the election of the municipal mayor was changed to direct elections (Rose-Ackerman 2005: 103).

The Polish police has been decentralized along the lines of the new administrative structure in 1999. An expert committee has developed a system of combined central and decentral democratic control of the police – similar to the British and the Dutch system, but not a copy of them. The criminal investigation department stayed a centralized institution with a centralized budget, as this was seen as the adequate structure to fight against organized crime. But new units of uniformed police for emergency response and preventive policing have been created at the province, county and municipal level. The most important tier in the new police structure is the county, as most police officers are employed on that level. Not every small municipality has its own police station, some municipalities need to share one station. The police was financed with a national budget until 1999, but the budget for the new police units was fully decentralized effective from the beginning of 2000, giving the local councils, county councils and the province parliaments an important instrument for the control of the police. However, since the new administrative structures did not have enough own sources of revenue, the central government paid transfers to them, possibly giving the central government some influence in an area that was formally under local control. Each chief of the police had to be appointed in a consensual, central-decentral manner: The chief of the municipal police had to be appointed

consensually by the local mayor and by the county chief of police. The county chief of police had to be appointed consensually by the county mayor and by the province chief of police, while the province chief of police had to be appointed consensually by the prefect and the national chief of police. Since the prefect and the national chief of police are both appointed by the central government, there was more centralized control of the province police. But the appointment of the chief of the county and municipal police is more balanced, as the mayors are elected locally. Before a chief of police is appointed, hearings are being held in the parliament of the appropriate level. Afterwards the chief of police needs to give a report about the police at least once a year to the local council, the county council or the province parliament. He can also be summoned for questions to the appropriate parliament or council (Plywaczewski / Walancik 2004: 97, Haberfeld et. al. 2002: 149).

Central and Decentral Democratic Control of the Police in Poland since 1999

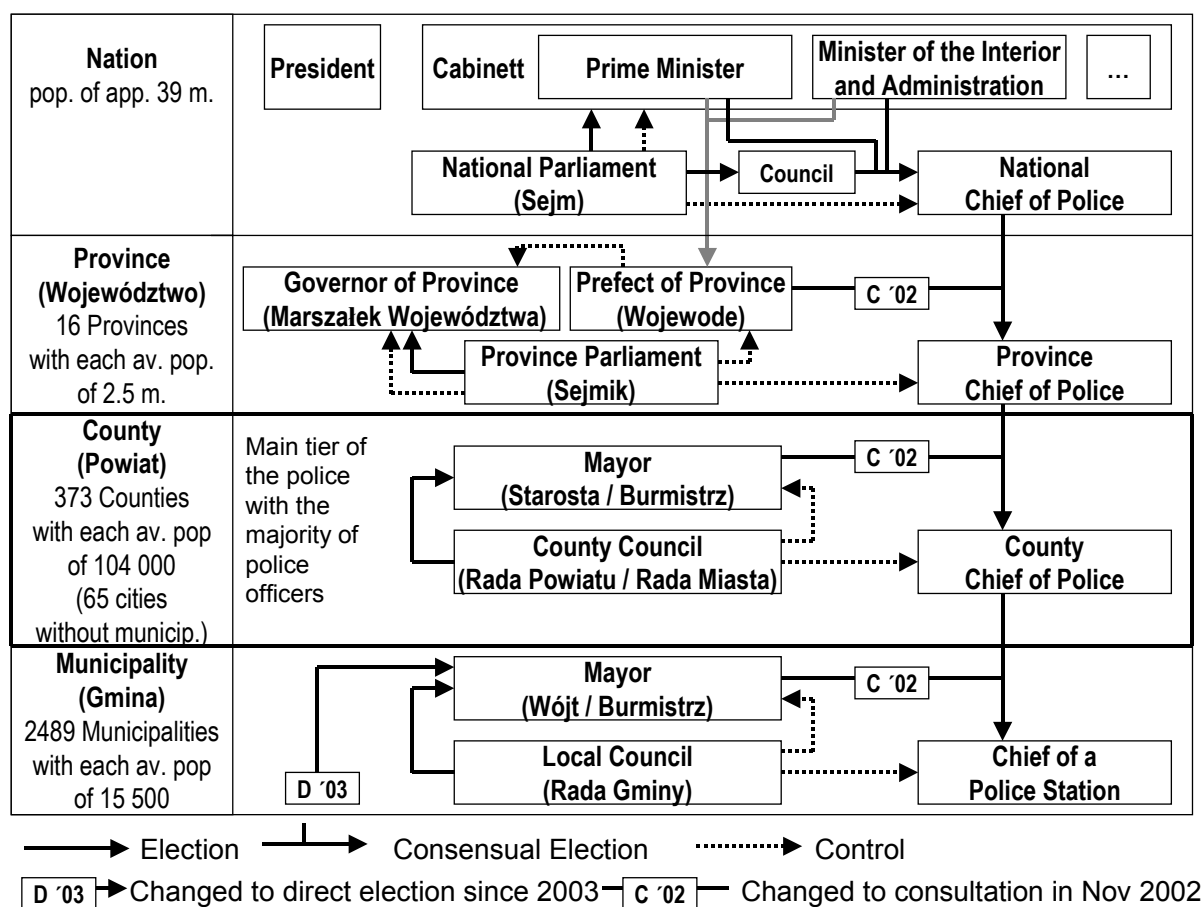


Fig. 3: Central and Decentral Democratic Control of the Police in Poland since 1999
Source: own illustration

There have been several reasons for the police reform of 1999. First, the levels of crime and corruption have been increasing and therefore a police reform was meant to make the police more effective. According to advice from the expert committee, the appropriate way to enhance police effectiveness was to improve community-police relations according to the idea of community policing. This was also suggested by foreign police advisors (Haberfeld et. al. 2002: 149). Therefore police decentralization was considered an important aspect of police reform. Second, decentralization was a general project of the post-Solidarność movement and police decentralization was embedded into the general decentralization project. Third, the government coalition needed at least some votes from the opposition in order to have the appropriate majority to redraw Poland's administrative structure. In order to convince members of the opposition, the prospect of EU membership was very useful. The EU promotes decentralization and explicitly criticized the lack of local self-government in Poland in 1997 (Wollmann / Lankina 2003: 105). These radical reforms have been made at a time, when Poland was eager to improve its image towards member states of organizations it wanted to join. Poland joined the NATO in 1999, and prepared for accession to the EU, which it finally joined in 2004.

5.1.4 Adjustments to Police Reform in 2002/2003

In November 2002, some adjustments to the previous police reform have been made. After continuing difficulties to find consensus on the appointment of several local chiefs of police, the consensual system has been changed to a consultation system. Since November 2002 the candidate for chief of police still needs to present himself in the local or county council, but the mayor is only asked for his opinion. The final decision is made within the police hierarchy (Fig. 3). A further step has been to completely recentralize the police budget. The local council can still summon the chief of police for questions, but they can not resort to the budget as a means of pressure anymore (Rose-Ackerman 2005: 112). These adjustments have been made after the post-Solidarność movement lost the elections in September 2001 and the post-communists have formed a governing coalition. Besides this ideological aspect, the main reasons for these adjustments have been overstrained local governments, with lack of funding and difficulties to adjust to the new competencies, and also

several cases of corruption and misappropriations at the local level.¹¹ The 2005 parliamentary and presidential elections have been won by the PiS (Prawo i Sprawiedliwość / Law and Justice), which considers itself as being neither post-communist nor post-Solidarność, although many of its members have been in the post-Solidarność organization AWS. PiS could not form a coalition with several parties and therefore has governed in a minority coalition with two smaller parties. This situation prevented PiS from making major reforms, including police reform. However, the government did create a new anti-corruption police unit, as the fight against corruption is an important aspect of its program. The early elections in October 2007 have been won by the more moderate post-Solidarność party PO (Platforma Obywatelska, Civic Platform) It will be interesting to see if the new government will again decentralize the police, or whether the reform pressure is now too low, since Poland is already an EU member.

5.1.5 Summary of Key Findings

The different police reforms in Poland show very clear preferences of political groups with regard to police reform. When the Solidarność and the post-Solidarność movement was in government, it has decentralized the police in 1989/90 and in 1999. Post-Communist governments have centralized the police in 1995 and in 2002/03. These police reform measures have been in line with parallel measures of decentralizing and centralizing the general administration. Independent of the different police reforms, the criminal investigation police has always been kept centralized, because this has been considered the adequate structure to fight against organized crime and especially transnational organized crime. Increasing crime rates, corruption, and police misconduct have been important to create pressure for police reform, and have been used to justify both: police centralization and decentralization. Also international and transnational actors have been important to generate reform pressure, most importantly the EU. It has mentioned police misconduct as an important problem that needs to be solved if Poland wants to meet EU standards and become an EU member. To support the police decentralization, community policing projects have been financed by the USA, and supported with the advice of foreign police experts.

¹¹ For example in 1999 several councilors and mayors have given themselves bonuses so that they earned more than the national president or prime minister (Rose-Ackerman 2005: 106).

5.2 Hungary

The democratization in Hungary was triggered by a top-down reform project of the communist regime. Other than in Poland, where the pressure of the opposition was an important factor for the transition, in Hungary the opposition remained rather calm from the failed revolution of 1956 until the regime allowed the formation of political associations in 1988. It was the declared intention of the regime to reform the socialist system with economic liberalization and increased civil liberties since 1987. Already long before, Hungary was known to have its own style of communism, often referred to as goulash communism (*gulyáskommunizmus*). This term refers to a policy since the 1960s that was especially in the economic sphere more liberal than many other communist regimes at that time. Hungary used market mechanisms as steering instruments within the centrally planned economy and it allowed a considerable share of private businesses within the socialist system. Hungary had also more trade with Western countries than most states of the Warsaw pact. Since the 1970s the policy of goulash communism was also applied to the administrative structure of Hungary resulting in a decentralization. A modest form of local self-administration was introduced in order to increase the efficiency of the administration. As this decentralization was not accompanied by democratization on the local level, it could also be described as a decentralization of the accountability of the public administration (Wollmann / Lankina 2003: 93).

The police was not affected by the decentralization policy of the communist regime. After World War II the police has been centralized, just like in the other satellite-states of the Soviet Union. The old Napoleonic police structure, inherited from the Austro-Hungarian monarchy, has been abolished and replaced by a centralized and militarized police. The main purpose of this police was the protection of the communist regime and the socialist order. The line between policing public security, policing state security and secret police was blurred. All policing functions have been under the centralized political control of the communist party. How the police conducted its work was based on decrees instead of laws. As these decrees have been inaccessible for the public, citizens had nothing to refer to if they felt mistreated by the police. Therefore the police was seen as a symbol of repression (Dimovné 2004: 68, Kertész / Szikinger 2000: 272).

When the regime allowed the formation of political associations in 1988 and the opposition used their civil liberties to demand further reform with public protests, the first reaction of the police was to forcibly dissolve the protests. But soon the regime ordered the police to contain themselves and allow demonstrations. In a general climate of modest liberalization in the Warsaw pact, the Hungarian regime did not want to stay behind the policies of openness (glasnost) and restructuring (perestroika) of the Soviet Union. Instead, the regime wanted to be at the cutting edge of the reform movement. In 1987 it introduced a reform program that basically meant the gradual introduction of market economy while keeping a strong socialist welfare state. It also meant increasing economic relations with capitalist states and therefore the regime cared about its reputation in the West. Together with foreign dept, this might have been also a reason to allow demonstrations. The opposition demanded more reforms, not only changing the economic system, but also introducing democracy. As it became clear that the Soviet Union would not intervene, and under the impression of the events in Poland, the regime started roundtable talks with the opposition in the summer of 1989. In October 89 the parliament changed Hungary to a liberal democracy and the first free elections have been held in May 1990. In these elections the communists have been ousted from government, but the successor-party MSZP managed to secure 8.5% of the seats in the parliament. The winner of the election was the MDF (Hungarian Democratic Forum), which formed a center-right coalition government. Similar as in Poland it can be said that the former regime agreed to the transition because it managed to negotiate favorable terms. The old elite managed to privatize many state assets to themselves thereby staying an important factor in the economic system. And they have also been co-opted into the political system with the post-communist party (Rose-Ackerman 2005: 27).

5.2.1 Early Police Reform Measures

The reform of the police was an important project since the beginning of the transition. The new center-right government in 1990 has taken some immediate measures for police reform and it has drawn together experts for more long-term reform measures. On the top of the agenda for immediate police reform measures was the depoliticization of the police. All police commanders have been dismissed, but as they had the right to re-apply, in the end only half of the commanders had been changed (Kertész / Szikinger 2000: 280). In addition, all police officers, just as

all soldiers, have been banned from membership in any party. A number of further regulations prohibited political activities of police officers, such as the display of party symbols on police premises, discussions about politics in police meetings, or political campaigning in police uniform. Nevertheless, in the first years of the transition it remained somewhat unclear what kinds of political activities are actually allowed for police officers. Since police officers did have active and passive voting right, a certain degree of political campaigning was allowed when being off duty. The different regulations have been replaced in 1994 with a new police act, continuing the prohibition of political party membership for police officers. And the prohibition was confirmed again in 1999 by the European Court of Human Rights. The Hungarian Police Union appealed to the court on the basis of the right of freedom of expression, the right of freedom of association and the prohibition of discrimination. But the court ruled in the case *Rekvényi vs. Hungary* that the limitation of these rights for police officers was compatible with European human rights standards, given the special history of the Hungarian police that made depoliticization necessary (ECHR 1999, Dimovné 2004: 73, Kertész / Szikinger 2000: 274).

Besides the depoliticization of the police, another short-term reform measure was the introduction of democratic control of the police. But the two stood in conflict with each other, since it is often difficult to distinguish between democratic control and political influence. In principle it was clear that elected representatives should set basic guidelines for policing and should not intervene with day-to-day police work. But in practice it is often difficult to draw a clear line between basic principles and day-to-day work. For example, according to the Hungarian Police Act, the minister of the interior may order a police investigation, but he may not prohibit an investigation (Kertész / Szikinger 2000: 274). With this provision the minister may not protect political friends from the police, but he could hassle political enemies with the help of the police. In order to reduce the direct political influence, the office of the national chief of police has been introduced already in 1989. He is at the top of the police hierarchy and all police officers may only take orders from within the police hierarchy – not from the minister of the interior or any other politician. All requests from the minister of the interior to the police have to be addressed to the national chief of police. He is the link between politics and policing. He is not a member of the government, but he is appointed by the prime minister, upon recommendation of the

minister of the interior and after being interviewed by the parliamentary committee for interior affairs. He can also be removed with the same procedure (Dimovné 2004: 72, Kertész / Szikinger 2000: 275).

5.2.2 Later Police Reform Measures

A later measure to create democratic control of the police was the creation of the offices of parliamentary commissioners, which is comparable to the office of an ombudsman. Other than in Poland, there is not one ombudsman – with several employees – for all purposes, but there are different ombudsmen for different issue areas. The commissioner for civil rights, the commissioner for data protection and freedom of information, and the commissioner for national and ethnic minorities can all be approached with complaints about the police. About two-thirds of the caseload of the commissioner for national and ethnic minorities is concerned with the Roma minority (EU Com 2002: 30), which makes up between 1.9% and 6.0% of the Hungarian population according to different sources (see Fig. A2 on p. 85). In addition, members of the Roma minority are also often victims of police discrimination. According to several experts, the different ombudsmen are an effective check on police powers as they can effectively draw judicial, parliamentary, media, and public attention to cases of police misconduct (Dimovné 2004: 82, Kertész / Szikinger 2000: 286). The offices of the ombudsmen have been created in 1993, but it took until 1995 to elect ombudsmen. This is because they need a two-third majority in the parliament, and parliamentary elections have been held in 1994. While the required two-third majority makes the election difficult, it is meant to establish a broader consensus, usually involving opposition parties. This makes the ombudsmen in Hungary a less political figure than in Poland, where they are elected with a simple majority. However, the office of ombudsman in Poland was an example for Hungary, as Poland was the first country in Central and Eastern Europe to establish such an office and as this example has been promoted with the help of the United Nations Development Program (Rose-Ackerman 2005: 75).

An other long-term project of police reform was the decentralization of the police. During the legislative period from 1990-94 the parliament had a permanent committee that debated about police decentralization. The 1990 act on local self-government assigned the task of maintaining local public safety to local

governments, allowing them to create municipal police forces, but not providing them with the necessary funds to create them (Dimovné 2004: 74). Instead this provision in the act on local self-government has been seen as the basis to establish municipal police forces, after a careful auditing of the present Hungarian police by external experts, and after the drafting of a comprehensive police reform program. The Hungarian government has entrusted this task of auditing their police in 1990 and 91 to the Swiss based international consulting firm Team Consult in cooperation with the Police Study Center of Warnsfeld in the Netherlands (Kertész / Szikinger 2000: 280). In Hungary as well as internationally such an openness to international experts has been considered as praiseworthy and the research has been made possible with international financial support from the USA and Western European countries. Interestingly, even though most experts of this project came from countries with decentralized police structures (Netherlands, Switzerland, United Kingdom, USA) and the police structure in the Netherlands has just been decentralized, the suggestions of the expert group did not include a far reaching decentralization of the Hungarian police. On the contrary, in the concluding report it was noted that the unified national police structure is helpful for the purpose of implementing a comprehensive police reform throughout the country (Finszter 2001: 138).

However, the international expert group did make some suggestions for organizational decentralization of the police, based on the principle of community policing. Among these suggestions have been consultations with local communities, local crime prevention committees and contracts about public safety between police stations and local governments. Accordingly with different decrees and laws since 1991 the police has been encouraged to establish closer community police relations. But the local influence never went beyond consultation with local governments. A decentralized democratic control has not been established. Some experiments with community police consultations in rural areas resulted in local communities demanding rigid measures against the Roma minority, as they had been perceived to be mainly responsible for crime (Kertész / Szikinger 2000: 277). These tendencies to ethnic discrimination have been in the end one reason mentioned in parliament not to decentralize the police. Further arguments have been the problem with police

corruption, the increasing crime rates¹², which demanded more effective crime fighting, and the increasing level of organized crime, which operates trans-regional and transnational and therefore required police that is not tied to municipalities (Kertész / Szikinger 2000: 295). Literature on the parliamentary debate about police decentralization distinguishes between a group of reformers and a group of evolutionists (Finszter 2001: 138). The reformers wanted a radical reform of the police including decentralization. The evolutionists wanted only gradual changes, adjusting the old centralized police structure to new demands in a democracy. The long process of auditing the Hungarian police and drafting a reform program worked in favor of the evolutionists, because the reform pressure decreased. As more and more time passed by since the end of the authoritarian regime, the police had more chances to prove that they could work within the framework of a democratic state.

5.2.3 Change of Police Reform Policy in 1994

The parliamentary debate about police decentralization was decided in favor of centralized police in 1994, when the post-communist party has won the elections, securing 54% of the seats in parliament. In order to avoid the perception of a reversal of the democratization, the post-communist / socialist party MSZP has formed a coalition with the smaller liberal party SZDSZ and has continued the economic liberalization and privatization policy of the previous government. But with respect to police reform this change of government has put an end to the debate about decentralization. Police reform including police decentralization has been discussed again, for example in the election campaign of 2002, but the topic was never again as high on the agenda as in the legislative period of the first freely elected parliament.

Decentralization in general has been an important project of the center-right government of 1990-94. The municipal governments received a great deal of local autonomy in 1990. In addition to the new competencies, the municipalities also received the right to split themselves into smaller municipalities, each with its own local government and local council. This right was extensively used, resulting in more

¹² Official crime statistics show an increase of the crime rate by 50% in 1990 (Dimovné 2004: 66). But these crime statistics are not very reliable. Especially the comparison with the statistic of an authoritarian regime is problematic. However, there is the public perception of a step increase in crime rates and this perception was relevant for decision making.

than 3000 municipalities in a country with a population of only 10 million. With this development Hungary has some of the smallest municipalities in Europe. 282 municipalities have less than 200 inhabitants (Wollmann /Lankina 2003: 95). Many perceive the large number of municipalities as inefficient. And in 1994 the new socialist-liberal coalition has recentralized the general administration by installing public administration offices in all of the 19 regions of Hungary. These offices are representations of the central government, which started to administer several public services that had been previously in the competence of the municipalities. The perception of rather ineffective local governments is also reflected by a public opinion poll conducted in 1999. Almost half of the respondents in Hungary said that decentralization would be a bad thing, while only 22.7% supported the idea. On the contrary in Poland almost half of the respondents said giving more power to local authorities would be a good thing, while only 11.7% opposed the idea (Tab. 2). This public opinion could also be an explanation why the police in Hungary has been kept centralized, while the police in Poland has been decentralized twice.

Public Opinion on Decentralization of Government

Would it be a good or a bad thing to give more power to local authorities?

	Good	Bad	Don't mind	Don't know
Poland	46.7%	11.7%	27.0%	14.5%
Hungary	22.7%	47.4%	22.3%	6.0%
Bosnia-Herzegovina	N/A	N/A	N/A	N/A

Tab. 2: Public Opinion on Decentralization of Government

Source: Question E021 on European Values Survey 1999, results for other years not available.
<http://www.jdsurvey.net/web/evs1.htm>

Public Opinion on the Police

How much confidence do you have in the police? Percentage of positive answers.

	1990/91*	1997/98	1999	2001
Poland	31.7%	51.3%	53.5%	N/A
Hungary	50.1%	55.0%	44.8%	N/A
Bosnia-Herzegovina	N/A	78.7%	N/A	63.3%

Tab. 3: Public Opinion on the Police

Source: Question E074 on European Values Survey 1981-2004, *: Poland 1990 & Hungary 1991. Positive answers are "a great deal" and "quite a lot", negative answers are "not very much" and "none at all". Very few responded with "don't know" (0.0-3.7%).
<http://www.jdsurvey.net/web/evs1.htm>

A further clue for the different paths of police reform in Hungary and Poland could be the public opinion on the police itself. In 1991 half of the respondents in an opinion poll in Hungary gave a positive answer when being asked how much confidence they had in the police (Tab. 3). This is a fairly high value given the fact that it was only one year after the first free elections. For comparison: in Poland only 31.7% of the respondents gave a positive answer in 1990. It is also surprising that the confidence in the police in Hungary was higher in 1991 than in 1999. However, it should be considered that confidence is not measured in absolute terms, but rather relative to one's expectations. It can be assumed that people had lower expectations immediately after the fall of the communist regime than in 1999, when Hungary joined the NATO and was about to join the EU within a few years. The relation to expectations could also explain the high confidence in the police in the post-conflict situation in Bosnia-Herzegovina.

However, the decreasing confidence in the police in Hungary should not be underestimated. Human rights organizations, such as Amnesty International, continuously criticize human rights violations by the Hungarian police (AI 2007: 132). Also the European Union criticizes the Hungarian police, even in the last regular report on Hungary's progress towards accession (EU Com 2002: 27). The EU especially criticizes police discrimination against the Roma minority. Further aspects of critique are the militarized and centralized structure of the Hungarian police. For example Szikinger (2002: 3) criticizes the military command structure of the Hungarian police, giving the example that police officers can be punished for disobedience, even if the order has been proven unlawful. They may only refuse to comply, if the ordered action is a criminal offence in itself. A study by US police experts carried out in 1998/99 has criticized the Hungarian police for being too centralized to establish good community police relations. They conclude that this problem is especially bad for relations between the police and the Roma minority and demand more community policing (PER 2000). In the 2002 election campaign the liberal party SZDSZ has campaigned for community policing and police decentralization. But after joining the governing coalition with the post-communists as the small partner with only 5.6% of the seats in parliament, the result was only some consultation with local communities, without effective decentralization of the democratic control of the police (Dimovné 2004: 80). Since Hungary joined the EU in

2004, the international community has less influence than before. The goal of joining the EU has been an important factor to care for the international reputation of Hungary (Rose-Ackerman 2005: 39). The evaluation by Team Consult has facilitated transnational exchange of police experts. Until 1994 all Hungarian police districts have established sister relationships with Dutch police districts. Several Hungarian police officers have been trained by foreign experts. In 1993 the Central European Law Enforcement Academy has been opened in cooperation with Austria. And in 1995 the International Law Enforcement Academy in Budapest has been opened in cooperation with the USA (Dimovné 2004: 79). The reform of the Hungarian police received financial support from the EU and the USA. And standards for police conduct of the UN (UNHCR 2002) and the Council of Europe (CoE 1979) have served as guidelines. In addition, the European Charter of Self Government (CoE 1985) was often used as an argument for police decentralization, but without success in the end.

5.2.4 Summary of Key Findings

Hungary has taken several reform measures. Police decentralization was only considered, but not implemented. There are three main reasons for this: First, the post-communist party is opposed to decentralization and the election of a post-communist government in 1994 has put an end to considerations about police decentralization. Second, reform pressure decreased over time, while the Hungarian police was evaluated by foreign experts, and had the chance to prove that it could work within the framework of a democratic state. Third, experiments with input of local communities to police policies have shown tendencies to increase discrimination against the Roma minority. This was used as an argument against police decentralization within Hungary, and also as an argument to justify the centralized police to international and transnational actors. Hungary has made community policing experiments with financing from the USA and advice from foreign police experts. But these community policing projects have not been accompanied by police decentralization. Instead, these projects could be described as symbolic police decentralization, as local communities have been consulted, without effective devolution of police competencies to local governments.

5.3 Bosnia-Herzegovina

The transition of Bosnia-Herzegovina took a very different path than in Poland or Hungary. It was not peaceful and the result differs a lot today. While some speak of Bosnia-Herzegovina as a country on the path of democratization (e.g. Bertelsmann Transformation Index), others call Bosnia-Herzegovina a fake democracy, because of the continuous international intervention (Chandler 2005: 308). Bosnia-Herzegovina existed as a republic within Yugoslavia until the Bosnian parliament declared independence in 1992 and thereby triggered a civil war. Although Yugoslavia was a member of the non-alignment movement, its political structure was very similar to other communist states within the Warsaw pact. Officially Yugoslavia was a federal state, but until the death of its founder and long time ruler Josip Tito in 1980, it was de facto rather centralized. Especially the security sector was centralized. There was one Yugoslavian National Army (JNA), one centralized secret police (UDBA), and one centralized people's militia, which was the police force of Yugoslavia. This militia was just as politicized, centralized and militarized as the police forces in other communist states at that time. The primary purpose of the militia was the protection of the state and of the socialist order. And for that purpose the militia had very far-reaching competencies (Ivkovic / Haberfeld 2000: 194). Arbitrary measures and harassment by the militia was common during the socialist time. But interestingly ethnic discrimination by the militia during the reign of Josip Tito is not reported in the literature reviewed for this paper. However, Serbs, as the largest ethnic group in Yugoslavia, dominated many state institutions including the security sector. They have been overrepresented in both the army and the militia (Ivkovic / Haberfeld 2000: 195). A further important feature of the Yugoslav militia was its high level of militarization. Specialized police units had military weapons, such as heavy machine guns, mortars, anti-tank-guns, armed vehicles, and sometimes even tanks (Dziedzic / Bair 2002: 263). The possession of such weapons became later important for the involvement of the militia in the civil war.

When the charismatic Yugoslavian dictator Josip Tito died in 1980, this had an important effect on the political power structure: The sub-states received more rights and Yugoslavia experienced increasing political decentralization and competition for power. In this power struggle increasingly nationalism was used as a means to mobilize factions along ethnic lines. When this wave of nationalism was mixed with

the wave of democratization, that went through Central and Eastern Europe, free elections have been held in 1990 for the parliaments of the Yugoslavian sub-states, and the result was a large victory for nationalist parties. Only in Serbia and Montenegro the communist party managed to get re-elected. But also the communist party was increasingly nationalistic. The newly elected governments of Slovenia and Croatia have declared the independence of their republics in June 1991. The reaction of the central government of Yugoslavia was not to recognize the secession and to send in the army (JNA) to regain control. The result was at first a very brief war with Slovenia, and then a longer war with Croatia. The Yugoslavian-Slovenian War ended after only ten days with mediation of the European Community (EC). But in Croatia the situation was more difficult. The population of Croatia was more heterogeneous and the ethnic Serbs in Croatia fought against the new Croatia with help from the JNA. This has led to the perception of the JNA as a Serbian army, although it was the official army of Yugoslavia (Silber / Little 1996: 163, Burg / Shoup 1999: 92).

Bosnia-Herzegovina was drawn into the war between Croats and Serbs, as the JNA started campaigns against Croatia also from the territory of Bosnia-Herzegovina, which was at that time still a part of Yugoslavia. But at the same time, many Bosnians have sympathized with the Croatian secession and also wanted a secession of Bosnia-Herzegovina. The first time the parliament of Bosnia-Herzegovina declared independence was in October 1991. It was a decision largely supported by ethnic Croats and ethnic Bosniaks (Muslims), while the ethnic Serbs opposed the decision. However, the result of the declaration was not an immediate civil war. Instead, negotiations about a solution of the conflict took place with mediation of the EC. The proposal was decentralization of Bosnia-Herzegovina with more local autonomy for cantons with each a predominantly population of ethnic Bosniaks, Serbs or Croats. But as the three ethnicities have been living together peacefully in many mixed areas (Fig. 5), the three parties could not agree on the exact borders for the cantons of Bosnia-Herzegovina (Burg / Shoup 1999: 111). Parallel to the negotiations, the representatives of ethnic Serbs proclaimed the Serbian Republic of Bosnia-Herzegovina and representatives of ethnic Bosniaks and Croats organized a referendum on the declaration of independence. The result was that 63% of the population voted in support of independence for Bosnia-Herzegovina. But most of the ethnic Serbs have boycotted the vote, resulting in a turnout of only

67% (Burg / Shoup 1999: 117). When the referendum was held, the EC had already recognized the independence of Slovenia and Croatia and the UN had facilitated a ceasefire between Serbs and Croats in Croatia. As part of this ceasefire agreement, the JNA was withdrawn from Croatia back to the remaining Yugoslavia, including Bosnia-Herzegovina. But it has left many arms and individual soldiers with the paramilitary forces of the ethnic Serbs within Croatia. The JNA came to support the ethnic Serbs in Bosnia-Herzegovina, exactly at the time when the civil war started there in March / April 1992. Under international pressure the JNA was then withdrawn in May 1992, but it also left many arms and approximately 60 000 soldiers with the new forces of Serbs in Bosnia-Herzegovina. These Serbs claimed 65% of the territory of Bosnia-Herzegovina and managed to conquer even 70% in the first months of the war, due to their military superiority (Burg / Shoup 1999: 134).

Initially the war in Bosnia-Herzegovina was a war between ethnic Serbs and an alliance of ethnic Croats and Bosniaks. But the alliance of Croats and Bosniaks broke in early 1993, leading to a war of three ethnic factions against each other. An important characteristic of this war was the so-called “ethnic cleansing”, which describes a combination of ethnic mass murder and ethnic mass displacement. All three sides in this war have used such “ethnic cleansing” to different degrees. The motivation behind it was to create areas with ethnically homogeneous populations. The Serbs wanted to unite these homogeneous areas with Serbia, and the Croats wanted to unite their homogeneous areas with Croatia. According to Paddy Ashdown (2007: 32) the Croatian President Tudjman and the Serbian President Milošević have even had a secret agreement to divide Bosnia-Herzegovina between them without leaving anything of it. A further important characteristic of this war was the increasing international intervention, which was already present before the war started. At first the EC tried to prevent the war by mediating. Then the UN has deployed peacekeeping forces to Croatia in order to monitor the ceasefire between Croats and Serbs. This UN mission (UNPROFOR) was extended into Bosnia-Herzegovina in order to monitor different unsuccessful ceasefires there, and to help the displaced civilian population. But since UNPROFOR had no mandate to use force to stop the fighting, it was largely considered a failure (Ashdown 2007: 32). Nevertheless it was due to international intervention that the war ended. In 1994 the Bosniaks and Croats reached a peace agreement with mediation by the USA and

formed again an alliance against the Serbs. With help from the army of the newly independent Croatia and with NATO air support, the alliance managed to gain the upper hand against the Serbs, who finally agreed to sign a peace agreement in October 1995 in Dayton (Ohio) that ended the war in Bosnia-Herzegovina and the war between Croats and Serbs in Croatia.

The Dayton peace agreement included a constitution for Bosnia-Herzegovina, which decentralized Bosnia-Herzegovina along ethnic lines. The state as a whole is recognized as an independent state, but the central government has very limited power. Within Bosnia-Herzegovina two entities exist as de-facto states: the ethnic Serbs are in control of the Republika Srpska (RS) and the ethnic Bosniaks and Croats are in Control of the Federation of Bosnia and Herzegovina (FBiH). The FBiH has a decentralized structure itself, as it is composed of ten cantons. Five of these cantons are predominantly Bosniak cantons, three are predominantly Croat cantons, and two are mixed. (Fig. 4) Negotiations about the Brcko district continued. As this district connects two parts of the RS and two parts of the FBiH, it was declared a part of both entities in 1999 and has a district government that is organized by a system of ethnic proportionality, similar to the local governments in the mixed cantons and at the national level. In order to secure the peace, the NATO-led peacekeeping force IFOR was stationed in Bosnia-Herzegovina with about 60 000 soldiers at the beginning. In December 1996 the subsequent SFOR peacekeeping force had a reduced strength of 32 000 soldiers. In addition to the NATO-led military presence, many further international organizations have participated in the post-conflict reconstruction of Bosnia-Herzegovina: UN, OSCE, IMF, World Bank, EU, CoE, and others (Cousens / Cater 2001:42). In order to coordinate the different organizations and donor countries, the Peace Implementation Council (PIC) was created and is being represented by the High Representative (HR). In the meeting of the PIC 1997 in Bonn the competencies of the HR have been clarified, making him a very powerful factor in the political structure of Bosnia-Herzegovina. The HR is entitled to intervene in the activities of every government and every legislative body in Bosnia-Herzegovina – on the national level, the entity level, and the cantonal level. He can remove public officials and impose laws if he deems necessary (Ashdown 2007: 217, Wisler 2007: 256).

Decentralization of Bosnia-Herzegovina After the Dayton Agreement

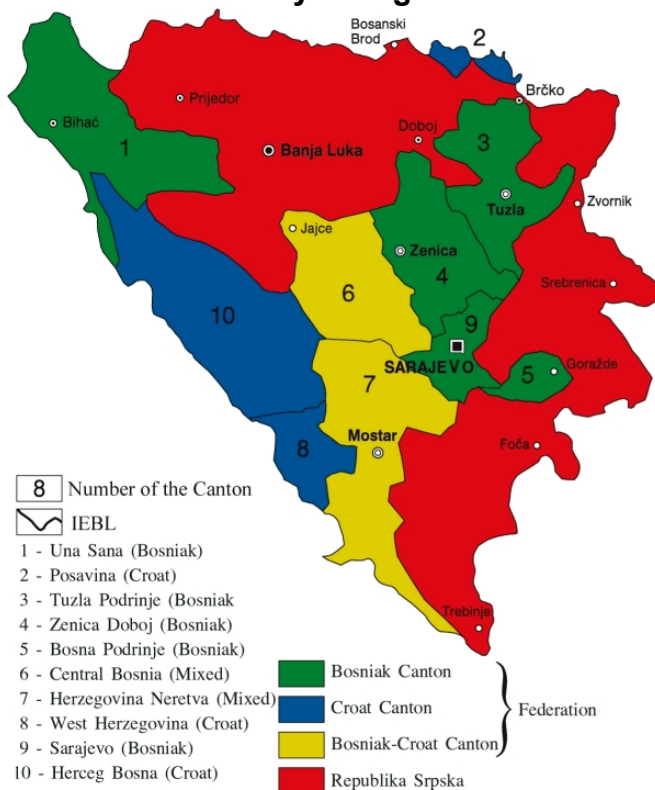


Fig. 4: Decentralization of Bosnia-Herzegovina after the Dayton Agreement

Source: www.ohr.int/ohr-info/maps/

Ethnic Diversity in Bosnia-Herzegovina Before the War

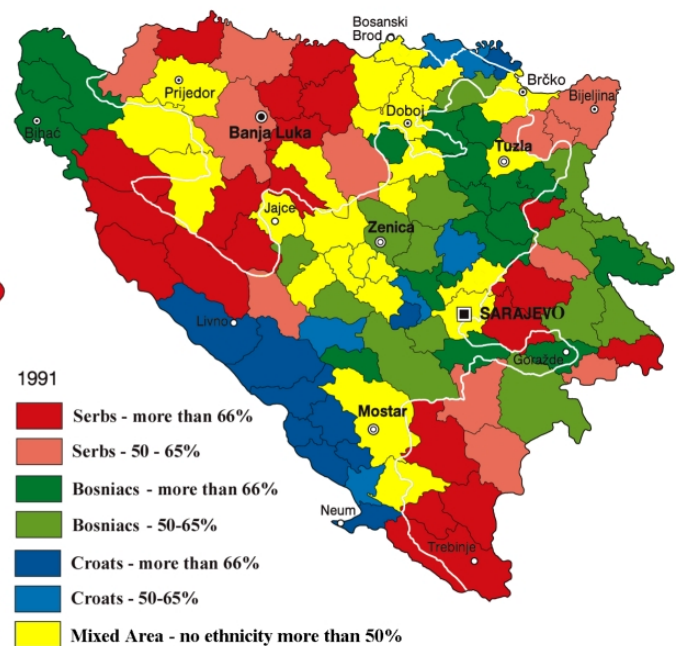


Fig. 5: Ethnic Diversity in Bosnia-Herzegovina before the war

Source: www.ohr.int/ohr-info/maps/
(altered to display mixed areas)

5.3.1 First Phase of Police Reform 1996

The reform of the police was and still is a very important aspect of the post-conflict reconstruction and democratization project in Bosnia-Herzegovina. According to the Dayton Agreement the police of Bosnia-Herzegovina has been decentralized. The RS and each of the 10 cantons had their own police agency. The two mixed cantons even had two police agencies – one for each ethnicity (Palmer 2004: 170). However, the police was only decentralized compared to the Yugoslav militia. In practice the militia had already decentralized itself along ethnic lines with the beginning of the war. The militia was an integral part of the warring factions. It did not only protect its own ethnic group, but also participated in attacks on the other ethnic groups. At the end of the war the militia was more like an army than like a police. Therefore demilitarization was an important aspect of the police reform. The main actor of the police reform was the International Police Task Force (IPTF) of the UN, with approximately 1800 CIVPOL police officers from around the world. The initial mandate of the IPTF was limited to monitoring, advice and training. Its international police officers have been unarmed and had no executive powers. The actual law

enforcement was in the hands of the local police. Therefore the strategy of the IPTF in the first stage of police reform was the so-called “co-location scheme”, whereby international police officers accompany local police officers on patrols, on emergency responses, or on duty in police stations. The international police officers are meant to watch the local police officers, to give advice with respect to democratic policing, to prevent flagrant human rights violations on the spot, and to collect information on reform needs. In addition to co-location, the IPTF also offered police training, especially on policing with respect to human rights and the principles of democracy. Besides the IPTF also other organizations, such as the ICITAP of the USA, offered such training (Palmer 2004: 171, Wisler 2007: 257).

5.3.2 Second Phase of Police Reform 1996/1998

The UN Mission in Bosnia-Herzegovina (UNMIBH) wanted to extend the IPTF mandate, but faced some difficulties. In the first post-war elections in 1996, the people of Bosnia-Herzegovina have mostly elected representatives of the warring factions, since they have been the only ones able to organize an effective election campaign. But these politicians hesitated to allow the prosecution of war criminals or the vetting of their police forces. Nevertheless, the UN has extended the mandate of the IPTF unilaterally in December 1996 to include the investigation of human rights violations committed by police officers and has increased the number of IPTF police officers to approximately 2050. In addition, the UNMIBH has negotiated an extension of the police reform program to include vetting, certification and downsizing of the police forces. Representatives of the FBiH have agreed to this extension in 1996, but representatives of the RS have only agreed two years later in 1998. Therefore the second phase of police reform started at different times in the two entities (Wisler 2007: 259). In this phase, UNMIBH issued a police certificate to police officers who passed a test about the constitution, about the role of police in a democratic society, about a new police code of conduct, and who passed a psychological test. In addition, the police officers had to go through a vetting process, where they have been screened for corruption, abuse of police power, and human rights violations, including war crimes. Only 142 police officers have been excluded from police service through the vetting process, and 29 of them for war crimes (Vejnovic / Lalic 2005: 366). But it can be assumed that much more police officers participated in war crimes. Many of them left the police forces through the downsizing program of the

police force, without being tested. The local authorities only sent those police officers to the vetting process who had a chance of passing it. Therefore the process was less vetting and more certification and served as a tool for the downsizing of the police force. Immediately after the war all the militia forces in Bosnia-Herzegovina consisted of about 45 000 soldiers with police insignia (Palmer 2004: 176). The new police forces have been downsized to about 18 000 officers in 2002 (Wisler 2007: 265). In addition to the downsizing, the police has also been demilitarized. The focus of demilitarization was mainly the reduction of the number of weapons. The new police forces were only allowed to have one pistol per police officer and one long barreled rifle for every ten police officers. In weapons inspections the UN has seized several surplus weapons, including military weapons such as heavy machine guns, rocket and grenade launchers, and anti-tank mines (Palmer 2004: 178).

5.3.3 Third Phase of Police Reform 2000

The police reform measures until 2000 had their main focus on the individual police officer and his training, monitoring, vetting and certification. The shift of attention to police management and police structures can be described as the third phase of the police reform in Bosnia-Herzegovina. In 2001 the co-location scheme has been extended to the police management level. In a new program called “Manage the Manager”, international police officers have monitored and given advice in personnel, budget, policy, and legal matters (Palmer 2004: 174). As a means of depoliticization, the office of chief of police was introduced in 2001 in both entities and in all cantons. Similar as in Poland or Hungary, the chief of police is meant to reduce the direct political influence of the minister of interior on the police. According to the plans of UNMIBH, the chief of police is to be elected by a committee, composed of two members of the ministry of the interior, and five members of the civil society, from legal science, criminology or human rights, who are not representing a political party. In addition, the chief of police is not allowed to be member of a political party and may not have held a political office for ten years. However, the different entities and cantons have adopted the proposed legislation with many adjustments, leading to a variety of watered down legislations. Therefore the High Representative Wolfgang Petrisch has decided to impose a uniform legislation on the chief of police in both entities and all cantons in 2002 (Palmer 2004: 188). As a matter of personnel policy, the UNMIBH tried to increase the ethnic diversity in the police forces. Therefore

quotas for ethnic minorities have been introduced and a minority recruiting program has been set up. If different mono-ethnic police forces existed for the same area, these have been merged until 2002, for example in the district of Brcko and in the canton of Mostar. In addition, new multi-ethnic police forces have been created. A national border guard has been set up from 2000 until 2002. The border guard functions had been previously performed by the police and incidents have been reported, where the police has been ethnically biased towards returning refugees (Mainzinger 2006: 241). And from 2002 until 2004 the State Investigation and Protection Agency (SIPA) has been set up, as a police for criminal investigation and for the protection of special persons, such as diplomats, politicians or witnesses. The SIPA is accountable to the national ministry of justice, comparable to the American FBI. In 2004 the SIPA had 1500 police officers and its main purpose was to allow professional criminal investigation without interference by local politicians (Wisler 2007: 263). Ethnic diversity in the police was meant to be a confidence building measure for refugees and displaced people and should encourage them to return to their pre-war homes. Police officers of different ethnicities working together were also meant to create an “esprit de corps”. The identification with the police as a professional organization was meant to be more important than the identification with an ethnic group, and thereby ensure impartiality of the police (Celador 2005: 366). But apart from the merged and newly formed police agencies, the success to achieve ethnic diversity in the police was very limited. According to a 2005 statistic of the independent International Crisis Group (ICG 2005) only 9.9% of the police officers of the FBiH police agencies are Serbs, and in the RS police only 7.3% of the police officers are of an other ethnicity than Serbian. Additionally, most of the minority police officers have decided to commute to their work and rather live in an area where their ethnicity is the majority (Celador 2005: 368).

5.3.4 Fourth Phase of Police Reform 2003

With the beginning of the year 2003 the EU has taken over responsibility for police reform in Bosnia-Herzegovina and created the EU Police Mission (EUPM). This also meant a downsizing of the international police presence, because EUPM consists of only 400 police officers (Vetschera / Damian 2006: 36). Therefore EUPM has limited the co-location scheme to the “Manage the Manager” program. Also in other areas the EUPM has paid more attention to the macro-level of police reform than the

previous IPTF. In 2004 the High Representative Paddy Ashdown, who represents the PIC and the EU since 2003, has created the Police Restructuring Commission (PRC) and has mandated the commission to propose a new structure for the police of Bosnia-Herzegovina. In order to increase professionalism and ethnic diversity in the police force and in order to decrease the costs of policing, the PRC has proposed a single police structure for all of Bosnia-Herzegovina. According to the plan of the PRC, the new police organization should be structured into 10 police districts, which have been explicitly planned to cross the borders of the entities and the cantons (Fig. 6). The democratic control of the police is to be exercised mainly at the national level. For local control of the police the PRC proposed community oversight councils, which are composed of municipal mayors, members of the judiciary, and independent members of the general public, who are chosen in a way that is not described in detail (PRC 2004: 32). The councils are meant to monitor the police, but complaints and requests have to be reported to the national police command. In addition, the council is entitled to choose a local chief of police from a list prepared by the national police command. In spite of a lot of community policing rhetoric in the PRC report, the proposed plan would mean a centralization of the police. The community oversight councils are set up as a local control structure to bypass the control by the elected local representatives in the cantons and entities, because they are perceived as ethnically biased. In addition, the plan intends to make the police more cost efficient, by reducing the manpower to 13 300 and by centralizing support services, such as police training, human resources, administration, procurement, and forensic services.

Police Districts According to the Plan of the Police Restructuring Commission of Bosnia-Herzegovina

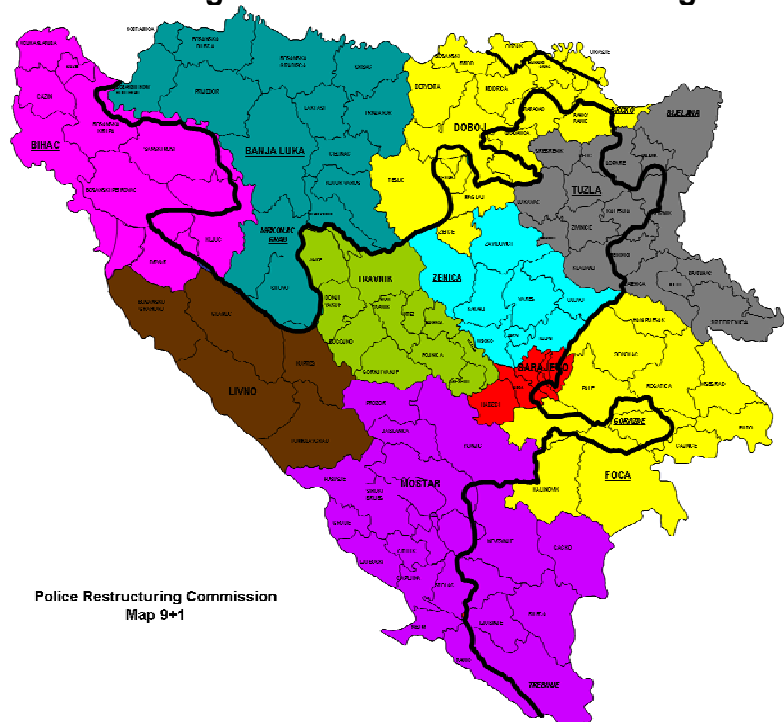


Fig. 6: Police districts according to the plan of the Police Restructuring Commission of Bosnia-Herzegovina
Source: www.ohr.int/ohr-info/maps/

The parliament of the RS voted against the police reform plan of the PRC in May 2005 and threatened to take legal actions against the plan, as it is against the constitution of Bosnia-Herzegovina. Then in October 2005 the national parliament of Bosnia-Herzegovina adopted an agreement on police reform that mentions several features of the PRC plan including the single structure of the police. This Agreement was subsequently also passed by the parliaments of the FBiH and the RS (Vetschera / Damian 2006: 36). In the parliamentary debate the police reform plan had the main supporters in the post-communist Social Democratic Party (SDP), while the main opposing parliamentarians have been in the nationalist parties, such as the Serbian SDS. The main reason why this agreement has been passed is because the EU has made the police reform a necessary condition for the accession of Bosnia-Herzegovina to the EU. However, the possible date for EU accession is in the far future, and so is the date of the intended police reform. According to the 2005 agreement, the single police structure is to be introduced in 2011. And even this agreement is rather symbolic, as it is not sufficient to actually implement the PRC police reform. A change of the constitution of Bosnia-Herzegovina would be necessary in order to take the competence for policing away from the entities and the cantons and give it to the central government. But the necessary majority has not been achieved until today, and therefore the implementation of the PRC police reform has not been started yet (OHR 2007). The High Representative can not implement the police reform himself, because he has the power to impose laws, but he may not impose changes of the constitution. He is bound by the constitution, which was a part of the Dayton agreement. The PRC has made suggestions that departed from the principles of the Dayton agreement. And the PRC is not the only party to express discontent with the post-war constitution. Since 2005 more and more people express their view that the Dayton agreement was only a compromise to end the war, but is not suitable for the future development of Bosnia-Herzegovina (Ashdown 2007: 221). The basis for the Dayton agreement has been the power structure at the end of the war. Thereby the international community de facto accepted results of the war, and has de facto legitimized it, although it always insisted not to do so. The police reform proposal of the PRC has made a change of the constitution necessary, and has thereby started a further debate about changes to the constitution with possibly more competencies for the central government.

5.3.5 Summary of Key Findings

The main actor of the police reform in Bosnia-Herzegovina was the “international community” represented by the UN, by the PIC, and since 2003 by the EU. When the EU took over responsibility for police reform, this meant a change for the police reform agenda with regard to police decentralization or centralization. Until 2002, the international police mission in Bosnia-Herzegovina practically accepted the decentralized police structure that was a result of the civil war. Only the parallel police structures in the ethnically mixed cantons and districts have been integrated into one local police. Also the creation of a centralized criminal investigation department was started in 2002. The community policing projects that were conducted in Bosnia-Herzegovina with foreign aid and foreign advisors did not have a decentralizing effect on the police, since it was already very decentralized. The EU demands a radical centralization of the whole police, and offers the prospect of accession negotiations as an incentive for the proposed police reform. The main reason for this EU demand is the aim to achieve ethnic diversity within the police, in order to reflect the ethnic diversity of the society and thereby prevent ethnic discrimination. The EU receives support for the police centralization demand from the post-communist party, while the Serbian nationalist party is opposed to the plan.

5.4 Comparison of Cases: Key Findings

The Police reform policy in each of the cases has been influenced by external and internal factors. The international and transnational factors have a tendency to influence police reforms with the aim of democratization into the direction of police decentralization. But they do not always lead to the same decentralization results. Sometimes local governments are being given effective control over local police, such as in the police reforms in Poland in 1990 and in 1999. But sometimes the decentralization is rather symbolic, without devolution of much policing competences to local governments. An example for this is the community policing project in Hungary, where local communities have a right to express their opinion on the police, but decisions are being made by the central government. At the example of Bosnia-Herzegovina, the international influence from the EU even pressures for police centralization, but without much success so far. Whether the international and transnational influence leads to effective devolution of power to local governments, or only to symbolic decentralization with community policing rhetoric, depends on a number of further factors.

Ethnic diversity coupled with ethnic discrimination has proven to be a very influential factor in the case studies of this paper. It has the power to convince also international and transnational actors that police decentralization is not feasible, or that even police centralization should be pursued. Local governments and local police is usually perceived to be more prone to ethnic discrimination than central governments and centralized police. In the case of Hungary, discrimination against the Roma minority was an argument to stop the pursued police decentralization. And in the case of Bosnia-Herzegovina, ethnic discrimination is even an argument for police centralization. New centralized police forces have already been created, such as the criminal investigation police (SIPA) and the border police. And the international actors proposed a plan that would also centralize the remaining police of Bosnia-Herzegovina. Among the three case studies, Poland has the lowest ethnic diversity (see Fig. A1), and it has decentralized its police twice, in 1990 and in 1999.

A further important factor is the starting point of police reform and the legacy of police structure in the country. Even if new police forces are created, they usually inherit a lot of the equipment, ideas, structure, and police officers of the previous police force.

For example, Poland has decentralized its police force compared to the starting point of democratization, but today's police in Poland is still rather centralized, if it is compared with police structures in countries with a legacy of decentralized police, such as the USA or Germany. On the other hand, the starting point for Bosnia-Herzegovina after the civil war was a very decentralized structure. Since then the country has introduced new centralized police agencies, but by international comparison the overall police structure is still very decentralized.

How important legacies are and how far reforms go also depends on the political ideology of the government. There are two ways to link political ideology to the debate about decentralization versus centralization of the police. First, in the three case studies of this paper, left-of-center governments have favored centralized police structures, and right-of-center governments have favored decentralized police structures. In Poland the effect of changes of governments was very clearly visible. A right-of-center government has decentralized the police in 1990, a left-of-center government has recentralized the police in 1995, then a right-of-center government has decentralized the police again in 1999, and a left-of-center government has made recentralizing adjustments to the police reform in 2002/03. In Hungary the police decentralization was planned by a right-of-center government and then stopped by a left-of-center government. And in Bosnia-Herzegovina the proposed police centralization plan of the international community has supporters in a left-of-center party, and opponents in a right-of-center party.

A second way to link political ideology to preferences for police centralization or police decentralization, is to consider one party as representatives of the old regime, and an other party as representatives of new and reformist political groups. Instead of the left-right scheme¹³, the debates about police reform can also be explained with this new-old scheme. In Poland and in Hungary the left-of-center governments have been dominated by post-communists and thus represented the old regime, and

¹³ The left-right scheme works with the cases in this paper, but can not be applied for example to the case of South Korea. There the new-old scheme is needed. The new left-of-center Uri party started a police decentralization project in 2006, by introducing municipal police in the Jeju province. On the basis of the experiences of Jeju, a police decentralization throughout Korea was planned for 2007, but the decision has not been made yet. The old right-of-center party Hannara, which is rooted in the pre-democratic regime, is opposed to these plans. [Information from Interviews with Jeong Jae-Gak (Center for Local Autonomy, Hanyang University), Hong Wan-Sik (Research Service of the National Assembly Library, RoK), and Shin Hyun-Ki (Department of Police Administration, Hansei University). South Korea has been considered as a case for this study, but not chosen]

preserved the legacy of the centralized police structure, while the right-of-center governments represented new political groups and have been open to departure from the legacy of centralized police. In Bosnia-Herzegovina it was the other way round. The right-of-center parties represent the factions of the civil war and favor the decentralized police structure that was a result of this civil war. The left-of-center party wishes to depart from the civil war police structure and supports the new police centralization. The left-of-center party is also a post-communist party, and hence it supports the previous communist legacy of centralized police.

A further relevant factor is the centralization or decentralization of other administrative structures. In Poland both police decentralizations have been accompanied by decentralizations of the general administration. Also the recentralizations have been made for the police and for the general government structure. In Bosnia-Herzegovina the debate about police centralization has started a debate about centralization of further state structures. Only in Hungary the link is less strong. There the police has not been decentralized together with other government structures in 1990/91. But the planned police decentralization was stopped, when the general government structure experienced also some recentralizing adjustments.

Corruption, police corruption and rising levels of crime are relevant to create pressure for police reform, but it seems that there is no clear link between these factors and police centralization or decentralization. In Poland, for example, corruption and rising levels of crime have been named as very important reasons for the centralization of the police in 1995, and also for the decentralization of the police in 1999. From the three case studies, Hungary has the lowest level of perceived corruption, which has resulted in less reform pressure, and hence Hungary has been the least active with regard to police centralization or decentralization.

However, a problem with organized crime is relevant to keep or introduce a centralized criminal investigation police. In Poland the criminal investigation police has been kept centralized, during both police decentralizations in 1990 and 1999. And in Bosnia-Herzegovina a centralized criminal investigation police has been introduced parallel to the decentralized police structure.

6. Conclusion

In order to find the relevant influencing factors on police reforms with the aim of democratization, and based on the theoretical idea that both international and national factors could be relevant in this context, this study proceeded through three main stages: First, police structures and police reforms in a number of established democracies have been examined, as they might serve as role models for newly democratizing states. Second, international and transnational police reform actors have been presented, in order figure out what kind of police structures they are promoting. And third, the police reforms in three newly democratizing states have been examined: Poland, Hungary, and Bosnia-Herzegovina.

The police structures in democracies offer a wide variety of possible role models. There are examples of different decentralized structures and of different centralized structures. Solely judging from the police structures in established democracies, there is no such thing as a genuine democratic police structure, so that democratizing countries can principally strive towards different possible results when they reform their police.

The picture is more clear when it comes to the international and transnational police reform actors presented in this study. Although most of them create a general reform pressure, without specific demands for police decentralization or centralization, two actors have a tendency to promote police decentralization: The USA and the epistemic community of police researchers. The USA is the most active country with regard to foreign police assistance and regularly exports ideas about democratic policing that are based on its own decentralized model. However, in cases where the priority of US police assistance is rather security than democracy, decentralized police structures are not promoted. The epistemic community of police researchers is nearly universally promoting the idea of community policing, which is perceived as democratic and decentralized policing. Sometimes the implementation of community policing is coupled with a real devolution of police competences to local governments, but sometimes the decentralization is rather symbolic.

Influences on Police Reform in New Democracies With Respect to Police Decentralization or Centralization

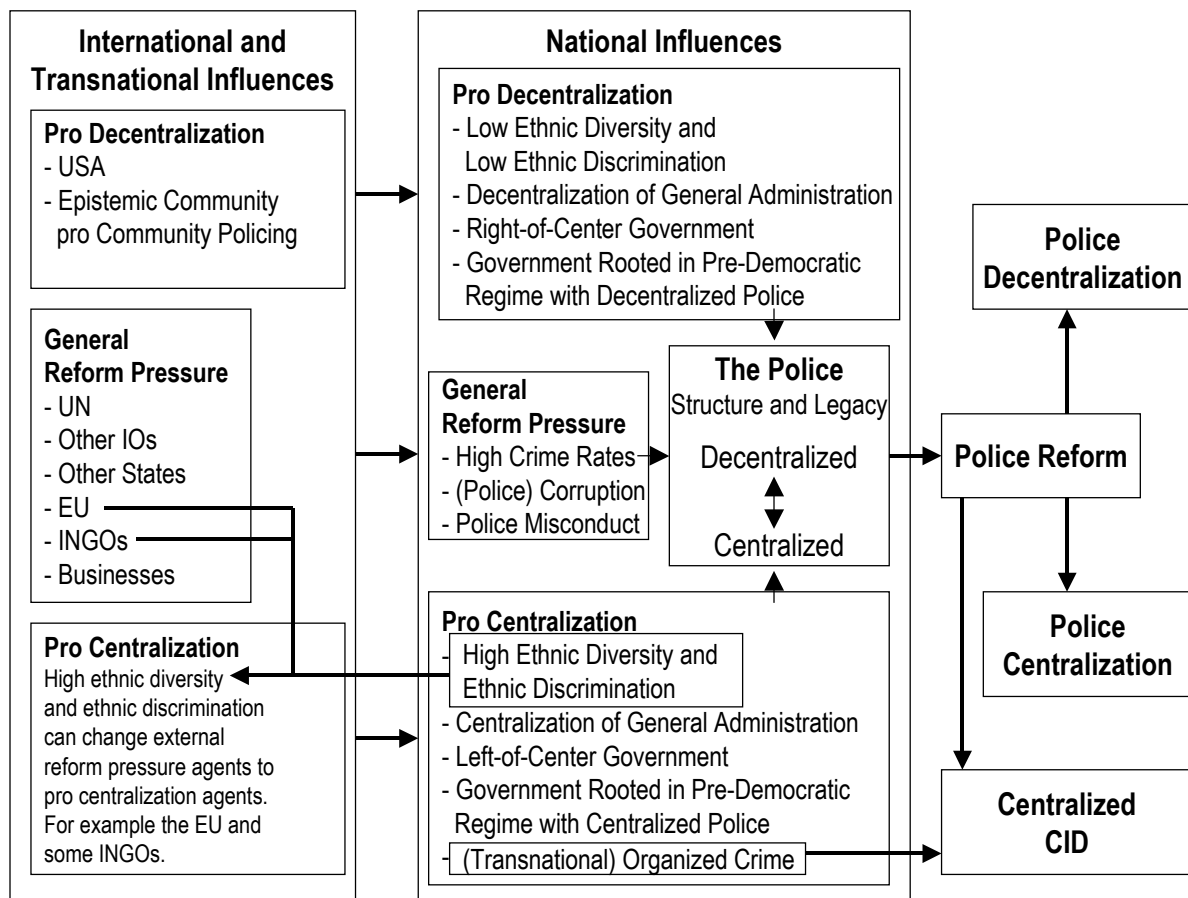


Fig. 7: Influences on Police Reform in New Democracies with Respect to Police Decentralization or Centralization. Source: own illustration

So the international and transnational influences on police reform with the aim of democratization have a tendency towards decentralization, but whether this decentralization is rather symbolic or a real devolution of competencies to local governments, depends on further influencing factors (see Fig. 7). First, ethnic diversity coupled with ethnic discrimination is influencing police reform towards police centralization. The effect of this factor may even be increased by external actors, who consider ethnic diversity and ethnic discrimination a possible justification for centralized police. Second, the police reform is made from a specific starting point, and this starting point together with the legacy of police structure is important for the result of the reform. Third, political ideology is important. Left-of-center governments favor police centralization, while right-of-center governments favor police decentralization. Governments representing an old regime, favor the police structure

of the old regime, while new reformist governments are more likely to depart from the old police structures. Fourth, centralizations and decentralizations of the police are often coupled with other administrative centralizations and decentralizations. Fifth, a problem with organized crime is relevant to keep or to introduce a centralized criminal investigation police, even if other police structures are decentralized. And finally sixth, rising levels of crime, corruption, police corruption and police misconduct are relevant to create general pressure for police reform, but they can be used as arguments for both, police centralization and police decentralization.

The findings of this study may serve as basis for future studies of police reform, of police assistance, or of the diffusion of police reform policies. Police decentralization has been on the agenda of police reforms in many cases - for example in the Czech Republic, in Bulgaria, in Romania, and in Macedonia (Caparini / Marenin 2004: 341). Also police reforms in other than European countries lead to a debate about possible police decentralization – for example in South Korea (Seol 2007) or Indonesia (Meliala 2002). Studying such cases could show whether the findings of this study also hold true across these different settings of newly democratizing countries. It is also possible to expand the research question beyond the group of newly democratizing states. Also established democracies and authoritarian states may consider reforms of their police. Therefore a general study about the diffusion of police reform policies could produce interesting results, in particular because the police is dramatically understudied from the viewpoint of International Relations (Andreas / Nadelmann 2006: VIII). Therefore the police, police reform, international police cooperation, and police assistance provide many new research opportunities. This paper has been only one step in completing the picture.

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8. Annex

8.1 Basic Data on Poland

Poland: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Political Stability

Area: 312 685 km²

Population: 38 626 000

Population per km²: 124

GDP per capita: 10560 PPP-\$

GDP growth rate: 1.4%

Gini Index: 34.1 %

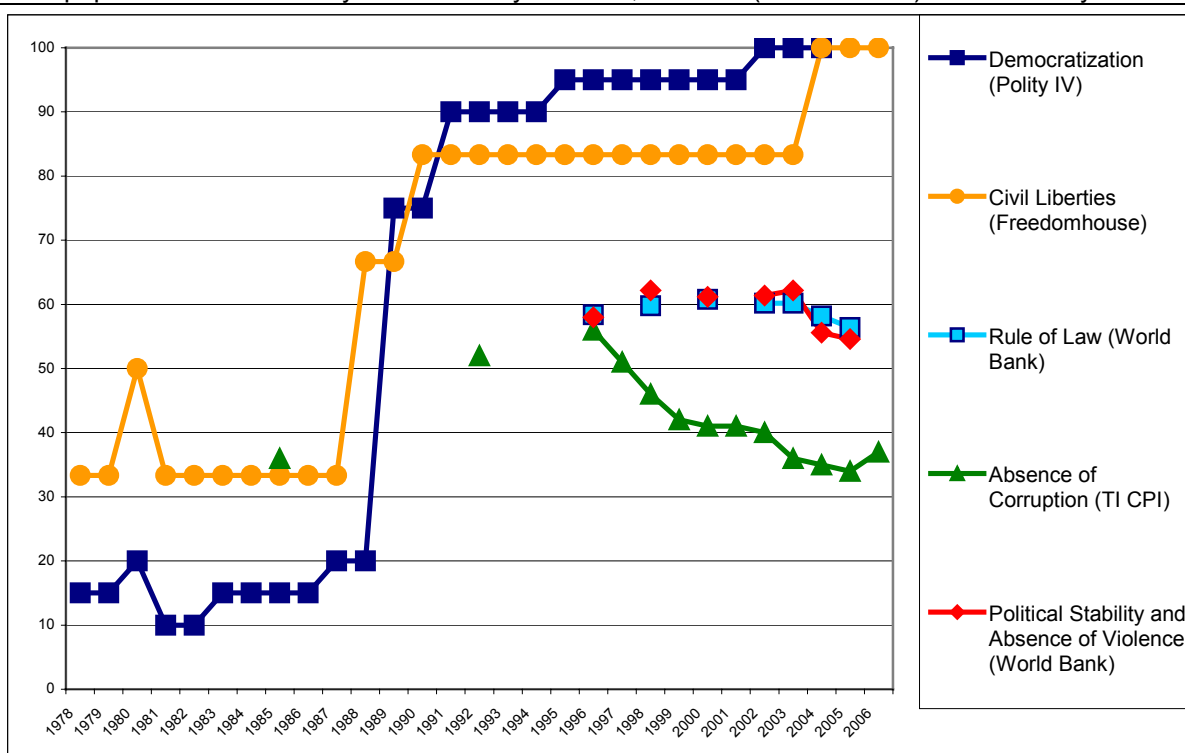
Human Development Index: 0.858

Ethnic Diversity: 96.7% Polish, 0.4% German, 0.1% Belarusian, 0.1% Ukrainian, 2.7% others and unspecified.

Languages: 97.8% Polish, 2.2% others and unspecified.

Religions: 89.8% Roman Catholic, 1.3% Eastern Orthodox, 0.3% Protestant 0.3%, 0.3% other, 8.3% unspecified.

Sources: Fischer Weltalmanach 2005, CIA World Factbook 2005, UN Human Development Report 2005. Data on population and economy refers to the year 2002, UN data (Gini and HDI) refers to the year 2003



Sources: Monty G. Marshall and Keith Jagers (2006) Polity IV Dataset. [Computer file version p4v2004] Center for International Development and Conflict Management, University of Maryland; Freedom House (2007): Freedom in The World 2007 The Annual Survey of Political Rights and Civil Liberties. Freedom House; D. Kaufmann, A. Kraay and M. Mastruzzi (2006): Governance Matters V: Governance Indicators for 1996-2005 World Bank Policy Research Institute, Transparency International (2006): Corruption Perceptions Index. Transparency International. The scales of all indices have been transferred to a 0-100 scale, whereas 100 always presents the „best“ value. The transformation is only for visualization and does not imply a comparability of the indices.

Fig. A1: Poland: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Political Stability

8.2 Basic Data on Hungary

Hungary: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Political Stability

Area: 93 030 km²

Population: 10 159 000

Population per km²: 109

GDP per capita: 13 400 PPP-\$

GDP growth rate: 3.3%

Gini Index: 24.4 %

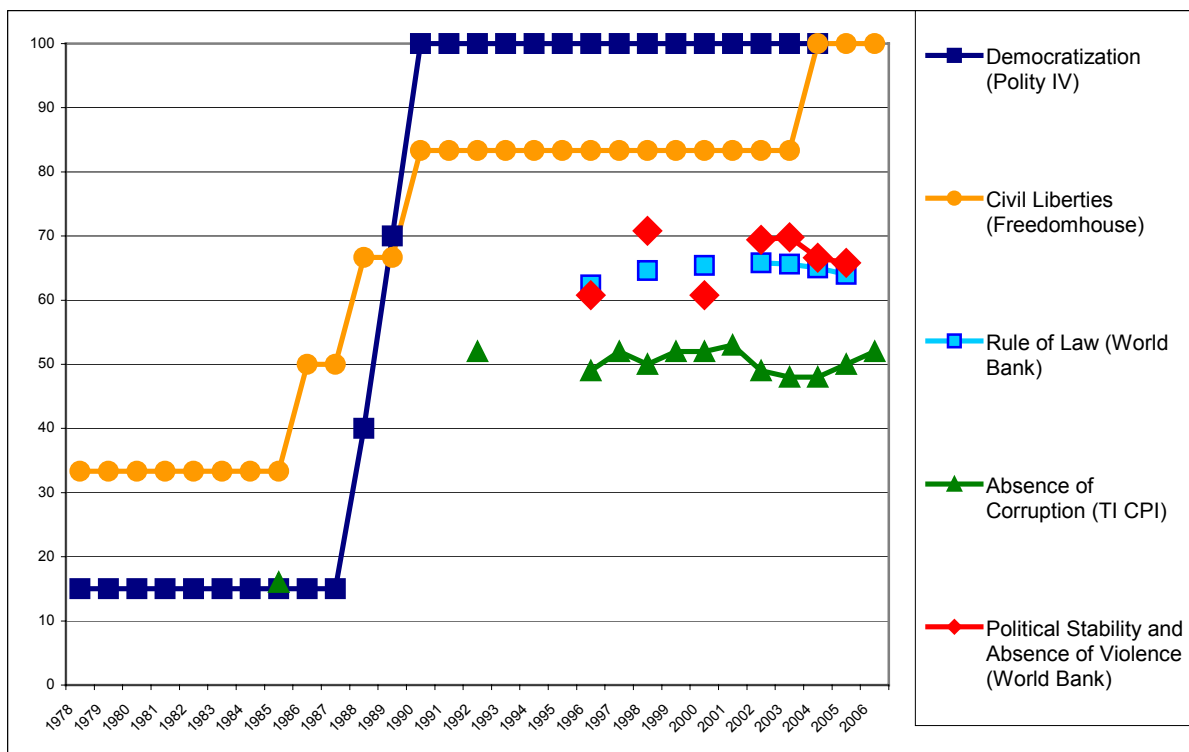
Human Development Index: 0.862

Ethnic Diversity: 92.3% Hungarian, 1.9%(-6%)* Roma, 5.8% other or unknown

Languages: 93.6% Hungarian, 6.4% other or unspecified.

Religions: 51.9% Roman Catholic, 15.9% Calvinist, 3% Lutheran, 2.6% Greek Catholic, 1% other Christian, 14.5% unaffiliated, 11.1% other or unspecified.

Sources: Fischer Weltalmanach 2005, CIA World Factbook 2005, UN Human Development Report 2005. Data on population and economy refers to the year 2002, UN data (Gini and HDI) refers to the year 2003, *Roma: 1.9% according to official government census, 6% estimate of Roma representative György Makula (Fraternal Association of European Roma Law Enforcement Officers)



Sources: Monty G. Marshall and Keith Jaggers (2006) Polity IV Dataset. [Computer file version p4v2004] Center for International Development and Conflict Management, University of Maryland; Freedom House (2007): Freedom in The World 2007 The Annual Survey of Political Rights and Civil Liberties. Freedom House; D. Kaufmann, A. Kraay and M. Mastruzzi (2006): Governance Matters V: Governance Indicators for 1996-2005 World Bank Policy Research Institute, Transparency International (2006): Corruption Perceptions Index. Transparency International. The scales of all indices have been transferred to a 0-100 scale, whereas 100 always presents the „best“ value. The transformation is only for visualization and does not imply a comparability of the indices.

Fig. A2: Hungary: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Political Stability

8.2 Basic Data on Bosnia-Herzegovina

Bosnia-Herzegovina: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Political Stability

Area: 51 129 km²

Population: 4 112 000

Population per km²: 80

GDP per capita: 4760 PPP-\$

GDP growth rate: 3.9%

Gini Index: 26.2 %

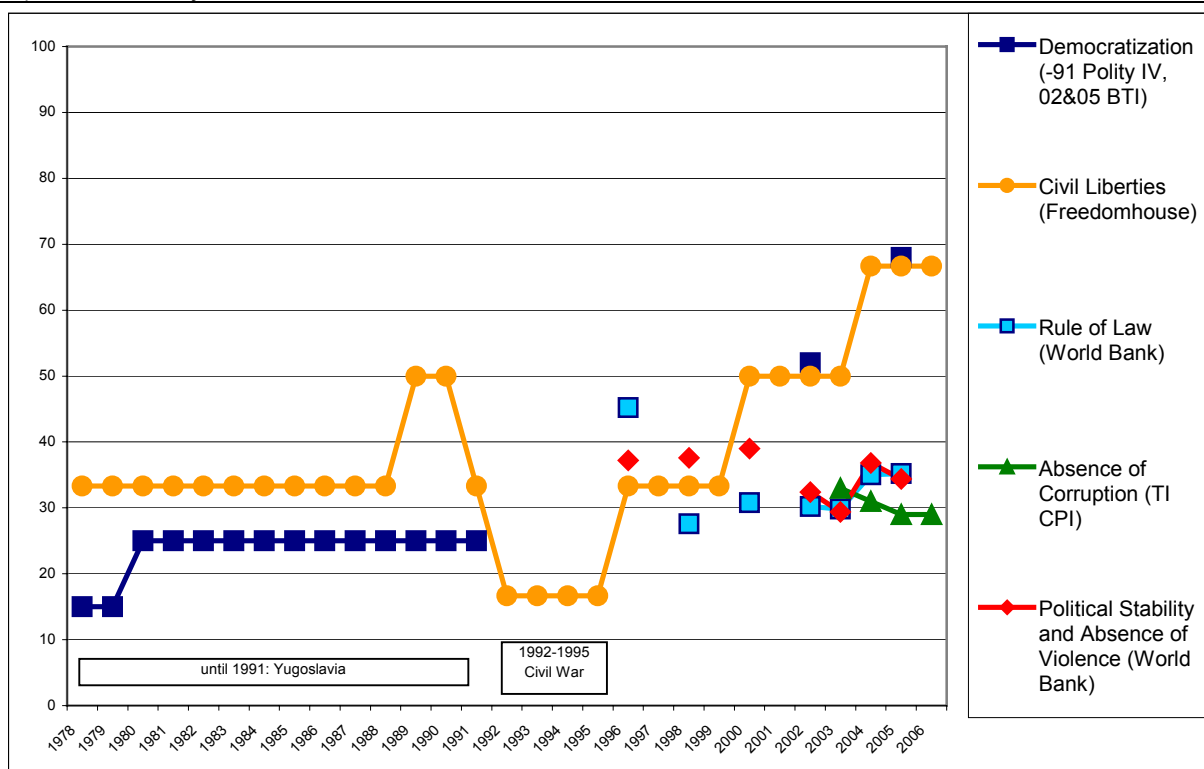
Human Development Index: 0.786

Ethnic Diversity: 48% Bosniak, 37.1% Serbian, 14.3% Croatian, 0.6% other.

Languages: Bosnian, Croatian, Serbian.

Religions: 40% Muslim, 31% Orthodox, 15% Roman Catholic, 14% other.

Sources: Fischer Weltalmanach 2005, CIA World Factbook 2005, UN Human Development Report 2005. Data on population refers to the year 2000, data on economy refers to the year 2002 and UN data (Gini and HDI) refers to the year 2003



Sources: Monty G. Marshall and Keith Jagers (2006) Polity IV Dataset. [Computer file version p4v2004] Center for International Development and Conflict Management, University of Maryland; Bertelsmann Stiftung (2006): Bertelsmann Transformation Atlas 2006. Bertelsmann Stiftung; Freedom House (2007): Freedom in The World 2007 The Annual Survey of Political Rights and Civil Liberties. Freedom House; D. Kaufmann, A. Kraay and M. Mastruzzi (2006): Governance Matters V: Governance Indicators for 1996-2005 World Bank Policy Research Institute, Transparency International (2006) : Corruption Perceptions Index. Transparency International. The scales of all indices have been transferred to a 0-100 scale, whereas 100 always presents the „best“ value. The transformation is only for visualization and does not imply a comparability of the indices. The Polity IV dataset does not provide data after 91 due to civil war and continuing external intervention, Bertelsmann BTI tolerates external intervention. In this figure the same color has been used for BTI and Polity IV in order to reduce the complexity of the illustration. But since the BTI dataset and the Polity IV dataset use different indicators, they do not allow a comparison.

Fig A3: Bosnia-Herzegovina: Basic Data and Indices for Democracy, Civil Liberties, Rule of Law, Corruption and Stability