

Local Ownership and Community Oriented Policing: The Case of Kosovo

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Abstract

This article provides an overview of the history and the current state of affairs of community-oriented policing (COP) in Kosovo. Based on qualitative research in this country, the focus is on local ownership and the challenges posed by local culture to the implementation of COP in communities. From the beginning, COP in Kosovo was strongly related to peacebuilding and police reform efforts of the international community. After the war in 1999, UNMIK introduced COP strategies using a top-down approach, allowing very little local ownership and public involvement in the process. After 2004, UNMIK began to retreat and transfer more and more responsibilities to the Kosovo government. Different COP forums, like Community Safety Action Teams Programs (CSATs), Local Public Safety Community Councils (LPSCs) and Municipal Community and Safety Councils (MCSCs), were introduced. After independence in 2008, the EU took over from the UN and emphasized approaches focussing on local ownership while at the same time pushing heavily for reforms in the police sector. The outcomes of these efforts had limited success, while numerous challenges are still ahead.

Keywords:

Post-conflict, community-oriented policing, human security, police reform, Kosovo

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Introduction

Collaboration between the police and citizens to generate security in communities, today is perceived as enhancing the quality of life (Gill et al., 2014). The same is increasingly true for developing and post-conflict countries. Under the heading of “Community Oriented Policing” (COP), preventive approaches aiming to improve the population’s feeling of security have been under discussion since the 1970s (Feltes, 2014). COP is not to be understood as a new policing method, but rather as a philosophy of how policing should be carried out involving the community in the process (Trojanowicz & Bucqueroux, 1994). COP requires not only organizational change, but also a fundamental shift in the administration of police and its community work. The decentralization of power as well as the support for grass-roots initiatives are preconditions for COP strategies to work successfully. Moreover, COP requires a change of mindset on the part of politicians and citizens (Feltes, 2012).

Despite these challenges COP has been increasingly regarded as a mainstay for institutional reform for fragile and post-conflict states (Brogden, 1999; Denny & Jenkins, 2013; Bayley, 2001). The results of these international efforts have been mixed so far (Gippert, 2015; Ganapathy & Damkas, 2017). Western police reform approaches to local police forces have been widely criticised for being merely technical, one-size-fits-all and top-down, disregarding local ownership, lacking legitimacy and ignoring local cultural as well as political realities in the host country (Gippert, 2015: 55; Peake & Brown, 2005). Welch (2011: 123) for example, in his work on the Security Sector Reform in Kosovo notes, that in building capacity often:

“...an environment is created where the local population sees the international community as imposing its norms with little regard to the wishes, aspirations and culture of civil society and its leaders.”

O’Neill (2005: 5) goes even further by stipulating that local history, traditions and culture must be acknowledged in all police reforms. The failure to anchor programs in local realities often also results in the failure of the programs themselves. In consequence, different concepts of cultural awareness in state building and peace keeping have been discussed recently, such as ‘cultural intelligence’ (Earley and Soon, 2003; Heuser, 2007; Pilon, 2009; Varhola & Varhola, 2009; Collier, 1989), ‘cultural knowledge’ (Jager, 2009) or ‘cross-cultural competency’ (Sion, 2008; Autesserre, 2014).

There seems to be consent in academia as much as among practitioners that local culture plays a crucial role for the success of police reform efforts. This is even more true for the implementation of COP in post-conflict settings. A good example is Kosovo. Since the end of the conflict in 1999, the international community has invested massively in the small Balkan country. In 2011, Kosovo received 19 times more developmental aid than the average developing country. Moreover, in per capita terms Kosovo received 50 times more peacekeeping troops and 25 times more funds from the international community than Afghanistan did

after 2001 (Cappussela, 2015: 12). Nevertheless, the UN mission UNMIK, deployed shortly after the cessation, was criticized for its top-down approach and the wide disregard of local ownership (Janssens, 2015; Capussela, 2015). The former Chief of Staff of the UN Mission to Kosovo (UNMIK), Blanca Antonini, for example stated:

„The international community – and UNMIK in particular – did not have as a priority the question of culture, and made little to no effort to integrate the experience that both major communities in Kosovo had accumulated prior to the international intervention.“ (King & Mason, 2006).

EULEX, the EU Rule of Law Mission to Kosovo, one of the most extensive missions ever deployed with a large contingent of police officers, seemingly had learned from these mistakes and put local ownership at the center of the mission. However, not only local ownership culture plays a decisive role in police reform. The same counts for the cultural backgrounds of those who implement police reform, especially when it comes to the diversity of COP approaches.

In this article we will shed some light on the interdependencies of local culture and the implementation of COP approaches by the international community in Kosovo. Starting with the UNMIK era, it will focus on recent COP strategies in the country and the challenges encountered when putting local ownership and culture at the focus of police reform.

Methodology

This article is based on preliminary results from the EU research project ‘Information Communication Technologies for Community Oriented Policing’ (ICT4COP, see Ganapathy & Damkaas, 2017). ^(?) Qualitative research has been carried out in Kosovo during a period of six months in 2016. We conducted 32 semi-structured interviews with key informants from different societal groups, such as public officials, police representatives, academics, representatives from NGOs and international organizations as well as citizens. The latter were comprised of men, women and young people with diverse socio-cultural and ethnic backgrounds from both urban and rural areas in Kosovo. In addition, the strong role played by internationals in Kosovo, such as the OSCE, EULEX and the UN, was reflected as well in the selection of interview partners, providing a balance between Kosovarian nationals and internationals. In short, the collected data is comprised of state-centric and people-centric perspectives on the issues of COP and human security in Kosovo.

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The UNMIK Era and its Influence on COP in Kosovo

The roots of Western influenced COP strategies reach back to the beginning of the engagement of UNMIK in 1999. After the cessation of the conflict, a UN Security Council resolution handed over governance of Kosovo to the United Nations. These five first years of Kosovo's post-war history can be called the 'UNMIK era' and was marked by the responsibility of the UN for public security as well as for the creation of new functioning security structures from scratch in the country. To achieve the latter, the UN opted for a top-down approach for establishing a police service. According to Janssens (2015: 83), the question which policing scheme would be best fitting for Kosovo was of lesser importance. A strong focus was put on law enforcement and human rights. Despite some efforts, local ownership played only a minor role for the UN mission. While UNMIK was a civilian mission, KFOR (NATO-led Kosovo force) was its military partner mission, both having the monopoly on coercive force. This meant that UNMIK had the authority to conduct criminal investigations, arrest suspects and use deadly force if necessary. UNMIK also created the Kosovo Police Service (KPS) whose police officers were trained by the Organization for Security and Cooperation in Europe (OSCE) and gained practical experiences by collaborating with the UNMIK International Police Unit (Gippert, 2015: 55). The police training was organized by the OSCE in cooperation with the International Criminal Investigative Training Assistance Program (ICITAP) of the U.S. Department of Justice. The mandate was to establish and train the police service in a manner consistent with the principles of democratic policing.

Little attention was given during this time to the training of COP strategies as the focus was more on a law and order model. The primary tasks were to prevent and combat crime. Graduated recruits started by enforcing speed limits and conducted joint patrols with UNMIK police officers to increase contact with citizens and communities. An important aspect of training was to 'depoliticise' the police force. In order to do so, UNMIK implemented two strategies, the first being to make the police more responsive to the needs of citizens. The second was to insulate them from political influence. This was relatively successful, especially the employment of local police officers with a better understanding of the local culture. In sum, the new police force was positively viewed by the citizens and their will to cooperate improved (Janssens, 2015: 146). As a consequence, the responsibility was slowly transferred from UNMIK to KPS over the following years.

During this period of transition, a number of deficiencies of the KPS surfaced as soon as UNMIK handed over responsibilities. It appeared that police training had been too short due to the need of UNMIK to deploy a large number of police officers in short time (Janssens, 2015: 160). Moreover, the strategy of leading by example and the idea that new police officers would learn most by being in the field under the supervision of a Police Field Training Officer (PFTO) proved to be only partly efficient. In reality, the PFTOs often lacked experience and qualifications to lead by example. Although all UNMIK police officers received initial training before entering the mission, it seemed that very often they were

not better qualified than the cadets from KPS they were supposed to train (Feltès & Hofmann, 2016: 61). Selection as well as in-mission-trainings can only mitigate problems of low qualifications and are unlikely to reconcile the different backgrounds and police cultures (Heinemann-Grüder & Grebenschikov, 2006; Feltès, 2008).

The mixed performance by international police officers consequently led to a significant decline in their credibility and acceptance by the local population. According to Jopp & Sandawi (2007, 73) in 2007, after only 8 years of deployment, 80 per cent of the population refused further deployment of UNMIK. They perceived the mission as a paper tiger, a bureaucratic monster and colonial administration. Among the reasons for this dramatic decline in reputation were mismanagement, prominent corruption cases and a perceived multinational chaos (International Crisis Group, 2004; Feltès, 2009).

COP Forums in Kosovo

Over the years, a variety of approaches and strategies were introduced by the international community to promote COP in Kosovo. One of the earliest forums implemented by UNMIK were the so-called Municipal Community and Safety Councils (MCSCs). These are consultative bodies for safety that bring together representatives of the municipal institutions, police, media, ethnic and religious communities as well as civil society organizations. Officially every municipality was obliged to have an MCSC. Hence, no capacity building was offered by UNMIK which resulted in a certain reluctance in a number of municipalities (Janssens, 2015: 247). In addition, other COP forums were implemented, such as the Community Safety Action Teams (CSATs) created by ICITAP. The aim of the program was to methodologically establish and engage teams of community volunteers, local government officials and local police officials who would work together to identify and prioritize issues of community safety and livability. The idea was based on a community policing philosophy: citizens develop more respect and trust in the law as well as in law enforcement agencies if they have a voice in solving community problems related to human security together (ICITAP, 2009: 10)

Today the so-called Local Police and Security Councils (LPSCs) can be called the most important COP forums in Kosovo with the greatest impact on communities. The LPSCs were established by OSCE in the aftermath of the 2004 riots in Kosovo, when violence was sparked between Albanians and Serbs in the northern city of Mitrovica and quickly spread over the entire country. Although various factors contributed to the outbreak of violence, UNMIK's disappointing performance was perceived as being one of the triggers (Janssens, 2015: 221). Consequently, to prevent similar events in the future, a number of measures were taken by the international community including the establishment of LPSCs. Much like the CSATs these forums are based on a grass-root approach to create consultative bodies to address the security needs of local communities and give them a voice in the policing of their

community. According to our respondents the establishment and functioning of LPSCs is mainly donor driven. LPSCs are set up by the initiatives of a community or on the request of a police station commander. A vital role in the establishment of the forums is taken over by the OSCE. They help to identify locations for LPSCs, to train the members and to function as a contact point between the LPSCs and potential provider of funding.

In 2012, the KPS adopted the Kosovo Community Policing Strategy 2012-2016. While in the short term the strategy aims to establish an effective relationship between police and citizens in the long run it sets out to improve the ability of police officers to liaise with the communities and work in cooperative manner (KPS, 2011). An important role was granted to the community safety forums to identify and communicate safety needs of communities and to ensure that the police are reactive to them (OSCE, 2010). Already in 2011, the Ministry of Internal Affairs had adopted the “Community Safety Strategy and Action Plan 2011-2016”, determining strategic priorities and objectives of institutions involved in community safety. The strategy declares LPSCs and MCSCs as an integral part of a broader approach to community safety.

Sustainability of COP

One of the most important factors to ensure sustainability is local compliance. In fact, it has been identified as a crucial factor for the success of international peacebuilding and police reform efforts in general (Gippert, 2015; Rubinstein et al., 2008; Pouligny, 2006). Most peacebuilding efforts are commonly driven by internationals but implemented by relevant local actors, the latter being a key factor for sustainability beyond the operation (Donais, 2009). We still know very little of what drives these local behavioural choices. The question remains why this works in some parts of the world, a country or a community better than in others? Or more generally: Why do some local actors choose to comply with peacebuilding reforms and why do others evade or even resist the same efforts?

Trust in police is regarded as an important factor for the success of COP and the citizens' perceptions of security (Bullock, 2013; Gray & Strasheim, 2016). In Kosovo general trust in police is high with 79 % of citizens trusting or somehow trusting the police in 2015 (KCSS, 2016). Interestingly, this figure is relatively stable over the regions as well as over ethnic backgrounds. But trust is not the only precondition. COP requires, on the police side, a high degree of proactivity as well as the understanding that citizens are not just subject to policing but rather a cooperative asset in the creation of security. For example, the CSATs and LPSCs are based on an US model of community engagement where voluntarism of community members is an integral part. However, the volunteering culture in the US has a strong basis in everyday life. This is not necessary the case in other cultures such as in Kosovo. Voluntarism in Kosovo faces various problems as one of our respondents stated:

“The challenge we still face is the sustainability. Because we had the problem of grasping the voluntarism inside the community. We have to understand one thing: the economic situation is quite a big challenge.”

Other problems our respondents named are the following: Teachers engaged in LPSCs struggle to get leave from their principals to attend trainings. Often no certificates or verifications are issued for volunteering work so that applicants have no chance of proving their engagement in community issues. An LPSC-foreman from a rural area struggled for years to acquire a stamp to being able to issue certificates to the LPSC members to confirm that they have been actively involved in the forum.

Hence, small incentives might have a positive impact on voluntarism. This is supported by studies dealing with the question how local actors can be motivated to comply with peacebuilding reforms. It is increasingly recognized that among other pathways, ‘buying in’ locals into reform processes is important in shaping the success of international peacebuilding outcomes (Gippert, 2015: 71). Incentives do not have to be financial. According to the OSCE, they used the LPSCs training to introduce English language trainings as well as job interview trainings for students that were engaged in the LPSCs.

From the beginning the LPSCs as much as the CSAT program were designed to be handed over to the local authorities at some point. The question was: When is the right time to put a mechanism of local community safety in the hands of the locals? Ideally, the forums would be handed over when they are self-sustainable, meaning that no engagement from outside of the community is required to keep the forum functioning. This, however, is depending on a number of factors that cannot be controlled easily. Funding of the forums remains a crucial issue. It was reported to us by LPSC representatives that numerous LPSCs in the past had simply died slowly not because of a lack of ideas for projects but because they did not acquire necessary funds. Sometimes the suggested projects were not feasible and often a project does not cross the threshold of € 3.000. This led to a forced suspension of activities which can have a devastating effect for the motivation and engagement of members. A mechanism that lies fallow for a too long time is very hard to reanimate.

The performance of these forums varied considerably depending on the municipality. They work better or worse, often depending on how valuable they are considered by each mayor. Also, the public perception of MCSCs was rather limited in the past due to a lack of outreach, and the constant struggle for funding made a sustainable strategy difficult. The troubles continued as the development of the complex architecture of these forums was at times uncoordinated, with different actors, national as well as international, and even the forums occasionally seemed to compete with each other rather than to cooperate. Saferworld concludes that this has resulted in parallel sets of structures, unclear relationships and poor communication between the different levels of the infrastructure (Saferworld, 2013).

Risks and Limits of COP

Despite the fact that COP has become an integral part of police reform in post-conflict settings, it is important to acknowledge that COP is not a panacea or antidote, as all too often portrayed. In fact, the examples where COP was successfully implemented in the framework of security sector reform with a sustainable effect remain rare. Sustainability is a key factor and often forgotten in the fast-paced cycles of international engagement (Feltes, 2008). Implementing COP structures takes a considerable amount of time and effort, especially within (police) cultures that are traditionally used to authoritative law enforcement styles. O'Neill (2005: 5), for example, stipulates that "police reform is a multi-faceted, multidisciplinary effort that takes careful coordination among many actors and will require many years and a great deal of money." He sees one of the major challenges in how to ensure the sustainable generation of financial resources and to avoid dependence on foreign largesse. This is particularly true for post-conflict countries where trust in police is typically low and where the police themselves might have played a role in the conflict. As Feltes (2008: 439) points out:

"There is an open clash between the mainstream international understanding of what a "just society" or a society, functioning under the "rule of law" is (or should) be on one side, and the local understanding of the members of a society, who survived different kinds of suppression and war over years or centuries, often by building up their own informal structures and their own rules of living together".

Positive results of COP take time to become visible and are not easily evaluated. This bears the risk that the state will not be able or unwilling to finance COP projects as soon as outside donor support dries up. Yet, sustainability does not only pertain to the funding of COP programs. With a view to international engagement, respectively police missions, one of the biggest challenges for the implementation of community policing is the constant change of staff. Personal contacts and trust that are crucial for COP take time to build up and cannot be simply handed over to the successor. Often the success of COP approaches rests heavily on the engagement and enthusiasm of individuals. As soon as they are replaced or leave the forum for any reason, the performance may drop (Police Foundation, 2011).

Limits of COP also derive from the implementation in communities itself. COP is only rarely introduced by the request of communities. In fact, all too often COP is imposed on communities without having consulted community leaders. One of our respondents stated:

"The international community played their part as well by, to a certain degree imposing community policing on the police without taking into consideration the customs and traditions in Kosovo and the fact that community policing was implemented over a very long period of time in western countries."

The underlying cause for these problems was probably the more or less coercive or top-down manner in which UNMIK introduced them, regardless of the needs and abilities of the municipalities and without even consulting them (Janssens, 2015: 247). In consequence, some municipalities refused to comply but they were established anyhow. The problem with these top-down approaches is that they undermine local ownership from its very beginning.

Kosovo: A Litmus-Test for COP

Police reform is only one of numerous dimensions of peace building. It is shaped by different assumptions about state power, the role of police in a democracy and how conflicts can be prevented. Kosovo, however, has been a case – or an experiment – where these assumptions were put to test. Some of the strategies worked, some did not and for some it is still too early for an assessment. The implementation of the above named security mechanisms, are the attempt to prescribe local ownership in terms of security provision in communities. Although these forums have been present for over a decade now, awareness of them among citizens remain low (Saferworld, 2011: 10). This comes less as a surprise when taken into account that the implementation of COP mechanisms is a long-lasting process that requires considerable efforts, training, funds and manpower (Birzer & Tannehill, 2001).

Sustainability is key for community safety structures. Top-down approaches are less effective when it comes to police reform. This is particularly true for COP, which is based on cooperation rather than authoritative policing. The UNMIK experience suggests that top down approaches are more likely to fail. Raising expectations that cannot be met due to financial or political constraints are key issues of all security sector reforms. The same counts for COP which is far from being a panacea for security risks. This is the reason why especially for COP public or local ownerships are important features. Fortunately, cooperative implementation strategies have become more popular. Leading by example, convincing citizens and police officers as well as giving incentives to adopt and engage in COP forums have dominated COP implementation strategies of the international community in Kosovo in recent years. Not to forget the educating efforts through trainings and training the trainers.

Kosovo is under scrutiny, especially by the EU, not only because it is a potential accession candidate but also because the EU has vital security interests in the region. An instable Kosovo is a major security threat to the EU itself. Powerful organized crime groups have infiltrated the country, making Kosovo a transit post for smuggling, money laundering and the trafficking of women, migrants, fuel, cigarettes and weapons (Capussela, 2015; Transparency International, 2015: 28, Derks & Price, 2010: 27). The Balkan route is estimated to be the world's most important opiate trafficking route and one of the most established international supply routes for other illicit drugs (UNODC, 2016: 29). Moreover, the region remains a prime source of foreign fighters travelling to the conflict in Syria (Shtuni,

2016: 2). Stagnancy, poverty and unemployment have triggered large migration flows into the EU (Möllers et al., 2016). Kosovo has the youngest population in Europe – a burden, with regards to youth unemployment but also a chance and opportunity for its future development. COP can contribute to tackle some of these challenges. Kosovo has become no less than a litmus-test for the potentials of COP as a tool in international police reform efforts.

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