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EU security sector reform in Bosnia and Herzegovina: Reform or resist?

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ABSTRACT

Attempts to explain the failure to reform the security sectors in post-conflict countries have often resorted to two sets of explanatory factors: international and local factors. This article seeks to move from that unhelpful dichotomy to an explanation linking both factors. Drawing on a Foucauldian approach and the concept of “counter-conduct,” it examines the rationality and practices of European Union (EU) governmentality and how governing technologies are resisted and reversed by local elites involved in security sector reform (SSR). Instead of understanding power and resistance as binary opposites, this article argues that counter-conduct can be conceived as implicated in the very relations of power that it seeks to resist. To tease out these relations, the article analyzes the EU’s efforts in SSR in Bosnia and Herzegovina, where it identifies four forms of counter-conduct: upholding European standards, using the local ownership trap, simulating reforms, and lowering the bar.

KEYWORDS European Union; security sector reform; counter-conduct; resistance; governmentality; Bosnia and Herzegovina

Over the last two decades, security sector reform (SSR) programs have been increasingly used in post-conflict situations, alongside other mechanisms, to support the restoration of peace.¹ SSR has thus become another tool in post-conflict peacebuilding by helping with the (re)building of security sector institutions based on the principles of democratic oversight, transparency, and good governance. The European Union (EU) has also resorted to SSR to contribute to its objectives of fostering “peace and stability, inclusive and sustainable development, state-building and democracy, the rule of law, human rights and the principles of international law” (European Commission & High Representative, 2016, p. 2).

This article examines the EU’s contribution to peacebuilding by focusing on its SSR activities in Bosnia and Herzegovina (hereafter Bosnia). While

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the EU has been present in the country since the 1990s and has heavily invested in SSR since the early 2000s with the deployment of Common Security and Defence Policy (CSDP) missions and operations, as well as European Commission-led activities, progress in the transformation of Bosnian security sector organizations and rules has been slow (Bassuener, 2015; Weber, 2015). This also mirrors more general assessments in the literature which note that despite the growth of SSR programs worldwide, their effectiveness has been limited (De Larrinaga & Doucet, 2015, p. 58; Schroeder & Chappuis, 2014, p. 135; Sedra, 2017). In order to explain this conundrum, local perspectives need to be brought back into the equation.

This article seeks to make a twofold contribution to the SSR literature. Firstly, while there is a wealth of scholarship on SSR, one of the main weakness of these studies is that they have largely adopted a top-down perspective. In other words, in trying to explain the failures of SSR programs, the emphasis has been on international strategies and practices, while neglecting local agency and domestic politics (Schroeder & Chappuis, 2014, p. 136). Yet, an increasing body of literature has explored the role of domestic actors in the outcome of SSR, either by identifying how domestic actors are able to undermine or support international reform efforts, by showing how domestic structures shape the actual implementation of the reforms or the role of non-state actors (see, for instance, Schroeder & Chappuis, 2014; Sedra, 2017; Valters, Van Veen, & Denney, 2015). More attention has also been paid to the outcomes of interactions between international and local actors in SSR, for instance, as the outcome of a rational choice game (Berg, 2014).

While these are welcome developments, there remains an unhelpful dualism in the literature which distinguishes between “international” (liberal norms, external actors’ interests, lack of coherence of international programs) and “local” factors (local politics, corruption, conflict legacies, etc.). We see this problem also in the case of Bosnia, where some scholars have sought to explain the slow progress of reforms by focusing on the role of external actors (Aybet & Bieber, 2011; Collantes Celador, 2005; Muehlmann, 2008; Tolksdorf, 2014; Vetschera & Damian, 2006) and how these initiatives have failed because of the lack of intra- or inter-institutional coherence, lack of adequate capabilities and expertise, or lack of local ownership, among others. Others have explained SSR in Bosnia as the outcome of internal power games (Berg, 2014). This article seeks to move beyond this dualism by seeking to explore how international and local dynamics are mutually interconnected and, in this way, undermine and reinforce each other. As will be explained in the next section, a focus on “counter-conducts” also serves as a corrective of previous analysis of EU intervention in Bosnia where local authorities are just seen as passive recipients of EU governmentality (Chandler, 2007, 2010).

Secondly, most of the SSR literature tends to be under-theorized or, as Peake, Scheye, and Hills (2008) put it, the SSR literature suffers from a “benign analytical neglect” (p. vii; see also Jackson, 2011, p. 1804). Most SSR studies have taken a functional or problem-solving approach focusing on the evaluation of successes and failures (Schroeder & Chappuis, 2014, pp. 133–134). By doing so, not only have they implicitly supported the normative model underpinning the liberal peace, but they have also neglected the analysis of power relations in the context of SSR programs. A new generation of SSR scholarship is increasingly concerned with theorizing SSR processes and outcomes by drawing on the literature on state-building and the liberal peace, including debates about hybrid security governance (Schroeder, Chappuis, & Kocak, 2014) and limited statehood (Koehler & Gosztonyi, 2014) which have challenged Weberian notions of the state (Hills, 2014; Sedra, 2017). Moreover, SSR has been theorized from different perspectives, from sociological approaches (Blaustein, 2014) to organizational theory (Schroeder et al., 2014) to Foucauldian, and postcolonial studies (Eriksson Baaz & Stern, 2017). Yet, only a handful of SSR studies have examined resistance (e.g., Lemay-Hébert, 2014; Rayroux & Wilén, 2014; Vandemoortele, 2012). Even in these cases, they have not moved beyond the power/resistance dichotomy and have failed to note how resistance is linked to power and how it can simultaneously undermine and reinforce domination practices.

Drawing on a Foucauldian approach, this article seeks to contribute to this new generation of SSR literature by providing a better understanding of international–local dynamics; one which understands SSR as an expression of broader neoliberal rationalities and resistance as a form of counter-conduct—understood as the struggle of “how not to be governed like that” (Foucault, 2007a, p. 44). The article asks, firstly, how have EU SSR programs in Bosnia been rationalized and what technologies have been deployed to support this rationality? And secondly, how have these initiatives been adapted or resisted by local actors? The article argues that the prevalent form of rationality of EU SSR in Bosnia is one that seeks to put the country in its path to “recovery” and toward becoming a “capable state.” As it will be shown, this rationality is underpinned by “European” liberal values and the principles of gradualism and local ownership. EU SSR initiatives have, however, been resisted at the local level through different expressions of counter-conduct. Interestingly, these counter-conducts have drawn on the same EU discourses (European standards, gradualism, local ownership), underlining the complex nature of power relations in peacebuilding contexts, where resistance both challenges but also reinforces domineering power.

The methodology of this article is based on documentary analysis and qualitative interviews. The analysis of counter-conducts draws first on the examination of EU official documents (European Commission reports) setting out the technocratic and gradualist approach to Bosnia’s accession

to the EU. This is complemented with 25 semi-structured qualitative interviews conducted in Brussels, Sarajevo, and Mostar in 2005, 2007, and 2016 with EU officials, Bosnian officials, and representatives from civil society organizations. The long timeframe of the interviews allows to take notice of the changes in EU–Bosnia relations over the last decade, with the increasing deadlock over police reform, constitutional reform, and defense reform. The interviews were coded to maintain the anonymity of the interviewees.

The article proceeds as follows. After discussing the EU’s peacebuilding intervention in Bosnia, it introduces a Foucauldian perspective on resistance. Then, it moves to examining EU SSR as governmentality to identify its rationality and techniques. The bulk of the article illustrates the ways in which local actors have deployed different forms of counter-conduct. Four prominent forms of counter-conduct have been inductively identified based on the fieldwork: upholding European standards, using the local ownership trap, simulating reforms, and lowering the bar. By adopting these forms of counter-conduct, local actors have worked within EU SSR governmentality to both undermine and reinforce the EU’s discourses and practices.

EU peacebuilding and resistance: A Foucauldian approach

The issue of resistance has long been a concern in peacebuilding studies (see also Ejodus & Juncos, 2018). Most of this work has been influenced by Scott’s (1985, 1989) seminal work on “infrapolitics,” a form of everyday resistance that is often hidden and rarely coordinated, but can undermine repressive regimes in the longer term. In Scott’s (1989) words,

just as millions of anthozoan polyps create, willy-nilly, a coral reef, thousands upon thousands of petty acts of insubordination and evasion create a political and economic barrier reef of their own. And whenever ... the ship of state runs aground on such a reef, attention is typically directed to the shipwreck itself and not the vast aggregation of actions which make it possible. (p. 49)

Similarly, de Certeau (1984) explains how resistance can take place through the practices of everyday life and how ordinary people might be able to transform existing rules and practices. The notion of everyday resistance has been further developed in peacebuilding studies to examine how local agency has resisted international peacebuilding efforts (Chandler, 2013; Mac Ginty, 2010; Richmond, 2010). In other words, agents can subvert an unjust system without overtly rejecting it. In the words of Richmond (2011), with everyday resistance, “[p]ower is not met head on ... but instead is subtly circumvented and set off course” (p. 428).

It is also possible to observe instances where local actors cooperate, while rejecting, resisting, or adapting other aspects of the liberal peace. This adaptation of peacebuilding initiatives results in what Mac Ginty (2010) refers to as

a “hybridized peace, that is in constant flux, as different actors and processes cooperate and compete on different issue agendas” (p. 397). This hybrid peace does not entail the end of the hegemonic liberal peace project, but it might facilitate its transformation into a form of governance which resonates more closely with local contexts and the everyday and that it has the potential to re-politicize peacebuilding. In the context of EU peacebuilding in Bosnia, for example, Kappler and Richmond (2011) refer to these processes of “peacebuilding as resistance” in terms of “locally resonant processes by which local actors develop their own peacebuilding strategies that run parallel to or impede the [EU Peacebuilding Framework] approach” (p. 273). For their part, Björkdahl and Höglund (2013) refer to “friction” as a way “to capture and analyse the conflictual dimensions of global-local encounters” (p. 289), identifying a number of potential responses—compliance, adoption, adaptation, co-option, resistance, and rejection—which might arise from these encounters between global and local actors. While both the concepts of everyday resistance and friction are productive in the sense that they foresee new realities emerging from those interactions, they still tend to understand power and resistance in binary terms, locating them at opposing poles, and embodied in particular actors. A Foucauldian perspective to resistance challenges these assumptions.

The starting point here is Michel Foucault’s notion of governmentality. In contrast to sovereignty, governmentality is defined as the “conduct of conducts” and it is about “disposing things” and “employing tactics” (Sending & Neumann, 2006, p. 656). Governmentality appears as a new form of government that takes populations as its main target, political economy as its main form of knowledge, and apparatuses of security as the main technical means at its disposal (Foucault, 2007b, p. 108). Liberal governmentality works in indirect ways by seeking to govern through consent, self-regulation, and responsabilization of the subject rather than direct imposition.

There has been a tendency in the governmentality literature to create a dichotomy between those governing and the subjects of governance, allowing little room for agency—with subjects appearing as passive objects of liberal governmentality (Malmvig, 2014, p. 296). In this vein, Chandler’s (2007) discussion of EU peacebuilding in Bosnia puts forward a view where neoliberal governmentality seems all-oppressing and unstoppable. This view fails to attribute agency to those resisting EU peacebuilding through counter-conducts. Yet, in one of his most well-known quotes, Foucault (1978) claims that “where there is power, there is resistance” (pp. 95–96). In this vein, power and resistance should not be considered as two opposing poles, as cooptation or confrontation, but as mutually constitutive (Death, 2010, 2011). Therefore, Foucault (2007b) prefers the term “counter-conduct,” meaning the “struggle against the processes implemented for conducting others” (p. 201). This is a struggle about “how not to be governed like that,

by that, in the name of those principles, with such and such an objective in mind and by means of such procedures, not like that, not for that, not by them” (Foucault, 2007a, p. 44). These forms of counter-conduct can be overt, but more often than not, they are hidden, invisible.

From this perspective, the quest for a pure emancipatory form of resistance is futile—as those that resist do not cease to be governed—but at the same time, power is also not an absolute as there is a possibility for agency to be enacted to shape the way in which we are governed. Far from being a total rejection of government, it is about “the art of not being governed quite so much” (Foucault, 2007a, p. 44). Hence, rather than taking us “beyond government” (Rose, 1999, p. 281), counter-conducts are already present within government (Foucault, 2007b, p. 357). Counter-conduct is thus implicated within and relies upon the power relations and techniques that it opposes. In his work, Foucault did not identify different “ideal” types of counter-conduct as those will vary depending on the “prevailing discourses” and particular “regimes of truth” which are made possible in particular contexts. One can only identify particular forms of counter-conducts, as in the case of this article, inductively from fieldwork.

In sum, the notion of counter-conduct allows us to move away from conceiving power relations in binary terms to a much more complex and dynamic understanding, where resistance can both reinforce and undermine power (Death, 2010, p. 235; Odysseos, Death, & Malmvig, 2016). For instance, in Death’s (2011) account of protests in South Africa, he argues that some of these protesters’ discourses and practices worked to reinforce the view that state representatives were the “proper target and focus of progressive politics” (p. 431), reinforcing the status quo. Similar analyses have been developed in the literature on the role of the EU in its neighborhood. For instance, Malmvig (2014) has used this framework to examine the EU’s democracy promotion efforts in the Arab world. Cebeci (2016) has similarly studied how the Turkish ruling Justice and Development Party (AKP) has countered the EU’s quest for political reform through overt and covert ways of resistance whilst pursuing the discourse and practices of accession to the EU. The study of counter-conducts also seems particularly relevant in analyzing SSR activities by the EU as it allows us to transcend the dichotomies between the “international” and the “local,” between domineering power and agency. But before examining forms of resistance in the case of Bosnia, one needs to establish whether EU SSR programs constitute a form of governmentality: What are the purposes and goals of these programs, their techniques, and what is the *problématique* that they seek to solve (see Dean, 1999)?

EU SSR as governmentality

As with other post-communist countries, the Bosnian security sector has suffered from problems of weak democratic oversight, accountability, and transparency. In the case of Bosnia, these problems have been compounded by the complexity of the governance structure, the number of veto players in the country, and the legacies of war. Many members of the security forces have been suspected of participating in committing war crimes or war-racketeering activities. Police forces have also generally been perceived as political instruments in the service of their respective ethnic groups.

The EU became active in SSR in Bosnia in the early 2000s. Following the withdrawal of the UN police mission, the EU established a Police Mission (EUPM) in 2003. When the NATO military operation came to an end, the EU launched its military operation EUFOR Althea in 2004. Furthermore, in addition to the permanent delegation of the European Commission, the EU established an EU Special Representative (EUSR) in 2002. In a “double-hatting” arrangement, this EUSR would also be at the same time the international High Representative to Bosnia. Transforming Bosnia’s security sector became quickly a key EU objective through the EU’s involvement in police reform and assistance with defense reform (the later under the leadership of NATO).

A governmentality perspective can shed light when it comes to understanding how EU SSR initiatives have been rationalized and justified (Merlingen, 2011). According to de Larrinaga and Doucet (2015, pp. 63–64), it is possible to understand the reform of the security sector in post-conflict contexts as an extension of neoliberal governmentality via international governance structures. The growth of SSR programs has thus resulted in the creation of a “liberal assemblage of knowledge and security governance for societies and spaces marked for post-conflict reconstruction” (de Larrinaga & Doucet, 2015, p. 64). The particular ways of knowing (rationalities) at the heart of SSR programs work through a pathologization of targeted countries. In this view, SSR programs present a language of pathology (preventing “relapse” into conflict; supporting “recovery” of fragile states). Yet, SSR is not only aiming to address those specific “ills,” but it also works to produce particular subjectivities by making states become responsible actors in line with the model of the liberal (capable) state. In the same way as medicine is not only confined to a technology curing ills, but it also generates knowledge about the “healthy man” and the “model man,” SSR is not limited to providing recipes for improving the state security apparatus, but more generally it propagates a discourse of the “model state” as the liberal state (de Larrinaga & Doucet, 2015, pp. 59–60).

In a similar vein, Jackson (2011) argues that SSR “seeks to construct states that are ‘capable’ in a liberal sense, i.e. by providing good governance,

democracy and security” (p. 1817). This also shows how the SSR enterprise is deeply normative by seeking to promote particular international and, in the case of Bosnia, European standards. Jackson (2011) adds that by following a liberal peace agenda, SSR contributes to a redefinition of state sovereignty “from being an international absolute to a variable one based on state capacity or a state being sovereign only in so far as it is capable of carrying out certain functions” (p. 1818). Implicit in this understanding is also the idea that there is no end point to this “becoming a capable state,” that this is always a matter of degrees, of “progress,” a gradual process (on gradualism, see also Malmvig, 2014). Technologies of power such as monitoring and benchmarking help in determining how much progress has been achieved (e.g., in the annual EU Enlargement Reports). Similarly, by applying these different benchmarking, peer review, and monitoring techniques, EU SSR maintains a disguise of “scientific validity” (Pogodda, Richmond, Tocci, Mac Ginty, & Vogel, 2014, p. 230).

Yet, in line with a liberal *problématique* of power, this road to recovery and toward becoming a “capable state” must be self-initiated, hence the language of local ownership and partnership (de Larrinaga & Doucet, 2015, p. 61). As explained by Joseph (2013),

This is a politics that presents itself in terms of persuasion rather than coercion, enablement rather than constraint, partnership rather than command. This is a governmentality that works from a distance through policy suggestion backed up with a complex array of techniques of monitoring and assessment. It works through the idea that partners are free to take the lead, but also gently persuades them to “do the right thing”. This means responsible ownership that engages with the right partners and implements the right policies. (p. 289)

However, in practice, these self-initiated reforms in the form of local or national ownership are limited to “an exercise of emulating proper behaviour according to a pre-determined model of security governance that is deemed most effective in providing for the population’s security” (de Larrinaga & Doucet, 2015, p. 61). In the case of EU SSR initiatives in Bosnia, they have adopted mainly a “top-down” approach (Moore, 2014), meaning that the EU has focused on state-level and elite-level interventions under the assumption that these reforms will then spill over to other levels of society.

In sum, one can argue that, in the case of Bosnia, EU SSR governmentality operates through ideas of self-regulation, but in a manner that produces and regulates subjects and their conducts through rationalities and technologies of power (Chandler, 2007, 2010; Merlingen & Ostrauskaite, 2006). The political rationality of EU SSR constitutes Bosnia as a state in need of intervention to ensure that it one day becomes a “capable state.” This “model” state is one that follows European (liberal) principles, although this is to be done gradually and

seemingly respecting local ownership. In the next section, the article shows how EU governing technologies are resisted and countered by Bosnian elites involved in SSR by working within the EU's discourses and practices, namely, the notion of European standards, local ownership, and the gradualism of the reform process.

Resisting EU governmentality in Bosnia: Four forms of counter-conduct

While there are some forms of overt resistance (ethnic parties leaving negotiations or voting against EU-sponsored proposals), this article brings attention to those forms of counter-conduct that are subtle, hidden, and which work inside the liberal logic (Scott, 1990). In Malmvig's (2014) words, "they resist in part by working inside European technologies and discourses—resisting not by being 'against,' but by making use of the liberalist discourse" (p. 296) of European principles, ownership, and gradualism deployed by the EU's governmentality. As stated by one of the interviewees (#12), "We haven't seen active resistance [from local actors]. They don't tell you to your face that something's not going to happen. They want the kudos of working with externals." Yet, while Bosnia, like other candidate and potential candidates, officially accepts the EU's conditionality in the area of rule of law, this conditionality is challenged through "subtle" mechanisms (Cebeci, 2016, p. 122). Such mechanisms in the case of Bosnia include resorting to EU standards and values, deploying the rhetoric of local ownership, simulating reforms, and lowering the bar when it comes to the implementation of specific reforms.

Upholding European standards

As mentioned above, EU SSR in Bosnia is underpinned by a normativity which draws on so-called European and international standards or principles (also sometimes referred to as "best practices" in the official jargon). In the words of an EU official working in Bosnia (interview #13), their role involves developing "strategies and policies that not only work for Bosnia, but are also compliant with international and EU standards" and no matter how long the negotiation of new initiatives and programs take, the locals eventually accept "the EU standard as the principled way forward." These standards follow the principles of civilian democratic control of the monopoly over the use of force and accountability and transparency of the security forces (Schroeder et al., 2014, pp. 214–215). In the case of police and defense reform in Bosnia, in addition to these general SSR conditions, the EU focuses on the need to establish a functional state. In Bosnia, this is understood as requiring centralized armed and police forces, thereby unifying those of the two existing political

entities (Republika Sprska and the Bosniak-Croat Federation of Bosnian Herzegovina).

Yet, beyond these general principles, it is very difficult to pin down the specifics of such standards or practices (even for those working in the field), especially given the diversity of security practices across different states and even within the EU member states. This is compounded by the fact that there are no common EU rules (*acquis communautaire*) on police and defense reform. The EU has become involved in SSR only relatively recently and in the area of defense reform, the EU remains a very limited actor clearly secondary to NATO. As a result, European standards remain a rather vague and politicized concept which has been used by local pro-European and pro-democracy activists to put pressure on their governments to reform and Europeanize and, alternatively, by the locals to counter EU reform processes.

The later approach was particularly evident in the case of police reform. The police reform process started in 2005 and it became one of the main objectives of the EU in Bosnia at the time. The EU even made it a condition before signing the important Stabilization and Association Agreement (SAA) between the EU and Bosnia (Juncos, 2011). The lack of agreement over the centralization of the police forces and the reorganization of the country's police forces on the basis of functional criteria rather than ethnic ones (including the crossing of the Inter-Entity Boundary Line by the police forces) led to a political stalemate between the Bosnian political elites and the EU negotiators over the period 2005–2007. This stalemate was only overcome by the Mostar Agreement of October 2007, according to which all Bosnian political parties agreed on the substance of the reform and an implementation plan. This agreement paved the way for the adoption of two new laws on police restructuring (and the creation of new state-level police structures) which led eventually to the signature of the SAA between the EU and Bosnia in June 2008.

One of the main reasons behind the 2005–2007 stalemate was the fact that Bosnian Serbs rejected the so-called three “European principles”: (1) all legislative and budgetary competences vested at state level; (2) no political interference with operational policing; and (3) functional police areas determined by technical policing criteria (European Commission, 2006, p. 48). Bosnian Serbs argued that these principles were not in line with actual European standards and practices. Indeed, nothing is said in the EU rulebook about a centralized state-level police, exclusive competences for the state, or that police regions should be determined by technical policing criteria. This created enormous problems for the European Commission which could not justify the three criteria (see Juncos, 2011). For their part, local politicians in Bosnia also referred to the diversity of models in the various EU member states to reject the imposition of these principles. Bosnian Serbs were eager to note inconsistencies with European standards and practices to justify resistance against EU conditionality.

For instance, President of Republika Srpska Dragan Čavić claimed that the conditions were completely unrelated to the EU:

Obviously, [international High Representative and EUSR] Ashdown called [EU Commissioner] Chris Patten and asked him to make police reform a criterion for the entry of [Bosnia] into the EU. The criteria of the police reform were completely designed by the [Office of the High Representative] and had nothing to do with the EU as such. (As cited in Lindvall, 2009, p. 113, see also p. 114)

By adopting such strategies, local actors can also make use of the Europeanist discourses to portray themselves as “European” versus a non-European “other” (Jeffrey, 2008). In fact, Jeffrey (2008) has shown that Bosnian Serbs justify the defense of the Republika Srpska’s sovereignty and their opposition to EU conditions as “the ‘authentic’ defence of European values against the neoliberal interventions made in the name of the EU” (p. 439). In particular, Bosnian Serbs see themselves as protecting a Christian European identity vis-à-vis more cosmopolitan and multicultural visions of Europe.

Interestingly, the European Commission seems to have learned from this failed process by adapting its discourse—showing how counter-conducts both undermine *and* reinforce governmentality. According to a Commission official (interview #3), as part of the rule of law seminars organized with EU candidate countries to share member state practices, now they “don’t talk of best practices but good practices, also because it doesn’t matter if there are differences in these practices between countries as long as they are good practices.”

The Bosnian Serbs have also used a complementary strategy, arguing that the implementation of the police reform (or any other reforms in the security and justice sectors requiring a centralization of authority) would run against the constitutional framework established by the Dayton Peace Agreement (Vandemoortele, 2012, p. 213). In particular, Bosnian Serbs would complain that the different reforms promoted by the EU and the Office of the High Representative would undermine or even threaten the existence of Republika Srpska by fostering state centralization (Lindvall, 2009, p. 112; see also Tolksdorf, 2014, p. 65). Although the Commission was cautious not to support a particular model, EU integration was increasingly seen as a process of strengthening of state-level institutions and some degree of centralization. Bosnian Serbs could also point to EU official documents to confirm their worst fears. As acknowledged by the European Commission (2002) in its first annual report on the stabilization and association process for the Western Balkans, “[i]n some cases, the goal of sustainability and integration into European structures may mean that Entity powers may have to be ceded to the State” (p. 17). Yet, the European Commission (2002) sought to alleviate Bosnian Serb concerns by pointing out that “Republika Srpska in

particular must consider that a strong state is compatible with a strong Entity, indeed that the former is a prerequisite of the latter” (p. 17). This also highlights that as far as EU integration is concerned, different positions are held by different ethnic groups depending on the issues and depending on how the process is perceived to affect them (interview #16). In this regard, police reform was seen as “a battle ground” between different ethnic groups and between the locals and the international community (interview #9). Hence, resistance by the local is not uniform nor does it always take the same form as it depends on who “the local” is.

The local ownership trap

As mentioned before, local ownership has become a key principle in EU SSR (see also Ejodus, 2018). For instance, the new EU Framework on SSR states that:

Reform efforts will be effective and sustainable only if they are rooted in a country’s institutions (including through budgetary commitment), owned by national security and justice actors, and considered legitimate by society as a whole. This means that national actors should steer the process and take overall responsibility for the results of interventions, with external partners providing advice and support. (European Commission & High Representative, 2016, pp. 7–8)

Time and again, the European Commission has sought to emphasize the idea of partnership and local ownership as guiding principles in Bosnia’s path toward EU membership: “National and Entity sustainability can only be built on the basis of full BiH’s ownership of the reform process” (European Commission, 2002, p. 17). In line with previous enlargement processes in Central and Eastern Europe, the candidate and potential candidate countries—such as Bosnia—had to remain in control of the process. In the words of one Commission official (interview #1), the European Commission is

against this imposition because we see the negative consequences of the “intensive care” that Bosnia receives, especially in terms of the de-responsibilization of the local authorities. This intensive intervention, with the Bonn powers [which give the High Representative extensive executive powers], has contributed to the reform process, but it has a negative impact on the responsibility of the local authorities.

From this perspective, the defense and police reforms in Bosnia symbolized a shift in the international approach to state-building by moving from the use of the Bonn powers by the High Representative to locally owned reforms that would have paved the way to eventual EU and NATO membership. In other words, this was seen as a move “from Dayton to Brussels” (Ashdown, 2005). As stated by an interviewee (#9), “imposition is no longer an option in that

sense. And anything coming from outside in terms of security sector reform is very much resisted.” A rhetorical commitment to local ownership was particularly ingrained in the European Commission. As put in a report funded by the Commission (ICMPD and TC Team Consult, 2004), in the case of the police reform, whatever the organizational structure adopted, the most important issue was to ensure political consensus and local ownership of the reform: “Local ownership is more important than a perfect solution on paper” (p. 135).

Interestingly, this language of local ownership was then appropriated by the local partners, which complained about the attempts to pressurize them into an agreement, complained about “arm twisting” by the Office of the High Representative and the EUSR, and the use of conditionality by the European Commission (interview #16). Taking the principle of local ownership to its natural conclusion also meant that the EU (and the Office of the High Representative) had to accept that the three European principles were not set in stone, but could be modified on the basis of a compromise at the local level (see also section on lowering the bar), and the use of (or threat of) a veto power by the local actors when the reforms were seen as damaging to their interests (which both the Bosnian Serbs and the Bosniaks used during the negotiations on police reforms).

However, it is also worth pointing to the fact that for most EU and international officials the understanding of local ownership was limited to the implementation of the reforms rather than the initiation and design of those reforms. After reforms had been initiated and the main parameters agreed upon by the local actors at the Police Restructuring Directorate, it was up to the state and entity governments to implement these reforms (Vandemoortele, 2012, p. 211). Even when it came to the implementation of the reforms, there was also a reticence from the internationals to “let go.” Hence, a former Head of the Delegation of the European Commission to Bosnia claimed that “the EU is very keen to have countries taking full ownership” of police missions, but it had done little to facilitate such ownership (as cited in Moore, 2014, p. 297). This problem is also complicated by the fact that the High Representative and the Bonn powers remain in place in Bosnia and that many Bosnian policy-makers still rely too much on external assistance to design their own strategies and programs. For example, a European Commission official (interview #4) lamented the fact that in 2016 the Bosnian government decided to draft a human rights strategy, but then contacted the Commission to see if they could pay and recommend an international expert. In sum, the discourse of local ownership has been used by the EU to support and adapt its strategy in Bosnia, while the locals have used it to resist attempts to impose top-down reforms.

Simulating progress

Another form of counter-conduct in the case of Bosnia is that of simulating progress. As with the previous forms of resistance, in this case simulation operates within the EU's discourses and technologies by utilizing the discourse of gradualism and progress that characterizes the EU's engagement with its neighbors. In the case of EU democracy promotion policies, for instance, Malmvig (2014) argues that

[s]ince political reform is presumed to be an incremental, slow and uneven process, European reform managers have immense difficulties establishing if a given Arab government is in the process of genuinely undertaking reform or if they are, in fact, resisting governing technologies by pretending to undertake reform. (p. 305)

Similarly, the ambiguity inherent in the gradual process of enlargement and the vague nature of conditionality in the area of SSR (see section on European principles) allow Bosnian policy-makers to simulate reforms or at the best of times to apply them in a selective manner (see also Cebeci, 2016; Malmvig, 2014). For instance, the annual European Commission progress reports tend to refer to more vague terms such as “meaningful progress” or “some progress,” while avoiding where possible references to the lack of progress or no progress (see, for instance, European Commission, 2016). Not only are EU reforms vague, they are also interpreted differently by each of the ethnic parties. As argued by one interviewee (#5), EU reforms

have been ineffective due to how they are received here. The EU comes with its criteria and it gives regulations required for EU integration—the “written commitment” whereby leaders committed to the path of structural reforms, for example. But each political leader who signed the “written commitment” represented a different ethnicity, and therefore a different understanding of what the commitment meant.

As several of the interviewees noted, despite the EU's efforts in the area of policing, the reform that took place was “not meaningful—it was just cosmetic” (interview #6). The police forces in Bosnia are still divided along ethnic lines, and politicized. The Directorate for Coordination of Police Bodies of Bosnia and Herzegovina has not played any meaningful role in increasing coordination among the different police forces. What is more, it would seem that the levels of fragmentation and politicization have even increased in recent years, with the entities trying to roll back reforms that had been put in place by the EUPM (Weber, 2015). The EU has faced similar problems in other areas. For instance, in relation to the establishment of an anti-corruption agency, it was argued that the EU has met resistance “every step of the way” and that, while there was some evidence of implementation, the process had been slow and devoid of any real substance:

when the agency first opened, it took a long time to agree the legislation that opened it. Once it opened, it was given premises that weren't really suitable; they still today, four years on, live inside a building that doesn't have the capacity to hold the staff required to manage it. They're not given the tools to do the job. So, the resistance is continuous, even though for the last four years the EU has had permanent advisors inside the anti-corruption agency. (Interview #13)

Another significant example of the simulation of reforms relates to the case of defense reform. In this case, NATO and the High Representative took a leading role in defense matters through the launching of the Defence Reform Commission in 2002, whereas the EU has supported defense reform by providing capacity-building through EUFOR Althea. While defense reform was often considered a successful case (see Aybet & Bieber, 2011; Berg, 2014), in recent years progress has stalled. Moreover, while opposition to police reform has been more overt, resistance to defense reform was mostly hidden, yet it has become more overt in recent years. On paper, the Bosnian army was unified after the defense reform negotiations that led to the abolishment of the entity armed forces and the creation of a new state-level Ministry of Defence and a joint command structure. Yet, this agreement was only possible by maintaining ethnically homogeneous brigades and mono-ethnic regiments, and by preserving an ethnic balance in terms of appointments.

Over the last few years, however, the defense reforms remain stalled because of the lack of resolution of the dispute over the ownership of defense property. One of the key requirements of NATO's Membership Action Plan is that all immovable defense property such as barracks or warehouses should be registered at the state (rather than entity) level. European Commission reports have also referred to the need to achieve progress in the implementation of the defense reforms, particularly in relation to defense property (European Commission, 2016, p. 75). However, so far, Republika Srpska has not complied with this condition. Moreover, there is evidence that some of the reforms are being rolled back, with an increasing politicization of the army ranks: officers being more closely connected with ethnic parties, people making more public shows of religiosity in order to gain career favors, and more ethnic segregation in the army. According to a recent assessment "there is no expectation that the [Bosnian army] will generate destabilization or initiate inter-ethnic violence. But there is almost universal belief that in the event of such violence, it would collapse along its ethnic fault lines" (Bassuener, 2015, p. ii).

References to politicians "dragging their feet" or paying lip service to particular reforms were also mentioned by other interviewees and in relation to other issues (war crimes, judicial reform, freedom of the press, human rights, etc.). One interviewee (#5) went as far as saying: "Bosnia and Herzegovina is almost the Somalia of Europe. The country has grown becoming reliant on,

and playing, the international community.” These examples show how progress in this area has become “pure speculation” to paraphrase Malmvig (2014, p. 306). While Bosnia is still committed to the reform agenda put forward by the EU and NATO, local parties have maintained this illusion by “pretending” to reform or by introducing some measures in some areas, while stalling or rolling back reforms in other sectors.

Lowering the bar

Finally, the case of Bosnia also shows how the locals have been able to work within the EU’s discourses to “lower the bar,” that is, to modify and lower the conditions set by EU policy-makers. This strategy draws on some of the features of EU governmentality discussed above; first, the fact that some of the European principles in the area of SSR are unspecified and vague and, as such, there is room to mold these criteria to adapt them to a particular context or reality. This also follows from the notion of local ownership and the need to incorporate local needs into the process, which challenges the idea of strict conditionality as it is usually understood in other policy areas. Finally, the idea of gradualism also allows for the locals to be able to shape and adapt conditions in order to ensure “progress” is made. Hence, as summarized by Beirević and Čehajić (2013), in the case of Bosnia, we see

a systematic lowering of the bar on the part of the international community, with a “carrot and stick” approach that more often than not settled on offering the carrot, or a reward, showed local counterparts that achieving less than was originally asked of them was not a problem. (p. 47)

In relation to the police reform, this “backtracking” (Vandemoortele, 2012, p. 211) resulted in the watering down of the three European principles in the final agreement of October 2007. This agreement only envisaged the establishment of some coordinating police bodies at the state level (e.g., Directorate for Coordination of Police Bodies of Bosnia and Herzegovina), while the overall reorganization of the Bosnian police forces at the entity level was postponed until a constitutional reform could be agreed upon. EU policy-makers accepted this agreement and allowed Bosnia to sign the SAA with the EU the following year.

In this case, the strategy of the Bosnian Serbs was one of “wait and see” as they believed that the EU and the High Representative would be unable to defend the three principles and would eventually lower the conditions (Lindvall, 2009, pp. 231–232). There were two reasons to believe this. Firstly, Bosnian Serb officials thought the EU position to be inconsistent and variable over time. In the words of one of the interviewees (#16),

we had to agree the police reform to sign the SAA, and we had three principles to follow. Then the international community changed their stance in the political level negotiations. We didn't fulfill these three principles... but the SAA was given to us to sign anyway. They just asked for positive efforts to be made towards the unification of the police... What the EU gives to [Bosnia] is always modified, or [things are] not done as they are supposed to.

Secondly, some local politicians also understood that security and political considerations were more important to the EU than the fulfillment of European standards. EU threats that Bosnia would be isolated or would not progress towards enlargement were simply not credible as local politicians were well aware of how important Bosnia's peace and stability are for EU member states.

Obviously, the lowering of the bar has broader effects beyond the specific reform that the EU is dealing with at a particular time undermining the EU's governmentality. In particular, lowering the bar undermines the credibility and effectiveness of EU conditionality in the medium and the long term. As a Bosnian official pointed out in 2008, with regard to the protracted reform negotiations:

It was very unwise of the EU to first set the bar so high but then to constantly lower it. This has created a very bad atmosphere in the [Republika Srpska], where politicians are convinced that many EU conditions can be diluted in the course of the pre-accession process. (As cited in Tolksdorf, 2014, p. 69)

Hence, it is not surprising to find similar dynamics of "wait and see" in order to achieve the relaxation of conditionality in other areas. For instance, one interviewee (#9) argued that EU conditions are "never implemented as-is," but that they are "always modified" and that in the case of EU accession and trade, "that part was modified so extensively that the EU didn't really get what it wanted in the first place." In the case of the implementation of the recently agreed Reform Agenda, because of lack of agreement between the local parties, rather than focusing on the original priorities, the EU ended up spending the money on cross-border collaboration projects, which according to one interviewee (#5) "everyone likes, so actually they won by resisting."

Yet, the EU's governmentality has also adapted to these forms of counter-conduct. One way has been by developing what an EU official (interview #13) refers to as "minimum standards," that is, the EU will accept different laws by each legislature within the country on a particular issue as long as they respect some minimum standards the EU sets. In other words,

inside a country where you've got effectively 16 different legislatures, not all of them want to do it the same way... So, we look at something like asset seizure, asset recovery: It's difficult to get all 16 legislatures to agree to doing it in the same way. We have said that, so long as they get to these minimum standards, we'll accept that. We have done the same with firearms legislation, [and] trafficking of human beings. We have found a middle ground. And it hasn't

lessened the standard; it's just accepted that they can all do it in different ways, so long as they get to that benchmark. (Interview #13)

Secondly, another consequence of the resistance that the EU has encountered in Bosnia has been an increasing degree of technocratization of the EU's governmentality in Bosnia, particularly since the failure of the police reform (Vandemoortele, 2012, p. 212). For instance, one interviewee (#14) mentioned the example of the structural dialogue in the justice sector, which was resisted by Republika Srpska. As a result, according to the interviewee, the conclusions and recommendation from the structural dialogue were "so big that you couldn't follow them at all." Instead of addressing key legal and political obstacles, "they switched to very technical details because they found that they could not implement anything, and rather than saying that they could not implement they just go into these technical details." These two forms of adaptation show how counter-conducts might end up reinforcing EU governmentality.

Conclusion

While the literature on SSR has largely adopted a top-down focus in examining the strategies and practices of international donors, this article contends that there is a need to explore how these strategies are received and often resisted by those that seek to govern. This article has shown that while SSR can be seen as a form of neoliberal governmentality, there is still space for resistance by those who refuse to be governed "like that."

In the case of SSR in Bosnia, the article has provided insights into how the locals have resisted EU governmentality by examining the failures and sites of contestation resulting from EU intervention in SSR in Bosnia. Specifically, this article has identified four expressions of counter-conduct which are visible in the field of SSR: upholding European standards, using the local ownership trap, simulating reforms, and lowering the bar. There are also other forms of overt and hidden resistance, including reluctance to share documents and information on time, or lack of cooperation in response to certain measures perceived as strengthening state-level agencies, including the harmonization of legislation (Fréjabue, 2013, p. 36). Yet, the four forms of counter-conduct identified in this article are paradigmatic in so far as they rely on the discourses of European values, local ownership, and gradualism that underpin EU SSR rationality.

Secondly, the case discussed here also provides evidence of the paradoxical nature of resistance. The different dimensions of local counter-conducts worked to both undermine and reinforce sedimented power relationships. In order to resist EU demands, Bosnian elites had to frame their arguments in a manner that was in line with dominant regimes of knowledge and, by doing so, they have reinforced EU governmentality. While the issue of NATO

membership might appear to be more controversial, EU membership and EU principles were not questioned. Similarly, Bosnian elites did not question the techniques of EU governmentality (e.g., benchmarking on the basis of EU criteria, monitoring by the European Commission, or mentoring by the EUPM). What they often questioned was the fact that the EU had not applied this in a “fair” or consistent manner, that is, it was about how not to be governed like that. This illuminates the fact that while local efforts to resist EU SSR have undoubtedly undermined EU peacebuilding efforts in Bosnia, some of these counter-conducts do in fact strengthen and legitimize EU SSR governmentality.

The empirical evidence also showed some instances where the EU techniques of power have been adapted as a result of local resistance. These include establishing minimum standards, increasing the technical character of the reforms, or moving to a discourse of “good practices.” Again, this provides evidence of the complex nature of power relations in post-conflict societies and echoes some of the insights from the peacebuilding literature on hybrid peace (Mac Ginty, 2011; Richmond, 2010). EU SSR in Bosnia is thus highly complex and its outcomes are a mixture of conditionality, resistance, and adaptation both of the peacebuilding project and local strategies.

In sum, the purpose of the article is not grand theorizing or devising an overarching theory of SSR interventions, but to render visible local discourses and practices that remain invisible in EU peacebuilding interventions. A Foucauldian approach to resistance helps uncover relations of power and variable and contingent forms of resistance that take place within prevailing forms of governmentality. While one should not expect to see the exact same types of counter-conducts in other cases, yet the rationality of these counter-conducts might be similar across other EU SSR interventions. In this sense, the article might also help inform further research into EU peacebuilding. This Foucauldian approach also underlines the complex nature of power relations in peacebuilding settings, where resistance challenges but also reinforces domineering power. Finally, and most importantly, this perspective allows us to move beyond binary understandings of (international) power and (local) resistance in peacebuilding practices.

Note

1. The use of SSR programs is not restricted to post-conflict situations; they have also been launched in other developing and transitional countries to reform and strengthen the capacities of security institutions (Ansorg, 2017; Dursun-Ozkanca & Vandemoortele, 2012).

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