

**BECOMING MONTENEGRIN:
BIOPOWER, POLICE REFORM AND HUMAN RIGHTS**

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BARRY J. RYAN

School of Politics, International Relations, Philosophy and Environment (SPIRE)
Chancellor's Building
Keele University
Staffordshire
ST5 5BG
UK

Phone; + 44 (0) 1782 733354

Email: b.j.ryan@keele.ac.uk

ABSTRACT

The paper forms a Foucauldian analysis police reforms in Montenegro. Drawing on interviews with police officers at all ranks in 2004, undertaken as reform was commencing and on interviews undertaken in 2010, after Montenegro's independence, the paper explores the biopolitics of liberalization. The paper aims to demonstrate norms of internal security liberalization that operate beyond a legal understanding of state power. It illustrates the operation of a rule of police that produces norms conducive to the governance of a dynamic market state. It argues that the rule of police subsists within but also subverts the rule of law and human rights approach to democratic development.

KEYWORDS

Police; Biopolitics; Human Rights; Foucault; Liberalization.

INTRODUCTION

It goes without saying that the rule of law is a foundational referent in all strategies of police reform in post-conflict settings. The assumption that state power can be regulated and liberalized through the rule of law enlivens advocates who associate improvements in the exercise of sovereign power with adherence to human rights. Claims are made on behalf of the rule of law approach that point to its role in economic development, democratization and poverty reduction.¹ Since the early 1990's a constellation of international organizations, NGO's, state aid agencies, academe, think-tanks and private interests has produced a sizeable body of knowledge gleaned from their experiences in various post-conflict and post-socialist societies. This paper argues that somewhat blinkered assumptions regarding the nature of sovereign power and the transcendental potential of its rule of law pervade this body of knowledge and the assemblage of practices that constitute it. Encoded within the definition of a rule of law approach is an apolitical attitude to good governance that equates law to the objectivity of scientific positivism.² However in reality, the exercise of power within a state is more messy and complex than the rule of law can possibly regulate. When applied to the field of police reform, it is hardly radical to suggest that a great deal of police activity operates beyond the parameters of the law.³ Consequently, notwithstanding the propensity for human rights and the rule of law to frame liberalization processes, it needs to be recognised that only a fraction of police reforms that occur in these settings are based on the enforcement of law.⁴ It is in fact more common for police reform to be motivated by less principled, more contingent socio-economic considerations that stem from the prerogatives of state and inter-state security.

These are prerogatives that have historically had a promiscuous relationship with conceptions of justice and the rule of law more generally.

Thus the article introduces an alternative analysis of police reform embedded not in the rule of law but on the pragmatics of securing national identity through a process of liberalization. The paper examines the early stages of police reform in the Republic of Montenegro as an exemplar study of liberalization. It argues that a biopolitical account of liberalization provides us with an increased understanding of the institutional reforms that mould new police practices under democratizing regimes. The Montenegrin case will demonstrate how, through the discourse of liberal rights, police reforms harness a state's national security aims together with its political and economic objectives. In other words, the language of freedom and individual rights, it is proposed, are utilised not to emancipate, but to gain greater political and economic control over a state's population. The paper seeks to propose, through the Montenegrin case that the rights of the individual appear to be one of a number of different and often disparate assumptions, truths and logics taken into account when securing a population. So while human rights define *a* limit to police intervention, that limit may be easily transgressed, overtaken by other politico-economic or moral ordering imperatives.

Understanding police reform as a function of biopower challenges the hegemonic Kantian approach to liberalization proposed by authors such as Risse and Sikkink.⁵ Their socialization theory proposes that human rights operate as universal ethical instruments for local socio-economic transformation.⁶ 'Enduring human rights changes' according to Risse, therefore go hand in hand with domestic structural changes'.⁷ Over time these parameters become embedded, and as their acceptance spreads through population groups, so the governance of human society becomes more 'civilized' and more principled.⁸ Rights and the rule of law, it is argued, promise a more just application of the activities of sovereign decision-making from the micro to the macro levels. Contesting this ideal, the biopolitical proposition seeks to reveal the power exercised through state security imperatives contained within human rights-based theories of juridical transcendence.

Michael Merlingen has convincingly argued that Risse's theory occludes asymmetrical structural power relations between the socialization agency and the subject of socialization. His study examines the discourse and practices of the Organization for Security and Cooperation in Europe (OSCE) and the European Union, arguing that the power being exercised by these organizations through socialization is disciplinary and biopolitical. While the OSCE's 'disciplinary regime monitors, ranks, grades, rewards and penalizes post-Socialist countries' it simultaneously; 'acts upon the institutional context in which political, economic and social life unfolds and upon the activities, capacities and relations of the

individuals that make up a population'.⁹ The OSCE, he concludes, is involved in a civilizing process which is fuelled by 'exhaustive knowledge'¹⁰ by which post-socialist sites are reimagined/reformed as 'zones of well-regulated liberty'.¹¹ Democratization, Merlingen is pointing out, is a process of normalization.¹² Human rights and the rule of law, his studies suggest, are regulatory agents of a particular conceptualization of freedom that produces liberal subjectivity.

As in other former republics of Yugoslavia, police reforms in Montenegro derived from encounters between diverse constellations of state agencies, international organizations, commercial interests and NGOs, all of which competed and cooperated to define the region primarily in terms of its security needs. While these security issues were framed as necessary to secure the freedoms associated with human rights, the bulk of reform was directed at the rims of Montenegro, installing control mechanisms that decreased the probability that instability in the country would affect global security.¹³ Externally directed reform, in other words, enabled the riskiness of Montenegrins to be effectively managed by a global security community which had spent a decade gathering statistics on every aspect of life in the country. This included *inter alia* population levels and attributes, resource levels, political and economic relations, the levels of crime, legal standards, security capabilities, levels of education and so on. This constant monitoring and surveillance of the country by the international community is in itself an object lesson in biopolitical policing. Ever before Montenegro's security apparatus became accountable and transparent to its citizens, it had to prove itself accountable and transparent to its sponsors. The EU explains that its socialization aim in Montenegro and throughout the Balkans is to '*transform societies and stimulate reforms needed to achieve European standards in all areas of life*'.¹⁴ Socialization is a security exercise whereby the EU and the OSCE work with the local actors to secure the liberalisation of all aspects of Montenegrin life.

In order to further trace a biopolitical rationality at work within Montenegro, the paper draws on meetings and personal observations recorded by the author during a series of interviews held with police in 2004 and in 2010. The research in 2004 was carried out between 27th September and 5th October in nine sites chosen by the Republic of Montenegro Ministry of Interior and the Organization for Security and Cooperation in Europe (OSCE) as being representative of the entire police organization in Montenegro. In-depth interviews were conducted at each site with senior police officials and with four to five officers at a patrol level.¹⁵ The second series of interviews were conducted by the author with employees at all levels of the Police Directorate in the Republic of Montenegro between 1st July and 15th July 2010 at Podgorica, Herceg Novi, Bar, Danilovgrad and Nikšić.¹⁶ Having further explored how policing contributes to the biopolitical problematic, the paper will contrast the responses from police interviewed in 2004 with the responses from 2010.¹⁷

BIOPOLITICS OF POLICE REFORM

As a frame of analysis, biopolitics is usefully contrastable with geopolitics. Whereas geopolitics is concerned with strategies of power over territory, biopolitics is concerned with strategies of power that operate on the welfare of a population within that territory. The term was developed by the French philosopher Michel Foucault, whose studies of liberal penal reform in the 18th and 19th century revealed experimental techniques of disciplining and improving the behaviour of inmates through the deployment of a more strategic approach to incarceration. Rather than locking prisoners into cramped, disease ridden cells where death was commonplace, reformers argued for a new regime undergirded by a highly effective and efficient structure of surveillance which would grant the prisoner freedom to move around the prison. Freedom to move it was proposed inculcated individual accountability, internalizing the locks of the solitary cell in a system that allowed authorities to perpetually monitor the improvement of the prisoner from a distance; ‘morals reformed – health preserved – industry invigorated – instruction diffused – public burthens lightened’ boasted Bentham who is credited with the original blueprints.¹⁸ Adopted for hospitals, schools and factories, the *Panopticon* became a more generalized schematic of governance that gradually ‘spread throughout the social body’ to strengthen society, ‘increase production, develop the economy and raise the level of public morality’.¹⁹ The major contribution Foucault made through these studies was to show how techniques of military discipline liberalized and infiltrated civilian institutions and later became embedded throughout society. This rationality of governance, which he termed biopolitics, came to constitute a mode of political power exercised through modern Western societies, producing through law, custom, force and ethics to produce calculable, rational, governable liberal subjects.²⁰

The schematic of Bentham’s *Panopticon*, Foucault’s argued, ought to be understood as a metaphor for the profound epistemological shift in the exercise of sovereign power that occurred with the rise of liberal values in the 19th century. As Foucault outlines, the liberal state differed from its predecessor in terms of its methods to secure space. The problem of sovereignty, he wrote, is ‘no longer of fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, sifting the good from the bad, ensuring that things are always in movement ...but in such a way that the inherent dangers of this circulation are cancelled out’.²¹ Early radical liberalism conferred on this emergent modern subject rights that were irreducible to an economic model premised on the productive power of societal and individual freedom.²² Sovereignty had become a managerial rather than a patrimonial exercise of power under the cameralists of the 18th century, who saw the state

as a machine and the ruler as the foreman for whom rule emanated from committees, bureaux, inspectors, statisticians and by other experts.²³ As mercantilism gave way to free trade the break with the authoritarian decisionism of the Leviathan sovereign ruler who ruled down on a passive society was no longer appropriate to a framework of governance that required self-governing, responsible, disciplined, and above all, *rational* rights bearing subjects. In Foucault's lecture series, *On the Birth Biopolitics*,²⁴ he argues that two conceptions of freedom arose from this epistemological break in sovereign rationality: a revolutionary juridical definition of freedom where the individual was deemed to be in possession of certain freedoms; and a utilitarian definition of freedom which asserted a limit on the practices of public authorities over the civil society. These two accounts of freedom, Foucault insists, had heterogeneous histories. Nonetheless it was the latter formation which persisted to mark out modern freedom, so that governmental utility is used to gauge the juridical limitation of public authorities. 'Since the beginning of the nineteenth century we have been living in an age in which the problem of utility increasingly encompasses all the traditional problems of law'.²⁵ The important implication arises that sovereignty is not so much a question of legitimacy, but of *effect*, of success.

Contemporary sovereignty therefore serves to administer life as a sort of economic asset amidst the turbulence and uncertainty generated by the market based economy. In other words, an awareness of biopolitics allows us to contest the idealism of a linear rule of law dividing wrong from right. Instead it outlines a complex assemblage of pragmatic discretionary powers; a non-linear radically contingent array of interventions and orders that are continuously shifting in a grey zone where wrong and right is subject to the interpretative capacity of administrative, technical and security experts.²⁶ It is in such conditions of liquid modernity²⁷ that the rule of law contends with, supports and is utilised by what Walter Benjamin termed the *rule of police*.²⁸

Nikolas Rose has pointed out that the rationality of governing through the norm of freedom required a thorough knowledge of the population of the sort that only a policing agency could collate and process.²⁹ Consequently, police power, understood as the activity of data gathering and sharing, includes not only the police officer, but, for example, the social worker, the psychiatrist and the probation officer. Thus an assemblage of police relationships can be found, as Foucault recounts, at the birth of modern police in the eighteenth century.³⁰ Importantly, the rise of police power coincides with, indeed participates in, the discovery of 'population' as an object of statistical survey. Based on the assumption that by knowing the essence of things one can improve them so as to maximize their potential for economic and political utility, liberalism requires knowledge for ceaseless reforming. Biopower is constituted by the capacity to improve minds and bodies by tinkering with the institutions and agencies that regulate human behavior.³¹ Dillon reminds

us that a liberal life cannot be guaranteed without a security apparatus which regulates life around a terrain of values, demarcated as being the essence of a (good) human.³² More importantly it must gather this knowledge, from a distance, without disturbing the flow of people and things that maintain the health of the economy. As Bell describes it; 'biopolitical governance emphasizes indirect forms of rule through state agencies that govern "at a distance" through various regulatory protocols'.³³ Law enforcement is consequently less concerned with upholding timeless, fundamental ideals, than it is with the pragmatics of configuring a network of relationships to more effectively know and manage the life processes of its population.

Brodeur has referred to this in terms of a policing web³⁴ – a civilian-military assemblage that processes what has described as the 'production of freedom'.³⁵ As Evans forcefully argues, 'biopolitical regimes of security governance have always *revolved* around threats to existence'.³⁶ If needs be, such a regime ought to withdraw these freedoms until such time as the environment is once again safe. The imperative to secure these rights, which form the existential undercurrent of a liberal market economy, demands a highly integrated, dynamic, networked police apparatus formed around knowledge, planning, surveillance and, of course, intervention. That is, it requires a civilian-military assemblage capable of generating data on its population, knowing the parameters of its normal behaviour and monitoring deviance that constitutes a risk to its mobility. Thus, as Foucault's work clearly demonstrates biopower and policing are coeval products of liberal modernity, producing a circulatory power within and beyond the rule of law to administer the norms of productive living.³⁷ Accordingly, law enforcement officials can be meaningfully understood as 'knowledge workers'.³⁸

In its actual practice, the liberalization of law enforcement – what we nowadays term police reform – serves to create this network of knowledge and to produce police forces capable of securing the incessant flow of people, things and ideas in a manner conducive to the market principle of freedom. For this to occur police must be aware of the techniques and technologies used to monitor movement; ensuring its constant flow and knowing when to intervene and when to let things flow (*laissez-faire*). This *modus operandi* is inherently risky. Implicitly biopolitical, it serves a distinctly economic function as it 'seeks to pre-empt, minimize or disrupt loss'.³⁹ It is for this reason that risk management is the cardinal element in the apparatus of liberal reform. The behavioural norms at issue in biopower are those that constitute identity in terms of risk. A biopolitical analysis is concerned with examining how risk normalizes the human and societal body which it seeks to regulate. Biopolitics, essentially, utilises a continuum of physical and epistemic violence exerted on behalf of securing a distinction between normal and deviant, inside and outside, productive and degenerative. One such risk might involve management of alternative cultures or non-

liberal ways of life within the confines of the state. Montenegro, as we shall see, is an area that is widely portrayed as housing familial communities, semi-nomadic people and multiple faiths. It is a country where cultural norms are rarely homogenous and uncontested. Liberalization, as Merlingen and Ostrauskaitė observed in Macedonia,⁴⁰ tends to problematize as atavistic, illiberal or inefficient the lives and the values of individuals in these sub-groups. Justified by a moral and apolitical rationale, security is presented to these groups together with new inalienable rights, as a conduit for the improvement of their lives.

Consequently, biopower works on the private sphere to secure the functionality of the public sphere. A liberal police force gains its most quotidian exceptional power from the need to monitor and gather intelligence from the private sphere of individuals so that it can filter normal behaviour from suspicious or irrational activity.⁴¹ Reform therefore seeks to improve surveillance skills at all levels of practice, at the level of human and technological relationships while simultaneously demonstrating law enforcement as an ethical, progressive and detached service provider. Consequently, police reform is less about the rule of law than it is about the rule of normative power, or more accurately, *the rule of police*. Occurring in instances where state controls have become obsolete for various reasons, reform seeks to decentralize state power towards a market-based model; and to adjust it to the new values and dynamic lifestyles of capitalism. It socializes police to act from within society, with consensus, rather than to act in a top-down manner in its primary activities; gathering data, processing it, intervening with reasonable force or distributing intelligence and information where necessary.⁴²

ENCOUNTERING POLICE IN MONTENEGRO 2004.

Montenegro provides us with an interesting case study to pursue the relationship between police and biopower. While accounts of Montenegro's history are highly contested, it would generally appear that the region existed as a political territory since the 15th century. As elsewhere in the Balkans, Montenegro has been located in a region constituted by various clans or tribes without any overarching sense of nationality.⁴³ It has been proposed that clan loyalty and religious beliefs demarcated the territory throughout until the early nineteenth century. The modernization of the territory really commenced with the constitutional introduction of parliamentary-monarchy in 1905 under the rule of Prince Nikola I. Pointing out a plurality of Montenegrin population constructs, one commentator argues that clan-based identities persist to this very day and often belie the modern constructs of ethnic identity.⁴⁴ In any event the nationalism that was fostered throughout the early twentieth century was challenged by communist ideology during the mid-twentieth century and the question of Montenegro as being a place for Montenegrin 'people' only

emerged again in the 1990's, during the fragmentation of Yugoslavia. Nationalism in Montenegro coincided with the end of socialism.⁴⁵ Calls for a separate Montenegrin Orthodox church and a language called Montenegrin (rather than Serbian) were aired as the republic attempted to delink itself from former Yugoslavia and merge with the European Union.

It should be pointed out that life under Yugoslavia's market socialism was certainly not insulated from biopolitical strategies of rule. Drawing on the same enlightenment concepts as did West European liberalism, security in Yugoslavia was built into the euro-socialist commitment to 'self-management'.⁴⁶ Self-management implied that decisions be devolved from the centres of political control in order to 'wither away the state'. Social self-protection - an implication of this self management philosophy - tried to establish the citizens of Yugoslavia as the subjects rather than the objects of the security apparatus: that as owners of the means of production they also owned the instruments to protect the means of production.⁴⁷ The claim made was a democratic one: police is the 'servant of the people', neither separated nor opposed to the people.⁴⁸ This enabled Yugoslav theorists to argue that Yugoslav socialism was an entirely different to the sort of state or police socialism prevalent in the Soviet Union and its satellite states.⁴⁹ In fact social self-protection is a definitively biopolitical construct. It drew deeply on the discourse of multi-agency and partnership approaches to governance (rather than government);

We have come to believe that the focus of the fight against crime should be based on social prevention consisting of various social activities, the activities of the state, social organs and citizens, to be directed primarily at the detection of direct objective and subjective causes of criminal actions and other phenomena of social pathology. What we are talking about is the application of various social, economic, educational, cultural, health, and other similar measures aimed at the removal of direct sources of criminal actions ⁵⁰

Crime prevention, as practised by the police in Yugoslavia, was a system of social control, it was a tool for societal modernization and an instrument of security to manage the riskiness of the Cold War. As information gathering was a priority task, emphasis was placed on the need for patrol officers to build and maintain contacts with local members of the community. Police were ordered to become familiar with the residents of their patrol and with the characteristics of the community. Usually returned after training to the community in which they grew up, police officers were embedded within civil society - as one agent amongst a range of other actors - educational, health and economic - that sought to mould the population of Yugoslavia around the values of market socialism.⁵¹ The success of this experiment is difficult to gauge as the temptation to apply brute sovereign power to hold Yugoslavia together undermined the multi-agency, society oriented approach advocated by socialist criminologists. Moreover police practices varied greatly throughout the federation. Notwithstanding the principles of self-management, the omnipresence of the Communist

Party tended to direct police power in Yugoslavia. Ultimately, the rule of law was subservient to the maintenance of political order, undermining the Federation's attempts to decentralize policing. As the security of Yugoslavia became ever more precarious, the further policing moved from civil society.⁵²

Most of the police I interviewed in the Republic of Montenegro had been hired by the Prime Minister of Montenegro, Milo Djukanović in the late 1990's.⁵³ They were recruited as a body of national security, as a counter force to the threat posed by the presence during the Balkan War of FRY military billeted in Montenegro. From a force of 1200 officers which used to police the republic in the 1980's, Dukanović steadily recruited thousands of men as 'police' to secure the republic.⁵⁴ Recruitment was done on a first come first hired basis and officers were deployed without training – receiving a bare uniform, a nightstick and a gun. When the wars ended Montenegro found itself with a rather motley police that was militaristic, largely untrained, under resourced and unfamiliar with police operating tactics. It was these men who became central players in the government's quest for independence from the Federal Union of Serbia and Montenegro. Never a force of law, the police in Montenegro had acquiesced and even profited from the criminalization of the Montenegrin state. From the time of UN's international sanctions, right through the Balkan wars and afterwards, police was implicated in a nexus of crime, smuggling and corruption that pervaded the political and commercial classes of Montenegro.⁵⁵ The police I interviewed in 2004, prior to independence and in the earliest stages of internationally directed reforms were members of a distrusted institution that enjoyed little legitimacy and no trust. It was a police that, beyond its political affiliations, had few human, legal, technical or infrastructural resources to call upon.

From the interviews, what emerges primarily is the problem of access to civil society – the referent body of biopolitical knowledge, planning and surveillance. NGOs in Montenegro formed as a resistance to the illiberal policing methods practiced during the epoch of socialism. Consequently viewed as non-compliant with liberal values of freedom, police suffered from a lack of the relational power it required to function. It had neither the capacity to gather nor to adequately process information. Not only did it have weak links with societal actors but it was also detached from other state policing agencies. Furthermore, it was weakly connected with itself - police did not have two way radios to communicate with one another and surveillance capacities were not developed. Their vehicles only had sufficient petrol for a week of driving every month.

Montenegro was policed from nine centres, each managed by a directly appointed official of the ruling party. The Ministry was run as a military organization with strict hierarchical chains of command and very little discretion afforded to officers. The further from the urban

centre I travelled – the closer to the border with Serbia - the more dilapidated, martial and physically distant from residential areas became the police stations. The first set of interviews was held in run-down police buildings with low paid male police officers wearing unkempt uniforms. Many officers, known as ‘contract police’, were entirely uneducated in police science and had provided their own uniform. The only evidence they were a police officer was to be found in a folded employment letter which they kept in their breast pockets. Reform had commenced just prior to the survey and it was as a result of this reform that female uniformed officers had been recruited. Though the recruitment and promotion of female police would become an important aspect of reform, these early recruits were given menial administrative tasks. Heavily made-up and wearing high-heeled shoes, it was they who served coffee during my interviews. Other reforms included the establishment of a Border Police and a Police Academy. With the assistance of international organizations in-service courses on core training in policing, strategic management and community policing were running. Corruption was still commonplace with police check points on every major road routinely extracting bribes from passing motorists.⁵⁶

Speaking to me beneath portraits of the pro-independence Prime Minister, Milo Đukanović, it was apparent that the police were entirely immersed in the divisive politics of Montenegro. It was not surprising that officers at interview consistently spoke about their inability to work with opposition controlled local authorities and about permanent tension with media companies sympathetic to the Montenegro’s union with Serbia. I was told in sites such as Herceg Novi that the isolation of police meant that police were effectively powerless to even enforce traffic regulations. The most common description articulated during these interviews was of a completely isolated institution, operating without support from local authorities, civil society or NGOs. The two urban centres, the capital Podgorica, and the post-industrial city of Nickšić, demonstrated clearly the extent of this isolation. When talking about a low level of public confidence in policing, officers said that there were a number of factors which fuelled mistrust. One officer spoke about the ‘weaknesses’ of the police as an institution and spoke about resource and infrastructural deficiencies combining with a ‘political problem inherited from the previous regime when the police were a more repressive and political’ institutional organ.

These weaknesses, resource deficiencies and politicization made it difficult to implement societal-oriented modes of police work. At Podgorica middle ranking officers explained that the way police were used led to the institutions low credibility among the public. An example was provided of police being regularly deployed to protect Municipal authorities when illegally constructed houses were being demolished in semi-formal refugee sites that had developed around the outskirts of the capital. At interview police estimated that nearly 12,000 internally displaced persons, refugees or Roma were living in dwellings that had

been constructed on state land without building permission. The policy of the Municipality was to evict these residents and demolish their dwellings. These homes represent the entire wealth of these very poor rural migrants and thus demolition is most often violently opposed as it results in destitute families being made homeless. Between January 2004 and October 2004 there were 257 such evictions, according to interviewees. As a result, the very presence of state agencies in an informal settlement incited strong and often coordinated resistance. Police described the use of sentries and sirens among residents who could mobilise at the first sight of a police vehicle in the neighborhood. Media organizations that were hostile to the police and to the prime minister and his pro-independence stance regularly covered these events; 'In any ten day period you will find over five stories with photos in the newspapers about police violence in the destruction of illegally constructed homes'. And yet police were not as passive in these events as was portrayed at interview: hidden among these newspaper stories is the case of Mr. Besim Osmani, who, having been given only a few hours eviction notice, was beaten by plainclothes police officers as bulldozers raised his family home.⁵⁷ The theme of a violent, detached police force acting on society also emerged from interviews with police at Cetinje, in central Montenegro. Rank and file officers felt particularly alienated from the inhabitants of Cetinje: 'People here have an odd mentality', it was explained. 'Everyone is related to one another and violent assaults occur spontaneously'. Unable to interact with local civil society to address these policing problems, officers spoke of how they relied on surveillance and robust intervention tactics. From interviews it was apparent that respondents saw human rights as a challenge to state security, rather than as a biopolitical opportunity.

In Nickšić, according to police at interview, the problem of police isolation had a severe societal impact. Virtually a border town, Nikšić had developed during the 1990s wars as a transit site for smuggling. Drug smugglers using the city's proximity to Croatia and armed with weapons attained during the war in nearby Bosnia used Nikšić as a base for their operations. Police spoke about the sudden proliferation of in the supply and abuse of drugs, especially heroin, among the youth in the town. According to the commander, 'historical politically motivated antagonism' largely prevented police from building relationships with families and local NGOs concerned by drug use. Asked about police relations with community groups, the commander was unable to say if any existed, or if they would be willing to support police activities.

Distrustful of local NGOs and religious leaders, wary of journalists and cynical about the motives of small business operators, police explained that the solution to their isolation lay in education. Society, it was felt, needed to be educated. Examples were provided about the attitude of the youth in Podgorica who, although inebriated, resist arrest and 'insist on rights they do not have'. Officers insisted that they understood the need for human rights

but that the public, and in particular the media, also needed to be educated so their responsibilities were clarified. As an example of a force finding it difficult to police the new circulation of ideas and commerce, an older officer opined that young people held anti-authority attitudes and sought 'fast easy money'. 'Everyone's a lawyer now' added another officer. According to the police I interviewed, the introduction of new legislation,⁵⁸ which prohibited random stop and search activities and curtailed covert surveillance practices, made it ever more difficult for them perform their duties in the manner by which they were accustomed. Montenegrin society, it appeared from my interviews, had outgrown its authoritarian police *modus operandi*.

The OSCE led the international response to police reform in Montenegro from 2001 onwards. Alluding to the role of the police as politically 'hired security guards', the reforms sought to initiate 'trust, accept and respect' for the Montenegrin police.⁵⁹ The recommendations published in 2006 by the OSCE outline the rudiments of the matrix of reform. Much of the reform was directed at improving the capacity of the police to secure the population in a more transparent, accountable and financially efficient manner. A large chunk of the reforms were directed at strategic planning and human resources. Human rights are barely mentioned but are deemed to be implicit in the 'normative framework' outlined which introduces strategies based on professional standards, operational autonomy, and technical capacity. Rather than human rights it would seem that police media relations and police management training were given priority, as were recommendations for 'downsizing' the force. Correlated to ethical police behavior and the need for a police Code of Conduct, rights were presented as but one of a number of instruments of reform aimed at better relations with civil society. Ethical behavior, for instance, is described in the report in terms of it improving the efficiency and coherency of relations between other actors in the security community. Central to the reform vision was 'the question of intelligence', which inculcates a capacity to recognize and manage risk. This also compelled police to build relations with other policing agencies;

While the ministry abounds in statistics there are gaps and a lack of strategic analysis to maximize available information. First, information gathering has to be more complete and cross-sectoral, ie each service cannot jealousy guard its information, as occasionally happens at present. There needs to be an assurance of good information available, and that it is the right information needed, then it has to be put into a central system for operational and strategic analysis.⁶⁰

REVISITING POLICE IN MONTENEGRO 2010 ⁶¹

Having undertaken six years of internationally directed reform, the potential for the Montenegrin police to exercise biopolitical power had dramatically increased by the time I

returned in 2010. Reforms had targeted the financial and managerial capacity of police administration, the ability of the police to address organised crime, border policing, community relations, media relations, police training, transparency and issues of legislative and political accountability. A complex raft of accountability mechanisms had been established and the monitoring role of the prosecution service had been strengthened. Internal regulations and new working practices had been adopted to counter corruption, bribe taking and unethical behaviour. As an aspect of its financial accountability, the Police Directorate was undertaking a scheme of redundancies. Older, less educated but more experienced police were being retired early or demoted to lower ranks, while younger better educated officers were being promised promotions. This development meant that there was less police on the street, less checkpoints on the main arteries and more physical space for each officer to monitor. Reproducing the liberal tension between circulation and control, police were had no choice but to adapt techniques to secure space from a distance.

The process of gaining independence affected the context and the form of policing in Montenegro. During the six or so years of change, reforms implemented by the Montenegrin government tended to be conspicuously associated with national identity. In articulating the new liberal values of its independence, the very architecture of police had altered between 2004 and 2010. Acting as a symbol of modernization, police HQ in Podgorica had been rehoused in a brand new building erected behind the old run down Ministry edifice. The design was functional and each office was the same size. At interview, the Head of Human Resources at the Police Directorate proudly claimed that the building embodied the new liberal values aspired to by his organization. As with 'US security installations', he half-apologised, 'one is no longer permitted to offer visitors food or drink'. I experienced the building as generic, clean, smoke-free; radically different from the smoky hospitality of the old building. An entire new generation of police managers occupied the building, each with good English and a keen diplomatic sense of the politics of reform, which was now intimately tied to Montenegro's aspiration to become a full member of the European Union. The portraits of the President that had adorned the walls had been replaced by EU, US and Montenegrin flags. Relational power with external agencies was generated from this building – where extradition agreements were agreed and international police cooperation (in the 'fight against organised crime') established.

Security was made particularly integral to Montenegro's political economic trajectory (and arguably, its viability as a state), when it was decided that EU accession negotiations would start with rating its compliance on Chapters 23 and 24 – judiciary and fundamental rights and justice freedom and security. The performance of the police, in fact, covered a number of the seven key priorities laid out by the EU under these Chapters. Police reform was directly concerned with priorities such as the fight against corruption; the fight against

organized crime; media freedom; and cooperation with civil society.⁶² The rights fundamental to most EU reformists were freedom of expression and freedom of assembly and association. These reforms concerned the relationship police had with the media, with the local NGO sector, with IDPs and with the Roma, Ashkali and Egyptian communities. More pragmatically, the EU keenly monitored Montenegro's compliance on border security arrangements; particularly in the areas of migration, asylum policy, visa policy, drug trafficking, human trafficking and customs cooperation.⁶³

The erection and redecoration of police buildings, together with the construction of an integrated system of border management, the establishment of a border police and the construction of a national forensics laboratory represented the most conspicuous reforms undertaken by the Montenegrin police. At interviews the laboratory was described as a 'national institution' and it was emphasized that Montenegro no longer needed to send DNA samples for analysis to Serbia. A symbol of the new autonomous identity of the country, it was also used at interview to demonstrate a commitment to a scientific approach to crime.⁶⁴ This scientific approach was reinforced by the passage of legislation confining police work to legal, rights-based, activities and further developed by repeated pedagogical encounters with police from the US, the EU and Sweden. These encounters were highly influential. For instance, the system in Sweden of prosecution led investigations was adopted. This compelled police to rely less on confessions and more on the presentation of physical evidence to secure convictions.⁶⁵ Furthermore a Swedish system of intelligence-led policing was additionally adopted. Intelligence-led policing emphasizes policing as the systemic flow of information. In other words, the circulation of knowledge occupied the centre of all police reform whereby national and international institutions would be able to communicate and together police Montenegrin space from their own respective distances. Initially introduced in the 'fight against organized crime', it is envisaged that intelligence-led policing will;

be a tool for identifying strategic challenges and trends, as well as for producing crime threat assessments. Strategic and operational analysis of gathered information will also be quite important in areas such as traffic safety or community policing.⁶⁶

A command and control centre operating from the new Podgorica HQ was developed to facilitate the collation and distribution of information. The EU heavily supports intelligence-led policing and the technologies which support it. At a conference on video surveillance, a member of the EU delegation recently underlined the role it plays in protecting property rights and ensuring public safety.⁶⁷ The expectation was that the surveillance and intelligence management skills gained in the 'fight against organised crime' would be transferable to everyday policing.

The propensity for police to use powers gained fighting organised crime in more routine ways was evident in a number of aspects of reform. It was most evident in the usage of Special Investigative Measures. These exceptional measures were introduced so that police could gather and utilise information on suspected criminals in the Montenegrin underworld. These measures effectively suspend the right to privacy of someone suspected of involvement in organised crime to enable covert and other forms of surveillance to be used. Symbolic of how rights and exceptional security practices cohabit within Montenegro's reform process, the permitted usage of Special Investigative Measures has expanded considerably since its inception in 2009. As a supportive OSCE report, 'While it was previously limited to investigation of organised crime and criminal acts that may bring prison sentence of ten or more years, now there is a whole list of criminal acts for investigation of which special investigative means can be applied'.⁶⁸

More mundane intelligence gathering animates community policing. Work undertaken by Gajić and Stojanović found that police officers understood community policing pragmatically 'as an effective way to gather intelligence, construct legitimacy and improve police access to the general public'.⁶⁹ Introduced as a function of the lowest ranking officer, his or her role is to gather intelligence from parents and children when responding to incidents of vandalism or public nuisance. It is important to note that police reform had not advanced to the point where members of the IDP or gypsy communities living on the edge of urban centres in Montenegro were cooperating with police. At the time of the interviews it was evident that the situation of the IDPs, refugees and Roma and gypsy communities had not changed since 2004.⁷⁰ Roma, Ashkali, and Egyptian refugees living in Montenegro remained in a legal limbo in which they have no citizenship.⁷¹ In a typical rule of law approach to structural problems, the solution for refugees the main problem for refugees in Montenegro is perceived to be their lack of legal status.⁷² The biopolitical analysis taken by this paper suggests that formalizing their legal status will not change the way marginalized communities will experience the state. A survey undertaken at the time of my interviews found that 36 of the 40 Roma surveyed believed that police had a right to inflict violence by way of on-the-spot punishment or as a preventative measure.⁷³ While human rights legislation may prevent physical violence on marginal communities, epistemic violence against non-conforming marginal groups will doubtlessly continue.

One incident, relayed at interview with a senior police commander, demonstrated the vulnerable status of Roma when encountering police in Montenegro. The authorities, it was explained by the commander, were unhappy with the presence of Roma vehicles in the centre of the city, near the Presidential mansion and other state buildings.⁷⁴ Consequently police cordoned off the centre to these vehicles. The fine for being caught within the zone was the confiscation of one's vehicle. A large number of vehicles were impounded and this

had a severe economic impact on the communities involved which lost their source of income. The officer in charge of the operation told me that Roma brought down the standards of the city centre. Eventually the vehicles were returned after promises of compliance with the ban were made by the NGOs on behalf of the affected people. At one level this anecdote reminds one of the originary preoccupations of pre-modern policing: hygiene and sanitation of circulation. At another level, it is evident that regulations on the legality of vehicles were conspiring with security and safety concerns to produce a normative decision that negatively affected the freedom of a community to exist.

During the course of the interviews it became evident that many of the characteristics I had encountered during my 2004 survey persisted. Redundancy, uncertainty, low pay and the military hierarchical command chain meant that morale amongst the officers remained as low as it had been six years previously. The operational autonomy of the Police Directorate had never materialized because a government appointee had been made the chief of police. The Ombudsman had not prosecuted any cases and boasted at interview of his close working relationship with the Police Directorate. Other accountability mechanisms were dogged by political and legal wrangling. While corruption among rank and file officers seemed to have been addressed, accusations of corruption and links to organized crime directed at elite political actors persisted. Moreover, reform-led laws that had been passed are, at the time of writing, being politically contested or being actively subverted.⁷⁵ Indicatively the OSCE reported that, despite the implementation of legislation, most people in Montenegro in 2010 did not believe that the police could be held accountable.⁷⁶ In the meantime, the US State Department reported mistreatment and torture of suspects in police detention while a Montenegrin NGO was reporting increased levels of politically motivated violence by police.⁷⁷ The ideal liberal police, which can navigate in the confluence between security and rights had yet to materialize.

Indicatively, the officers and other employees I interviewed were reluctant to speak about human rights and so it is difficult to comment upon their attitudes. The overriding theme at all interviews was the sense that reform was a technical process of modernization that aimed at compliance with European Union standards, which in turn secured Montenegro's sovereignty. While police officers grumbled at the changes to their work practices caused by new legislation and showed enthusiasm for the infrastructural, technological and tactical innovations being introduced, they consistently tied human rights together with modernization and with accessing the free market space of the European Union. Far from being advocates of human rights, police at all ranks spoke about human rights as part of a greater political project which was viewed to be distant from the daily grind of police work. Embedded within the normative framework, compliance emanated from the establishment of accountability structures, their attendance at OSCE training sessions and their new

customer friendly approach to community relations. It would be difficult to claim, as Risse and Sikink⁷⁸ might, that the officers interviewed were in the midst of a transformational process of socialization around the inherent universal ethics of human rights.

CONCLUSION

A law enforcement institution that is competent to exercise biopower needs to be one that is aware of the utility of the humanitarian values of liberalism. It needs to be open to operating amongst an assemblage of policing agencies and civil society actors whose relational power is exercised at a distance for the betterment of a population. It requires an appreciation of the limits imposed by the rule of law and an understanding of the events which render these limits temporarily surmountable. The underlying strategy of liberal policing is that the police must not act on a society. It must act from a society. Policing needs to embed itself as a norm of that society. Ultimately, liberal internal security reform efforts aim for law enforcement officials to merely manage the freedom of a society which actively monitors itself. The emphasis on reform in the Balkans throughout the 1990's was on improving police internal and external relations, providing police with more up-to-date technology, educating police on the utility of the rule of law to state security imperatives and training police management on more cost effective methods of securing freedom. The argument in this paper is not to denigrate human rights or the rule of law. It is to suggest that the emphasis on the rule of law on police reform to a great extent overestimates its regulatory power. Human rights, this paper argues, is one of the many tools reached for by police when a specific job is to be accomplished. It is a method of defining limits, building legitimacy and trust, demonstrating compliance with international standards of professionalism and of gaining greater access to society. It is a part of the process of normalizing police-community relations, which in post-conflict regions is a biopolitical prerogative.

In a state that is defined in terms of it being a multi-ethnic, multi-faith, politically divided entity, such as Montenegro, building a competent police force with a capacity to cooperate and share reliable information with international security agencies was accorded the highest priority. Democratic policing was constructed around modern national security institutions which improved the capacity of the state to gather knowledge, undertaken planning, surveillance and intervene when reasonably necessary. Human rights were ostensibly embedded in new police discourse and outsourced to various state and non-state monitoring agencies established to make police accountable. These agencies have not shown that the rule of law which underwrites their power is potent enough to alter the deeply embedded national security prerogatives that animate Montenegro's accession to the EU. As a result change has been technical rather than principled, focusing on everyday

security in all areas of life rather than on the deepening of a democratic order. It is difficult to find evidence that reforms have enhanced the legitimacy of the Montenegrin police beyond its traditional support base. They have however made the Montenegrin police a far more disciplined and biopolitically competent security force.

¹ Samuels, Kirsti, (2006), Rule of Law Reform in Post-Conflict Countries Operational Initiatives and Lessons Learnt, in *Social Development Papers: Conflict Prevention and Reconstruction; paper no. 37*. World Bank: Washington DC. Available on http://siteresources.worldbank.org/INTCPR/Resources/WP37_web.pdf (11/01/13).

² The Office of the UN Secretary General has described the rule of law approach as; ‘A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.’ UN Secretary General (2004), ‘The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies’, *Report of the Secretary-General, S/2004/616*, August. para. 6.

³ Mladek, Klaus (2007), ‘Exception Rules: Contemporary Political Theory and the Police’, in Klaus Mladek (ed.), *Police Forces: A Cultural History of an Institution*; Basingstoke, Hampshire: Palgrave Macmillan, pp. 221–66.

⁴ Ryan, Barry, J., (2013). Reasonable force: the emergence of global policing power. *Review of International Studies*, volume 39, issue 02, pp. 435-457.

⁵ Risse, Thomas and Kathryn Sikkink, (1999), The Socialization of International Human Rights Norms into Domestic Practices.: Introduction, in Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.

⁶ Risse, Thomas and Kathryn Sikkink, (1999). Pg. 8.

⁷ Risse, Thomas and Kathryn Sikkink, (1999). Pg 4.

⁸ Goodman, Ryan and Derek Jinks (2004), How to Influence States: Socialization and International Human Rights Law, in *Duke Law Journal*, vol. 54(3), pp. 621-703.

⁹ Merlingen, Michael (2003) Governmentality: Towards a Foucauldian Framework for the Study of IGOs, in *Cooperation and Conflict*, vol.38, (4). P.375.

¹⁰ Ibid.

¹¹ Ibid.

¹² Merlingen, Michael; Ostrauskaitė, Rasa; (2008), *European Union: Peacebuilding and Policing*. London: Routledge. Pg. 37.

¹³ Ryan, Barry, J., (2009); The EU's Emergent Security First Agenda: Securing Albania and Montenegro, in *Security Dialogue*, vol 40 (3). Pp 311-331.

¹⁴ Štefan Füle, EU Commissioner for Enlargement and European Neighbourhood Policy, Brussels, 23rd May 2012. Available on <http://www.delme.ec.europa.eu/code/navigate.php?Id=2201>. Accessed 1st November 2012.

¹⁵ Where possible, officers of different ethnic background were requested. Only two female officers at rank level and none at management level participated and this is due primarily to the low level of female representation within the Montenegrin police. Both the 2004 interview and the 2010 interviews were translated and facilitated by the Organization for Security and Cooperation in Europe as an aspect of its assistance to the FRY/Montenegrin government.

¹⁶ Representatives from the main thematic areas of police reform agreed to be interviewed. These included members at all levels of command from uniformed police, border police, criminal investigation police, forensics, human resources, media relations and education and training.

¹⁷ As the reproduction of these interviews could have negative consequences for my respondents, I have chosen to keep both the identity of respondents and the dates of their interviews confidential.

¹⁸ Bentham cited by Foucault, Michel, (1991) *Discipline and Punish; The Birth of the Prison*. London: Penguin Books. Pg 207.

¹⁹ Foucault, Michel, (1991) *Discipline and Punish; The Birth of the Prison*. London: Penguin Books. Pg 207.

²⁰ Dillon, Michael, 'Sovereignty and Governmentality: From the Problematics of the "New World Order" to the Ethical Problematic of World Order', in *Alternatives*, vol. 20(3), pg. 329.

²¹ Foucault, Michel, (2007), *Security, Territory and Population: Lectures at the College de France 1977-78*, edited by Michel Senellart, Basingstoke, Hampshire: Palgrave. Pg 65.

²² Foucault, Michel (2008). Pg. 294.

²³ Shennan, J.H., (1995), *International Relations in Europe, 1689-1789*. London: Routledge.

²⁴ Op cit.

²⁵ Foucault, Michel (2008), Pg. 43.

²⁶ Bigo, Didier (2006), Internal and External Aspects of Security, *European Security*, vol. 15 (4), pp. 385 – 404

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- ²⁷ Bauman, Zygmunt, (2000), *Liquid Modernity*. Cambridge: Polity Press.
- ²⁸ Benjamin, Walter, (2006), Critique of Violence, in Walter Benjamin, *One-Way Street*, pp.132-154. London: Verso.
- ²⁹ Rose, Nikolas, (2004) *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.
- ³⁰ Foucault, Michel, (2007), Pg 313.
- ³¹ Ryan, Barry, J., (2011) *Police Reform and Statebuilding: The Freedom of Security*. London: Routledge. Pg 17.
- ³² Dillon, Michael, (2005), Cared to Death: The Biopoliticised Time of Your Life, in *Foucault Studies*, vol. 2, pp. 37-46.
- ³³ Bell, Colleen, (2006), Surveillance Strategies and Populations at Risk: Biopolitical Governance in Canada's National Security Policy, in *Security Dialogue* vol.37 (2). Pg 151.
- ³⁴ Brodeur, Jean-Paul, (2010), *The Policing Web*. Oxon: Oxford.
- ³⁵ Foucault, Michel (2008), *The Birth of Biopolitics: Lectures at the College de France 1978-79*, edited by Michel Senellart, Basingstoke, Hampshire: Palgrave pp 63-4.
- ³⁶ Evans, Brad, (2013), *Liberal Terror*. Cambridge: Polity Press. P. 196. Emphasis added.
- ³⁷ Foucault, Michel (2008).
- ³⁸ This descriptor is found throughout Ericson Richard V. and Kevin D. Haggerty (1997), *Policing the Risk Society*. Toronto: University of Toronto Press.
- ³⁹ Zedner, Lucia, (2011), Pre-crime and Post-Criminology? in *Theoretical Criminology*, vol. 11(2), pp. 261-281.
- ⁴⁰ Merlingen, and Ostrauskaitė, (2008).
- ⁴¹ Cf. Amoore, Louise, (2007), Vigilant Visualities: The Watchful Politics of the War on Terror, in *Security Dialogue*, vol. 38(2). Pp 215-232.
- ⁴² Ryan, Barry, J. (2013).
- ⁴³ Roberts, Elizabeth, (2007), *Realm of the Black Mountain: A History of Montenegro*. London: Hurst Publishers.
- ⁴⁴ Pavlovic, Srdja, (2003), Literature, Social Poetics and Identity Construction in Montenegro, in *International Journal of Politics, Culture and Society*, vol. 17 (1), p. 135.
- ⁴⁵ Misa Djurkovic, "Montenegro: Headed for New Divisions?" (Defence Academy of the United Kingdom, Conflict Studies Research Centre, Balkan Series 07/11, March 2007).

⁴⁶ Pateman, Carole, (1970) *Participation and Democratic Theory*, Cambridge: Cambridge University Press.

⁴⁷ Simonović, B.; Radovanović, M., (2003), *Crime Prevention in Yugoslavia*, in Lab & Stevens, *International Perspectives on Community Policing and Crime Prevention*. New York. Prentice-Hall.

⁴⁸ Kešetović, Z., (2002), *Police-Public Relations in Function of Crime Prevention*. A paper presented at *Policing in Central and Eastern Europe: Deviance, Violence and Victimization*. Ljubljana, 12th-14th September 2002.

⁴⁹ Crampton, R.J., (2002), *The Balkans Since the End of the Second World War*. London. Longman.

⁵⁰ Milutinović, M., (1964), *Kriminalitet i druge pojave socijalne patologije i uloga komune u njihovom suzdržavanju*, in *Pravni zbornik* 1, pp 9-32.

⁵¹ Ryan, Barry J., (2008), *All That's Constant is Change: A Brief Political History of Police Reform in Serbia*, in *Western Balkans Security Observer*, No.11, pp. 11-19.

⁵² Ryan, Barry J., (2007), *What the Police Are Supposed to Do: Contrasting Expectations of Community Policing in Serbia*, in *Policing and Society*, vol. 17 (1), pp. 1-20.

⁵³ Milo Djukanović served as Prime Minister for three consecutive terms from 1991 to 1998 (1991-1993, 1993-1996, and 1996-1998); subsequently he was President of Montenegro from 1998 to 2002 and Prime Minister again from 2003 to 2006. He returned to the Office of Prime Minister between 2008 and 2010. Elected again in 2012, at the time of writing he is the current Prime Minister of Montenegro.

⁵⁴ The official figure given to the researcher by the Ministry was 4000 but independent estimates have produced figures between 10,000 and 30,000 men.

⁵⁵ Ryan, Barry, J., (2009).

⁵⁶ The researcher was subject to numerous road traffic 'fines' of varying amounts for which no receipt was issued.

⁵⁷ On 17th December 2004, the European Roma Rights Center (ERRC) together with Belgrade-based Humanitarian Law Center (HLC) and Minority Rights Center (MRC) filed a joint communication with the United Nations Committee against Torture against Serbia and Montenegro relating to the cruel, inhuman and degrading treatment of Mr Osmani.

⁵⁸ See Schouten Linda; Gajic, Novak and Riggle, Sharon, (2006), *Police Reform in Montenegro 2001-2006: Assessment and Recommendations*. Podgorica: Organization for Security and Cooperation in Europe Mission to Montenegro. Pg. 36-37. A Law on Police was passed in 2005 which aimed to give operational autonomy to the police by separating it from the Ministry of Interior. A new Criminal Procedure Code was adopted in 2004 through which Council of Europe human rights standards were embedded. This Code introduced new forms of crime and substantially effected the police capacity to operate. Police sought

derivations from this Code, particularly in areas such as the seizure of assets, surveillance and search powers.

⁵⁹ Schouten; Gajić, and Riggle, (2006), Pg. 61.

⁶⁰ Schouten; Gajić, and Riggle, (2006), Pg. 76.

⁶¹ Just over half of the electorate of Montenegro voted for independence during a referendum on 21st May 2006. Votes were cast along strictly ethnic lines. The Assembly of the Republic of Montenegro made a formal Declaration of Independence on 3rd June 2006.

⁶² European Commission (2012), *Report from the Commission to the European Parliament and the Council on Montenegro's Progress in the Implementation of Reforms*. Brussels 22.5.2012 COM (2012) 222.

⁶³ Gajić, Novak and Sonja Stojanović (2012), *Police Reform in Montenegro 2006-2011: Assessment and Recommendations*. Organization for Security and Cooperation Mission to Montenegro: Podgorica. Pg 9.

⁶⁴ It must be said that the forensics laboratory was a highly expensive investment for a small newly independent country, which incurs high operating costs. With a population of 620,000, the crime rate in Montenegro is relatively low.

⁶⁵ Ryan, Barry, J. (2010) *OSCE Mission to Montenegro Report on Police Perceptions of Reform*. OSCE Mission to Montenegro: Podgorica.

⁶⁶ Gajić, and Stojanović (2012),

⁶⁷ Cammarata, Alberto, Head of Political, European Integration and Trade Section of EU Delegation to Montenegro at a conference on 'Video Surveillance' held in Podgorica, 27th January 2012. Available on <http://www.delme.ec.europa.eu/code/navigate.php?Id=2051>. Accessed 1st November 2012.

⁶⁸ Gajić, and Stojanović (2012)

⁶⁹ Gajić, and Stojanović (2012)

⁷⁰ Numerous examples are provided by the European Roma Rights Centre. See, for instance, <http://www.errc.org./article/police-inactive-in-protecting-roma-in-serbia-and-montenegro/757> Accessed 16th July 2012.

⁷¹ It is interesting, and pertinent to my argument, that the 'problem' of human rights abuses on IDPs and refugees by police and other authorities is being addressed by the EU as one relating to a lack of citizenship. Montenegro is therefore officially recognizing the status of these long term inhabitants of Montenegro by providing them with 'foreigner status'. According to an EU document, 'Once I/DPs have received 'foreigner' status, they should be entitled to all social rights including adequate living conditions (social housing), access to education, health, employment and social services and no longer depend on government support under IDP status. Ultimately, the aim is that these people will be independent and

responsible for their own lives and able to contribute to the society in which they are living.’ See: <http://www.delme.ec.europa.eu/code/navigate.php?Id=1626> Accessed 1st July 2012.

⁷² UNHCR figures from June 2008, say that some 4,300 Roma, Ashkali, and Egyptian refugees are still living in Montenegro. See: <http://www.amnesty.org/en/library/asset/EUR66/001/2008/en/29999c37-6e1e-11dd-8e5e-43ea85d15a69/eur660012008eng.pdf> Accessed 8th June 2012.

⁷³ This survey was undertaken Montenegrin-based NGO ‘Civic Initiative’. Email correspondence with author.

⁷⁴ I am referring here to the improvised mechanically propelled carts that Roma habitually use to collect scrap.

⁷⁵ This is particularly true with regards to laws on operational autonomy and accountability. See Gajić and Stojanovic (2012).

⁷⁶ Gajić and Stojanovic (2012). Pg 11.

⁷⁷ Gajić and Stojanovic (2012). Pg 88.

⁷⁸ Risse, Thomas and Kathryn Sikkink, (1999).