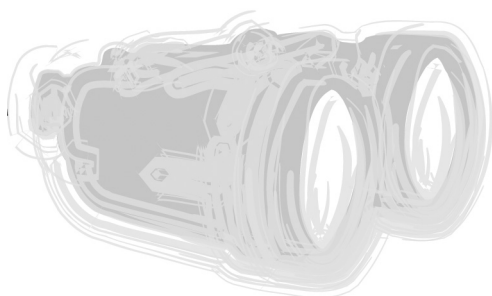


WESTERN BALKANS SECURITY OBSERVER



THIS ISSUE'S THEME:

Ten Years of Security Sector Reform in Serbia

YEAR 5 • N^o 18
JULY – SEPTEMBER 2010

Belgrade

WESTERN BALKANS
SECURITY OBSERVER

Journal of the Belgrade
Centre for Security Policy

Year 5 No. 18
JULY - SEPTEMBER 2010

Publisher:
Belgrade Centre for Security Policy

Editor in chief:
Miroslav Hadžić
Professor, Faculty of Political sciences

Executive editors:
Sonja Stojanović
Teaching Assistant, Faculty
of Political sciences
Filip Ejodus, Assistant Lecturer,
Faculty of Political sciences
Marko Žilović
Research fellow in Belgrade
Centre for Security Policy

Editorial Board:
Barry Ryan
Bogoljub Milosavljević
Dragan Simić
Dušan Pavlović
Ivan Vejvoda
Kenneth Morrison
Friesendorf Cornelius
Marjan Malešič
Nadeža Ragaru
Svetlana Đurđević Lukić
Timothy Edmunds

Editors' contact:
Gundulićev venac 48
office@ccmr-bg.org
tel/fax +381 11 3287 226

Translation and proofreading:
Vesna Podgorac
Zorica Savić Nenadović

Design:
Saša Janjić

Computer typesetting:
Časlav Bjelica

Printed by:
GORAGRAF, Beograd

Circulation:
300 copies

Journal is available through CEEOL
bibliographical base

Belgrade School of
Security Studies is
established with the
assistance of the
Kingdom of Norway.

Contents

EDITOR'S WORD..... 1

THIS ISSUE'S THEME: TEN YEARS FOR SECURITY SECTOR REFORM IN SERBIA

Mladen Lišanin
SECURITY SECTOR REFORM IN THE POST-
AUTHORITARIAN ENVIRONMENT 4

Predrag Petrović
RESERVED DOMAINS AS OBSTACLES TO ADOPTING
THE LAW ON PRIVATE SECURITY SECTOR 13

Denis Ćoragić
ARE SECURITY AND INTELLIGENCE SERVICES
IN SERBIA POLITICIZED?..... 29

Florian Trauner
GOVERNANCE BY CONDITIONALITY, NETWORK
GOVERNANCE OR BOTH? STUDYING EU INTERNAL
SECURITY POLICIES IN THE WESTERN BALKANS 41

Zorana Brozović
WHO ARE WE? DEVELOPMENT OF THE DISCOURSE
ON NATO IN SERBIAN PARLIAMENTS AS A MANIFESTATION
OF A BATTLE BETWEEN OPPOSING STRATEGIC CULTURES .. 53

Slobodan Tomić
DEFICIENCIES OF THE LEGISLATIVE FRAMEWORK
OF THE PUBLIC PROCUREMENT IN SERBIA 68

Olga Mitrović
IS THE USE OF FORCE EVER LEGITIMATE
IN ORDER TO PURSUE HUMANITARIANISM?..... 79

Marko Savković
THE CONTEXT AND IMPLICATIONS
OF HOOLIGAN VIOLENCE IN SERBIA..... 91

BOOK REVIEWS

Miloš Đinđić
NEO-OTTOMANISM – A DOCTRINE
OR A FOREIGN-POLICY PRACTICE 100

Marija Todorović
PEACE BY PEACEFUL MEANS 105

INSTRUCTIONS FOR THE AUTHORS 110



NORWEGIAN EMBASSY

The **Belgrade Centre for Security Policy** is a special division of the Centre for Civil-Military Relations which seeks to carry out systematic research and promote the academic advancement of young researchers, thus contributing to the development of Security Studies in Serbia.

Contact

Centre for Civil-Military Relations
Gundulićev venac 48, 11000 Beograd

phone/fax: +381 (0) 32 87 226
+381 (0) 32 87 334

www.ccmr-bg.org
office@ccmr-bg.org

Papers published in this journal may not be re-printed, either in part or in full, without prior written consent of the Editorial Board.

The opinions presented in the papers are the personal views of their authors and do not necessarily reflect the opinions of the Editorial Board of the Belgrade Centre for Security Policies



The date, October 5 2010, marked a decade of “the second transition“ in Serbia. On October 5 2000, the citizens of Serbia demonstrated their opinion about the first transition, the one that started in the beginning of the first decade of the 20th century. Luckily, the context of the new anniversary allows for, but also requires, a more analytical approach.

The aim of this issue of the *Western Balkans Security Observer* is to apply this much needed analytical approach in reviewing the decade that saw the transformation of the security sector in Serbia towards the goals of providing an efficient and effective national and human security within the framework of democratic governance. The Belgrade Centre for Security Policy has been addressing this topic continuously, most of all in its *Yearbook of the Security Sector Reform*. In this issue of the *Western Balkans Security Observer* we wished to encourage further discussion on this topic by focusing on some of its aspects, as well as by stretching the focus of our research to include some national and international processes that are in direct interaction with the process of the security sector reform in Serbia.

The recurrent theme of the majority of the texts written in this issue is the problem of the subordination of the security sector reform to the narrow interests of political parties, economic and, in some cases, criminal groups. In a broader sense, the question arises whether it is appropriate to analyse “the second transition“ in Serbia through the lenses of transitional paradigm or rather through the lenses illiberal transition paradigm. This topic has already been addressed in the *Western Balkans Security Observer* (No. 7-8 from 2008). The topic of this issue opens yet another broader theoretical problem – the relationship between structural heritage and the freedom of action of political actors. Is the context of the security sector reform in Serbia, after ten years, still determined primarily by its authoritarian heritage which has structured the potential and the expectations of the actors in the post-authoritarian period as well? Or the focus on the interests, goals and actions of the actors in the post-authoritarian context provides an opportunity for an analysis with more leverage? Should we look at the cultural sphere for the factors that primarily explain the system of incentives and limitations inherited from the past

EDITOR'S WORD

as well as the activities of the actors caught into disursive representations of interests?

Convinced that the most valuable theoretical questions are at the same time the most important practical ones, this issue of the *WBSO* deals with several focal points of the security sector reform that, we believe, are illustrative enough of the theoretical and practical significance of this issue's topic. The issue opens with the text written by Mladen Lišanin, who addresses the heritage of the authoritarian context in Serbia, its numerous deficiencies but also its opportunities that the political actors of the reform in the post-authoritarian context failed to use. Through a careful analysis of the methodologically very demanding area of informal politics, Predrag Petrović identifies three types of particular interests that are inter-connected with interests of political decision-makers, which prevents the legal regulation of a sizeable private security sector in Serbia. The text written by Denis Ćoragić deals with the one of the most sensitive topics in the period after the year 2000 in Serbia, namely the politisation of the work of the security-intelligence agencies.

Slobodan Tomić, by analysing the legal and institutional regulation of the public procurement process in Serbia, identifies its deficiencies and uses the examples of best practices in Europe, as well as the findings of political science, to point at some reforms that could improve this framework. The public procurement process is crucial for the functioning of both the public administration and the security sector. If it is not adequately regulated, neither the public administration nor the security sector can be efficient.

The efficiency and efficacy of the security sector in Serbia have been faced recently with an unconventional but well-known challenge – the violence at football matches and organised groups which, under the mask of football fans, promote certain interests that have nothing to do with the sports. A heated public debate on this topic could benefit from a historical and comparative context. The text written by Marko Savković is a step in that direction.

One of the characteristics of the security sector reform in the Western Balkans, as well as in Serbia, is that the reform is conducted in the context of the process of inclusion in the European integrations. It has been said many times that the European



Union (EU), as a dynamic organisation, is a moving target for the countries aspiring to become its members. In the past decade, the area of internal security has been among the areas that saw the fastest development in the EU. It was developed through the new, and sometimes binding, forms of cooperation among the EU member states, as well as through a greater priority that was given to the management of the security sector in relations between the EU member states and the candidate or potential candidate states from the region of the Western Balkans. Florian Trauner writes about the importance of this issue and about different forms of external influence on the internal security sector which the EU applies in the Western Balkans.

Given the fact that the international cooperation in the field of security is closely related to the local processes in the security sector, the manner in which Serbia positions itself with regard to the international security cooperation has a serious impact on the context of the security sector reform. In her text about the development of NATO-related discourse in the parliamentary debates in Serbia, Zorana Brozović argues that cultural discourse is relevant for Serbia's positioning in the international security-related cooperation. Cultural discourse shapes the perception of the transformations occurring in international relations, the transformations that are of the utmost importance to Serbia. Olga Mitrović analyses one such transformation in her text on the relationship between the use of power and humanitarianism as a political movement. The author analyses NATO campaign in Yugoslavia in 1999 to show that normative goals of humanitarianism do not co-exist easily with the violent methods for their realisation.

This issue of the *Western Balkans Security Observer* closes with the reviews of two books which, each in its own right, have gained attention of both the expert and general public. The first book, written by Darko Tanasković, has already given rise to a public debate on the presence of Turkey in foreign policy and on the prospects for a changed ballance of power in a wider region of Serbia. The last text in this issue is the review of the book written by Johan Galtung, one of the founders of the peace studies as academic discipline. This is the first book by this author that has been translated into Serbian.

Marko Žilović

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

Security Sector Reform in the Post-Authoritarian Environment

*Mladen Lišanin**

Research-Trainee at the Institute of Political Studies, Belgrade.

original scientific article

UDK: 351.86(497.11)

Abstract

The author analyses the possibilities and achievements of the security sector reform process in the post-authoritarian environment with special regard to Serbia and its post-authoritarian heritage. His point of view is that Serbia did not use all opportunities offered by the post-authoritarian context which, apart from its inherently harmful elements, also contains the elements that can encourage the security sector reform process. This primarily refers to the professionalism of the armed forces' members, but also to the inducements provided by general democratisation of the political and institutional systems during the security sector reform. The final outcome is that the advantages of the post-authoritarian context were not fully used, while the disadvantages were not removed in a satisfying manner.

Key words: Security Sector Reform, Post-Authoritarian Environment, Democratisation

* * *

Post-authoritarian environment, given the consequences that authoritarian regimes have on states and all segments of the society, is generally not considered favourable for the security sector reform. The concept of the security sector reform is inseparable from the concept of democratisation (democracy), which is, in turn, inherently opposed to any form of authoritarian regimes and processes. During the process of transition from an authoritarian to democratic state, various forms of *defective democracies* can be generated or become a permanent outcome of such transition. In post-authoritarian context, the greatest danger lies in the

*mladen.lisanin@yahoo.com



formation of the so-called domain democracy (which implies the existence of a considerable veto power that is based on reserved domains in the society and political system respectively) (Merkel, 2004: 49-50).

However, if the desired outcomes of the transition process are considered in general, and within the framework of the security sector reform in particular, it becomes obvious that certain elements typical of post-authoritarian societies and environment can have a stimulating role in these processes. The general goal of the process of democratisation is the establishment of a *consolidated democracy* or *embedded democracy*. According to Linz and Stepan, the aspects to be taken into account in the assessment of the level of consolidation of a democracy are as follows:

- behaviouristic, which implies that "none of the relevant national, social, economical, political or institutional actors will invest considerable means in order to realise their goals by creating an undemocratic regime or resort to violence or foreign intervention to become separated from the state",
- attitudinal, which implies that "the majority of the population are convinced that democratic procedure and democratic institutions are the most convenient form of managing the collective life in the society they live in" and that "the supporters of anti-semitic alternatives are more or less isolated from the pro-democratic forces",
- constitutional, which implies that "both state and non-state elements, on the entire territory of the state, and out of a deeply-rooted habit, resort to conflict resolution methods within the framework of the laws, procedures and institutions established in the new democratic system" (Linz and Stepan, 1998: 19).

According to Merkel, a *positive consolidation* of a political system occurs when "the elite starts to believe that the entire system is legitimate and without an alternative, and when the patterns of civic attitudes, values and behaviours begin to reflect a stable belief in the legitimacy of democracy" (Merkel, 2008: 13).

The elements encompassed in the related concept of embedded democracy are: a) electoral regime, b) political freedoms, c) civil rights, d) horizontal responsibility and e) effective ruling power (Merkel 2004: 37-41).

Ten years after the revolutionary changes in Serbia, the majority of the above-mentioned elements of the democratic system exist to a lesser, and sometimes greater, extent. However, this is

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

¹ According to the American Strategic Studies Institute (Dr. Don M. Snider, Major John A. Nagl, Major Tony Pfaff: *Army Professionalism, The Military Ethic and Officership in the 21st Century*, Strategic Studies Institute, U.S. Army War College, 1999), military professionalism can be measured against three groups of components (military-technical, ethical and political) observed at three levels (soldier-individual, the military-institution and the society). If we accept this pattern and apply it to the FRY armed forces before the political changes of 2000, it becomes clear that the professionalism mentioned here is based mostly on the individual skills of military officers. Military capacity in terms of technical equipment was not satisfactory, whereas ethical and political factors were marked by deep social, political and economic rifts that were affecting the very core of the political community.

² One of the most in-depth analysis of the character of Serbian regime before the year 2000 is the one written by Dušan Pavlović, eds.: *Konsolidacija demokratskih ustanova u Srbiji posle 2000. godine – godinu dana posle*, Beograd: Službeni glasnik, 2008.

³ This refers to the local elections in 1996, and presidential elections in 1997.

not enough for the reforms – including the SSR – to be viewed independently from the post-authoritarian heritage.

The desired outcomes in relation to the security sector are more specific. They are closely tied to the issue of the security sector governance. The security sector governance "combines the concepts of 'security' and 'governance' at the state level. It is a state-centric concept, though it does share with the human security concept the concern for the welfare and security of individuals, groups and the society who, more often than not, suffer the consequences of the poor security sector governance" (Hänggi, 2003: 8). It is this state-centric feature of the concept of the security sector governance that leads one to conclude that some characteristics of the post-authoritarian environment can actually have a positive impact on the security sector reform process. As post-authoritarian regimes are based, as a rule, and regardless of their specific characteristics, on rigid and disciplined institutional arrangements (or equally rigid quasi-institutional mechanisms), as well as on strong and mostly highly professional¹ security forces, it becomes obvious that these elements can be successfully used in the society democratisation process in general, and security sector reform in particular, rather than to be doomed to an uncontrolled disintegration.

The circumstances in Serbia after the political changes in the year 2000 do not completely fit in the model of post-authoritarian environment defined by Hänggi (Hänggi, 2004: 5-6) (especially with regard to the existence of strong institutions and the absence of some elements of military professionalism, see footnote 1). Authors strongly disagree even on the issue of the character of the regime in Serbia until the year 2000. Those who recognise the authoritarian trait of that system usually describe it in different ways, from "totalitarianism" (which is definitely an exaggerated definition) to caesarism². It seems that the authors, like Fareed Zakaria (Zakaria, 1997), who are closest to the truth are the ones who acknowledge the phenomenon of *illiberal democracy*, where the democratic element of the system is reflected in the fact that, though political rights and freedoms are minimal, general elections are held on a regular basis. The illiberal element is reflected in the fact that constitutional mechanisms for the limitation of power are inadequate or they are frequently ignored. Edmunds (Edmunds, 2009: 129-131) characterises this period as the phase of *illiberal social democracy*, probably because he took into consideration the then common practice of electoral rigging³,



as well as an undeniable fact that the spectrum of political freedoms in the 90s was much wider than the one that existed during the earlier communist dictatorship.

It can be concluded that, in the process of the general democratisation of the society, a part of the post-authoritarian heritage was not used for the realisation of new, reform-related goals. This can be observed in three groups of opportunities and issues related to them:

The opportunity for including disciplined personnel (from the public sector and security sector institutions) used to carrying out fully any *top-down* policy. This process has tactical similarities, though it works in an opposite direction, to the process of *adaptation* used, according to Tim Edmunds, by illiberal elements to realise their interests by taking advantage of the characteristics of the democratisation process (Edmunds, 2009: 131). This is the opportunity for the factors that carry out the democratisation process to use some characteristics of the previous model of a political system to facilitate and/or accelerate desired outcomes.

A special form of the above-mentioned element is the opportunity for including the part of the armed forces with combat experience in international military cooperation programmes, such as trainings or multinational operations. In this manner, the level of professionalism and efficiency would be further improved which would, along with the normative framework reform,⁴ contribute to the institutional dimension of the security sector reform.

The opportunity arising from the initial wave of positive energy for carrying out reforms; to reform, with a wide support and amid the wave of thorough institutional changes, the security sector, while taking into account international recommendations and standards.

After the political changes of the year 2000, it became obvious that no coherent strategy was in place to deal with the previous regime's high officials or institutions, which resulted in a gradual disintegration of some institutions while others were unsuccessfully reformed, and the re-organisation of the state political-institutional system was carried out with only partial success. Similarly, while some ex-officials kept their previous positions, and thus avoided responsibility for potential law violations committed earlier, there were also the cases of the severe violation of the ex-officials' human rights. The cause for this can be found in the extreme pluralism of political interests held by the loose DOS coalition. Amadeo Watkins (Watkins, 2010: 12), member of the

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Nº 18 • JULY - SEPTEMBER 2010

⁴ For more on the dimensions of the security sector reform look in Herbert Wulf: Security Sector Reform In Developing and Transitional Countries, in: Clem McCartney, Martina Fischer and Oliver Wils, eds., *Security Sector Reform – Potentials and Challenges for Conflict Transformation*, Berlin: Berghof Research Center for Constructive Conflict Management, 2004, pp. 12–13.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

OSCE Mission to Serbia, claims that politisation is "the most important negative factor" regarding the security sector reform, and adds that the opportunity was missed to use the existing institutional structure. Instead of involving the previous regime officials, those who were not held responsible for the violation of laws and human rights, in the process of rebuilding and functioning of the desired security system model, the factions within the DOS, struggling to strengthen political power and influence, used them to further their own interests (Edmunds, 2009: 132).

First, the period of the so-called Transitional Government, 2000-2001, was marked by a serious dispute regarding the status of Rade Markovic, Head of the State Security Service at the time.⁵ The prevailing attitude among the general public was that Markovic, whose name was mentioned in relation to numerous criminal offences committed in the previous period, was under protection of the part of a new elite, owing to a reserved domain which was encompassing the majority of earlier security-intelligence structures. Similar circumstances existed in relation to the case of the Serbian Armed Forces Chief of General Staff, Nebojša Pavković. The result of these disputes was that the DOS coalition soon fell apart, which gave rise to a deep political and institutional crisis that culminated in the assassination of the Prime Minister and the introduction of the state of emergency in March 2003. It seems that, immediately after the change of the regime, and when a large public support was available, an opportunity was missed to put the highly disciplined lower-level management and commanding staff of the armed forces and security-intelligence structures under democratic and civilian control. If this had been the case, the security sector reform, occurring simultaneously with the reform of the institutional framework, would have been undertaken while relying on the useful existing elements, instead of the subsequent (unsuccessful) *ab ovo* trend under much less favourable circumstances.

Second, security forces, including a large number of military officers with a considerable combat experience (the trait which is considered, regardless of the type of war or war goals, invaluable in modern armed forces of developed countries⁶) were not reformed at a desired pace, nor were they adequately included in international security-integrative processes – after Serbia joined the Partnership for Peace Programme in 2003, the first skirmishes occurred between the General Headquarters and the MoD. Many generals with war experience were dismissed and sent to

⁵ The press and electronic media reports from October, November and December 2000 abound in details regarding this affair. For example, see Glas javnosti of 13 November, 2000.

⁶ Goran Radosavljević, former Commander of the Gendarmerie, said that he had spoken about the tactical-technical aspects of the controversial action in Racak in 1999 in front of the audience of three hundred in NATO headquarters. See his interview published in the Standard magazine, Issue 140, 21 January 2009.



retirement, and the excuse offered by the part of the ruling elite for this was that "they served the previous regime". The Chief of General Staff, Branko Krga, publicly spoke in defence of the dismissed and retired generals, claiming that they should not be blamed and automatically linked to the previous regime. His statement was the proof that the relations between the civilian and military structures were highly problematic.⁷

To sum up, a general direction of social democratisation clearly did not have a satisfactory intensity from the very inception, which affected the security sector reform as well. The period of relatively high reform energy that followed the events of October 5 2000 was short-lived and without any significant progress in terms of the security sector reform.

The conflicts of various political interests⁸ can be considered the main cause of these problems, including the ones coming from reserved domains. It can be claimed with certainty that "all setbacks, as well as progress, in the security sector reform are the inevitable result of conflicting internal political processes and tensions in Serbia" (Hadžić, 2009: 24).

The post-authoritarian environment should not be considered only as conducive to the security sector reform process. On the contrary, it implies a number of aggravating circumstances as well. If we try to determine the negative influence of the post-authoritarian environment on the reform processes, it should be taken into account that "the prefix 'post' points at countries where the authoritarian ruler and his closest allies were toppled by a single decree (...) while the military, the police and secret services, including the majority of their staff, swore allegiance, at least nominally, to the new ruling power. The term indicates that the shift of political power creates only the initial, but not the necessary pre-requisites for the (pro)democratic consolidation of the society" (Hadžić, 2009b: 112). In that case, the aggravating circumstances caused by the post-authoritarian heritage can be analysed from three aspects.

First, there is an issue of the value system, which is manifested in the security sector through what Samuel Huntington labels as conservative realism (Huntington, 2004: 86-87) of the majority of the armed forces' members (as well as the police and security services) which is contrary to the democratic-liberal spirit of most of desired reforms. Under such circumstances, a fierce struggle for the protection of particular interests within the political elite itself can easily tempt the new ruling structures to adopt

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁷ See the text written by Dragan Ćirić "Voljno za generale" published in NIN magazine, Issue 2476, August 14, 2003. After the unilateral proclamation of Kosovo independence, Miroslav Lazanski, a military-political analyst, expressed his view that the absence of managerial staff with combat experience weakened the position of Serbia in terms of foreign policy ("Kad se podvuče crta", NIN, Issue 2982, February 21, 2008).

⁸ The first Director of the Security Intelligence Agency, Andreja Savić, wrote in 2007 that "the realisation of the term depolitisation-demilitarisation-professionalisation, adopted by the DOS in 2001, has been partial: the militarisation is talked about in the past tense, a higher level of professionalisation has been achieved, but the depolitisation is still lagging behind" ("Patriotski protektorat", NIN, Issue 2942, May 17, 2007).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

(crypto)authoritarian models of behaviour and action, typical of the previous regime.

In addition, there is also the issue of parallelism of processes which are directed towards the same goal (institutional reform and development of a consolidated democratic system) but are also, to an extent, mutually exclusive, which weakens the energy of the new elites for undertaking reforms and compromises their consistency and competency. In Serbia, as in many other ex-Yugoslav republics, for example in Croatia, the parallel processes included the simultaneous processes of democratic consolidation, state-building and the overcoming of the negative heritage of armed conflicts from the last decade of the 20th century. Zakošek (2008: 589) observes that modern researchers of comparative democratisation generally agree that state building and war have a three-fold influence on democratisation:

First, there is an assumption that stateness is the necessary pre-requisite for democracy. If the analysis is conducted at the level of state, this hypothesis holds ground.

Second, transformation processes are aimed at the realisation of different and partly contradictory goals. The issue of parallelism of democratic transition and consolidation processes, mentioned earlier in the text, is reflected here as well.

Third, war (and, to an extent, state-building) is inherently opposed to democracy. This does not contradict the earlier statement that combat experience of the armed forces personnel can be an asset to the security sector reform, as the reform in question is not carried out under the circumstances of an armed conflict.

In conclusion, it must be acknowledged that – contrary to the experience of some other countries and societies – Serbian post-authoritarian heritage was marked by the absence of necessary pre-requisites for the general democratic consolidation: a satisfactory level of economic standard and stability, or, at least, the starting point for achieving them, as well as the unresolved national question (Pavlović and Antonić, 2007: 30). The new Serbian political elite, faced with these issues and the problems related to the reform of the system institutions and the security sector, soon proved to be incompetent to deal with such challenges. The EU and the states that Serbia was looking up to after the political changes of October 5 also have their fair share of responsibility in these matters, as Charles Crawford, former UK ambassador in Belgrade, correctly observes.⁹

⁹ „Srbija je i danas siromašnija nego što bi trebalo“, Blic, 3 October, 2010, <http://www.blic.rs/Vesti/Politika/209961/Srbija-je-i-danas--siromasnija-nego-sto-bi-trebalo>



Numerous local specificities, mostly historical ones, do not diminish the significance of the observation that the processes of state-building and dealing with war heritage did influence the process of democratisation in Serbia, and within that framework, the process of the security sector reform as well. When everything mentioned so far is supported by the facts (that clearly demonstrate that no strategy for the democratisation process was actually in place) that many systemic laws were passed with a great delay, or modified many times as their content was unsatisfactory, that the majority of national strategic documents, including the ones concerning the security sector, were adopted several years after the change of the political regime, and that Serbian constitution was completed in 2006, after Montenegro became an independent state, a general picture of the reform trends after the year 2000 becomes clear.

The general picture of the trends of the reform processes and their outcomes shows that the negative elements of the post-authoritarian environment in Serbia were not properly dealt with nor was their harmful effect completely removed. The encouraging elements of the environment were not adequately used either. This made the consequences of the negative part of the heritage more difficult and far-reaching, which reinforces the conclusion that "the key obstacles to the security sector reform in ex-Yugoslav states lie in their authoritarian and war origin, that is, heritage." (Hadžić, 2004: 28).

Bibliography:

Edmunds, Timothy. „Illiberal Resilience in Serbia.” *The Journal of Democracy*, Vol. 20, No. 1 (January 2009): pp. 128–142.

Hadžić, Miroslav. The Concept of Security Sector Reform. In: Fluri Philip, and Hadžić, Miroslav. (eds.). *Sourcebook on Security Sector Reform – Collection of Papers*. Geneva/Belgrade: Geneva Centre for the Democratic Control of Armed Forces: Centre for Civil-Military Relations, 2004: pp. 11–44.

Hadžić, Miroslav. Bilans reforme sektora bezbednosti Srbije. U: Hadžić, Miroslav, Bogoljub Milosavljević, Sonja Stojanović, i Filip Ejodus. (ur.). *Godišnjak reforme sektora bezbednosti u Srbiji*. Beograd: Centar za civilno-vojne odnose. Dan Graf, 2009: str. 19–27.

Hadžić, Miroslav. Konteksti reforme sektora bezbednosti Republike Srbije, U: Hadžić, Miroslav, Bogoljub Milosavljević, Sonja Stojanović, Filip Ejodus (ur.). *Godišnjak reforme sektora bezbednosti u Srbiji*. Beograd: Centar za civilno-vojne odnose: Dan Graf, 2009b: str. 105–133.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

- Hänggi, Heiner.** Making Sense of Security Sector Governance. In: Hänggi, Heiner. and Theodor Winkler (eds.). *Challenges of Security Sector Governance*. Geneva: Geneva Centre for the Democratic Control of Armed Forces; LIT Verlag, 2003: pp. 3–23.
- Hänggi, Heiner.** Copncptualizing Security Sector Reform and Reconstruction. In: Bryden, Alan and Heiner Hänggi (eds.). *Reform and Reconstruction of the Security Sector*. Geneva: Geneva Centre for the Democratic Control of Armed Forces; LIT Verlag, 2004: pp. 1–11.
- Hantington, Samuel.** *Vojnik i država – Teorija i politika civilno-vojnih odnosa*. Beograd: Centar za studije Jugoistočne Evrope: Fakultet političkih nauka: Diplomatska akdemija, 2004.
- Linc, Huan i Stepan, Alfred.** *Demokratska tranzicija i konsolidacija*. Beograd: Filip Višnjić, 1998.
- Merkel, Wolfgang.** „Embedded and Defective Democracies.” *Democratization*, Vol. 11, No. 5, (2004): pp. 33–58.
- Merkel, Wolfgang.** „Plausible Theory, Unexpected Results: The Rapid Democratic Consolidation in Central and Eastern Europe.” *Internationale Politik und Gesellschaft/International Politics and Society, Newsletter der Friedrich-Ebert-Stiftung*, no. 2/2008, (2008): pp. 11–29.
- Pavlović, Dušan i Antičić, Slogodan.** *Konsolidacija demokratskih ustanova u Srbiji posle 2000. godine*. Beograd: Službeni glasnik, 2007.
- Snider, Don, John Nagl, Tony Pfaff.** *Army Professionalism, The Military Ethic and Officership in the 21st Century* Carlisle Barracks: Strategic Studies Institute: U. S. Army War College, (1999).
- Watkins, Amadeo.** Security Sector Reform and Donor Assistance in Serbia 2000–2010. Brussels: Initiative for Peacebuilding: Hellenic Foundation for European and Foreign Policy, 2010.
- Wulf, Herbert.** Security Sector Reform In Developing and Transitional Countries. In: McCartney, Clem, Martina Fischer, and Oliver Wils. (eds.). *Security Sector Reform – Potentials and Challenges for Conflict Transformation*. Berlin: Berghof Research Center for Constructive Conflict Management, (2004): pp. 12–13.
- Zakaria, Farid.** „The Rise of Illiberal Democracy.” *Foreign Affairs* 76 (November–December 1997): pp. 25–26.
- Zakošek, Nenad.** „Democratization, State-buliding and War: The Cases of Serbia and Croatia.” *Democratization*, Vol. 15, No. 3, (2008): pp. 588–610.



Reserved Domains as Obstacles to Adopting the Law on Private Security Sector

Predrag Petrović¹

Researcher and Coordinator of Research at the Belgrade Centre for Security Policy

original scientific article

UDK: 334.728:351.759.4/.5(497.11)

Abstract

The purpose of this paper is to determine the reasons why the private security sector in Serbia has not been regulated by a specific law in the past 16 years. In order to accomplish this, the author uses the defective democracies theory and the postulates of reserved domains stemming from it. According to this theory, when a multitude of different interests and actors in a state exert direct or indirect illegitimate influence on the content and direction of democratically elected representatives' decisions, it means that reserved domains exist in that state and the state itself is referred to as a domain democracy. By using these theoretical hypotheses as a starting point, the author researches and analyses conditions and actors, their inter-relations and interests which represent obstacles for the normative regulation of the private security sector activities in Serbia. These interests and actors are linked not only to economic interests and secret collection of data, but to criminal activities as well.

Key words: private security sector, reserved domains, defective democracies, law on private security, absence of legislative regulations, crime, secret collection of data, commercial espionage, political espionage.

Introduction

The on-going process of privatisation of security in Serbia, which began in the early 90s, has been accelerated in the revived transition period that followed the events of October 5, 2000. It

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹ predragpetrovic@ccmr-bg.org

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

²In this paper, the term 'private security companies' refers to private agencies for physical and technical security and private detective and intelligence agencies.
³For the sake of comparison, the Serbian MoI currently employs approximately 50,000 people, while the manpower of the Serbian Armed Forces amounts to around 28,000. 2,000 soldiers are still in demand. 22 September, 2008. Internet: <http://www.blic.rs/Vesti/Drustvo/57816/Nedostaje-dve-hiljade-vojnika->

⁴The main characteristic of the wild privatisation of security is that it occurs spontaneously and out of control of public institutions, which results in a large number of criminal groups using PSCs as legal grounds for extortion, racketeering and protection of their illegal activities. In this manner, they give rise to an increased fear of violence and deterioration of security in the society.

⁵For privatisation of security in some post-socialist states look, for example, in: Timothy Frye, *Private Protection in Russia and Poland*, *American Journal of Political Science*, Vol. 46, no. 3, (July, 2002), pp. 572-584. Philip Gounev, *Bulgaria's Private Security Industry*, in: Alan Bryden, Marina Caparini (eds.), *Private Actors and Security Governance*, DCAF, Geneva, 2006, p. 109.

⁶This Law regulated the area of physical-technical security in the SFRR. It was abolished in 1993, on the grounds of being inadequate in the new circumstances where different proprietary forms existed. However, many PSC managers claim that this law was good and should not have been abolished.

⁷The civil society organisations prepared two drafts: the Model Law on the Provision of Private Security-Related Activities (CCMR, 2006) and the Draft Law on the Private Activity of Protecting Persons and Property and the Detective Activity (The League of Experts - LEX, 2006). The professional association of private security companies prepared a Draft Law on the Private Protection of Persons and Property (the Committee of the FTO Association within the Serbian Chamber of Commerce, 2006). Along with the preparation of these model laws, many CSOs, the FTO Association, some PSCs and the professional public were strongly advocating, at various conferences, round tables and seminars, the need for the official adoption of the law regulating the private security

is estimated that private security companies in Serbia (PSC)² currently employ between 30,000 and 50,000 people³, that there are about 3,000 such companies and that 47,000 pieces of weapons in the possession of legal entities, i.e., companies, have been registered (Page 2006, 3). The PSCs have not only increased in number, but their significance and profits are growing as well. However, this sector is still ridden with problems typical of the 90's: criminalisation, domination of some companies on the market owing to political connections, inadequate training and a poor choice of qualified staff. Despite this, the sector remains unregulated in terms of legislation. Unlike Serbia, all post-socialist states (with the exception of the Czech Republic) have endeavoured, after the initial phase of uncontrolled and 'wild' privatisation of security⁴, to regulate this sector.⁵ Some states, like Bulgaria, in pursuit of the best ways of regulating the security sector, have even adopted several laws. Some post-socialist states would adopt a new law the moment one normative model proved to be dysfunctional, and would continue with this practice until the optimal solution was found. However, 16 years after the Law on Social Self-Protection was abolished⁶ and ten years after democratic transformation, Serbia still has a legislatively unregulated private security sector.

This is particularly surprising, given the fact that certain institutions, organisations and associations have created several draft laws, and that one even entered parliamentary procedure in 2003 (Draft Law created by the MoI) but was withdrawn for reasons unknown to the general public.⁷ Bearing all this in mind, it stands to reason to determine what conditions, processes, events and actors influence the trends of the security sector privatisation and which of these factors are an obstacle to the beginning of the sector reform, namely the adoption of the special law on the private security sector. In this paper we will try to address these questions and provide some answers by relying on the hypotheses of the defective democracy theory⁸, particularly the hypothesis about reserved domains which draws upon this theory.

Apart from domestic and foreign literature dealing with the privatisation of security and democratisation, legal regulations and newspaper articles, this paper contains also the data and information obtained from interviews which the BCSP research team conducted with members of the Defence and Security Committee in the Parliament of Serbia, security managers of



PSCs, banks and insurance companies within the project Private Security Companies: Friend or Foe? Due to the sensitivity of the research topic, the BCSP guaranteed anonymity to all interviewees and their names were left out from the paper, while the recorded interviews are available to the project team members only.⁹

Defective Democracies and Reserved Domains

Defective democracy theory represents a blend of the theory on weak states and democratisation theories. According to this view, a consolidated democracy implies a strong, functional state, the one which is strengthened internally and externally. Such states "must deal with structural conditions of modern rulership, both on the home turf in the context of complex societies, and outside their borders in the context of a demanding environment. They must develop certain structures in order to be able to perform different functions" (Merkel 2004, 83). From the outside, a democracy is considered to be consolidated when a state performs its socio-economic function and security function, and the state is integrated in international and regional alliances (military, political, economic, etc.).

Internal consolidation implies that five partial regimes of a democracy are developed and inter-dependent, i.e., that one partial regime supports the functioning of another. However, the regimes must have a level of autonomy. Partial regimes are: democratic electoral regime (A), political rights to participation (B), civil rights (C), horizontal responsibility (D) and guarantees that the real power to rule is in the hands of democratically elected representatives (E) (2004, 80-94). Defective democracies are born when one of the partial regimes does not exist and/or it is weak. There are four types of defective democracies: exclusive, neo-liberal, delegative and domain democracy.

We will shed more light only on the (non)existence of a partial regime (E) – the real power to rule, as it is central to the topic of this paper. Such regime makes it possible for the democratically elected persons to rule over others. However, this is rarely the case in weak states, as some actors – individuals, groups and/or institutions – influence the direction and content of governmental decisions, both entirely and in certain areas, in line with their partial interests. For example, a state would like to undertake

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

area in an adequate manner. The UPO (Private Security Services) and many PSCs adopted business ethics codes and professional conduct standards. All these activities were largely covered by the biggest media agencies in Serbia, while some local TV stations (KTV private TV station in Zrenjanin), used a local TV network to broadcast a series of items on this topic.

⁸Defective democracy theory was developed by a group of German political scientists led by Wolfgang Merkel within the Defective Democracies Project (*Defekte Demokratie*) Merkel, W, 2004. Embedded and Defective Democracies. *Politička misao*, Vol. XLIII, No. 1, pp. 80-104.

⁹ Research results published in: Sonja Stojanović, Predrag Petrović, Marko Milošević and Jelena Unijat (eds.) (2008) *Private Security Companies in Serbia - Friend or Foe?* Belgrade, CCMR.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

reforms in some area, which, in our case, is private security, but the interests of the structures resisting it (as the reform would deprive them of their benefits – financial, material and/or any other) are stronger. The actors that most often put a veto can be individuals who have economic power – tycoons and oligarchs, commercial complexes (E.g. military-industrial), multi-national corporations, (organised) criminal, para-military and guerilla groups, etc.. Similarly, the actors can be certain state institutions or parts of it which are not sufficiently put under democratic control, such as the military, the police and security agencies. A common denominator for all above-mentioned actors is that they use illegitimate channels to block reforms which can threaten their interests.

In order to realise their interests, these actors can act independently, to the point that their interests can be completely opposed, but the effects of their actions are identical – legitimately elected representatives of the citizens are unable to make and execute their decisions. Despite this, they often act together in order to realise their interests. When a multitude of different interests and actors in a state exert direct or indirect illegitimate influence on the content and direction of democratically elected representatives' decisions, it means that reserved domains exist in that state and the state itself is referred to as a domain democracy. In further text we will try to determine and present which interests and actors constitute reserved domains in Serbia and which ones are an obstacle to the adoption of the Law on PSCs, as well as which factors of social environment support them.

Reserved Domains and Private Security Sector in Serbia

Economic interests

Privatesecurity-related jobs are currently among the most lucrative ones in Serbia and the main reason for this are not (only) market laws and trends, on the contrary. The main reason is the absence of a law that would regulate private security activities and an inadequate implementation of the existing regulations pertaining to this area. What is typical of this sector is that a large number of employees in PSCs are not registered and the companies do not pay any contributions for them to the state of Serbia. Radomir.M. Misaljević, owner of the *Pravac* agency, estimates



that 60,000 people work in the private security sector in Serbia, out of which only 25 percent are employed in accordance with the Labour Law, while the rest work "in the grey market" (Đokić, 2009). This is how some PTS companies generate huge profits. "Two years ago, nine companies in this sector (private security) in Belgrade had a turnover of 40 million ."¹⁰ One security manager from the public security company, said, with reference to the private security sector: "The enormous extent of work in the grey market is a huge problem... If the law were adopted, public revenue would increase between five to seven billion dinars, as each employee working in the grey market means 150 less for the public revenue, which amounts to 450,000 per month, and add to that trainings, testing, plus state taxes – the verification in the police, the prosecutor's office..." (Milošević, 2008, 56).¹¹

In addition, the salaries of persons working in private security companies in Serbia are extremely low, while some PSCs do not pay transportation costs, food allowance, night-shifts and overtime to their employees. Due to the non-existence of the above-mentioned law, they do not have legal obligation to send their employees periodically to trainings, which considerably reduces company expenses.¹²

All this is possible, among other reasons, because of the illegitimate connections of PSC heads with political parties and persons from the highest political ranks at both national and local levels. It is a fact that certain PSCs, whose owners and/or security managers are members of political parties, or are very close to them, have managed to increase their business capacities and obtain a very good position on the market in a very short period of time. Let us mention just the cases of the ties between PSC heads and (individuals from) political parties that received the biggest media attention.

The first example is the *Sistem FTO* company, established in 1996. Its founder, owner and CEO is Milovan Milošević, a high-level official of the Democratic Party of Serbia. It is indicative that the company, although it has operated since 1996, increased its business considerably after the year 2000, and particularly during 2005 - 2006,¹³ the period when DPS was a part of the Serbian government.¹⁴ At that time, DPS was holding key state mechanisms of Serbia's internal security, as all top positions in the MoI and SIA were occupied by the members of this party.

Stracon Security, founded in 2004 by Gradimir Nalić, known to the public as an advisor for human rights to the President of

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

¹⁰ Cited according to: Haos u sektoru privatne bezbednosti. *Biznis novine*, 30.8.2009. Internet: <http://www.naslovi.net/2009-08-30/biznis-novine/haos-u-sektoru-privatne-bezbednosti/1301702>, accessed on: September 3, 2009.

¹¹ The problem with the work "on the grey market" is that employees do not wish to report such cases to Serbian state authorities, in fear of losing their jobs at the time when new jobs are hard to find due to redundancies.

¹² The consequence of the work on the "grey market" and a low cost of work is a considerable fluctuation of workforce in the private security sector. This makes the seemingly imprecise estimates, according to which this sector employs between 30,000 and 60,000 people, actually true and valid. Namely, security workers quit their jobs in PSCs during construction building seasons and work on construction building because they are better paid for their work. The consequence is a total absence of the private security profession in Serbia. Milošević 2008, pp. 51–71.

¹³ For a graphic scheme of Sistem FTO development go to the company's website: <http://www.sistemfto.com/sr/ona.html>, accessed on: March 12, 2010.

¹⁴ After the political changes of October 5, 2000, the DPS became an opposition party on July 7, 2008, when the Democratic Party formed the Government of Serbia, together with the SPS and G17 Plus.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

FRY from 2000 until 2003, is yet another example.¹⁵ A bit later, William Montgomery, former US Ambassador to Serbia and Montenegro, Bulgaria and Croatia, and his wife, Lynn Montgomery, became co-owners of the company. They are in charge of strategic consulting, international relations and contacts and market development.

The last example that illustrates the phenomenon will be *Protecta* detective agency, founded in 2001 by Dragan Trivan, husband of Jelena Trivan who is a deputy in the Parliament and the spokesperson of the Democratic Party. In the last several years, the company has grown considerably and expanded its business to providing physical-technical security services as well as security consulting services. To this end, *Protecta d.o.o* company has been founded and *Protecta* detective agency is now a part of it.¹⁶

Strong ties between political parties and PSCs have also been identified by the researchers of the Centre for the Prevention of Crime. According to Dušan Davidović, director of this institution, the research "revealed the existence of strong lobbies in the private security industry and political parties, which hamper the adoption of the law as the status quo makes it possible for them to supply privileged companies with favourable business deals, and the companies, in turn, show immense gratitude by the end of each month... If the company wishes to make a rapid success, it is enough that its owners have good connections with any political party. The chaotic situation makes security business very lucrative, especially because the companies are not obliged to register their employees nor to provide adequate equipment, weapons, and, most importantly, a proper training" (Pejčić 2008).

According to the findings of the BCSP research team, one of the reasons why illegitimate ties between political parties and PSCs are possible is the fact that the financing of political parties has not been adequately regulated by the existing regulations (Stojanović et al. 2008, 78-79).

However, companies do not secure huge profits and lucrative tenders only owing to strong ties with the political elite, but by building solid connections among the security elite as well. *The majority of PSCs assign managerial positions to former police and security service officers who held mid, high or top-level positions at their previous jobs as well.* Therefore, "some police generals and high officials, immediately after retirement, start work-

¹⁵ For more information, visit: <http://www.stracon.co.rs/Default.aspx?m=about>, accessed on March 9, 2010.

¹⁶ For more information about the company visit: <http://www.protectagroup.co.rs/>, accessed on February 2, 2010.



ing in private security companies”.¹⁷ In this manner, these companies gain a much better competitive edge than other companies which are not able to hire former top officials in the security sector. It should be stressed that *the majority of European states have regulations by which former armed forces officers are forbidden to work in the private security sector immediately after leaving public service*. If they want to work in PSCs, they have to wait for a certain period of time to pass, which often means several years (Dimitrijević 2008, 103-109). The purpose of this restrictive measure is to prevent persons who used to work in the armed forces from using (selling) their contacts and connections for the benefit of PSCs. Such restrictions still do not exist in Serbia, as the law on the private security sector has not been adopted yet.

However, and to make the situation even more complicated, legal regulation of the private security sector can also entail big profits. One of the most important sections of the law on the private security sector in any state is the licencing system, or the system of issuing work permits to companies as legal entities and to employees in PSCs respectively. This permit implies that an individual employee is obliged to finish the training for working in PSCs. All this costs money. For example, managers of private security estimate that the training of candidates, once it becomes stipulated by the law, will cost around 200 €. If we start from the fact that the licence is necessary for the two-thirds of people working in the private security sector (while, say, the remaining one third has administrative jobs), which is approximately 30,000 employees, the calculated potential revenue from issuing licences amounts to six million Euros. It should be mentioned that work permits for individuals working in PSCs are issued for a limited period of time, which varies from country to country.¹⁸

The problem is that both the private security sector and the MoI of the Republic of Serbia want to have an exclusive right on licence issuing. The rift between these two actors is evident in different model laws created by the Private Security Association and the MoI. The model prepared by the Association clearly stipulates that the Association has an exclusive right to issue licences, whereas the MoI's Draft Law reserves that right for the MoI. Some PSC security managers, as well as some MoI employees, state that this rift is one of the main obstacles to the adoption of the law. Several interviewed PSC security managers claimed that

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹⁷ Dušan Davidović, cited from: Haos u sektoru privatne bezbednosti. *Biznis novine*, August 30, 2009, Internet: <http://www.naslovi.net/2009-08-30/biznis-novine/haos-u-sektoru-privatne-bezbednosti/1301702>, accessed on September 3, 2009..

¹⁸ For more information look in: Dimitrijević, I, 2008. Pregled zakonodavstva privatne bezbednosti u zemljama Evropske unije. in: Sonja Stojanović, Predrag Petrović, Marko Milošević i Jelena Unijat (eds.) *Private Security Companies in Serbia - Friend or Foe?* Belgrade. CCMR..

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

the Draft Law on the Physical-Technical Security, submitted by the MoI, was withdrawn from the parliamentary procedure because it stipulated that the licences for the work of PSCs should be issued by the MoI, "which did not suit certain owners of PSCs and, under pressure from them, the adoption of the law was blocked".¹⁹

Secret Collection of Data

Apart from big and medium-sized companies for physical-technical security, there are also many smaller companies in Serbia employing at most several tens of persons. A large number of these companies, also known as detective agencies, is involved in intelligence work. The precise register of companies providing this kind of service does not exist, as they can be registered, due to the absence of the related law, under different professional codes.²⁰ This presents a problem, given that detective agencies provide services for which secret collection of data is crucial, which may constitute a serious violation of citizens' human rights and the rights of commercial subjects.

The general public in Serbia is mostly familiar with the services provided by detective agencies which involve detecting marital infidelity, offering solutions to marital problems, search for missing persons or fugitives, saving persons from religious cults and sects, detecting drug addiction, offering help in quitting drugs. However, it is less known that these agencies also perform investigative, security-related and counter-intelligence activities. The websites of many detective agencies offer services such as: counter-espionage and investigations in companies, polygraph testing, secret recording, surveillance, following persons, monitoring, electronic surveillance and tracking,²¹ telephone number checks, investigation of biographies and persons' past, investigation of legal entities, investigation of court data, investigation of criminal data, identification of anonymous sms, legal counselling and representation at court, identifying circumstantial evidence, etc.²²

Many agencies advertise on their websites that they can obtain all necessary data (mostly personal data) from various state bodies. They also boast of having a widespread network of associates and have on-going openings on their websites for persons who would like to become their associates.²³

¹⁹ Security manager of a PSC. Interview conducted by the BCSP research team within the project "Private Security Companies in Serbia – Friend or Foe?" The team guaranteed anonymity to the interviewees and the interviews are available to the project team only.

²⁰ Many PSCs in Serbia are registered in the Serbian Chamber of Commerce under codes reserved for service-providers.

²¹ For example, *Wolf Security Guard* advertises the following service: "We offer you a unique opportunity for electronic surveillance of your object or persons in REAL TIME!" Internet: http://www.wolfsecurityguard.com/uslug_e.html, accessed on April 9, 2010.

²² For more examples of services offered by detective agencies in Serbia, visit *Bond* agency website: <http://www.bond.rs/bond/index.html>, accessed on March 12, 2010. The owner, Ranko Vukomanović, was the president of the detective section in the Private Security Association at the Belgrade Chamber of Commerce. Visit the website of *Protecta* detective agency, owned by Dragan Trivan, president of the detective section in the Private Security Association at the Serbian Chamber of Commerce.. www.protecta.rs, accessed on April 9, 2010.

²³ Look in, for example. *Wolf Security Guard*: http://www.wolfsecurityguard.com/postani_saradnik.html, accessed on April 9, 2010.



There are several facts which indicate that these are not only marketing hooks for new clients, but that they are actually very real. First, surveillance equipment is cheap and available, and it can be bought easily on the (unique) market of the Western Balkans.²⁴ For instance, spy programmes for reconnaissance of the sms and conversations can be bought for 139 €, while the parabolic microphone which records conversations at a distance of 200 metres is available for 109 €.²⁵ There are other very powerful surveillance gadgets that can be bought abroad at very reasonable prices.²⁶ This makes it easy for detective agencies to carry out activities they advertise. Second, according to Božidar Spasić, owner of SIA detective agency, we should bear in mind that "many military, police and volunteer units which participated in the wars were given surveillance equipment, however, nobody returned it and now it is at disposal of private surveillance centres."²⁷

It is worth mentioning that detectives' task of collecting data from citizens is made easier by the fact that many of them have professional IDs that very much resemble the ones used by the state apparatuses of force (the police, security services).

Many actors in Serbia want to benefit from the capacities of private companies in terms of manpower and equipment. In recent years, commercial or industrial espionage has seen an upward trend, "and detective agencies that used to deal mostly with cases of marital infidelity, have a growing number of clients from the business world... Owing to espionage, some companies win tenders because they offer a hundred Euros more than the competition. After the political changes of October 5, 2000, we have been witnessing continuous accusations among political parties, namely that they are spying on one another" (Korać, 2008). Žarko Korać²⁸ also says: "There are some indications that in our country, especially in Belgrade, there are private surveillance centres, the equipment is much cheaper than it used to be, meaning that a group or a political party can buy it and mobile phones can be bugged on masse (...). Unfortunately, as you know, the majority of people uses mobile phones and this gives a lot of room for illegal activities" (2008).

However, Serbia's state bodies are not immune to (ab)using private security companies. During the research conducted by the CCMR in 2007 and 2008, the researchers found out from interviews with PSC security managers that the officers of Serbia's security agencies had requested certain services from them which

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

№ 18 • JULY - SEPTEMBER 2010

²⁴ Many online stores offer delivery of goods on the territory of ex SFRY or they have branches in some states. Check, for example: www.bubice.net, accessed on April 9, 2010.

²⁵ Balkan Spy online shop, Internet: <http://www.balkanskispjiun.com/>, accessed on April 9, 2010..

²⁶ Visit, for example: http://www.endoacustica.com/index_en.htm

²⁷ Cited from: Ozvučeno 'pola Beograda', *Srpski nacional*, April 11, 2005

²⁸ Žarko Korać is a founder and president of the Social-Democratic Union. He was a Deputy Prime Minister in the government of the Republic of Serbia from 2001 until 2003, and, after the assassination of the Prime Minister Zoran Djindjić, he acted, from March 17 to March 18, 2003, as a temporary Prime Minister of Serbian government. Today, Mr Korać is a deputy of the Liberal-Democratic Party in the Serbian Parliament.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

implied the violation of citizens' privacy. They pointed out that, to their knowledge, other PSCs had had similar experiences with security services. This was particularly stressed by the security managers of companies dealing mostly with technical aspects of security. The reason for using the services of private security companies lies in the fact that state agencies for surveillance and reconnaissance need a court and/or head of service's decision to act, while the penalties for violation of legal provisions regulating this area are very strict.

This, on the other hand, does not apply to private agencies as there is no law that regulates this domain adequately. To be more precise, Chapter 14 of the Criminal Code of the Republic of Serbia,²⁹ stipulates penalties for criminal offences against freedoms and rights of man and citizen. Penalties for officials differ from those for other persons, the former being much more severe.

Even more importantly, the cases of violation of freedoms and rights of man and citizen that were not committed by officials in discharge of duty can be prosecuted against private complaint only (paragraph 1, Article 153). In Serbia, however, court procedures undertaken on the grounds of private complaints tend to take too long and many become obsolete or citizens lose patience to continue. In addition, many court rulings are not executed in practice (Milosavljević 2009, 292-316). The European Commission identified this as a problem, and, in its Annual Report on Serbia's Progress in 2009, it states: "... generally speaking, Serbia demonstrated moderate progress in the area of judiciary reform. Despite attempts at undertaking reforms, a considerable number of unsolved cases in commercial, administrative and civil procedures leaves room for concern. The execution of court rulings remains inefficient."³⁰

However, even if courts were more efficient and effective, in the absence of any control of the PSCs, ordinary citizens would hardly realise that their rights were violated by the work of, for example, detective agencies."This explains how some detective agencies can do what they do, violating the privacy of citizens in various ways without fear of punishment."³¹

Rade Bulatović, Director of SIA from 2004 to 2008, pointed out, at the session of the Defense and Security Committee in the National Assembly of the Republic of Serbia, that secret and unlawful collection of data practised by private security companies posed a serious threat to the security of citizens as well as commercial and political actors. On this occasion, he added that

²⁹ Criminal Code, The Official Gazette 85/05.

³⁰ *The Report on Serbia's Progress in 2009*, Brussels: Committee of the European Communities, p. 12 .

³¹ Statement of a security manager from a private security company.



there were indications about unlawful surveillance conducted by "certain private centres" and stressed that this would be, apart from dealing with the most serious forms of crime that could represent a threat to the state, among the top priorities of SIA in the following year (2005).³² The then director of SIA repeated a similar statement at the international conference "*Reform of the Security Sector in Serbia - Achievements and Perspectives*"³³, held in 2006. Other similar claims came from SIA representatives at the round table entitled *Democratic Control of the Implementation of Special Authorities*, held in 2008,³⁴ and at numerous other events whose topic was the secret collection of data and protection of privacy. Apparently, the problem of private surveillance centres is not a new one.

What raises most concern is the fact that, even when the law on the private security sector is adopted, it is not very likely that it will regulate the work of detective agencies. Several facts point at this direction. First, the draft law prepared by the MoI in 2002, which entered parliamentary procedure, did not contain provisions regulating the work of detective agencies. Second, of three model laws developed so far, only the one prepared by the LEX regulates the work of detectives. However, from the point of view of the protection of human rights, it does so in an inadequate manner (Unijat 2008, 92-93). Third, according to the information gathered from the interviews with representatives of the FTO Association at the Serbian Chamber of Commerce, the draft law which the MoI has been working on for several years now does not contain provisions regulating activities of detective agencies.

Legalisation of Criminal Activities

Many criminal groups, even organised crime groups that threaten the national security of Serbia, have their own private security companies. To be more precise, in most cases, the leaders of criminal groups are not the owners of PSCs, but are connected to them. Criminal groups establish PSCs for two reasons. First, they can obtain fire arms legally. As leaders of criminal groups have criminal records, and they cannot get weapons legally, they delegate their trusted persons to set up PSCs and supply weapons for the company. The newly-founded company then makes contracts with companies headed by leaders of criminal groups, and thus provide them with business. Consequently, "some agencies

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY • SEPTEMBER 2010

³² Director of SIA claims that there are pressures. B92. December 23, 2004, Internet: http://www6.b92.net/info/vesti/index.php?yyyy=2004&mm=12&dd=23&nav_category=11&nav_id=158590

³³ The conference was organised by the CCMR. The list of papers presented at the conference *Security Sector reform – Achievements and Perspectives*, is available at: http://www.ccmr-bg.org/upload/document/0801101801_reforma_sektora_bez.pdf, accessed on April 10, 2010.

³⁴ The conference was organised by the CCMR. The list of papers presented at the conference, *Democratic Control of the Implementation of Special Authorities*, is available at: http://www.ccmr-bg.org/upload/document/0801101801_reforma_sektora_bez.pdf

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

were established and operate exclusively as the private police of financial tycoons who are believed to be connected to organised crime (Mijatović, 2008).

One example is the *Total Security System* company, established, according to the Serbian Business Registers Agency, by Marko Šarić in 2005. The company's seat is in the flat of Duško Šarić, which is connected by a passage to a flat owned by Darko Šarić³⁵, the leader of one of the most dangerous organised criminal groups in the Balkans. According to the data provided by the Centre for Research Journalism (CINS), the employees of *Total Security* were mostly engaged on protecting locations that are, one way or another, linked to the Šarić family, such as, a well-known cafe *Pascucci*, *Code* restaurant and *H2O* boat-restaurant on Zemun waterfront. In order to be able to carry out security services, *Total Security* got permits for purchasing and possession of weapons from the Serbian MoI.³⁶ To sum up, a very dangerous organised crime group legally established a security company and even received permits to purchase weapons from the Serbian MoI. This case is not the only one as, according to Dragiša Jovanović, president of the Committee of the Private Security Association at the Serbian Chamber of Commerce, "many companies from this sector (private security) are connected to various criminal groups which use them as justification for the possession of weapons (Dojčinović 2010).

Another reason why criminal groups establish PSCs is that these serve as a legal cover-up for undertaking a series of illegal activities. For example, *the main task of the security in many clubs and disco-clubs in Belgrade, as well as in boat-clubs, is to control that a rival criminal group does not deal drugs at places that they secure.* "The one who guards a boat-club automatically controls the entrance and helps his friends from the clan to enter freely and sell drugs. It is a well-known fact that a huge quantity of drugs can be sold at such places in just one night. In addition, rival groups are forbidden to come near to that club"³⁷ Drug trafficking was the cause of most cases of (armed) conflicts involving members of the private security.³⁸

Criminal groups also use private security companies as a paravan for extortion and racketeering. Despite the fact that these activities used to be a hallmark of the growing private security sector in the 90s, "owing to indifference of the state regarding the regulation of the PTS sector, racketeering survived both the change of the regime in Serbia and transition" (Dojčinović 2010).

³⁵ "Total Security System" is registered at the same address where "Municipium S" consultancy company is. This was made possible through Darko Šarić's participation in the privatisation process in Serbia, according to information obtained from the police and prosecutor's office. Cvijić, V, Šarićeva firma za obezbeđenje i dalje radi. *Blic*. 22.3.2010

³⁶ The CINS (NUNS) journalists came across these data, using the Law on Availability of the Information of Public Importance.

³⁷ The interlocutor of *Blic* was from the Serbian MoI. Cited from: Adžić, A, Rat klanova za splavove i drogu: dvogodišnja borba za prevlast. *Blic*. 17.12.2007. Internet: <http://www.blic.rs/Vesti/Hronika/23612/Rat-klanova-za-splavove-i-drogu>

³⁸ *Ibid*.



The most striking example was the case of the organised crime group and a private security company *Polito* from Valjevo, led by Milan Lazarević³⁹. After serving prison sentence, Lazarević started to racketeer businessmen from Valjevo area. He used to pull down the property of those who refused to pay with demolition diggers to demonstrate how powerful he was. The owner of a demolished club *Knez* in Valjevo says: "My club was pulled down as a warning to others in Valjevo, as it was known that I had contacts in the police, so, if he can do this to me, he can do it to anybody else" (2010). It is interesting that, despite many eye-witnesses and traces on the demolition digger, the local police allegedly did not have substantial evidence to start investigation against Lazarević.

Lazarević legalised his growing extortion and racketeering business by establishing *Polito* private security company, which was registered, of course, on the person without a criminal record. *Polito* charged the clubs, newspaper-stands and companies high fees for security. Apart from private objects, the company secured even the National Museum in Valjevo (2010). Those who did not need security services were soon made to change their minds by means of threats and attacks on company property. What added to the confusion and fear among the citizens of Valjevo was the fact that *Polito* security staff was wearing dark-blue uniforms, similar to those worn by the Serbian MoI Gendarmerie. The fact that Milorad Veljović, Director of the Police, had to send the officers of the Criminal Police Directorate at the MoI in Belgrade to deal with this case, "which was then solved in 24 hours", is illustrative enough of the power this company exercised in Valjevo⁴⁰.

All the above-mentioned cases demonstrate that there are indications of connections between some police and security service officers and criminal groups. Police officers, after their working hours, work in security companies connected to criminal groups or they act as body-guards or advisors to the leaders of these groups. They strengthen the position of the criminal groups they are working for by using the power of their official badge which symbolically and formally represents state power, as well as by using information they collected in their police work. Serbian police force officers were involved in a certain number of armed conflicts in clubs, boat-clubs and disco-clubs. Some even assisted in the execution of criminal offences, as it was the case with the Valjevo group.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

³⁹ Known to the general public under their nicknames the General and Laza the Bomber. He got the latter nickname after a bomb-attack on policemen in 1992, for which he served a seven-year prison sentence in Padinska skela. He was released from prison in 2000.

⁴⁰ Members of the Valjevo organised crime group were arrested in April 2009. Criminal group leader arrested. 2009. Internet: http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=04&dd=09&nav_id=354697

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

The problem is that these cases are not isolated, as (organised) crime is widespread in Serbia, but also in the region of Western Balkans, and it poses a very serious threat to individual, national and regional security. The statement of Ivica Dačić, the Minister of the Serbian MoI, that criminal groups laundered nearly one billion Euros in Serbia in the last decade (2000-2010), are indicative of the financial power and scope of (organised) crime in Serbia. "The estimates about one billion Euros laundered through Serbia are very possible (...) Intelligence gathered in relation to this issue also points at these numbers."⁴¹ If state institutions are weak, criminal groups turn financial capital into political power very easily through corruption, that is, they buy political representatives and their decisions.

Conclusion

The conclusion of the analysis is that the normative regulation of the private security sector is not suitable for various actors in Serbia. They are individuals or actors from different areas of society: political parties, private companies, security services, the police and the military, private security companies as well as (organised) criminal groups. They are inter-connected in order to realise their interests, the predominant one being economic interest – generating (extra) profit and strengthening positions on the private security market. There is also the power of political interests – gaining advantage over political competition – as well as interests of security services in terms of easier and faster collection of data.

We should also bear in mind that negative factors of the social environment contribute to the survival of reserved domains in the private security sector. First of all, a bad economic situation of many decades, further weakened by the global economic crisis, has brought about an army of extra workforce and a slow pace of social reforms. This adds to inefficiency and inefficacy of the judiciary, which facilitates the presence of (organised) crime and informal links and relations, corruption in particular. In addition, due to globalisation and a fast pace of technical and technological development, surveillance and reconnaissance equipment became much cheaper and more available, which fosters the growth of commercial and other forms of espionage. All present-

⁴¹ Dačić: Kriminalci oprali milijarde evra u Srbiji. *VESTI online*. 6.5.2010. Internet: <http://www.vesti-online.com/Vesti/Srbija/50907/Dacic-Kriminalci-oprali-milijarde-evra-u-Srbiji>.



ed facts indicate a significant power of reserved domains in Serbian private security sector.

Two questions can be raised here. First, will the law on the private security sector, once it is adopted, regulate this area in an adequate manner, in line with liberal-democratic values and standards that exist in other (developed) countries? Is it more likely that the actors that constitute the above-mentioned reserved domains will influence the content of the law, adapt it to suit their interests and thus make it meaningless?

However, even more important question is whether the law on the private security sector which would be in line with the liberal-democratic values, when officially adopted by the state, would be put to practice and how. It is common in Serbia, as in other societies in transition, that adopted laws are not practised or are applied inadequately, namely they are applied according to the interests of the powerful actors. All listed actors and their interests, as well as negative factors of social environment, will not disappear after the law has been passed. Therefore, any reform of the private security sector, in order to be successful, must not stop with the adoption of the law, but should have a greater, holistic outreach. It must go hand in hand with the reforms of the judiciary, the police and security services and all of them must be supported by economic reforms. The adoption of the law on the private security sector is the starting, not the final, point of the reform of this sector. Without the removal of negative factors of social environment which make the survival of reserved domains possible, a genuine reform of the private security sector is not possible.

Bibliography:

Criminal Code of the Republic of Serbia, 2005, The Official Gazette 85/05.

Dimitrijević, Ivan. Pregled zakonodavstva privatne bezbednosti u zemljama Evropske unije. U: Stojanović, Sonja, Predrag Petrović, Marko Milošević i Jelena Unijat. (ur.). *Privatne bezbednosne kompanije u Srbiji – prijatelj ili pretnja?* Beograd: Centar za civilno-vojne odnose, 2008.

Komisija evropskih zajednica. Izveštaj o napretku Srbije za 2009. Brisel: Komisija evropskih zajednica, 2009.

Merkel, Wolfgang. Ukotvljene i manjkave demokracije. *Politička misao*, Vol. XLIII, br. 1, 2004: 80–104.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

- Milosavljević, Bogoljub.** Pravosuđe. U: Hadžić, Miroslav. (ur.). *Godišnjak reforme sektora bezbednosti u Srbiji – 2008*, Beograd: Centar za civilno-vojne odnose, 2009.
- Milošević, Marko.** Uticaj tržišta na privatni sektor bezbednosti. U: Stojanović, Sonja i Predrag Petrović, Marko Milošević i Jelena Unijat. (ur.). *Privatne bezbednosne kompanije u Srbiji – prijatelj ili pretnja?* Beograd: Centar za civilno-vojne odnose, 2008.
- Pavlović, Dušan i Slobodan Antičić.** *Konsolidacija demokratskih ustanova u Srbiji posle 2000. godine*. Beograd, 2007.
- Page, Michael and Simon Rynn, Zack Taylor, David Wood.** *SALW i firme za privatno obezbeđenje u jugoistočnoj Evropi: uzrok ili posledica nesigurnosti?* Beograd: Centar za kontrolu lakog naoružanja u jugoistočnoj i istočnoj Evropi (SEESAC), 2006.
- Petrović, Predrag.** „Kontrola i nadzor privatnog sektora bezbednosti.“ *Revija za bezbednost*. Beograd: Centar za bezbednosne studije.
- Stojanović, Sonja, Predrag Petrović, Marko Milošević, Jelena Unijat.** (ur.). *Privatne bezbednosne kompanije u Srbiji – prijatelj ili pretnja?* Beograd: Centar za civilno-vojne odnose, 2008.
- Unijat, Jelena.** Upporedna analiza četiri modela zakona o privatnoj delatnosti obezbeđenja u Srbiji. *Privatne bezbednosne kompanije u Srbiji: prijatelj ili pretnja?* Beograd: Centar za civilno-vojne odnose, 2008.

Newspaper Articles

- Adžić, A.** „Rat klanova za splavove i drogu: dvogodišnja borba za prevlast.“ *Blic* 17. 12. 2007. <<http://www.blic.rs/Vesti/Hronika/23612/Rat-klanova-za-splavove-i-drogu>>
- Cvijić, V.** „Šarićeva firma za obezbeđenje i dalje radi.“ *Blic online* 22. 3. 2010. <<http://www.blic.rs/Vesti/Hronika/181818/Sariceva-firma-za-obezbjedjenje-i-dalje-radi>>
- Dojčinović, S.** „Fizičko-tehničko obezbeđenje u Srbiji: čuvari teške ruke.“ *VREME* 1006 15. 4. 2010. <<http://www.vreme.com/cms/view.php?id=926026>>
- Đokić, B.** „Agencije za privatno obezbeđenje van kontrole države.“ *VESTI* online, 2009.
- Femić, R.** „Industrijska špijunaža cveta u Srbiji.“ *Alo* 7. 8. 2008. <<http://www.alo.rs/vesti/5793/Industrijska-spjunaža-cveta-u-Srbiji>>
- „Haos u sektoru privatne bezbednosti.“ *Biznis novine* 30. 8. 2009. <<http://www.naslovi.net/2009-08-30/biznis-novine/haos-u-sektoru-privatne-bezbednosti/1301702>> 3. 9. 2009.
- Pejčić, I.** „Potkupljeni političari omogućili bezakonje.“ *Danas* 6. 10. 2008. <http://www.danas.rs/vesti/hronika/potkupljeni-politricari-omogucili-beza-konje.3.html?news_id=141651>
- Stevanović, N.** „Prisluškivanje – omiljeni sport političara u Srbiji.“ *Patriot magazin* 14. 8. 2005.



Are security and intelligence services in Serbia politicized?

Denis Ćoragić¹

Bachelor of Political Science and International Relations, Faculty of Political Sciences, University in Belgrade

original scientific article

UDK: 351.746.1(497.11) ; 356.251(497.11)

Abstract

Serbian public still largely believes that security services are politicised instruments of those in power, used, under the veil of secrecy, to support narrow political interests. In the period since the change in power in October 2000 to this date, a set of laws has been adopted to legislatively regulate the operations of security-information services, in view of the reform which is in line with the standards of modern democracy and security sector. After the tumultuous initial reform period and numerous problems that accompanied the overall process, it is now the intention of the author to, by defining the notion of politicisation, analysing the legislative solutions in the Republic of Serbia, and giving a short overview of media scandals that are interpreted using the acts of services politicisation, attempt to answer the question: Are the security services in Serbia politicised?

Key words: politicisation, security-information services, reforms, scandals, Serbia

Introduction

Serbian public still largely perceive security services as a mystified instrument of those in power – “a fist of the regime” that is used to support narrow political interests (Obradović 2009). Since the change in power in October 2000 to this date, the ruling circles have endeavoured to have the operations of these services legislatively defined and limited. In the above period a set of laws was adopted to legislatively regulate the operations of security-information services, in view of the reform that is in line with the standards of every modern democracy and modern security sector, as well as

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹ denis_coragic@yahoo.com

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

in view of the release of a negative burden the security services inherited from the time of Slobodan Milošević's rule (Milosavljević & Petrović 2009).

Initial reform period was quite tumultuous. Resistance to reform appeared in the security structures as such; it was supported by the political forces of former regime and a segment of the public which perceived the national security as an unquestionable category of the alienated power (Milosavljević & Petrović 2009, p. 226). The reform of security services was politicised and stalled in such circumstances. Political parties, within DOS coalition, were not unanimous with regard to the pace and direction of the reforms of the society and government; this period therefore featured a large number of inter-party scandals with the involvement of security services. The elements that best illustrate the level of political conflict within the DOS coalition and that of the reform process politicisation include the partial destruction of Secret Service' (RDB) archives by RDB leaders, the inconsistent and inefficacious implementation of lustration, the legally inadequate regulation of the opening of the security-information services' secret files, the scandals such as "Gavrilović", "Perišić", or "Pavković", the rebellion of the Special Operation Unit, etc. The event constituting the culmination of reform process politicisation, in the period 2000 - 2003, is the March assassination of Serbian Prime Minister Zoran Đinđić (Milosavljević and Petrović 2009, p. 229). This was primarily a politically motivated murder in which, besides the members of the criminal syndicate known as "Zemun Clan", some members of SIA were also involved (Milosavljević and Petrović 2009). This event was followed by the police campaign dubbed "the Operation Sword" aimed at arresting the suspected members of the Clan and their related persons. Considering that the campaign itself was accompanied with a number of controversies, many political actors have qualified it as politicised and accused the authorities that they had used this operation to 'sort out' their political adversaries.

The reform period from 2000 to 2003 features the above scandals which are obvious cases of the politicisation of services. Considering that the culmination of the politicised reform process in this period ends in the "Operation Sword" and the investigation pertaining the assassination of the Prime Minister that was accompanied by a number of controversies and accusations for politicisation, this paper will focus on the period after 2003. First comes the explanation of the concept of the politicisation of security services operations, followed by an overview of the legislative solutions which were adopted in the Republic of Serbia to provide for



depoliticisation. Then follows a summary of media scandals which are widely seen as arising from the politicisation of services; and, finally, the answer to the question: Are Serbian security services politicised? It needs to be noted, however, that, due to the specificity of the topic, it was presently beyond the author's capacity to provide empirical evidence.

Politicisation – definition of the term

„The problem of politicisation is as old as the intelligence business...“, said Robert Gates (1992), former Director of the US Central-Information Agency (CIA), in this address to the members of the services entitled “Guarding against Politicisation”. The security services here are deemed to be specialised civil and military organisations discharging security-information function which are founded within the state apparatus and which are under the control of the government. Their task is, in the first place, to provide timely, relevant and precise information to top-level state authorities, but also to, by their activities, protect constitutional order and national interests against the penetration of foreign intelligence services and activities of organised criminal and terrorist groups. They are authorised to collect data from public sources, as well as by way of secret methods, techniques and means. Because of such needs of the services, according to Valentin Fernand Filip (2006), all modern democratic regimes face a huge challenge – to regulate the intelligence activities which are contrary to the democratic culture of individual freedom, principles of openness, transparency and accountability in the public operations of state institutions.

Richard Betts (2002) says that strict definition of the term “politicisation“ is not pejorative but is ‘to give a political tone and character’ or ‘to bring in the realm of politics’ – which is normally the realm with which security services are concerned. From the Anglo-Saxon theoretical milieu, however, many definitions of the security-information activities politicisation present such politicisation in pejorative terms since it is held liable for the production and counterfeiting of the data so as to serve the political interests. Joshua Rovner (2009) defines this politicisation as a pathological relationship between the elite and security services that is reduced to the manipulation of intelligence data so that they reflect the established political interests. He divides politicisation into direct politicisation – when political leaders meddle into the security-information process so as to change the analytical conclusions to suit their interests, taking the “carrot and stick” approach, and indi-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

rect politicisation – which is more subtle and involves tacit signals to the intelligence community about the desired direction of their assessments. Harry Howe Ransom (1987) mentions several meanings of politicisation, with regard to security-intelligence activity:

1. It is politicised when it becomes a point of conflict between organised political groups – “party politicisation“;
2. It is politicised when it meddles into public political elections and power relations – “bi-party politicisation“;
3. When security data and assessments are influenced by the established political positions – “satisfying service“.

I must mention at this point the observation that above definitions cover only some of the aspects of the problem present in our country. The author, understandably, is not fully informed about all the characteristics of the previous activity of our security services which, in addition to all their functions, were entrusted the task of controlling and prosecuting the political and ideological non-supporters of the regime, both in the communist period and in the 1990s, which gave them the character of a political police. Because of such past, the definitions of previous theoretical milieu can be complementary understood taking into account the process of the reform of services which, please note, is still ongoing. Mr. Svetko Kovač, Director of the Military Security Agency (MSA), perceives politicisation as the abuse of security services to suit the interests of daily politics, whereas Mr. Marko Lopušina, publicist and journalist, defines it as the use and abuse of state agencies to protect narrow political interests of the political elite.² Accordingly, I define the politicisation of the operations of the security services, more flexibly, as the use and abuse of the activities of the services by political actors, with the purpose of influencing the outcomes in the arena of daily politics. This definition should include key elements of the term ‘politicisation’ defined by above authors. These elements include:

1. Political actors (political elites) – subjects of politicisation which, by their direct or indirect activity towards the security-information services either produce or influence particular political outcomes due to particular interests. Political interests of the actors, in our case, may mean to prevail over a political adversary (regardless whether such adversary is in power or in opposition) using the required logistics and activities of the security-intelligence services. Having in mind the heritage of the past, it is not surprising to see such means used in a political battle;

² Messrs. Svetko Kovač and Marko Lopušina informed the author about how they understand the term “politicisation“ via e-mail;



2. security-information services and their activity – the object of politicisation;
3. the act of using or abusing the activities of security-information services to achieve the above mentioned influence on the outcomes of daily politics;
4. realm of daily politics – the place of overall interaction between the above elements.

Considering all stated above, I conclude that, in a modern democracy, it would be possible for these services to operate only if in conformity with the principles of democratic civil control and public supervision, rule of law, and transparency. Hans Born and Ian Leigh (2005) offer a list of legal standards for the best way of supervising the security services and, with this list of solutions, prevent the politicisation of security services. If a low level of the politicisation of security services' operations is an indicator of the effectiveness of the mechanism of democratic and civil control, then we inevitably arrive to the point where the depoliticisation in modern democracy is possible and highly desirable. This is possible if the services are, in addition to being controlled by executive authorities, also subject to strict control of the legislative and judicial authorities, as well as independent bodies (ombudsman, commissioner for information of public importance, auditor...), media, NGOs and general public. It is desirable because it diminishes room for manipulation and abuse by the authorities and ensures sound performance of the tasks because of which they were originally created.

Applicable legislation

The status and role of Serbian security services are vested into three organisations: SIA, MSA and Military Information Agency (MIA). SIA is a civil security service, subordinated to the Government, with a status of a specific national organisation, whilst MSA and MIA are public authorities within the Ministry of Defence, subordinated to the Ministry of Defence and, through this Ministry, to the Government. The coordination of their activities and supervision over their activities are regulated by the 2007 Law on the Basics for the Regulation of the Republic of Serbia Security Services. Their organisational structure, tasks and authorisations, as well as other issues, are regulated by: the Law on Military Security Agency and Military Information Agency (2009) and the Law on Security-Information Agency (2002).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Here now follows a description of the arrangements concerning the depoliticisation of security services in the Republic of Serbia. The Law on the Basics for the Regulation of the Republic of Serbia Security Services³ defines that the members of security services shall comply with the Constitution, the Law, other regulations and general acts, and the rules of profession, and act in an impartial and politically neutral manner, which means that they may not be members of political parties. Besides, the Law on Security Information Agency⁴ lays down that the members of the Agency may not be members of political parties, namely that the members of the Agency do not have the right to organise or the right to strike. The Law on Military Security Agency and Military Information Agency⁵ lay down that directors of MSA and MIA, or their deputies, may not be members of political parties or discharge any other public function; also, it is specified in paragraph 1 of Article 42 that, when performing their official duty, members of MSA, or MIA, may not express or propose their political convictions.

The 2002 Law on SIA was sharply publicly criticised for being markedly different from the Law on FRY Security Services from that same year. The incomplete and imprecise provisions regulating the subject matter of the Law on SIA, the “length” of the text of the Law, and its other failings are the indicators that suggest the politicised structure of the Law on SIA. Compared with the Law on FRY Security Services, the Law on SIA did not meet the elementary standards of democratic civil control over security-information services. A part of the authorities of the time had no control over military services and that is why it supported passing of such a modern law. If comparable qualities were introduced in the Law on SIA, the same parts of the authorities would diminish the power of the services, at least formally, under their own control at the level of the Republic (Milosavljević and Petrović 2009). Nowadays the prevailing view is that there are hesitations with regard to adopting a new law on SIA and that it is necessary to have it adopted (as well as the law on data confidentiality) so as to cover the legal gaps existing in present legislation (Petrović 2009). The 2007 Law on the Basics for the Regulation of Security Services has rather precisely and substantively regulated parliamentary control and supervision over security services, as well the status and role of the National Security Council. Article 3 of the Law lays down that, in addition to being subject to the civil control by the National Assembly and the National Security Council, security services are under the control of the President of the

³ "Official Gazette of the Republic of Serbia", No. 116/2007, Article 2, paragraphs 2 and 3;

⁴ "Official Gazette of the Republic of Serbia", No. 42/2002 i 111/2009, Article 20, paragraphs 2 and 3;

⁵ "Official Gazette of the Republic of Serbia", No. 88/2009, Article 37, paragraph 5;



Republic, the Government, other state authorities and the public “in accordance with the Law“. However, it does not elaborate on the control role of other mentioned authorities and the public and thus many believe that it is necessary to have these issues regulated in specific laws on other services – this deficiency is attributed to the hasty adoption of the above Law (Milosavljević and Petrović 2009). In the opinion of Goran Petrović former chief of the State Security, another deficiency of this Law is that it is possible to interpret the seemingly logical Article 2 of the Law so that the heads of services are not explicitly bound to non-partisanship, whilst the members of services are. It is so deduced that this will produce greater politicisation than that which would ensue should the ordinary members (or a group of ordinary members) be members of political parties (Ćosić 2007). The statement of Goran Petrović imposes a dilemma whether politically and ideologically neutral heads of services could ensure a more professional, both in terms of staff and organisation, and more depoliticised service? A logical counter-argument suggests that, in order to have effective implementation of political power, it is necessary to have political figures on leading positions. Is then the politicisation, in that context, in some measure unavoidable? The consideration of these arguments, to resolve this dilemma, is beyond the scope of this paper. Nevertheless, this issue is very important and requires a thorough analysis and debate in future. In addition to all stated above, it is interesting to mention an article published in “Kurir“ in which prominent Serbian political leaders criticise the election of Saša Vukadinović for the Head of SIA because of his “dependence on the Yellow Ones (Note: slang for the Democratic Party)“ (Bulatović 2008). The 2009 Law on MSA and MIA is “the most recent“ regulation in this field. The most serious problem addressed by this Law is the relationship between the Agencies and the executive authorities and the establishment of a mechanism to oversee their operations – internal control in the form of the General Inspector appointed by the Government for a period of five years, upon the proposal of the Minister of Defence to whom he reports (Petrović 2009). It is deemed that this Law has left vague the problematical arrangement related to the relegation of the Parliament to a secondary role in the General Inspector appointment process (Petrović 2009).

It may be concluded that current legislation have shifted the equilibrium of our services towards the depoliticisation and that room for manoeuvre concerning the politicisation of services has shrunk. The above regulations, however, are flawed with regard

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

to the mechanisms of democratic civil control relating to the suppression of politicisation in the services and these flaws need to be remedied. They are: the non-existence of the institute of the General Inspector for SIA, the hesitation to elect the Inspector for MSA and MIA as required by law, and relegation of the Parliament to a secondary role in the appointment of the General Inspector for MSA and MIA.

Media and politicisation

May 2004 is important for researching the phenomenon of services politicisation because of the so-called “CD Scandal“ in which Rade Bulatović Director of SIA played the main role. Namely, as alleged by Vladimir Beba Popović, former Head of the Serbian Government’s Communication Bureau, he had committed a serious crime of espionage when, on the occasion of visiting the U.S., he submitted to the American intelligence service a disc with confidential SIA information. Vladimir Beba Popović, coming from the Democratic Party, accused Rade Bulatović, who was close to Vojislav Koštunica, of a serious crime the committing of which harmed the national interests. The Parliamentary Committee for Security received the official communication from SIA in which it was stated that Popović’s allegations are not true and the investigation of these allegations has not been initiated still. For this reason we cannot say for sure whether national interests were harmed or whether the Director of SIA was accused only to discredit the leaders of the Democratic Party of Serbia (and those close to them) in order to score some political points, or to politicise the operations of SIA (Đorđević and Petrović 2009)?

The arrest of a so-called ‘Hague fugitive’, former leader of Bosnian Serbs, Radovan Karadžić, in July 2008, have raised much dust in media because the above mentioned person was arrested only four days after the former Director of SIA Rade Bulatović’s term of office expired. This introduced the politicisation issue since the public suspected that Vojislav Koštunica’s Government had deliberately delayed this arrest in order to collect political points. Rasim Ljajić the President of the National Council for Cooperation with the ICTY, however, said that this arrest was made at the time of least security risk, and Rade Bulatović denied the above allegations (TV B92 2008). No investigation with regard to those allegations has been initiated and, therefore, there are no relevant facts suggesting that politicisation was present in



this case. I would like to take this opportunity to remind you that something similar happened in 2004 (Vojislav Koštunica's Government); this was with regard to the failure to apprehend the 'Hague fugitive', former commander of the Republic Srpska Army Ratko Mladić, when the Military Security Service was identified as the main perpetrator (TV B92 2006). These allegations were denied and no investigation has been initiated or the question of accountability raised to date; therefore, we cannot deem these allegations to be relevant facts.

The scandal surrounding the judicial election and re-election process marked the end of 2009 and the beginning of 2010. The entire process was followed by many controversies but what particularly aroused public outrage was the statement made by Snežana Malović the Minister of Justice that the information obtained from the police and SIA were used for "safety check of candidates" in the judicial election and re-election process. Some political parties, citizens' associations, the Ombudsman and the Commissionaire for the Information of Public Importance and Protection of Personal Data called attention to the fact that this process is taking us back to the old times when secret police played a key role in the human recourses management policy in state authorities (Petrović 2010, p. 8). The counter-constitutional and unlawful involvement of SIA in the process of electing and re-electing suitable candidates for judicial positions could, in this case, come under our definition of politicisation. The subsequent refutations made by the Minister of Justice and Saša Vukadinović the Director of SIA, and the visit made by Saša Janković the Ombudsman on the occasion of which it was found that SIA had not provided information within the judicial election process, however, have shrunk the room for demonstrating that politicisation was present in this case (Tanjug 2010).

In February 2010, with the scandal surrounding the "spy certificate" issued by SIA, Aleksandar Vučić, a prominent official of the opposition Serbian Progressive Party, came into focus too. Namely, after the accusations coming from the ranks of the Serbian Radical Party that he is an English spy, Vučić replied that he had obtained from SIA written evidence that he is not a spy. The public was outraged and considered this to be a farce in which SIA was being politicised for the benefit of bickering between the political parties (Vidić 2010). According to the definition that is applied for the purposes of this paper, this case could be deemed to be an occurrence of politicisation. I must note, however, that the refutations made by SIA leadership that they have

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

“complied with the Constitution and the Law on Personal Data Protection” could be considered a counter-argument in these circumstances.

In the end of June 2010, the Parliament adopted the disputable Law on Electronic Communications for which the National Ombudsman, the Commissionaire for Information of Public Importance, and some opposition parties warned that it allows the police and SIA to, without a court order, have access to the communication made between the citizens. The disputable Article 128 of the Law on Electronic Communications imposes the obligation on the operators to have the data on communications retained for the requirements of the implementation of investigation, criminal procedure, and crime prevention (Beta, Tanjug 2010). The public and the parts of opposition identified, in this case, SIA and the police as the main actors in abusive practices, disregarding the fact that these preventive authorisations are accessible to MSA, too. Did they contribute to making the image of SIA politicised? Is SIA the only agency in the security-information system that is connected with the ruling circles and prone to abusive practices? Considering that, apart from the public perception and that of a part of the opposition, there are no concrete evidence or valid arguments in this case, we shall refrain from taking any position *a priori*.

Conclusion

After all that is said above, a conclusion may be drawn that, since 2003 to this date, security services in the Republic of Serbia have had the depoliticisation trend. The reasons primarily lie in the fact that the existing legislative regulations, governing the activities of security-information services in Serbia, have shifted the focus towards the depoliticisation concept. Although some events took place that suggested the presence of politicisation, because of the specific character of the subject matter it is not possible to empirically prove the public allegations. The politicisation was legislatively shrunk the room for manoeuvre, but we should keep in mind that the security sector reform, in the Serbian democracy, is far from being implemented and finally completed. A question mark was put over the Parliamentary Committee for Defence and Security's efficacy and effectiveness in this regard. Since 2003 to this date, not a single inquiry committee was set up to investigate the allegations about the occurrences of politicisation. Did the Committee for Defence and Security itself politicised



the control over the operations of security-information services or the services per se? It is also possible that the change of political context as such, in the mentioned period, with one party (the Democratic Party) dominating in power, is the actual reason for a reduced number of scandals. Did the absence of a relevant opposition competitor create the illusion of depoliticised acting of services? The principles and requirements for democratic civil control over security-information services have not taken root still and there are some legal deficiencies which may leave room for politicisation. Because of the memory of the previous activities of these services, it is important to persist with the reforms of legal order and public awareness about how important it is to depoliticise these services. The existing flaws need to be remedied with the adoption of the new Law on SIA which would provide, inter alia, for putting in place the General Inspector for this Agency. It is also necessary to soonest possible create the institution of the General Inspector for MSA and MIA. Raising the efficacy and effectiveness of the Parliamentary Committee for Defence and Security is a top priority if the highest standards of democratic and civil control are pursued. Otherwise, the punishment for flaws and omissions will come within future practice and security challenges and risks of modern era.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

Bibliography

- Betts, Richard.** „Politicization of intelligence: Costs and benefits." 2002. <<http://www.ssc.upenn.edu/centers/browneqip/2003.04.Papers/betts%20paper.pdf>>. 14. jun 2010.
- Born, Hans. i Leigh, Ian.** (2005). *Pravni standardi i najbolji načini nadzora obaveštajnih službi*. Oslo: Ženevski centar za demokratski nadzor nad oružanim snagama. 2005.
- Đorđević, Biljana i Predrag Petrović.** Hronologija reforme bezbednosno-obaveštajnih službi. U: *Hronologija reforme sektora bezbednosti u Republici Srbiji 2000–2008*. Beograd: Centar za civilno-vojne odnose. 2009. str. 106–125.
- Filip, Valentin.** The intelligence phenomena in a new democratic milieu. Romania – a case study. 2006. <<http://www.fas.org/irp/world/romania/filip.pdf>>. 14. jun 2010.
- Gates, Robert.** „Guarding against politicization." *Studies Archive Indexes*, vol. 36, no 1. 1992. < <https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/volume-36-number-1/pdf/v36i1a01p.pdf>>. 14. jun 2010.
- Milosavljević, Bogoljub i Predrag Petrović.** „Bezbednosno-obaveštajne službe." u: *Godišnjak reforme sektora bezbednosti u Srbiji*. Beograd: Centar za civilno-vojne odnose. 2009. str. 218–248.

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

- Petrović, Predrag.** „Kritički osvrt na zakon o VBA i VOA ", u *Bezbednost Zapadnog Balkana*. no 15. (2009) str. 15–21.
- Petrović, Predrag.** „Sudije ipak nisu bile obrađene: glavni nalazi izveštaja Zaštitnika građana o kontroli nad radom BIA.“ u: *Bilten o pitanjima unutrašnjih poslova Evropske Unije i Srbije 09–10*. Beograd: Centar za civilno-vojne odnose. 2010.
- Rovner, Joshua.** Intelligence – policy Relations and the Problem of Politicization. *MIT Libraries*. 2009. <<http://dspace.mit.edu/handle/1721.1/46633>>. 14. jun 2010.
- Ransom, Harry.** The Politicization of Intelligence. 1987. u: Johnson, L. and Wirtz, J. *Strategic Intelligence: Windows into a Secret World*. Los Angeles: Roxbury Publishing Company. pp. 171–182. 2004.
- Newspaper articles
- Bulatović, N.** (2008). "SPO u BIA!". *dnevni list „Kurir“*, pristupljeno 14. juna 2010, <<http://www.kurir-info.rs/vesti/politika/spo-u-bia-5678.php#>>
- Beta, Tanjug** (2010). "Usvojen zakon o elektronskim komunikacijama ". *Blic Online*, pristupljeno 5. septembra 2010, <<http://www.blic.rs/Vesti/Politika/196025/Usvojen-Zakon-o-elektronskim-komunikacijama>>.
- Čosić, J.** (2007). "Emisija Poligraf – gost Goran Petrović ", pristupljeno 14. juna 2010, <http://www.b92.net/info/emisije/poligraf.php?yyyy=2007&mm=11&nav_id=272337#>
- Đ. T.** (2010). "Petrović: BIA učinila presedan Vučiću". *Blic Online*, pristupljeno 14. juna 2010, <<http://www.blic.rs/Vesti/Politika/174349/Petrovic-BIA-ucinila-presedan-Vucicu>>
- Obradović, M.** (2009). "Obaveštajne službe se ne bave svojim poslom nego rade za političare ". *Borba*, 25. maj, pristupljeno 14. juna 2010, <<http://www.borba.rs/content/view/6037/123>>
- Petrović, P.** (2009). "Koje su novine u Zakonu o VBA i VOA? ", pristupljeno 14. juna 2010, <<http://www.ccmr-bg.org/cms/view.php?id=3491>>
- Tanjug** (2010). "Janković: BIA nije dostavljala podatke pri izboru sudija ". *Blic Online*, 9. februar, pristupljeno 5. septembra 2010, <<http://www.blic.rs/Vesti/Drustvo/176082/Jankovic-BIA-nije-dostavljala-podatke-pri-izboru-sudija->>>
- TV B92** (2008). "BIA znala gde je Karadžić ". *Politika online*, 28. septembar, pristupljeno 14. juna 2010, <<http://www.politika.rs/rubrike/Hronika/BIA-znala-gde-je-Karadzic.lt.html>>
- TV B92** (2006). "Mladić i službe bezbednosti ". *B92 net*, 5. maj, pristupljeno 14. juna 2010, <http://www.b92.net/info/vesti/tema.php?yyyy=2006&mm=05&nav_id=196715>
- Vidić, S.** (2010). "Ko (ni)je špijun? ". *Akter online*, 8. februar, pristupljeno 14. juna 2010, <<http://www.akter.co.rs/index.php/politikaprint/2207-blamaa-srpske-tajne-slube.html>>

Author's interviews

Electronic correspondence for the requirements of this paper, between the Author and Messrs. Svetko Kovač and Marko Lopušina;



Governance by conditionality, network governance or both? Studying EU internal security policies in the Western Balkans

Florian Trauner¹

The author is a Political Scientist at the Institute for European Integration Research of the Austrian Academy of Sciences (OEAW).

original scientific article

UDK: 327.56::351.88(4-672EU) ;005.575/.582:351.862/.863(497-15)

Abstract

This paper aims at analysing the EU's internal security strategy in the Western Balkans through an 'external governance' lens, differentiating between external governance by conditionality and network governance. It is argued that network governance has gained importance in the EU-Western Balkans relations, yet rather as a compliment than a replacement of the EU's governance by conditionality. In ensuring external influence, the EU has strongly relied on the leverage that has derived from the incentive of future membership. The EU's conditionality approach was strengthened by using the incentive of visa liberalisation to encourage comprehensive reforms in the justice and home affairs sector. In terms of network governance, the EU has sought on the one hand to foster the operational cooperation and networking between the EU and Western Balkans, and on the other hand to create regional cooperation structures and networks within the region.

Keywords: EU, Western Balkans, justice and home affairs, governance by conditionality, network governance

Introduction

EU internal security policies have become of particular relevance in the context of the Stabilisation and Association Process for the Western Balkans for two reasons. Whereas the

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

N^o 18 • JULY - SEPTEMBER 2010

¹ Florian.Trauner@oeaw.ac.at

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

first strategic interest of the EU has been to improve the situation in the region and to assist these states in creating effective and accountable law enforcement institutions and improving their border control and migration management systems, the second has concerned the prevention of insecurity spillovers from the Western Balkans. This paper aims at analysing the EU's internal security strategy in the Western Balkans through an 'external governance' lens.

In the context of the Eastern Enlargement, a rich body of literature emerged on EU external governance, seeking to theorize how the EU can make candidate countries comply with its internal rules and policies (for an overview, see Sedelmeier 2006). The rational institutionalist argument proved to have particularly strong explanatory power by emphasizing that adherence to EU rules prior to accession is mainly driven by the use of conditionality, meaning that the EU sets its rules as conditions which the applicant country has to fulfil in order to receive rewards (Schimmelfennig and Sedelmeier 2004; Dimitrova 2002; Grabbe 2003; Vachudova 2005). In more recent years and most often focusing on the European Neighbourhood Policy, other scholars have suggest looking at the role of transgovernmental networks in replacing more hierarchical modes of policy transfer (Lavenex 2004, 2008; Lavenex and Wichmann 2009). The extension of established EU transgovernmental networks to neighbouring countries is proposed as an alternative form of external governance, since external governance by conditionality presupposes the existence of a clear supranational *acquis* and strong external incentives on parts of the Union - two factors which are not necessarily in place in the JHA *acquis* and the European Neighbourhood Policy, respectively. Extended network governance might therefore become a "vehicle for policy transfer through 'softer means'" (Lavenex and Wichmann 2009: 83).

The argument which this paper advances is that this form of network governance is also of relevance in the regional setting of the Western Balkans, yet rather as a compliment than a replacement of the EU's governance by conditionality. Contrary to the European Neighbourhood Policy, which has been the main area of interest of this branch of scholarly research, in the Western Balkans the EU enjoys the leverage that it derives from the incentive of future membership. It makes a major difference in the day-to-day interactions



whether or not the EU cooperates in the field of justice and home affairs with a third country that has the prospect to become a future member state.² The establishment of operational cooperation between the EU and the Western Balkans is framed as an integral requirement of the Stabilisation and Association Process and as a pre-condition to prepare for membership, a point which is well reflected in the EU's external JHA strategy of December 2005. "The prospect of enlargement is an effective way to align with EU standards in justice and home affairs in candidate countries and those with a European perspective, both through the adoption and implementation of the *acquis* and through improvements in operational contacts and co-operation" (Council of the European Union 2005b: 6).

The importance of governance by conditionality...

When the European Union initiated its regional pre-accession strategy, it defined that conditionality shall be "the cement of the Stabilisation and Association process" (Council of the European Union 2001b: Point III). Providing them with the status of potential candidate countries for EU membership, the EU maintained that the progress of each Western Balkan country in the step-by-step process towards eventual EU membership should depend on the respective performance in terms of meeting the 1993 Copenhagen criteria and other country-specific conditions. So far, only Croatia and Macedonia have managed to shift their status from potential to real candidate countries in June 2004 and December 2005, respectively. In its judgments whether or not a country qualifies for the next stage of the EU accession process, the EU has placed the strongest emphasis on the issue of delivering war crime suspects to the International Criminal Tribunal for the former Yugoslavia (ICTY). Still, some JHA-related requirements such as the reform of the police and the justice system and the fight against organised crime have ranked high in the EU's assessments. The lack of progress in police reform, for instance, was one of the reasons why the EU refrained for some years from signing a Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina. These agreements are at the centrepiece of the Stabilisation and

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

² Confidential interview, European Commission, DG Justice, Liberty, Security, 18 March 2009.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Association Process and establish a formal contractual relationship with the Union over the transitional period considered necessary to adopt core EU standards and rules (Pippan 2004: 233-38). Each SAA involves a specific title on justice and home affairs, which provides for intense cooperation on issues such as preventing and combating crime and other illegal activities, migration and asylum, money laundering and illicit drugs.³

In view of the European perspective, the Western Balkan states are expected to progressively come closer to the relevant *acquis* and to initiate comprehensive reform programmes for the police, border guards and justice system, among others. The EU has encouraged the Western Balkan states to place a particular emphasis on four priority areas (police, public order and organised crime; integrated border management; judiciary reform; and asylum and migration) and to fight all forms of trafficking - human beings in particular - as well as the smuggling of drugs, arms and goods (Council of the European Union 2003a: 2). The specific priorities in the field have differed, however, and are defined for each country in so-called European or Accession Partnerships.⁴ The progress of the countries towards implementing the short- and medium-term priorities of the Partnerships is monitored by the European Commission, which publishes the results in annual country Progress Reports.

The Council of the EU can provide further guidance in the EU-Western Balkans JHA ministerial meeting, usually conducted once a year, and through initiatives of the rotating presidencies. In November 2002, the EU invited the Western Balkans to a conference on organised crime in Southeastern Europe. The London Statement set out a "joint commitment" to defeating organised crime in Southeastern Europe and committed the Western Balkans to individually submit records of achievements (The London Statement 2002). The focus on organised crime was further strengthened at the EU-Western Balkan summit in Thessaloniki in June 2003. Under the heading "Fighting organised Crime. Co-operation in other Justice and Home Affairs matters", the Thessaloniki agenda emphasised the growing importance of JHA matters in EU-Western Balkans relations. The document "urged the countries of the region to define and implement further spe-

³ Macedonia was the first to sign such an agreement, in April 2001, quickly followed by Croatia (October 2001). The other states signed the SAA in more recent years (Albania in June 2006, Montenegro in October 2007, Serbia in April 2008 and Bosnia and Herzegovina in June 2008).

⁴ Due to their advanced status, Croatia and Macedonia were provided with Accession Partnerships. The major difference between a European and an Accession Partnership is that the latter is structured according to *acquis* chapters, not according to short- and medium-term priorities.



cific action-oriented measures to be pursued in the immediate future” (Council of the European Union 2003c). These action-oriented measures were presented by each Western Balkan state at subsequent JHA ministerial meetings, the first of which was held in November 2003. Under the Austrian presidency in 2006, the Council adopted an “Action Oriented Paper on Improving Co-operation, on Organised crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries” (Council of the European Union 2006a). In total, seven priorities were outlined for the coming years, ranging from improving regional cooperation between law enforcement, prosecutors and the judiciary over fighting corruption more efficiently, to more effective donor coordination (Ibid).

The EU’s conditionality approach in the region has been strengthened by linking the incentive of visa-free travel to the countries’ performance in curbing illegal migration and fighting organised crime.⁵ Visa liberalisation has been one of the politically most salient issues in the EU-Western Balkan relations, since the EU visa policies have confined the possibilities for Western Balkan citizens to travel into EU member states (ICG 2005). The EU has allowed these states to enter a visa liberalisation scheme and has linked visa-free travel to the fulfilment of several conditions, including measures against illegal border crossing and the spread of fake travel documents, the signing of readmission agreements, an aligned visa regime, etc. In September 2008, Serbia, Montenegro, Albania, Bosnia and Herzegovina and Macedonia signed EC visa facilitation and readmission agreements which provided these countries with facilitated travel opportunities for certain categories of the population in exchange for close cooperation in the return of illegal migrants and rejected asylum seekers (Trauner and Kruse 2008).

After these agreements entered into force in January 2008, the EU allowed these states to enter “visa liberalisation dialogues” which are based on the understanding that if the countries meet tailor-made benchmarks outlined in country roadmaps they will gradually move towards visa liberalisation. The benchmarks set in the roadmaps are comprehensive, and according to a Council official, they are in some cases just as comprehensive (and in exceptional cases even more comprehensive) than the JHA accession conditions

**THIS ISSUE’S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁵ All Western Balkan states with the exception of Croatia were placed on the EU’s negative visa list of Council Regulation 539/2001 (Council of the European Union 2001a).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

which the Central and Eastern European countries were required to fulfil in the 2004 and 2007 enlargements.⁶ In November 2009, the JHA Council (2009a) voted in favour of abolishing the visa requirements for Macedonian, Montenegrin and Serbian citizens with biometric passports beginning on 19 December 2009, yet decided maintain visa requirements for Albania and Bosnia and Herzegovina due to insufficient progress in meeting the benchmarks. In an attempt to address the disappointment of these two states, the Council underlined that it would treat an eventual Commission visa proposal concerning Bosnia and Herzegovina and Albania as “a matter of urgency” (Council of the European Union 2009b: 17).

...and of network governance

In terms of network governance, the EU has sought on the one hand to foster the operational cooperation and networking *between* the EU and Western Balkans, and on the other hand to create regional cooperation structures and networks *within* the region. The EU encouraged these states to develop modes of operational cooperation between law enforcement agencies that are comparable to the Union’s internal interactions described in the academic literature as “intense trans-governmentalism” (Wallace 2000; Lavenex and Wallace 2005).

With regard to network governance between the EU and the Western Balkans, the EU has focused on the creation of information and implementation networks.⁷ The EU’s specialised bodies and agencies, such as the European Police Office Europol (Occhipinti 2003), were tasked to exchange and analyse information and to facilitate cross-border operational cooperation between EU and Western Balkan law enforcement authorities. Europol has developed a Western Balkans’ strategy and negotiated cooperation agreements that regulate the reception and transmission of Europol information and the conclusion of confidentiality agreements. Through exchanging information and data between Europol and these countries, the EU hoped to improve their understanding of Balkan organised crime networks and to increase their means of fighting against them (Delevic 2007: 87).

⁶ Confidential interview, Council Working Group on Western Balkans, 17 March 2009. The official named the example of establishing anti-corruption agencies, an issue area where the EU is seen to be stricter in the visa liberalization dialogue with the Western Balkans than in the accession negotiations with the Central and Eastern European countries. It is important to note, however, that this example could not be double-checked in a document analysis, as the roadmaps are treated as confidential documents and not made available to the public.

⁷ Drawing on the earlier work of Anne-Marie Slaughter, Lavenex and Wichmann distinguish between three types of networks, namely information networks, implementation networks and regulatory networks (Lavenex and Wichmann 2009: 85-86).



Europol signed a strategic cooperation agreement with Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia and an operational agreement with Croatia (Council of the European Union 2008: 8).⁸ Europol, together with the EU's border management agency Frontex, has also conducted risk assessments and determined the risk routes where joint investigation teams should operate (Council of the European Union 2006a: 10). The information channels were further strengthened by asking the member states' liaison officers to provide information for Europol's threat assessments on organised crime in the Balkans. This network of immigration officers, which the EU started to build up in 2001 (as the first such network worldwide), was supposed to establish closer contacts with the authorities of the region "with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration" (Council of the European Union 2004). In 2003 the Council suggested broadening the agenda of the liaison officers to cover all areas of organised crime (Council of the European Union 2003b: 5).

Implementation networks pursue the objective of assisting in the implementation of the adopted standards and EU law (Lavenex and Wichmann 2009: 86). The creation of this type of network has been an integral part of the countries' preparations for EU membership. Seminars and workshop on the fight against organised crime were held in each country and financed by the Technical Assistance and Information Exchange (TAIEX) programme. The TAIEX programme was designed to react to emerging problems, e.g. an increase of human trafficking, at short notice and covered several issue areas such as financial crime, corruption, trafficking and money-laundering measures. The overall objectives of the network activities through the TAIEX programme were to upgrade the standards of policing in the region, to strengthen the regional aspects of policing in the fight against organised crime, to improve the management of the borders and to reform the judiciary (Montanaro-Jankovski 2005: 21). By contrast, the EU's Community Assistance for Reconstruction, Development and Stability (CARDS) programme, replaced in 2007 by the Instrument of Pre-Accession (IPA), was designed to support the long-term processes of building institutions and strengthening law enforcement capacities. The area of

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁸ The strategic agreements regulate the exchange of operational and technical information but exclude the exchange of personal data.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

justice and home affairs, together with economic assistance, has been the most important areas of the EU's pre-accession funding. Of the 840 million earmarked in 2008 for the IPA component transition assistance and institution building, 33 percent was designed to "enhance governance, encourage administrative and judicial reform, strengthen the rule of law, support the fight against corruption and organised crime, promote human rights, protect minorities and develop civil society" (Commission of the European Communities 2008: 6).

When the EU launched its pre-accession strategy for the Western Balkans, it defined that each country may enter the EU on its own merits, yet European rapprochement must go "hand in hand" with fostering regional reconciliation and cooperation (see Zagreb Summit 2000). This requirement also concerned the policy field of justice and home affairs, where a lack of regional structures and networks to tackle common cross-border problems was regarded as a key problem. The EU placed a particularly strong emphasis on improving operational cooperation amongst these states. In the project "Police Cooperation Convention for South East Europe", implemented in the first six months of 2006, the participating states Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia adopted a multilateral convention for the improvement of police collaboration in the region. The official aim was to "adopt the Schengen standards in South East Europe through the conclusion of a multilateral convention" (Council of the European Union 2006b). The Convention governs the exchange of information, introduces new forms of cross-border cooperation such as cross-border pursuit, and clarifies a range of further measures such as the exchange of DNA data or the establishment of joint investigation teams.

Also, the EU supported the establishment of the Southeast European Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crime, an operative collaboration between customs and police authorities in the region. Seated in Bucharest, the SECI centre should help to fight trans-border crime in the region and is, according to Hubert Pirker, the former chairman of the Stability Pact's Initiative against Organised Crime, the attempt to set-up a "Europol for South-Eastern Europe".⁹ Similar to Europol, the SECI centre issues analyses and reports and coordinates regional operations

⁹ Huber Pirker made this statement at the conference 'Eine Strategie der Stärkung der Freiheit, der Sicherheit und des Rechts für die Menschen in der EU', organised by the Renner Institut and IDM on 13 October 2006, Vienna. The SECI centre closely cooperates with the Stability Pact's Initiative against Organised Crime (SPOC), aimed to strengthen regional capacities to fight cross-border organised crime. To permanently provide legal assistance to the SECI Centre in Bucharest, the SPOC secretariat was integrated into the legal department of SECI in January 2008.



within the frames of seven specialised Task Forces that address matters of drugs and human trafficking, stolen vehicles, smuggling and customs fraud, financial and computer crime, terrorism and container security. The centre is assisted in operational matters by a network of prosecutors called the Southeast European Prosecutors Advisory Group (SEEPAG), who seek to facilitate judicial cooperation and the exchange of information in trans-border crime investigations. The EU ministers of justice and home affairs tasked Europol to cooperate with the SECI centre (see Council of the European Union 2006c).

Conclusions

The paper has assessed the EU's strategy and foreign policy toolbox for engaging the Western Balkan countries in achieving its goals in the area of justice and home affairs, focusing on the modes of external governance in the policy field (governance by conditionality versus network governance).

The analysis has shown that the policy field of justice and home affairs has become a central area of cooperation between the EU and the Western Balkan states. The strengthening of law enforcement agencies and state institutions and the establishment of accountable and effective police, border police and judiciary systems is seen as a key to advancing the overall prosperity and stability in the region. To engage the Western Balkan states in achieving its internal security objectives the EU has developed a dual-track strategy. Providing them with the prospect of future membership, the EU has initiated a pre-accession process which aims not only at strengthening cooperation in the JHA field but also at gradually transforming these states into full-fledged member states capable of participating themselves in the European area of freedom, security and justice. The Stabilisation and Association Process has been guided by a strategy of rule transfer based on membership conditionality. This approach was strengthened by transforming the incentive of visa liberalisation into a powerful avenue of external leverage to encourage reforms in domestic justice and home affairs in the Western Balkans (see also Trauner 2009). Despite its rele-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

vance, network governance has rather served as a complement but not a replacement of the EU's governance by conditionality. In so doing, the EU has concentrated not only on strengthening its own operational cooperation with the Western Balkans, but also on actively supporting initiatives or structures (such as the SECI centre) that aim at fostering operational cooperation within Southeastern Europe.

Bibliography

- Commission of the European Communities.** Enlargement Strategy and Main Challenges 2008–2009. Brussels: COM, 674 final, 5 November 2008.
- Council of the European Union.** Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Brussels: Official Journal, L 81, 21. 3. 2001a.
- Council of the European Union.** Press Release, 2356th Council Meeting. Luxembourg: General Affairs, PRES/O1/226, 11 – 12 June 2001b.
- Council of the European Union.** EU-Western Balkans Forum. Joint Conclusions. Brussels: 15578/03, 28 November 2003a.
- Council of the European Union.** EU Action against Organised Crime in the Western Balkans. Brussels: 14810/03, 2 December 2003b.
- Council of the European Union.** The Thessaloniki agenda for the Western Balkans: Moving towards European Integration. Thessaloniki: Western Balkans – General Affairs and External Relations Council (GAERC) Conclusions, 16 June 2003c.
- Council of the European Union.** Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network. Brussels: Official Journal L 64 02 March 2004.
- Council of the European Union.** Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part. Brussels: Official Journal L 26/3, 28 January 2005a.
- Council of the European Union.** A strategy for the External Action of JHA: Global Freedom, Security and Justice. Brussels: 15446/05, 6 December 2005b.
- Council of the European Union.** Action Oriented Paper on Improving Cooperation, on organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries. Brussels: 9272/06, 12 May 2006a.



**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

- Council of the European Union.** Police Cooperation Convention for South East Europe. Vienna: Press Release of the Presidency of the European Union. 3 – 4 May 2006b.
- Council of the European Union.** Presidency Statement on the EU-Western Balkan Forum on Justice and Home Affairs. Tirana, 16 and 17 November 2006c.
- Council of the European Union.** Second report on the state of implementation by Member States and EU bodies of Action-Oriented Paper on Improving Cooperation on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, the Western Balkans and relevant ENP countries. Brussels: 8827/1/08, 8 May 2008.
- Council of the European Union.** Council Regulation amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Brussels: 2009/0104(CNS), 24 November 2009a.
- Council of the European Union.** Press Release. 2979th Council meeting Justice and Home Affairs. Brussels: 16883/1/09 REV 1, 30 November and 1 December 2009b.
- Delevic, Milica.** „Regional cooperation in the Western Balkans.“ *Chaillot Paper* No 104, July 2007, Paris, 2007.
- Dimitrova, Antoaneta.** „Enlargement, institution-building and the EU's administrative capacity building.“ *West European Politics* 25(4), 2002: 171–98.
- Grabbe, Heather.** Europeanization Goes East: Power and Uncertainty in the EU Accession Process. In: Featherstone, K. and C. M. Radaelli. (eds.). *The Politics of Europeanization*. Oxford: Oxford University Press, 2003: 303–31.
- ICG.** „EU Visas and the Western Balkans.“ *Europe Report* Nr 168 – 29 November 2005, Brussels, 2005.
- Lavenex, Sandra.** „EU external governance in 'wider Europe'.“ *Journal of European Public Policy* 11(4), 2004: 680–700.
- Lavenex, Sandra.** „A Governance Perspective on the European Neighbourhood: Integration beyond Conditionality?“ *Journal of European Public Policy* 15(6), 2008: 938–55.
- Lavenex, Sandra and William Wallace.** Justice and Home Affairs In: Wallace, Helen, and William Wallace, Mark. A. Pollack. (eds.). *Policy-Making in the European Union. Fifth Edition*. Oxford: Oxford University Press, 2005.
- Lavenex, Sandra and Nicole Wichmann.** „The external governance of EU internal security.“ *Journal of European Integration* 31(1), 2009: 83–102.
- Montanaro-Jankovski, Lucia.** „Good cops, bad mobs? EU policies to fight trans-national organised crime in the Western Balkans.“ EPC Issue Paper No. 40, Brussels, 2005.
- Occhipinti, John D.** *The politics of EU police cooperation: toward a European FBI*, Boulder CO: Lynne Reinner, 2003.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

- Pippan, Christian.** „The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality.“ *European Foreign Affairs Review* 9, 2004: 219–45.
- Schimmelfennig, Frank and Ulrich Sedelmeier.** „Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe.“ *Journal of European Public Policy* 11(4), 2004: 661–79.
- Sedelmeier, Ulrich.** „Europeanisation in new member and candidate states.“ *Living Reviews in European Governance* 1(3), 2006. <<http://european-governance.livingreviews.org/Articles/lreg-2006-3/>>
- The London Statement.** „Defeating Organised Crime in South Eastern Europe.“ 25 November 2002, London, 2002.
- Trauner, Florian.** „From membership conditionality to policy conditionality: EU external governance in South Eastern Europe.“ *Journal of European Public Policy* 16(5), 2009: 774–90.
- Trauner, Florian and Imke Kruse.** „EC Visa Facilitation and Readmission Agreements: A New Standard EU Foreign Policy Tool?“ *European Journal of Migration and Law* 10(4), 2008: 411–38.
- Vachudova, Milada Anna.** *Europe Undivided: Democracy, Leverage and Integration after Communism.* Oxford: Oxford University Press, 2005.
- Wallace, Helen.** „The policy process. A moving pendulum.“ In: Wallace Helen and William Wallace. (eds.). *Policy-making in the European Union.* Oxford: Oxford University Press, 2000: pp. 39–64.
- Zagreb Summit.** „The Declaration of the Zagreb Summit.“ Zagreb, 24 November 2000.



Who are we? Development of the discourse on NATO in Serbian parliaments as a manifestation of a battle between opposing strategic cultures

Zorana Brozović¹

Researcher at the Belgrade Centre for Security Policy

review article

UDK: 355.02(497.11)"2000/2008"

Abstract

This paper will discuss a discourse on NATO that developed in Serbian Parliaments in the period 2000 - 2008. The main argument of this paper is that the opposing discourses about NATO are a manifestation of the differing strategic cultures existing in Serbia. Discourses as analytical units were constructed based on the empirical material – stenographic recordings of parliamentary sessions and statements of the political elite as transmitted by media. The first discourse promoted cooperation with NATO; it prevailed before end of 2007 and was a part of civil-democratic strategic culture underpinned with the values and norms of European political heritage. The second discourse is a part of the strategic culture of national-liberation advocating the independence, reliance on own resources and civilisational ambivalence. The actors of this discourse oppose the establishment of cooperation with NATO and this discourse became mainstream in the end of 2007 when the Resolution to declare military independence was adopted in the National Assembly.

Key words: *discourse, representations, the Parliament, NATO, Serbia*

Introduction

The subject-matter of this paper is the discourses on NATO that developed in Serbian Parliaments in the period 2000 - 2008.² In this paper we have used the framework of discourse analysis so as to

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹ zorana@ccmr-bg.org

² In the period 2000 – 2003, the Assembly of FRY was responsible for the development of defence policy, in the period 2003 – 2006 it was the Assembly of S&M, and since 2006 to date the National Assembly of the Republic of Serbia has been responsible.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

gain a better understanding of Serbian security policy towards the NATO alliance. We have opted for Foucault's definition according to which a discourse is a way in which a particular subject-matter is perceived in a particular period, with a decisive place in constituting the identity and social beliefs (Larsen, 1997: 16). It is not a causal relationship that is under observation in this approach; we want to show "the importance of discourses" in political decision-making (Hansen, 2006: 25). Main argument of this paper is that the discourse on NATO is a part of a wider discourse on the place of Serbia in the European family of nations. The empirical material that was used in this paper consisted of the segments from the sessions of the SR Yugoslavia Assembly, Assembly of Serbia & Montenegro, and the National Assembly in the period 2000-2008, in which national deputies debated, inter alia, on NATO. The analysis included the speeches made by Prime Minister Vojislav Koštunica since Democratic Party of Serbia, which he leads and which played major role in three post-2000 governments, did not take active part in parliamentary debates. We have also included the statements about NATO which the representatives of mainstream politics gave for printed media, which the Administration for Public Relations of the Republic of Serbia Ministry of Defence collected in the period 2003-2007. The analysis included only the above mentioned statements since the representatives of the parties which created the official policy towards NATO were not active in the parliamentary debates about this alliance to the extent which would allow for drawing any conclusions about the positions they took.

Discourses on NATO developed in Serbian Parliaments

Membership in the European Union was the most important foreign-policy priority for all the governments elected in Serbia after 2000 (and in FRY and S&M before that). The development and definition of the nature of relations with NATO was not a high priority in this period. Neither the political elite nor the public at large perceived the development of relations with the European Union and NATO as interconnected processes. From the very start of developing the relations with the European Union, they saw this organisation as an organisation which will facilitate the elimination of economic, but also of political and other problems in Serbia (in FRY and S&M before that). According to the research made after 2002, a greater part of the public supported the joining of the European Union whilst the support for membership in the NATO did not go beyond 30%.³ The common denominator of debates on

³ Since 2002 the Government of Serbia European Integration Office has been regularly conducted public opinion surveys about European orientation of Serbian population. In each of these surveys, majority population supported the EU integration. The highest level of support to the integration was manifested in December 2003 (72%), and the lowest in May 2009 (59%). See more details at: <http://www.seio.gov.rs/code/navigation.asp?id=89>.



possible accession of Serbia to the European Union and NATO is that they are not based, not even eight years after the overturn of regime, on rational arguments. This means that since 2000 to this date no analysis has been made that would contribute to the establishment of economic, political, security, social, and other objectively-based arguments for the joining of European Union and NATO or against it. The political elite advocated the security cooperation within the “Partnership for Peace” programme but it was not clear from the politicians’ statements whether this programme is connected with the NATO Alliance and how.

After 2000, the Parliaments have been seeing two discourses on NATO that have fought for dominance. They are based on two representations: one promoted cooperation with NATO and was prevailing before end of 2007, and the second was against the cooperation with NATO and became mainstream when the National Assembly adopted the Parliamentary Resolution on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia.

*The discourse promoting the establishment
of cooperation with NATO*

The actors of the discourse promoting the security cooperation after 2000 were the members of the ruling Democratic Opposition of Serbia (DOS), primarily the representatives of the Civil Alliance of Serbia and the Democratic Party. Serbian Movement for Renewal also advocated the cooperation with NATO. In the parliament elected in 2007 (it was in place until end of the period under review) the advocates of cooperation included G17 Plus, which was a part of the ruling coalition, the opposition Liberal-Democratic Party, and the minority Alliance of Vojvodina Hungarians. The Democratic Party deputies did not take part in the debates this parliament had about NATO, but in the end of 2007 they did vote for the National Assembly of the Republic of Serbia Resolution on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia by which military neutrality was declared.

Before 2004, the proponents of the security cooperation spoke solely about the cooperation within the “Partnership for Peace” programme. Their statements do not allow for making any conclusions about what is the nature and significance of joining this programme for Serbia; moreover, it is not clear how is this programme a part of the NATO Alliance. The actors of the discourse promot-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

ing the security cooperation normally do not speak explicitly about NATO. In the parliamentary debates making up this survey sample, they have used the word “NATO” 35 times, half as often as the opposers of cooperation. The use of the phrase “European Union” was in inverse proportion: the proponents of cooperation used this word 20 times, and the opposers only 3 times. In parliamentary debates, only Vuk Drašković, the foreign affairs minister in the period when Serbian cooperation with NATO was at its highest (2004 - 2007), spoke explicitly about the cooperation of NATO. In the parliament which has been in place since 2007, the cooperation with NATO was explicitly spoken about by G17 Plus, which is a part of the ruling coalition, and the opposing Liberal-Democratic Party, as well as the minority Alliance of Vojvodina Hungarians.

Based on the statements made by the proponents of cooperation with NATO we can draw a conclusion that the discourse advocating cooperation with NATO builds links between Serbia (S&M, FRY), Euro-Atlantic integrations, and the European Union. Key political message of this discourse is that joining of the European Union is the ultimate foreign-policy goal of the state and that security cooperation, primarily within the “Partnership for Peace” programme, and cooperation with NATO, is an instrument to facilitate the achievement of this goal. This argument is present throughout the period under review.

Several cooperation-related topics are present in this discourse. Several arguments were mentioned in favour of cooperation within the “Partnership for Peace” programme. The proponents of security cooperation believe that such cooperation will contribute to the much more favourable international positioning of Serbia but do not clearly say what this actually means. The most common economic arguments in favour of cooperation include the increase of investments and living standards, as well as a more intense growth of military industry. Security-related arguments in favour of cooperation refer to more efficacious responding to security threats and improvement of national security and regional cooperation. Throughout the period under review, the actors from the top of party hierarchy who were in the position to define Serbian policy towards NATO spoke about cooperation with NATO. Most commonly, these included the ministers of interior and defence ministers. They use several discursive strategies in their attempt to get on their side the widest audience possible. The legitimisation strategy, namely the fact that the speakers rely on actual facts and try to be objective and rational, should bring round as many listeners as



possible (Chilton, 2004: 111-118). A weak point of this discourse is that actors do not operationalise cooperation, namely they do not speak concretely about any obligations of the state, and neither do they speak about the gains (in foreign affairs, security, or other) which the state made within this cooperation, or about what position this cooperation would have in the foreign relations of Serbia. This means that the actors of this discourse resort to the discursive strategy of 'leaving it unspoken'. Another weak point of this discourse is the fact that, in their statements, its actors did not address the actors of the opposing discourse and did not develop the strategy(ies) to defend this discourse from attacks.

The proponents of cooperation with NATO did not, from the beginning of the period under review, speak about how they see NATO as an actor in international relations. It was only Dragan Šutanovac, the Defence Minister that spoke about it since May 2007. He thinks that this alliance is among the most important and most influential actors in international affairs. He represents NATO not only as a military, but in the first place as a political-economic organisation. This is illustrated by the following statement of his: "I see NATO as an organisation which has a military image but is actually an economic-political organisation with huge potential to provide support to the potential candidate countries" (Mušicki, 2007). He added that NATO is an organisation made up of the most developed and most influential states, which is a reason why he believes that Serbia should be a member of this organisation (Danas, 2007). The proponents of cooperation within NATO from the ranks of Liberal-Democratic Party, and Alliance of Vojvodina Hungarians and G17 Plus (which was a part of the ruling coalition) were of the opinion that it is necessary for Serbia to cooperate with NATO if it wants to join the European Union. Their argument was that NATO is the most influential military alliance and that it does not have any alternative and that it will contribute to the faster joining of the European Union. Contrary to the representatives of the Democratic Party and the Civil Alliance of Serbia, these actors spoke explicitly about NATO. They underlined that, with regard to capacity, Serbia is very different from militarily neutral states. The fact that all countries in the region are already members or strive to become members of this alliance was an additional argument in favour of establishing the cooperation with and joining NATO. These actors call the proponents of the idea of neutrality the opposers to Serbia's joining the European Union.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

WESTERN BALKANS SECURITY OBSERVER

*The discourse opposing the establishment
of the cooperation with NATO*

The actors of the discourse which, after 2000, opposed the cooperation with NATO were the national deputies from the opposition political parties, Socialist Party of Serbia and Serbian Radical Party. After 2007, the debate on NATO was joined in by the Democratic Party of Serbia whose deputies did not take active part in the debates about NATO taking place in the Parliament. As opposed from the proponents of security cooperation, the representatives of this discourse spoke about NATO explicitly. In parliamentary debates, the actors of this discourse never use other terms when they speak about cooperation with this alliance and, without exception, they refer to NATO using its actual name. They rarely speak about other organisations such as the European Union, which was mentioned three times, or “Partnership for Peace” programme, which was mentioned six times. The stance taken by the Socialist Party of Serbia representatives is more moderate than that of the Serbian Radical Party representatives. The Socialist Party of Serbia representatives refer to NATO as the “aggressor”,⁴ and the Serbian Radical Party deputies even use pejorative terms and refer to NATO as the “gendarmerie”,⁵ being of the opinion that “this [NATO] is not an army but rather a crowd, a gang of murderers, thieves and adventurists”.⁶ Every time the opposition deputies take floor, it is clear that the key political message of their discourse is that Serbia should not join NATO and should not cooperate with this alliance.

Key elements of the discourse that opposes the cooperation with NATO are Serbia (FRY, S&M), NATO, and the West. These elements are interconnected in a discourse as follows: typical for Serbia, in the opinion of the actors of this discourse, is that “it refuses to humble itself, it strictly follows the law and refuses to bend under the force“, and the state and national interest is not to join any military alliance (Koštunica, 2008: 210-211) Main characteristics of the Army of Serbia (FRY, S&M) are its long tradition, honour and patriotism. A significant room in this discourse is given to the connection between NATO and the West. In this triangle, the role of NATO is to protect the interests of the West. The West consists of Europe (meaning, in the first place, the countries of the Western Europe and the European Union) and USA. The European Union and USA are not given the same rank (the rank of the European Union is seen as being inferior), but they are both deemed to be on the same side. NATO is the USA’ instrument for the accomplishment of their strategic interests on the Balkans and the

⁴ Veljko Odalović, Socialist Party of Serbia (SPS) deputy. Cf.: Stenographic recording from the 29th session of the S&M Assembly held on November 4, 2004 and November 18, 2004

⁵ Tomislav Nikolić, SRS deputy . Cf.: Stenographic recording from the 41st session of the S&M Assembly held on October 28 and November 4, 2005

⁶ Ognjen Mihajlović, SRS deputy . Cf.: Stenographic recording from the 41st session of the S&M Assembly held on October 28 and November 4, 2005.



independent Kosovo stands out from among the most important interests in the period in question. This is illustrated by the words of the Prime Minister Vojislav Koštunica: “USA are knowingly sacrificing the state and national interests of Serbia and existential interests of Kosovo Albanians only to create a quasi-state in which NATO pact would be, as it is said in Annex 11 of the Ahtisaari Plan, the ultimate authority in the purportedly independent Kosovo.” (Stenographic recording from the 7th meeting of the Second Regular Session of the National Assembly of RS, 2007).

Several topics feature in this discourse. An obstacle to the establishment of stronger cooperation is made by the fact that NATO bombarded FRY in 1999. The actors of this discourse mention economic arguments against the cooperation believing that possible membership in NATO would result in an enlargement of the armament costs and a decrease in the engagement of local military industry. The major security argument against cooperation is the belief that the joining of NATO would increase the probability of terrorist attacks in the territory of Serbia. Throughout the period under review, the opposers of cooperation with NATO underline that this alliance fails to fulfil its mandate in Kosovo and Metohija. Finally, the danger of losing the sovereignty is a significant argument against cooperation with NATO. The actors of this discourse resort to several discursive strategies in order to appeal to the widest possible audience. The opposers of cooperation use the delegitimisation strategy to present NATO and the actors of adversary discourse in a negative context (Chilton, 2004: 111-118). Underlining that cooperation with NATO is in contravention with moral principles, the actors of this discourse attempt to further legitimise their position with regard to NATO. The opposers of cooperation with NATO resort to the discursive strategy of victimisation and monopolisation of the victim status to stress that the role Serbia plays in the conflict with world powers is that of the victim, which justifies the conclusiveness of their views on cooperation with NATO. The deputies of the Serbian Radical Party used the strategy of historical analogy to put the “equal” mark between the signing of S&M and NATO agreement on the arrangements for free transit to support peace operations and the Trilateral Pact signed by the Kingdom of Yugoslavia and fascist Germany in WWII. By doing this they tried to further delegitimise both the Government and NATO.

The actors of alternative discourse offer two alternatives to the cooperation with, and possible joining of, NATO. The Serbian Radical Party representatives openly advocate the establishment of stronger cooperation with Russia whose support they expect to see in the diplomatic battle for keeping Kosovo and Metohija within

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

WESTERN BALKANS SECURITY OBSERVER

the territory of Serbia. According to what was said by the Serbian Radical Party deputy Tomislav Nikolić, it is not possible to, at one and the same time, cooperate with Russia on one hand, and the European Union, USA and NATO on the other hand: "If Mr. Koštunica now says that we have got friends abroad who defend Kosovo and Metohija within the territory of Serbia, what does that make the other ones? What is the counterpart of word 'friend' – it is 'enemy'. America is our enemy, the European Union is our enemy, or is Russia our enemy? Let's settle this matter now, let's vote whether Russia is our enemy or is it America that is our enemy. They cannot both be our friends. One of them is snatching from us, the other is defending us. Who's our friend then? What friends can we have in NATO? NATO is our friend, isn't it?! Ohio is our friend?! All this sounds only too well. We will make every effort to be in NATO but what we need is the Russian veto! If *you* are schizophrenic, *we* are not. Our brain is not split up that much. We have a common sense to distinguish between a friend and an enemy... Were it not for Russia, would you now stand so firmly on your feet? No, you would not. Have a little respect for that position that Russia took. There can be no negotiations with EU as long as we have Russian support to defend Kosovo and Metohija. There can be no mentioning of NATO when Russia is the essential factor in our battle for K&M. You are simply not allowed to make Russia angry" (Stenographic recording from the 7th Extraordinary Session of the National Assembly of the Republic of Serbia, 2007).

Second alternative is the neutrality in respect of the existing military alliances which was, in the end of 2007, adopted by the majority vote in the National Assembly of the Republic of Serbia.

The opposers of cooperation with NATO present NATO as a military organisation in the first place. They hold that NATO is an aggressive military alliance. It is seen as the initiator of conflicts and as an obstacle to the establishment of cooperation between states. The 1999 bombing campaign on S&M takes a significant place in this representation. What NATO does is in contravention with the values nurtured in Serbia – freedom, justice, and cooperation, and joining NATO would compromise the territorial integrity and sovereignty of the state in deciding about the deployment of army.

Contrary to the representatives of the differing discourse, the representatives of the discourse that opposed the cooperation spoke unambiguously about NATO. What is even more important, this discourse has established the relations with importance concepts, primarily with the state as the most important concept for both of the discourses. The adversary's position that cooperation with NATO would compromise the sovereignty of the state territory as



well as the sovereignty in deciding about the deployment of army, was convincing enough, particularly if account is taken that, for the representatives of the opposing discourse, this cooperation is “just” a shortcut on the road to the European Union the end of which is still out of sight. The discourse that opposed cooperation with NATO has also established the relations between the key political message and the values of freedom, justice, and cooperation, which Serbia nurtures, underlining that cooperation with NATO compromises these values. The proponents of cooperation with NATO did not discuss the values which Serbia as a state needs to abide by – therefore, this discourse is less persuasive.

The discourse on NATO and the strategic culture

Since the overturn of the regime in 2000, the discourse whose actors advocated security cooperation was the mainstream one. This conclusion is suggested, *inter alia*, by the S&M Defence Strategy, the most important strategic document from the period of joint state which the S&M Assembly adopted in the end of 2004. This document is important because it will remain the only document expressing that the state has committed itself to cooperation with NATO. The Strategy explicitly mentions that S&M is committed to establishing security cooperation by joining NATO and the “Partnership for Peace” programme.⁷

The strategic turnaround point came in the end of 2007 when the National Assembly of the Republic of Serbia adopted the Resolution on the Protection of Sovereignty, Territorial Integrity, and Constitutional Order of the Republic of Serbia to declare military neutrality. The adoption of this Resolution was made possible by the until-then proponents of security cooperation. Namely, the deputies of the Democratic Party voted for it even though it was not in line with their previously expressed views. Therefore, until-then alternative discourse became mainstream.

In the parliamentary debate that preceded the adoption of the Resolution, the deputies of Democratic Party were not active, and only the representatives of G17 Plus, as a part of the ruling coalition, Liberal-Democratic Party, and minority Alliance of Vojvodina Hungarians were against neutrality and for continuation of cooperation with NATO (Stenographic recording from the 7th meeting of the Second Regular Session of the National Assembly of RS, 2007). In the period before Kosovo declared independence and after it, the debate on NATO was joined in by Democratic Party of Serbia and Vojislav Koštunica the Prime Minister of Serbia who

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁷ The section of the Strategy that defines security and defence interests mentions that “accession to Euro-Atlantic integrations, the European Union and other international organisations and institutions” is a vital security and defence interest. This interest is mentioned at another place, immediately following the defence of S&M. This document also mentions that the goals of the defence system include “cooperation with the members states of the “Partnership for Peace” programme, NATO alliance and other states and alliances”. Cf.: *S&M Defence Strategy*, “Official Gazette of S&M”, No. 55/2004.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

sided with the opposers to joining NATO. This was a very important political event considering that this political party did not take part in parliamentary debates on NATO before the second half of 2007 and that it was only seven years after the democratic changes and their participating in power that they disclosed their views on this Alliance. This, inter alia, means that political parties' security related programme standpoints have not been of critical importance for making ruling coalitions after 2000, and that they were not a subject-matter worthy of any disputes with other parties in the Government.

The lack of involvement with regard to NATO subsisted in 2008 and 2009. The National Security Strategy and the Defence Strategy, the documents adopted in 2009, did not specify whether Serbia wishes to have cooperation with NATO or not. The related viewpoint, however, was revealed in a former draft, made in January 2007 by an expert team gathered round the President of Serbia Boris Tadić, indicating the joining of NATO as one of the goals in foreign relations. The National Security Strategy made known that it is a strategic commitment of Serbia to join the European Union, whilst cooperation with NATO was limited to taking part in the "Partnership for Peace" programme.⁸ Neither the National Security Strategy or the Defence Strategy mention or define what military neutrality means for Serbia or in what way is the security sector to implement the neutrality policy.⁹ This vagueness may, inter alia, mean that military neutrality is a transitional solution pending the change of circumstances in which joining of NATO will again be a desirable form of integrations. This is suggested by a statement the Defence Minister made in the beginning of 2009; namely, he said that it is possible that we will see another change in the strategic orientation towards NATO. He believes that the pace in which the way of thinking shifts closer to the EuroAtlantic values is faster in the Army than in the general public and that professionals "are aware that they cannot be a deserted island in the middle of the sea called NATO" (Vreme, 2009).

The analysis of discourses on NATO indicates a conclusion that a battle is being fought in the political arena. The fact that there are two discourses on NATO, underpinned by two representations, suggest that the discourse on NATO is highly politicised, or politically open (Neuman, 2009: 74–75). This means that the two representations are engaged in battle and incessantly dare each other. Such a finding confirms the existence of a fissure in the operation of the Parliament is probably a reflection of a fissure existing in the society. Political parties in Serbia cannot agree on the pace, depth, or actors of political changes, the nature of such changes and the connection between the changes and the national interests; conse-

⁸ The segment of the National Security Strategy referring to the commitments under the national security policy reads: "By acceding the NATO "Partnership for Peace" programme, the Republic of Serbia confirms its long-term commitment to contribute to shared democratic values and consolidation of regional and global security. The Republic of Serbia underlines that it strongly believes that active and substantive cooperation between the states of Western Balkans and the member states of NATO and "Partnership for Peace" is a means for lasting stabilisation and advancement of the region." Cf.: *National Security Strategy*, the Republic of Serbia Ministry of Defence, accessible at: <http://www.mod.gov.rs/cir/dokumenta/strategije/strategije.php>, withdrawn 4. 11. 2009.

⁹ Neither of these documents mentions that Serbia is militarily neutral. Cf.: Cf.: *National Security Strategy of the Republic of Serbia*, *Defence Strategy of the Republic of Serbia*, accessible at: <http://www.mod.gov.rs/cir/dokumenta/strategije/strategije.php>, withdrawn 4. 11. 2009.



quently, this reflects on the differences in the political parties' views on further development of cooperation between Serbia and NATO.

The overview of the development of discourses on NATO in the parliaments of Serbia confirms the poststructuralists' thesis that security policy should not be seen as a strategy for the defence of a state or an alliance of states; rather, it should be analysed as one of the most important practices within which the society or a community under review construct their identity (Hansen, 1997: 374). The question "Should we have a cooperation with NATO and in what way" is a part of a wider question "Who are we and which community is most important for us?" The two conflicting discourses on cooperation with NATO are underpinned by two conflicting strategic cultures.¹⁰

Based on the statements of the proponents of cooperation with NATO we can draw a conclusion that their views are underpinned by the civil-democratic strategic culture.¹¹ It is based on the belief that Europe and the West are the cultural, political and civilisational stronghold of Serbia. The representatives of this discourse promote the values and norms of the European political heritage of the individualism, democracy, liberalism, rule of law, human rights, avoidance of the use of force, and other. Civil-democratic strategic culture strives to reach internal social emancipation and international economic, political, and security integration. The strategic commitment of Serbia should therefore be the cooperation with and membership in the European Union, "Partnership for Peace" programme, and NATO. Some actors in this discourse believe that Serbia should become a part of Europe and the West (primarily the representatives of Liberal-Democratic Party, G17 Plus and Alliance of Vojvodina Hungarians) regardless of the conflict that marked our recent past. Some actors (representatives of Democratic Party) are prepared to renounce these goals so as to maintain the political unity, whilst other (representatives of Democratic Party of Serbia) assume a discourse of national-liberation with regard to security topics.¹²

Civil-democratic strategic culture is stronger when the pressure of state institutions and political elites on civil and political freedoms of individuals and civil society is more intense. Accordingly, the discourse that promoted cooperation with NATO was strongest in the period after the overturn of the regime. That was when civil-democratic discourse was at its highest since it was spurred on by, still closely felt, experience of living in a political order that grew more and more authoritarian in the course of 1990s.

The opposers of cooperation with NATO are the representatives of strategic culture of national-liberation, which is a product

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹⁰ In this paper we will accept the definition of strategic culture given by Kery Longhurst. According to her, strategic culture is "a distinctive body of beliefs, attitudes and practices regarding the use of force, which are held by a collective (usually a nation) and arise gradually over time, through a unique protracted historical process". According to: Toje, Asle. 2010. Strategic Culture as Analytical Tool. History, Capabilities, Geopolitics, and Values: the EU Example. *Security of Western Balkans No. 14(4)* (July - September 2009): 3-23.

¹¹ More detail about civil-democratic strategic culture: Ejodus, 2008.

¹² See more detail about modern political parties and cultural fissure in: Ejodus, 2008: 80-83.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

WESTERN BALKANS SECURITY OBSERVER

of multi-century battle and striving of Serbian nation to emancipate itself from foreign invaders and large empires occupying the territory of the South-Eastern Europe.¹³ In the discourse on NATO, the actors expressed main axiomatic beliefs of this strategic orientation.

In the first place, this implies the independence and resistance, namely a belief that the powerful ones want to smother the liberty of Serbian people because it prevents them to realise their interests (Ejdus, 2008: 77). According to the actors of this discourse, cooperation with NATO is impossible because this alliance and its members impede the achievement of the interests of Serbia, particularly the maintenance of territorial integrity and sovereignty. In the system of collective security, Serbia would be given a role of the victim and it cannot allow that to happen, regardless whether it has good cooperation with other European countries or not. A possible joining of this alliance would mean that Serbia will take part in aggression against other countries and nations. This view is particularly advocated by the deputies of Serbian Radical party. They believe that, if it were to take part in NATO operations, the Army of Serbia would be given a role of stool pigeons. This is illustrated by what the Serbian Radical Party deputy Božidar Delić said during a debate on the Proposal of the Law Amending the Law on the Army of Yugoslavia: “What will those peace operations be and in which countries will our troops go but in those in which America, i.e. NATO, starts a war. Our troops should play a role of stool pigeons. And it is already playing such role. Our army is getting ready to serve the Americans, i.e. NATO” (Stenographic recording from the 32nd meeting of the S&M Assembly, 2004).

Using this metaphor they want to highlight that, for the Army of Serbia, taking part in peace operations would in the first place mean sacrificing, but also the passivisation, namely exclusively execution of a third party’s orders (this primarily refers to the interests of USA).

The second belief, the idea of self-importance, also defined as “be and remain master of your own land”, is omnipresent in the statements of the opposers of cooperation with NATO. In their opinion, if Serbia becomes a part of security integrations, the state’s sovereignty would be compromised. The actors of this discourse make a step beyond this and believe that even cooperation with NATO would compromise the sovereignty. This is illustrated by the statement of national deputy Vlastimir Jovanović who, in the debate on the agreement between S&M and NATO about transit arrangements to support peace operation, said that “this means that Serbia loses sovereignty over that part of its territory which will be used for transit of NATO” (Stenographic recording from the 41st XLI session of the S&M Assembly, 2005).

¹³ See more detail about national-populist/ freedom fighters’ strategic culture in: Ejdus, 2008.



The third belief, civilisational ambivalence, presupposes that the East and the West are two fundamentally different worlds which are constantly in collision and that Serbia should stay neutral with regard to this conflict (Ejdus, 2008: 78). The deputies of the opposition stressed, during the parliamentary debate, that Serbia should be militarily neutral, both with regard to friendly states and inimical states.

Strategic culture of national-liberation gets stronger as the pressures coming from the surroundings become more intense. Military neutrality has been declared before the declaration of Kosovo independence and this was one of the largest challenges for Serbian foreign policy. The opposition to Kosovo independence was a stand-point round which most influential political parties could unite. NATO supported the Ahtisaari plan for future status of Kosovo¹⁴ with which majority in the National Assembly disagreed. This has probably contributed to further intensification of the resistance to this alliance.

Conclusion

Discourse on NATO in Serbia is a part of a wider discourse on the political, social and value community to which Serbia belongs. Typical for this discourse are the events and political pressures coming from the surroundings, as well as the activity of its actors, namely their readiness to develop the arguments in favour of the political option they support. In the discourses developed during the parliamentary debates in Serbia, the view of the opposers of cooperation with NATO that such cooperation would compromise the sovereignty of the territory of the state as well as the sovereignty in decision-making with regard to the deployment of army was more convincing than the view of the proponents of cooperation that security cooperation is “just” a shortcut on the road to the European Union. Even more importantly, the discourse that opposed the cooperation with NATO has established the relations between key political message and the values of freedom, justice and cooperation which Serbia always nurtured, underlining that cooperation with NATO compromises these values. Among the proponents of cooperation with NATO, discussion on the values which Serbia as a state should respect was missing. The same is true about the operationalisation of national interests. Therefore, this discourse is less convincing.

The most important finding of this research was that the period under review saw two discourses on NATO that are underpinned by two conflicting representations about this alliance. At first sight it looks like there is no mainstream representation on NATO. That

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹⁴ See more detail in: NATO News: Alliance calls for 'speedy' Kosovo resolution, accessible at: <http://www.nato.int/docu/update/2007/06-june/e0615c.html>, withdrawn on 18. 1. 2008.

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

there is a battle between the representations which incessantly challenge each other, however, is suggested by the change in the hegemony of the discourse and, consequently, the change in the strategic orientation of Serbia. The theoreticians are of the opinion that it is hard to imagine a discourse which would be politically open for a longer time (Neuman, 2009: 74–75) and we are therefore facing the question about the outcome of the battle between the discourses with regard to what kind of policy towards cooperation with NATO is Serbia to develop. According to the theoreticians of the discourses, the representations penetrating the discourse are the product of shared experience and memory of a society. They take two forms: they can repeat or emerge in a less or more inclusive form. A more inclusive understanding of discourses and a more reliable predicting would be possible if the analysis were to be extended to a longer time period. A more comprehensive analysis should include the representations on NATO which have existed in Serbia ever since this alliance was created to this date and a more inclusive conclusion on strategic wavering could not be drawn before the answer is given about the moment when two conflicting representations about who we are and which community is most important for us appeared in Serbia and these representations are duly analysed.

Debate on the relation between Serbia and NATO will remain a significant issue of foreign and security policy in the coming decade too. The primary reason for this is the fact that all countries surrounding Serbia (except for Bosnia and Herzegovina) are already members of NATO or are on their way to become members. Membership in the European Union will surely, in the coming decade too, be a most important foreign-policy priority. It is to be expected that, as Serbia gets closer to becoming a member of the European Union, the debate on the place of Serbia in the West and its relations with international organisations would intensify. Relations between Serbia and NATO will unavoidably be a part of this debate.

Bibliography:

Chilton, Paul. *Analysing Political Discourse: Theory and practice.* London: Routledge, 2004.

Derić, Gordana. (ur.). *Intima javnosti: Okviri predstavljanja, narativni obrasci, strategije i stereotipi konstruisanja Drugosti u upečatljivim događajima tokom razgradnje bivše Jugoslavije: štampa, TV, film.* Beograd: Institut za filozofiju i društvenu teoriju: Fabrika knjiga, 2008.



- Ejdus, Filip.** „Bezbednost, kultura i identitet u Srbiji.“ *Bezbednost Zapadnog Balkana No. 7–8*, (oktobar 2007 – mart 2008): 74–75.
- Hansen, Lene.** „A case for Seduction: Evaluating Poststructuralist Conceptualisation of Security.“ *Cooperation and Conflict*, Vol. 32(4), 1997: 369–397, 374.
- Hansen, Lene.** *Security As Practice: Discourse Analysis and the Bosnian War*. Abingdon: Routledge, 2006.
- Koštica, Vojislav.** *Obrana Kosova*. Beograd: Filip Višnjić, 2008.
- Larsen, Henrik.** *Foreign Policy and Discourse Analysis: France, Britain and Europe*. London: Routledge, 1997.
- National Security Strategy** the Republic of Serbia Ministry of Defence, accessible on: <http://www.mod.gov.rs/cir/dokumenta/strategije/strategije.php>, taken over on November 4, 2009.
- Neumann, Iver B.** „Self and Other in International Relations.“ *European Journal of International Relations*. Vol. 2 (2), 1996: 139–174.
- Nojman, Iver B.** *Značenje, materijalnost, moć: Uvod u analizu diskursa*. Beograd: Centar za civilno-vojne odnose. Alexandria Press, 2009.
- Potter, Jonatan.** *Representing Reality: Discourse, Rhetoric and Social Construction*. London: Sage Publications, 1996.
- Stenographic recording from the Meeting No. 7** of the Second Regular Session of the RS National Assembly, held on December 26 and 27, 2007
- Stenographic recording from the 7th Extraordinary Session** of the Republic of Serbia National Assembly, held on July 24, 2007
- Stenographic recording from the 32nd Session** of the S&M Assembly, held on December 21 and 22, 2004
- Stenographic recording from the 41st Session** of the S&M Assembly, held on October 28 and November 4, 2005
- S&M Defence Strategy** “Official Gazette of S&M”, No. 55/2004.
- The Republic of Serbia Defence Strategy**. Accessible on: <http://www.mod.gov.rs/cir/dokumenta/strategije/strategije.php>.
- Toje, Asle.** „Strateška kultura kao analitički alat. Istorija, mogućnosti, geopolitika i vrednosti: primer EU.“ *Bezbednost Zapadnog Balkana No. 14(4)* (jul – septembar 2009): 3–23.
- Waever, Ole.** „European Security Identities.“ *Journal of Common Market Studies*. Vol. 34, No. 1. (March 1996): 103–132.
- Waever, Ole.** Explaining Europe by Decoding Discourses. In: *Explaining European Integration, Wivel, Anders*. (eds.). Copenhagen: Copenhagen Political Studies Press, 1998: 100–141.

Newspaper articles

- Mušicki, Aleksandar.** „Tadić pobeđuje i bez Koštunice.“ *Pravda*, 2007: 5–6.
- NATO News.** Alliance calls for ‘speedy’ Kosovo resolution
<<http://www.nato.int/docu/update/2007/06-june/e0615c.html>> 18. 1. 2008.
- Vreme** „Rvanje s nasleđem.“ *br. 946* (19. 2. 2009): 20.
- Šutanovac, Dragan.** Intervju. U: „NATO je najbolji standard.“ *Danas* (7. 9. 2007): 2.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

Deficiencies of the Legislative Framework of the Public Procurement in Serbia

*Slobodan Tomić*¹

PhD student of Political Science at the London School of Economics and Political Science

original scientific article

UDK: 351.712.2(497.11)

Abstract

Public procurement is very important for the public administration both in terms of its successful day-to-day functioning and the amount of public expenditure. Public procurement is also a fertile ground for corruption as government bodies can find various ways of misusing discretion when inviting and conducting tenders. The discretion cannot be entirely removed, however, it can be considerably curbed by means of various legislative and institutional solutions. The author analyses the current legislative framework in Serbia and concludes that it does not sufficiently reduce the possibility of misuse in public procurement procedures. The paper also offers, on the basis of the findings of political science about the forms of control over the work of public administration and of the best regulatory practices in the EU, solutions how to improve the protection of public interests by improving the legislative and institutional framework in Serbia. The author concludes that not only should new and different forms of control be introduced, but their work should be coordinated as well, and the work of the judiciary on the processing of corruption in public procurement improved.

Key words: public procurement, tenders, institutional control of corruption.

Introduction

The state, in order to ensure the proper functioning of the administration on a daily basis and the realisation of numerous projects, has to buy products or pay for services and construction

¹ s.tomic@lse.ac.uk



work necessary for the realisation of its plans. As government bodies engage in various activities, the goods bought on tenders are diversified – ranging from office supplies and construction work materials to trains, even planes. What makes public procurement a perfect target for corruption is the fact that through it (tender procedures for purchasing the goods needed by the state) huge amounts of money² circulate on a yearly basis. Public procurement is a particularly vulnerable area because clients (government bodies inviting for tenders) have a lot of room to misuse discretion and set up a tender, in agreement with a favoured company which becomes an accomplice in the act of corruption. According to the rough estimates made in the EU countries, the consequence of such misuse is that approximately one fifth of the total value of money circulating on their territory is in the 'grey zone' of public procurement. This percentage is certainly higher in transitional countries with weaker public institutions and Serbia is one of them.

The aim of this paper is to represent the deficiencies of the public procurement system in Serbia³. In the first section, we will look at different phases and types of tenders as well as the possibilities of their misuse according to the current Public Procurement Act (adopted in 2008). In the second section we will describe different modalities of the public administration control. They will further be elaborated in the context of the current public procurement system in Serbia. The argument here is that the existing institutional framework in Serbia does not fully apply different types of control and that it would be useful to strengthen the existing mechanisms, and also 'match' them with other available models. In the end, apart from identifying the acts of corruption, the pre-requisites should be in place for their processing. This requires a more efficient work of the judiciary which so far has had only a minor role in sanctioning the offences committed in the area of public procurement.

Three Phases of Public Procurement and Three Types of Tender Procedures

The first phase consists of the preparation and inviting for tenders, and the potential dangers of misuse are great here. A government body estimates when and what amount of goods to requisition. One of the dangers here is that a tender may be invited

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

² In developed European countries they constitute roughly 15% of GDP, and in Serbia it's even higher. Only in 2009, four billion dinars were spent on public procurement in Serbia.

³ This paper will not look at all relevant elements of public procurement (E.g. deadlines for submitting tender applications and complaints, the group of bodies regulated under the Public Procurement Act, the manner of calculating the value of some specific contracts, etc.) The paper focuses on the mechanisms for the misuse and corruption.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

for the goods which are not needed for the realisation of a project or that more goods are purchased than necessary. For example, a government agency may decide to purchase computer software and then use only one or a few options it offers that much cheaper and less complicated programmes also contain. However, this situation in itself does not constitute the violation of the bidders' rights, consequently it can be labelled 'just' as an uneconomical expenditure. In reality, it is very difficult to develop the parameters which would draw a line between wise and unwise spending.

Apart from deciding when and what will be purchased, clients also determine two key elements: *the criteria* for the assessment of the best bid (the lowest price or the most economically advantageous tender) and *the procedure* for tender (open, restricted or negotiated). If the criterion for the best bid is the lowest price – than the cheapest products will be awarded the tender. This does not happen frequently and can be applied only when highly standardised products are in question, where there is no big difference in the quality of products offered for bidding. For this reason, the second criterion is more frequently applied – the most economically advantageous bid, where, apart from the price, other characteristics are also taken into account – the ones that the client specifies in the tender documents (E.g., maintenance costs, guarantee period, the quality of products, the esthetic characteristics, etc.) A combination of different criteria is often applied and the client is obliged to specify in advance, in the invitation for tender, how the total weighted average will be calculated which adds up all individual criteria⁴. While the Public Procurement Act stipulates that the criteria must be relevant, in terms of the function of the goods submitted for tender, it is impossible to provide a systematic assessment regarding which criteria are valid for certain types of goods and services and this leaves room for the government bodies (clients) to create their own criteria. Sometimes it amounts to a personal decision or political priorities. Let us take as an example a ministry that invites a tender for purchasing an official car. We will assume that the bids will be submitted for cheaper cars with a bigger fuel consumption and for more expensive cars with a lesser fuel consumption. The bid for the first vehicle is, at the moment, more cost-effective as the price is lower, but in the long run (E.g. five years) the use of the first car becomes a more expensive option as the cost of the bigger fuel consumption surpasses the original difference in price. The ministry has absolute freedom to decide which of the two cars to buy, that is,

⁴ For example, the invitation for tender may state that the price of the product is 40%, the duration of the warranty is 30% and maintenance costs 30% of the total estimate of the offer's cost-effectiveness.



to indicate in the invitation for tender which factors have a priority and are more important than others⁵, and it can also fully justify its decision (in the first case, to save money momentarily, and in the second, to save money in the long run). To sum it up, clients have a great discretion in determining the criteria. They can misuse it when they know that their favoured bidder is strong with regard to certain criterion, and, consequently, they give them greater significance in the ponder, which is a discrimination of other bidders. This problem exists not only in Serbia, but in the EU countries as well, due to the specificity of the public procurement which leaves a great discretion to clients⁶.

Another element of the first phase of public procurement where there is a lot of room for misuse is the selection of the type of procedure: open, restricted or negotiated procedure. The client chooses between an open and restricted procedure (for which certain conditions must be met⁷), while in the case of negotiated procedure the law stipulates that the second phase of the tender must be completed.

Restricted procedure consists of two application cycles: first, all interested bidders have to provide the evidence that they are qualified to submit a tender (the qualifications or standards for the second cycle are set by the client⁸). After this, only those bidders whose qualification has been confirmed can submit their applications and thus formally apply for tender. Restricted procurement can be applied only where the object of the public procurement are “such goods, services or construction work which can be performed only by a limited number of bidders with adequate technical, human or financial resources”⁹. The restricted procedure may be applied also in cases where “the object of public procurement is the permanent purchase of goods, services or construction works that cannot be planned in advance in terms of scope and time, and may be immediately purchased or performed, and are not produced following client’s specific requests but are subject to market conditions”¹⁰. The definition of these pre-conditions for the restricted procedure is very general and imprecise, and the bidders, in most cases, can choose this option and diminish the competitive edge on the tender itself, by eliminating a number of bidders in the first phase, under the pretext that they failed to meet the qualification criteria which the client solely sets and which are often discriminatory.¹¹

In the further text, we will look at the so-called negotiated procedures that can be initiated on different grounds, the most fre-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

⁵ For example, the starting price can take 95% of the ponder, while the consumption of fuel 5%. But it can also happen that the price takes 40% and fuel 60%.

⁶ In its Directive on Public Contracts (EC, 2004), the EU defined that the criteria cannot be set in the way that favours some bidders and eliminates the others. However, this directive does not offer the guidelines that will define when the criteria are misused, which really cannot be systematically defined anyway.

⁷ Article 22. The Public Procurement Act

⁸ The qualifications may range from the official national or international certificates to certain technical characteristics of the products that are to be purchased.

⁹ Article 22. The Public Procurement Act

¹⁰ Article 22. Public Procurement Act.

¹¹ For example, a client may specify that, for performing construction work, a company should have 20 backhoes, though, in reality, not more than 10 are needed. The aim of such request may be that the favoured bidder has an advantage over others regarding the number of backhoes, and this is used as a discriminatory criterion for eliminating others.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

quently misused one being when all bids in a restricted procedure are not regular or satisfactory¹², according to the qualification criteria set in the first phase.

The negotiated procedure can be initiated with or without the invitation for a public tender. In both cases there is a lot of room for manipulation as they make possible a discriminatory elimination of the competition, while the partners, that the purchase will be directly negotiated with, are chosen arbitrarily by the bidders. The condition for entering either of the two negotiated procedures (with or without the invitation for a tender) is that the bidders who applied to the previously invited restricted tender did not have the necessary technical qualifications or did not meet any other criteria. The government bodies (clients) can then award purchasing contracts to the bidders of their own free choice. The negotiated procedure can also be conducted "in exceptional cases, where, due to the nature of construction works, goods or services, as well as the risks related to them, it is not possible to estimate the procurement value in advance"¹³. According to the provisions of the Act, a negotiated procedure without a prior invitation to tender leaves a lot of other possibilities for reaching a direct purchase¹⁴.

This type of procedure is problematic for two reasons. First, a client can deliberately invite for a restricted tender with qualification specifications so high that hardly any bidder can fulfil them. After an "unsuccessful" tender, when there is a justification for direct negotiations, the client can invite their favoured bidder for negotiations and award them the tender. Second, the provision stating that a negotiated procedure can be conducted if "it is not possible to estimate the procurement value in advance" is very vague and does not offer further recommendations, so its broad interpretation can be used as a justification. In terms of statistics, according to Predrag Jovanović, Head of the Public Procurement Directorate, this type of procedure (negotiated procedure) has been widely used in Serbia in recent years¹⁵. This is a clear indicator that, in many cases, government bodies were deliberately using this type of procedure in order to award their favoured bidders the tenders in corruptive processes. Another reason for conducting a negotiated procedure without a prior invitation to a tender can be the so-called urgency, brought about by unforeseen circumstances for which the client is not to be blamed.¹⁶ This is also largely used in practice, and the State Auditing Agency Report for

¹² What is striking is that the Act itself does not use a clear and unambiguous term to define an "inadequate" bid. In the Article 23 an "incorrect and/or unacceptable" bid is mentioned, whereas in the Article 24 the word "inadequate" is used. And while the term "incorrect" can only be interpreted as that a bid does not meet the criteria, it is questionable whether a bid labelled unacceptable or inadequate does not really meet the criteria set in the first phase, or there is another explanation for its rejection.

¹³ Article 23. Public Procurement Act.

¹⁴ Article 24. Public Procurement Act

¹⁵ Live broadcast "Kažiprst", B92, December 2, 2009. Link: <http://www.b92.fm/user/pmild/stats/>

¹⁶ Article 24. Public Procurement Act



2009 states that the questionable procurement worth nearly 100 million was mostly conducted on the basis of urgency¹⁷.

The **second phase** of public procurement – technical submission of tender documentation and the selection of bidders awarded a tender - is just an operational realisation of the elements specified in the first phase. The second phase does not leave much room for corruption and mistakes are usually made in technical activities.

Third phase – the signing of contracts and delivery of goods, rendering services or performing construction work – implies two types of risks. First, the law allows the possibility that a client may change the content or conditions of the contract with a most advantageous bidder “for objective reasons which must be specified in the tender documentation or stipulated by special regulations”¹⁸. This means that a government body, as a client, can award a tender to a company under conditions that were in effect during the invitation for tender, but later it can change some details, which, considering the current legal regulations, is not very difficult to justify. Accordingly, the price of the public procurement can be raised after the contract has been signed, or new types of goods or services can be added which the client wants to “include” in the existing arrangement. New business deals, that were not awarded a tender, can be made in this manner¹⁹. Another potential danger lies in the possibility that the company which was awarded the tender does not deliver the contracted goods, especially the works that require expertise to establish if the technical standards specified in the contract have been met. For example, a client may invite for a tender for the construction or repair of waterworks, demanding a certain diameter of the pipes. The favoured company can submit a much lower price which does not even generate profit, just to beat the competition and win the tender. After the contract has been signed, the company may, contrary to the provisions of the contract, install a completely different type of pipes, and much cheaper ones, without being punished for that, as there is no control “on the field” to prove the breach of contract obligations. Furthermore, if the client and the bidder have made a deal about everything in advance, then the client, of course, will not start the procedure for the termination of the contract.

We can conclude from these examples that the first phase has a great potential for misuse. First, when the most “benign” tenders are in question – the open tenders – a client has a great dis-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

¹⁷ Find the SAA report.

¹⁸ Article 82. Public Procurement Act

¹⁹ According to Dragan Jovanovic, Head of the Public Procurement Directorate, this is “so often the case in Serbia”. “Kažiprst”, B92, December 2, 2009. Link: <http://www.b92.fm/user/pmild/stats/>

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

cretion in setting the criteria for the best bid and can favour those bidders that are known in advance to stand a good chance regarding the criteria. Second, in restrictive procedures, the competition can be eliminated in the first round, by setting technical criteria that are difficult to meet by anyone but the favoured bidder. In addition, the procedure of direct negotiation makes possible the volunteerism in the selection of best bidders, whereas the conditions necessary for the direct negotiated procedure can be “faked“. The danger of the third phase lies in the possibility of the so-called “annexing“, that is, the change of conditions after awarding the contract, as well as in the possibility that the delivered goods do not match those listed in the contract.

Types of Control in the Public Administration

One of the solutions offered by the political science to the problem of control in public administration will be briefly described in the further text. It will be used to demonstrate how the public procurement in Serbia can be institutionally improved.

According to Cristopher Hood (Hood, 1998, p. 50), there are four types of control of bureaucracy: oversight, mutuality, competition and contrived randomness, which fit differently structured organisations. The following grid illustrates this.

LEVEL OF INTENSITY

FREQUENCY	Hierarchy	Non-hierarchical system
Continuously	Oversight	Mutuality
Occasionally	Contrived randomness	Competition

Oversight implies a relationship where an agent must seek approval from a principal who continually monitors the actions of the agent. This is the case when state bodies have to get approval of the higher authority before acting. Another type of control, contrived randomness, counts on the surprise and coincidence factors. Tax inspectors use this type of control when they randomly inspect certain objects, which is a substitute for a detailed field control of all objects. The advantage of this type of



control over the oversight is that the expenses are lower, as it is not necessary to cover all the bodies, which is often impossible. The third type of control relies on the mutuality of all participants. The rationale for this is that the individuals or individual bodies will not allow themselves to make mistakes for fear of verbal condemnation by others in their business. This form of self-control exists only in rare systems where professional values and prestige are highly developed. After all, competition means that others will aspire to work better for potential rewards (that may come in various forms).

All these ideal-types have their advantages and disadvantages. The oversight is very expensive and virtually impossible in the public procurement system, as the control of thousands of government bodies²⁰ would be inefficient and very costly. As contrived randomness counts on the coincidence factor and does not represent a systemic control, it is unclear when the principal can have relevant information about the work of the agent so that he can use these data to react in case of offence. The only solution, though limited to an extent, are the so-called “administrative procedures“ (McCubbins, Noll i Weingast, 1987), which oblige the agents to submit reports at certain intervals which contain relevant information regarding their performance (the principal decides what is relevant and what is not). This is how parliamentary boards function, by occasionally considering the reports of the bodies responsible to them. In this manner, the board members do not have to monitor the controlled bodies all the time, while, at the same time, they have a more systematic access to the information than is the case with contrived randomness. The second mechanism that could be a complement to the existing ones is the so-called “fire alarm“ (McCubbins, T Schwartz, 1984), where, in case of serious offences, the information is provided by the individuals-citizens who have a good insight into the situation, but are not employed in administrative bodies (these individuals can be an injured party, but not necessarily). The “fire alarm“ helps the authorities to get the “outside“ information if the agents try to avoid to mention their offence in the report.

Let us have another look at the public procurement system in Serbia. One aspect is the legislative framework, which defines which actions are allowed, and the other - institutional – should serve for the control and identification of offences. As far as the institutional aspect is concerned, the question is what the above-

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Nº 18 • JULY - SEPTEMBER 2010

²⁰ According to the law, this includes all institutions financed from the budget, as well as public companies and other bodies where the influence of the state is predominant (through financing, control or management).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

mentioned mechanisms of control would look like in the public procurement system and to what extent they have been used.

Systemic solutions have not been used to the fullest. The Public Procurement Directorate has competencies only in relation to the second phase of tenders, which is the least important in terms of its potential for misuse. In this sense, this body does not have an efficient administrative procedure (McCubbins, Noll i Weingast, 1987) to consider the reports on all phases of tenders and to react accordingly²¹. The only public administration body that receives reports on the public procurement is the Defence and Security Committee at the Parliament, but it deals only with the procurement in the security sector which is generally exempt from the Public Procurement Act²². Another body in charge of systemic control is the State Auditing Agency, which could be considered as inspection-type body, as it does not conduct frequent control. Its scope is currently limited by small capacities and material resources as well as by the fact that it publishes reports on a yearly basis. In addition, the SAA cannot have a “deeper“ insight into some tenders, instead it can only monitor if all procedures were fulfilled or not.

As far as the “fire alarm“ is concerned, an improvement was made with the introduction of the electronic portal for public procurement, where individual bidders can have a better and quicker insight into tenders, and, in case they notice any irregularities, they can react and press the “fire alarm“ button, that is, inform the authorities about it. That body is the Directorate for the Protection of the Bidders' Rights which functions independently but its seat is in the premises of the Public Procurement Directorate, which is illustrative enough of the state's unresolve to provide material resources for its proper functioning. Second, the “fire alarm“ would be much improved as a mechanism if whistleblowers were encouraged to report the acts of corruption. These are mostly insiders that have access to procedures and wish to react. However, the state has not created the mechanisms for the protection of the whistleblowers, not only in the case of public procurement, but in general.

Competition, as a type of control, is not applicable to those who invite tenders as the reward they get from the act of corruption is much bigger than the one obtained from professionally conducted tenders²³. Consequently, the competition, as a form of control improvement, can exist only among different institutions in charge of control which would compete among themselves for better results. The only efficient result of the competition as a con-

²¹ Government bodies are legally bound to submit quarterly reports to the Public Procurement Directorate, what, according to its Head, only one fifth does, which is a violation of legal obligations (“Kažiprst”, B92, 2 December 2009. Link: <http://www.b92.fm/user/pmilid/stats/>).

²² The justification for this is that the secrecy of data must be protected as their publication could be a threat to public security. However, this is often an excuse for not organising tenders even when the object of purchase does not endanger the national security (food and standard military equipment, office supplies, vehicles other than military, etc.)

²³ Actually, there is no reward when tenders are conducted in a regular and professional manner (not even as promotion at work).



control factor is the previously mentioned electronic portal for public procurement (www.nabavke.com), where the only reason for bidders to start the “fire alarm“ is the desire to protect their own position on the market. Therefore, some elements of the reward for government bodies which conduct regular and correct tenders, and also save considerable funds, could also be useful in improving the control of public procurement. The role of mutuality as a type of control is also minor regarding potentially corrupt clients, simply because they are not motivated by the prestige, but by material gain, and also because there is no close cooperation among the clients (the pre-requisite for the mutuality to have a control role is a “dense“ structure of participants, with intensive contacts established).

Conclusion

Apparently, the public procurement system in Serbia could be improved by improving the legislative framework, but this would only partly change the situation for the better. New institutional forms of control should be simultaneously introduced and coordinated in order to make the best possible use of every individual type of control. Generally, all control institutions suffer from the lack of resources (human and material) and these should be strengthened. Regarding individual types of control, the mechanisms pertaining to them were not used to the fullest. The so-called administrative procedure, the control which implies regular reports submitted to the authorities, has not been implemented frequently as the Public Procurement Directorate does not have the competencies to control all phases of tender procedure. The “fire alarm“, as a system, should be further improved by the promotion of the significance and legal protection of whistleblowers. As direct oversight, as type of control, is virtually impossible due to a large number of clients, it can be applied for certain “vulnerable“ types of procurement, where the opportunity for misuse is big. In these types of procurement (defined after a more detailed analysis), the central control body could conduct oversight and issue approvals before invitation for tenders. Contrived randomness exists only in the form of a yearly control carried out by the State Auditing Agency, but a regular tender inspection could also be introduced. It would also be important to carry out field inspections consisting of experts from relevant areas in order to establish whether the quality of rendered services or delivered goods matches those stated in the contract.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

The progress in the above-mentioned mechanisms guarantees better conditions for the locating and prevention of corruption. However, neither the legislative nor the institutional frameworks can be effective if the discovered cases of corruption are not processed and perpetrators are punished. This gives a key role to the judiciary, as the last and probably the most important in the chain of institutions. It is a fact that, by the end of 2009, only 27 persons in Serbia were charged with the offences committed in public procurement, out of which 26 were fined with less than 50,000 dinars. This is illustrative enough of the state's resolve to regulate this area.

The cooperation between the institutions of control and the judiciary is central to the successful fight against corruption in public procurement. Apart from the new legal solution that would set stricter conditions for procedures where the discretion of clients is too big, a closer cooperation among different bodies is also necessary in terms of institutional framework. In addition, the existing control mechanisms should be further developed and the new ones introduced.

Bibliography:

Council Directive 2004/18 of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:134:0114:0240:EN:PDF>>

Hood, Christopher. *The Art of the State*. Oxford: Clarendon, 1998.

Izveštaj DRI 2009, autorov izvor.

Law on Public Procurement 2008. Belgrade: *The Official Gazette* 116/08.

McCubbins, Mathew D. and Roger G. Noll and Barry R. Weingast.

„Administrative Procedures as Instruments of Political Control.“ *Journal of Law, Economics and Organization* 3 (2), 1987: 243–277.

McCubbins, Mathew D. and Thomas Schwartz. „Congressional Oversight Overlooked: Police Patrol versus Fire Alarm.“ *American Journal of Political Science* (28) 1, 1984: 167–179.

Wilson, James Q. *Bureaucracy*. New York: Basic Books, 1989.

Newspaper Articles

„Kažiprst.“ **B92** <http://www.b92.fm/user/pmilid/stats/> 2. 12. 2009.



Is the use of force ever legitimate in order to pursue humanitarianism?

Olga Mitrović¹

Research conducted during Master of International Affairs: Peace and Conflict Studies at the Australian National University (ANU) and the Peace Research Institute Oslo (PRIO)

original scientific article

UDK: 341.233 ; 341.794

Abstract

Proponents of NATO intervention in Kosovo in 1999 affirm that it was first military intervention led for humanitarian purpose, arguing that it is legitimate to pursue humanitarian goals with military means. This paper challenges this view by closely looking how much of humanitarianism was there in NATO intervention. Four components are discussed: whether the motive for the intervention was primarily humanitarian or clouded with the other, non-humanitarian motives; did the situation on the ground warrant immediate international military action; the manner in which the intervention was carried out and whether it brought more good than harm. The paper concludes that the use of force in Kosovo was illegitimate by humanitarian standards and that it irrevocably changed the nature of humanitarianism by challenging its fundamental heritage – humanitarian principles. Subsequently, the intervention marked new developments in the field of humanitarianism: rise of military humanitarianism, direct involvement of states and the obligation of humanitarian actors to not only help the victims but also punish the culprits.

Key words: humanitarian intervention, Kosovo, NATO, military humanitarianism, humanitarian principles, legitimacy.

Introduction

“In dealing with aggressors in the Balkans, hesitation is a license to kill. But action and resolve can stop armies and save lives” were the words president Clinton used in 1999 to

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

N^o 18 • JULY - SEPTEMBER 2010

¹ mitrovic.o@gmail.com

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

WESTERN BALKANS SECURITY OBSERVER

announce the first day of NATO air strikes on Serbia. Throughout the 1990s, similar arguments in favor of use of force for humanitarian purposes have shaped a moral framework for the humanitarian intervention. Human rights discourse became prominent in international politics, state sovereignty was no longer seen as sacred but conditional on how the state treats its citizens and the solidarist concept of moral duty to protect victims dominated in the humanitarian circles (Barnett 2005; 2009). Several humanitarian interventions took place: Liberia, northern Iraq, former Yugoslavia, Somalia, Rwanda, Haiti, Sierra Leone, Kosovo, and East Timor (Brugges, 2002, p. 261). Humanitarian intervention is defined as military intervention for humanitarian purposes, with the purpose of preventing widespread suffering or death. Rationale behind intervention seems simple and legitimate – in cases where government is responsible for mass atrocities of its own people, it is inevitable to use force in order to save innocent lives. Once humanitarian intervention takes place, however, it becomes apparent that situation is much more complex and cannot be explained in simple black and white terms. Arguments against legitimacy of humanitarian intervention will be provided with contextual analysis of 1999 Kosovo intervention, NATO Operation Allied Force.

Kosovo intervention was unique in many aspects. Though there were humanitarian interventions before, this was the first one that was carried out under the Doctrine of the international community, a concept that countries should fight in order to save the lives of peoples threatened by humanitarian disaster (Blair, 1999). Intervention lacked the Security Council approval, making it illegal according to international law and was conducted by NATO, a highly unusual agent for humanitarian actions at the time. Intervention caused such controversy that it called for the creation of a new international framework, Responsibility to Protect. Scholarly literature often discusses Kosovo intervention either through examining its legality and legitimacy or within the binary opposition of state sovereignty and universality of human rights, using just war theory criteria as a framework for justification of intervention (Bellamy and Wheeler, 2008). In humanitarian field, the intervention marked an emerging type of humanitarianism, one that does



not advocates the use of force, sides with victims and confronts the oppressors.

This essay will look at Kosovo intervention 1999 from humanitarian perspective. First part will explore on a more theoretical level how the humanitarian intervention challenges the distinct normative elements of humanitarianism. Second part will show that though intervention was framed as humanitarian, there was no supreme humanitarian emergency at the time. In order to fully explain the rationale behind the intervention, it will further present political and security reasons for intervention. Third part will look at the intervention from the consequentialist² point of view. It will show how the NATO's bombing has escalated humanitarian crisis, and moreover that the way the intervention was carried out did not adhere to proportionality criterion³. This essay does not argue that the use of force for humanitarian purposes can never be legitimate. Rather, the goal of the essay is to highlight all the vested interests of states that have to be taken into account when analyzing humanitarian intervention.

Humanitarian intervention undermines the normative nature of humanitarianism

Legitimizing the military intervention with humanitarian discourse profoundly challenges and undermines the distinct nature of humanitarianism. Traditionally, legitimacy of humanitarian action derives from its principles of impartiality, neutrality, humanity and universality. The distinct nature of humanitarianism is to alleviate the suffering and provide relief. Its efforts and actions are conducted universally, irrespective of who the subjects are. However, crises in Rwanda, Somalia and Bosnia in the 1990s, the inability to protect civilians in wars, feeding of aid into war economies have led scholars to conclude that while classical humanitarianism might be noble in reality it proves to be counter-productive (Weiss, 1999), because it serves more as a band-aid approach when humanitarian agents stand by and watch the atrocities occur. Out of these deficiencies, a new humanitarianism emerged, one that is becoming maximalist

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

² Consequentialist ethics is along with virtue ethics and deontology ethics one of the main ethical frameworks of just war theory. Consequentialism evaluates the action based on the overall outcome it produced (Fixdal and Smith, 1998)

³ Proportionality is grounded in consequentialist moral theory since it considers that an action is just if it produces a surplus of good over harm – taking all affected parties into consideration. The term proportionate is used in a sense that the action should not cause more damage and harm than caused by the situation it intends to correct (Fixdal and Smith, 1998).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

WESTERN BALKANS SECURITY OBSERVER

and solidarist in its approach (Chandler, 2002). New humanitarianism is politically engaged, sides with victims and does not shy away from the use of force. Embracing the use of force marks a fundamental change in humanitarian approach, because it implies that humanitarians are not only acting in order to save the lives of oppressed but also punishes the oppressors. (Weiss 1999). Acting as judge and punishing the culprits presents significant stepping out of humanitarianism, since its legitimacy was never given for these purposes Humanitarians were granted moral authority to operate independently and protect lives, (Barnett, 2009), not to punish the evildoers. Thus, while interventions can be deemed as politically appropriate, even morally just, they are still deeply contradicting the basic humanitarian imperative. Advocates of intervention bypass this normative problem with practical reasoning - if force is the only way to save lives, then it should be done. In other words “humanitarians who cannot stand the heat generated by the situational ethics should stay out of the post Cold War humanitarian kitchen” (Weiss, 1999, p. 10). If humanitarianism takes this road, than it should face the cost of such approach, the loss of credibility and legitimacy. Once humanitarianism starts being associated with the intervention, it has to be associated with all the consequences that the intervention brings along. In regards to Kosovo, humanitarianism is than not only seen as a noble action to save Kosovo Albanians from suffering. Rather, humanitarianism is also responsible for the violations of international humanitarian law that happened during the intervention, depleted uranium and cluster bombs that were used during the bombing of Serbia and Kosovo. Not only do such occurrences compromise the reputation of humanitarianism, but they also have an adverse effect on humanitarian organizations that consequently adopt biased stance. With the highlighted division on victims and oppressors, even organizations such as Oxfam were so supportive of NATO intervention that during their work they seemed to have forgotten that as relief agency they should be helping both Kosovar refugees and Serbian victims of bombing (Barnett, 2009, p. 732). For all of these reasons Rieff was right in pointing out



that “it was in Kosovo in the spring of 1999 that the battle for an independent humanitarianism was probably lost” (2002, p. 197).

Political and security interests of states hidden under humanitarian intervention

When states and military alliances lead humanitarian intervention, a Pandora’s box of national, geopolitical, strategic and military interests is opened. The following paragraphs will explain how this occurred in Kosovo intervention. It is nothing new to say that proliferation of humanitarian actors is occurring, with states appearing on the global scene as prominent humanitarian actors.⁴ However, humanitarian intervention has significantly driven the process of country’s involvement and it exemplifies the dangers that take place when humanitarian label is attached to actions conducted by states and military alliances. For it is more than the mere extension or shift of actors. States still act according to their strategic, economic and political interests, rather than for noble goals of humanitarianism. Moreover, the nature of actors such as NATO was never a humanitarian one. For that reason, it did not seem convincing that NATO became concerned with human rights over night, rather their involvement was viewed in realist strategic terms as a way for asserting its dominance in post-Cold war era in Europe (Ikenberry, 2000). States decide what to define as humanitarian crises and what to label as genocide. This action is in itself political since it results in inciting multilateral support for the action. Clinton, Blair, Havel and other proponents of Kosovo intervention framed it as a moral issue, as a way of upholding the values of international community. Blair in particular emphasized that Kosovo war was the first war that has been led for values only (1999). Thus, in order to unpack how much of humanitarianism was there in humanitarian intervention we must first asses how detrimental was the crises in 1999.

Situation in Kosovo prior to the intervention was indeed horrific, as testified by Drenica and Racak massacres. In the year leading up to NATO’s bombing more than 1,000 Kosovo Albanians were killed and another 300,000 were forced to leave their homes. Recent discovery by Eulex of the

**THIS ISSUE’S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁴ In the 1990’s states have become increasingly open for humanitarian action. Their aid level rose three times and through UN and other organizations countries have started promoting their international humanitarian responsibility, often overwhelming humanitarian agencies with their agenda (Barnett, 2009).

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

WESTERN BALKANS SECURITY OBSERVER

new mass grave in Serbia of 250 dead Albanians shows that many crimes and victims are still not found (BBC news, 2010). The situation on the ground made Western leaders confident in expressing that intervention is the only way to prevent further atrocities. Blair stated that no one in the West who has seen what is happening in Kosovo can doubt that NATO's military action is justified (Blair, 1999). However, the basic premise for humanitarian intervention is that it is targeting crimes occurring on unimaginable scale that shock the moral conscience of humanity. Compared to massacre in Srebrenica, or 300 000 dead and two million refugees in Sudan from 2003, or long lasting conflict in Democratic Republic of Congo, Kosovo was far off this scale. Since it did not constitute a supreme humanitarian emergency, the intervention seemed like a clear example of selectivity reasoning when it comes to humanitarian crises. Since states follow their own interests and are more concerned about their interests, they are more interested in some regions of the world and subsequently some lives are worth more than others (Barnett, 2009, p. 630). Advocates of intervention usually reject selectivity criticism, emphasizing how it is better to conduct humanitarian intervention where possible than nowhere at all. But selectivity aside, scholars point out that decision makers greatly exaggerated the nature of the situation in Kosovo. Claims of genocide were insufficiently substantiated, like in the article of Ambassador William G. Walker, the Head of the OSCE's Kosovo Verification Mission who argues that atrocities are occurring in Kosovo on an unimaginable scale, yet fails to offer any evidence for it (as cited in Chandler 2002, p. 38). Similar pattern can be traced in official claim of German minister at the beginning of the intervention that Serbian army is preparing Operation Horseshoe in which Albanians in Kosovo would be attacked from all sides and forced to flee to Albania. The existence of this plan was the main rationale for NATO intervention, yet it was never shared or backed up by NATO Supreme Allied Commander in Europe, leading many to doubt if the plan had existed at all (Belloni, 2002).

The fact that humanitarian crises did not actually warrant intervention, suggests presence of other interests that would offer adequate explanation, namely political and security interests. Western leaders got tired of a decade long



Milosevic's dictatorship and decided to put an end to his military actions. Moreover, a strong feeling was present that they needed to make up for their failure in Bosnia (Chandler, 2002; Reiff, 2002; Roberts, 1999). International community could not allow another Srebrenica to happen and by becoming involved in Kosovo, they would atone for their previous inaction. Security reasons were also important. There was a general fear that region would be destabilized with the flow of refugees. Countries of European Union were also alarmed by the influx of refugees. In his famous speech in Chicago, Blair asserted this problem (1999). In addition, Western countries were particularly concerned of Albanian refugees fleeing to Macedonia and destabilizing the country (Demjaha, 2000). Ironically, that is precisely what happened at the end, with mass surge of Albanians fleeing to Macedonia during intervention, and many of them remaining there, causing further tensions in Macedonia which escalated in 2001. It seems obvious that NATO and world leaders would not commit themselves to intervention for humanitarian ideas only, otherwise humanitarian intervention would be much more widespread worldwide. The problem is that, when regarded in humanitarian light only, this intervention poses a danger over how actions can be justified if framed as humanitarian. This attempt and rhetoric will later gain its perverse epilogue in Iraq and further compromise humanitarianism. Though it is debatable whether intervention Iraq deserves a label humanitarian, since it was initially conducted for fear of weapons of mass destruction and terrorism, Bush administration later changed the rhetoric that it invaded Iraq in order to liberate its people. Additional political reasoning in Kosovo intervention can be seen once the intervention started. Intervention is led by states, who are protecting their own interest at the same time. Countries refused to deploy ground troops, though it would have been more efficient strategy to deal with Serbian troops in Kosovo. Deployment of military forces and potential death of soldiers is always highly sensitive and unpopular move for governments that provokes public opinion. Though acting in the name of humanitarian concerns, Western countries did not want to risk turning public opinion in their countries against them. What was considered to be first war in history fought in the name of principles and values (Reiff, 2002; Chomsky 2001), was in fact a combination

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Nº 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

of security, political and humanitarian motives. The problem is not that humanitarianism coexisted with other motives, the problem was that it was presented as solely humanitarian, and based its credibility on that. Humanitarianism was used as an excuse to bypass state sovereignty, even to account for the lack of legality exemplified in lack of Security Council approval. Atrocious stories on the ground were used to inspire the support for this action. Regarding intervention solely in light of humanitarianism, offers a simplified image that does not accurately portray the right situation on the ground, and can be detrimental to hiding other interests.

Outcome of the Kosovo Intervention – escalation of crisis

Consequentialist argument justifies the intervention if it succeeds in creating better outcomes than would otherwise occur. Significant shortcoming of a consequentialist analysis is the lack of alternative scenario, in other words there is no certainty how the events would have played out had there been no intervention. In case of Kosovo, this leaves much room for speculations whether another massacre of the range of Srebrenica would have occurred. Proponents of intervention suggest that it would, and reiterate that it that it was the principal incentive for the intervention in the first place (Blair 1999). Clinton's warning about hesitation being the license to kill comes to mind. Though there is no certainty what the outcome would have been, consequentialist analysis is still valid, because it shows that NATO intervention did create a significantly bad outcome. First, intervention increased the violence, an argument that according to Belloni, can be usually made against military interventions (2007). Air strikes were intended to halt or prevent humanitarian catastrophe. However once they started, the fate of Albanians became much worse than prior to the intervention. Though Apthorpe claims that the role of NATO bombing in creating a regional humanitarian crisis is insufficiently analysed (2002), there is enough evidence to assume that it did in fact radically deteriorate the crisis. Immediately after the first NATO strikes, Serbian police and paramilitary forces started a massive offensive against Kosovo Albanians. The series of attacks and massive expulsion and terror resulted in 800,000 Albanians



fleeing Kosovo. Demjaha, though perceiving intervention as a just war, considers that the intervention enabled the worst ethnic cleansing the world has seen after the Second World War (2000). UNHCR on the ground was not prepared for the refugee flow, and did not have enough personnel and resources, so NATO had to step in. The fact that NATO coordinated relief aid, which in turn was provided by the same governments that were partly responsible for the emergency completely shattered humanitarian principles (Barnett, 2005, p. 724) Rieff accuses NATO of helping create the humanitarian emergency, though inadvertently. (2002, p. 202). After the end of intervention, refugees started gradually returning. However, the important outcome of the intervention whose goal was to prevent the crisis, was that it succeeded in escalating

Second dimension of consequentialist analysis includes the assessment of how the action was carried out. Human Rights Watch and Amnesty International have accused NATO of breaching international humanitarian law (Human Rights Watch Report 1999). Aerial bombing was conducted from high altitude, resulting in many mistakes and loss of civilian life, later labeled as a collateral damage. Collateral damage included bombings of television station⁵, bridges in Novi Sad, convoy of refugees and most notably Chinese embassy in Belgrade. NATO's zero-casualty campaign resulted in death of 500 civilians.⁶ The intervention started with targeting military objects, but soon expanded to targets that did not have military functions: communication facilities, oil refineries, interior ministry in Belgrade, bridges and hospitals. Serbian infrastructure and economy was destroyed, an action that did not stop Serbian offensive and killings in Kosovo. Particular concern was raised with usage of cluster bombs and depleted uranium and bombings of oil refinery in Pancevo. With these consequences in mind, Apthorpe question whether the international community's intervention in Kosovo managed to save more lives than it threatened, jeopardised or extinguished (2002). Though proponents of the intervention would agree that some price had to be paid, based on the facts that are offered – both escalation of the crises following the intervention, and breaches of the proportionality principle, it is safe to say that Kosovo intervention does not pass the consequentialist legitimacy test.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

⁵ Bombing of RTS (Radio Television of Serbia) remains a highly controversial case, since they are signs that NATO did inform Serbian authorities prior to strike, yet Milosevic decided to willingly sacrifice the people employed in National television

⁶ Figures vary: Serbian estimations in particular amounting to 1,200, but Human Rights Watch report concludes that as few as 489 and as many as 528 Yugoslav civilians were killed in the ninety separate incidents in Operation Allied Force. (Human rights Watch Report 1999)

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Conclusion

The idea that preservation of human rights can be a legitimate reason for the instrumental use of force has been very pervasive in the 1990s. This idea reinforced the notion that sovereignty can no longer offer protection to governments that systematically abuse their citizens. Overriding sovereignty provided a fertile ground for humanitarian intervention. However, as shown in the case of Kosovo intervention, the prefix humanitarian in humanitarian intervention only partially explains its nature. Intervention strongly reflects state's interests and as such it represent a blend of strategic motives and political and security concerns. A dangerous cocktail that was willingly embraced by humanitarian agents, although it significantly challenged their normative goals. The meaning of humanitarianism is already expanded beyond the point of return. Terms like political humanitarianism, military humanitarianism are being increasingly used in scholarly community. When humanitarianism is constantly subjected to different interpretations, it is in great danger of loosing its distinctive ground. Actions as diverse as providing aid by humanitarian organization to starving children and coordinating NATO intervention that is bombing a sovereign country can not be regarded with the same lens, nor expect the same legitimacy. When humanitarian intervention is perceived by pure humanitarian terms it often results in misleading image of triad of actors: victim, savage aggressor that is committing atrocities, and the savior that comes in the form of foreign government or international community (Belloni, 2007, p. 455). Operation Allied Force in 1999 demonstrates that the picture is not that simple. Lesson from Kosovo is different from other parts of the world. Whereas international community is usually accused of doing too little, too late, in Kosovo the intervention was too much, too soon. The fact that at the time, it did not constitute a supreme humanitarian emergency, the use of force was not proportionate to the harm that it was supposed to prevent and the overall outcome was negative since it induced larger crisis makes the NATO intervention illegitimate in humanitarian grounds.



Bibliography:

- Anastasijević, Dejan.** The closing of the Kosovo cycle: Victimization versus responsibility. In: Schnabel, Albert. and Ramesh Thakur. (eds). *Kosovo and the Challenge of Humanitarna Intervencija: Selective Indignation, Collective Action, and International Citizenship*. Tokyo: United Nations University Press, 2000: 44–63.
- Barnett, Michael.** „Humanitarianism Transformed”. *Perspectives on Politics*, vol. 3, 2005: 4.
- Barnett, Michael.** „Evolution without Progress? Humanitarianism in a World of Hurt. *International Organisation* 63, 2009: 621–663.
- Bellamy, Alex. and Nicolas Wheeler.** Humanitarian Intervention in World Politics. In: Baylis, John and Steve Smith, P. Owens. (eds). *The Globalization of World Politics – An Introduction to International Relations*. Oxford: Oxford University Press, 2008: 522–541.
- Belloni, Roberto.** „Kosovo and Beyond: Is Humanitarian Intervention Transforming International Society?”. *Human Rights & Human Welfare*, 2, 2002: 35–43.
- Belloni, Roberto.** „The Trouble With Humanitarizam”. *Review of International Studies*, 33, 2007: 451–474.
- Blair, Tony.** Doctrine of the International Community. Speech to Chicago Council on Global Affairs on 22 April 1999.
- Burgess, Peter.** „Ethics of Humanitarian Intervention: The Circle Closes”. *Security Dialogue* 33(3), 2002: 261–264.
- Chandler, David.** „The road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda”. *Human Rights Quarterly*, 23, 2002a: 678–700.
- Chandler, David.** *From Kosovo to Kabul: Human Rights and International Intervention*. London: Pluto Press, 2002b.
- Chomsky, Noam.** „A Review of NATO’s War over Kosovo”. *Z Magazine*, 2001.
- Clinton, William.** Address to the Nation on NATO Air strikes – on 24 March 1999 <<http://kosova.org/post/Clinton-Adress-to-the-Nation-on-NATO-Airstrikes-March-24-1999.aspx>>
- Demjaha, Agon.** The Kosovo conflict: A perspective from inside. In: Schnabel, Albert. and Ramesh Thakur. (eds). *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*. Tokyo: United Nations University Press, 2000: 32–43.
- Fixdal, Mona and Dan Smith.** „Humanitarian Intervention and Just War”. *Mershon International Studies Review*, 42, 1998: 283–312.
- Human Rights Watch Report.** Crises in Kosovo, 1999. <<http://www.hrw.org/reports/2000/nato/Natbm200-01.htm>> May 14, 2010.

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Ikenberry, John. The costs of victory: American power and the use of force in contemporary order. In: Schnabel, Albert. and Ramesh Thakur. (eds). *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*. Tokyo: United Nations University Press, 2000: 85–100.

Rieff, David. *A bed for the night: humanitarianism in crisis*. Vintage, 2002.

Schnabel, Albert and Ramesh Thakur. *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*. Tokyo: United Nations University Press, 2000.

Roberts, Adam. „NATO's 'Humanitarian War Over Kosovo'”. *Survival*, 3, 1999: 102–23.

Weiss, Thomas. „Principles, politics and humanitarian action”. *Ethics and International Affairs*, vol. 13(1), 1999: 1–22.

Newspaper Articles

BBC news. New mass grave 'of Kosovo Albanians' found in Serbia, 2010. <<http://news.bbc.co.uk/2/hi/europe/1414735.stm>> 2010, August 1.



The Context and Implications of Hooligan Violence in Serbia

Marko Savković¹

Researcher at the Belgrade Centre for Security Policy

preliminary communication

UDK: 343.343.3:796.093

Abstract

Today, as in not so distant past, intermingling of politics and sports in Serbia results in (among other things) violence. In this article we shed some light on the specifics of hooligans' violence and we deal with the issue of defining a violent fan group. Afterwards we discuss attempts to justify violence on the ground that it represents legitimate way of expressing political protest. At the same time, we touch upon the problem of specific context of this kind of violence and upon its political implications by examining recent events in the streets of Belgrade and Genoa.

Key Words: *sports, politics, violence, hooligans, sport fans' groups, region.*

* * *

Since the year 2000, the outbursts of football club fans' violence have caused the death of seven people. The term "football club fan", however, is too mild to describe the nature and motives of perpetrators of the most serious criminal offences. The text looks at persons who, under the pretext of belonging to football firms, use sports events to resort to violence on a regular basis and get away with it unpunished. Their (mis)deeds span across territorial borders. The Western Balkans is their home base, but every football game "away" is used for creating havoc. The context in which violence occurs is marked by the heritage of ethnic conflicts, political instability and weak institutions. In addition, the problem is that the process of removing verbal and physical violence from sports arenas to political ones, which started in the late 1980s, is still going on. The number of football firms, the ban of

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

N^o 18 • JULY - SEPTEMBER 2010

¹ markosavkovic@ccmr-bg.org

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

which will be debated in the Constitutional Court, is illustrative enough of the seriousness of this problem in Serbia: there are exactly 14 souch groups

We have been faced with two terminological difficulties from the onset of our research. Despite the downward trend of the sports in Serbia, the events are observed by “real“ football fans, that is, all who come to watch a football match to enjoy a good game. The general condition of sports facilities in Serbia (with the exception of Belgrade Arena), namely the out-dated building constructions, often makes it impossible to separate the hooligans from others. There is a limited number of exits and entrances, as well as stands (in most cases there is only one). For this reason, every police intervention is a risk for those who do not take part in violence. We opted for the term “hooligan violence“ in order to distinguish hooligans from ordinary football club fans. However, we lack courage to call football firms by their real name – hooligan groups. The final ruling of the Constitutional Court will not be of much help either in this matter. It is the responsibility of decision-makers, journalists, “sports professionals“ (a term coined by journalists which does not mean anything) and others who participate in the organisation of sports events to finally start to call things by their real names.

Next, it is necessary to make a distinction between sports violence as a violent behaviour of game participants (agressive or “deadly“ starts, pushing and various examples of undisciplined behaviour are common in football) and that of game spectators. If the spectators deliberately resort to violence, and do that continually, they can be labelled as hooligans.

On top of it all, young people get hurt after football matches, football firms are facing official bans and transfers of players from one football team to another have been under police and prosecutors’ scrutiny on many occasions. For this reason, the examples used in this paper are related to professional football in Serbia.

The Characteristics of Hooligan Violence in Serbia

Sports violence is not typical only of Serbia. One of the first research projects conducted in order to identify its causes showed that hooligans always represent a minority of football fans; that they have a distorted perception of themselves as active partici-



pants in sports events and, as football is a “game for men“ in which violence on the pitch is a common thing, violence on the stands should not surprise anyone (Roadburg 1980, p. 266). The emotionally charged and highly stressful experience of a football match is an opportunity for many to “feel alive“ or express pent-up frustration caused by poor living conditions. The terrible facilities where football matches are held only add to the picture (Hopcraft 2006 [1968], p.162).

The above-mentioned findings are not applicable to Serbia. Although it is true that hooligans are always in the minority, here they constitute a considerable minority. On October 12, 1.600 football fans from Serbia were in Genoa (daily newspaper Blic, October 12, 2010), out of which 300 “split in two groups [...], blocked the city [...], threw fire-crackers on the passers-by, smashed shop-windows, destroyed one police car and wrote graffiti on the walls of the Duke’s Palace“ (daily newspaper Politika, October 13, 2010). In the end, 50 persons were arrested, out of which 33 were released and 17 were kept in remand (B92.net, October 13, 2010). There are also team and individual sports popular in Serbia that do not include physical contact, which considerably limits the possibility of violent behaviour. Novak Đoković, tennis player, and Nikola Grbić, volley-ball player, are setting a good example not only for the youth in Serbia but in other countries as well. However, this fact did not prevent the fans of Novak Đoković (Serbia) and Marijo Ančić (Croatia) to start a fistfight in Australia (Dnevnik, Croatia, January 15, 2007), which added a new dimension to the problem of sports violence. Hooligans are not particularly interested in the match itself, no matter how stressful it can be. Their “show“ goes on regardless of the developments on the pitch: fireworks will certainly be used and a specially prepared scenography as well. If things do not go well for their team, the entire stands can turn their backs to the pitch and keep brawling, which is considered a gesture of support and loyalty to the team. Both victory and defeat can be used as an excuse for street violence after the match. On top of it all, “everybody knows that Red Star and Partisan fans are showered with various privileges and they have turned their support into a sort of a profession“ (Radio Free Europe, October 11, 2009).

What makes the problem of sports violence in Serbia a complex one is the post-conflict context in which it is manifested. Namely, football club fans began to get more organised in the late 1980s. This coincided with the evolution of violence when first

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

Nº 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

serious shovininistic outbursts moved from stadiums to the political arena (Čolović, September 30, 2009). What was not allowed to be said in public discourse was voiced on the stadium stands. After all, as one sports commentator observed, how do we determine the responsibility of someone shouting “fifty thousand souls, one hundred palms“? Such incidents are commonly labelled as a “display of public discontent“. The scene from the Maximir football stadium, when one football player rushed into a fight between the hooligans and the police remains one of the strongest symbols of disintegration of Yugoslav society.²

The public in Serbia had an opportunity to see a documentary entitled “The Unit“, produced by “Vreme filma“, that tells a story which is the most striking example of how a football firm can be misused, if there was any misuse, of course. In 1989, and under the patronage of Željko Ražnatović, football firms that occupied the north stands of the Red Star football club stadium became united. Among the first members of the volunteer guard, that will later grow into the Special Operations Unit, were those who started their own war with Croatia on the Zagreb football stadium in May 1990. After the political changes the practice of using (top quality) sports for political purposes has continued to this day, though this, most direct connection between the sports and politics, has been broken.

The Profile of a Violent Football Firm

They are always in the first rows. However, the readiness to use violence is something that distinguishes them from others. In terms of ideology, they are a blend of everything: shovinists, however, they easily make “unions“ and “friendship“ with hooligan groups abroad; they present themselves as traditionalists, but the status symbols they care about are very much of this, material, world. There are some among them who sincerely believe that the protest they express, even a violent one, is the matter of personal choice.

Hooligans view themselves as active participants in sports events. Trainers and journalists, who call them “the sixth“ or “the twelfth“ player, depending on a type of competition, contribute to this false perception. The club can be in a “crisis regarding the players or results“ (this is one of many jargon phrases), but they are always in the state of alert. Organised in football firms, with

² Zvonimir Boban said, commenting on the events in Genoa, that “there is and always will be a connection between football and politics“. When asked to compare this event with the one from 1990 in which he himself participated, he said: “that was a protest, a rebellious act against injustice, an act against the regime. Croatia wanted to get rid of communism and that can be justified.“ (Index.hr, 13 October, 2010.)



a firmly set hierarchy, they influence “their beloved club’s” policy along with the club management. If necessary, and when provoked by certain decision, they threaten with boycott. They readily disapprove of violence, but once it occurs, do not miss an opportunity to remind the general public how they “earned” their place on the stands. And violence occurred ever so frequently. By using this approach, the hooligans in Serbia have taken over at least one sport in the past two decades, and not just any sport, but traditionally most popular association football.

Nonetheless, it is a great mistake to interpret hooligan behaviour as irrational and affective. There is no room for irrationality if rocks and other objects are stashed in containers in advance in order to be used later against a rival group or persons of a different sexual orientation (Politika, 11 October, 2010). Discipline and a strict hierarchy have already been mentioned as characteristics of hooliganism in Serbia. The brutal beating and murder of a French football fan in Belgrade in September 2009, is indicative as the attack was prepared in communication among several persons but two participated in the attack itself. It is also indicative that the two “leaders”, of all who were involved in the attack on Bris Taton, are still at large (B92.net, 2 September, 2010) and that the persons in question are also multiple criminal offenders.

Hooligans act in an organised manner because they are forced by state regulations. These measures can be both preventive and repressive. In Great Britain, whose experience is rightly taken as a good example of combatting hooliganism, football clubs were forced in the last decade of XX century to raise the security standards on their stadiums. The fences were removed, both the ones that physically separated the pitch from the spectators and those in the stands. The bystanding areas were abolished, cameras mounted everywhere and police officers replaced with monitors who were club fans as well and whose authorities were strictly regulated. Under these circumstances, the rush onto the football pitch is treated as an act that entails a prison sentence and, maybe even more importantly, the entrance ban to stadiums which is carried out very consistently (Spaaij 2006, p.3). The law enforcement authorities, aware of the fact that “professional football fans” can use away matches to avoid this measure, have a good cooperation and prepare and forward the lists of persons who are banned from stadiums. A biometric identification system is even used in the Netherlands in order to prevent registered hooligans from

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

attending sports events (ComputerWeekly.com, 22 January, 2008).

The situation in Serbia is very different. The incidents in Genoa and later mutual shifting of responsibility for them between football federations, as well as between Italian and Serbian police, have opened a new problem in the cooperation of Serbian police with other police forces in the region and the EU. The Law on the Prevention of Violence and Misbehaviour at Sports Events, adopted in 2003, has undergone several modifications, however, the organiser is the one who “supervises the work of monitors“ (Article 3). This solution is not appropriate in the situations where the by-laws regulating the work of monitors do not exist or the law which would regulate the work of the physical security staff (The Bulletin of Internal Affairs of the EU and Serbia, No.13). In addition, persons tasked with security and organisation of sports events are rarely professionals. The Draft Law on Sports, the consistent implementation of which should make the proprietary structure of the clubs more transparent, was forwarded to the National Assembly at the end of 2009 but has not been adopted yet.

According to Dejan Šuput, Director of the Association for the Development of Sports Law in Serbia, “Serbian Criminal Code and the Law on the Prevention of Violence and Misbehaviour at Sports Events are fully harmonised with international legal standards. The majority of solutions [...] that exist in England have been used in our law as well.“ (Politika, 22 October, 2010). However, the problem lies in the implementation. Minister Snežana Samardžić-Marković has stressed on several occasions that the court ruling was made in only 2,4 percent of cases, which is an implicit confirmation that the suppression of hooligan violence has not been on the state priority list in recent years.

On Friday, October 22, the National Assembly, faced with a big public pressure and a clear government stand on the events of October 10 and 12, adopted the amendments to the Criminal Procedure Act. The amendments envisaged the extension of remand from eight to thirty days for criminal offences with elements of violence for which the law stipulates prison sentence of more than five years. These criminal offences include offences against life and body, affliction of grievous bodily harm, attempted murder and murder. The amendments and modifications took effect the following day when (perhaps not surprisingly) the football derby between Red Star and Partisan was held without any



serious incidents. This time, “only“ 34 persons were apprehended (Blic, 23 October, 2010). In addition, a relatively high number of apprehended minors is repeated from game to game.³

Political Justification for Violence

The attacks on the police on October 10, in which over 6.000 persons were involved, are *novum* on the streets of Belgrade. The participants of previous riots from february 2008 (“Kosovo is Serbia“) and July 2009 (the protest against the arrest of Radovan Karadzic) have learnt some valuable lessons. Aware of their own limitations, this time they were organised better and much stonger in numbers. The violent character of the protest was designed in cooperation between football firms and several organisations (most of all Obraz) whose leaders were apprehended before and immediately after the events of October 10. The hooligans tried to take photos of as many participants of the Pride Parade as they could (Politika, 11 October, 2010); many were riding motor-bykes around police circles and then informed the leaders of groups where the police shield was the weakest (B92.net, 10 October, 2010). They tried, repetitiously or simultaneously, to break the police blokade on many locations in the centre of Belgrade, until they managed to do so at the junction of Kralj Aleksandar Bulevard and Knez Milos Street (Takovska), and then demolished the ground floor of the National Radio and Television Network. Previously they set on fire one room in the seat of the democratic party in Krunska Street. Running away from the scene of conflict has not been a problem for the hooligans so far, as their casual style of dressing is common to the majority of young people in Serbia.

Organisations which are under police investigation also used to participate in protests in the past that ended up in violence. These organisations have a developed political agenda with a wide spectrum of goals: from stopping the process of European integrations and any cooperation with the Hague Tribunal, “self-accusations for the non-existing crime in Srebrenica“ (Obraz.rs, 31 March, 2010) to “putting a stop to the gay movement“ (Serbian National Movement 1389.org). What we found to be particularly interesting is the interpretation of the events of October 5, 2000, which the press service of Obraz offered to the

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

N^o 18 • JULY - SEPTEMBER 2010

³ The context of the events in Genoa is somewhat more complex and surpasses the topic of this paper. Namely, the media and decision-makers inform us of the existence of ‘football mafia’ that makes profit and launders money by ‘participating’ in the transfers of players to football clubs in the EU countries. The ‘participation’ is actually classical racketeering, either of the clubs or the players who, under threat, commits to a multi-year cooperation to his manager. Although the investigation is in the process, we were informed that travel expenses of the group Ultras 1989 had been paid by the person who participated in the transfer of football players. At the moment, the conflicts between the management of certain clubs and the football federation should be viewed exactly in this context.

**THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA**

public after the arrest of its leading members. Indicative as it is, we give it here in its integral version:

“Their ‘free’ and ‘independent’ media call this youth today ‘wild’ and ‘hooligans’, but they did not say so ten years ago when it was also the youth that brought Western occupation to Serbia by setting on fire the National Assembly building and the state television building. Then they were not ‘extremists’ who today talk of some ‘horrible punishments’ and ‘decisive actions’. They were ‘fighters for democracy’ and ‘messengers of freedom’“.

The leader of one opposition party expressed support for the arrested and called them ‘our children’, thus joining those who said that repressive measures were the violation of the freedom of speech and the right to different opinion. Searching for allies in this manner is, to say the least, inappropriate and a mockery of the citizens of Belgrade who were reliving the scenes of street war on October 10.

The problem of hooligan violence is huge and will not be solved solely by introducing bans. The state will most likely have to resort to repression, as it has not dealt with prevention in a timely manner. It is also to be expected that old, banned football firms will be replaced by new ones, equally violent in their outlook of the world. However, if the practice of prolonged trial of cases continues, it is not very likely that this will be necessary.

However, a consistent implementation of the law on the prevention of Violence and Misbehaviour at Sports Events, as well as the pending adoption of the Law on Sports, may force the hooligans to think twice before repeating some of their violent actions. The elaboration of preventive measures would include the exchange of information, prioritisation of the problems related to hooligan violence in the agendas of inter-sector bodies that are already functioning; the implementation of best practices in the EU countries that managed to gain control over sports events.⁴ It is also necessary to provide resources for the reconstruction of most used sports facilities (Red Star stadium, Partisan stadium, Pionir) in terms of increasing the security of spectators. In the end, special attention – which is again beyond the scope of our topic – should be given to the problem of minors who take part in hooligan violence.

⁴ The researchers of the Belgrade Centre for Security Policy, Saša Đorđević and Marko Savković are exploring the possibility of establishing a separate organisational unit, like the *National Football Information Point*, which would operate within the Mols of the Western Balkan countries, that is, some of the formalised types of regional cooperation.



Bibliography:

- Hopcraft, Arthur.** *The Football Man: People and Passions in Soccer*. London: Aurum Press, 2006.
- Roadburg, Alan.** „Factors Precipitating Fan Violence: a Comparison of Professional Soccer in Britain and North America.“ *British Journal of Sociology*, vol. 31, No. 2., 1980.
- Spaaij, Ramon.** The Prevention of Football Hooliganism: A Transnational Perspective. In: Aquesolo, J. (ed.). *Actas del X Congreso Internacional de Historia del Deporte*. Seville: CESH, 2005: pp. 1–10.

Newspaper Articles

- „Odloženo suđenje za ubistvo Tatona.“ *B92.net*. 2. 9. 2010.
- „Bruka u Đenovi i njene posledice.“ *B92.net*. 13. 10. 2010.
- „Srpski ultrasi napravili haos.“ *Blic Online* 12. 10. 2010.
- „Privedene 34 osobe u Beogradu.“ *Blic Online* 23. 10. 2010.
- „Fingerprint recognition in the fight against football hooliganism.“ *ComputerWeekly.com*. 22. 1. 2008.
- „Potukli se hrvatski i srpski navijači.“ *Dnevnik.hr*. 15. 1. 2007.
- „Boban: Neredi 90-ih bili su opravdani, ovo je čista mržnja.“ *Index.hr*. 13. 10. 2010.
- „Pronađeno oružje na krovu hotela Slavija.“ *Politika* 11. 10. 2010.
- „Italija šokirana.“ *Politika* 13. 10. 2010.
- „Huliganima preti zabrana ulaska na stadione.“ *Politika* 22. 10. 2010.
- „Koji su uzroci navijačkog nasilja?“ *Radio Slobodna Evropa* 11. 10. 2009.
- Litavski, Jan. „Ponovno bujanje nasilja u Srbiji.“ *Bilten o unutrašnjim poslovima EU i Srbije* br. 13, april 2010.
- Čolović, Ivan. „Politika nasilja na stadionima: Fudbal, huligani i rat.“ *Enovine.com* 30. 9. 2009.

THIS ISSUE'S THEME:
TEN YEARS FOR
SECURITY SECTOR
REFORM IN SERBIA

Neo-Ottomanism – a doctrine or a foreign-policy practice

*Miloš Đinđić*¹

Post graduate student at the Faculty of Political Studies and intern with the Belgrade Centre for Security Policy

Darko Tanasković (2010), *Neo-osmanizam - doktrina i spoljnopolićka praksa (Neo-Ottomanism – s Doctrine or a Foreign-Policy Practice)*, Beograd: Službeni glasnik

Book Review

Considering the historical context in which modern Turkish state was created, the geographical position which hardly any other state enjoys, and specific historical-contextual and political-institutional evolution into becoming the only Muslim country in the world which managed to leave behind the democracy-Islam-secularism triad, there is no doubt that Turkey deserves the attributes of a strategically important actor. Accordingly, there is no wonder that exceptional curiosity is raised when you see the representatives of Turkish institutions coming to this region more often. Darko Tanasković's book "Neo-Ottomanism, Doctrine and Foreign-Policy Practice" offers an insight into the principles and methods, seemingly nurtured through decades, of Turkish foreign-policy strategy which, as witnessed by the author, only recently acquired its "Balkan dimension".

Foreign-policy orientation in the establishment of Turkish state in general is reflected in the term *Neo-Ottomanism*, which is basically impossible to reduce only to a political ideology which may be susceptible to paring down with the alternation in power. Quite to the contrary, this rather concise piece of literature convinces the reader that what we have here is a kind of impenetrable *Weltanschauung*, a spiritual and civilisational aspiration which, by and large, defines the past, present and future political "Self" of the Turkish nation. Accordingly, what we deal with here is to do with identity. Such a perspective foremostly features *Islamism*, as well as *pragmatism* and the former suggests the

¹ milosdjindjic@gmail.com



(re)islamisation of social and political life. The reader comes upon the first schizophrenic moment of Neo-Ottomanism that is defined like this. Namely, in the beginning of past century, Atatürk established the state on strictly lay foundations and completely freed the political space from the spiritual sphere and Islam, Neo-Ottomanists, however, propose the Islamisation of this space. The author explains this paradox by the very nature of Neo-Ottomanism which has a high capacity for mimicry and which, as an amalgam of political doctrines and motives, is based on the “Kemalism” and respects its sacred foundations and insists on them, thus camouflaging its, at first sight, unknowable substance. We speak here about the other, very evident feature recurring throughout the text – the pragmatism.

The author’s brief overview of the chronology of prime ministers and presidents, namely of their biographies and political profiles, should serve as the evidence of continual, smouldering inauguration of Islamic motives and rhetoric into the social and political organism of Turkey. The thesis is quite clear and the developments were presented as being absolutely linear: ever since the death of Kemal Pasha Atatürk to this date we have been watching how secular Turkey incessantly tilts toward its ‘Islamic cradle’. Repeated Army interventions to save the constitutionally guaranteed lay order confirm this. It was mostly at the time of Turgut Ozal, the Prime Minister and, later, President of Turkey, that daily politics were characterised by a kind of renaissance of Islam. The author reminds us that these processes do not dispute the essence of the Kemalist tradition. Making skilful adaptations and using perfidious political techniques of “modern politics”, the main actors who were implementing this process through decades had never used the rhetoric or the methods of Islamic fundamentalists. Quite the opposite is true. Namely, the reader unavoidably concludes at this point that Neo-Ottomanism is not radical or intruding, but rather that it is adaptable. Just like God Janus with his two faces, the Neo-Ottomanism puts forward only that side of its face, the lay or Islamic one, which is most suited to current interests and goals of Neo-Ottomanic Turkey.

The author then introduces the reader with the *mastermind* of theoretical and practical shaping of the Neo-Ottomanism foreign-policy concept, a PhD of political sciences and the Minister of Foreign Affairs of Turkey, Mr. Ahmet Davutoğlu. With his obviously excellent educational and university teaching background, and with his subtle courage and premeditated political timing for

BOOK REVIEWS

BOOK REVIEWS

local (Neo-Ottomanic) cause, Davutoglu, “the Turkish Kissinger“, articulated that which was brewing for decades. The author refers us to his key publication, *Strategic Depth: Turkey’s International Position*, which is supposed to be used as the argumentation apparatus of contemporary Neo-Ottomanic concept. Being the heir of the Ottoman Empire and a country “at the heart of EuroAsia”, a crossroad of the continents and civilisations, Turkey boasts a historical and geographical profundity in the areas which were once embraced by the Empire and for this reason can no longer stay marginal in a sphere which traditionally and historically represents a legitimate field of its political interests. The priorities of a foreign-policy orientation that is defined like this include: *zero problem policy* with neighbours, i.e., settle all open issues with the neighbouring countries; open up more clearly towards other actors without alienating from old allies; include a colourful spectre of experts in the foreign policy, namely spread out the diplomatic staff and ensure faster pace, better mobility and efficacy of diplomacy.

A brief analysis of the relations between Turkey and its neighbours and other countries that follows illustrates, to an extent, both the contradiction and the advantage of the split position in which Turkey found itself in attempting to achieve its vital interest to liven up the Ottoman spirit in the territory of EuroAsia. The book more than once refers to the connection between the disintegration of the division of the world in blocs in the beginning of the 1990s and Ankara’s changed, altered, more self-regulating behaviour with its traditional friends and enemies.

The relations with USA have also changed with regard to this. Although pro-Western orientation of Turkey was declared as a constant and something that goes without saying, according to the author there came the time when, from the Neo-Ottomanic perspective, it is not always politically profitable to categorically be a political friend and unconditionally support American foreign-policy initiatives. As the best illustration of this turnaround of Turkey, the author mentions, twice, Turkey’s refusal to allow that their territory be used as a northern front against Iraq, which Bush’s administration deemed to be heresy *par excellence*. Considering that it had to change its attitude to Russia too, Turkey apparently found itself in a position where it wishes to, one and the same time, act protectively towards the newly-created majority Muslim countries and establish the closest possible cooperation with Russia, the major energy supplier. Bearing in



mind the, often, conflicting interests of these two powers with regard to Caucasian republics, this is a hard position. As for China, judging by how much space it was devoted in this book, one may conclude that, even though it is an important partner, China actually is not a primary target of the new multidimensional foreign policy. This means that the room for manoeuvre here is quite limited. The only mentioned example, the rebellion of Uyghur population in the Chinese province of Sinkiang, shows what complications can follow from any attempts of a foreign-policy branch of Neo-Ottomanism to *grow* in this direction. With the European Union, which is addressed in the chapter “Global Coordinates of Neo-Ottomanism”, Turkey has for decades had controversial relations. The author is categorical that Turkey strives to become a member of EU, if not for anything else, then because of the unavoidable constitutional changes which must follow the legislative reforms aimed at ensuring compliance with the European standards. Namely, these changes will ultimately make it impossible for the Army to meddle into the political sphere of life and, consequently, - the author persists with his point of view – clear the way for further islamisation of social reality.

The last part of the book discusses the regional aspects of Neo-Ottomanism. The Caucasus was recurrently mentioned in the context of Neo-Ottomanic doctrine and the author yet again refers to this fragile area that is fraught with problems and interwoven with different interests and aspirations. It is enough to see the triangle Armenia-Georgia-Azerbaijan and the conflicting interests among them and surrounding them, to witness the challenges encountered by this doctrine. As it was already mentioned, seen in a broader sense as defined by the author, the Middle East is a field in which traditional Turkish-Western strategic friendship faced the greatest test. In simple terms: Turkey has increasingly shown its readiness to, in a certain measure, demonstrate its political sensibility for some painful spots of the West and, in line with the *zero-problem* policy in its immediate surroundings, tempered this readiness so as not to compromise the support of the other party. Turkish relations with its three Middle Eastern neighbours (Iran, Iraq, and Syria), which the West have for a long period already deemed to be problematic, have a common denominator in the Kurdish minority residing in these countries, whose separatism Turkey has been continuously fearing. The intensity and vocation of these relations that depended on this and other aspects of inter-neighbourhood constants and variables (relations

BOOK REVIEWS

N^o 18 • JULY - SEPTEMBER 2010

BOOK REVIEWS

between Sunnis and Shiites, Iranian nuclear programme, Israel – Moslem neighbours, etc.) were either ignored or overlooked, or treated affectionately, which again demonstrates the two faces of Turkish foreign policy, or Neo-Ottomanism. In the end the author took account of the Balkans as a territory which is not so much important verbally, but is of vital interest for Turkey in operative and practical terms. Here the reader learns about some of the “most shocking” theses. Namely, the Balkans is defined as a “central place in modern Turks’ Neo-Ottomanic self-perception of identity ...” and, as such, is “of key importance for shaping of the Neo-Ottomanic concept and policy.” Accordingly, being the “Turkish native soil, the nucleus of the creation of Neo-Ottomanic view of oneself and the world” the Balkans is actually the reason – the reader may conclude – why modern Turkey considers itself to, in terms of civilisation and identity, be a European state. Their involvement in the Balkans is therefore self-understandably crucial and vital. In this involvement – the author continues – Turkey was and remained the main ambassador of the Muslim section of the Balkans, the Bosniak and Albanian one, publicising their interests and advocating, in the first place, the “Bosniak cause”.

In summarising attempts, the impressions interlock: is this a nostalgic lament over a long-lost glamour of the empire or a clearly-calculated and pragmatically-defined foreign policy which continuously changes its course so as to achieve current short-term or mid-term interests, or, alternatively, something more than that. This will depend on the reader. The author’s position is clear: Neo-Ottomanism is more than an ideology, a kind of philosophy of history and life that contains something of everything. What still remains rather vague is the shape of the desired reach of such an outlook on the world which is, in its outlines, reduced to achieving the political influence in the spheres considered to be of legitimate interest. If this is true, then we can say that it does not go beyond the constant of global geopolitical strategy game where all those with influence strive to position themselves the best they can and want (depending on their interests), and those less influential look for a haven in some option that is more favourable for them, or gravitate towards an equilibrium of relations. However, since the era of intensive Turkish diplomacy is in full blast, and considering that every foreign-policy move Turkey makes is a focus of attention, the above analysed piece of literature may be recommended as exceptionally useful in learning about the basics of Turkey’s geostrategic orientation.



Peace by Peaceful Means

Marija Todorović¹

Senior undergraduate, Faculty of Political Sciences

Johan Galtung (2009), *Mirnim sredstvima do mira (Peace by Peaceful Means)*, Beograd: Službeni glasnik.

Book Review

Peace by Peaceful Means is Johan Galtung's, the founder's of peace studies, first book that was published in the Serbian language. In this book that he wrote in 1996, Galtung provides a comprehensive analysis of nonviolent conflict resolution. Looking at peace and violence from a number of different perspectives, he points out that they are multidimensional and that a holistic approach is required to analyse them. In this book the author elaborates on his ideas through four theories – the theory of peace, the theory of conflict, the theory of development, and the theory of civilisation.

In the introductory part, Johan Galtung points out that there are three types of violence – direct violence (there is a perpetrator), structural violence (arising from the very structure of society and human beings), and cultural (legitimising the above two types of violence through religion, ideology, language). Negative peace would therefore mean the absence of direct violence, whilst positive peace would mean the absence of indirect violence, i.e. bliss and contentment of body and mind.

Comparing peace studies with health studies, Galtung suggests that the diagnosis– prognosis–therapies triangle should be used in the process of achieving peace by peaceful means. Diagnosis would involve analysis of well-state and ill-state, namely peace and violence. Galtung believes that their causes, conditions and contexts are to be sought in a number of different spaces – Nature, Human, Society, World, Time and Culture, considering that any narrower approach would be doomed. Then follows prognosis, within which it is established whether the system is capable of self-restoration or intervention by a third party is required, that ends in prescribing a suitable nonviolent therapy.

BOOK REVIEWS

Nº 18 • JULY - SEPTEMBER 2010

¹ maca_tod@hotmail.com

BOOK REVIEWS

Addressing the peace theory in the first part of his book, Galtung first defines peace not only as the absence of direct violence and lessening of structural and cultural violence, but also as a nonviolent and creative conflict transformation. According to Galtung, minimum consensus on how to define peace is necessary in order to be possible to establish communication; on the other hand, maximum consensus is undesirable since it leads to dogmatism and intolerance.

But the studies themselves will not end violence and build peace; this is done by the people who have skills, namely knowledge, imagination, compassion and persistence. Galtung says that peace cannot be established if only elites take action but by concerted action of all parties involved in the conflict in question and all the parties interested in finding a creative solution for it.

Gender issue plays an important role in the process of conflict resolution and transformation; namely, men are the perpetrators of direct violence in as many as 95% cases, which can be explained by biological, psychological, cultural, and structural factors. Still, gender issue does not count much in the existing structures and cultures since even women in power become less compassionate in such environment. To decrease violence is therefore possible only if the structure is reorganised from vertical into horizontal one and inclusive culture is created.

Galtung then rejects the thesis about the peaceful character of democracies. He considers them to be belligerent and belicist, ready to use violence to maintain their powers and privileges arising from their high ranking in the global pyramid. *Status quo* is what suits them best.

How then to make the today's system of states become less violent? Galtung sees a solution in establishing a confederation in which it would be easy to reach unity, where cooperation is not something that is imposed from outside and options for reorganisation and exit from this system of states are always on the table. There remains a stability problem and that is why the mechanisms for establishment of equilibrium are necessary.

In the second part of the book, Galtung elaborates on the theory of conflict. Presuming that the core of the conflict is a controversy /problem, the author distinguishes between two main elements of the conflict – a dispute and a dilemma, leading to (self)destruction. In order to transform the conflict, it is necessary to channel the pertaining energy in a constructive manner, which involves the external, rather than only internal, dialogue among



the actors. Here it should be kept in mind that the conflict is dynamic, that the changes take place all the time, and that the transformation of the conflict is a never-ending process. To reach a stable situation is only a temporary goal and the key task is to manage the transformation in an acceptable and sustainable manner.

Galtung sees conflict as a three-level structure consisting of behaviours, attitudes, and controversies. With regard to the level of conflict articulation, we distinguish between a manifest level and a latent level. Whilst in direct violence the actors are aware of their attitudes and controversies, in structural conflict these exist only at the subconscious level. For the conflict to be transformed it is therefore necessary to make the parties to the conflict become aware, namely to have their attitudes and controversies elevated from the latent level to the manifest level. The articulation and awareness must be accompanied by the simplification of the image of conflict, with avoidance of its polarisation leading to the disregard and suppression of controversies and with de-escalation of violence. Important steps in overcoming structural violence are to face the violence, to fight using the nonviolent means, to decouple (cut the structural tie with the repressor/exploiter) and reconnect by building horizontal, more inclusive and less violent structures.

Essential segment in conflict resolution is to remove non-compatibility, which means that it is necessary to define new formations, structures and institutions. The parties should come out of the conflict having not only better societal relations, but also better character, capable of approaching the subsequent conflict in a nonviolent manner. Nonviolence must become a part of the daily discourse, particularly a part of less violent political sciences.

As regards the theory of development, Galtung in the first place points out that there are different definitions of development – from the perspective of culture, needs, and growth. This means that the development can be discussed only in the plural considering that advocating an idea about a type of development produces cultural violence. Western civilisation, perceiving itself as being universal, strives to impose, on the rest of the world, its own view of the development which it equalises with modernisation and economic growth.

Wishing to obtain an economic model which is most suitable for achieving the development, Galtung first identifies six economic schools that provide their views of the manner for econom-

BOOK REVIEWS

Nº 18 • JULY - SEPTEMBER 2010

BOOK REVIEWS

ic organisation – Blue (USA), Red (USSR), Pink (EU excluding Great Britain, Canada), Green (greater part of the Third World), and Yellow (Japan, Eastern Asia). Analysing the economic models offered by these schools, and combining the Pink, the Green, and the Yellow school, Galtung comes to the Eclectic or “Rainbow” school as the most acceptable model. He believes that by combining different elements, economy becomes more elastic and less vulnerable. The Eclectic model requires a decentralised distribution of production factors to all, making everybody a potential participant in some production, not only in consumption. The products which are closest to nature and basic needs should be produced locally, and those requiring an immediately higher level of processing should be produced at national level. Galtung highlights that he is not against the world trade, but only for the reduction of its share in the overall trade and advocates that every country in the world should have a role in the horizontal and fair division of labour. Galtung warns that, even it proves not to be downright fruitful, the process of building an eclectic model should by no means be given up!

To better understand the economic activity, it is important to identify the externalities (side-effects) that appear in economic systems. If they are seen in a holistic manner, a synergy of cultural and structural violence can be identified between the predominant streams in economic theory and practice which, by uneven distribution of the internalities’ and externalities’ effects in an economic cycle, result in exploitation or inequality. In this case, Galtung advocates a dialogue between the parties in the economic cycle, with a goal to reduce the negative and share the positive externalities.

In the last part of the book, Johan Galtung discusses the theory of civilisation; his wish was to point out the in-depth postulates, roots, and causes of different perceptions of peace, violence and nonviolent resolution of conflicts. By doing that, he gives primacy to culture; for the units of analysis he uses the civilisations and not the states, or economic or political systems.

Galtung sees cultural violence in different aspects of culture - religion (God – Satan, Chosen People, Male Dominance), ideologies (divisions: I – Others, Chosen Ones – Unchosen Ones), language (use of the same word for male and female gender in some languages that are based on Latin vocabulary), art (manifestation of so-called oriental despotism in Europe), empirical sciences (the doctrine of comparative advantages), logic (either – or).



Roots of violence, however, can be seen at even a deeper level, in collective unconscious which defines normal and natural reality. Knowledge of a cosmology of a civilisation is necessary for gaining the understanding of collective human behaviour. These deeper layers of culture may explain why some characters such as Hitler or Stalin appeared natural, normal, and enjoyed large popular support.

The author identifies six different cosmologies – Occident I (Greek-Roman, Modern), Occident II (Medieval), Indic (Hindu), Buddhic (Buddhist), Sinic (Chinese), and Nipponic (Japanese). Whilst, according to Galtung, Occident I is energetic and innovative, but basically a bully, Occident II is too withdrawn from the world, Indic and Buddhic civilisations are passive, Sinic resembles Occident I in arrogance, but it is less violent, whilst Nipponic civilisation is impressive, arrogant and withdrawn. Analysing the relations among these civilisations and their interactions, Galtung identifies Occident I and Nipponic civilisations as most problematic, because of their expansionism. The change of these civilisations is hardly plausible since radical changes are not made through conscious planning but rather through many historical circumstances.

Nevertheless, the question is whether there exist any therapies for the cosmologies whose basis is made of the CMT-complex, namely the choseness – myth – trauma complex that is present both at the level of a society and that of the personality. Galtung suggests socio-therapies (restructuring of relations), soma-therapies (targeting the person that should be changed), and psycho-therapies (targeting the society in general).

In this book, Johan Galtung has exhaustively presented his view of peace as a creative and nonviolent transformation of conflict. In this process, which is not a simple one, there is no room for unilateralism, exclusivity, division to 'Self' and 'Other'. Openness, cooperation and dialogue are needed to maintain, achieve and build peace. Even though some of Galtung's theses may be disputable, in this book the author doubtlessly gives a great contribution to gaining the understanding of the essence of peace and conflict. Regrettably, the question remains whether, in many regions of the world, there exist organised political forces which can realise all those efforts that must be made to transform a particular conflict. The agreement between the elites is only a small part of the solution since, as Galtung asserts, peace is a revolutionary proposition that takes place all the time – the only question is whether we can live up to it.

BOOK REVIEWS

Instructions for the authors

Western Balkans Security Observer is a journal established by the academic community of the Belgrade Centre for Security Policies. The papers that we publish in this journal deal with regional security issues, but they also focus on national and global security problems. The editors especially encourage papers which question the security transformations from an interdisciplinary perspective and which combine different theoretical starting points. A special column is dedicated to reviews of the newest sources from the fields of security studies, political sciences, international relations and other related scientific disciplines.

When submitting the papers, the authors must follow criteria specified below:

- Desirable text length: from 2.500 to 4.000 words
- Font: Times New Roman, spacing: 1,5
- Title page that contains the title of the paper, first and last name(s) of the author(s), name of the institution(s) where the author(s) is/are employed, author(s) title and function in the institution, e-mail address of the corresponding author.
- The abstract should be 100 -250 words in length and in it the author should point out the most important hypothesis on which the paper is based. Below the abstract, the author should specify up to 10 key words.
- Authors should use the Harvard referencing style as described in the Anglia Ruskin University 2010 Guide to the Harvard Style of Referencing, which is available online at http://libweb.anglia.ac.uk/referencing/files/Harvard_referencing_2010.pdf. Only when quoting references in Serbian language, authors should use Harvard referencing style as adjusted in Matica Srpska standard and published in this issue of the Serbian edition of the Western Balkans Security Observer.
- Latin, Ancient Greek and other non-English words and phrases must be written in *italic* in the text (e.g. *status quo*, *a priori*, *de facto*, *acquis communautaire*, etc.).
- Prospective articles should be sent to: office@ccmr-bg.org with the subject: *For WBSO*. All papers will be reviewed and after that the editorial board will make a decision about publishing.

WBSO

Editorial Board:

Barry Ryan, Lecturer, Politics and International Relations, University of Lancaster

Bogoljub Milosavljević, Professor, Faculty of Law, the Union University, Belgrade

Cornelius Friesendorf, Research Fellow at Ludwig-Maximilian University, Munich, Germany and DCAF, Geneva

Dragan Simić, Associate Professor at the Faculty of Political Science, University of Belgrade

Dušan Pavlović, Assistant Professor, Faculty of Political Science, University of Belgrade

Ivan Vejvoda, Executive Director, Balkan Trust for Democracy

Kenneth Morrison, Lecturer, School of Politics and Sociology, Birkbeck University

Marjan Malešič, Associate Professor, Faculty of Social Sciences, University of Ljubljana

Nadège Ragaru, Lecturer, Science po Paris

Svetlana Đurđević - Lukić, Research Associate, Institute of International Politics and Economics

Timothy Edmunds, Senior Lecturer, University of Bristol

Papers published in this journal may not be re-printed, either in part or in full, without prior written consent of the Editorial Board.

The opinions presented in the papers are the personal views of their authors and do not necessarily reflect the opinions of the Editorial Board of the Belgrade centre for Security Policy

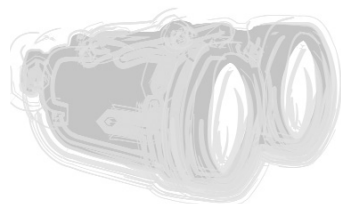
CIP - Katalogizacija u publikaciji
Narodna biblioteka Srbije, Beograd

327.56(497)

WESTERN Balkans Security Observer :
journal of the Belgrade Centre for Security
Studies / editor in chief Miroslav Hadžić. -
2006, No. 1 (july/august)- . - Belgrade
(Gundulićev venac 48) : Belgrade Centre for
Security Policy, 2006- (Beograd : Goragraf).
- 24 cm

Ima izdanje na drugom jeziku: Bezbednost
Zapadnog Balkana = ISSN 1452-6050
ISSN 1452-6115 = Western Balkans Security
Observer
COBISS.SR-ID 132633356

N^o 18



The Western Balkans Security Observer is a journal published by Belgrade Centre for Security Policy. BCSP is set up to carry out systematic research and promote academic advancement of civilian researchers thus contributing to the development of Security Studies in the region. Articles published in the Western Balkans Security Observer are focusing on regional security issues but also deal with national and global security problems. The journal welcomes papers that explore security transformations from an interdisciplinary approach and which manage to use the strong points of different schools of thoughts. Both theoretical and empirical accounts are welcomed. A review section introduces relevant resources in Security Studies, Political Science, International Relations and related fields. The WBSO was conceptualized as a part of BCSP's project Belgrade School of Security Studies which ended in the end of 2009.

Belgrade Centre for Security Policy
Gundulićev venac 48
11000 Beograd
tel/fax 381(0)11-32 87 226
381(0)11-32 87 334
www.ccmr-bg.org
office@ccmr-bg.org