Gorazd Meško and Bojan Dobovšek (eds.)

POLICING IN EMERGING DEMOCRACIES – CRITICAL REFLECTIONS

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CRITICAL REFLECTIONS

CONTENTS

Policing in Serbia: Challenges and Developments

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1   INTRODUCTION

Throughout the 20th century, security in Serbia was comprehended mainly within a traditional and narrow concept of national security (state-centric), defined in military terms that highlight the use of power and related mechanisms. During the period of socialism (1945-1989), Serbia, as a constitutive republic of SFR Yugoslavia, emphasised the ideological component of security.[1] Party-state security was provided by the strong state aparatus such as the public and secret police which, under the Ministry of interior (MoI), held wide-ranging legal powers and often violated human rights as they were accountable only to the communist party. An attempt to socialise the security function through widening the scope of security into a, "system of defence and social self-protection" (Milosavljević, 1997:71) proved somewhat dysfunctional and eventually dissipated. However, crime rates were rather low and the security situation was stable due to a number of internal and external social and political conditions.

With the dissolution of the SFRY and the subsequent disintegration of the political system of socialist self-management, Serbia formally step into the multi-party system. However, in reality it was ruled by the Socialist party of Serbia, and by Slobodan Milošević as the inviolable leader of party and state. Democratic institutions (such as elections, parliament, courts and media) were rendered absurd.[2] Due to the incompetent political leadership that lacked a sustainable strategy for state and society, coupled with their foreign policy, Serbia become isolated and was brought under the economic sanctions of the UN. Numerous economic (e.g. the highest historically-

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[1]   The main values that had to be protected from a plethora of 'domestic and foreign enemies' were ideological: for example, the system of socialistic self-management, the brotherhood and unity of nations that lived in Yugoslavia and the non-aligement foreign policy. Securing them was the priority of the police and other agencies which controlled both media and citizens alike.

[2]   The state (party-controlled) media were preparing the public for 'free' elections, and labelled the opposition parties as foreign spys, traitors and enemies. As the Albanians in Kosovo province did not vote, 30 out of 250 places in Parliament, were guaranteeed for the Socialist party of Serbia on the basis of votes of Serbs in the province that supported Milosević. The police were engaged in counting the votes and organising elections. The result was that opposition in the Parliament was a pure fallacy, while parliamentarian debates descended into hate speeches. Judges and prosecutors appointed by the Parliament followed not the rule of law, but the interests of ruling parties. During some court proceedings, members of the Serbian Radical Party drank beer in the courtroom, sang songs and made fun of the opposition in full view of the media.

recorded inflation), political and security problems have arisen. The country was faced with an enormous rise in both established forms of crime and new forms of crime like organised crime, war crimes and hate crimes. The state became both the organiser and the sponsor of excise crimes such as tobacco smuggling to finance its growing requirements. These crimes were organised by security agencies such as the secret police that, on an operative level, have engaged with major criminals. This rejection of the laws of the state, and of the wishes of business enterprises and members of the public, led to a growing isolation and sense of anomie. The police were the pillar of the regime, whose main task was not to serve and protect the people, but the political regime e.g. the ruling elite. Its main purpose was the fierce suppression of democratic movements and the participation in the Yugoslav War, while crime fighting and community policing were largely neglected. Many serious crimes remained unsolved and fear of crime amongst citizens was high. Some criminals were even protected, due to their actions in both the war and the smuggling operations of the state. Besides that, a number of high-ranking police officers and managers were involved in, or very close to, organised criminal groups. The police were also very forceful in interventions against political opponents of the regime, especially during street demonstrations. The police model become very centralised and militarised, which subsequently led to the introduction of a military ranking system for the police in 1995. Loyalty was ensured by direct appointments of politically obedient people to elite positions in the service.

The situation in Serbia culminated with the 1998-1999 Kosovo crises and the subsequent NATO military intervention, after the breakdown of negotiations in Rambuliet. Milošević was defeated in elections held in September 2000, and his attempt to falsify the results failed due to massive civil resistance that culminated in demonstrations of over 600,000 people in Belgrade on the 5th October 2000.

2   PUBLIC POLICING – THE CONCEPT OF POLICE REFORM IN SERBIA

Bearing in mind the aforementioned features of the Serbian police and its role in maintaining an autocratic regime, police reform (and reform of the whole security sector as well) became the priority of the first demo-

cratic government as a prerequisite for transition from an authoritarian to a democratic model.[3] Cornerstone challenges of this reform were flagged as the four "Ds" – de-politicisation, de-centralisation, de-criminalisation and de-militarisation.

The four "Ds" were the basis of the Vision Document that was produced between 2001 and 2003 by independent Serbian experts, experts from the Ministry of interior and from Lex/local NGO and foreign experts engaged by the Danish institute for human rights as a strategic partner. In this comprehensive document (over 600 pages), the main directions of reform for all sectors of police work were defined, as well as indicators for measuring progress. In an appendix to the document, there was a catalogue with 174 different projects for potential donors.[4] The Vision Document for the reform of the police service was presented to the public in April 2003 and implementation of the reform document was the task of the MoI and the Government. The 'Steering Committee' for the reform process, chaired by the Minister, was supposed to "co-ordinate the completion of the Vision Document of the reform and elaborate a long-term reform strategy". However, this body has never met. Neither did the new administration that came into power in early 2004 to reinvigorate the Committee. What occurred was a high turnover of police senior management at both national and local level. The only government body in charge of police reform exists only on paper. In March 2003, Prime Minister Zoran Djindjić was assassinated, and a state of emergency was introduced. In 2004, the new cabinet of Prime Minister Vojislav Koštunica was formed, and a new minister of interior was appointed. The new government and minister formally upheld the Vision Document.

On an operational level, the Djindjić Government (2001-2003) put forward six priority areas of police reform:

– Police Education and Development
– Accountability (internal and external oversight)
– Organised Crime

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[3] There was a three-month interregnum in which democratic opposition shared power with Milošević's party. That was the reason for delaying the beginning of the reform.
[4] The Vision Document was not developed further in terms of detailed plans, timelines, specific milestones, realistic goals and practical steps to realise the vision of a new police service, nor used as starting point for a new revised document.

– Forensics
– Border Policing
– Community Policing

After the elections in 2004, Koštunica's Government added two more:

– War Crimes, and
– Strategic Planning and Development.

2.1   Main positive results

We will discuss the main achieved results on strategic and operational level.

2.1.1   Strategic Level

Police reform was slow, as neither of the post-Milošević administrations had an overall reform strategy, which led to a lack of internal capacity and precise time-frames for steering towards the proclaimed goals. If the results are to be sustained a long-term home affairs strategy needs to be put in place (Bakić and Gajić, 2006: 3). Although the four "Ds" have often been publicly championed by both administrations since 2000, they were not systematically developed as government policy. Neither of the post-Milošević governments adopted any overall strategy for the implementation of police reform. So, on the strategic level, the main objective - four "Ds" were not achieved.

De-politicisation seems still to be a very distant ideal. Dušan Mihajlović, Minister of Interior in Djindjić's government, declared that the police became depoliticised when its symbols were changed (for example, its uniforms) and the secret police were no longer an organisational part of the MoI. However, the problem of politicisation of the police is not so simple. After the second democratic elections, over 600 police managers were replaced due to political reasons. Political influence over the police is sometimes unscrupulous.[5] Although recent legislation (introduced to-

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5   Aleksandar Nikitović, chief of cabinet of Prime Minister Koštunica ordered that Slobodan Jocić, commander of Sever police station in Belgrade, had to be relieved of his duty, after a policeman from this police station fined him for speeding late at night

wards the end of 2005) has made a nominal division between political and operational components, political influence is still overly present at all levels and the Minister of Interior is still seen as the top operational police officer. Goran Petrović, ex-chief of the State Security Sector, views ideas of professionalisation and depoliticisation, two pillars of the modern police, as abrogated with numerous solutions within the new legislation. The fact that the Director of the police is appointed by the Government on the proposal of the Minister, would be a small step towards his imaginary autonomy, if the Minister did not appoint almost all the other senior police managers, as is evidenced by a number of provisions. The Director is responsible for the work of the police, but has no managerial autonomy. That such powers are granted to a politician such as the Minister is contradictory to ideas of professionalisation and depoliticisation. Furthermore, the fact that the Minister decides on the promotion of police staff, the deployment of special police units and is able to direct police investigations pending the public prosecutor being made aware of them highlights the fact that the political function is neither marginalised nor limited. On the contrary, the Minister is a despot with unlimited powers.[6]

In real terms, there has been no concerted move towards *decentralisation*; the police service remains a centralised authority, reflecting the structure of the centralised state. Centralised management of the budget and short-term planning have impeded the delegation of decisions and police officers at the local level have little freedom in addressing specific local issues and working more closely with communities. This has also impacted upon the development of a coherent community safety agenda.

It is rather hard to estimate the amount of progress towards *de-criminalisation*, due to a lack of data and an ineffective system of accountability. Some of the structural elements and causes of criminalisation are suppressed, but there are still policeman that are very close to the 'controversial' businessmen. It is not easy to estimate the level of corruption in the police, but, based on data about police salaries, and the estimations

on the 10th July 2006. After the media showed interest in the case, the decision upon his relief was withdrawn, but charges against Nikitović were suspended. Source: daily newspaper **Blic**, 4–5, 12. Jul 2006.

[6] Glas javnosti 12th August 2006 taken from Nezavisne novine, Banja Luka.

of overall level of corruption in Serbia,[7] it might also be rather high. The Serbian police still have a long way to go in effecting de-criminalisation and progressing in the fight against corruption.

According to police officials, the Serbian police is now *demilitarised* as recent police legislation abolished military ranks in police, except in some special police unit (e.g. the Gendarmerie). But the key question is whether military logic and relations are still present within the Serbian police. Police officers still have very few discretionary powers and execute the commands of their superiors without question. Thus, the hierarchy is still premised upon a rigid superior-subordinate relationship, defined by prerogatives of rank, where initiative is neither sought nor encouraged.

2.1.2   Operational Level

The main achievement of the reform, within the declared priority areas, on the *operational level* are in the fields of organised crime, forensics and border policing.

In Serbia, at the beginning of the police reform process, there existed three *police educational* institutions – Police High School, Police College and Police Academy. These have traditionally functioned independently with no mechanisms for the integration of resources, a system which was both inefficient and expensive. Thus, there was no effective model of institutionalised police training. Teaching methodology was obsolete and 'teacher-centred' and curricula were outdated, theoretical and militarised. There was an evident lack of female and minority candidates and students.

In 2005, with the assistance of foreign partners, a phased transformation of the Police High School[8] into the entry-level Basic Police Training Centre

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[7]   According to the Transparency International Index, corruption in Serbia in 2005 was 2.5 times higher than in all other ex-Yugoslav countries except Macedonia. See more on http://ww1.transparency.org./cpi/2005/dndl/news.

[8]   For more than 30 years this school enrolled 14 year old boys, educating them for 4 years under a military-style regime of activities linked to basic police duties. Transforming this institution took a long time partly due to the fact that a number old high ranking police officers had been students at this school and had certain sentiments towards the institution.

was introduced, along with standardisation of basic police training. The MoI and OSCE initiated re-training of the teaching staff and the development of a new curriculum. In late summer 2006, the amalgamation of the Police College and the Police Academy into a Police Faculty began. Under the adopted strategy, this institution was seen as a civil institution and part of Belgrade University, which had close links with MoI. In practice, the 'new' institution, the Criminalistics Police Academy (CPA), is still very much linked to the MoI and continues to be influenced by it in ways which impact upon its affiliation with the university.[9] Changes to curricula and teaching methodology were more cosmetic than substantive.

The biggest positive innovation in terms of human resources development and creating a representative police service was the inclusion of female uniformed police officers.[10]

The MoI opened up to influx of training offers coming from different international organisations and individual donor countries.[11] However, the training offered on a bilateral basis was arranged directly with different MoI organisational units, and there was no systematic central record keeping. The common theme that connected all those courses was the obvious lack of sustainability. Further attention in the future will have to be given to specialised, in-service and advanced training entailing either the creation of new or the transformation of existing Training Centres to cover the whole of Serbia.[12]

During the last decade of the 20th century the question of *police accountability* was totally neglected. Due to the politicisation and criminalisation of the police it was very important to put this issue onto the reform agenda. In March 2001 an internal affairs unit, the Inspector General Office (IGO), was established as a part of the MoI. This is headed by the

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[9]   For example, the Minister of interior approves the Program of scientific researches of the Academy. Teachers have the same status as civilians in certain positions in the MoI, including rights and privileges (such as carrying weapons).

[10] Since starting in 2000 with only 29 female uniformed police officers, the MoI has organised three basic police courses for female cadets. By the end of 2003, there were 1,110 female uniformed police officers.

[11] On the celebration of 1,000 days of the Government, Minister Mihajlović stated that 10,000 police officers had attended more than fifty different courses and seminars.

[12] According to the Strategy, the MoI needs to re-define the curricula for specialised training by October 2007.

Inspector General who is an Assistant Minister of Interior and appointed by the government. IGO's remit was to oversee the police, to ensure they acted in accordance with the law and code of ethics[13] and to investigate citizens' complaints against the police. The unit's first task was to address allegations of crime, corruption and inappropriate behaviour by police. However, the first IG was appointed only two years later, and he assumed the Office without personnel, without office space and without any other resources. In the meantime, the Office existed only on paper. After the elections in 2004, this position was treated as part of a political bargain rather than a matter of professional competence. The IG was proposed by the Serbian Renewal Movement and there were, from time to time, certain tensions, and even public conflicts, between the IG and the Minister. The current IG was appointed to the position although he had no police experience at all and proceed to attracted media attention more on account of his glamorous life style than by his competency in the role.

Under new legislation, internal police oversight is regulated, for the first time by law. The law established the Division of Internal Affairs which 'monitors' the legality of police work, especially with regards to respect and protection of human rights. The Division is managed by the Division Head who regularly reports to the Minister of Interior. At the request of the government and the parliament, the Minister is required to submit a report on the work of the Division. Internal oversight of the police service still has a long way to go.

External parliamentary oversight is still at a rudimentary stage. The Parliamentary Committee for Defence and Security – in charge of police oversight *inter alia* – is only formally performing its role, without showing any interest in deeper involvement. Its members generally do not possess sufficient knowledge of the area, and the Committee does not have sufficient professional expertise at its disposal. The idea of establishing an independent external oversight body has not been pursued, which remains a substantial omission in the police oversight structure (Bakić and Gajić, 2006).

During Milošević's rule, the existence of *organised crime* in Serbia was officially negated. Although organised crime was widespread prior to the

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13   The Directive on Police Ethics was adopted in 2003.

1990s, its development to the current extent was a direct consequence of the wars in former Yugoslavia, the dissolution of the country and the UN economic embargo that encouraged the criminalisation of the entire society, including the police.

The provisional government's first response to organised crime was to introduce POSKOK – an organisational unit of the MoI tasked with combating organised crime. It conducted a comprehensive crime-mapping survey for the White Book, but was disbanded in early 2001 impeding the practical application of its findings. POSKOK was replaced with the Organised Crime Directorate (UBPOK) as a stable structure external to the police service (Public Security Sector) that reported directly to the Minister of Interior.[14] This unit attracted a lot of international attention and received donations of equipment and training.

Organised crime inflicted several serious blows upon Serbia, the most important being the assassination of Prime Minister Djindjić, which was a direct consequence of the relationship between the security structures and organised crime. During the state of emergency that lasted 40 days, the MoI launched the massive police operation "Sabre" that dealt a severe blow to organised crime. However, post-Sabre calmness lasted for some two years, and following this period Serbian organised crime recovered.

UBPOK has achieved some impressive results, but it could not have always met the high expectations of the public due, primarily, to the lack of proper co-operation within the criminal justice sector, e.g. inefficiency in the prosecution and judiciary.

In 2005, UBPOK was integrated into the Criminal investigation department - CID and renamed the Organised Crime Service (*Služba za organizovani kriminal* – SOK). Its internal structure did not change very much from UBPOK's, with the exception of the War Crimes Department which has been removed to become the Service for War Crimes Investigation, but which retains the same hierarchical status as SOK. The aim of such reorganisation was not only the rationalisation and consolidation of the

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[14] UBPOK was in 2003 also tasked with investigating war crimes, due to the connections of certain war criminals with organised crime and war profiteering. The role of the War Crimes Department is especially important and sensitive bearing in mind the connection of certain police elements to war crimes.

Serbian crime-fighting capacities, but also de-politicisation by taking all police units within the police service, out of direct political control. It yet remains to be seen and evaluated whether the restructuring will increase the police service's effectiveness in combating organised crime.[15]

For more than a decade, the development of *forensics* and crime scene management capacities had been compromised. The Serbian police were using obsolete and inadequate equipment and techniques, and were therefore unable to produce evidence of sufficient quality to be used in court. Since 2000, with assistance from the international community, much has been achieved in upgrading the criminal-technical service within the CID. The focus has been on developing a quality management system for processing evidence and a coherent crime scene investigation policy. To this effect, we have witnessed the creation of a national centralised criminal-technical service, a regional network of forensic laboratories, the Automated Fingerprints Identification System (AFIS), the Face Identification System (FIS), a national DNA laboratory and an enhancement of the skills and knowledge base amongst MoI staff. However, a challenge remains in the area of co-operation between the pillars of the criminal justice system.

In 2000, FRY Army and Navy were securing the FRY green and blue *borders*, while the MoI's of the constitutive republics (Serbia and Montenegro) were tasked with controlling border crossing points. Transferring responsibility for the task of border security from the military to the police was postponed due to conceptual problems regarding the state union of Serbia and Montenegro. So far, the necessary organisational, normative and other (e.g. HR) preconditions to assure this transition are present within MoI and demilitarisation of the state border began in 2005. According to arrangements, at the end of 2006 the police will take over responsibility for securing all the state borders. This has led to intensive activity surrounding the introduction of Integrated Border Management as one of the main preconditions for future EU accession.[16]

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[15] It should be mentioned that enhancing the fight against organised crime depends upon developing comprehensive systems of national criminal intelligence, forensics and border policing.

[16] For more details see http://www.seio.sr.gov.yu/upload/documents/strategy_ border%20eng.pdf.

The MoI has developed a *community policing* agenda premised upon a bottom-up approach and implemented projects in several pilot sites across Serbia in June 2003, in co-operation with international organisations and agencies. The plan was that the pilot project would last from three to five years, and that the MoI would create a national strategy prior to the development of a community policing model suitable for national roll-out. In late 2004 the results of these developments were published in the Joint Evaluation Report conducted by the Serbian MoI and the UK Department for International Development (DFID). It concluded that a great deal has been achieved, and that the piloting process has provided a strong foundation for further development and expansion to other parts of Serbia, but that there is still some way to go towards before the model might be considered sustainable.

S*trategic planning* has been the hallmark of police reform. Only recently have operational strategies been developed, and only after the realisation that the previously fragmented approach had led to disjointed and unsustainable developments. There were a small number of international and MoI efforts in the area of strategic planning,[17] but a lack of political will and strategic thinking, coupled with personnel discontinuity, affected the possibilities for a sustainable development of existing achievements. A new MoI organisational chart displays the Bureau for Strategic Planning and Analytical Reporting within the minister's cabinet, but this unit is still not operational.

In the overall context of reform, one substantial weakness is the personnel management of the police describe in the OSCE report as the Achilles' heel of the system (Bakić and Gajić, 2006).

Among other achievements the following should be mentioned: the reassertion of international police cooperation, the creation of the Multi-Ethnic Police Element (MEPE) with the assistance of the international community and the extraction of the Security Information Agency (BIA) in 2002 from the MoI structure, and the re-positioning of it under the direct control of the government.

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[17] For example, the work by the DCHR that led to the Vision Document and within the framework of the regional association Southeast European Police Chiefs Association (SEPCA) which was assisted by the Royal Canadian Mounted Police (RCMP).

2.2   Main Obstacles

In official presentations of the police reform process, representatives of the MoI have expressed their satisfaction with the achieved results.[18] On the other hand, independent experts and journalists are rather disappointed, paraphrasing the slogan of the disappointed supporters of the Milošević's opposition, who believed that revolution occurred on the 5th October 2000, "Everything is the same, only he is missing". Probably the truth is somewhere in the middle. The reformation of Serbian police has been revealed as a very difficult task. Any attempt to explain the somewhat limited result of six years of reform should take the following obstacles into consideration:

- During the period of provisional technical government, as a result of an apparent political agreement, the State Security Sector was left to be tackled by the new Serbian government. Accordingly, in this four-month period of transitional government, there were no changes or any start of the reform process in that Sector.
- The lustration of the police service was not carried out;[19]
- The DOS (Democratic opposition of Serbia) governing coalition was heterogeneous with strong internal rivalries which weakened the democratic momentum. This also applies to Koštunica's government that is in coalition with Milošević's party. The consequence is the lack of a political will for real change;
- Political instability;[20]
- The assassination of Prime Minister Djindjić slowed the reform process;
- Amongst political actors in Serbia, the police are still comprehended as wielding power for their own purposes rather than for those of public service.

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[18] For example, in the presentation of general M. Kuribak at the international conference Security sector reform in Serbia – Achievements and Prospects, organised by Center for military-civil relations, DCAF and Chech governemnt, 29th-31st October 2006, Belgrade.

[19] There was no systematic review of the conduct of the police managers during the authoritarian regime. Some of them who became infamous on account of their actions at that time are still in a high position due to the lack of mechanisms of lustration.

[20] This led to indecision instead of timely action and change management. The sustainable development of the service cannot be guaranteed when police officials are unwilling to apply for senior posts due to the possibility of being demoted for purely political reasons.

3 PRIVATE POLICING

Private policing is a relatively new phenomenon in the Serbian internal security system. The country experienced a sudden growth in the number of private security companies at the end of 1992, a development stimulated by the abolition of the Law on social self-protection in 1993. This period signals the beginning of the private security sector in Serbia. From the beginning, the development of the private security sector was moving in two directions; (1) towards establishing private agencies that were engaged in protecting 'new businessmen', politicians, entertainment stars but also criminals and both former and current members of secret services, and; (2) towards establishing private security companies that inherited the role and jobs of former security services in public companies that were engaged in traditional jobs of securing property, people or business. While doing so, the agencies, as a rule, worked in an illegal and frequently unlawful manner, while private security companies, that could have even a larger number of employees, were slowly developing their field of activity and the private security sector in general.

In a very short period of time, of about a decade, the number of employees in the private security sector came close to the number of employees in the police – around 30,000. The increase in the private security sector is a direct consequence of the change of regime following October 5th 2000. The process of privatisation, and the arrival of foreign companies in the Serbian market, has led to an increase in the quality and extent of supply in the private security market in Serbia. This rise in the Serbian private security industry is confirmed by data that suggests that the yearly turnover of private security companies increased from EUR 10 million in 2001 to approximately EUR 26 million in 2003 (according to official data of the NBS Solvency Centre). Investment by private security companies' owners have tended to be directed towards new security technologies and equipment, rather than employee training and education.

Since the beginning of the development of the private security sector, however, there has been a chronic absence of legal regulation. Despite the fact that several valid laws indirectly regulate the framework and the character of the private security field, a separate law on private security would largely prevent serious problems that this sector faces. In the context of this work, these problems are also shown as its main challenges.

In the analytical sense, we believe, the general problem which the private security sector of Serbia is facing is the ability to shape it, build it and harmonise it with the European model of private policing.

Putting the problem in such a broad perspective, requires the identification of specific problems which affect, with varying intensity, the challenges faced:

- The absence of a relevant contemporary categorical apparatus in the field of internal security, which results from the fact that in Serbia there is no clearly formulated national security concept based primarily on prevention (not repression). The character/course of historical change suggests that the social corpus is increasingly becoming characterised in terms of the private.
- A connected issue is that this absence of a conceptual apparatus negates the possibility of an analytic framework from which to engage with critical opinion, conceptualisation and strategic planning.
- There is a lack of legislation with which to regulate the number of negative, or at least undefined occurrences, that occur in the private security sector - e.g. with regard to private investigators/detectives, private surveillance systems and abuse by private security, the lack of regulation of tendering private security services, the lack of systematic training and education of employees, the licensing of companies and employees in the sector, the protection of employees' rights and illegal competition in the security services market.
- There is a lack of partnership between the private and state security sectors, which is a key precondition for ensuring the security and safety of citizens, the local community and society in general. This provides illumination in two main ways; (1) the governing model of internal security in Serbia is one of state-centralisation, and, in relation to this; (2) there is evidence of a persistent stereotype that holds the police as the only performer of security in society.
- There is a lack of any conception of crime prevention, at the national level, and therefore a lack of any vision about the place and the role of the private sector in prevention.

The last problem directly takes us to the discussion about the extent to which we can talk about private policing in Serbia at all. If we strictly

adhere to the definition of policing[21] as a social concept that involves a wider circle of social factors involved in the maintenance of social order, then we can say that we are in the initial stages of creating conditions for the establishment of a private policing model.

At the same time, the private security sector as an integral part of policing is suffering from a lack of legal regulation, standardisation and professionalisation. In the last six years we have noticed only one attempt made by the MoI in the early phase of police reform to regulate this sector. It was a law draft made in 2002 which is still on the `waiting list` to enter the Serbian Parliament. Since then, all activities towards regulation of the sector have halted. Research results show us rather dramatic situations in terms of; (1) a lack of standards in performing private security services; (2) a lack of training courses for employees in private security companies; (3) a lack of regulation imposed upon the private security market; (4) the existence of strong political influences on tenders for the outsourcing of security services; (5) a lack of communication and cooperation between public and private security sectors. It appears that the MoI and Serbian authorities are torn between competing demands to re-define and organize modern policing, on the one hand, and demands to preserve the status quo, on the other.

The concept of policing, in actual fact, represents a socialisation of the function of security. The concept has historical precedent within Serbia and for two decades we witnessed the system of social self-protection, the process of socialising the function of security against a strong ideological backdrop. Nevertheless, the huge social experience derived from the

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[21] In essence, policing represents a social function that contributes to the maintenance of individual social order (and peace), which is carried out by numerous institutions, establishments and bodies. It is understood in terms of those activities the goal of which is to provide security in a certain environment, and this by way of measures and activities that are appropriate for such an objective. In that sense, policing differs from the much wider concept of social control, which includes almost everything that indirectly and directly contributes to maintenance, i.e. production of social order (and peace) – of schools, parent boards, churches, youth clubs and centres, media and public workers. In other words, policing is one aspect of social control that brings together monitoring systems with the threat of sanctions for violating social order, with its primary goal being to keep this social order safe from internal and external threats. This social order can be founded on consensus, or conflict and oppression, or a combination of the two, which occurs more frequently in modern societies.

practice of *social self-protection* could and should be used in organising the emergent concept of modern policing in Serbia.

The private security industry, despite the presence of unresolved problems, is entirely ready to integrate itself into such a concept. These problems can be easily and efficiently removed by way of proclaiming and realizing several principles; (1) the principle of legalisation (2) the principle of professionalisation; (3) the principle of standardisation and (4) and the principle of *europeisation.*

3.1   Development

The private security sector in Serbia is undeniably a reality as is the public/state sector. What has yet to become a reality is communication between these two poles, cooperation on the general concept of crime prevention, the removal of the threat of crime and the elimination of the fear of crime that we have suffered for the past decade. However, at the same time, the private security sector represents an existing force that, with the expansion of its activities, will gradually increase in power, and subsequently find itself in a different negotiating position. In contrast, the relinquishing of traditional jobs and authority that have characterised the state-exclusive monopoly for centuries also represents a measure of democratisation of a society. Judging by the present situation, and the activities carried out by the security sector and the authority they continue to hold, the monopoly of state power embodied in the Ministry of Interior still exists.

Perhaps it would be more precise to say that a large discrepancy exists between the proclaimed reform orientations of the MoI and what has actually been achieved in that sphere and the extent of adjustment to market laws and private security sector models of development. I will give an example of the way this sector reacts to the problem of legislative regulation of private security. Even though the lack of legal regulation in this field suited many (generally smaller) private security companies for quite some time, the past five years have seen the entire private sector publicly insist on the necessity to pass the law. After failing to prove receptive to such requests, there was a growing awareness of the fact that private security was becoming international, and that leading private companies were establishing associations and on the threshold of being accepted to

CoESS (European Confederation of Private Security Services). Central to this was a desire to standardise and professionalise their practice according to the European model and its associated market.

There are many examples of attempts by private security companies to enhance the professional level of their personnel, by hiring renowned scientific and qualified institutions, by investing substantial funds in the state-of-the-art equipment and by establishing cooperation with other companies in the region.

All these are indicators of an absurd situation in which the social practice of private policing comes before social regulation in terms of norms and legislation. The majority of private security companies have certified their work according to ISO standards for commercial practice. Even though this is not a standard that refers solely to the field of security, this data indicates how seriously and professionally private security companies wish to do their job.

In relation to the development of private policing in Serbia, we can conclude that adopting a special law on private security is *conditio sine qua non* for the prevailing challenges within private security.

The specific characteristics of conditions under which we make an appeal for placing the private security sector under legal regulation is reflected in the fact that aspirations to EU accession oblige us to harmonise the laws in this field with those in force in the EU member-countries. This means that we will no longer be directly dependant upon the will of parliamentary session to adopt or not adopt a law, depending on their assessment of priority and which political party supplied the Ministry of interior.

We will depend exclusively on; (1) our qualifications and capability to join the European security community that, as far back as four years ago, signed the Joint Declaration on European harmonisation of laws that regulate the sector of private security; (2) the reform potential of the MoI that represents the basic precondition for establishing the *partnership* between these two sectors and finally; (3) strategic reform-based projects that would, according to the principle of horizontal coordination and vertical integration, compose a more modern and functional concept of the internal security system.

4   CONCLUSION

Serbia's police service still requires substantial and fundamental efforts to replace the old police culture with values that are in accordance with the changing social values of a society that is in transition and which is striving towards membership of the EU. The lack of legal instruments compatible with European standards and best practices also hinders the reform process. The slow pace of implementation of the newly-adopted system is a considerable problem in many areas, and police reform is no exception. Speeding up the reform process is of utmost importance, bearing in mind regional security challenges, but further development will depend heavily on the political process.

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