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Aleksandar Fatić

Insecurity in Serbian society and the role of the Stability Pact

A general characterisation of the social landscape of Serbia as an extremely insecure and unstable environment, unsurprising as it is, is painfully accurate. All the general features of Serbian society are showing pronounced signs of decay and the stability of south-eastern Europe, which has been pronounced as the key goal of the Stability Pact for South-East Europe, is a far-fetched goal in Serbia which seemed, earlier this year, to be plunging deeper and deeper into a crisis of internal security and political legitimacy.¹

This paper consists of two main parts. The first deals with the key elements of insecurity in Serbian society, while the latter, and briefer one, deals with the main questions that the Stability Pact poses for Serbia and Serbia for the Stability Pact, respectively. In conclusion, I argue that there are things that the Stability Pact ought to do that are quite different from the things that it does now. I argue that such a change of course would help induce a far greater degree of stability in Serbia, thus offsetting the destructive consequences of the deep internal political and social crisis.

1. Structure of the security crisis in Serbia

South-eastern Europe as a whole, and Serbia in particular, is in the process of emerging into the third millennium, worn out by a decade of international isolation and economic punishment, ravaged by the civil wars in which it has participated directly or indirectly, and deeply divided from the inside. Positive sources of energy and enthusiasm can be broadly identified with the willingness to endure the temptations of the last decade, while the sources of negative developments are numerous indeed. Perhaps the most pervasive and destructive phenomenon in the long-term is the decay of the key values that hold society together, which has been coupled with a rapid disintegration of public institutions and culture. Today's Serbia is but a shell of what it once used to be.

One of the most indicative problems that have characterised the past decade, and which seems to have become sufficiently entrenched to mark the coming decades too, is the phenomenon of organised crime in most of its known forms, from pervasive corruption and all forms of white-collar crime to the most directly violent street manifestations of gang warfare on the streets of Serbian cities. A rise in organised crime is usually connected with the criminalisation of political culture, because organised crime as a phenomenon tends to live in symbiosis with the political elites. The disinte-

1 NB This paper was first written in July 2000 but has since been edited to reflect the democratic changes since the September elections. It can be read as an identification of the problems facing the new Serbian President and the new Government when it takes office, as well as an assessment of the impact of sanctions on Serbian society.

gration of social controls at all levels, from those operating in the family to public institutions such as the universities, various administrative services and government agencies, has led to an unprecedented increase in violent crime and a comprehensive security crisis.

Policy management in general, and specifically criminal policy management, is an area where Serbia dramatically lags behind the rest of Europe. This is an area where sanctions have had a profound impact, because Serbia has been excluded from the international networks for fighting organised crime, such as Interpol, and has no relations with the newly-emerged networks associated with the European Union, such as Europol. The European Commission has recently announced that fighting organised and transnational crime would be a priority for its control institutions, with France and Great Britain spearheading this move, but in Serbia organised crime appears to blossom almost unhindered. Murders in the streets, trafficking of drugs, all forms of smuggling of strategic raw materials and fuel, tax evasion on a massive scale, as well as a complete lack of institutional and procedural correctness in the administrative processing of budgets and resources at the national level, have led Serbia into a deep forest from where it is barely able to negotiate a way out by itself.

The development of public policy design and advocacy, and specifically the development of considered judgements and strategies within the realm of criminal policy, is necessary in the short-to-medium term if social control results are to be expected in the medium-to-long term. At the moment, there are no serious efforts to design a comprehensive criminological platform with a solid grounding in public international law and in the accepted legal framework of the European Union and the relevant regional organisations (perhaps, first of all, SECI). This platform would have to discuss the key aspects of the rise in organised crime, relations between the international position and treatment of Serbia and the internal security crisis, and the aspects of international law that directly impinge upon local efforts at social control. These aspects are numerous, but the most important ones include:

1. the conceptualisation of isolation and the internal security crisis;
2. the division between the various types of internal and external non-military security threats;
3. networking and international co-operation; and, perhaps most importantly:
4. the cultural issues behind the internal security crisis.

2. Isolation and internal security

The western political discourse has evolved in curious ways after the end of the Cold War in Europe. Where once the “balance of power”, “zones of interest” or “spheres of civilisation” were the dominant vocabulary of analysts and politicians on both the left and right of the political ideological axis, terms such as “the legitimate interests of a country’s citizens and companies abroad”, “humanitarian demands that cannot be ignored”, or “conveying the right message” are now the rule. So, the balance of power and other cold war ideologies having been permanently removed from the global stage, let us have a somewhat closer look at which legitimate interests of one’s citizens and companies abroad is served by sanctions and the isolation of other countries,

how intervention based on sanctions serves the humanitarian goals that are regularly used as a rationale for their introduction, and exactly what sort of message is being conveyed to the “recipients” of sanctions.

First, the sanctions that were introduced against Serbia have not served the interests of any western citizen or company. This is a quite simple fact. Indeed, they have positively inflicted damage on foreign citizens (by restricting their ability to travel to Serbia and receive proper consular and diplomatic services from their diplomatic missions in the country, as these missions were reduced in the number of staff and level of operation, and at times also withdrawn from Serbia), as well as by making it impossible for them seriously to consider developing economic links with Serbian firms, many of which links had already existed and were, in fact, violently severed by the introduction of sanctions. Western companies have been harmed by sanctions against Serbia.

The same holds true for neighbouring countries in south-eastern Europe, as the normal traffic and the flow of goods and services between them and western Europe was interrupted and made far more difficult, costly and operationally complicated. The closure of the Danube to commercial river traffic during the sanctions, the imposition of an oil embargo on Serbia, which never really worked, and other similar measures made it difficult for barges to commute on the Danube and serve the commercial interests of those states further to the south of the Balkans. Sanctions have therefore harmed all those whose interests that modern western foreign policy is supposed to serve, and, importantly, they failed to inflict any substantial hardship on the members of the ruling elite in Serbia – none of the sanctions were such that they could not be circumvented in one way or another.

Secondly, and a related point, sanctions affected broad layers of the Serbian population, causing its profound pauperisation and impoverishment, placing its existence in danger and reducing the economic status of Serbia to that of a third world country. Not a single humanitarian issue was served by sanctions. The weakest parts of the population (such as the elderly, children and the ill) were reduced to death from starvation – mortality rates in Serbia have dramatically increased during the last ten years. Social security mechanisms, especially the medical sector, have been devastated, as these are sectors that traditionally depend directly on legitimate transactions in medicines, medical equipment, food, etc. A homogenisation of radicalised populations by warmongering leaders was made possible and, indeed, highly probable, as those who have little or nothing to lose are easily mobilised for the purposes of antagonisation and destruction – a lesson well-known from history, both in Europe and elsewhere. From a humanitarian point of view, the international sanctions were a reckless act of disregard for basic humanitarian standards in Europe and they have left the deepest of scars on the face of Serbia.

Thirdly, the “message” that has been conveyed to the Serbian people was entirely the wrong one. It was the message that the west disapproved of the Serbian elected elite but that it was quite prepared to proceed with condemning the entire nation to suffering, while at the same time allowing that elite to become extremely rich through sanctions-breaking economic practices. The elites were given progressively less in-

centive to allow a greater diversification of power because the increasing antagonisation of them by western ranks has allowed them largely to ignore the external condemnation, while it is the ordinary Serbian people who have been on the receiving end of these policies. Years of humiliating travel restrictions, economic victimisation and, finally, military assault, have led many to turn to violent stereotypes that have characterised the dominant manner of governance in Serbia. The “message” has thus echoed in Serbia as:

Play tough, imitate your political elite and accept your fate as inevitable.

Quite the contrary to what the message was supposed to be:

Consider and reconsider your judgements of yourself and others, always critically appraise the government and never resign to the current circumstances as unchangeable and in any way “given”.

The west failed to remove the Serbian regime. It left this act to the people, whom it has positively victimised by the economic sanctions. In such a situation, the regime became stronger and the people progressively weaker.

What did this mean for the internal security situation in Serbia?

The state was forced to take roundabout routes to survival. Rules of legality and legitimacy started to be regularly bent and a culture of “legitimate illegitimacy” became entrenched. Corruption gradually became pervasive because official income was unable to sustain virtually anyone in Serbia. Once official income is recognised as grossly inadequate for daily needs, corruption becomes legitimate, as survival is a necessity. In such circumstances, petty corruption becomes a matter of good manners, a local culture and a legitimate expectation in exchange for properly performed services. “Fees” for everything are introduced overnight. The fact that they are unofficial means very little. Everything costs a certain amount and an increasing number of officials, from the lowest to the highest ranking ones, start to benefit from the new system. Strategic materials quickly find a way into the country – a classic example was petrol, which was probably more easily obtainable in the streets under sanctions than it ever had been at petrol stations before the oil embargo was introduced. Once strategic materials are there, the system is able to sustain itself in the long-term with certain internal structural “adjustments”. The centres of economic power shift from legitimate firms to illegitimate, but factually well-connected and deeply entrenched, gang-style groups who provide services efficiently. The system works, with the small difference that this system is no longer the same system as the one described in the Constitution. A whole new state emerges. This new state was Serbia in the 1990s and early in the year 2000 – and may yet remain so for some time to come.

One of the key roles of public institutions is to secure a reasonable degree of predictability of actions within society. These institutions function in a way which is open to public scrutiny. However, they can function in this way only as long as society as a whole is sustainable, namely only as far as society can conduct its own business in an open and scrutinisable way. Once society is ostracised and excluded from regu-

lar relations in the broader environment, the institutions assume a different guise and start operating as redistribution centres for roles. They no longer distribute only public goods but increasingly start to distribute criminal roles to those who are able to carry them out to the benefit of the institutions and the state as their ultimate sponsor. Thus, the banking sector no longer collects money from citizens and companies and disburses them back for a fee – it disburses the roles and competences to various “shady” individuals, such as street dealers. The public sector thus becomes a source of illegality. Banks become actively involved in the siphoning of resources out of the country and into private accounts abroad, i.e. the “grey exchange”, and they are increasingly dependent on the executive branch of the Government as a source of benevolence for such illegal operations. When legal operation becomes impossible, illegal operation is the only alternative, and the key condition for illegal operation is toleration by the state. The spiral of dependency upon the state becomes even steeper in this way. The circumstances that make legitimate business more difficult play directly into the hands of authoritarian states.

The state, thus elevated above society, is a source of opportunities for survival in an antagonised environment. Social mobilisation at the lower levels is made a more remote prospect because daily, or biological, needs are so pressing that risk-taking is far less likely. If the state allows me to find my way around the daily impossibilities, then I will be able to survive; if, on the other hand, the state decides that it will exercise its right to prevent me from doing things differently than the legitimate and proper way, then I will not be able to survive. Thus, I do not antagonise the state, much less plot to overthrow it. A weak and impoverished population, highly dependent on the state, tends not to be a strong and reform-oriented electorate. Such a population may not have as much to lose as a richer one, but it has much less in the overall sum and thus the things that it stands to lose are the very vital values such as life and livelihood which, if lost, leave nothing behind. It is a wrong assumption that poor and destitute electorates are more prone to social change than well-fed and pampered ones. The latter feel more empowered to change something and, objectively, they have at their disposal more resources which they can put to instrumental use to effect social change. The former have no means, only ends. They are likely to swap ends in order not to have to use their very existence as a means, especially in circumstances where the final ends themselves are unclear and the social options obscure and remote.

In a state where the court system does not work, criminal gangs take over the regulatory function. Whereas threats of lawsuits are used as colloquial jokes, threats of violence are taken very seriously. Where the law of tort is dysfunctional, and the entire judiciary disintegrated and useless, vengeance and violent street showdowns are normal. Where institutions wane, insecurity waxes, so to say. Sanctions destroy institutions and pave the way for the introduction of “legitimate illegitimacy” – in this way, sanctions pave the way for inter-social violence and large-scale insecurity.

A state that is isolated does not benefit from the interactions that revive the spirit of legitimacy and communal belonging to a certain community of values. The news that comes in from the outside, rare and censored as it tends to be, is not interpreted as a signal of social movements or an evolutionary process that is felt as the immediate

environment of which the observers themselves are parts — they are rather seen as the glimmering of a distant and hostile world that is a source of threat and which, therefore, needs to be avoided. A state that is integrated into its environment is exposed to the influences of that environment. A Serbia fully integrated into modern European trends would have perceived the controversy over the London Mayoral race, and the role of Ken Livingstone as a character of antithesis to Tony Blair, as signs of inner diversity and indicators of a dilemma over whether politicians must be sincere in order to be acceptable to modern European electorates. Such a Serbia would have joined in the public condemnation of the victory of Jörg Haider's party in the Austrian parliamentary elections, meaning that it would re-affirm and re-assert an anti-discriminatory and anti-authoritarian spirit which, eventually, would have given rise to self-recognition in authoritarian and anti-authoritarian roles and inspired social changes. An integrated Serbia would perceive the struggles and controversies over law and order around Europe as equivalent to its own and would seek to introduce similar values and similar methods to fighting corruption, organised crime, money laundering, drug and refugee trafficking, car theft, etc. An isolated Serbia, victimised by the west, saw itself as cut off from it and thus, automatically, allowed to plunge into the depths of illegitimacy and "alternative ways of doing things" almost immediately.

If western Europe strives to be secure, but with a Serbia victimised and cut off from it, then Serbia would have found it relatively normal that it was insecure. If laws in western Europe are applied, and western Europe has rejected Serbia, then Serbia would see no major problem in those laws not being regularly applied within itself. The problem is that antagonism gives rise to antagonism, much like the law of action and reaction. Co-operation, conversely, inspires constructive responses and facilitates further co-operation.

Sanctions and isolation rendered violence, insecurity and illegitimacy acceptable in Serbia. They helped these phenomena to become publicly tolerated and accepted norms of everyday life and they made insecurity in all its aspects a normal part of existence.

3. Non-military security threats

The key non-military security threat is crime. It is a threat that was systematically encouraged by the years under sanctions. The design of a criminal policy that is able appropriately to conceptualise the roots and consequences of the growth of crime in Serbia, as well as the most appropriate ways to proceed in controlling it, is a must for current social policy in the country. Several key distinctions must be made here.

Crime is closely connected with a lack of alternatives. Where resources are grossly inadequate to meet public needs, illegitimate forms of behaviour flourish. A useful parallel can be offered here between the relationship between a rise in crime rates and international isolation on the one hand, and certain principles of general systems theory on the other.

General systems theory has provided significant contributions to the understanding of security and political stability in isolated as opposed to well-connected systems. Perhaps the most serious contributions to such theory come from the German

sociologist Niklas Luhmann. According to Luhmann, each system is characterised by two main features: interconnectedness with its environment and a relative functional autonomy, which, above all, serves to identify the system and to distinguish it from others. A well-functioning environment, consisting of various systems, is one in which there is a good balance of exchanges (i.e. interactions) between each system and the others constituent in the environment, and an autonomous functioning through which each system actually makes a contribution to the entire environment. Any imbalances between these two functions of the system and, thus, also of the environment, are generated by destructive changes and have, in turn, destructive consequences that spread throughout the environment and affect every other system.

At the level of political systems analysis, the environment is actually the European political landscape, marked by profound integration running parallel with profound disintegration. Individual systems within that environment are formed by the individual countries.

When this picture is further focussed on a European region, such as south-eastern Europe, and on a single country, the country being Serbia under the sanctions, one can easily see the practical corollaries of the theoretical principles. Isolation increases the need for autonomous functioning, thus also depriving the environment of the important levers by which it might influence internal developments. The normal balance of exchanges with the environment is interrupted, which means that internal dynamics take over the whole of society. Those parts of society that depend on exchanges with the environment, whose natural place it is to serve these exchanges (and these, as a rule, are the most advanced parts of civil society), suffer the most. They are literally cut off from their lifeline, while the most conservative circles, traditionally associated with the reproductive processes that mark autonomy at the lowest level of functioning of the system (food production, provision of basic social services and, importantly, provision of security) become increasingly important and powerful. Those conservative forces which are associated with the base line of functioning of the system thus *de facto* become the elite and decide the fate of society, thereby generating a spiralling dependence on autonomous and isolationist factors and progressively decreasing the level of influence of the outside world on the internal situation.

It has been mentioned here that the provision of security is one of the essential priorities that occurs at the base line functioning of the system. However, the nature and structure of the security threats is complex, and the appropriateness of the security service that is provided needs to be appraised on the basis of a proper classification of threats to security.

The most immediately obvious security threat is that of military aggression by a foreign country, or an alliance of such countries. That threat occurred in Serbia in the spring of 1999 and it enormously contributed to the isolationist sentiments that had already been fostered by the conservative political elite. The non-military threats involve organised crime, whether it is conducted by a traditional underworld or by a government turned underworld. Both scenarios existed in Serbia following the NATO military intervention. The continuation of the military threat then provided the government with a continuing rationale to use repression as a legitimate means of main-

taining the society's territorial and political integrity, conducting periodic partial mobilisations in the inner areas of Serbia and at least tolerating violent confrontations on the streets of Serbian cities. Conservation, as opposed to globalisation, unfolded as the dominant process in Serbia. In a conservative environment, the justification by the state of its instruments of repression, the relativisation of the relevance and the importance of abiding by legal guarantees of human rights and basic civil liberties, and similar authoritarian practices, gain increased legitimacy.

Organised crime is but one such "prong" of the "legitimised illegitimacy" that was at least tolerated, and possibly even actively fostered, by the former government. It involved several main types of activity.

Perhaps the most evident of these is the introduction of widespread corruption in all ranks of the government. The second is the development of a client-based relationship with its citizens through the arbitrary use of instruments for the allocation of social benefits and burdens, such as mobilisation, taxation and infrastructure re-building, various import licences, economic monopolies – *de jure* or *de facto* – forms of immunity and institutionalised protection, and the provision of legal and para-legal covers for the lack of transparency, etc. This is a typical distortion of the constitutional position of the government as the provider of services for its constituents into one of being the master of the constituency, cultivating relationships with constituents as with clients, inferior and dependent. The increased verticality of relationships, where horizontal relationships should normally obtain, characterises contemporary Serbia. The third type of organised crime, and the criminalisation of the state, is "classic" organised crime in the form of violent street crime and various forms of smuggling, amongst others.

For the state to become closely aligned with organised crime, certain extreme circumstances must be present. The more extreme the circumstances, the easier it is to use extreme policies and to blur the distinction between the state and organised crime. An overwhelming degree of insecurity and the threat to security that comes from isolation, a waning of the communications and values link with the surrounding world, and a corresponding rise in the profile of the state, lead to a waning of legitimacy and the feeling of security. Civil society, which is traditionally linked with inter-state and inter-personal interactions that are not institutionalised and sanctioned by official state mechanisms, is directly struck by isolation, military assault and the processes that occur in the aftermath of such events and periods of isolation. It becomes increasingly vulnerable, and vulnerable populations are fertile soil for the flourishing of dictatorships. Wealthy, self-confident citizens who are well-connected with the outside world, whose economy is steady and who are in no way short on the opportunities that are generated primarily by inter-state interactions, are the worst nightmare for potential dictators. They are far more likely to rebel against repression and demonstrate their self-confidence in questioning any controversial practices by the government, including non-military threats to security, than are impoverished, insecure and vulnerable populations who feel that they have no "margin of survival" left should the regime turn fully against them (no savings, no possibility of travel or emigration, no possibility of obtaining outside assistance). Thus isolation and impoverishment create the

psychological basis for authoritarianism. This was the achievement of the international sanctions in Serbia.

With KFOR stationed only a few hundred kilometres from the Serbian capital of Belgrade, and with international isolation in place, the citizens of Serbia daily faced threats of a non-military nature of the type which give rise to various kinds of organised crime and repression. Political terrorism, murder, arbitrary imprisonment and the compromising of the judiciary are but the most obvious forms of those threats to security. To address such threats, strong citizens, endowed with a reasonable amount of wealth and psychologically enabled to demand an appropriate amount of political rights, needed to be created, but this was impossible under the conditions imposed by the international sanctions and without immediate attention being paid to the aspects of KFOR's mission in Kosovo which were going wrong.

Violent crime is probably one of the most worrying features of these developments in Serbia for most of its citizens. There are well-trying methods for addressing this problem and practical experience shows that all of these effective methods tend to be non-violent and based on an adequate provision of alternatives. A constructive criminal policy is, at the same time, a constructive social policy, more generally speaking, and any such policy would include substantial international co-operation and assistance.

One significant example can be mentioned straight away. Violent criminals mainly come from the ranks of younger unemployed men – a fact well-known in criminology. In Serbia, this source of violent crime has been amplified many times by the situation where these same unemployed young men, often under-trained and under-equipped for employment, were sent to the killing fields of Bosnia, Croatia and, later, Kosovo as soldiers, only to come back to the same initial positions from which they had started out, but with even bleaker prospects ahead – a destroyed infrastructure, increased political isolation and economic crisis on the one hand, and blossoming “career prospects” only in the field of organised crime on the other.

A criminal policy that focused on combating organised crime as a pronounced non-military security threat would have to be composite in structure: it would focus on more effective policing and detection, aiming to break-up the structures of the criminal syndicates and erode the leadership potential of the key underworld figures; while simultaneously seeking to eradicate the recruiting grounds of organised crime by providing modern job-creation policies for younger unemployed men and by shifting the emphasis from self-sustenance in an environment of international isolation to self-improvement in an environment of international co-operation. Such an improvement could be effected by training programmes conducted in western countries, various grant and loan schemes for self-employment and the establishment of small privately-owned enterprises and workshops, coupled with various cultural awareness programmes aimed at transforming the stereotypes of the legitimate use of force and daily violence into ones of constructive and productive civil, not military, relations.²

2 For example, Fatić, A (1998): “Organised crime in eastern Europe”, *South-East Europe Review*, Vol. 2 No. 1, pp. 77–85.

Constructive criminal policy is very different from the known models of conservative approaches to “dealing with crime”. In Serbia, debates over the role of the death penalty in the criminal law have not yet ended, although the rest of Europe has made clear its word on the acceptability of such barbaric forms of punishment. Today, even the most well-known criminal lawyers in Serbia tend to advocate policies that clearly show that they have fallen far behind modern standards of knowledge and information about criminal policy. We have a situation where we have two criminal laws, one Serbian and one federal, i.e. Yugoslav (leaving aside the Montenegrin criminal law, which is in addition), contradicting each other in a number of key principles. The federal Yugoslav Constitution, enacted in 1992, rules that “life is the greatest good” according to the system of values adopted by the country’s legal system, and that, accordingly, “No federal law can envisage the death penalty for any crime,” but the Serbian criminal law does allow the death penalty for an array of offences. In practice, this means that federal offences, which include the gravest crimes, such as genocide, are not punishable by the death penalty, while smaller-scale crimes, such as aggravated robbery, sanctioned under Serbian criminal law, are, in fact, punishable by death. So, one system of values is adopted at the federal level, and quite another, more severe one, at the level of the constituent Republic. (Under the Montenegrin criminal law, there is also the provision of the death penalty, which can be passed under even harsher circumstances – the minimum age of the offender at the time of the offence for the death penalty to be passed in Serbia is twenty-one, but in Montenegro the minimum age is eighteen.)³

The writing of the new federal Criminal Code, which would have superseded the criminal legislation of the two republics, has been interrupted by the deteriorating relationships between the Serbian and Montenegrin political leaderships, a constitutional crisis of its own sort, and a *de facto* freezing of all federal legislative processes. Before that happened, the expert panel entrusted with designing the new Criminal Code had deliberated for several years over how its first article would be phrased, instead of simply adopting the first article from the newly-reformed criminal laws of the other former communist countries, such as the Czech Republic or Hungary.⁴

Clearly, there are neither enough incentives, nor are there adequate platforms, information or resources to help create a new system of criminal justice that would be based on modern insights and functional principles. This can only be achieved in co-operation with European countries which have adopted these principles years ago, and which can constructively bring their experiences and theoretical views to bear upon a new criminal justice system.

3 See Fatić, A (1997): *Crime and social control in “central”-eastern Europe: A guide to theory and practice*, Ashgate: Aldershot.

4 The first article designates the purpose of the criminal law. Under communist governments, this “purpose” was defined as serving the interests of the socialist proletarian order of social affairs and like phrases, while in liberal societies it is usually defined as serving preventative, deterrent, or reformatory purposes that are aligned with the control of crime.

Similarly, the judiciary in Serbia is virtually non-existent. The courts are clogged with unresolved cases and political dictate is a rule. A comprehensive reform of the judiciary is a must for any new reform-oriented policy and this, too, can only be achieved through active networking and a quest for co-operation and international synergism.

The disintegrated system of social control, which functions well only against those who are the weakest, and which is almost totally dysfunctional as regards organised crime, is the key reason for the increased threat to internal security. This crisis directly derives from the international isolation, which has, in fact, enabled the creation of safe pockets of organised crime in a region that has traditionally been relatively safe.

4. Networking and international co-operation

Initiatives to generate an impulse towards networking and co-operation in south-eastern Europe have bloomed over the past few years. Yet, these initiatives have tended to include only the elites in one form or another – be they those in power or those in the opposition. The grassroots have not so far been included.

A gradual loosening of the international grip on Serbia would serve the aims of networking very well. It would send the right “message”, as western politicians like to say, to the population, i.e. that the escalating social problems, ranging from internal insecurity, high crime rates and rampant corruption, to the existence of terrorism in the immediate neighbourhood, in Kosovo, can all be gradually negotiated towards a solution in an atmosphere of co-operation and good intentions. Some of the examples include the lack of medicines in Serbia, the lack of expertise in an array of fields of social policy and the lack of ready-to-use, action-oriented platforms for policy design in those municipalities and regions where the opposition parties, who are willing to adopt constructive proposals, are in power.

It is the contention of this article that internal security has to be conceived in the broadest sense, involving all those elements that threaten the subjective security that is supposed to be inherent in the concept of democratic citizenship. This citizenship involves a legitimate expectation of reasonable welfare and the ability to influence social and political changes. A merely formal citizenship, even with all the procedural elements of participation (universal suffrage and free registration of political parties, for example) does not amount to democratic citizenship if the subjective element of actual satisfaction with the ability of individuals to influence substantive political and societal developments is not there. This factual ability of individuals substantively to change the conditions of their lives is the actual political power, which democratic citizenship envisages as being vested with the electorate or with the population. In quasi-democracies, or, as Serbian authors frequently termed it, the *façade democracy*, there are all the procedures that normally constitute democratic citizenship but the process has been “hijacked” at a certain point and the *de facto* ability of citizens to influence changes either minimised or else made entirely absent. There is reason to argue that, without such considerable actual power, citizens are, in fact, deprived of their democratic participation even if they do turn up at election sites and cast their votes.⁵

Citizens that do not have the benefit of real democratic power, regardless of the mechanisms whereby they are deprived of it, suffer internal insecurity because the political process and its plethora of manifestations in their everyday life are a threat to them, by virtue of the mere fact that they have no control over them. These general social and political presuppositions of large-scale internal insecurity make possible an escalation of such insecurity whereby organised crime becomes entrenched in the way that society works, and places every citizen in a dual position: on the one hand, each one of them can be a victim of organised crime in the most direct and trivial sense, such as being shot in the street while waiting at a traffic light; on the other hand, no-one, or only very few people, are actually able to do anything about the security crisis in any of the recognised democratic ways: by writing to their local MP with suggestions and/or demands for policy improvements; or by alerting parliaments, courts or governments (depending on the concrete constitutional allocation of supervisory powers) to the inefficiencies in the organisation of the control apparatus or agencies.

One could go a step further here and make the rather strong assertion that non-military, internal security is a function of the relationship between the individual and the system. Where the system provides the individual with real power, the threat is either absent or is easily carried as a social burden, because the responsibility for the internal security situation is shared between the state and the state's constituents. Citizens who actively participate in the design and implementation of social arrangements and public policy do not, as a rule, feel threatened in a major way by failures in the social organisation. This does not mean that they do not feel threatened by the incidence of crime, but the deeper sense of structural insecurity tends not to be present. Disempowered citizens are, *a priori*, threatened.

Organised crime also exists even in developed democracies and it often infiltrates government circles. However, in substantial democracies organised crime is unable to create a structural, lasting symbiosis with the government because the government remains significantly open to public scrutiny. It is open to public scrutiny because of the independent judiciary and the fundamental division of power between the legislative, executive and judicial branches of government, which means that the media, public investigators, ombudsmen, or the various sectoral "Czars" (i.e. the leaders in the areas of reform, usually appointed by governments but independent of them in their everyday operation) are able to conduct inquiries into the operation of the government and be protected because of the availability, in the last recourse, of judicial protection. So, citizens in the Netherlands are threatened by organised crime, of course, but they do not feel structurally insecure because, in principle, they – and their representatives – have the ultimate recourse of holding the government accountable for any policies and having it judged for its illegalities by an independent judiciary, which sees itself as apart from and above the government, as an integral part of the informal, civil society whose needs, along with the demands of the theoretical criteria of justice, it primarily

- 5 See Read, J.H. (1996): "Participation, power and democracy", in Esquith, S.L. (ed.), *Political dialogue: Theories and practices*, Atlanta & Amsterdam: Rodopi Press, pp. 239–61.

serves. This is the key difference between substantial democracies and quasi-democracies that are characterised by a disempowerment of the citizens – the existence of a true and deep division of powers between the three branches of the government, especially by a fully independent and morally integrated judiciary.

In Serbia today, the judiciary is possibly the segment of society which is worst affected by the general decay. This is not only a result of corruption but also of the lack of vision and awareness of the special role and responsibility of the judiciary, its subordinated position in relation to the executive part of the government, and its material, professional and moral devastation that has largely been amplified by international isolation and by the increasingly vertical relationships within society that have streamed from the grassroots and the public institutions, including the courts, upwards to the executive government as the source of dependency and of the threat to its continued existence.

International sanctions have prevented a process whereby the local judges would be subjected to international training and the building of standards that they would perceive as inherent to their social positions and everyday work. At the same time, networking in the reformation of such institutions as the judiciary would generate the circumstances in which internal security threats were placed in a context which gave citizens the power to hold the government accountable. Only in such an environment would it be possible even to begin to think about a serious policy for curtailing organised crime. With international sanctions in place, such efforts are bound to be futile.

5. The role of the Stability Pact

The security consequences of the international sanctions against Serbia have been nearly disastrous. The internal security situation deteriorated rapidly following their introduction and the effective isolation from the immediate environment generated favourable circumstances for the flourishing of organised crime, which operated largely in synergism with the executive branch of the government. A profound crisis of legitimacy was instituted which led Serbian society to a stage where comprehensive reforms, first and foremost the reform of the judiciary, are necessary. Such reforms, in the interest of curtailing the spiralling internal security crisis, can only be conducted in a state of dynamic interaction with the international surroundings of Serbia, with substantial influxes of expertise, funds and political co-operation from more advanced systems into the ruined Serbian interior.

The Stability Pact for South-Eastern Europe has emerged as an opportunity to tackle these issues directly. Yet, Serbia has been virtually excluded from it until recently. An amount of money was allocated to Serbia within the Pact, but this was earmarked from the beginning only for the period after the political transition had started. FR Yugoslavia held an “empty chair” within the Pact, while it citizenry became increasingly impoverished and politically disowned, while all of the principles that have been discussed in this article were directly disregarded by the policies of the Pact.

Mentioning some concrete problems in accessing the Pact from Serbia might be helpful for a better understanding of just how distant the Pact had come to seem to Serbian NGOs, let alone the Serbian public at large.

The official liaison for the European Union, and thus also for the Stability Pact, one would assume, as a mechanism established by and within the EU, would be the official Delegation of the European Commission in Belgrade. Yet another, parallel, contact is the embassy of the country that presides over the EU at any specific period which, in the first half of 2000, was Portugal while, in the second half, it was France. The third, semi-official contact for the Stability Pact, at least on a *de facto* level, are the organisations that are entrusted with the collection of initiatives and ideas for the Stability Pact.

In other words, independent actors have three points of reference for contacting the Stability Pact from Serbia. This in itself creates confusion because the division of competencies between the three avenues is very unclear in terms of their mission, mandate and responsibilities.

The power of money and the *de facto* influence of the donor community appear to decide things in a rather un-transparent and highly voluntaristic manner, which alienates large parts of the Serbian population and even Serbian independent organisations. In conjunction with the repression exerted by the regime, this acted as a powerful catalyst for sentiments against co-operation with the Stability Pact, and against any incentives positively and constructively to engage with the EU. This phenomenon created very considerable problems to those involved in campaigning for a greater public, electoral support for political alternatives to the Milošević regime.

Another problem that independent organisations often mention is the issue of whether the Stability Pact is really anything more than two dozen people sitting in an office trying to get donor attention focused on specific projects. Is it anything more than a rather complicated mechanism that is meant to raise the funds and expertise necessary for the projects that contribute to a strengthening and stabilising of south-eastern Europe, from the same resources that are or would have been active even without the Stability Pact? If so, then the mechanism itself could easily be seen as, in fact, monopolising the pluralism of sources and thus also acting as a restriction, rather than an encouragement, on the amount of international effort that is directed at the renewal of south-eastern Europe.

So, what do independent organisations need to do to access the support that originates within the Stability Pact? First, they need to be invited to the Pact's gatherings in the region, which most of them are not, at least up to now. Then, they need to present projects to the Pact which usually, even for those few organisations that, although not necessarily representative of the whole of Serbian society, are invited, occurs only on the sidelines of the main meetings. Finally, once the projects are approved, either as fast track or as regular (i.e. slow track) projects, funds need to be raised. This, in practice, means that the specific countries which are acting as donors have to be stimulated to react to the proposals put forward by the Pact, according to the general division of competencies and funding responsibilities within it. The process itself is uncertain and slow. It may work for some of the large infrastructure projects which in-

volve major budgets and which can be conducted over a long period, but for smaller, directly political and policy-based projects, this rhythm, apart from being very far removed from such organisations as might submit them, because they are not usually even invited to the meetings, is not only far too slow but also, under Milošević, made them extremely vulnerable to repression and preventative action by the regime.

For example, a project concerned with the building up of the capacity of independent institutions for a self-sustained management of personnel, resources and policies is a key priority for the whole independent sector in Serbia. Yet, such a project would not be able to wait months for approval once formally launched because the organisations and individuals behind the initiative would have been too vulnerable in the interim period if they were not immediately backed by serious funding and logistic support. People were afraid that they might lose their jobs and livelihood, and they needed to be assured that being truly independent, and talking and writing freely about what, as experts, they think should be done differently to the official policies, is not going to take away their livelihood. If they had a fast mechanism for establishing contacts and for generating sufficient income to survive, they would have been far more ready to take the risk of saying what they meant and, in the ultimate instance, of voting the way they intimately preferred, than if they remained dependent on a prolongation of the same constellation of relations for their subsistence as then existed.⁶

To conclude, stability in Serbia, and in the whole of south-eastern Europe depends on the personal, individual stability of the people and on the degree to which the ordinary citizen is, and feels, empowered. The level of citizen empowerment depends on citizens' psychological positions and on their perception of the availability of support in many different forms. A citizen that is weak, frightened and disempowered is a perfect constituency for dictatorial regimes. By excluding Serbia from the Stability Pact, such circumstances were created. Conversely, the gradual inclusion of Serbian organisations, on a horizontal, participatory and non-exclusionary level, in the support network that ideally should be provided by the Stability Pact, could lead to the creation of circumstances within which democratic change in Serbia became an entrenched and lasting factor.

6 In fact, this project, with a very modest budget, but without much backing so far, has already been prepared by the Management Centre – see Project “Teofil”, under New Projects, at www.management.org.yu.