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MONTEREY, CALIFORNIA

THESIS

**WHO IS GUARDING SERBIA'S BORDERS?
AN ASSESSMENT OF SERBIA'S PROGRESS IN BORDER SECURITY DEVELOPMENT AND REFORM**

by

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June 2011

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This study considers how Serbian border **security sector reform** illuminates questions of force and statecraft in a **southern European** nation. In 2006, **Serbia** became a member of the **Partnership for Peace (PfP)**, a step toward a North Atlantic Treaty Organization (**NATO)** membership; however, Serbia has indicated no intention to become a full NATO member. Also in 2006, Serbia entered into a Stabilization and Association Agreement (SAA) with the European Union (EU) as part of the process of accession to EU membership; however, Serbia must meet EU conditions regarding border security reform and must continue to cooperate with the International Criminal Tribunal for Yugoslavia (ICTY) for full membership to be realized.

This thesis evaluates Serbia's continued efforts to integrate into the EU structures. It begins with a historical overview of the leadership, politics and reform of the Serbian security sector before the 21st century. It then explores the role of the international community, including Russia, in providing assistance to Serbia during the past decade. The thesis then focuses on Serbia's progress in border security development, Integrated Border Management (IBM), border guard reform and customs administration reform. This thesis argues that, despite the on-going efforts of the international community to integrate Serbia into the EU community, due to the unique political and social circumstances specific to Serbia regarding comprehensive reform of ethics and power, the continuing border security reform efforts in Serbia—and hence, EU membership—will most likely remain another decade in the future.

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WHO IS GUARDING SERBIA'S BORDERS? AN ASSESSMENT OF SERBIA'S PROGRESS IN BORDER SECURITY DEVELOPMENT AND REFORM

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ABSTRACT

This study considers how Serbian border **security sector reform** illuminates questions of force and statecraft in a **southern European** nation. In 2006, **Serbia** became a member of the **Partnership for Peace (PfP)**, a step toward a North Atlantic Treaty Organization (**NATO)** membership, however, Serbia has indicated no intention to become a full NATO member. Also in 2006, Serbia entered into a Stabilization and Association Agreement (SAA) with the European Union (EU) as part of the process of accession to EU membership; however, Serbia must meet EU conditions regarding border security reform and must continue to cooperate with the International Criminal Tribunal for Yugoslavia (ICTY) for full membership to be realized.

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LIST OF ABBREVIATIONS AND ACRONYMS

AFIS	Automatic Fingerprint Identification System
ALCP	Administrative Line Control Point
BBC	British Broadcasting Corporation
BCP	Border Crossing Point
BICC	Bonn International Conversion Center
BiH	Bosnia and Herzegovina
BPD	Border Police Directorate
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CAFAO	EU's Customs and Fiscal Assistance Office
CEP	Slovenian Center for European Perspective
CIA	Central Intelligence Agency
CID	Criminal Investigation Directorate
CIS	Criminal Intelligence System
CM	Common Manual
CPD	Criminal Police Directorate
CPY	Communist Party of Yugoslavia
CTF	Consultative Task Force
DB	State Security Service
DCAF	Geneva Center for the Democratic Control of Armed Forces
DCHR	Danish Center for Human Rights
DoD	Department of Defense
DOS	Democratic Opposition of Serbia
DPS	Democratic Party of Socialists of Montenegro
DS	Democratic Party
DSS	Democratic Party of Serbia
DSSD	Drug Smuggling Suppression Department
EAR	European Agency for Reconstruction
EMERCOM	Russian Emergency Control Ministry
EPD	Enhanced Permanent Dialogue

ESDP	European Security and Defense Policy
EU	European Union
EUCOM	European Command
EULEX	European Rule of Law Mission
FIS	Face Identification System
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
HVO	Croatian Defense Force
IBM	Integrated Border Management
ICG	International Crisis Group
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFI	International Finance Institutions
IMF	International Monetary Fund
IMRO	Internal Macedonian Revolutionary Organization
IOM	International Organization for Migration
IT	International Tribunal
JCTF	Joint Consultative Task Force
JNA	Yugoslav National Army
JV	Yugoslav Army
KFOR	Kosovo Force - NATO
LCY	League of Communists of Yugoslavia
LEX	League of Experts
MAP	Membership Action Plan
MUP	Ministry of Internal Affairs
NAEW	NATO Airborne Early Warning
NATO	North Atlantic Treaty Organization
NCB	National Central Bureau (Interpol)
NDH	Nezavisna Drzava Hrvatska (Independent State of Croatia)
NGO	Non Governmental Organization

OBPOK	Department for Combating Organized Crime
OSAC	Overseas Security Advisory Council
OSCE	Organization for Security and Cooperation in Europe
OZN	Department for the Protection of the People
PARP	Planning and Review Process
PfP	Partnership for Peace
PM	Prime Minister
RDB	State Security Division / Service
RFE/RL	Radio Free Europe / Radio Liberty
RRF	Rapid Reaction Force
SaM	State Union of Serbia and Montenegro
SAA	Stabilization and Association Agreement
SAp	Stabilization and Association Process
SACEUR	Supreme Allied Commander Europe
SAMCOMM	UN Sanctions Assistance Missions Communications Center
SAMS	Sanctions Assistance Missions
SANU	Serbian Academy of Arts and Sciences
SCD	Single Customs Declaration
SCH	Schengen
SDB	Service / Division for State Security
SEAD	Suppression of Enemy Air Defenses
SECI	Southeast European Cooperative Initiative
SEDM	Southeast Europe Defense Ministerial
SEECAP	South East Europe Common Assessment Paper xii
SEED	Support for East European Democracy
SEEGROUP	South East Europe Security Cooperation Steering Group
SEEI South	East Europe Initiative
SRP	Serbian Radical Party
SIS	Schengen Information System
SNPCG	People's Socialist Party of Montenegro
SOK	Service for Organized Crime

SPO/NS	Serbian Renewal Movement / New Serbia
SRS	Serbian Radical Party
SSR	Security Sector Reform
UDB	Directorate for State Security
UNODC	United Nations Office On Drugs and Crime
UNDP	United Nations Development Program
UNMIK	United Nations Mission in Kosovo
USAFE	United States Air Forces Europe
USEUCOM	United States European Command
VSCG	Armed Forces of Serbia and Montenegro
WEU	Western European Union

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I. INTRODUCTION

A. PURPOSE AND SIGNIFICANCE

1. Introduction

The Balkans historically have been a gateway and first line of defense for the European continent against invaders from the East. Consequently, Balkan stability is crucial to the prosperity and regional stability of Europe. Serbia lies astraddle the infamous Balkan Route, which has long been the main route for illegal trafficking of human beings, weapons, and drugs into Western Europe from the Central Asia and the Middle East—and more recently from South America and Africa as well. The Balkan Route also has become a highway for terrorists moving between the Middle East and Central Asia and Europe. Exemplifying this latest development is the recent arrest on a train in Serbia, headed to the Middle East, of the only surviving suspect in the Madrid March 2004 bombings.[1]

European prosperity is important to U.S. strategic interests. As the Secretary of State declared, "the integration, the peace, the prosperity, the common market, the advances in Europe are so incredibly impressive and welcome, certainly to us, and the opportunities for European leadership in the EU are, as I said, ones that we support. But this dangerous world still requires deterrence."[2] Furthermore, Balkan stability is considered by NATO to be an integral part of European and U.S. security interests in the Euro-Atlantic area. NATO's Strategic Concept 1999 states that NATO's "commitment, exemplified in the Balkans, to conflict prevention and crisis management, including

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[1] Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 24, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

[2] Address by Secretary Clinton at the NATO Strategic Concept Seminar: Outlines principles, vision to revitalize NATO alliance for 21st century, February 22, 2010, accessed April 4, 2010, http://www.america.gov/st/texttrans-english/2010/February/20100223115552eaifas0.4237787.html.

through peace support operations: all reflect its determination to shape its security environment and enhance the peace and stability of the Euro-Atlantic area."[3]

Peace and stability is a fragile triumph of the continual conflict in human nature between the rational discipline of civil society and the self-centered anti-social pursuit of self interest by any means. The latter is expressed collectively by societies through unrestrained nationalistic fervor. European peace and prosperity has historically repeatedly been threatened by outbreaks of unrestrained nationalistic fervor. In the twentieth century, Europe's peace, and much of its material wealth, was significantly damaged by outbreaks of nationalistic fervor in World War I and again in World War II. The European collective response to these experiences was to forge international institutions of mutually intertwined interests to ensure that the losses due to non-cooperation to both sides in any dispute would become so painful as to prevent either party from escalating conflicts to the point of wholesale war.

The fledgling European Union of the early 1990s was developing a confidence that its new cooperative economic community had put Europe on the road to the level of prosperity and international stature that it had enjoyed before the devastation of WWI and WWII. The development of the Balkans conflicts of the early 1990s, and the European community's inability to contain the escalating violence, societal disintegration and crimes against humanity brought back memories and fears of the collective irrationality and brutality of the destruction of WWI. Balkans instability and conflict is a particular sensitivity for European peace and stability because of the history, recounted in Chapter II, of the Balkans as the gateway to Europe for Byzantine and Ottoman invasions. The Balkans had historically been contested ground, the frontier of Catholic/Protestant enlightenment European civilization, culture, and institutions of government. Serbia, in particular, had suffered a chaotic and brutal history of conquest followed by revolution and further conquest and subjugation. Serbian culture embodied the tough

3 NATO, “The Alliance's Strategic Concept,” (Apr 24, 1999), accessed April 4, 2010, http://www.nato.int/cps/en/natolive/official_texts_27433.htm.

nationalistic independence and rebelliousness required to survive the centuries of conflict and national suppression, rather than assimilating into the settled and progressive expectations greater Europe sought.

The 1990s had seen the rise to prominence of the "Clash of Civilizations" theory. The term was used by Middle-East expert Professor Bernard Lewis in an article titled "The Roots of Muslim Rage"[4] in *The Atlantic Monthly* in September 1990. Lewis analyzed the doctrinal and ideological differences between Islam and western civilizations. The terms, and some of the concepts, were developed and popularized by Samuel P. Huntington in an influential 1993 article in *Foreign Affairs* titled "The Clash of Civilizations" in 1993 in which the Serbian conflict was portrayed as representing a clash between the values of Islam and Europe/ the west Huntington's article claims that Islamic civilization is witnessing a massive population explosion, generating social instability, and that "the great historic fault lines between civilizations are once more aflame. This is particularly true along the boundaries of the crescent-shaped Islamic bloc of nations from the bulge of Africa to central Asia. Violence also occurs between Muslims, on the one hand, and Orthodox Serbs in the Balkans ... Islam has bloody borders."[5]

More specifically, Huntington saw the Balkans conflicts as the conflict between the two civilizations of Europe. Huntington's theory distinguishes between the Catholic/Protestant Christian civilization of western and central-eastern Europe, which he terms Western civilization, and the Slavic-Orthodox Christian civilization of most of the Balkans, Bulgaria, and Romania, and Greece. Huntington's article argues that at the time of the Balkans wars, western Europeans protested Serbian mistreatment and crimes against Bosnian Muslims, but did not protest Croatian attacks on Muslims; moreover, western European countries quickly extended diplomatic recognition to Catholic Slovenia and Croatia and supplied arms to Croatia. In response, he claims, Russia supplied arms to

4 Bernard Lewis, "The Roots of Muslim Rage," The Atlantic Monthly (September 1990).

5 Samuel P. Huntington, "The Clash of Civilizations?" Foreign Affairs, (Summer 1993), 34–35.

Slavic-Orthodox Serbia, while Iran, Lebanon and Saudi Arabia supplied arms or funding to Bosnian Muslims. Huntington claims this pattern represented support for co-religionists.[6]

Huntington characterizes the geographic line between predominantly Catholic / Protestant western European civilization and predominantly Slavic-Orthodox civilization Russian and Balkan areas as a "Velvet Curtain," emphasizing that it was not simply a difference of culture, but a source of potent hostility and latent destructiveness. He states the "Velvet Curtain of culture has replaced the Iron Curtain of ideology as the most significant dividing line in Europe. As the events in Yugoslavia show, it is not only a line of difference; it is also at times a line of bloody conflict."[7] Huntington implies this Velvet Curtain was not a difference that could be overcome easily, noting: "Conflict along the fault line between Western and Islamic civilizations has been going on for 1,300 years" and was based on the accumulated cultural experiences and habits built up over that period.[8]

While the mixing of references to Slavic-Orthodox and Islamic cultures on one side of the Velvet Curtain culture did not detract from the attention the theory received at the time; in retrospect, it troubles this study sufficiently that we will not seriously examine the theory, but simply note that the theory as presented in Huntington's article, and subsequent book of the same title, had a very significant influence on security policy makers during the mid- and late-1990s. One consequence was the increased concern of European leaders about Europe's initial inability to cope with the Balkans conflicts, which prompted a much more serious and fundamental response than might otherwise have occurred.

The European Community response was to develop a set of policies designed to create institutions assuring greater stability and security in member countries while restraining defense spending to allow increased domestic and social spending, yet

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6 Samuel P. Huntington, ”The Clash of Civilizations?” Foreign Affairs, (Summer 1993), 36.

7 Ibid., 31.

8 Ibid., 35.

complying with political realities. Since the early 1990s, the EU members have reduced defense expenditures to an average of 2 percent of GDP, while in comparison the United States allocates 4 percent of GDP to defense.[9] Initially in 1991, the EU revitalized the Western European Union (WEU), originally set up as the common defense organization during the Cold War for the nine western European countries. In the late 1990s, the WEU was replaced by the Common Foreign and Security Policy (CFSP) and the European Security and Defense Policy (ESDP), which the UK and France agreed to develop as an EU, rather than a NATO, framework.[10]

These two security sector policies were articulated in two policy documents issued in 2003. At the core of these policies was a radical conception of national defense and national security not based on power projection and designed to reduce the collective EU community cost of these social goods. The concept involved the restructuring of the security sector of member countries of the European Union, so as to result in enhanced positive feedback loops in member country social institutions. The objective was to have these positive feedback loops generate greater dynamic social stability, thereby avoiding the possibilities of internal community conflicts and enhancing EU community security and stability. In 2005 the ESDP was supplemented with an "EU Concept For ESDP Support to Security Sector Reform."[11] This document set the definition, aims and scope of security sector reform necessary to ensure local and regional stability in accordance with the principles of good government, the rule of law, international standards and with respect for human rights.[12]

The document defines the core actors in the security sector to include the armed forces, police, civilian and military intelligence and security services and border guards.

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9 Erdal Tatli, "Turkey Turns Cold to European Defense: Implications for Western Security," Washington Institute for Near East Policy, Policy Watch #1376, June 2, 2008, accessed April 4, 2010, http://www.washingtoninstitute.org/templateC05.php?CID=2894.

10 Ibid.

11 Council of the European Union Secretariat, "EU Concept for ESDP support to Security Sector Reform (SSR)," Brussels, October 13, 2005, accessed April 4, 2010, http://www.eplo.org/documents/SSR_ESDP.pdf.

12 Ibid., 4.

Security management and oversight actors are defined to include the Executive, national security advisory councils, legislatures, legislative select committees, the Ministry of Defense (MoD), Ministry of Internal Affairs (MoI) and the Ministry of Foreign Affairs (MoF). The third aspect of the security sector that the document defines is the justice and law enforcement institutions including the judiciary, the justice ministry, prisons and the criminal investigation and prosecution service.

While the threat due to the instability in some of the former Yugoslavian republics was overcome relatively quickly, Serbia proved more problematic. Serbia was involved in armed conflict from March 1991 until the 1995 Dayton Accord brought peace to the region temporarily. Serbia was involved in further armed conflict attributed to the Milosevic government's nationalistic attempts to suppress Albanian Kosovar independence, resulting in intensification of hostilities in Kosova in 1998, and culminating in the 1999 NATO action in Kosova and Serbia. After the Milosevic government failed to prevail in the elections of September 2000, the EU indicated that the former Yugoslavian republics could seek to join the EU.

The post-Milosevic Serbian government indicated interest in gaining access to EU markets to build its economy and began the process of reforms to comply with the requirements for EU participation. The most important aspect of the requirements of EU membership is the security sector requirements; and therefore, the Serbian government began a process of security sector reform. Due to Serbia's history, the institutions of Serbian government and civil society were such as to require substantial reform to comply with EU standards; and many elements in Serbian society did not support the government's reform efforts. During the early years of the decade, Serbia's progress toward security sector reform could at best be termed modest. Not until 2005 did the EU Commission deem the Serbian government to be prepared to begin to negotiate a Stabilization and Association Agreement (SAA) with the EU as the first stage in the process of applying for membership. The EU required that Serbia cooperate with the UN's International Criminal Tribunal for the former Yugoslavia (ICTY) as a condition for maintaining the association process. In 2006, Serbia failed to comply with this

condition and the EU suspended negotiation on the SAA. Only in May 2007 did the Serbian government bring itself into compliance with the requirement to cooperate with the ICTY, and the EU restarted the SAA negotiation process.

In November of 2007, the SAA was initialed. The SAA specifies the security sector reforms (SSRs) that Serbia must make in order to meet EU standards for membership, and they were significant. Serbian President Boris Tadic has expressed his opinion that Serbia may join the EU by 2014,[13] while media commentators suggest 2017 to 2021 as earliest plausible membership dates.[14,15]

In addition, in 2003 the Serbian government applied to join the NATO Partnership for Peace (PfP) program. In July 2005, Serbia signed a transit agreement with NATO regarding Kosova forces movements. In December 2006, Serbian signed a PfP agreement and became a full PfP member in 2007.[16] In 2009, Serbia submitted an Individual Partnership Program to NATO requesting NATO assistance with major threat defense and with maintaining Serbian territorial integrity. However, the Ministry of Defense website states that Serbia is not currently interested in applying for NATO membership.[17]

This thesis will assess Serbia's current status with regard to several aspects of border security. In particular, the analysis focuses on police and border guard reform, including the functions of the Ministry of Interior and the Ministry of Finance relating to policing and border guarding, to assess the likelihood of Serbia achieving EU standards and gaining accession before 2020. Police reform and border guarding reform are key

13 B92News, "Tadic, Berlusconi open Serbia-Italy summit," (November 13, 2009), accessed April 4, 2010, http://www.b92.net/eng/news/politics-article.php?mm=11&dd=13&yyyy=2009.

14 B92News, "Serbia's speedy EU accession – 'illusion'," (February 9, 2010), accessed April 4, 2010, http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=02&dd=09&nav_id=65086.

15 B92News, "'Serbia will join EU no sooner than 2021'," (July 2, 2008), accessed April 4, 2010, http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=07&dd=02&nav_id=51587.

16 NATO, Partnership for Peace Information System, "Serbia admitted into SEDM," accessed April 4, 2010, http://www.pims.org/news/2009/10/29/serbia-admitted-into-sedm.

17 Republic of Serbia, Ministry of Defense, "Minister's authored text in NIN," (Oct 15, 2009), accessed April 12, 2010, http://www.mod.gov.rs/novi_eng.php?action=fullnews&id=1790.

components of internal and perimeter security respectively, and they are highly visible and thus important as symbolic aspects of SSR. For these reasons they are especially relevant indicators for the larger themes of this thesis.

This thesis will find that police reform has made organizational advances in training and policing education. Additionally, there has been considerable progress in border guarding reforms. Serbia has demonstrated a desire for an initial implementation of cross-border cooperation with neighboring countries, and there has been participation in an array of programs and initiatives to development and implement Serbia's Integrated Border Management Strategy. However, authorities in Serbia struggle with reform issues as a result of:

- lack of national support for the police that will take years to overcome, due to the slow rebuilding of trust among the civilian population
- distinctive historical circumstances that continue to persist despite internal and external reform efforts
- ineffectiveness and lack of coordination of Serbian democratic structures and of international community efforts to provide assistance to Serbia
- domestic political disagreements
- unsettled borders of Serbia—Kosova distracting political effort from the reform effort

2 Purpose

This thesis intends to provide a reasoned gauge of the rate of progress Serbia may achieve in meeting conditions for EU integration by examining Serbian progress in the areas of police reform and border security reform since the replacement of the Milosevic government in October 2000. In addition, this thesis will:

- identify the changes to external factors that would result in Serbia more rapidly adopting changes required to fully integrate into the European community commercial and defense institutions including becoming a full member of the EU and of NATO
- examine the effectiveness of international community efforts to facilitate and support Serbian police reform and border security reform and to recommend the focusing of support for international community activities on the enhancement of those international community efforts identified as most effective

- examine Serbia's border security progress in deterring transnational crime with a look at her neighbors and regional cooperation toward prevention of illegal trafficking
- examine the role of Serbia in the evolving development of U.S. interests in Europe and Asia minor to illuminate the larger question of force and statecraft in one of southern Europe's nations

3. Significance

European prosperity is important to U.S. strategic interests. As Secretary of State Hillary Clinton declared: "the integration, the peace, the prosperity, the common market, the advances in Europe are so incredibly impressive and welcome, certainly to us, and the opportunities for European leadership in the EU are, as I said, ones that we support. But this dangerous world still requires deterrence."[18]

Furthermore, NATO considers Balkan stability to be an integral part of European and U.S. security interests in the Euro-Atlantic area. NATO's Strategic Concept 1999 states that NATO's "commitment, exemplified in the Balkans, to conflict prevention and crisis management, including through peace support operations: all reflect its determination to shape its security environment and enhance the peace and stability of the Euro-Atlantic area."[19]

Serbian stability is crucial to the prosperity and regional stability of Europe. First, as noted above Serbia is part of the historical corridor from Asia Minor into Europe and thus Serbia can serve as a forward defense base for Europe not only to deter the possibility of armed invasion and terrorist infiltration, but also to filter out organized crime smuggling activities such as drug and human trafficking. Second, Europe is becoming increasingly dependent on energy imports in the form of gas flows from Russia. Existing pipelines are vulnerable to delivery disruption by Ukraine and Belarus, as occurred in recent years. To increase European energy security, an alternative Russian

18 Address by Secretary Clinton at the NATO Strategic Concept Seminar: Outlines principles, vision to revitalize NATO alliance for 21st century, February 22, 2010, accessed April 4, 2010, http://www.america.gov/st/texttrans-english/2010/February/20100223115552eaifas0.4237787.html.

19 NATO, "The Alliance's Strategic Concept," (24 April 1999), accessed April 3, 2010, http://www.nato.int/cps/en/natolive/official_texts_27433.htm.

sponsored pipeline avoiding these politically unstable areas is slated for construction. This new pipeline is being routed through eastern Serbia to deliver Russian gas to the central European distribution hub in Baumgarten, Austria.[20]

Third, due to cultural and religious commonalities and political ideologies, Serbia had historically maintained cordial relations with the Soviet Union, and with its dissolution with Russia. Recently, this relationship has involved establishment of a Russian airlift emergency response base at the Serbian Nis airfield.[21] Serbia's stability and inclusion of Serbia in the institutions of the EU and NATO will increase transparency regarding the Russian presence and activities in Serbia and help to limit those activities.

U.S.-based companies are involved in planning and promotion of another gas pipeline, the Ambo line, to carry gas from southern Russia through Bulgaria, Macedonia and Albania to Italy.[22] European companies led by Austria's OMV are promoting a third pipeline, Nabucco, to transport Caspian gas through Turkey, Romania Bulgaria and Hungary to Austria.[23] The proposed Nabucco line would be 3,300 km long and cost 8 billion Euros and be ready by 2013. The 3,300-kilometer pipeline could begin operating in 2013.[24] Any disruption in the planned Russian sponsored South Stream pipeline through Serbia would be commercially advantageous for these companies.

B. ARGUMENTS AND MAJOR QUESTIONS

This thesis argues that, as a result of historical political, economical and social circumstances unique to Serbia, combined with the deficiencies of Western institutions

20 Steven Eke, "UK Russia signs gas pipeline deals," (Friday, 15 May 2009), accessed April 7, 2010, http://news.bbc.co.uk/2/hi/8051921.stm.

21 Economist, "Base camps: Rumors of a Russian base in Serbia reflect Balkan hysteria, not reality," (Feb 4th 2010), accessed April 2, 2010, http://www.economist.com/world/europe/displaystory.cfm?story_id=15464941.

22 Ibid.

23 Eke, "UK Russia signs gas pipeline," 2009.

24 Radio Free Europe, "Factbox: Russian Gas Export Pipelines, Projects: The Nord Stream Gas Pipeline Project." (January 6, 2009), accessed April 4, 2010, http://www.rferl.org/content/Russian_Gas_Export_Pipelines_Projects/1366873.htm.

contributing to Serbia's democratic reform, continued border security and police reform will take several years to reach EU performance standards.

Many observers, westerners as well as Balkans commentators[25] in the late 1990s and early 2000s attributed the dysfunctionality of Serbian external relations and internal governance to the policies of Milosevic. The expectation was that with his removal Serbia would be released from its restraints and would quickly rebound into transformation to a democratic nation able and ready to be integrated into the western European international community. This thesis argues the reality is more subtle.

Pavlakovic notes that the "new leaders of Serbia have failed to pursue policies that diverge significantly from the nationalist goals of Milosevic, resulting in failure to address responsibility for war crimes, to cooperate with the ICTY, and to build strong relations with neighboring countries. Serbia faces many challenges ahead, and it remains to be seen whether the new authorities will make a clean break with the Milosevic past, or whether they will continue to pursue the kind of politics that have led to so much tragedy in the former Yugoslavia."[26] However, Pavlakovic fails to note the fact that Djindjic did attempt to pursue policy that diverged significantly from the nationalistic goals of Milosevic; and the result was that he was removed from policy making, and there were no popular demonstrations calling for justice or for the continuation of Djindjic's agenda like there were after Milosevic attempted to nullify the election of Kostunica. This suggests that there was not widespread popular support of Djindjic's policies, and that the will of the populace is predominantly not in favor of rapid Europeanization, but instead favors a conservative and nationalistic approach to reform.

Pavlakovic does note that "many of the forces in Serbian society—the Serbian Orthodox Church, the military establishment, intellectuals, and most of the opposition—generally supported the nationalist policies of the 1990s."[27] While elements of Serbian

25 Vjeran Paklakovic, "Serbia Transformed? Political Dynamics in the Milosevic Era and After," in Serbia Since 1989, ed. Sabrina P. Ramet and Vjeran Pavlakovic (Seattle: University of Washington Press, 2005), 30.

26 Ibid., 31.

27 Ibid.

society stand ready to accept the fundamental concepts of western liberal rule of law and civil rights and freedoms including market-based economy, other major, fundamental elements of Serbian society supported much of what Milosevic stood for. In other words, he was not primarily a dictator imposing his iconoclastic ideas on a victimized population but was primarily a figurehead for the conservative and nationalistic ideals the majority, especially of older Serbians, believe in. Consequently, the process of westernization of Serbia requires either the changing of the hearts and minds of the majority of the population or their marginalization. The former can be to some degree achieved with implicit and explicit subsidization to provide benefits to those supporting the Europeanization program. As Graham Allison proverbially observed, "Where you sit is where you stand."[28] However, the cost of a sufficient degree of subsidization is unclear; and cost can be minimized by the passage of time, by waiting for a younger generation who do not share the beliefs in Serbian nationalism, to assume the roles of power as the elder generation expires. Thus, pessimistically, it could be, as Biddle suggests will be necessary to achieve a transition to western democracy in Iraq, a generation until the reforms are fully accepted in Serbian society.[29]

To provide a background context for the examination of selected aspects of SSR, this study reviews Serbia's history, briefly from the Ottoman Empire, and in more detail from WWII to the end of the twentieth century. This will include a description of the political climate of the regime of Tito and of the political climate of the regime of Milosevic. It will describe the rise and fall of nationalism and the decay of the Yugoslavian federalism in the era of the 1970s and 1980s, and indicate how this led to the ultimate disintegration of Yugoslavia in the 1990s.

To assess border security reforms, this thesis examines the root causes of Serbia's impaired border security sector, and provides a description of the current state of

28 Graham Allison and P. Zelikow, "Essence of Decision: Explaining the Cuban Missile Crisis," (New York: Longman, 1999).

29 Stephen P. Biddle, " Strategy and the Iraq War," University of California, Berkeley, Institute of International Studies, Conversations with History, with Harry Kreistler, accessed March 29, 2010, http://www.youtube.com/watch?v=TO9nyPwUfTQ.

development of Serbian border security and border guard reform. To illuminate the current status of the Serbian border security reforms, this thesis examines Serbian progress with regard to border security reforms since the replacement of Milosevic as head of state in October 2000. This analysis includes a description of police and border guard reforms undertaken and of the current status of police and border guard reform, including Serbia's Integrated Border Management (IBM) strategy. In addition, this thesis examines the effectiveness of Serbia's border security progress in deterring transnational crime in comparison to Serbia's neighbors, and Serbia's effectiveness at participating in regional cooperation for prevention of illegal trafficking.

Further, this thesis examines the effectiveness of the many governmental, supra-governmental, and non-governmental organizations active in facilitating and advising on SSR in Serbia. Specifically this study considers the effectiveness of the programs and initiatives developed by the international community's primary organizations (i.e., DFAC, OCSE, EU, etc.) in advancing Serbia's border security reform.

This study also considers the Serbian government's political will to comply with EU conditions for membership and to advance SSR in the face of existing historical social reluctance to change and give up old institutional forms. Specifically, the Serbian government still has not complied with the EU requirement to cooperate with the ICTY by apprehending and transferring to ICTY custody accused war criminals Ratko Mladic and Goran Hadzic. The issue of why the Serbian police and intelligence services have not been able to apprehend these two men, despite the ICTY seeking Mladic's arrest since 1995 and Hadzic's arrest since 2004, will be examined. A related issue is whether the current government has the political will to expeditiously pursue the remaining border security reforms that EU membership will require. This thesis also analyzes the impact of current reforms on the ability of the government to build further political support for reforms. This provides insight into whether or not the changes brought about by existing reforms will increase or decrease Serbian's desire for membership in the EU, and in

NATO structures. Finally, this thesis will consider the issues surrounding Kosova and the political will of the current Serbian government to resolve those issues in a manner satisfactory to the EU and NATO.

C. OVERVIEW

Chapter II begins with a brief history of Serbia's role under the Ottoman empire and Serbia's responses to Ottoman rule, and a brief overview of the history of the Kingdom of Serbia (1804–1919) and of its successor, the Kingdom of Yugoslavia (1919–41) up to WWII, focusing on the aspects that have left a legacy influence on Serbian institutions and political and business customs. Following is a discussion of the institutional reforms put in place by the Tito government during the 1943–80 period under the Republic of Yugoslavia, and a more detailed discussion of the reforms and difficulties the Yugoslav state experienced under the regime of Slobodan Milosevic from 1980 through 2000. Finally, the chapter briefly describes Serbia's history through the recent years, focusing on police and border security institutional functionality during the recent period. This focus includes an examination of reform of the Ministry of Interior, the role of Serbia's state security forces, the existing degree of respect for the rule of law and the degree of democratic control and oversight of security forces during those periods.

Chapter III studies the contributions of key international organizations to facilitating and supporting Serbia's border security reform and the resulting extraordinary number of programs and initiatives. The chapter also demonstrates the significant role Russia has played in Serbia's recent reforms and considers the efficiency and effectiveness of the EU's objective of regional integration on the Serbian reform process.

Chapter IV examines Serbia's border security reform progress. The chapter makes an in-depth examination of border security reform, drawing on reports establishing expected behavior and outcomes related to the development of border security and border guard reforms. It also illuminates the advancements made in border security

development, and how Serbia has progressed in the area of Integrated Border Management (IBM) since the implementation of Serbia's IBM strategy.

Chapter V examines the challenges Serbian SSR has yet to overcome. Chapter V also highlights on-going issues, including Serbia's degree of compliance with ICTY requests for the apprehension of the remaining indictees, and also the tensions over the administrative issue of the border of Kosova and Serbia.

The Conclusion, Chapter VI, recapitulates the findings of the main chapters. This is followed by an explanation of the way forward for Serbia. While continuing to make good progress in some areas of border security reform, such as police training and aspects of border security development and border guard reform, this thesis research indicates Serbia is still several years away from meeting requirements for EU integration; and has several major issues requiring solutions before Serbia can successfully transition to fully democratic institutions and become an integral part of a secure European Community.

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II. BACKGROUND OF THE POLITICAL AND SECURITY SITUATION IN SERBIA

A. INTRODUCTION

Serbia, specifically, and Yugoslavia, generally, have a long history of authoritarian government and not particularly effective governmental economic management in contrast to, for example, the United States. The United States has had a cultural history of breaking from an unbearably authoritarian king to form a new government based on rational principles transparently delineated in a constitution, providing for rule of law with law making by democratically elected legislative representatives and enforcement of law by a judiciary appointed by democratically elected representatives. Serbia has experienced a cultural history of giving up democratic power to authoritarian leaders, and of leadership transitions by deposition or assassination when those same leaders' authoritarian rule becomes unbearable.[30]

The first independent Serbian polity developed in 1037–38 in, what is now, parts of Herzegovina and Montenegro. This Serbian area was part of the larger region that had been recognized as Slavic possessions in return for submission to Byzantine suzerainty by Emperor Heraclitus. By 1169, Stefan Nemanja established the Nemanja dynasty in the Serbian area. In 1219, the Serbian Orthodox Church became autocephalus, and by the 1350s when the Nemaja dynasty ruled over a Serbian empire including Serbia, Montenegro, Macedonia, Bulgaria, Albania, and northern Greece with its capital in Skopje, a Serbian bishop was made patriarch of all Greeks and Serbs.[31] By 1355, the empire crumbled and the area gradually fell under the control of Ottoman Turk forces.

B. BATTLE OF KOSOVA AND THE KOSOVA EPIC

According to Serbian historiography in June 1389 (June 15 by the Orthodox calendar, or June 28 by the Western calendar), an alliance of Serbian and other Christian

30 New York Times, 13 March 2003, A10.

31 Elizabeth Pond, *Endgame in the Balkans: Regimen change, European style*. (Washington, DC: Brookings Institution Press, 2006), 234.

Orthodox forces were vanquished by Ottoman Turk armies. The cultural mythology about this battle, termed the Kosova epic, has Serbian leader Prince Lazar choosing a heavenly kingdom over an earthly one, resulting in defeat of the Serbian forces in the battle, but securing a moral superiority and a place in heaven. The epic also has Vuk Brankovic defecting to the Ottomans, which has been interpreted in Serb culture via the common proverb "samo sloga spasava Srbe" (only unity can save the Serbs) and has resulted in a strong cultural stigma for any betrayal of what is seen to be the national interest.[32] Further, the Kosova epic emphasizes heroism and betrayal, which became, and have remained, two recurring themes in Serbian history.[33] Consequently, from later resistance against Ottoman rule, to resistance against German aggression in World War I and World War II, Serbian culture has perceived political leadership and military strength as intimately interwoven.

Also according to the Kosova epic, the loss of the Battle of Kosova resulted in migration of Serbs northward, with consequent conflicts with neighboring ethnic groups in areas that were to become the other republics of Yugoslavia.[34] Further, the loss of the Battle of Kosova was interpreted as the loss of the Serbian medieval kingdom, blocking the development of Serbian culture and identity, which could only be regained through the recovery of the territory lost in the Battle of Kosova. According to the cultural myths, only when this recovery occurred in the nineteenth and early twentieth-centuries was the rebuilding of an independent Serbian state able to proceed.[35]

After the Battle of Kosova, Ottoman Turk armies conquered all Serbian speaking areas by 1392. The Ottoman system provided autonomy for the Serbian Orthodox Church and there was little persecution or conversion of Serb Christians; however, there was some migration of Serbs out of Kosova northwestward into Croatia and Hungary over the

32 Vieran Pavlakovic, “Serbia Transformed? Political Dynamics in the Milosevic Era and After,” in Serbia Since 1989, ed. Sabrina P. Ramet and Vjeran Pavlakovic (Seattle: University of Washington Press, 2005), 18.

33 Ibid., 17.

34 Ibid., 18.

35 Ibid., 17.

next four centuries of Turkish rule. However, after more severe Turkish repression in 1455, Serbian poetry and religious art cultivated a "spirit of resistance and hopes of ultimate deliverance by depicting the Serbs as 'the chosen people of the New Testament'—the new Israel."[36] In the eighteenth century the Serbian Orthodox Church lost influence in Serbian society due partially to the enlightenment ideas propagating and partly due to corruption, which led the Constantinople patriarch to replace the senior Serbian church leaders with Greek appointees. This was strongly disliked by the Serbian public.[37] The consequence, that the Serbian Orthodox Church was to suffer the rejection of the Serbian public until the beginning of the twentieth century, may have attuned Church leaders sensibilities more closely to public opinion.

By 1804, when Ottoman officials in the Belgrade region grew more predatory, Serbian peasant resistance organized. Under an outlaw pig dealer, Karadjorje Petrovic, a Serbian Assembly met in 1805 to endorse his proposals for autonomy, which were sent to the Sultan in Constantinople, who rejected them. The Sultan sent Muslim mercenaries from Bosnia to suppress the uprising, and Karadjorje solicited Russian support. It was not until 1813 while Napoleon's attacks diverted Russian efforts that the Turkish forces eliminated the uprising, and Karadjorje escaped into exile. Turkish repression was severe, and in 1815 Milos Obrenovic led a renewed uprising against the Ottomans.

Exemplifying a continuing Serbian governmental tendency, when Karadjorje returned to assist the fight for freedom against the Turks, Obrenovic dealt with his rival by having him killed. Obrenovic then made a deal with the Ottomans gaining local autonomy in exchange for monetary tribute payments, and used his enhanced power to dominate the local economy, which was dependent on pig exports to Austria, and to prevent the rise of rival large landowners.[38]

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36 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 234–235.

37 Elizabeth Pond, "Endgame in the Balkans," 224.

38 Bideleux and Jeffries, "The Balkans," 235.

In a development toward democracy comparable to the Magna Carta in Britain of 1215 but approximately six centuries later, in the 1830s a broad political movement in Serbia developed calling for limiting Obrenovic's power and sharing of power with a seventeen-member council. By 1839, Obrenovic grew irritated by the Council and abdicated in favor of his son. Obrenovic's son was deposed by the Council in 1842, which appointed the son of Karadjorje as ruler. He lost the approval of the Russian supporting Serbian populace by not supporting Russia in the Crimean War of 1853–56 and was deposed by the Council in 1859. The Council reappointed Milos Obrenovic, who died a year later, and then reappointed the Obrenovic son, who it had deposed in 1842. Obrenovic was one of the few Serbian leaders with a concern for institution building and developed a regular army, a judiciary and a civil service bureaucracy. He also negotiated the removal of the remaining Ottoman bases in Serbia by 1867. However, exemplifying a continuing tendency in Serbian leadership transition, in 1868 Obrenovic was assassinated.

The assassinated leader was succeeded by his 14-year-old cousin, Milan Obrenovic.[39] Eight years into his reign in 1876, Milan declared war on the Ottoman Empire in support of a Bosnian peasant revolt. He quickly had to call on Russia to be rescued; and the Russians with Serb, Montenegrin and Bulgarian support defeated the Ottomans by 1878, with Serbia occupying large areas of Albanian territory.

Serbians, having initiated the removal of the Ottomans from Europe, probably expected favorable treatment from Europe; however, Europeans perhaps fearing further Serbian expansion chose to diminish Serbia, initiating a continuing Serbian distrust of European policy intentions. The war ending Berlin conference of 1878 recognized Serbia as an independent state and required Serbia to abandon occupied Albanian areas, and allowed Austria to occupy Bosnia-Herzegovina including its Serbian dominated areas. Milan negotiated Serbian subservience to Austria in 1881 in exchange for Austrian support for his plan to declare Serbia a kingdom and himself, king.

39 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 235.

Foreshadowing recent Serbian responses to increased European dominance, Serbian nationalists forced Milan to abdicate in 1889; and when his successor proved similarly inclined, the successor was assassinated by nationalist members of the Serbian army in 1903. Nationalists established a constitutional monarchy in 1904 with Petar Karadjorje as king. The government strengthened the economy and expanded the educational system, ended Serbian subservience to Austria, and developed power balancing alliances with France and Russia.[40]

In 1906, Austria began a trade war imposing prohibitive duties on Serbian pig exports to Austria, the main Serbian foreign exchange earner. In 1908, Austria formally annexed Bosnia-Herzegovina. Foreshadowing the late 1990s, in 1912–13 Serbia took possession of Kosova, parts of Albania and some Albanian inhabited parts of Macedonia in campaigns that "involved wholesale carnage, rape, pillage, arson and ethnic cleansing against hundreds of thousands of 'ethnic Albanians'."[41] When Austrian Archduke Ferdinand visited Sarajevo on the anniversary of the Battle of Kosova, he was assassinated by a Bosnian Serb, resulting in the outbreak of the 1914–18 War. By late 1915, German, Austria-Hungarian, and Bulgarian armies had forced the Serbian government, royal family and army to retreat through Kosova, and Albania to be sea-lifted by the French navy to Corfu. Over 150,000 army casualties were sustained in the retreat, and during the period 1912–18, approximately 15 percent of the Serbian population died.[42]

In 1918, a Kingdom of Serbs, Croats and Slovenes was created under the Karadjorjevic dynasty and the Serbian Radical Party led by Nikola Pasic with its capital in Belgrade. Croats grew to resent the domination of the government and military by Serbs and for Serb interests. In 1919, the Communist Party of Yugoslavia was formed, and by 1921 it was banned, although highly popular. In response to Croat opposition, during a parliamentary session June 20, 1928, a member of the governing Radical Party

40 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 236.

41 Ibid, 236.

42 Ibid., 237.

shot five Croat opposition members. The King responded to the following parliamentary crisis by outlawing all ethnic and sectarian political parties and declaring a royal dictatorship. The King appointed a military general who had played a key role in the 1903 coup to be Prime Minister responsible only to the King. The Kingdom was renamed the Kingdom of Yugoslavia, and initiated an ethnic-tolerance strategy subsequently followed by the post 1945 Yugoslavian government and by the current international boundaries in the Western Balkans. That strategy was to redraw the Kingdoms provincial boundaries to intentionally not correspond to historic ethnic or territorial allegiances.

In a further reversal of democratic progress in 1931, a constitution instituted a two-chamber parliament and non-anonymous balloting with two-thirds the lower house assembly seats going to the party with the plurality of votes; and the remaining third divided between parties on the basis of percentage of total votes received. The King appointed half the upper house seats and the other half were elected indirectly by electoral colleges of the provinces. Many Serbs protested the lack of representativeness of the electoral system. The world-wide economic depression of 1929–33 dramatically reduced export earnings, government revenues and peoples incomes and boosted unemployment.[43]

In 1929, the Croatian Catholic Ustasa was formed and funded by the Italian and Hungarian governments; and along with the Bulgarian based Internal Macedonian Revolutionary Organization (IMRO), began terrorist bombings and assassinations in Serbia. In October 1934, the Serbian King was assassinated by Ustasa and IMRO agents. The new regent appointed Serbian nationalist Milan Stojadinovic as Prime Minister and Stojadinovic increased agricultural exports to Germany and set up government programs to boost the depressed economy. However, Stojadinovic was popularly perceived as increasingly authoritarian and as making Serbia increasingly dependent on German and Italian government support, especially by the Croatian opposition, with the result that he was removed in early 1939.

43 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 237–238.

By summer 1939, the government had been forced to grant significant regional autonomy to Croatia, over protests of Serbs and Slovenes. On March 25, 1941, the government signed the anti-Comintern pact of the Axis countries. On March 27, 1941, a nationalist coup overthrew the government and installed a nationalist prime minister. The German government retaliated by coordinating an invasion with the help of Italy, Hungary and Bulgaria. Four days later, the Axis governments proclaimed the NDH (Independent State of Croatia) with control over the territories of Slovenia, Croatia and Bosnia-Herzegovina to be governed by Croatian Ustasa selected Catholic clergy and selected Bosniak Muslims. In further foreshadowing of the 1990s Balkans conflicts from 1941 to 1944, the NDH regime put to death several hundred thousand non-Catholic Yugoslavs living in the NDH area, including approximately 240,000 ethnic Serbs.[44]

C. THE RISE AND DEMISE OF TITO AND HIS YUGOSLAVIA

While the King and former Serbian government had taken refuge in London after the German/Austrian/Italian invasion, two resistance groups coalesced in Serbia. One, the Cetniki, were Serbian royalist nationalists, while the other, the Partisans, were led by the Communist Josip Broz aka Tito. The Cetniki were discreetly supported by the Serbian Orthodox Church and in turn were sympathetic to the church leader's doctrine of St. Savaism, which "equat[ed] Serbdom, Orthodoxy and Christ."[45] The Partisans were able to win support from a broad mass of Yugoslav society and grew to a force of 300,000 by 1943. With the help of captured Italian weapons, the Partisans were able to liberate southern and central Yugoslavia in 1944 and the rest of Yugoslavia in 1945. The Partisans put each liberated area under a Communist people's liberation committee; and by mid-1945, this government controlled the public transportation, banking and 80 percent of the industrial sectors. In August 1945, a constituent assembly abolished the monarchy and established the Federal Republic of Yugoslavia (FRY).

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44 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 191.

45 Pond, "Endgame in the Balkans," 225.

Born and raised in Croatia, Broz sought to avoid a Yugoslavian government that would be dominated by Serbs. The Federal Republic was set up to consist of the six constituent republics of Croatia, Slovenia, Montenegro, Macedonia, Bosnia-Herzegovina and Serbia, with the two Serbian provinces of Kosova and Vojvodina given significant autonomy within Serbia. In addition, the republic borders were drawn to include substantial predominantly Serbian areas in the republics of Croatia (the Krajina region) and Bosnia, without giving these areas any of the provincial autonomy given to Kosova and Vojvodina.[46] Additionally, the federal government encouraged Macedonian language, literature and church to develop a stronger Macedonian identity and discourage Serbian claims that Macedonia was part of greater Serbia.[47] Perhaps to reassure Serbs, Tito appointed Serbian Aleksandr Rankovic as his security chief and second in command.[48]

A major aspect of Tito's economic policy was worker self management, which gave workers the right to elect the management of the enterprise for which they worked. This had the effect of making economic policy locally focused, leading to consolidation, in industries dependent upon large scale, of enterprises within republics into republic-wide monopolies. This added an economic aspect to the ethnic competition between republics.[49]

In 1953, 1963, 1965, 1968, 1971 and 1974, Tito implemented constitutional reforms that devolved additional powers and autonomy to the republics and autonomous provinces. The 1974 revisions gave Kosova and Vojvodina nearly the equivalent degree

46 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 200.

47 Diana Johnstone, Fool's Crusade: Yugoslavia, NATO and Western Delusions, (New York: Monthly Review Press), 129.

48 Bideleux and Jeffries, "The Balkans," 240.

49 Johnstone, "Fool's Crusade," 130.

of autonomy of the six republics,[50] and instituted a nine-person collective Yugoslav Presidency composed of the heads of the six republics, plus the two autonomous provinces, plus President for life, Tito.

Cooperation between the Secret Service (SDB) [51]and criminals "had become standard practice by 1970s. According to one of the officials, over 150 criminals worked for the Federal Ministry of Interior during that time. Most of them were 'employed' as assassins and allegedly murdered more than sixty Yugoslav émigrés residing predominantly in Western Europe."[52] The SDB also used criminals to perform smuggling and other criminal operations. Revenues derived by the SDB from smuggling of cigarettes, tobacco and arms had always been an important source of funds for the SDB secret budget. This institutional experience within the SDB came to be of increased importance to the Serbian government when international events blocked normal trade flows during the 1990s.

D. RESTRUCTURING YUGOSLAVIA

1. Resurgence of Serbian Nationalism

The intention of Tito's series of constitutional revisions was to reduce the possibility of Serbian dominance over the other Yugoslavian republics; however, the reforms also reduced central control over the expression of nationalist sentiments, which had been a fundamental factor in Tito's ability to hold the Yugoslav Federation together. The reduction in central control was reflected in a weakening of the state security apparatus when in 1966 Rankovic was dismissed, allegedly because it was revealed he was keeping even Tito under surveillance. In 1968, Albanian Kosovars protested their suppression by Serbia and as a result gained increased autonomy for Kosova from Tito.

50 Bideleux and Jeffries, “The Balkans,” 242.

51 Sluzba Drzavne Bezbednosti.

52 Ognian Shentov, Boyko Todorov, and Alexander Stoyanov, (Eds.) (2004). “Partners In Crime: The Risks Of Symbiosis Between The Security Sector And Organized Crime In Southeast Europe,” (Sofia: Center For The Study Of Democracy, 2004), 42.

Following Tito's death in May 1980, central control over ethnic rivalries continued to slip, as the collective nine-person rotating head Yugoslav Presidency fell into paralysis without Tito's deadlock breaking influence. As central decision making and policy faltered, each republic took on greater defacto autonomy by necessity. Each republic and autonomous provincial administration sought to maintain and enhance their control on power by serving republic rather than federal interests, and de-emphasized federal multiculturalism in favor of local nationalism. Meanwhile, the federal government continued to attempt to avoid democratization by devolving additional powers.

In summary, Tito's policies to reduce Serbian influence within the federal Yugoslavian government by devolving economic power through "workers' self-management" and devolving political power through a series of constitutional reforms culminated in a paralyzed presidency and virtually assured prevention of Serbian dominance of the other Yugoslavian republics both during and after Tito's death. Similar to the early historical Serbian tradition of leadership transition, Tito had used the security services to prevent any of his assistants from gaining rival power, and had failed to designate a successor. Consequently, the trend of devolution of power, which Tito had managed for 35 years, simply continued after his death, perhaps as he had planned; eventually leading to the dissolution of Yugoslavia and national independence for each of the republics.

2. Transition Toward Market Economies

After further protests in 1981 by Albanian Kosovars, Yugoslav constitutional reform granted Kosovars additional autonomy. After Tito's break with the Soviet Union in 1948, Yugoslavia had enjoyed relatively easy access to World Bank loans as part of a western policy to reduce cohesion of the socialist bloc countries. Faced with rising debts, partly due to the oil shocks of the 1970s and the poor economic performance resulting from the failure of local worker self-management to rationalize industry on a Federation wide scale, the post-Tito economic managers of Yugoslavia turned to the west and especially the U.S. for further loans; and poured vast sums into the economically

inefficient but internationally prestigious project of hosting the 1984 Olympics in Sarajevo. Special appeals to the U.S. led to debt relief for Yugoslavia in 1983 and 1984.

During the early and mid-1980s, Slovenia increased its economic integration with neighboring Austria and Italy. Catholic Slovenian youth built ties with the human rights and green movements in Germany and Western Europe, and criticized the anti-human rights and anti-democratic tendencies of the Yugoslav People's Army.[53] Slovenia complained about federal redistributive budgetary policies, which had wealthier Slovenia paying to subsidize development of poorer Kosova, Montenegro and Macedonia.[54] Slovenia also portrayed to European human rights and civil society groups that the Serbian treatment of Kosovars in Kosova was a threat to Kosovars human rights and represented the potential of Serbia to be a threat to Slovenian democracy.[55]

Partly in response to the institutional biases Tito had incorporated into the federal Yugoslavian framework, the Serbian populace began to give more credence to Serbian nationalists' claims. In 1985, the Serbian Academy of Arts and Sciences (SANU) undertook an examination of the causes of the economic and leadership stagnation, which had overcome the federal government during the 1980s. In 1986, a draft paper, including chapters that had not been reviewed by the Academy, was released to the press. Included in the unreviewed draft chapters was a strongly Serbian nationalist argument that the Yugoslav Federation had disadvantaged Serbia and caused Serbia to lose dominance over the other republics, while advantaging the other republics.[56] Whether the intention of the leak was to discredit the report, or whether it was to test Serbian public opinion, the result was a public expression of a revival of Serbian nationalism.

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53 Diana Johnstone, Fool's Crusade: Yugoslavia, NATO and Western Delusions, (New York: Monthly Review Press), 134.

54 Ibid., 135.

55 Ibid., 136.

56 Pavlakovic, "Serbia Transformed?," 16.

3. The Greater Serbia Project and the Rise of Milosevic

Before 1982, Slobodan Milosevic had been director of one of Yugoslavia's largest banks, Beobanka. In 1984, Milosevic became a Belgrade Communist party official and proposed liberalizing economic reforms. In 1986, he was elected head of the League of Yugoslavian Communists and headed an economic commission that recommended economic reforms similar to those recommended by the IMF.

As an alumnus of the University of Belgrade, Faculty of Law, and a mid-level party official, Milosevic almost certainly was aware of the SANU report and the reaction its disclosure had received. In April 1987, Milosevic, as leader of the Yugoslavian League of Communists, made a speech in a mostly Serbian populated industrial suburb of the capital of Kosova. In the speech, he defended Kosova Serbs interests against alleged Kosovar repression. The speech was subsequently repeatedly broadcast on Serbian national media and aroused Serbian nationalist sentiments and feelings of victimization by other Yugoslav ethnic groups.[57]

Capitalizing on and escalating the resurgence in Serbian nationalism, Milosevic won the Serbian presidential elections in December 1987. Continuing with the same campaign, Milosevic managed to have his supporters gain control of the provincial government of Vojvodina in September 1988, the republic government of Montenegro in January 1989 and to remove the Kosovar leader from the Kosova League of Communists. The latter allowed the Serbian National Assembly to pass laws in February 1989, giving Serbia greater control over Vojvodina and Kosova, specifically including greater control over Kosova's police and judiciary. Albanian Kosovar protests and strikes then were used by the Milosevic Serbian government as political justification to declare martial law in Kosova.[58]

In 1989, the Yugoslav economy suffered hyperinflation and Yugoslav Prime Minister, Ante Markovic, accepted the conditions of the IMF for further loan support and

57 Elizabeth Pond, *Endgame in the Balkans: Regimen change, European style*. (Washington, DC: Brookings Institution Press, 2006), 10.

58 Bideleux and Jeffries, "The Balkans," 242.

introduced economic policies referred to as "economic shock therapy" in December 1989. The shock-therapy policy included a wage and salary freeze, fixing of the exchange rate, and liberalization of trade tariffs and restrictions.[59] As had occurred in other countries, the economic shock therapy resulted in a large rise in unemployment and large reductions in real GDP, real incomes,[60] and federal government revenues. The reduction in revenues left the federal government without the financial means to implement policy programs and forced the individual republics to step into the vacuum to provide the missing services to their populations. Thus, Markovic's economic policy added to the federal decision making paralysis that Tito's institutional framework had caused, and further decreased federal power and enhanced the defacto autonomy of the individual republics and autonomous provinces.

4. The Role of the Serbian Orthodox Church

As Tito's a-religious multicultural Yugoslavia disintegrated, former Yugoslavians returned to their religious traditions as part of finding a replacement identity. The Orthodox clergy, perhaps sensitive to their metaphorical banishment to the wilderness in the eighteenth and nineteenth centuries, and again under Tito, were quick to play to public sentiment, and "spoke the nationalist language, clearly trying to play a more prominent role in Serbia."[61] The Orthodox clergy had no particular liking for the communist atheist Milosevic, but found common interest with his calls to unite all Serbs in one country. The clergy saw this would help boost the Church congregation. The clergy were also sympathetic to Milosevic's apparent rejection of liberal western norms, which the Church leaders perceived to be "alien and anti-Orthodox."[62]

By 1991, the Church's official news publication, Pravoslavlje, was publishing numerous stories emphasizing the Serbian heritage of areas in Croatia under siege. In

59 Bideleux and Jeffries, “The Balkans,” 196.

60 Prices rose 121 percent while wages and salaries were fixed.

61 Elizabeth Pond, *Endgame in the Balkans: Regimen change, European style*. (Washington, DC: Brookings Institution Press, 2006), 225.

62 Ibid., 226.

1992 Serbian Orthodox Church leaders issued statements denying that Serbs had organized rapes of Muslim women and claiming Muslims and Croats had raped numerous Serb women.[63] Through 1997, Patriarch Pavle's public statements supported the Karadzic campaign in Bosnia and urged annulment of the ICTY indictments against Karadzic and Mladic. A 2003 survey of Serbian public opinion indicated 68 percent of Serbs trusted the Church, more than trusted any other institution; and, for the first time in a century and half, significant numbers of young Serbian men began taking monastic vows.[64]

5. The 1990s and Milosevic's Political Reform

In January 1990, the Slovenian and Croatian delegates to the League of Communists of Yugoslavia walked out. In May 1990, Milosevic proposed a new Serbian constitution, allowing the breakup of Yugoslavia and the redrawing of Serbian borders to include "all ethnic Serbs in a new Serbian state."[65] In July, Milosevic formed the Socialist Party of Serbia by capturing most of the remains of the infrastructure and personnel of the League of Serbian Communists.[66] At the same time, a number of other political parties formed around anti-communist dissidents and nationalists. The nationalists gave primacy to the national rights of Serbs over concepts of civil rights and rule of law. This group included Vuk Draskovik, Vojislav Seselj and Vojislav Kostunica. Vuk Draskovik became leader of the Serbian Renewal Movement (SPO) formed in 1990. He controlled television broadcaster Studio-B, and distinguished himself by holding rallies at the war time headquarters of the Cetniki leader Draza Mihailovic. Vojislav Seselj assumed leadership of the Serbian Radical Party (SRS), which was formed in 1991, to politically represent the paramilitary Serbian Cetniki movement whose leadership included Seselj. Constitutional lawyer, Vojislav Kostunica, who became leader

63 Elizabeth Pond, *Endgame in the Balkans: Regimen change, European style*. (Washington, DC: Brookings Institution Press, 2006), 226.

64 Ibid., 229.

65 Ibid., 13.

66 Pavlakovic, "Serbia Transformed?," 17.

of the Democratic Party of Serbia (DSS) formed in the summer of 1992. Other parties formed to represent more specific policies. Vesna Pesic, a founder of the Helsinki Committee in Yugoslavia, became leader of the Civic Alliance (GSS), which favored greater integration with Europe. The Democratic Party (DS) was formed in 1989 by a group of intellectuals and combined polices of liberal economic reforms and reuniting of all Serb lands, but suffered periodic attrition as prominent members left to set up alternate parties. In 1992 Zoran Djindjic, with a pro-EU orientation, assumed the leadership of the DS. The regional party, the League of Social Democrats of Vojvodina was also formed in 1990, under the leadership of Nenad Canak, to advocate independent federal republic status for Vojvodina within Serbia.

The feature common to all of these other political leaders during the 1990s was their wariness of each other, resulting in an inability to find their common ground in opposition to the Milosevic government, and inability to create an effective message to the Serbian public to build support for their attempted coalitions to win electoral victory over Milosevic. The first attempted coalition in 1992 brought the SPO, DS, DSS and GSS under the Democratic Movement of Serbia (DEPOS) banner, but it was popularly perceived as merely seeking power and not significantly different from Milosevic. The following coalition attempts by the same partners, in 1995 under the Democratic Alliance banner, and in 1996 under the Zajedno[67] label were similarly perceived by the Serbian electorate.[68] Perhaps this perception is not surprising given party leaders statements. For example, in 1995 in response to the fall of the Serbian Krajina enclave in Croatia, the Vice President of the Kostunica headed DSS publicly claimed that "After six centuries Vuk Brankovic, for the first time, can sleep peacefully in his grave [because a] bigger traitor has now appeared and his name is Slobodan Milosevic."[69] Further, according to a

67 Serbian for “Together.”

68 Paklakovic, ”Serbia Transformed?,” 25.

69 Ibid., 19.

wealthy Belgrade businessman "and according to American government officials, opposition parties in Serbia often demand kickbacks and bribes from businessmen, just like the ruling Socialist Party."[70]

By late 1990, Milosevic had gained control of the Service for State Security (SDB) and also of the state controlled Radio-Television Serbia (RTS). Radio-Television Serbia is reported by Croatian academic, Vjeran Pavlakovic, to have begun to propagandize against Croats, Kosovar Albanians and Bosnian Muslims by using symbols of Serbian nationalism, using Ustasa symbolism to portray Croats as Facists and using symbols of previous Muslim conquests of Serbia.[71] Milosevic also sought to reduce his ideological competition by restricting the non-state controlled independent media through restrictive conditions on licensing and institutional censorship.

While the RTS promoted the ideological assaults of Milosevic's Serbian nationalist project by helping discredit opponents and build public support for Milosevic, the SDB organized the material assaults. The SDB, led by Jovica Stanisic and Mihalj Kertes, had ongoing connections with paramilitaries and with organized crime figures, both of which assisted Serbian efforts in the Croatian and Bosnian wars.[72] These groups were supplied weapons by the MUP, which was involved in organizing drug and weapons smuggling both to acquire arms and to finance their purchase.[73] One such group was formed in October 1990 by convicted criminal and veteran of the Yugoslavian state security service SDB, Arkan Zeljko Raznatovic, who built the group into a militia dubbed Arkan's Tigers.[74] Raznatovic's conflicted high-level connections were highlighted when

70 Blaine Harden. "The Milosevic Generation.," New York Times Magazine, August 29, 1999, 6, accessed March 29, 2010, http://www.nytimes.com/1999/08/29/magazine/the-milosevic-generation.html?sec=health&pagewanted=4.

71 Vieran Pavlakovic, "Serbia Transformed? Political Dynamics in the Milosevic Era and After," in Serbia Since 1989, ed. Sabrina P. Ramet and Vjeran Pavlakovic (Seattle: University of Washington Press, 2005), 19–20.

72 Ibid., 23.

73 Ibid.

74 Pond, "Endgame in the Balkans," 14.

in November 1990 he was apprehended and jailed by Croatian border police for weapons smuggling, and was held until after the Serb-Croat fighting had started, but then released in June 1991.[75]

In December 1990, Slovenia, Croatia and Serbia held multiparty elections. After the Croatian elections were won by Croatian Nationalists in 1991, and as the likelihood of Croatia declaring independence increased, the Serbian SDB organized an elite paramilitary group, the Red Berets, to arm, train and lead various less formal paramilitary groups to fight in opposition to Croatian independence. One of the paramilitary groups supported was Arkan's Tigers. In addition to organizing paramilitaries during the 1990s, the SDB's role included mainly surveillance and repression of any opposition to the government, including independent journalists, and organizing and managing smuggling and money laundering networks for the government; and "as such, the SDB remained in its essence a typical authoritarian secret service."[76]

The new Slovenian government escalated its campaign toward independence in 1991. The Slovenian Minster of Science, in a 1991 e-mail broadcast to scientists around the world, portrayed the Slovenian-Serbian differences in Huntington's "Clash of Civilizations" terms as an "incompatibility of two main frames of reference civilization."[77] In June 1991, the Slovenian government unilaterally declared independence without attempting to negotiate with the federal government, and immediately had its "National Guard" police attack and take control of all 35 Yugoslavian border crossing posts on the borders between Slovenia and its neighbors, Italy and Austria. These posts were manned by soldiers of the Yugoslavian National Army (JNA), under the command of a Slovenian general, but the JNA was outnumbered

75 Pond, "Endgame in the Balkans," 14.

76 Ognian Shentov, Boyko Todorov and Alexander Stoyanov, editors. 2004. Partners In Crime: The Risks Of Symbiosis Between The Security Sector And Organized Crime In Southeast Europe. Sofia: Center For The Study Of Democracy, 42.

77 Robert M. Hayden, "The Triumph of Chauvanistic Nationalisms in Yugoslavia: Bleak Implications For Anthropology," Anthropology of East Europe Review Vol. 11, Nos. 1-2 Autumn, 1993, accessed April 8, 2010, http://condor.depaul.edu/~rrotenbe/aeer/aeer11_1/hayden.html.

10:1 to 20:1 by the attacking Slovenians.[78] The Slovenian objective was to gain control of all of the tariff revenues on goods moving between Yugoslavia and Europe, revenues estimated to be approximately 75 percent of the federal Yugoslav budget.[79] The new Croatian government, in June 1991, dismissed Serbs from civil service positions and began restoring the Ustasa symbols including the flag. Gangs began to attack Serbs and bomb Serb homes.[80]

6. Embargoes

The conflict in Croatia in August to December 1991 brought about significant international interventions. In September 1991, the UN Security Council agreed to a weapons embargo on all of occupants of Yugoslavia.[81] While it was not uniformly adhered to by all international actors, and while it did have the effect of helping to reduce the initial Serbian advantage in the balance of arms against its neighbors, the embargo also had a variety of longer lasting collateral effects. On May 30, 1992, the UN announced an embargo on all non-food or medicine trade with Serbia and Montenegro. Formal trade relations between Serbia and its usual trading partners were halted.

However, borders are not easy for police, even for national governments; and the UN initially had little border policing capacity in place to police the trade embargo on Serbia and Montenegro, which shared borders with Albania, Macedonia, Bulgaria, Romania, Hungary, Croatia, Bosnia-Herzegovina, and the Adriatic Sea. Assessing this reality, Serbians organized alternate sources of supply. Serbian state controlled enterprises offered to pay premiums for needed petroleum products and other raw materials. As Serbian industry had been completely worker managed under the Yugoslavian Communist government and privatization enabling legislation had only been enacted in August 1991, the economy was early in the process of transition to

78 Johnstone, "Fool's Crusade," 138.

79 Ibid.

80 Ibid., 23.

81 Elizabeth Pond, *Endgame in the Balkans: Regimen change, European style*. (Washington, DC: Brookings Institution Press, 2006), 17.

privatization, and state controlled enterprises made up the majority of industry. New "informal" trade relations prospered in response to the UN embargo. Serbian economists estimate that the illegal economy constituted about 23.7 percent of the Yugoslav economy in 1991, but experienced tremendous growth during the sanctions period.[82] The UN weapons and trade embargoes were crucial to both the rapid growth of the illegal economy and the state directed restructuring of the economy to focus on smuggling, money laundering and non-reported financial flows.

In the summer of 1992, the Western European Union (WEU) and NATO began to run anti-smuggling patrols in the Adriatic Sea. In an unprecedented effort to enforce the trade sanctions, the UN established regional Sanctions Assistance Missions (SAMS) in Bulgaria, Hungary, Romania, Albania, Croatia, Macedonia and Ukraine. These SAMS included U.S., Canadian and European customs officers stationed at border posts and coordinated through a UN Sanctions Assistance Missions Communications Center (SAMCOMM) with headquarters in Brussels.

Despite these unprecedented UN efforts to enforce the trade sanctions, reports of UN efforts to monitor Serbia's borders suggested that for each truck or train car checked by UN monitors at the border, perhaps as many as 200 other vehicles passed the border unchecked.[83] Apparently, in some cases, European and NATO border guards were as willing as Serbian border guards to facilitate trade despite the sanctions. German troops and other UN peacekeepers stationed along Serbia's borders reportedly "were notorious for turning a blind eye to smuggling, and even for profiting from it." Nis, located nearby Kosova and the main smuggling route between Asia and Western Europe, was a location where NATO officials were reported, by unloyal staff assistants, to regularly trade

82 J. Minic, "The Black Economy in Serbia: Transition from Socialism?," RFE/RL Research Report 2, 1993, 6.

83 Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," International Studies Quarterly (2005), 49, 354, accessed March 30, 2010, http://www.brown.edu/Departments/Political_Science/documents/Criminalizing_consequences_of_sanctions.pdf.

information on Serbian forces activities in Kosova in exchange for allowing safe passage of petroleum products and other sanctioned goods across borders into Serbia.[84]

Sanctions busting was organized in a relatively free market fashion under the Milosevic government, which, for the first few months, relied on small entrepreneurial traders. During the early months of the embargo, a severe oil shortage was created in Serbia and road traffic ceased for lack of fuel over the summer of 1992. By the fall, entrepreneurial smugglers had developed supply channels for importing Russian oil via the Danube, across the Bulgarian border at Kalotina, and via the Adriatic border port of Bar. Later, the government began to rely on official's ability to cooperate and form alliances with quasi-private criminal traders. Milosevic's son, Marko, was granted control over the cross-border trade through the town of Bela Crkva on the Romanian border. Mirko Marjanovic, Serbia's prime minister and head of a major gas and oil import company reportedly used his connections to gain a $50 million personal fortune from smuggling profits. Service for State Security associate paramilitary commander Arkan turned his arms smuggling skills to oil trading and received reimbursement from the government in the form of ownership of several gas stations. UN experts estimate that Arkan profited by $30,000 for each tanker truck of petroleum he brought across the borders.[85]

By 1994, the process was working so well that the government appointed Mihlaj Kertes, who had been a senior SDB operative smuggling arms to Croatian and Bosnian Serbs during the UN weapons blockade, to head the Serbian Customs Office. A system of import and export permits began to be more strictly enforced allowing the government to administer an effective informal tax system on the informal trading industry. This was essentially 'state-directed smuggling'.[86]

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84 David Samuels, "The Pink Panthers." The New Yorker, April 12, 2010.

85 Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," International Studies Quarterly (2005), 342.

86 Ibid., 355–356.

To increase the efficiency of the Customs "tax" system, Kertes restructured the customs and border guard services. He replaced the existing staff of professional customs officers and border guards with people he trusted, many from his home town. They were assigned to the border crossings with the greatest value of sanction busting traffic. Since under the UN sanctions all formal cross-border financial transactions were frozen, remittances were often carried as cash across the borders and became the target of informal taxation through skimming by Kertes agents. Stealing abroad and returning with the booty was also common, and incentivized by the government to boost Customs skimming revenues. From 1996 to 1998, the government provided a thirty-day period of amnesty to register any car, even stolen vehicles, in order to raise money from licensing fees. Many of the registered vehicles were reportedly stolen from neighboring former Yugoslavian republics or from European countries, thus, yielding the government not only licensing but also import "tax" fees.[87] Certain smugglers were granted preferential treatment by Kertes and were thus protected from the skim tax. A former customs officer who worked under Kertes said corruption was 'normal practice' in the 1990s, stating," Often we would receive a call from someone close to Kertes, saying the next five trucks should be let through the frontier without inspection. After we let through their five trucks, the next five would be for us. It was the norm."[88] A forty-year-old retired wealthy Belgradian told the New York Times in 1998,"Sanctions are paradise … Normally, you import and you pay duties and then taxes. But under sanctions, if you know the right people, you pay no duties and no taxes, and you have the excuse of charging more. Sanctions are what cemented Milosevic's power."[89]

Forensic financial experts assigned by the ICTY to investigate state fraud under the Milosevic government report that the customs service was the government's money export channel. On Milosevic's mostly verbal orders, Kertes sent customs service

87 Harden, ”The Milosevic Generation,” 2.

88 Simpson, John “Serbia Losing Customs Corruption Battle. Institute for Peace and War Reporting,” BCR Issue 541, 2 Aug 2005, accessed March 29, 2001, http://www.iwpr.net/report-news/investigation-serbia-losing-customs-corruption-battle.

89 Harden, “The Milosevic Generation,” 4.

revenues to Cyprus via several Belgrade banks. The financial experts report Kertes transferred approximately a billion German marks, $80 million US, 63 million French francs and 390 million Austrian schillings to Cyprus.[90]

The collateral effects of sanctions resulted in giving privileged access to government policy makers, and government policy, to the illegal, but hardly clandestine, sanctions-busting industry. The best connected covert commerce/black market groups thereby gained access not only to greatly increased profit opportunities but also to greatly increased social legitimacy. The enhanced profits allowed these groups to strengthen their cross-border black market networks building their ties and connections with border guards and border security administrators, especially those appointed by Kertes who were especially receptive to economic incentives. This resulted in a realignment of the pecking order of the political economy of Serbia, which went on for a lengthy eight-year period resulting in a significant degree of institutionalization of the sanctions-busting industry.

Consequently, "most of the country's new economic (and political) elites were leading beneficiaries of sanctions busting."[91] For example, allegedly Radovan Karadzic's profits from black market trading into Republika Srpska allowed him to maintain control over the Bosnian Serb police by "supplementing the salaries paid to Bosnian Serb police" for nearly two years after the official ending of hostilities.[92] Arkan Željko Ražnatović's profits from arms and oil smuggling allowed him to buy a senior division football club and a number of businesses including casinos, discos, gas stations, pastry shops, stores, bakeries, restaurants, and gyms, as well as a large villa and an apartment for his divorced first wife and family in Greece. Meanwhile, the top officials in the government were transferring deposits outside the country. Belgrade Bank Manager, Borka Vucic,

90 Simpson, "Serbia Losing Customs Corruption Battle."

91 Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," International Studies Quarterly (2005), 355–356.

92 Bideleux and Jeffries, "The Balkans," 361.

reportedly controlled two-thirds of Federal Republic of Yugoslavia's financial markets under the Milosevic government, and arranged regular transfers of funds to Cyprus bank accounts controlled by Milosevic.[93]

This concentration of the nation's wealth in the hands of nouveau riche smugglers, arms dealers, and drug-traders meant that these were the people that democratic political parties could turn to for electoral financing. Western liberals' academics usually portray democracies as based on the principle of 'one person-one vote'. However, free market representative democracy functions on a basis closer to one dollar gets one minute of voters attention, and getting elected requires getting enough of the voters attention that they remember the candidate's name in the polling booth. Thus, the new political parties in Serbia were unlikely to succeed by appealing for donations to the average rural voter living on $40 per month or the average urban white collar worker earning $100 per month. Meaningful campaign funds were available from the nouveau-rich upper-middle-class and upper-class smugglers, arms traders, drug dealers and thieves. Yet, people making campaign contributions expect to have some influence on policy, or they channel their contributions elsewhere next election.

A collateral effect of the UN sanctions was therefore to criminalize much of Serbia's economy and governmental institutional structure. This had the consequence of promoting what Andreas calls "'uncivil society,' ... a higher level of public tolerance for lawbreaking and an undermined respect for the rule of law. Smuggling may not only become perceived as 'normal' rather than deviant, but it may even be celebrated as patriotic."[94] Sanctions-busting came to be seen as patriotic; official disapproval of smuggling disappeared and much of the society became accustomed to, or by the end of the eight years of sanctions, habituated to economic and political behaviors that do not

93 Maja Milkovic and Marko Attilla Hoare, "Crime and the Economy under Milosevic and His Successors," In Serbia Since 1989: Politics and Society Under Milosevic and After, Sabrina P. Ramet and Vjeran Pavlakovic (Eds.), p. 192-226. (Seattle: University of Washington Press, 2005), 214.

94 Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," International Studies Quarterly (2005), accessed March 30, 2010, http://www.brown.edu/Departments/Political_Science/documents/Criminalizing_consequences_of_sanctions.pdf, 337.

comply with western legal standards. Removal of sanctions and external exhortations to reform laws and once again comply with western legal standards were unlikely to have short term success in re-establishing societal acceptance and compliance with legal norms when contrary habits were ingrained.[95]

7. Milosevic Government Police Reforms

As the Yugoslav Army had developed a greater degree of independence from government control than Milosevic preferred, he built up the Serbian police force. Police salaries rose above those in the military, the police were funded to buy better equipment than the military and the oversight process closed its eyes to police corrupt practices.[96] The Milosevic government organized a number of specialized police forces. The Serbian Security Services (RDB)[97] was reorganized in 1992 to report to the Minister of Internal Affairs. The RDB had grown to include about 4,000 staff by the end of the 1980s, due the centralization of all police forces in Serbia. As part of this process, all police helicopters, including autonomous provinces units, republic and city police helicopter units were placed under the central control of the RDB. Also, under the command of the RDB were several paramilitary units. Another unit, the Special Police Anti-Terrorism Unit (SAJ) was centralized in 1992. The unit's origins were in local units of the MUP set up in 1978 to counter airline hijackings, hostage takings and other organized crime. In 1992, the various units were reorganized under central SAJ command. Initially the SAJ was composed of about two hundred officers.[98] The Special Anti-terrorist Unit was organized into two assault teams, a logistics team including snipers, dog handlers, a security and support team including a medical group, a construction group and a weapons and

95 Peter Andreas, "Criminalizing Consequences of Sanctions: Embargo Busting and Its Legacy," International Studies Quarterly (2005), accessed March 30, 2010, http://www.brown.edu/Departments/Political_Science/documents/Criminalizing_consequences_of_sanctions.pdf, 337.

96 Timothy Edmunds, *Security Sector Reform in Transforming Societies*, (Manchester: Manchester University Press), 87–88.

97 Resor Državne Bezbednosti.

98 ShadowSpear, "Specijalna Antiteroristicka Jedinica (SAJ)," (29 January, 2009), accessed April 27, 2010, http://www.shadowspear.com/serbia-special-operations/specijalna-antiteroristicka-jedinica.html.

ammunition search group. Officially, the SAJ was tasked with combating terrorism, insurgency, organized crime, and dealing with hostage situations and high risk warrant executions. In addition, the SAJ was used to provide VIP protection.

By 1993, the police force was composed of 80,000 personnel and was heavily armed and essentially turned into a paramilitary unit. In 1996 the RDB paramilitary units the Tigers, under the command of Zeljko Raznatovic Arkan, and the Red Berets, under the command of Franko Simatovic, and the RDB helicopter squadron were reorganized as the Unit for Special Forces (JSO).[99] The OPG was formed in late 1997 of elite Kosova based police staff to counter the KLA guerilla's success at raids on MUP regular uniformed police in Kosova in the late 1990s. The Operational Group (OPG) was organized under the official command of the SAJ.

The para-militarized police was initially used to suppress urban opposition in Belgrade. During the wars with Slovenia, Croatia and Bosnia-Herzegovina, regular police officers were required to accept assignment to rotating three month shifts in the war zone or face the alternative of losing their job.[100] Later the OPG, JSO and other units were used to suppress the Kosovo Liberation Army.[101]

The requirement for the police to carry out political suppression without regard for the finer points of respect for civil rights and the rule of law likely reduced police respect for the law and willingness to cooperate with prosecutors in enforcing the rule of law. Further, it surely reduced the public's' respect for and trust in the police. By the late 1990s, the public perception of the brutality of police was such that when police confronted protesting university students in Belgrade mass demonstrations of 1996–97 with clubs, the students chanted to the police "GO TO KOSOVO."[102]

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99 The JSO remained under RDB command until November 2001. The RDB was later renamed the BIA in 2003.

100 David Samuels, “The Pink Panthers.” The New Yorker. April 12, 2010.

101 Pavlakovic, “Serbia Transformed?” 23.

102 Harden, “The Milosevic Generation,” 11.

Reportedly by the late 1990s, the smuggling skills developed bypassing the UN Arms Embargo and the UN Trade Sanctions were being used by the elite security and criminal groups in Serbia to gain market share in the lucrative drug trade. The Zemun criminal group and the JSO were purchasing and smuggling a total of about one hundred million dollars value of heroin and other drugs from Bulgarian, Albanian and Bolivian suppliers. Safekeeping for inventories was provided, knowingly or not, by Belgrade banks; in one of which 660 kilos of 99 percent pure heroin was found in March 2001 in a vault rented by state security officials.[103]

8. Loser Not Leader: The Demise of the Milosevic Government

Continuing to play on Serbian nationalist sentiments, in 1999 Milosevic portrayed the NATO bombing as analogous to the Nazi bombing of Belgrade in WWII.[104] However, by 2000 the opposition was able to organize 18 of the separate opposition parties, not including the SRS or the SPO, into a coalition under the banner, the Democratic Opposition of Serbia (DOS). The coalition chose constitutional lawyer Kostunica as its presidential candidate.[105] Kostunica represented the public frustration with Milosevic in his choice of the campaign charge that Milosevic had failed to achieve the nationalist goal of uniting all Serbs under one state.[106] With U.S. support for "democratization" reported at $25 million to $100 million through Otpor and other civil society groups, Milosevic failed to win a victory in the September twenty-first round balloting for the presidency, and Otpor led demonstrators took to the streets in support of Kostunica. The heads of the army and SDB refused Milosevic's order to use the army to suppress the demonstrators, and instead allowed protesters to burn the federal parliament building.[107] There was speculation and reports that the DOS, specifically Djindjic, had

103 Samuels, “The Pink Panthers.”

104 Pavlakovic, “Serbia Transformed?” 25.

105 Vjeran Pavlakovic, “Serbia Transformed? Political Dynamics in the Milosevic Era and After,” in Serbia Since 1989, ed. Sabrina P. Ramet and Vjeran Pavlakovic (Seattle: University of Washington Press, 2005), 26.

106 Ibid., 27.

107 Ibid., 29.

negotiated with the JSO leadership, and that the JSO understood that in exchange for their refusing to support Milosevic, the DOS government would take a mild approach to police (and military) reform.[108] Milosevic conceded on October 6, 2000.

Within a week, the UN, EU and the U.S. removed sanctions against Serbia. In late October Serbia joined the Stability Pact for Southern Europe. On October 27, Kostunica visited Russia and secured loans of approximately $600 million to meet Serbia's energy needs for the coming winter. On November 1, 2000, Serbia was readmitted to the UN and to the OSCE on November 27, 2000. The new DOS government won 64 percent of the seats in the December 2000 National Assembly elections. Thus, by the end of 2000, the Serbian government was reaccepted as a member of the international community of states and held a democratic mandate to improve Serbian administration.

E. LEGISLATING DEMOCRACY: THE DOS INITIATES REFORMS

In a liberal democratically governed country, the role of the police is to prevent, detect and investigate misdemeanors, felonies and other crimes, including the violations of law by organized crime perpetrators; and to find and apprehend criminals. In Serbia during the 1990s, the police played a different role. The Serbian Police Force had been organized as a section of the Ministry of Interior (MUP)[109], reporting to the Minister.[110] As noted, during the conflicts in Bosnia, the Serbian police were assigned to rotating three month patrols in the war zone acting as combatants. The government formed by Djindjic took over a police force composed of approximately 83,000 to 85,000 armored troops, many of whom had developed expertise in smuggling arms, oil, drugs or cigarettes. Many if not most of the police had grown accustomed to working with organized crime members involved in smuggling or as members of war paramilitary forces such as Arkan's Tigers.

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108 Edmunds, "*Security Sector Reform in Transforming Societies*," 91.

109 Ministarstvo Unutrasnjih Poslova.

110 The sitting Minister of the MUP until October 2000 had been indicted by the ICTY in 1999.

The initial reform effort of the government acknowledged the need for decriminalization, demilitarization, de-politicization and decentralization; and the initial police reform focus of the DOS government was to control the quasi-army it had inherited and to rehabituate the battlefield and border crossing veterans to traffic patrols, routine border document checking and crime investigations.

The Djindjic government approached reforms selectively. Giving credibility to the speculations of a negotiated agreement with the security sector leaders, the new DOS government chose not to attempt to reorganize the army or the secret police, although that would have helped to preserve records of Milosevic government activities[111] and to consolidate the new governments control. The apparent timidity may have been because the Army had, on October 11, advised the "DOS government that any attempt to discredit the military leadership would result in 'NEGATIVE CONSEQUENCES'."[112] The Army resisted reforms. In March and April 2001, the VJ guards of Milosevic's residence obstructed police officers sent by the Djindjic government to arrest Milosevic.[113]

The new government had the support of the police to a degree, yet, the police were not successful in arresting Milosevic until April 1, 2001; and the sitting president of Serbia from the removal of Milosevic until early 2004, had been indicted by the ICTY, but remained president. In other words during this period, the Djindjic government, which based its platform on reintegration of Serbia into the international community and accession to EU membership, was unable to command sufficient political support and obedience from the police for two years to arrest the president and provide him to the ICTY, despite cooperation with the ICTY being an explicit requirement by the EU for Serbian accession to membership.

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111 Radomir Markovic, RDB head is alleged to have destroyed some 12,000 RDB documents between October 2000 and January 25, 2001 when the Djindjic government dismissed him. See Edmunds, 92 and note 24.

112 Pavlakovic, "Serbia Transformed," 30.

113 Edmunds, *Security Sector Reform in Transforming Societies*, (Manchester: Manchester University Press), 92.

A major focus of police reforms in this period was the government's pragmatic need to raise additional government revenues, which prompted an emphasis on border security reform and curtailing the influence of organized crime. This included reduction of smuggling of cigarettes and petroleum products in order to raise revenue, hoping to transfer much of the former customs' services off-budget revenues back into regular tariffs and fees. In 2001, the MUP Minister created an Organized Crime Directorate reporting directly to the Minister. The government was successful to the point of being able to reduce the tax on wages by about 10 percent. The estimated black market share in the Serbian economy fell from about 50 percent in 2000 to 17 percent in 2001.[114]

At the political level, the Djindjic government was eager to drive reform more quickly and to attempt to motivate the police to act more aggressively against organized crime. In July 2002, the National Assembly adopted a new Criminal Procedure Law and a new Organized Crime Law establishing a special prosecutor's office, a new court section and a new jail for the investigation and bringing to justice of organized crime suspects. At the operational level, the response of the police did not result in any significant increase in charges against major organized crime operations. Commentators noted that despite the positive intentions of international community experts in providing expert advice to the legislators in the drafting of the new Organized Crime Law, there remained several problems that made it "very demanding and not appropriate to current needs and situations" due to the current incapacity of the prosecutors to fulfill their role under the law of leading and coordinating the police in gathering of evidence sufficient to bring charges, and due to lack of existing laws dealing with many aspects of "trafficking, drugs, money laundering, asset confiscation, the use of surveillance and covert evidence gathering, and witness protection."[115] Further, the areas of responsibility of the Criminal Investigation Directorate and of the Organized Crime Unit overlapped, and they had not

114 Bideleux and Jeffries, "The Balkans," 281.

115 Dragan Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 79-80, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

developed the capacity to coordinate their work as of 2005.[116] In what some commentators called a response by organized crime, in June 2002 the Assistant Chief of Police, Bosca Buha, was assassinated.[117]

The Djindjic government made some operational reforms to the MUP during this period. The most high profile was the January 2001 dismissal of Radomir Markovic from his position as head of the MUP's RDB State Security Sector. On 24 February 2001, Markovic was arrested regarding the attempted murder of Vuk Draskovic. Markovic had allegedly been systematically destroying documents between October 2000 and January 2001 when he was removed from his post.[118] However, he was subsequently convicted only of removing police records about the Draskovic case, and the attempted murder was pinned on two subordinate Red Beret members.[119] In addition to Markovic, the Djindjic government also replaced nine of 13 police generals,[120] along with hundreds of senior police officers including the head of the criminal investigation unit of the Police Directorate, and 396 other key management officers and about 2,500 regular officers.[121]

The government also made tentative organizational reforms to the police, perhaps attempting to balance the Djindjic loyalist's desire for rapid liberalization and democratization with the reality of the residual authoritarianism in the society represented by the opposition.

Reforms were made in the MUP's "regular police" group, the Public Security Sector. The Gendarmerie, a unit that had been dissolved at the end of World War II, was reestablished by the Minister in June 2001. The Gendarmerie consists of four battalion

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116 Dragan Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 79-80, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

117 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later."* 20.

118 Milkovic and Hoare, "Crime and the Economy under Milosevic," 214.

119 Ibid.

120 Bakic and Gajic, "*Police Reform in Serbia: Five Years Late."* 4.

121 Richard Monk, "Study on Policing In The Federal Republic of Yugoslavia," OSCE, (July 2001), 5, accessed April 10, 2010, http://www.osce.org/item/16131.html, also see Bakic and Gajic, 5.

sized units, each with 500 to 800 police equipped to NATO standards, with bases located in Belgrade, Nis, Novi Sad and Kraljevo.[122] The Gendarmerie was tasked with anti-terrorist patrols, riot control at mass crowd events such as demonstrations and large sporting events, and backing up the Criminal Investigation Directorate and Uniformed Police Directorate staff in arresting dangerous suspects.

To cope with the volatile situation in several southern Serbian municipalities in 2001, the new government made short-term reforms. One was to create a Multi-Ethnic Police Force (MEPE). The MEPE recruited 375 cadets and put them through a twelve-week basic training run by the OSCE with a succeeding 15 week on-the-job-training with monitoring by OSCE organized international police mentors. The Gendarmerie was assigned to back up the MEPE in the south.

Frustrated in its desire to bring about significant depoliticization and demilitarization of the police, the Djindjic government initiated police efforts to develop a strategic plan for reform. In 2001 with the assistance of the Danish Center for Human Rights (DCHR), the League of Experts (LEX) and the OSCE, reports were prepared profiling the state of policing in Serbia and detailing recommendations for reform.[123] In response, the MUP Minister appointed working groups from each Directorate in the Ministry to follow up on the DHCR-LEX-OSCE reports to prepare a vision for police reform. Delay followed, and it was not until March of 2003 that the Ministry of the Interior formally finished its proposal to the government entitled a "Vision for Reform of the Ministry of Interior of the Republic of Serbia," which defined fourteen reform priorities.

In June 2001, facing pressure from the international community that was threatening to cut off Serbian access to foreign aid payments unless greater cooperation with ICTY requirements was evidenced, the Djindjic government had the police turn Milosevic over to the ICTY despite strong opposition from opposition parties in

122 Milan Jovanović, "Serbia: Ministry of the Interior, Zandarmerija," (September 4, 2007), accessed May 28, 2010, http://www.crwflags.com/fotw/flags/rs_polic.html.

123 John Slater Monk, "An Assessment of the Human Rights, Ethics and Policing Standards in the Federal Republic of Yugoslavia, Serbia and Montenegro." Council of Europe, (September 2001).

parliament and the need to defy a Serbian Supreme Court judgment restraining extradition until the court had ruled on the constitutionality of the government's extradition decree.[124]

In an incident, which is perhaps symptomatic of the rising internal conflicts within the police sector, in August 2001, the former deputy head of the RDB State Security met with Kostunica aides, either with an offer of documents that linked the Djindjic's government to organized crime or to discuss reform of the RDB; and was murdered shortly after the meeting. Kostunica claimed the killing evidenced Djindjic's links to organized crime. The deputy head of the MUP Organized Crime Directorate claimed to have evidence discrediting the dead RDB deputy head as having been a debt collector, assassin and paramilitary in the Croatian and Bosnian wars.[125]

Shortly thereafter, the government had the police JSO unit arrest two former prison camp guards charged by the ICTY with murdering detainees. Despite the recent November 6 Serbian Supreme Court ruling that the government's extradition decree was unconstitutional, on November 9 the Djindjic government had the police extradite the two prison camp guards to the ICTY in the Hague. In response, the JSO claimed they had been misled about the reason for the arrest of the two guards and called for the resignation of the Minister of the Interior. The JSO head resigned and the 300 JSO members held a two day strike in protest over the Djindjic government's cooperation with the ICTY. As a result, government ministers, including Djindjic, were left without police security protection, although many employed private security bodyguards. In response the Djindjic government agreed to replace the reformist RDB head they had appointed and also agreed to not shift the RDB to the control of the Public Security Sector[126], to detach the JSO from the RDB State Security Service and put the JSO directly under the MUP Minister. Further, the MUP Minister agreed to the JSO demand to make a public

124 Bideleux and Jeffries, “The Balkans,” 287.

125 Ibid., 288.

126 The regular police group of the MUP.

statement that there would be no more police extraditions to the ICT.[127] The government also threatened to disband the JSO unit if it did not submit to civilian control[128] and reorganized the JSO helicopter unit, combining it with the police squadron to form the existing Helicopter Unit, which is now part of the police directorate. Later, in July 2002 the RDB was removed from the MUP by the Parliament's August 2002 Law on Security Services and transformed into the Security and Information Agency (BIA) under Parliamentary control.[129]

F. LEADERSHIP TRANSITION: THE DJINDJIC ASSASSINATION

In January 2003, the head of the RDB was replaced by a loyal Djindjic ally, and the first civilian Minister of Defense was scheduled to be appointed on March 13, 2003. On March 12 Prime Minister Djindjic was assassinated near the main government building in downtown Belgrade near midday. The process of police reform spurted forward. The same day the government declared a state of emergency until April 22. The police and military were given powers to arrest anyone without warrants and to hold suspects without charges for thirty days.

G. CONCLUSION

The history of events relevant to the current status of police and border security reform in Serbia indicates that there are a number of past events whose residual effects continue to overhang the current reform process. One of these is the aspect of traditional Serbian nationalism given expression through the Kosova Epic, the Serbian National Academy of Arts and Sciences and the Serbian Orthodox Church. This manifests as an acceptance by a large proportion of the population of vendetta politics and leadership transition by violent removal, as occurred to Djindjic. Another is the wariness of Croat and Bosniak nationalistic passions as given expression through the Ustasa regime and the

127 Edmunds, "Security Sector Reform in Transforming Societies," 94.

128 Bideleux and Jeffries, "The Balkans," 29.

129 CSEES Analysis Belgrade "The Battle for Power Moves to the Special Services," (August 13, 2002), accessed April 12, 2010, http://www.csees.net/?page=analyses&a_id=1.

war crimes, ethnic cleansing and genocides committed against Serbs in the 1939–45 conflict and as echoed in the 1990s wars treatment of Serb residents of Croatia and Bosnia. A third is the lingering influence and power in Serbian society, especially in political parties and in the police, of individuals who hold a shallowly disguised contempt for the egalitarian application of the rule of law as a result of their gaining of their wealth and power through subverting the rule of law to provide the Serbian state and people with black market goods during the 1990s weapons and commercial trade embargoes against Serbia.

III. INSTITUTIONAL REFORM INTERVENTIONS BY THE INTERNATIONAL COMMUNITY

A. THE NORTH ATLANTIC TREATY ORGANIZATION (NATO)

1. Operation Deny Flight

NATO first intervened militarily in the Balkans in 1993. The United Nations (UN) in October 1992 adopted Security Council Resolution 781, which declared a ban on military flights over Bosnia and Herzegovina to protect those areas from Serbian and Croatian air attacks. Initially, the UN assigned the United Nations Protection Force (UNPROFOR) to monitor the ban.

NATO began Operation Sky Monitor to monitor compliance with the ban. Between October 1992 and April 1993, NATO observed over 500 violations of the ban.[130] In response, the UN adopted Security Council Resolution 816 in March 1993 that extended the ban to include all plane and helicopter aircraft not authorized by the UN as humanitarian flights or UNPROFOR required flights. Resolution 816 also authorized UN members to use of all necessary measures to enforce compliance with the ban.

On April 12, 1993, NATO began Operation Deny Flight, which continued until December 20, 1995, to enforce the UN Security Council Resolution 816 ban on flights over Bosnia and Herzegovina. Twelve NATO nations (Belgium, Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, Spain, Turkey, the United Kingdom and the United States) contributed some 4,500 personnel and approximately 239 aircraft to Operation Deny Flight. Operation Deny flight involved 23,021 fighter sorties over Bosnia-Herzegovina, 27,077 close air support and air strike sorties over Bosnia-Herzegovina, 29,158 flight sorties by Suppression of Enemy Air Defenses (SEAD), NATO Airborne Early Warning (NAEW), tanker, reconnaissance and support aircraft, and 21,164 training flights, for a total of 100,420 sorties.[131] The mission reduced the

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130 Tim Ripley, *Conflict in the Balkans, 1991–2000*. (2001). Osprey Publishing, 21–24.

131 NATO, AFSOUTH Factsheets,"Operation Deny Flight," (July 18, 2003), accessed June 10, 2010, http://www.afsouth.nato.int/archives/operations/DenyFlight/DenyFlightFactSheet.htm.

average number of unauthorized over flights of Bosnia and Herzegovina from an average of twenty per month to an average of approximately three per month. In February 1994, six Serbian Air Force J-21 Jastreb jets entered Bosnian airspace and bombed a Bosnian factory. NATO F-16s intercepted the Serbian jets near Banja Luca and entered into NATO's first combat engagement, shooting down four of the intruders near Banja Luca.[132] Operation Deny Flight was less effective against helicopter flights over Bosnia, as all three combatant military forces painted their helicopters with international organization insignia including UN colors or Red Cross insignia that prevented Operation Deny Flight forces from identifying unauthorized helicopter flights easily. The helicopters slow air speeds made it difficult for the Operation Deny sorties to see the helicopters involved in aggressive acts, which was the engagement rules requirement for use of force by NATO pilots.

In June 1993, the UN adopted Security Council Resolution 836 authorizing UNPROFOR to use force to protect the UN declared "Safe Areas" in Bosnia and Herzegovina. NATO expanded Operation Deny Flight to provide close air support to UNPROFOR ground operations when requested by the UN special representative in Bosnia. In March 1994 NATO aircraft first flew in support of UNPROFOR troops but did not attack ground targets. In April 1994, NATO F-16Cs for the first time bombed ground targets in support of UNPROFOR troop operations. Security analysts noted that this evidenced NATO's ability to engage in military operations in environments outside its traditional territory in the central plains of Europe and to carry out coordinated operations with UN forces.

Also in April, F/A-18As performed bombing and strafing missions against ground targets at the request of UNPROFOR, and a NATO Sea Harrier was shot down by a surface to air missile while on an UNPROFOR close support mission. In August 1994, NATO A-10s strafed Bosnian-Serb heavy weapons seized in violation of UNPROFOR commands and forced Bosnian-Serb compliance. Also in August, NATO A-10s and Jaguars attacked a Bosnian Serb tank that had attacked UNPROFOR troops. In

[132] Michael Beale, Bombs over Bosnia: The Role of Airpower in Bosnia-Herzegovina, (Maxwell Air Force Base, Montgomery: Air University Press, 1997).

November 1994, NATO jets attacked the Udbina, Croatia airfield and also attacked the Otoka and Dvor surface-to-air missile sites. In May 1995, NATO aircraft struck a Pale ammunition dump at UNPROFOR request. In June 1995, a NATO F-16C on a patrol was shot down by a surface-to-air missile over western Bosnia. In July 1995, NATO aircraft attacked ground targets near Srebbrenica identified by UNPROFOR ground forces. In August 1995, EA-6Bs and F-18Cs attacked surface-to-air-missile stations near Knin and Udbina.[133]

2. Operation Deliberate Force

On August 30, 1995, Operation Deny Flight was escalated to Operation Deliberate Force, a bombing campaign against Bosnian-Serb forces in response to the Bosnian-Serb mortar shelling of Sarajevo. Operation Deliberate Force lasted until September 20, 1995, and included 3,515 sorties flown and attacks on 48 target complexes made up of 338 individual targets on which 1,026 bombs were dropped. Of this total, 708 were precision munitions and 318 were non-precision.[134]

In December 1995, Operation Deny Force was terminated and the staff and equipment were transferred to Operation Decisive Endeavor to provide close air support to the NATO led multinational Implementation Force (IFOR), which was mandated with Dayton Accords implementation monitoring. IFOR included up to 54,000 troops in Bosnia-Herzegovina from the 32 countries: Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom. Non-NATO nations that contributed forces included Austria, Bangladesh, the Czech Republic, Egypt, Estonia, Finland, Hungary, Latvia, Lithuania, Malaysia, New Zealand, Pakistan, Poland, Slovak Republic, Sweden, the Russian Federation and the Ukraine.

133 NATO, "AFSOUTH Factsheets: Operation Deny Flight," (July 18, 2003), accessed April 10, 2010, http://www.afsouth.nato.int/archives/operations/DenyFlight/DenyFlightFactSheet.htm.

134 GlobalSecurity.org, "Operation Deliberate Force," accessed April 27, 2010, http://www.globalsecurity.org/military/ops/deliberate_force.htm.

In December 1996, the role of IFOR was taken over by the NATO led multinational Stabilization Force (SFOR). SFOR began with about 50,000 troops from the NATO members Albania, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Spain, Slovakia, Slovenia, Turkey, United Kingdom, United States, Luxembourg and from the non-NATO countries Australia, Austria, Argentina, Finland, Egypt, Ireland, Malaysia, Morocco, New Zealand, Russia, and Sweden. By December 2002, the SFOR complement had been reduced to about 12,000 troops and by December 2004 to about 7,000 troops.

In December 2004, the role of SFOR was taken over by EUFOR-Althea under EU command. By early 2008, the EUFOR troop level had been reduced to about 2,500 and by mid-2008 to about 2,000. These troops were mostly from EU member countries.

3. Operation Allied Force

Meanwhile, as the situation in Bosnia-Herzegovina came under increasing stability, the situation in Kosova grew problematic as Serbs and Albanian ethnic groups engaged in mutual hostilities. NATO, on March 24, 1999, began Operation Allied Force to stop alleged Serbian ethnic cleansing of Albanians. Subsequent investigations by the ITCY found no evidence of ethnic cleansing before the commencement of Operation Allied Force, but much evidence that crimes against humanity and human rights abuses were committed by the Serbian security forces exits, including the special police units and the JSO after the commencement of Operation Allied Force and during its continuance until June 11, 1999. Operation Allied Force involved about 1,000 aircraft based from the U.S.S. Theodore Roosevelt sailing in the Adriatic and from land bases in Italy, which flew more than 38,000 combat missions. The Operation marked an important rite of passage for the Luftwaffe as the German Air Force's missions were its first combat operations since 1945.

Operation Allied Force initially targeted Yugoslavian air defenses and military targets, but later was transitioned to "dual use" targets, that is, anything that could be of use to the military, including Danube bridges, factories, power stations,

telecommunications facilities, the headquarters of the Yugoslavian Leftists political party led by Serbian President Milošević's wife, the Avala TV tower and the Chinese Embassy. The latter's military use was indicated by intelligence reports that Serbian President Milosevic was in the Embassy.

After the Serbian government accepted Finnish-Russian mediated NATO conditions that Yugoslavian forces be removed from Kosova and that a UN and NATO military force be posted in Kosova, Operation Allied Force was ended June 11, 1999. The NATO led Kosovo Force (KFOR) peacekeeping force entered Kosova to administer the peace conditions. KFOR was composed of British troops, a German Army brigade and Italian, Spanish and United States Army brigades. The KFOR initially included about 50,000 personnel, and by January 2002 had been reduced to about 39,000 staff, further reduced to about 26,000 staff by June 2003 and to 17,500 staff by the end of 2003.[135] By May 1999 NATO had transported about 4,700 tons of food and water, 4,300 tons of other goods, 2,600 tons of tents and 1,600 tons of medical supplies to refugee areas in and around Kosova. [136] The KFOR mission has been extended to 2010.

Several of the former Yugoslavian republics are NATO members. Slovenia, Croatia and Albania are currently members of NATO, while Macedonia's membership as of 2010 was being blocked by Greece's objections. Bosnia-Herzegovina, and Montenegro, indicated they intend to become members. Bosnia-Herzegovina, Macedonia, Montenegro and Serbia are NATO Partner countries. In 2003, the Serbian government applied for membership in the Partnership for Peace (PfP) program. NATO approved Serbia's application in November 2006 after Serbia had agreed in mid-2005 to allow transit through Serbia of NATO KFOR forces to Kosova. Bosnia-Herzegovina and Montenegro were approved for PfP membership at the same time. In December 2006 Serbia formally joined the PfP, and NATO established a liaison office in the Serbian capital to administer the KFOR transit agreement.[137] According to NATO, in joining PfP

135 NATO, Public Diplomacy Division, "NATO Handbook,' Brussels, Belgium: NATO (2006), 150.

136 Ibid., 151.

137 NATO, "NATO's relations with Serbia," accessed June 3, 2010, http://www.nato.int/issues/nato-serbia/index.html.

Serbia "Serbia expresses its readiness to accept its part of responsibility for maintaining permanent peace and stability in the region, to participate in UN mandated peace missions in order to reach the level of interoperability of NATO member states' armies."[138] Serbia defined its priorities for cooperation through the PfP to include building capacity in "Democratic oversight of the defense system, defense policy and strategy, planning and financing of the defense system and resource management, military education, training and doctrine, and operational aspects of participation in peace and humanitarian operations, and nuclear/biological/chemical weapons defense."[139] In 2007, Serbia escalated its participation by entering the PfP Planning and Review Process (PARP).

In 2007, Serbia also applied for membership in the Southeast Europe Defense Ministerial (SEDM), a NATO initiative "designed to enhance regional cooperation to prevent proliferation of weapons of mass destruction, build cooperation for military industries, military research, and establish "satellite links between military hospitals."[140] In October 2009 Serbia was admitted to membership in the SEDM.[141]

As of 2009, the Serbian government stated on the Web site of the Minister of Defense, Dragan Sutanovac, that it had no desire to join NATO, but had chosen to participate in a NATO Partnership for Peace (PfP) to facilitate Serbian reforms through interchange of expertise with other NATO participants.[142] Due in part to the public's memories of NATO's 1999 bombing of Serbia, public opinion polls indicate that only about one-quarter of Serbians favor NATO membership.

138 NATO, Partnership for Peace Information System, "Serbia admitted into SEDM," (2009), June 1, 2010, http://www.pims.org/news/2009/10/29/serbia-admitted-into-sedm.

139 Ibid.

140 Ibid.

141 Ibid.

142 Republic of Serbia, Ministry of Defense, "Minister's authored text in NIN," (Oct 15, 2009), accessed April 12, 2010, http://www.mod.gov.rs/novi_eng.php?action=fullnews&id=1790.

B. THE EUROPEAN UNION (EU)

The Serbian Stabilization and Association Process (SAp) officially started in 2001 with the establishment of the Joint Consultative Task Force (JCTF), as a mechanism to enable the European Commission and the Federal Republic of Yugoslavia (FRY) to examine the situation. The JCTF adopted recommendations that were binding guidelines for Serbian reform to comply with EU standards in the areas of political and economic reforms, regional cooperation and compliance with obligations.

After the fourth JCTF meeting, the organization and coordination of Serbia's activities was assigned first to the European Integration Department of the Ministry of International Economic Relations and then in March 2004 to the European Integration Office of the government of the Republic of Serbia. The European Integration Office of the FRY continued to coordinate reports of the Serbian and Montenegrin governments. After the fifth meeting, the constitutional transformation of the FRY into the state union of Serbia-Montenegro (SaM) occurred. After three informal meetings between the EU Commission, the EU Member-States and SaM, the Enhanced Permanent Dialogue (EPD) was introduced to ensure a positive feasibility study assessment. The first EPD between SaM and the EU was held in July 2003. The EPD assessed the current situation of SaM relative to the EU standards for the accession and defined recommendations for the SAp. Particular EU concerns were the SaM constitution, efficient institutions and the implementation of the practice of the rule of law.[143]

During the negotiation process between 2000 and 2004, the FRY, and later SaM, were provided with EU CARDS assistance that totaled 1.139 billion Euros, which was primarily allocated to infrastructure projects in the energy and transportation sectors.

The Negotiation Team of the Republic of Serbia was set up in January 2005, and the Feasibility Study on Serbia's readiness to negotiate the Stabilization and Association Agreement (SAA) was approved in April 2005. In September 2005 the framework for the negotiation of the SAA was accepted. Negotiations began in November 2005, but were suspended by the EU from May 2006 to June 2007 due to EU members' dissatisfaction

143 European Union – Delegation of the European Union to the Republic of Serbia, "The EU in Serbia," accessed April 3, 2010, http://www.europa.rs/code/navigate.php?Id=115.

regarding Serbia's level of cooperation with the ICTY. The SAA, including the Interim Agreement, was initialed by Serbia in November 2007. In April 2008, the President of Serbia signed the SAA after Prime Minister Kostunica refused to do so, and sought an election on the issue. In the subsequent election Kostunica's government failed to win re-election, and the new government of Prime Minister Cvetkovic won ratification of the SAA in the National Assembly in September 2008.

The SAA and Interim Agreement ratification by the EU members was delayed due to the Netherlands and Belgium awaiting a report from the ICTY certifying the ICTY's satisfaction with Serbia's efforts to comply with the processes and requests of the ICTY to deliver indictees, Ratko Mladic and Goran Hadzic, to the ICTY.[144] Serbia unilaterally began implementing the Interim Agreement in January 2009. In November 2009, the EU initialed the SAA, and in December 2009, the EU began implementing the trade aspects of the SAA and granted Serbia access to the Schengen visa regime. The Interim Agreement went into effect 1 February 2010. After Serbia submitted a package of wartime journals of Ratko Mladic to the ICTY in May 2010, on June 14, 2010, the Council of the Ministers of the EU announced that the ratification process of the SAA with Serbia would be resumed and the SAA would be submitted to the member country parliaments and to the European Parliament for ratification.[145]

In December 2009, Serbia entered its formal application for membership in the EU. The first meeting of the Interim Committee for monitoring the EU-Serbia Interim Agreement was held in March 2009 regarding issues of trade, competition, state aid, intellectual property law and transit traffic and to set up technical coordinating groups to coordinate Serbian reforms in these areas. Meanwhile, the EU—Serbian Enhanced Permanent Dialogue continued to coordinate Serbian reforms in other areas relating to requirements for EU membership until the SAA is ratified by the EU members. In May

144 European Union – Delegation of the European Union to the Republic of Serbia, "The EU in Serbia," accessed April 3, 2010, http://www.europa.rs/code/navigate.php?Id=115.

145 European Union – Delegation of the European Union to the Republic of Serbia, "Commission welcomes Council's decision to start the ratification process of the Stabilization and Association agreement with Serbia," (June 14, 2010), accessed June 17, 2010, http://www.europa.rs/code/navigate.php?Id=1326.

2010, the EU made the first grant of 174 million Euro to Serbia under the IPA program for local infrastructure, higher education and regional economic development.[146]

A crucial component of the EU requirements for the granting of access to the Schengen visa regime and for accession to membership relate to border security and the implementation of Integrated Border Management (IBM). The EU IBM policy requires that borders be closed to criminal and other activities that reduce stability and security in the region including organized crime, terrorism, illegal migrations and human trafficking. For maintenance of security, EU policy requires that border management control the passing of persons, transportation vehicles, and goods through border crossings, and also prevent uncontrolled entrance across borders and manage persons seeking asylum and persons arrested without legitimate travel documents. The purpose of this level of IBM is to prevent smuggling of goods, illegal drugs, weapons, and persons across borders and to block the transmission of human, animal and plant diseases and to reduce threats of international terrorism. Because execution of the border control functions involves overlap of authority of the customs service and border police, EU policy requires the definition of competences for each of these agencies and development of procedures for institutional cooperation, including joint training, and ensuring compatibility of telecommunications, information-technological systems, and of BCP infrastructure and equipment.[147] The EU border security standards have been reformed over the past decade in response to the increased number of terrorist attacks in western European cities and the consequent increasing political support for more restrictive immigration policies and nationalist/xenophobic political parties in the UK, Spain, the Netherlands, Belgium, France, Italy, Denmark and Austria.

146 European Union – "Delegation of the European Union to the Republic of Serbia," "174 million euro grant for Serbia from IPA 2010," (25 May 2010), accessed June 2, 2010, http://www.europa.rs/code/navigate.php?Id=1.

147 European Commission, "Guidelines for Integrated Border Management in the Western Balkans," (January 2007) 18–23, accessed March 31, 2010, http://www.icmpd.org/typo3conf/ext/icmpd/secure.php?u=0&file=1579&t=1277059272&hash=dc77d47a51db3788d747e668ebf666f3.

C. ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The OSCE Permanent Council established the OSCE Mission to the Federal Republic of Yugoslavia in January 2001, at the invitation of the federal government. The OSCE Mission was later renamed to the OSCE Mission to SaM and then to the OSCE Mission to Serbia. The role of the Mission has been to provide expert assistance in the areas of rule of law, law enforcement, democratization, human rights and minorities' rights, and media development. The OSCE Mission played a key role in reform of Serbia's police security sector by coordinating international assistance in the form of consultative experts, police staff training and police infrastructure development. The Monk report assessing Serbia's policing and needed reforms was prepared for the OSCE Mission.[148] The OSCE Mission advised the MUP strategic planning processes, provided advice to the MUP on developing and implementing oversight systems and procedures and advised the MUP Police Directorate on development of the witness protection unit. The OSCE Mission also facilitates police-citizen forums to develop greater trust and co-operation between the public, municipal governments and police.[149]

The OSCE ran a series of training seminars for senior police officials emphasizing European best practices. For example, the OSCE assisted the Police Directorate with aspects of implementation of the National Strategy for the Fight Against Organized Crime by providing training to police senior officers in the use of special investigative methods against organized crime, including drug production and trafficking and cyber crime. The OSCE provided expert advice on drafting of legislation for various security sector legislative bills including the 2002 Law On Organization And Jurisdiction Of Government Authorities In Suppression Of Organized Crime and the 2005 Law on Police.

The OSCE Mission also assisted with reform of the police education system by providing expertise in new curriculum design, development of field training programs

148 Richard Monk, "Study on Policing In The Federal Republic of Yugoslavia," OSCE, (July 2001), 5, accessed April 10, 2010, http://www.osce.org/item/16131.html; also see Bakic and Gajic, 5.

149 OSCE Mission to Serbia' "Law Enforcement," (March 2010), accessed March 30, 2010, http://www.osce.org/serbia/13164.html.

and in coordinating fund raising to refurbish the Police Basic Training Centre in Sremska Kamenica. In addition the OSCE provided courses to the faculty of the former Police High School to upgrade their teaching methods and skills to use modern adult learning and student centered teaching methods.[150] The OSCE Mission also provides ongoing assistance to the Police Directorate to design and implement advanced training for police officers at the Zemun Advanced Police Training Center and at the Sremska Kamenica Basic Police Training Center.[151] The OCSE Mission has also assisted the MUP and the Border Police Directorate to assess and identify appropriate border control point infrastructure and equipment satisfactory to the EU IBM standards.

D. GENEVA CENTRE FOR DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)

The DCAF is focused on providing expert assistance in drafting of legislation and regulation for security sector reform, including police system reform legislation. In addition, the DCAF provides expert consultations on establishing civilian, parliamentary and government oversight mechanisms for the police and other parts of the security sector. The DCAF guided the development of the MUP and Border Police Directorate's strategy and plan for demilitarization of the border police.

The DCAF also provides training seminars for senior managers in the security sector on issues including legal reform, organizational culture and leadership, logistic support, border surveillance, training curricula and methods, risk assessment techniques, criminal investigation, integrating border control systems, and developing national and international cooperation. The DCAF is also promoting the establishment of a virtual Border Police Academy with dual focuses, one on a training program for mid-level managers including multi-week working visits for participants to countries in Europe with the more advanced border management systems and a second focus on basic training in integrated border management practices for junior level staff.

150 OSCE, Law Enforcement, "Transformation of the Police High School in Srmeska Kamenica Into a Basic Police Training Centre," accessed May 14, 2010, http://www.osce.org/item/25851.html.

151 Ibid.

E. EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION (FRONTEX)

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was set up in 2004 in response to increasing security threats to European urban centers. FRONTEX's mandate is to facilitate implementation of the acquis concerning border management in Articles 62(2) (a) & 66 of the Treaty establishing the European Community.[152] Of the total FRONTEX staff of approximately 225 persons, about 70 are seconded experts.[153] FRONTEX brings together the heads of border security of all the EU member countries. FRONTEX has organized nine border police training academies in various member countries, developed a common core curriculum for border guard education, and allocated 6.5 million Euros to training border police.[154]

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FRONTEX also facilitates "operational cooperation and coordination," which consists of exchange of information and experiences as well as training cooperation. The European Border Surveillance System (EUROSUR) is a pilot project for this type of institutional development.

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[152] European Council, "COUNCIL REGULATION (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union". (2004), accessed April 22, 2010, http://www.frontex.europa.eu/gfx/frontex/files/frontex_regulation_en.pdf.

[153] Frontex, "FAQ," (2011), accessed April 22, 2010, http://www.frontex.europa.eu/faq/.

[154] Laitinen, Gen. Brig. Ilkka. "Frontex: An Inside View ". EIPASCOPE 2008/3, (2008), accessed April 24, 2010, http://www.eipa.eu/en/eipascope/downloadarticle/&tid=1753.

F. RUSSIA'S ROLE

Russia has historically played a role as a supporter of Serbian and Yugoslavian interests in the Balkans and recently in Serbian reforms, both economically and politically. As of 2007 "large parts of the public and political activists, for example in the SRS, look to Putin's Russia as a potential alternative. Putin asks for no commitment to democracy, transparency and genuinely free markets in return for association; and Russia can supply Serbia's energy and military equipment needs without requiring painful adjustments in personnel and civil-military relations."[155]

In 2008, Serbia privatized its state oil importer and retailer Naftna Industrija Srbije (NIS), selling 51 percent of the company to the Russian firm Gazpromneft, which is a subsidiary of Russian oil and gas conglomerate OAO Gazprom. In exchange for the majority stake in NIS, Gazpromneft paid 400 million Euros and agreed to invest an additional 500 million Euros to upgrade NIS's two refineries and retail gas station network.[156]

In 2009, Russia agreed to provide Serbia with a loan reported to be $1 billion with $200 million going to the government budget to enable the government of Prime Minister Mirko Cvetkovic to meet the IMF condition of maintaining Serbia's budget deficit below 3.5 per cent of GDP.[157] Reportedly the remaining $800 million is designated for infrastructure construction. In addition, Russia and Serbia in October 2009 signed an agreement to set up a joint venture company, South Stream Serbia, to plan, build, and manage the 440 kilometer section of the South Stream gas pipeline through Serbia and to

155 Robert F. Miller, "The difficult fight against corruption in transitional systems: the case of Serbia." Transcultural Studies, 2-3, (2006-2007), 258, accessed April 20, 2010, http://www.schlacks.com/downloads/TS23/Miller.pdf.

156 BalkanInsight.com, "Economy and Energy Top Serbia-Russia Summit Agenda," (2009), accessed April 30, 2010, http://www.balkaninsight.com/en/main/analysis/23033/ 2009.

157 Ibid.

set up a second joint venture company, Banatski Dvor UGS Joint Venture, to plan, build and manage an underground gas storage facility with a capacity of 450 million cubic meters of gas in northern Serbia at Banatski Dvor.[158]

During a visit to Serbia in 2009, the President of the Russian Federation, Dmitry Medvedev, stated Russia "would continue to defend Serbia's sovereignty and territorial integrity." Medvedev's one day visit included an entourage of approximately 100 "associates, ministers, and business people" and was timed to symbolically mark the 65th anniversary of the day that Soviet and Yugoslav forces liberated Serbia's capital in 1944.[159] During the same visit, Serbia and Russia signed an agreement to establish a Serbian-Russian Emergency Center in Nis. The Serbian MUP indicated the Nis Center's function would be "putting out massive fires and participation in dealing with the consequences of other emergencies, such as floods, earthquakes, technological-chemical incidents, terrorist activities, de-mining, pandemics." The Center, to be jointly run by the Russian Emergency Control Ministry (EMERCOM), which has 23,000 civil defense staff, and the Emergency Sector of the MUP, is planned to operate continuously to provide "constant repair and servicing, overhauling and maintenance of the emergency protective and rescuing equipment," and will include "warehouses and storage rooms for keeping immediate material reserves, which are necessary for the protective and rescuing activities." Western military strategists have questioned the possibility that the Center could be or be transformed from a rescue logistics base into a Russian military logistics base.[160]

158 Bojana Barlovac and Pedja Obradovic, "Russia Pledges Billion Dollar Loan for Serbia," BalkanInsight.com. (2009), accessed April 7, 2010, http://www.balkaninsight.com/en/main/news/23036.

159 Ibid.

160 Stratfor. (2009). "Serbia: Emergency Situation Center To Be Built With Russia." (October 21, 2009).

IV. RECENT POLICE AND BORDER SECURITY REFORMS AND CURRENT STATUS

A. OPERATION SABRE

In retrospect, the assassination of Prime Minister Djindjic provided a political opportunity for the reformers giving them public support, in a culture emotionally attuned to the justice of revenge, to purge at least some of their opponents. Unlike in October 2000, when the democracy supporters were largely unorganized, by March 2003, the reformers were accustomed to running a government and had consolidated some degree of control over the police and army. Thus, they were better positioned to target and remove the most critical blockages to the furtherance of their reform program. In addition the public had experienced some of the benefits of EU transitional support and were somewhat less supportive of "greater-Serbia" advocates and elitist kleptocrats.

On March 12, 2003, the government declared a state of emergency to last until April 22nd and initiated a large police crackdown, codenamed Operation Sabre. The police and military were given powers to arrest anyone without warrants and to hold suspects without charges for thirty days. On March 14, MUP troops bulldozed a housing complex and shopping mall in Zemun owned by the leader of the Zemun clan, the most notorious organized crime group in Serbia. On March 18, the head of the Supreme Court and the Chief Prosecutor were dismissed, and on March 19, the Deputy Chief Prosecutor was arrested for allegedly having received 150,000 Euros payment from the Zemun clan with a promise of 850,000 Euros more.[161] On March 20, seven Supreme Court judges and 28 other judges appointed by the Milosevic government were dismissed, and the government censored two major newspapers that had published reports critical of the government's responses to the Djindjic killing. On March 24, the deputy head of the police special operations unit JSO was arrested as a suspect in the Djindjic assassination.

161 Bideleux and Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 301.

Signaling an acceleration of police and border security reform, on March 26 the JSO was disbanded and most of the JSO members were transferred to the Gendarmerie unit of the police Public Security Division, while some were assigned to two other units of the Public Security Division of the MUP, the SAJ Special Anti-terrorist Police Unit and to the VIP Security Directorate. A few former JSO members left the police service. The next day a further three JOS member suspects were arrested. The government alleged the Deputy Commander of the JSO, Zvezdan Jovanovic, had shot Djindjic and that Zemun clan boss and former JSO head, Milorad Lukovic, had financed and organized the assassination. The prosecutors charged a total of 36 people in the case.[162] During the state of emergency, police had arrested about 11,665 people[163] and charged about 2,697.[164] [165] Responding to human rights advocates, the Justice Minister did not deny that human rights were not the top priority of police and that some of the arrested may have been beaten while in custody, although he did confirm that none had been tortured.[166]

The disbanding of the JSO has been identified by western commentators as a crucial step in the demilitarization of Serbian society since it "eliminated some of the most powerful and influential criminal gangs in the country" and that Operation Sabre "represented a watershed in the country's civil-security sector relations and confirmed the reality of civil supremacy in the chain of command" in that the "police and army both demonstrated that they could and would do as the government commanded, even if this involved potentially bloody operations against their erstwhile fellows."[167] According to

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162 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007) 300; 303; 308.

163 Various reports list the number as 4500 to 11,000 to 11,665 people arrested.

164 Various reports list 1000 to 5000 people charged.

165 The figures cited are based on Bakic and Gajic, 36.

166 Bideleux and Jeffries, “The Balkans,” 306.

167 Edmunds, “Security Sector Reform in Transforming Societies,” 96. This is an example of the over-enthusiasm displayed by some western academic analysts in response to superficially pro-EU developments in the Serbian political situation.

Serbian commentators, the transformation of the JSO and its members, determined by the MUP to be necessary after the Djindjic assassination in March 2003, had not been completed as of 2005.[168]

The disbanding of the JSO reduced admiration within the police ranks for the extra-legal mercenary ideal and boosted support for reforms that would rebuild the public respect for the policing profession. Elimination of the Zemun clan leaders diminished influence, in the form of dominance, and in the form of monetary incentives that extra-legal operators had to use to motivate police cooperation or acquiescence to their "business" activities. For a growing proportion of the police professionals, reform began to look like the better prospect.

Institutional reform is a complex process requiring the coordination of reform of several aspects of institutions. To enhance the clarity of the analysis and description of the recent reforms to Serbian police and border security institutions, this thesis categorizes the discussion of these aspects into legislative reforms, institutional organizational reforms and institutional operational reforms. The remainder of this chapter discusses the legislative reforms, organizational reforms and operational reforms that have occurred with regard to the Serbian police, border police and customs administration since the end of Operation Sabre in 2003. As noted above, the police are organized as a Directorate of the MUP. The border police are organized as a sub-Directorate of the Police Directorate. The customs service, which coordinates duties with the border police at border-crossing points, is organized as a Directorate of the Ministry of Finance.

According to EU principles, borders should allow the cost-efficient and quick passage of legitimate trade in goods and legitimate travel for persons, while blocking non-authorized personnel travel and unauthorized trade in goods. Serbian Customs Service officers state the role of customs is "to facilitate the rapid flow of goods and

168 Dragan Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 86, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

people while minimizing costs and guaranteeing efficient and effective control - such as uncovering and clamping down on customs offenses, particularly terrorism, organized crime, corruption, and other crimes ... customs services have become an important factor in the general protection of society."[169] In contrast, as of 2002, Serbia's borders formed an effective economic barrier to development of its industries and an effective deterrent to international investors. The "pervasive corruption and crippling delays" as well as the "high customs tariffs" that existed for traded goods crossing the borders meant that company's legitimate markets were essentially confined to the national population.[170]

B. LEGISLATIVE REFORMS

Legislative reform is a key enabling factor for police and border security reform. Legislative reform had occurred with the 2002 Law On Organization And Jurisdiction Of Government Authorities In Suppression Of Organized Crime, but it had not proven effective and much other enabling legislation was badly needed. To transition to a governmental administration of police and border security compatible with membership in the EU, Serbia needed new policing legislation, revised criminal code legislation, modern anti-organized crime and anti-trafficking legislation, revised border security and customs tariff legislation. The legislative reforms relating to policing, border policing and customs administration by the National Assembly since 2003 are summarized in the following sections.

1. Reforms to Laws Relating to Policing

In March 2001, the Police Code of Procedure for the Inspector General's service of the DPS was adopted; however, it did not begin to be implemented until mid-2003.[171] The major legislative reform was the new Law on Police, which was adopted in

169 Dejan Carević, "Customs reforms in Serbia," In Security sector reform in Serbia -- achievements and prospects, Ed. Wiroslav Hadzic, (Belgrade: Center For Civil-Military Relations, 2008), 107.

170 Liz Barrett, Business in the Balkans: The case for cross-border co-operation, (London: Center for European Reform, 2002), 6–7.

171 Republic of Serbia, Ministry of Internal Affairs, Internal Affairs Sector, Organization, "Organization," accessed April 5, 2010, http://prezentacije.mup.gov.rs/sukp/org_en.html'.

November 2005. The Law on Police was developed with the assistance of the Council of Europe and the OSCE to ensure that it embodied the principles of the European Code of Police Ethics.[172]

A new Criminal Procedure Code was enacted in 2002, and a provisional Criminal Procedure Code of Kosova adopted in 2003. A revised Criminal Procedure Code was adopted in 2006, with the Law on the Amendments of and Supplements to the Criminal Procedure Code adopted in August 2009.

A new Law on Witness Protection was enacted in 2006. A set of laws designed to enhance the police capacity to fight drug trafficking and other organized crime was enacted in 2008, including the Law on the Prevention of Money Laundering and Financing of Terrorism.

Several pieces of legislation relating to civil rights impact on police conduct. These included the Serbian Charter on Human and Minority Rights and Civil Liberties, as well as the 2003 Regulation on Protection Against Domestic Violence and the Law to Regulate Immigration and Movement of People. During the summer of 2003, the government debated and passed the Law on Co-operation with the ICTY, and in September 2003 the ICTY indicted the sitting head of the Serbian police, the head of the MUP's Public Security Sector. A potentially important new law is the 2009 Law on Communal Policing, which represents an approach to de-centralization of the police. The Law on Communal Police came into effect in January of 2010 and gives city officials the authority to increase enforcement of city policies. The law grants cities the power to establish a limited size[173] communal police force to assist with preserving community order, enforcing city regulations, public policing, suburban and local traffic, environmental protection on a local level. The communal police have similar powers to

172 Council of Europe, "Serbia and Montenegro: compliance with commitments and obligations and implementation of post-accession co-operation program -- addendum ii to the fourth report February-April 2004" (May 18, 2004), 25, accessed March 28, 2010, https://wcd.coe.int/com.instranet.instraservlet?mmand=com.instranet.cmdblobget&instranetimage=336400&secmode=1&docid=737270&usage=2.

173 Up to one officer per 5,000 city residents

those of the regular police including assessing statutory fines, reporting on criminal offenses, initiating charges, and enlisting other authorities with appropriate jurisdictional authority.

In October 2008, the Law on Criminal Proceedings Confiscation was adopted, and in March 2009, the government adopted the National Strategy to Fight Organized Crime. Half a year later, the government adopted an Action Plan For The Implementation Of The Strategy, as well as the Law on the Amendments of and Supplements to the Law on the Organization and Competences of the State Authorities in Organized Crime Suppression. The complimentary Law on the Anti-Corruption Agency went into effect in November 2008. These laws gave police significant new powers to combat organized crime.

2. Reforms to Laws Relating to Border Policing

The Law on the Protection of the State Border, which was adopted by the National Assembly on October 23, 2008, and came into force on November 5, 2008, providing the legal framework for Border Police control of the state borders and authorizes the border police to secure the borders. This provides for the removal of the military from that role, thereby de-militarizing the borders as required to meet the conditions of the government's plan for implementing the EU's partnership priorities.[174].

The Law to Regulate Immigration and Movement of People was also adopted in 2003. The new Asylum Law of 2007 replaced the previous federal Asylum Law of 2002, which had been based on the 1951 UN convention related to the status of refugees, but which had become nonoperational due to the dissolution of the federation. The Asylum Law was adopted in November 2007 and came into force on December 6, 2007, and reinstates the possibility for foreigners to claim asylum in Serbia.

The Law on Trafficking of Illegal Drugs was adopted in 2003 and made possession of any quantity of an illegal drug an offense and made sentences harsher.

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174 Republic of Serbia Government Plan for Implementation of the European Partnership Priorities (adopted on 7 April 2006), Section 8.1.3, accessed January 7, 2010, http://www.seio.gov.rs/upload/documents/EP/final_pep2006%20eng.pdf.

The Serbian National Assembly also adopted the Law on Aliens. This law defines the legal framework for the treatment of issues of entry, movement and residence of aliens in Serbian territory including visa requirements. The Law went into effect in April 2009, and in July and August 2009 fifteen regulations arising from the Law were published and became law. These are:[175]

1) Regulation on detailed conditions and method of issuance of visa at border crossing points;
2) Regulation on detailed conditions and method of extension of the visa expiration date and on the form of application;
3) Regulation on fulfillment of conditions for granting temporary residence to a foreign citizen for the purpose of family reunion;
4) Regulation on fulfillment of conditions for granting of temporary residence to a foreign citizen for studying and education purposes;
5) Regulation on fulfillment of conditions for granting of temporary residence to a foreign citizen in respect of health insurance;
6) Regulation on form, content and method of issuing the ID card to a foreign citizen;
7) Regulation on form and content of emergency travel document for a foreign citizen;
8) Regulation on detailed conditions for the approval of permanent residence and form, content and method of entering of the approval of permanent residence into a foreign travel document and ID card for a foreign citizen and form of the permanent residence waiver;
9) Regulation on form, content and method of entering the approval of temporary residence into a foreign travel document;
10) Regulation on method of registration of residence abode and address change and cancellation of abode of a foreign citizen;
11) Regulation on method of entering mandatory residence into a travel document and on form of the application of temporary ID card;
12) Regulation on method of entering residence cancellation and ban on entry, into a foreign travel document;
13) Regulation on method of keeping and content of data registers on foreign citizens, by the Ministry of Interior.

175 "Updated Report on Serbia's progress in the visa liberalization process," (September 20, 2009), accessed March 28, 2010, http://www.esiweb.org/pdf/Schengen_white_list_project_SERBIA Updated Report 25 Sept 2009.pdf.

14) Regulation on method of entering mandatory residence into a travel document and on form of the temporary ID card application;
15) Regulation on form, content and method of production of ID card for a foreign citizen.

3. Reforms to Laws Relating to Customs Administration

To meet the requirements for the phasing in of integration with the EU trade zone, the customs law reforms have been numerous. The Law on Customs Tariffs and the Law on Amendments to The Customs Tariff Law were enacted in July 2005. These laws expanded Customs Officers policing role, authorizing the Customs Administration to use telephone surveillance and undercover agents to infiltrate criminal groups. The customs laws were updated by the law, amending the Law on Customs Tariff that was adopted in June 2007 and by the current Customs Law that was adopted in March of 2010.

The Law on Foreign Trade Transactions was adopted in November 2005 and instituted "national treatment," giving all registered businesses in Serbia the right to do international as well as domestic trading. The law also specifies requirements for obtaining licenses or permits for import or export of goods, and authorizes the Ministry of International Economic Relations to set quantitative limits on imports or exports of specified goods. The law also grants authority to the customs service to sell goods for which import duties are not paid or for which appropriate import documentation is not completed.

Through these revisions, the Serbian system of import and export controls has been transformed. Import quotas have been eliminated, import and export licensing have been reduced, tariffs and non-tariff barriers have been reduced, and customs processing has been simplified and made more efficient.

The Excise Tax Law specifies the charging of excise tax on producers and importers of oil derivatives, tobacco products, alcoholic beverages, alcohol-ethanol, coffee, soft drinks, food salt, and luxury products. The excise tax rates are adjusted quarterly to reflect changes in the inflation rate represented by the Retail Price Index. The excise taxes were an important contribution to the state budget, but have declined in importance as the collection rates for other taxes have improved.

C. ORGANIZATIONAL REFORMS

As noted previously in 2001, when the Djindjic government assumed power, the Serbian police force was composed of approximately 83,000 to 85,000 staff, suggesting the police force was overstaffed at a ratio of one police for every 120 persons in the population. The police force was also politicized and centralized in that the head of the police served at the will of the Minister and reported to the Minister. There was no police code providing a legal framework for police operations. There was no external oversight of police activities. Further, many of the senior police commanders had close connections with smugglers and arms dealers.

In mid-2003, the MUP produced its vision document for police reform that listed fourteen reform proposals. Reform began to focus on five issues that were legislation reform, improved accountability and internal control, renewed police education and training, development of competencies in crime policing and policing organized crime, and the unification of all policing groups including the border police under uniform standards and control.[176]

Reform proceeded slowly, but by September 2006 the total staff of the ministry of the interior had been considerably reduced to approximately 42,740 and the number of uniformed police was reduced to 26,527.[177] The police had been reorganized into a semi-autonomous directorate within the MUP headed by a director general and composed of 15 units at headquarters and 27 regional commands. The regional command centers included 48 police stations and oversaw an additional 161 police stations in other municipalities.

Several of the special units of the MUP were reorganized under the post 2003 reforms as part of the de-politicization and de-militarization process. The Gendarmerie had been dissolved at the end of World War II, and was re-established in June 2001. The division was reorganized under the Police Directorate and the command of the Director

176 Dragan Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 78, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

177 OSCE, accessed March 31, 2010, http://polis.osce.org/countries/details?item_id=46.

of Police in 2004-5. The Gendarmerie consists of four battalions of 500 to 800 police each with bases in Belgrade, Nis, Novi Sad and Kraljevo. When the decision was made to dissolve the JSO in March 2003, the majority of its members were transferred to the Gendarmerie; and the others who remained with the MUP were transferred to the Special Anti-Terrorism Unit and to the VIP Protection Unit of the Police Directorate.

The following series of organizational charts of the MUP provide a visual guide to the process of organization reforms that were made during the 2001 to 2010 period.

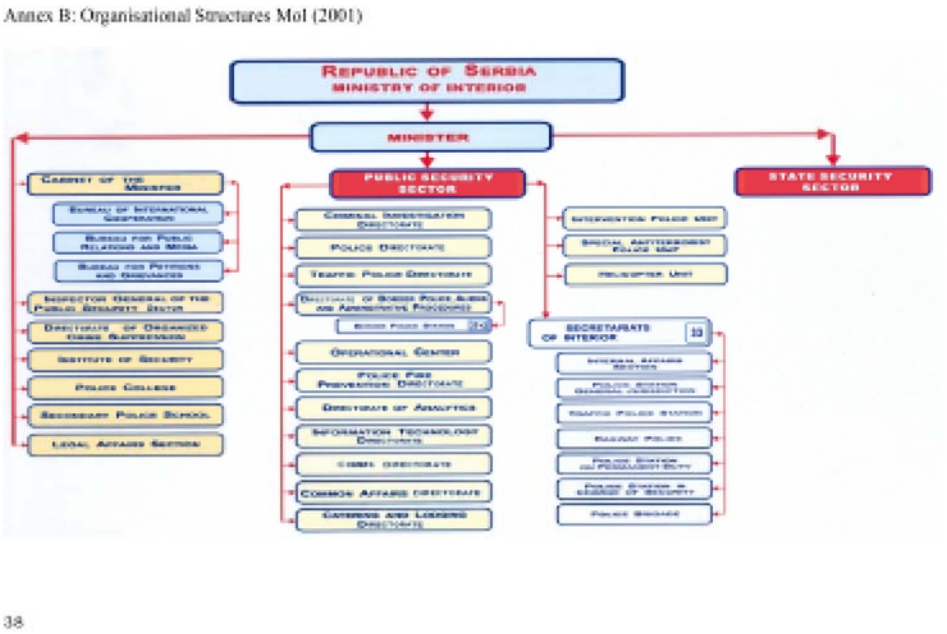

Figure 1. Organization chart of the MUP and Police Directorate 2001[178]

178 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 38, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

Annex C:
Organisational
Chart MoI
(2004)

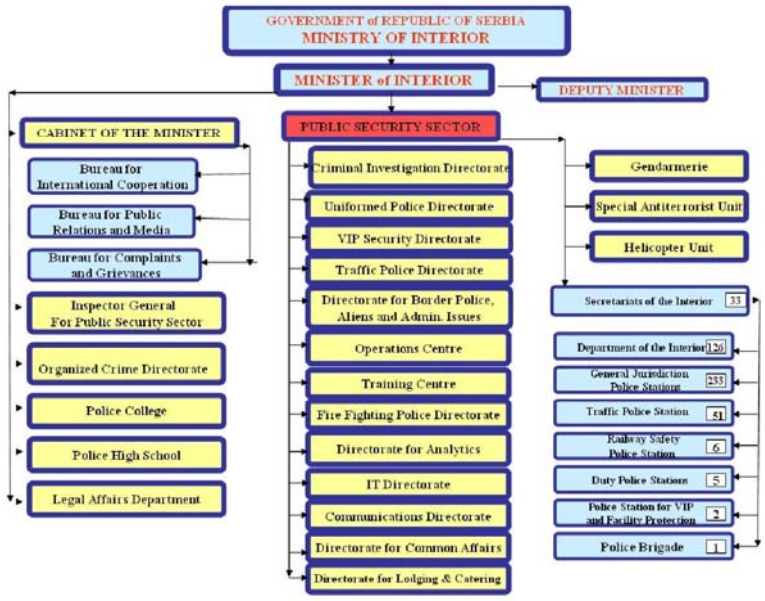

Figure 2. Organization chart of the MUP and Police Directorate 2004[179]

179 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 39, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

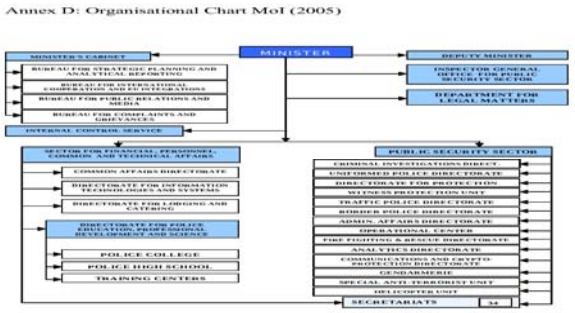

Figure 3. Organization Chart of the MUP and Police Directorate 2005[180]

180 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 40, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

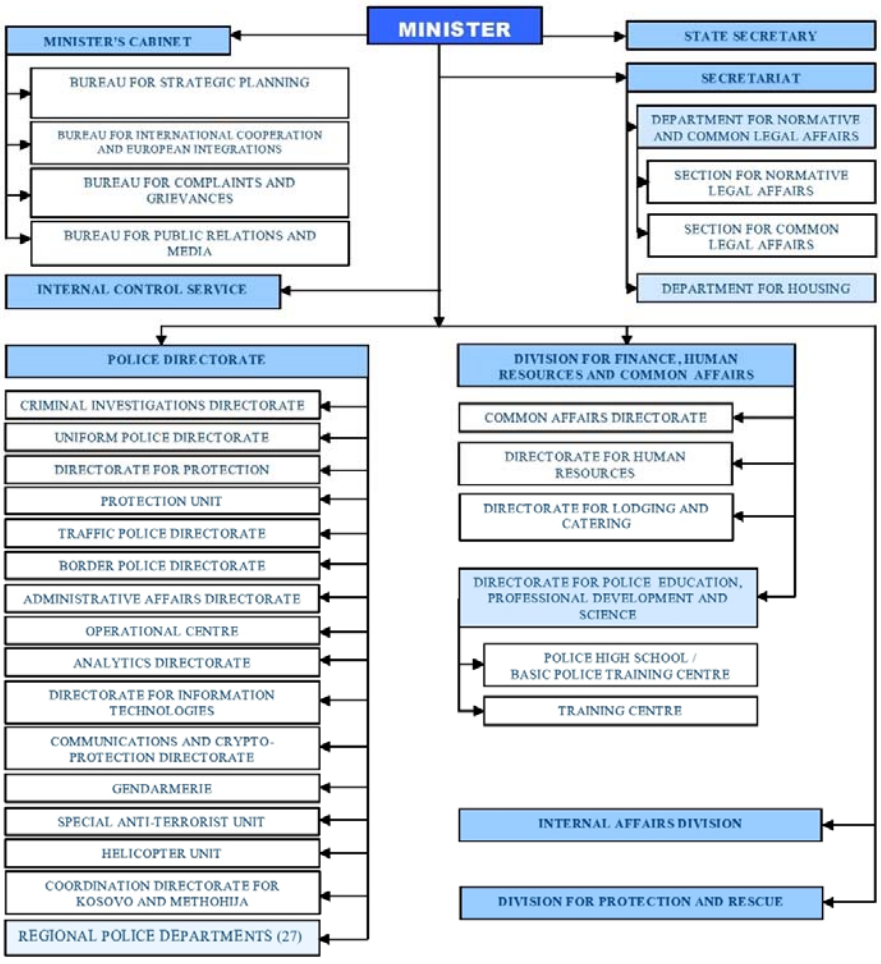

Figure 4. Organization Chart of the MUP and Police Directorate 2010

The senior management staffing of the MUP is listed in TABLE 1. The Minister of the MUP in 2010 was Ivica Dacic. After the most recent Parliamentary elections in 2008, current Prime Minister Mirko Cvetković was able to form a coalition government only by offering the Deputy Prime Ministerial post and four cabinet posts to Milosevic's former party, the Serbian Socialist Party (SPS). The leader of the SPS, Ivaca Dacic, was appointed Deputy Prime Minister and Minister of the MUP. He is known for his nationalist and socialist policy statements. Dacic is reported to have demanded in Parliament, in February 2008, that all political parties and NGOs backing independence

of Kosova be banned in Serbia.[181] However, Dacic's nationalist policy preference may have been modified by his plan to have his SPS party join the Socialist International. In 2008 Dacic met with Socialist International President George Papandreou in Athens and Papandreou stated that Socialist International would process the SPS application for membership if SPS supports Serbia's EU accession process and renounces SPS's ultra-nationalistic policies.[182] In 2008 Dacic met with U.S. Vice President Joe Biden and in 2009 was invited to visit Washington to meet with senior administration officials.

While Dacic has recently emphasized the new orientation and more pro-EU orientation of the SPS party, there remain questions regarding the conflict between Dacic's allegiance to pro-EU reforms and his allegiance to nationalist Serbian policies.

MUP SENIOR STAFFING
INTERIOR MINISTER, Ivica Dacic
MINISTER'S SECRETARIAT
• State Secretary Dragan Markovic
• Head of Office Branko Lazarevic
• Deputy Cabinet Chief, Vanja Vukic
• Office for Cooperation with the Media Head, Suzana Vasiljevic
• Bureau of International Cooperation and European Integration Head, Drazen Maravich
• Bureau for Complaints Head , Svetlana Tratar
• Office of Strategic Planning Head, Vesna Jovanovic
POLICE DEPARTMENT
• Police Director Milorad Veljovic

181 Helsinki Committee for Human Rights in Serbia, "Revival of hate speech," accessed April 1, 2010, http://www.helsinki.org.rs/index_archiva_t11.html.

182 SETimes, "Serbian Socialist Party leader meets head of Socialist International," (25 May 2008), accessed April 2, 2010, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2008/05/25/nb-06.

MUP SENIOR STAFFING
DEPARTMENT OF FINANCE, HUMAN RESOURCES AND JOINT ACTIVITIES
• Assistant Minister, Head of the Department Dejan Matic
DEPARTMENT OF FINANCE, HUMAN RESOURCES AND COMMON TASKS
• Department of General Affairs, Chief Vladimir Blagojevic
• Department of Human Resources, Chief Gordana Jeković
• Department for Food and Accommodation, Chief Dragan Dimitrieska
• Office for Professional Education, Training, and Research, Mayor John Kopas
INTERNAL CONTROL POLICE DEPARTMENT
• V. D. Assistant Minister - Dragan Radovic.
• Head Office Police Department's internal control, Sinisa Spanovic.
DEPARTMENT OF PROTECTION AND RESCUE
• Assistant Minister & Head of the Department Predrag Maric

Table 1. MUP Senior Staffing

1. Police Directorate

a. Organization

The arrest of the Deputy Commander of the JSO on suspicion of having assassinated the Prime Minister and the arrest of the former head of the JSO on suspicion of having organized the assassination, resulted in the disbanding of the JSO in March 2003 and the reassignment of many of its staff to the Gendarmerie unit of the Public Security Division, while some were assigned to two other units of the Police Directorate of the MUP, the SAJ Special Anti-terrorist Police Unit and to the VIP Security Directorate. All three of these units were under the command of the Assistant Minister of the Public Security Division, a civilian reporting to the Minister. At about the same time,

the Special Police Units PJP[183] were also dissolved and most of the 6,500 members transferred to the Gendarmerie. While the JSO and the PJP theoretically were under the direct command of the Minister, previously both the JSO and the PJP had operated under the command of the RDB State Security Division; and were believed to have loyalties to the former head of the RDB that were stronger than their feeling of legal duty to the Minister.

As part of the government's efforts to gain greater control over the police and border security apparatus, a new police unit, the Counterterrorist Unit (PTJ), was formed by the government in May 2003 after the Djindjic assassination, as part of the Public Security Division. Officially, the PTJ is tasked with anti-terror operations and securing and maintaining internal state security. Unofficially, the government may have been attempting to establish a loyal security unit they could count on to ensure government members security. The PTJ reportedly has 400 troops[184] organized into two teams specialized for urban situations and two teams specialized in rural situations. Each team has various attack groups including guide dog groups, sniper groups, divers, explosives experts and paratroopers.

In 2004, the OSCE called for the MUP to reorganize the Public Security Sector units stating:

> the Public Security Sector, as currently defined within the Ministry, should be reorganized. At present, all of the services fall under one operational chain of command, a situation that further centralizes decision-making. The Police Service, the Border Police Service, the Fire and Rescue Service, and the General Administrative Services should be separated and given clear and distinct terms of reference and areas of operational responsibility. The Gendarmerie, who are members of the Public Security Sector and who should be accountable to the Police Directorate, should review its equipment and terms of engagement to ensure that they are consistent with the civil nature of its tasks.[185]

183 Posebne jedinice policije.

184 Jovanović, "Serbia: Ministry of the Interior, Anti-Terrorist Unit."

185 Mark Downes, "Police Reform In Serbia Towards The Creation Of A Modern And Accountable Police Service," Law Enforcement Department, OSCE Mission To Serbia And Montenegro, (January 2004), 9-10, accessed April 20, 2010, http://www.osce.org/serbia/item_11_18262.html.

In late 2004, several of the General Administrative Services units were reorganized. The Catering and Lodging Directorate and the Common Affairs Directorate were moved to a newly created Division for Finance, Human Resources and Common Affairs that reports directly to the Minister. In addition the Police College and Police Training Centers were reorganized as a Directorate reporting to the Division for Finance, Human Resources and Common Affairs. This was an important reform in consolidating the human resources and training functions of the police within one group allowing for development of a coordinated approach to developing police organizational culture.[186] A coordinated approach to evolving police culture is considered necessary "to accommodate to the changing social values of a society in transition, striving towards the EU."[187]

In comparing the above MUP Organizational Charts for 2005 and 2010, a number of organizational changes are noteworthy. In 2005, the Organized Crime Directorate (OBPOK)[188] was reorganized from being directly responsible to the Minister, with the politicization that represented, to being the Organized Crime Suppression Service (SOK),[189] within the Criminal Investigations Directorate. At the same time, the Organized Crime Suppression department was given a SWAT team to enhance its capabilities,[190] and authority to increase its anti-drug agents from about twelve to about fifty and established regional offices around the country to increase its effectiveness.[191] In addition to meet the requirements of the 2005 Law on Police, a new Witness Protection Unit was created within the Police Directorate.

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186 See Figure. 1. MUP, MUP_ORGANIGRAM_2005.

187 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 3.

188 OBPOK or Odeljenje za borbu protiv organizovanog kriminala.

189 SOK or Sluzba za organizovanog kriminala.

190 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 22.

191 Dejan Anastasijevic, "Organized Crime in the Western Balkans," (paper presented at the First Annual Conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region. Humsec, Ljubljana, November 23-25, 2006), accessed April 7, 2010, http://www.etc-graz.at/cms/fileadmin/user_upload/humsec/Workin_Paper_Series/Working_Paper_Anastasijevic.pdf, 6.

Later the Public Security Sector was reorganized as the Police Directorate under the command of a Director General, an appointed professional police officer, rather than being under a political appointee Assistant Minister. At the same time, to avoid confusion the formerly named Police Directorate sub-unit of the Public Security Sector was renamed the Uniformed Police Directorate. In addition the Fire And Security Service was reorganized out of the Police Directorate to report directly to the Minister as a separate Division For Protection And Rescue.

As of 2010, MUP had addressed many of the OSCE concerns expressed in 2004; however, the Border Police Directorate still remained as a sub-unit under the command of the police directorate. Additionally, the MUP as a whole and, therefore, the police directorate also operate on year to year budgeting without long term strategic budgetary planning.[192]

Organized crime has continued to be a priority problem, especially drug trafficking and trafficking in human beings, which are perceived by the EU members as a threat to their security. To intensify efforts to counter organized crime the Criminal Police Directorate (CPD) was reorganized in 2009. The new unit for Financial Investigations was created in the Organized Crime Suppression department (OBROK) of the CPD. The Financial Investigations unit has a staff of approximately 105 split into two departments, the Organized Crime Financial Investigations department and the department for Planning and Coordinating Financial Investigations. The new departments are expected to coordinate with the department for Combating High Technology Crime regarding money laundering and on-line fraud. In 2009 the CPD was also strengthened with the formation of the Service for Criminal Intelligence and Undercover Investigations, which has two departments, the department for Criminal Intelligence and

192 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 3.

the department for Undercover Investigations. The formation of the latter will, for the first time, give the CPD the formal capability to conduct undercover police investigations.[193]

At present, the Police Directorate has twenty-seven Regional Police Directorates. At the headquarters municipalities of the regional police directorates there are forty-eight police substations, and there are an additional 161 police stations in other municipalities, for a total of 209 regular police stations. The Traffic Police Directorate, a sub-unit of the Police Directorate, has an additional forty-nine stations along the nation's roadways.[194]

Importantly for the police oversight process, the Inspector General of the Public Security Sector has been removed from the reporting control of the Minister and the MUP.[195]

b. Staff

As noted above, after the government adopted the Law on Cooperation With The ICTY in the summer of 2003, the ICTY indicted the sitting head of the MUP Public Security Sector, the head of police, in September 2003. In 2004, the change to the Kostunica government resulted in the change of many senior managers. In many cases this resulted in a loss in human capital investment as these were some of the managers who had received capacity building training from international partners, such as the OSCE, in the previous years. This removal of management capacity is cited by some commentators as a cause of the failure to develop strategic plans in the various sections

193 ESI European Security Initiative, "Updated Report on Serbia's progress in the visa liberalization process," (September 20, 2009), accessed March 28, 2010, http://www.esiweb.org/pdf/Schengen_white_list_project_SERBIA Updated Report Sept 25, 2009.pdf.

194 OSCE, "Policing Profiles of Participating and Partner States – Serbia," accessed April 2, 2010, http://polis.osce.org/countries/details?item_id=46.

195 See Figure 4.

of the police directorate.[196] At least in some cases, the dismissed managers were removed because of their background and experiences in the economic corruption and hostilities of the 1990s.

One of the EU conditions was to depoliticize the police, and the depoliticization was pursued in 2005. One of the most significant depoliticizing organizational changes was the creation of the Police Directorate under the control of a civilian Director General and the transfer of the former Public Service Sector from the direct control of the Minister to the control of the new Director General. The Director General of the Police Directorate is appointed for a five year term, which is longer than that of any elected Serbian government, to give the Police head some independence from political influence by the Minister. However, in 2005 a new Law on Police defined the procedures for hiring of senior police officers, and it states that "the minister, in consultation with the director general of police, appoints and dismisses regional police chiefs." [197] Therefore, the 2005 Law essentially continues a significant degree of politicization of the police at the regional level.

The senior management staffing of the Police Directorate is listed in TABLE 2. The current Director General of the Police Directorate is Milorad Veljovic. He was forty-eight years of age in June 2006 when appointed to the position. Despite the EU encouragement to demilitarize, Veljovic was made a Major-General just before his appointment in 2006. Prior to being appointed, he was head of the Criminal Police Directorate for one year, prior to that position he was Assistant head of the Inspector General's Office, and before that, the head of the Department for Legal Control of the Criminal Police Directorate since October 2000. A career policeman, Veljovic had graduated from university with a law degree in 1983 and joined the police in 1986 in the Kragujevac regional office of the MUP as Inspector of Economic Crimes. He rose to become chief of the Section for Suppression of Economic Crimes. He held these

196 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 26.

197 Republic of Serbia, Ministry of Interior, Law on Police, Article 24, accessed May 20, 2010, http://www.unhcr.org/refworld/type,LEGISLATION,,MNE,4b5d7ab32,0.html.

positions during the period when the Milosevic government came to power, so he likely had exceptional opportunities during the period of the Milosevic government under UN sanctions in which to investigate and suppress economic crimes. Later he became head of the Criminal Police Department and then Assistant Head of Criminal Affairs until 2000. The specifics of these background experiences and connections would assist to estimate the effects they have on the approach he takes to his current position and responsibilities.[198] In 2000 with the change of government, Veljovic was made head of the Department for Legal Control of the Criminal Police Directorate. Afterward, he held the position of assistant head of the inspector general office. In May 2005 he became head of the Criminal Police Directorate.[199]

As part of the 2005 depoliticization, the Minister dismissed officers who had been active in political parties. To fill vacancies, the Minister appointed 443 new senior officers including the Inspector General, the chiefs of twenty-nine regional headquarters units, ninety-one new chiefs of departments, and 105 new police commanders. However, many of the new members who were appointed had also been members of other political parties.[200] By 2006, the number of uniformed police officers had been reduced to 26,527, of which 1,833 were female. The total MUP staff had declined to 42,740, of whom 8,533 were females.[201]

198 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 86, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

199 Republic of Serbia, "General Police Director," accessed April 3, 2010, http://www.mup.gov.rs/cms_eng/home.nsf/gpd-ddirector.h.

200 Paunovic, "Police Reform in Serbia," 81.

201 OSCE, "Policing Profiles of Participating and Partner States – Serbia," accessed April 2, 2010, http://polis.osce.org/countries/details?item_id=46.

DIRECTORATE OF POLICE SENIOR STAFFING
Director General Milorad Veljovic
Directorate Of Criminal Police – Chief Of Rodoljub Milovic
Police Department – Chief Of Police General Mladen Kuribak
Management Of Security – Chief Zoran Tomasevic
VIP Protection Unit – Chief Milos Perovic
Traffic Police Department – Chief - Police General Stojadin Jovanovic
Department Of Border Police – Chief Of Nenad Banovic
Department Of Administrative Affairs – Chief Zorica Loncar-kasalica
Operations Centre – Mayor Goran Čabrilo
Department Of Immigration – Chief Tanja Vasic
Management Of Information Technology (IT) – Chief Of Slobodan Nedeljkovic
Government Liaison And Cryptography – Chief Mladen Vratonjić
Gendarmerie
Special Anti-terrorist Unit (SAJ) – Commander Spasoje Vulević
Helicopter Unit – Commander Free Glavčić
Special Counter-terrorism Unit – Commander Goran Dragovic
Coordination Office For Kosova And Metohija – Dragan Terzic
Police Administration Branch

Table 2. Police Directorate Senior Staffing

Another EU condition was demilitarization of the police. The demilitarizing started with dismissing some of the Special Police (PJP) forces who served in paramilitary actions in the 1990s wars, and the setting up the new Multi-Ethnic Police (MEPE) forces in southern Serbia beginning in January 2002.[202]

202 Paunovic, Dragan, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, 77–89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 81, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

c. Training

The police training reform has been one of the politically least disputed aspects of police reform, yet was much delayed in implementation due to institutional difficulties. It was also considered to be perhaps the most fundamental aspect of reform by western facilitators, since it is the means by which police culture can be reformed. Modern democratic society police culture requires police to adjust not only by modernizing to acquire the new skills necessary to meet contemporary security challenges but also to adjust by adopting the belief that the role of police is to serve the citizenry, and to develop an open relationship with the public providing the public with input to the functioning and training of the police. The OCSE encouraged the MUP to reform the police training to give young recruits greater exposure to the concepts of human rights and respect for multicultural diversity, and to adopt a uniform faculty and curriculum following the standards of the Bologna Declaration. The Ministry responded by developing in 2006, a curriculum for an amalgamated police faculty composed of the four divisions: criminal police, criminal technique, uniformed police and national security.

The former four-year Police High School program was phased out beginning in 2006 as part of the demilitarization of police training, and the historic building at Sremska Kamenica was reformed as the Basic Police Training Center. Basic and specialized training is organized through the Basic Training Center as well as at regional training facilities in Makis, Belgrade, Kula, Klisa, Petrovo Selo, Jasenovo, Mitrovo Polje, and Kursumlijska Banja. Previously, a six month basic policing training had been offered for men, and a four month basic policing training had been offered at the Kula and Kursumlijska facilities.

In June 2006, the ambiguously named "Criminal and Police Academy" was formed through the integration of the previously isolated former Police College in Zemun, which had offered a three-year training program, and the former Police Academy in Belgrade, which had offered a four-year university-level course. The new Criminal and

Police Academy developed a single, theoretically modernized, demilitarized, depoliticized curriculum, offering both four-year vocational and academic policing degrees, as well as master's programs in policing.

During the reform process, the OSCE assisted by offering training in EU standard practices. In 2003, the OSCE conducted three week-long training courses for 60 police faculty trainers that covered training pedagogy, curriculum development, human rights and policing. Part of the courses involved fifteen-day–long study visits by participants to police training institutes in other Council of Europe member countries. In addition the OSCE organized advanced training seminars to upgrade particular aspects of the skills of the police, for example, in enforcing anti-trafficking laws.[203]

The Criminal Investigation Directorate has implemented an ongoing program of crime scene investigators and evidence quality management for all criminal investigators. [204] In 2009, anti-corruption training of police officers responsible for the process of issuance of travel documents began using a new curriculum based on the ethics and anti-corruption code.[205]

d. Oversight

Reforms in police oversight began very slowly. As noted above, the oversight function was formally reintroduced to the Serbian police force in March 2001 with the establishment of the Inspector General's Service of the Department of Public Safety of the MUP. However, the Minister did not staff the Service. A step toward practical introduction of oversight occurred in July of 2003 when the government implemented the March 2001 Police Code of Procedure For The Inspector General's

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203 Council of Europe, "Serbia and Montenegro: compliance with commitments and obligations and implementation of post-accession co-operation program – Addendum II to the Fourth Report, February-April 2004," (May 18, 2004), 11, accessed April 5, 2010, https://wcd.coe.int/com.instranet.instraservlet?command=com.instranet.cmdblobget&instranetimage=336400&secmode=1&docid=737270&usage=2.

204 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 23.

205 ESI European Security Initiative, "Updated Report on Serbia's progress in the visa liberalization process," (September 20, 2009), accessed March 28, 2010, http://www.esiweb.org/pdf/Schengen_white_list_project_SERBIA Updated Report Sept 25, 2009.pdf.

Service by appointing the first Inspector General. In its first years of operations, the Inspector General's Service did not provide effective oversight. As of 2005, it was described as not "promis[ing] too much. It is still occupied with minor problems."[206] In 2004 and 2005, the Inspector General's Office (IGO) was provided with its own offices. By late 2005 the IGO had received over 6,000 complaints against police officers and had processed 89 percent of the complaints and filed 107 criminal charges against 152 police officers for 200 criminal offenses.[207] In 2006 the IGO was removed from the MUP. Some of its functions were reorganized as an agency of the National Assembly, the Ombudsman's Office.[208]

Another police oversight mechanism was established in 2005. In November 2005, the Law on Police was adopted, which included Articles 171 through 181. Article 178 of the Law on Police defines the Minister's responsibility to supervise and give obligatory direction regarding the activities of police employees. Article 180 of the Law on Police specifies the procedures to be followed by police when a public complaint of police illegal activity is received. Articles 171 through 181 provide for the institutionalization of an Internal Affairs Sector in the MUP with powers to monitor "the legality of work performed by MUP law-enforcement officers, especially regarding safeguarding and protection of human rights."[209] This authorized the setting up of the Internal Affairs Division of the MUP and its staffing at headquarters and in regional offices. As a separate Division from the Police Directorate, the Internal Affairs Division is headed by an Assistant Minister to give it some autonomy from the Director of the Police Directorate. The Internal Affairs Division is composed of an Office of Internal

206 Paunovic, "Police Reform in Serbia," 81.

207 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 18, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

208 OSCE, "Law On The Protector Of Citizens, Translated by OSCE Mission to SaM October 2005," (October 2005), accessed April 24, 2010, http://www.osce.org/documents/html/pdftohtml/16493_en.pdf.html.

209 Republika Srbija, Ministarstvo unutrašnjih poslova, 'Internal Affairs Sector, 2.5 Regulations, 2.5.2. Police law – Article 171 – Article 181 ("Official Gazette of the Republic of Serbia," number 101/2005)," (2010), accessed April 2, 2010, http://prezentacije.mup.gov.rs/sukp/propisi/pdf/Police%20law.pdf.

Affairs of the Assistant Minister and an Internal Affairs Directorate, which has three units. The Criminal and Operational Affairs unit has sub-units for Covert Audio and Optic Surveillance and for Criminal-Operational Activities. The second unit, the Preventive Procedure, Complaints Procedure and Analytic-Informatic Affairs unit has two sub-units. One is the Preventive Procedure and Complaints Procedure sub-unit, and the second is the Analytic-Informatic Affairs sub-unit. The Regional Coordination unit has four regional offices located in Belgrade, Nis, Novisad, and Krajujevac. Article 179 requires the Minister to prepare and file reports to the National Assembly on the activities of the Internal Affairs Division as requested by the National Assembly.

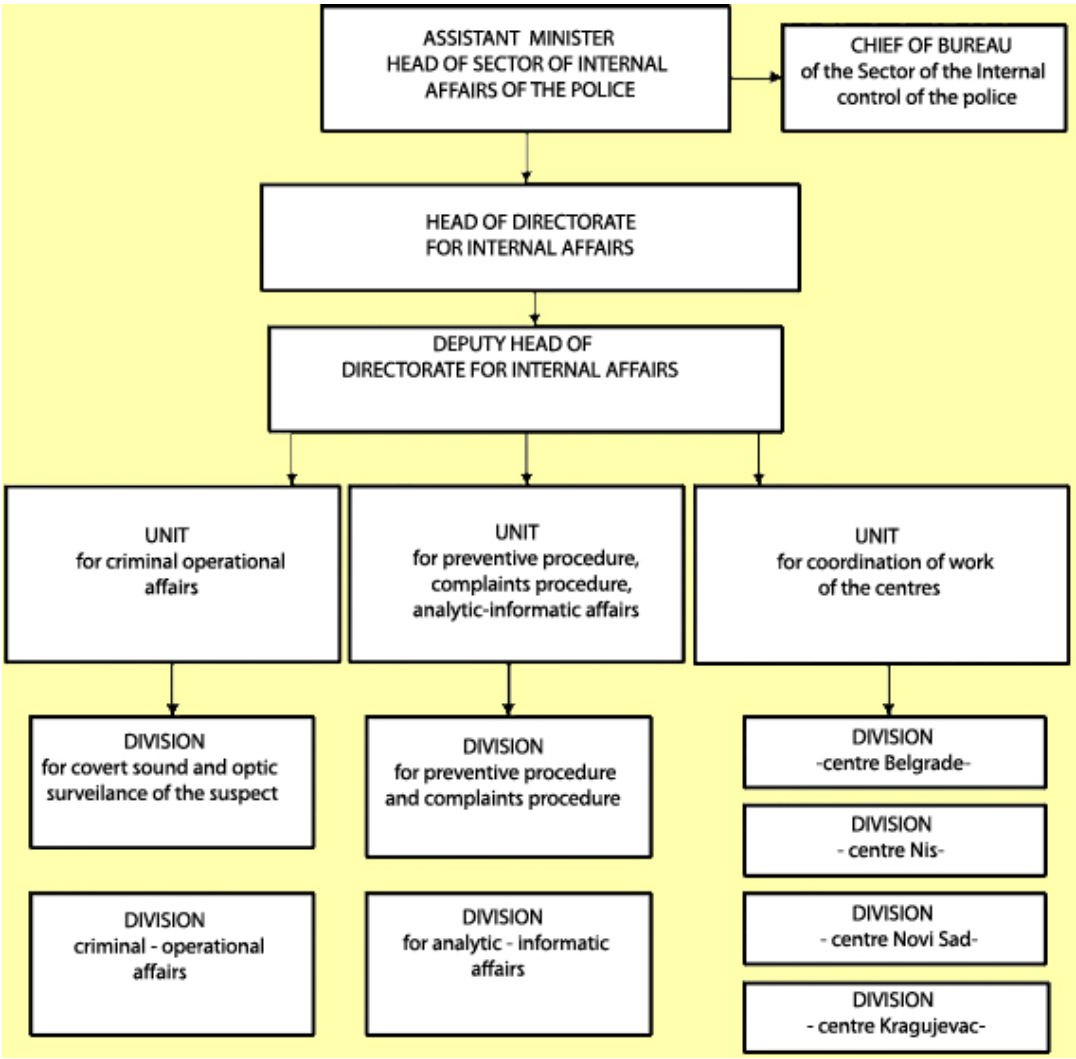

Figure 5. Internal Affairs Sector Organization Chart[210]

A further step toward a strengthened police oversight mechanism was taken when the Complaints Procedure Regulation was published in June 2006. It gives the full procedures to be followed by police for registering, investigating, processing and

210 Republic of Serbia, Ministry of Internal Affairs, Internal Affairs Sector, Organization, "Organizational chart of Internal Affairs Sector," accessed April 5, 2010, http://prezentacije.mup.gov.rs/sukp/images/Slike/big/org_shema_en.jpg.

assessing complaints from individuals.[211] With the publication of the Complaint Procedure Regulation the Internal Affairs Division began to receive and investigate complaints in 2007.

The Bureau for Complaints and Grievances, a unit in the Minister's Secretariat, is a third group with responsibility for oversight of the police. According to the MUP, the Bureau processes requests and recommendations of the Ombudsman, processes freedom of information requests to the MUP, processes complaints submitted to the Minister's Office, provides the Minister with reports regarding submitted complaints, and "enforces the rules regulating the procedure of resolving complaints filed against police officers."[212]

e. Coordination Structures

Organized criminals have developed skills in flexibly forming and dissolving international multi-ethnic working teams to facilitate the successful completion of their illicit business projects whether that be smuggling cocaine from South America through Albania into Serbia and on to Hungary, or whether it is smuggling Romanian females through Serbia to entertainment establishments in Kosova. In order to be able to identify, characterize and interrupt organized crime groups business projects, police officials have to develop effective international multi-ethnic information sharing and cooperation. This is particularly difficult when the people the police officer needs to cooperate with were recently attempting to terrorize or kill him or her, and vice-versa. Therefore, is not surprising that the Serbian police's development of international information sharing and cooperation has not been exceptionally fast. Serbia is a member of several multilateral anti-crime organizations. Serbia joined Interpol in 2001 as the FRY, which in February 2003 became SaM. In June 2006, when Montenegro left the union, Serbia remained as the member of Interpol. Albania, Bosnia-Herzegovina,

211 Republic of Serbia Official Gazette, (June 22, 2006), http://glasnik.arhiv.rs/HTTPConf.nsf/LoginForm?OpenForm&Type=0&Redirect=/baze/SluzbeniGlasnik.nsf?OpenDatabase.

212 Republic of Serbia, MUP, "Bureau for Complaints and Grievances," accessed April 23, 2010, http://www.mup.gov.rs/cms_eng/home.nsf/MOI-BCAG.h.

Montenegro and Croatia are also members of Interpol, so Interpol could provide a communication channel for Serbia for the sharing of information about border crossing crime projects/international criminal activities.

Serbia is also member of the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-border Crime. The SECI Center is located in Bucharest. Its function is to assist member states to increase their mutual cooperation on law enforcement. SECI defines law enforcement as preventing, detecting, investigating, prosecuting, and repressing trans-border crime. The assistance SECI provides includes "assisting member states with harmonizing their legislation with EU standards, supporting law enforcement officers 'field activities' and facilitating task forces on human trafficking and migrant smuggling, anti drugs trafficking, anti fraud and anti smuggling, financial and computer crime, stolen vehicles, anti terrorism, container security, and environmental crimes." Neighbors of Serbia, which are also SECI members, include Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Montenegro, Romania, Slovenia and Turkey. Serbia has coordinated many law enforcement joint actions through the SECI Center.[213]

In 2009, Serbia became a member of the European Association of Undercover Officers to transfer knowledge and techniques related to undercover police work. The 2006 amendment to the Code on Criminal Procedure authorized the Police Directorate to utilize this type of investigation. Therefore, the Police Directorate set up the Department for Undercover Investigations in the Service for Organized Crime (SOK) of the CPD of the Police Directorate.[214]

213 Southeast European Cooperative Initiative Regional Center For Combating Trans-Border Crime, "About SECI: Mission and objectives," (2010), accessed April 26, 2010, http://www.secicenter.org/p128/Mission_and_objectives.

214 ESI European Security Initiative, "Updated Report on Serbia's progress in the visa liberalization process," (September 20, 2009), accessed March 28, 2010, http://www.esiweb.org/pdf/Schengen_white_list_project_SERBIA Updated Report 25 Sept 2009.pdf.

Serbia has also negotiated a number of bilateral agreements with neighbors and other nations to cooperate in police matters and fighting crime. Serbian signed an agreement with Slovenia to cooperate to fight organized crime, drug trafficking and terrorism.

Serbia has signed an agreement with Spain on judicial assistance in criminal cases and extradition, on carriage of goods and passengers by road, and on combating crime. In March of 2009, Serbia agreed to cooperate more closely with Hungary to fight crime.[215] Since 2007 the Austrian Ministry of Interior and the MUP are cooperating in fighting illegal drug trafficking, including sharing advanced investigation techniques, and cooperating to fight other aspects of organized crime and terrorism.[216]

In May 2009, Serbia signed an agreement with Croatia regarding police cooperation, focused on fighting drug smuggling and human trafficking. In May 2010, the Ministers of Interior of Serbia and Croatia met in Croatia and agreed to set up a regional center to fight organized crime. The two ministers also agreed to assign joint investigative teams to the center.[217]

2. Border Police Directorate

Serbia has borders with eight other countries, which total 2351.8 km according to present definitions. The lengths of border Serbia shares with each of the eight neighboring countries is as follows. The border with Hungary is 174.7 km in total with 170 km of land border and 4.7 km of water border. The border with Romania is 547.9 km in total with 290.6 km on land and 257.3 km of water border primarily along the Danube River. The border with Bulgaria is 360.4 km in total with 343.5 km on land and 16.9 km

215 NATO, "Ministerial declaration on border security cooperation in SEE for 2009 signed." (5 March 2009), accessed April 12, 2010, http://www.pims.org/news/2009/03/09/ministerial-declaration-on-border-security-cooperation-in-see-for-2009-signed.

216 Council of the European Union, Austrian Regional Chair for the Western Balkans (Co-Chair: Hungary), "Regional Report on the Western Balkans," (June 18, 2009), 13, accessed March 30, 2010, http://www.secicenter.org/doc/ceu.regional%20report%20to%20the%20western%20balkans18.06.2009.pdf.

217 SETimes Diplomatic Diary, "Croatia, Serbia unite to fight mafia," (11 May 2010), accessed June 1, 2010, http://www.setimes.com/cocoon/setimes/xhtml/en_gb/features/setimes/roundup/2010/05/11/roundup-dd-03.

in water. The border with Croatia totals 259 km, of which 108.5 km are on land and 150.5 km in water. The new border with Bosnia and Herzegovina is non-finalized but is currently 363 km, of which 102 km are on land and 261 km through water. The Montenegro border is also in the process of being finalized and is currently defined to be 249.5 km in length with 245 km on land and 4.5 km in water. Serbia does not officially recognize Kosova as an independent country and, therefore, claims a border with Macedonia of 283 km with 281.3 km of land border and 1.7 km of water border. Of this 283km total, approximately 158.7km is with Kosova and the remaining 124.3 km is contiguous with other Serbian regions. Serbia officially claims a 113.4 km border with Albania. This entire border is Kosova-Albanian border.[218]

The borders with Hungary, Romania, and Bulgaria have been recently unchanged. The other borders are new since the dissolution of Yugoslavia and the settlement of the conflicts of the 1990s. Consequently, the recent border security reforms have involved the establishment of approximately thirty new border crossing points (BCPs) along various travel routes with Croatia, Bosnia-Herzegovina, Montenegro, Macedonia, and Kosova.[219]

In 2010, there are 89 BCPs for international and border traffic. Of this total 57 are road traffic BCPs, 14 are rail transport BCPs, twelve are river traffic BCPs, four are air traffic BCPs and two are for other traffic.[220]

a. Organizational Reform

Under the FRY administration, Serbian border security was a joint responsibility of the federal army, responsible for preventing border incursions, and the Serbian border police, responsible for allowing border crossings, or more accurately for managing border control at authorized border crossing points. Part of the conditions for

218 Republika Srbija, Ministarstvo unutrašnjih poslova, "Uprava granične policije," accessed April 10, 2010, http://www.mup.gov.rs/cms_lat/direkcija.nsf/granicna-policija.h.

219 Den Otter, Jacqueline, "Cross-border trading reforms in post-war Serbia," (2009), 81, accessed March 28, 2010, http://www.doingbusiness.org/Documents/CaseStudies/2009/DB09_Reforms_Serbia.pdf.

220 Two are for skelski traffic. See Republika Srbija, Ministarstvo unutrašnjih poslova, "Vrste i broj graničnih prelaza" (2010), accessed June 3, 2010, http://www.mup.gov.rs/cms_lat/direkcija.nsf/vrste-i-broj-granicnih-prelaza.h.

Schengen zone eligibility as part of the process of accession to EU membership is demilitarization of borders. This reform was complicated by the FRY administrative structure initially.

In 2001 and 2002, the OSCE, the European Agency for Reconstruction (EAR) and the DCAF assisted the MUP's Directorate of Border Police's Department of Aliens and Administrative Affairs to develop a strategic plan for assuming control of Serbia's borders from the military. This included specification of the human resources, infrastructure and equipment needed to meet the EU requirements.

In February 2003, the FRY was reorganized into the state union Serbia and Montenegro (SaM). The SaM Ministry of Defense and Military Forces continued to be responsible for the security of the international borders of SaM, while the Serbian police was responsible at the state level for security of Serbia's borders.[221]

In May 2003, at the Ohrid Conference, Serbia along with its neighboring west Balkan countries agreed to a set of requirements for border security as a condition of EU membership, which included Integrated Border Management (IBM) to meet the Schengen standards.[222] IBM is intended to balance openness of borders for trade, tourism and other legitimate movement of people and goods against controlled security of borders to limit illegal migration, human trafficking, criminal activities and terrorism. Implementation of IBM posed particular challenges for Serbia due to the lack of formal agreement with neighbors regarding the border location with Bosnia-Herzegovina and with Croatia, as well as the complication of the Kosova ambiguity of status.

As of 2003, the infrastructure of many of Serbia's border crossing points (BCPs) was inadequate to meet EU standards, and "on a number of them there [was] no

221 Bakic and Gajic. *Police Reform in Serbia: Five Years Later*. (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 24, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

222 Ohrid Final Document, "Way Forward Document, Ohrid Regional Conference on Border Security and Management," (22/23 May 2003), accessed April 18, 2010, http://www.un.org/spanish/docs/comites/1373/ohrid2.doc.

infrastructure at all, no electricity or a telephone line, no water or sewage."[223] The strategic plan prepared by the Directorate of Border Police's Department of Aliens and Administrative Procedure in 2001 and 2002 identified the reforms to the existing Serbian passport, driving license, and government ID standards in meeting the requirements of the EU Schengen standards. A MUP working group was set up, and by 2003 the technical documentation was prepared and the necessary equipment for making Schengen compliant ID documentation had been acquired. In line with Schengen standards, the border police were to be tasked with preventing terrorist attacks, preventing cross-border crime, and minimizing illegal immigration and trafficking in human beings. Contributions from international agencies were sought to support infrastructural and equipment acquisition.

By 2004, the Border Police Service had developed a strategic plan to take over the border control from the military, which took into account stakeholder needs, EU standards, and included a time-line with benchmarks.[224] In February 2004, the SaM Ministry of Defense signed an agreement titled *Transferring the Duties of Securing the State Border with the MUP,* which transferred responsibility for securing the state border of Serbia to the MUP police.[225] In late 2004 the Directorate for Border Police's Department of Aliens and Administrative Affairs was reorganized by transferring the Administrative Affairs section to a newly created Directorate for Administrative Affairs under the Police Directorate.

b. Border Demilitarization

The Border Police Directorate within MUP was reorganized, and staffing increased in accordance with the strategic plan's estimated need for 6,000 members, while new staff orientation and training was commenced. Coordination agreements with the

223 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later."* 24.

224 Downes, "Police Reform In Serbia Towards The Creation Of A Modern And Accountable Police Service," Law Enforcement Department, OSCE Mission To Serbia And Montenegro, (January 2004), 7, accessed April 20, 2010, http://www.osce.org/serbia/item_11_18262.html.

225 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later."* 25.

customs administration and the military regarding border surveillance were signed. In 2004 the Border Police Directorate officers began to take over staffing of the border posts. A more complete border police training system was implemented with the opening of a border police training center. Also in 2004 the new Schengen compliant ID documents were phased in.[226] The IOM provided some equipment as well as organizing training sessions regarding trafficking in persons for border police officers.

Despite these contributions, equipment and infrastructure were lacking. In 2005 Border Police Directorate Chief Zlokas stated the border police needed larger staffing and better equipment to control smugglers and terrorists. "It's very easy for them to cross the Danube. We need more boats, we need radar, we need thermal imaging, we need binoculars with night vision; we need everything. We don't have the technical capacity to provide border security. This is the crossroads of the trade in illegal immigrants, weapons and drugs and no one can say terrorists cannot pass. They are using all channels." In March 2005, a Moroccan alleged to have been a part of the 2004 attacks on the Madrid trains that killed nearly 200 people was arrested in Serbia, demonstrating international terrorists' use of Serbia as a transit.[227]

In October 2005, the Border Police Directorate assumed control from the army and demilitarized border posts along the border with Hungary. The border police proceeded to take control from the military of the border posts along the border with Romania in January 2006, those along the Bulgarian border in June 2006, and the BCPs along the Croatian border in November 2006. With the takeover by the Border Police Directorate of the border posts along the border with Bosnia-Herzegovina in December 2006, Serbia's border demilitarization was completed; and in 2007 border police reform efforts switched to upgrading training of border guards.

In January of 2006, the MUP adopted the IBM strategy, and in 2006 the EU reported "the reform of the border police is affected by the slow implementation of

226 Ohrid Final Document, "Way Forward Document, Ohrid Regional Conference on Border Security and Management," (22/23 May 2003), accessed April 18, 2010, 8–9.

227 Gregory Katz, "Terrorists Said To Be Getting Aid In Balkans," Houston Chronicle, USA, Dec. 27, 2005, accessed April 23, 2010, http://kosovonewsandviews.blogspot.com/2005_12_01_archive.html.

the new Law on Police. There is no proper training system for border police personnel, with only basic courses available and occasional, donor driven specialized training. In addition, to the lack of adequately trained staff, there is neither proper infrastructure nor modern equipment at the borders."[228]

As of 2006, there were 34 border police stations to facilitate managed crossings of the state border and 28 others to secure the state border.[229] The EU, through the CARDS program and the European Agency for Reconstruction (EAR), supplied the funds to facilitate upgrading of several of Serbia's BCPS to EU "Class A" status. EAR provided a total of 23 million Euros for construction of new road BCPs with Hungary at Horgos, with Croatia at Batrovci, and with Macedonia at Presevo, and for a new rail BCP with Bulgaria at Dimitrograd. The road BCP upgrades involved road widening, resurfacing, and installation of road signals and video surveillance systems. In addition the EAR contributed 20 million dinars toward the 180 million dinar construction cost of a new road BCP into Bosnia-Herzegovina at Sremska Raca.[230] The EU CARDS funding was also used to install an enhanced digital radio network meeting TETRA (Terrestrial Trunked Radio)[231] standards. Other assistance was provided in the form of 40 all-wheel drive vehicles to enable the Border Police Directorate officers to more efficiently patrol and monitor remote areas of Serbia's borders; and to be able to move quickly enough to apprehend smugglers and traffickers who typically have sufficient profits to equip themselves with modern technology and vehicles.

The Schengen requirements include two levels of common information systems. The Shared-Information-System-1 (SIS1) includes data on criminals evading police, previous asylum applications and stolen cars. The SIS2 includes biometric data,

228 Commission of the European Communities, "Commission Staff Working Document, Serbia 2006 Progress Report, 1389" Brussels (November 8, 2006), 35.

229 OSCE, "Policing Profiles of Participating and Partner States – Serbia," http://polis.osce.org/countries/details?item_id=46.

230 "EU Assistance for border modernization - Border crossing Sremska Raca officially opens," (16 July 2009), accessed April 20, 2010, http://www.europa.org.rs/code/navigate.php?Id=960.

231 ETSI World Standards, "TETRA," (2010), accessed June 2, 2010, http://www.etsi.org/website/Technologies/TETRA.aspx.

information on extradition, third-country nationals refused entry to the EU and on individuals under surveillance for criminal activity or wanted on an EU arrest warrant. Serbia is implementing SIS1 and by early 2009 biometric passport readers had been installed at some BCPs.[232] During 2009 approximately 660 stationary readers and 330 mobile readers of biometric travel documents were installed, giving all BCPs the capability to read biometric travel documents.[233]

In May 2009, the "Coordination Body for the Implementation of the Integrated Border Management Strategy in the Republic of Serbia" was established, and later in the year it began a "twinning" project with Austria and Hungary to facilitate implementing integrated border management. Austria and Hungary's role is to transfer know-how and capability regarding implementation of IBM to EU standards.[234]

As of 2010, the Border Police Directorate is organized as three line departments, the Department of Borders, the Department for Foreigners, and the Department for Support of Combating Trans-Border Crime. The Directorate also has two support departments, the Department for International Cooperation and the Operations Center Department. The Department of Borders has three divisions, the Border Crossing Control Division, the Border Surveillance Division, and the Border Security Division, which deals with incursions. The Department of Foreigners has three divisions, the Resident Foreigners Division, which registers and monitors the status of foreigners legally living in Serbia; the Visa Division; and the Asylum Division. The Department for Support of Combating Trans-Border Crime has three divisions, the Illegal Migrations Combating division, the Human Trafficking Combating division, and the Criminal Intelligence and Risk Assessment division. The operations of the 89 individual BCPs are

232 "Regional Cooperation Against Crime," EMG, (September 22, 2009), accessed April 10, 2010, http://www.ekonomist.rs/en/news/serbia/99242.html.

233 EU Commission Staff Working Document, "Serbia 2009 Progress Report, 1339, Brussels: COMMISSION OF THE EUROPEAN COMMUNITIES," (October 14, 2009), accessed March 29, 2010, http://www.europa.rs/upload/documents/key_documents/2009/sr_rapport_2009_en.pdf.

234 "Updated report on Serbia's progress in the visa liberalization process," accessed March 28, 2010, http://www.esiweb.org/pdf/schengen_white_list_project_serbia%20updated%20report%2025%20sept%202009.pdf.

coordinated through the border police region stations and the 40 border police stations, while the border security division operates through 47 border police stations to secure the state border located, as shown in Figure 6. [235]

Figure 6. Border Crossings of the Republic of Serbia[236]

235 See Figure 6, Border Crossings of the Republic of Serbia.

236 Republika Srbija, Ministarstvo unutrašnjih poslova, "Uprava granične policije," accessed April 10, 2010, http://www.mup.gov.rs/cms/slike.nsf/granicna-policija-mapa-velika.jpg.

Figure 7. Border Police Directorate organization chart[237]

c. Border Police Staff

In 2010, the Head of the Border Police Directorate is Nenad Banovic. Some of the other senior managers of the Border Police Directorate are listed in Table 3.

237 Petrovic S. Dragan, "Capacity Building and Increased Cross‐border Cooperation at the Serbian‐Croatian border," (paper presented at the IOM and UK FCO Project Conference, Istanbul, Turkey, June 25, 2009), accessed May 2, 2010, http://exportcontrol.org/library/conferences/2705/F03_Serbia_Bdr_Ex_with_Croatia.pdf.

BORDER POLICE DIRECTORATE STAFF
Head of the Border Police Directorate – Nenad Banovic.
• Border Police Department / Department For Borders – Deputy Head – Colonel Nebojša Purić
• Department for Education – Mile Novakovic
• Section for International Cooperation – Dragan Petrović
Bureau for International Cooperation – Nataša Petrusić

Table 3. Border Police Directorate Staff

During the period of reforms from 2002 to 2007, the Directorate of Border Police was headed by Colonel Dušan Zlokas. During this period Colonel Zlokas was also the National Coordinator for Combating Trafficking in Persons. Zlokas was formerly Chief of Police in the city of Zrenjanin, but was dismissed after his 2001 investigation of the fraudulent privatization of a state oil company in 1993. Zlokas admitted the results of the investigation showed fraud; however, his office did not initiate criminal charges, apparently due to consultation with the MUP Criminal Investigation Department. Shortly after Zlokas was dismissed, he was appointed to the Border Police Directorate; and the Criminal Investigation Department was reorganized.[238] Zlokas background includes acting as the Head of the Serb Representative Office of the area of Gorski Kotar in

238 Dmitrije Boarov, "Removal Of The Pants," Vreme No. 565. (November 1, 2001), accessed April 12, 2010, http://www.vreme.com/cms/view.php?id=300362 . Also see Glas-javnosti.rs, "Akcionarske mrtve duše," (December 16, 2001), accessed May 4, 2010, http://arhiva.glas-javnosti.rs/arhiva/2001/12/16/srpski/DO01121501.shtml.

Croatia in 1995[239] and reportedly as "one of the main Cetniki in the area of Gorski Kotar" in close contact with the commander of the 21st Kordunaškog Corps in 1994.[240]

d. Training

The staff of the Border Police Directorate is all members of the police directorate and; therefore, were initially trained in the general police training process. The reform of the training for the border police faced different issues than those for general police training. The two priority problems were the need to adopt new technologies and risk assessment based techniques to comply with Schengen procedures, coupled with the need to emphasize border police ethics to reduce the previously high levels of corruption of the border guard service. As reform of the border police began, the training curriculum and much of the training faculty was obsolete due to its militaristic orientation and the antiquated training facilities.

The Border Police Directorate faced heavy capital requirements to reform the physical infrastructure and equipment of the border control apparatus, but had neither the expertise nor readily available funds to upgrade training curriculum and faculty and to invest in efficient modern training facilities. Therefore, the reform was slower than many observers of the 2000 revolution expected.

In 2003, the Directorate for Border Police, Aliens and Administrative Affairs began training its officers with a basic course for border police officers, and in 2004 adopted a modernized curriculum for border police training.[241]

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239 United Nations, Economic And Social Council, Commission On Human Rights, "Fifty-second Session: Items 8, 10 And 20 Of The Provisional Agenda -- Question Of The Human Rights Of All Persons Subjected To Any Form Of Detention Or Imprisonment," (1995), accessed March 30, 2010, http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/62ad5b3b6710156e8025673f003ce4bf?Opendocument.

240 Augustin Gattin, "Zločinci Na Slobodi Novootkriveni Videozapisi Iz Rata, Koje Je Prikupio Pavle Vranjican, Pokazuju Seriju Zločina Nad Hrvatima." (June 25, 2005), accessed May 4, 2010, http://yakimagulagliterarygazett.blogspot.com/2005_06_01_archive.html.

241 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 25, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

The Border Police Directorate relied on external expertise to develop new training curricula and heavily utilized external courses to upgrade the skills of senior officers, and relied on EU funding to develop new training facilities. For example, in 2009 the British embassies in Zagreb and Belgrade funded a project to have the International Organization for Migration (IOM) utilize Croatian border police to offer their expertise to help train Serbian border police assigned to Serbia BCPs along the Croatian border regarding the procedures being used on the Croatian side of the border. Further, as part of an aid package the Slovenian Center for European Perspective (CEP) provided training at the Police Academy in Belgrade to Serbian border crossings chief commanding border police officers. The training focused on creating and maintaining border police officer ethics. The training emphasized creating a positive working environment by adopting a performance review system consisting of an annual interview and an annual work assessment.[242]

In early 2009, anti-corruption code of ethics training for border police officers, managers and other MUP staff working with border control, border protection, or issuance of biometric documents was begun. The course curriculum included definition of corruption, causes and consequences of corruption, application of anti-corruption regulations, corruption related legal regulation and criminal offenses, and the relation between organized criminal groups and corruption.

e. Oversight Structures

Formal oversight of the border police takes place through the same mechanisms as oversight of the police directorate, since the border police directorate is a sub-unit of the police directorate. There are multiple oversight mechanisms. Oversight of the border police is carried out by the MUP Internal Affairs division, which was established in 2005 and by the Bureau for Complaints and Grievances, a unit in the

242 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 25, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

Minister's Secretariat. In addition external oversight is also provided by the Ombudsman's Office of the National Assembly. These oversight structures are more fully described in Chapter IV.C.1.d on pages 88 to 91.

f. Coordination Structures

As part of IBM, the border police coordinate their work with both other domestic agencies and with the border control agencies of neighboring countries and with more distant countries to counter international smugglers and traffickers. As part of the border security reform, at each of the BCPs the Border Police Directorate officers now work in teams with officials from the Customs Administration of the Ministry of Finance and the Veterinary and Phyto—Sanitary Inspection officers of the Ministry of Agriculture, Forestry, and Water Management. In comparison with previous practices of requiring border crossing users to first move to the border control area to undergo border control, then move to the Veterinary and Phyto-Sanitary Inspection area to inspection, and then move to the customs area for customs control, the use of teams of one border police, one customs officer and two Veterinary and Phyto-Sanitary inspectors results in faster border clearance for border users and better working conditions for BCP staff.[243]

In terms of external coordination, Serbia is a member of various regional organizations, such as the SECI Centre, the IOM, and the Migration, Asylum, Refugees Regional Initiative (MARRI). MARRI facilitates regional cooperation regarding migration management, including migration, asylum, border management, visa policies, consular cooperation, and refugee return and settlement. MARRI coordinates projects to upgrade member's border police capabilities at international airport BCPs. The objective is to reduce irregular migration, crime and terrorism by improving cooperation and information exchange between different member's border police forces. MARRI also works to reduce trafficking by improving and harmonize anti-trafficking data collection, management, analysis, and evaluation.[244]

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243 Jacqueline Den Otter, "Cross-border trading reforms in post-war Serbia," (2009), accessed March 28, 2010, http://www.doingbusiness.org/Documents/CaseStudies/2009/DB09_Reforms_Serbia.pdf, 82.

244 MARRI Migration, Asylum, Refugees Regional Initiative, "MARRI Projects," accessed May 4, 2010, http://www.marri-rc.org/Default.aspx?mid=4&Lan=EN.

The Border Police Directorate has also built bilateral relationships with bordering countries. In March 2009, Serbia signed an agreement with Bosnia-Herzegovina to do joint border patrols and hold regular meetings between border police officers of the two countries. Under the agreement they also exchange border police liaison officers and created a training manual on joint border patrols.[245] A similar agreement was signed with Montenegro.

The Border Police Directorate also effectively built and maintained cooperation with members of the international community, which provided monetary and in kind benefits. In 2004 and 2005, the U.S. government, through the FBI and SECI, donated desk top computers, camcorders, printers, fax machines and cellular phones and 10 vehicles worth some $250,000 to the Border Police Directorate's Anti-Trafficking Group.[246] In 2005 the EAR financed the modernization and rebuilding of selected BCPs and training of border police. In 2006 the EU provided funding for the acquisition of border police equipment including x-ray equipment for checking goods at BCPs and for control of new ID documents to meet EU Schengen standards.[247]

From October 2009 to May 2010, an International Organization for Migration (IOM) project jointly trained 120 Serbian and Bosnia-Herzegovina border police officers to enhance cooperation between the two forces to enhance their ability to minimize illegal immigration across the Serbia-BiH border.[248]

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245 Council of European Union Brussels, "Austrian Regional Chair for the Western Balkans (co-chair: Hungary) Regional Report on the Western Balkans,"(June 18, 2009), 13, accessed May 3, 2010, http://www.secicenter.org/doc/ceu.regional%20report%20to%20the%20western%20balkans18.06.2009.pdf.

246 United States Embassy Belgrade, "Ambassador Polt to Present Vehicles to the Ministry of Interior for Anti-Trafficking Team," (February 23, 2005), accessed April 23, 2010, http://belgrade.usembassy.gov/archives/press/2005/a050223.html. Also see United States Embassy Belgrade, "Ambassador Michael C. Polt Presents Anti-Trafficking Equipment to Ministry of Interior," (July 27, 2004), accessed April 23, 2010, http://belgrade.usembassy.gov/archives/press/2004/040728a.html.

247 Davor Konjikušić, "Lack of funds and resources prevent the transfer of border control in Serbia," Southeast European Times in Belgrade, June 16, 2005.

248 EU Police Mission in Bosnia and Herzegovina "Successful Cooperation Between Border Police of BiH and Serbia," (June 1, 2010), accessed June 4, 2010, http://www.eupmbih.eu/detail.aspx?id=1414&tabid=5.

From December 2008, the Serbian and Croatian border police conducted joint exercises to simulate apprehension of illegal migrants.[249] A 2009 training project in which Croatian border police shared their best practices procedures being used on the Croatian side of the border with their counterparts in the Serbian border guards resulted in a significant increase in cooperation and border control effectiveness as reported seizures from attempted smuggling across the Serbian-Croatian border increased by 35 percent, and experts estimated that illegal migration and human trafficking across the border declined 65 percent.[250]

In 2010, the Slovenian Center for European Perspective (CEP) provided training at the Police Academy in Belgrade to Serbian BCP chief commanding border police officers regarding building and maintaining border police officer ethics. The training emphasized creating a positive working environment by adopting a performance review system of an annual interview and annual working assessment.

Serb Border Police in the Subotica BPC area reported that their good working relationship with Hungarian border police for information exchange and joint cross-border actions resulted in much greater success in jointly detaining illegal migrants.[251]

3. Customs Administration

a. Organization

The EU conception of the role of customs in border security is that customs administration's function is to facilitate the correct application of customs duties and speed movement of people and goods across the border, while at the same time

249 British Embassy in Belgrade, UX in Serbia, "British Embassies Supporting Police Cross-Border Co-operation,"(December 9, 2008), accessed May 12, 2010, http://ukinserbia.fco.gov.uk/en/news/?view=news&id=10485153.

250 British Embassy Zagreb, UK in Croatia, "UK-backed Croatia-Serbia border police project successfully completed," (3 May 2010), accessed May 17, 2010, http://ukincroatia.fco.gov.uk/en/about-us/working-with-croatia/projects/uk-croatia-serbia-project.

251 Mnet. "Serbian Police Clamp Down on Illegal Immigrants With Many Coming From the Middle East." (31 May 2010), accessed June 4, 2010, http://mpelembe.blogware.com/blog/_archives/2010/5/31/4541685.html.

resisting and working to preventing all illegal cross-border activities. The Serbian Customs Administration carries out customs control, customs clearance, prevention of illegal imports, customs management and customs offense proceedings, sale of goods and customs enforced payment of customs duties. Serbia's senior Customs Administrators appear to have adopted the EU concept. The Head of the Customs Administration Internal Control Service stated, "The principal task of Customs Services is to facilitate the rapid flow of goods and people while minimizing costs and guaranteeing efficient and effective control—such as uncovering and clamping down on customs offenses, particularly terrorism, organized crime, corruption, and other crimes."[252]

When reforms began in 2003, the Customs Administration was relying on an outdated computer system from the early 1980s, which was not sufficient to implement an electronic customs clearance system. As a consequence, businesses importing goods had to hand deliver declaration forms to customs offices and every shipment was inspected at the border, which caused backlogs and delays in processing declarations and in inspections. There was also often a lack of coordination between customs, the border inspectors and the tax administrators. Priority reforms were to install an electronic clearance system, to implement risk-assessment based inspection controls, and to implement guidelines and anti-corruption enforcement mechanisms for staff.[253]

In 2003, the Customs Administration began installation of an electronic customs clearance system, which was fully functional by the end of 2005. In 2006, the Customs Administration computer system was assessed to provide customs clearance and other customs procedures satisfactory to meet EU requirements.

As of 2010, the Customs Administration is organized into eight departments, which are Operations & International Customs Cooperation, Tariffs, Customs Enforcement, Internal Control, Information Technology, Human Resources, Audit, and the Department of Finance, Investment & Legal Affairs. The Department of

252 Carevic, "Customs Reforms in Serbia," 107.

253 Jacqueline Den Otter, "Cross-border trading reforms in post-war Serbia," (2009), 81, accessed March 28, 2010, http://www.doingbusiness.org/Documents/CaseStudies/2009/DB09_Reforms_Serbia.pdf .

Operations and International Customs Cooperation is responsible for the regular customs clearance and duty assessment and collection operations, as well as participating in bilateral and multilateral tariff discussions and negotiations including those relating to EU integration, and participating in international customs related organizations. The Tariff Department monitors tariff application and rules of origin and preferences and liaises with the World Trade Organization, World Customs Organization and the EU regarding tariffs. The Department of Customs Enforcement does investigations and intelligence operations to suppress smuggling and monitor the legality of other customs service department's operations.

In 2003, the average monthly wage of customs officials was about 7,000 dinars, equivalent to about 100 euro. At that time, customs officers who attempted to report corruption and smuggling were often penalized for doing so. Bozo Djurovic, who was a customs officer in Bor, was dismissed after reporting to his supervisors that he had seen five trucks filled with televisions crossing the border into Serbia in mid-2003 at an unauthorized border crossing. Djurovic claimed there was no cause for his dismissal other than his report of the television smuggling.[254] In the period August 2003 to August 2005, there were official complaints filed against 63 customs officers; and of the 44 cases examined in that time frame, 38 of the accused were either dismissed or demoted. At that time senior customs officials estimated that 30 percent of the potential revenue from border tax was being lost due to smuggling, and a former head of the Customs Administration estimated the loss at 150 million Euros per year, and estimated that of the smuggled goods 20 percent were undeclared but the other 80 percent were declared and cleared under false invoices.[255] While the oversight mechanism was apparently working to dismiss some corrupt officers, there was also clearly a problem with corruption.

In 2004, the average wages for customs officers were raised to the equivalent of about 300 euro per month, which led to a visible improvement in

254 John Simpson, "Serbia Losing Customs Corruption Battle. Institute for Peace and War Reporting," BCR Issue 541, 2 Aug 2005, accessed March 29, 2010, http://www.iwpr.net/report-news/investigation-serbia-losing-customs-corruption-battle.

255 Ibid.

performance and a noticeable reduction in corrupt practices. Also in 2004, EU's Customs and Fiscal Assistance Office (CAFAO) set up an anti-corruption unit in Serbia with 14 vehicles and a boat to fight corruption in the customs.

In 2006, the Directorate for Environmental Protection of the Ministry of Science and Environmental Protection organized courses for customs officers to teach them the skills needed for border control of waste, poisons, and ozone-layer depleting chemicals so that the Directorate for Environmental Protection inspectors could transfer their responsibility to the customs officers at the BCPs to increase border control efficiency.[256]

Despite the improvements brought by the reforms, it was not until 2009 that the Customs Administration was authorized to acquire the sort of scanner technology that is commonly used by Customs Services in other countries. In 2009 the Ministry of Finance approved acquisition by the Customs Service of ten mobile and one stationary x-ray scanner to help prevent smuggling of goods. According to Customs Administration Director Serbia's was the last Customs Service in the region to acquire scanners, despite the fact that the scanners would increase customs revenue by more than their cost of acquisition and maintenance.[257]

As of 2009, the average wages for Customs Administration staff was about 51,200 dinar, or the equivalent of about 475 Euros per month. In 2010, the Customs Service received an additional 2.5 million Euros for upgrading of its computer transit system and 1.5 million Euros for the development of management capacity and for harmonization of customs legislation and procedures with EU legal codes.[258]

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256 Miroslav Spasojevic, "Integrated Border Management Strategy in the Republic of Serbia," (paper presented at the ECA Network Meeting – Ashgabat, Turkmenistan, 2006), accessed March 30, 2010, http://www.estis.net/includes/file.asp?site=ecanetwork&file=FDAB4DAB-71AF-43DC-A647-11B729CBA695.

257 Ambasada Narodne Republike Kine U Republici Srbiji, "Serbia, China Sign MoU for Customs Scanners," (September 22, 2009), accessed May 5, 2010, http://rs.china-embassy.org/eng/zsgx/jmhz/t630229.htm.

258 Radio Srbija, "Serbian Customs Service About European Integrations," (March 21, 2010), accessed April 15, 2010, http://glassrbije.org/e/index.php?option=com_content&task=view&id=10438&itemid=56.

b. Staff

As of 2009, the Serbia's Customs Administration had approximately 2,700 staff.[259] As of May 2010, the Director of the Customs Administration was Predrag Petronijevic; other senior staff is listed in Table 4.

CUSTOMS ADMINISTRATION SENIOR STAFFING
Director, Predrag Petronijevic
Assistant Director, Slobodan Nikolic
Department Of Operations And International Customs Cooperation, Assistant Director, Idrija Hadžibegović
Tariff Department, Assistant Director, Borislav Injac
Department Of Customs Enforcement, Assistant Director, Alexander Vulovic
Department Of Internal Control, Head, Nebojsa Jovanovic
Department Of Information Technology, Assistant Director, Predrag Karavdić
Financial, Investment And Legal Affairs, Assistant Director, Dubravka Gatica
Department Of Human Resources And General Affairs, Assistant Director, Goran Grahovac
Audit Department, Senior Customs Inspector, Mayor Milan Vukovic

Table 4. Customs Administration senior staffing

c. Training

During the 1990s, Serbian customs officer's training did not keep up with developments in other World Customs Union countries training curricula. Therefore, when reforms began the Customs Administration was faced with a significant training challenge. In 2003 and 2004, all customs officers attended in-house training on the new electronic clearance system and the new risk assessment based inspection management system.

259 Republic of Serbia, Ministarstvo Finance, Customs Administration "ИНФОРМАТОР О РАДУ УПРАВЕ ЦАРИНА," (January 2010), accessed May 5, 2010, http://www.upravacarina.rs/cyr/Zakoni/InformatorORaduUpraveCarinaCir.pdf.

Acknowledging the Serbian Customs Administration's major training deficit and the expected benefit to EU member country exporters and importers from greater Serbian customs clearance efficiency, in 2005 the EU CARDS program contributed 172,000 Euros for the upgrading of the Serbian Customs Service Professional Training Center to facilitate upgrading of customs officer's skills. The upgrades to the Serbian Customs Service Professional Training Center included the addition of modern teaching aids to allow instructors to utilize contemporary teaching methods including e-learning and a modernized curriculum focusing on application of risk-assessment based border management and information based crime prevention, detection and reduction.[260]

In addition, the Customs Service has drawn on the assistance of the United Nations Office On Drugs and Crime (UNODC) to provide anti-crime training as one component of customs ongoing specialized training series. The UNODC curricula cover a range of customs topics including anti-smuggling, intelligence and investigations techniques, protection of intellectual property rights and criminal intelligence data analysis. The UNDOC also provided training in use of various modern technologies of efficient border management including PCs, digital projectors, software for intelligence analysis and drug identification. The EU CARDS program provided equipment funding, included sixteen drug and precursor test kits for use in BCPs.[261]

d. Oversight

Customs reform under the Djindjic government had been oriented primarily to reducing the corruption of customs officers so as to increase the level of customs tariff and excise tax revenues to support the government budget. It had become so much a part of normal operating practice for customs officers to extort "gifts" from individuals passing through the borders that in 2003, with the beginning of the introduction of computerized customs clearance and selective inspection based on risk

260 EU, Delegation to the Republic of Serbia, "Training Center for Serbian Customs Officers,' (2010), accessed April 15, 2010, http://www.europa.rs/code/navigate.php?id=594.

261 EU, Delegation of the EU to the Republic of Serbia, "Modernization of Serbian Customs Administration in the Fight Against Illegal Activities," (09 March 2010), accessed March 29, 2010, http://www.europa.rs/code/navigate.php?id=1251.

assessment, the Director General of Customs made a series of speeches to staff at every customs office in Serbia announcing that customs officers were no longer allowed to accept "gifts" in excess of 30 Euros per transaction. In addition the new limit on "gifts" was publicized in print media and on television so as to make the public feel confident to refuse larger requests.[262]

The Internal Control Department of the Customs Administration is responsible for investigating any complaints of misuse of authority or illegal actions by customs officers in the conduct of their duties. Due to the historical circumstances from which the reforms began, the Department of Internal Control was specifically mandated to fight corruption by testing customs officers and employment candidates regarding indicators of connection to organized crime groups, as well as for other corruption-proneness indicators, and to develop risk profiles on tested officers and applicants. In addition the Department of Customs Enforcement contributes to internal oversight by conducting intelligence operations and investigations of officers work practices to control the legality of the customs units and to discourage any tendency toward violation of regulations.[263]

In 2003, the Customs Administration adopted the Code of Conduct of Customs Officers to encourage ethical work practices by customs officers. The Code was revised in 2008 to be consistent with the Code of Conduct of Civil Servants adopted as part of the Law on Government.[264]

Further informal external oversight is provided by nationally publicized phone numbers set up in 2005, and a website for individuals to supply information about evidence of corrupt practices by customs officers.[265]

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262 Den Otter, "Cross-border trading reforms in post-war Serbia," 81.

263 Republic of Serbia, Ministarstvo Finance, Customs Administration "ИНФОРМАТОР О РАДУ УПРАВЕ ЦАРИНА," (January 2010), accessed May 5, 2010, http://www.upravacarina.rs/cyr/Zakoni/InformatorORaduUpraveCarinaCir.pdf.

264 Republic of Serbia, Official Gazette, No. 29/2008.

265 Republika Srbija, Ministarstvo unutrašnjih poslova, "Uprava granične policije," accessed April 10, 2010, http://www.mup.gov.rs/cms_lat/direkcija.nsf/granicna-policija.h.

e. Coordination

The World Bank and the World Customs Union provided expert consultations to the Customs Administration during the development of the electronic documents customs clearance system. The CAFAO provided expert advice to the Serbian Customs Administration during the period of development of the new Customs Act. The World Bank provided expert advice during the development of the customs electronic clearance system. The Customs Administration draws on the expertise of the DCAF for training programs regarding enhancing border security.

D. OPERATIONAL REFORMS

Organizational reforms to the Police Directorate, the Border Police Directorate and the Customs Administration are important for Serbia's IBM strategy and border security since they are necessary to enabling modern border security performance. However, organizational reforms are not sufficient to result in IBM and secure borders, since it is the performance of the institutions that creates these results. This section will consider the operational reforms that the Police Directorate, the Border Police Directorate, and the Customs Administration have managed to produce with the reformed organizational structures described above.

1. Police Directorate Operational Reforms

The Police Directorate has suffered under a public distrust that has been damaging to moral, and to an unquantifiable extent, to their effectiveness. Members of the public are much less likely to report suspicious information to the police if it is perceived that the police are corrupt and that the reporting of the information could sour a corrupt deal and result in retribution. A similar effect exists for public reporting of information about known crimes. The resulting reduction in flow of information to the police makes their work much more difficult to perform well.

The public image of the police was further degraded in April 2005 when a video was shown at the Milosevic trial at the ICTY, and rebroadcast on Serbian national

television, showing the Special Police Unit, the Scorpions, under the official command of the Police Directorate of the MUP, participating in the July 1995 Srebrenica killings.[266]

After the success of Operation Sabre when the Police were able to remove a few of the most notorious organized crime figures, the conservative elements in society reconsolidated; and under the Kostunica government many senior managers who had been the object of reform capacity building investments in the purportedly depoliticized Police Directorate and Customs Administration were replaced. "After the 2004 elections, about 700 Police Directorate senior staff were dismissed. More than a half (18) of Superintendents of Police in the regional directorates were let go," and according to one expert, "At the same time people without a day of police experience were given the position of Generals and police Inspector Generals."[267] Police effectiveness in law enforcement, in law breaking prevention, and in investigation declined.

Reflecting the society itself, the police appear to have been divided on the desirability of fundamental reforms and the adoption of EU standards and social institutions. For example, former police bodyguards of ICTY indictee Mladic reported playing table tennis at military barracks near Belgrade where Mladic was being provided safe haven, rather than being arrested.

And despite the reforms, the ethics training, the anti-corruption units, and the successes against organized crime publicized in the media, the Police Directorate remains riddled with corruption. According to expert commentators, "The symbiosis of the police and criminal top structures for sure does not exist anymore, but the existence of the corruption and coupling of individual police officers with the criminal organizations cannot be denied."[268]

Decentralization, along with demilitarization, depoliticization, and de-criminalization had been one of the early EU conditions for progress toward accession.

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266 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 316.

267 Zelimir Kesetovic, "Attempt to Reform Ministry of Interior - Essence and Form," In Security Sector Reform in Serbia -- Achievements and Prospects, ed. Wiroslav Hadzic, (Belgrade: Center For Civil-Military Relations, 2008), 82.

268 Ibid., 83.

Yet, as of 2008, there had been no significant decentralizing, nor development of a plan to decentralize the police service.[269] Demilitarization did not progress quickly either. In police education surface changes belied underlying constancy. While reform of police training did not move quickly, and only occurred organizationally in 2006 and 2007, the operational reality was that the curriculum remained the same. "Courses like Military Psychology or Military Topography were abolished, but only by replacing the word 'military' by the word 'police'. Despite the organizational reform combining the separated old Police College and Police Academy into the new Academy of Criminal and Police Studies, the textbooks were only slightly changed, and the courses were still taught by the same teachers who had taught them for the previous 20 or more years using military style teaching methods. The military ranks of the faculty and administrators were no longer referred to but the absolute authority of the Dean, who had held the rank of general, continued to be formally and in practice observed by the faculty and the teacher council."[270]

As of 2006, the Service for Organized Crime was not as effective as public expectations for it, despite the salaries its members received being twice those of comparable officers in other services of the Criminal Investigation Directorate. Service for Organized Crime staff suggests they faced constraining resource shortages. The unit was allocated 22 detectives and had limited office space. The unit claimed few of the cases it submitted charges for were actually successfully executed by the prosecutors. "According to police estimates, only 16 percent of criminal charges submitted by the police service end up with a court verdict and half of those are suspended sentences."[271] However, in the following two years the Service for Organized Crime began to have greater success.[272]

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269 Zelimir Kesetovic, "Attempt to Reform Ministry of Interior - Essence and Form," In Security Sector Reform in Serbia -- Achievements and Prospects, ed. Wiroslav Hadzic, (Belgrade: Center For Civil-Military Relations, 2008), 82.

270 Zelimir Kesetovic, "Attempt to Reform Ministry of Interior - Essence and Form," In Security Sector Reform in Serbia -- Achievements and Prospects, ed. Wiroslav Hadzic, (Belgrade: Center For Civil-Military Relations, 2008), 81.

271 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 22.

272 Kešetović, "Attempt to Reform the Ministry of Interior," 83.

In 2004, Dusan Mihajlovic, leader of the Serbian Liberal Party, stated that political parties and politicians were largely financed by "mafia networks in business and the underworld."[273] As the former MUP Minister from 2001 to 2004 in charge of the police and with access to the information gathered by the Criminal Investigation Directorate and the Organized Crimes unit, Mihajlovic must be considered well informed on this issue. This suggests that Kostunica's claims in August 2001, that Djindjic was connected to organized crime, were probably true but less than comprehensive. It also suggests the enormity and ubiquity of the obstacles the police directorate was facing, and goes some way to explain the apparent lack of police effectiveness.

Nevertheless, some successes were noted. A major operational reform occurred in crime scene investigation and evidence acquisition when the CID developed a quality management system for processing evidence and a crime scene investigation policy by 2007, and implemented an ongoing program of crime scene investigators and evidence quality management for all criminal investigators.[274] The CID also created a centralized forensic lab in Belgrade with regional labs in Nis and Novi Sad. The CID staff is in the process of implementing an Automated Fingerprint Identification System (AFIS) and a Face Identification System (FIS). They plan to set up a national DNA lab.

The Drug Smuggling Suppression Department (DSSD) of the CID developed sophisticated communications and cooperation with other neighboring countries organized crime police forces that, during 2008, allowed the Department to make eight drug seizures and four controlled deliveries.[275] The DSSD and other anti-drug units of the CID work in close cooperation with Interpol, the SECI Center, the DEA, and UNODC on combating drug production, transport and distribution.

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273 Bideleux and Jeffries, "The Balkans," 325.

274 Branik Bakic and Novak Gajic. *Police Reform in Serbia: Five Years Later.* (London: Conflict Studies Research Centre, Defence Academy of the United Kingdom, 2006), 23, accessed April 4, 2010, http://www.ssrnetwork.net/document_library/detail/4187/police-reform-in-serbia-five-years-later.

275 Council of European Union Brussels, "Austrian Regional Chair for the Western Balkans (co-chair: Hungary) Regional Report on the Western Balkans," (June 18, 2009), 13, http://www.secicenter.org/doc/ceu.regional%20report%20to%20the%20western%20balkans18.06.2009.pdf.

In 2009, the government announced another campaign against organized crime. A list of 30 to 40 target groups was selected. In September 2009, the cooperation resulted in a joint BIA plus DEA and Serbian police operation arresting of 22 members of one organized crime group, including three police officers, and the seizing of a 2800 kg cocaine shipment in international waters estimated to be worth 120 million Euros. In November 2009, based on Serbian police information, Argentinean police arrested five Serbians in Buenos Aires and seized 492 kg of cocaine.[276] In a related action, in January 2010 nine members of the Zemun Clan were arrested and some of their real estate was seized.

A number of smaller probably unrelated cocaine and heroin seizures were reported in 2009, and were cited by the government as evidence of the increasing effectiveness of the Police Directorate in combating organized crime. In February 2009 a 1.7 kg cocaine seizure was made and two people arrested at Zagreb airport bound for Serbia. Also in November 2009, Serbian police arrested four people in Belgrade and seized 5 kg cocaine. On December 21, kg of heroine were seized in Belgrade.

In November 2009, the police launched Operation Morava, billed as the largest crackdown on organized crime since Operation Sabre. More than 2000 police officers arrived at approximately 600 buildings across the country at exactly 6am on a Saturday morning to search the buildings for drugs and arrest the allegedly drug trafficking occupants. Police arrested 500 people and seized $1.5 million in counterfeit U.S. money, "dozens of kilograms of various drugs, a large cache of weapons and ammunition, and a number of stolen cars." Of the 500 people arrested, 400 were quickly released.[277]

Despite the evidence that the Police Directorate was having more success apprehending drug smugglers, the street price of drugs in Serbia was declining. By

276 Igor Jovanovich, "Serbia targets powerful drug cartel," (22 April 2010), accessed April 28, 2010, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2010/04/22/feature-02, Also see AdnkronosInternatiol. (2009). "Serbia: Drug busts will have 'little impact' on mafia," (November 27, 2009), accessed May 15, 2010, http://www.adnkronos.com/AKI/English/Security/?id=3.0.4045875354.

277 SETimes.com, "500 arrests in Serbian drug bust," (November 2, 2009), accessed April 6, 2010, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2009/11/02/feature-01.

November 2009, the market price of heroine in Serbia had fallen to one euro per gram from a typical level of 8 to 12 Euros per gram, and while the price of cocaine had remained steady at its typical price of 30 to 35 Euros per gram.[278,279] At the same time police were reporting that a seizure of 2.1 kg of heroine was valued at U.S. $1.5 million.[280]

In November 2009, at an EU meeting, President Tadic had stated that "Serbia's future depends on breaking the ties between crime, the economy and the judicial and political spheres."[281] Also in November in what is perhaps a revealing signal, President Tadic had the government purchase a 620,000 euro armored car for his security.[282] In March 2010, he vowed a war on drug trafficking and organized crime, claiming that organized crime had attempted to destabilize his government. In April 2010, a State Secretary of the Ministry of Justice reported that "Articles containing encrypted threatening messages were noted in several local newspapers in the region. According to the information obtained by our services, there were already developed plans for liquidation of several people involved in the investigation (against Šarić's clan) and highest state officials Tadić, other targets included Special Prosecutor Miljko Radisavljević, Justice Minister Snežana Malović, and the State Secretary himself."[283] While security for the head of state and for visiting heads of state was usually executed by the police, President Tadic had chosen the Army special unit, the Kobre, to provide his

278 AdnkronosInternational, "Serbia: Cheap Drugs and Corruption Fuels Mafia Expansion," (24 November 2009), accessed May 14, 2010, http://www.adnkronos.com/AKI/English/Security/?id=3.0.4032521461.

279 Typical heroine and cocaine street prices from Council of European Union Brussels, "Austrian Regional Chair for the Western Balkans (co-chair: Hungary) Regional Report on the Western Balkans," (18 June 2009), p. 42, accessed May 3, 2010, http://www.secicenter.org/doc/ceu.regional%20report%20to%20the%20western%20balkans18.06.2009.pdf

280 www.iol.co.za, "Serb Police Seize R11m Haul," (December 9, 2009), accessed May 12, 2010, http://www.iol.co.za/index.php?art_id=nw20091209191113886C802325.

281 Fabrice Randoux, "Rooting Out Corruption and Organized Crime," (January 15, 2010), accessed May 20, 2010, http://www.europolitics.info/externa-policies/rooting-out-corruption-and-organised-crime-art259974-41.html.

282 Igor Jovanovich, "Serbia targets powerful drug cartel".

283 B92News, "Drug gang planned to kill top officials" (12 April 2010), accessed April 28, 2010, http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=04&dd=12&nav_id=66430.

security, suggesting he does not have confidence in the police in this regard. A former head of the Gendarmerie offered his opinion that "Something is seriously wrong in the president's security," and that "Things are repeating themselves, like in the time of Djindjic. The same thing can happen here."[284] This highlights the strength of the organized crime gangs and their influence over elements within the police, suggesting that police reforms to combat corruption have not been successful in providing adequate security for a stable democratic system of policing.

New anti-organized crime asset seizure laws and a government announcement that the proceeds from sales of confiscated properties of criminals would be used to support social spending, such as kindergartens, provided the police a target to aim at to improve their public image. Police used the asset seizure laws aggressively for the first time to continue the government's assault on organized crime members in April 2010 by arresting several associates of alleged drug smuggler Darko Saric and confiscating "several million Euros" of his property.[285] The Police Unit, Special Prosecution for Organized Crime, entered charges against Saric and 19 associates alleging they had attempted to smuggle 2.5 tons of cocaine to Europe from South America. The police are reported to have confiscated over 100 million Euros worth of real estate and autos from suspects charged with organized crime and corruption offenses in the first half of 2010.[286]

In more prosaic aspects of policing, other operational reforms are needed. While it has not received much mention in security sector reform discussions nor in public policy discussions, Paunovic notes that there is a pervasive and persistent problem with the Serbian traffic laws and legislation. The traffic laws and regulations allow police officers to assess "on-the-spot" fines for excessive speeding, unauthorized parking, passing

284 B92News, "Threats against Tadić 'real', says ex-Gendarmerie chief," (7 May 2010), accessed June 10, 2010, http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=05&dd=07&nav_id=66982.

285 B92News, "Op Balkan Warrior Suspect Extradited," (January 18, 2010), accessed May 20, 2010, http://www.b92.net/eng/news/crimes-article.php?yyyy=2010&mm=01&dd=18&nav_id=64553.

286 Mnet, "Serbian Police Clamp Down on Illegal Immigrants With Many Coming From the Middle East," (31 May 2010), accessed June 4, 2010, http://mpelembe.blogware.com/blog/_archives/2010/5/31/4541685.html.

moving automobiles, and for traffic accidents. This arrangement is an invitation to abuse and corruption of the attending police officer. With modern technology, laws and regulations could be changed to require digital images evidencing traffic infractions be presented to substantiate any fine. This would remove the most abusable opportunities for corruption. However, in order for police to accept and implement such revised and low-corruption susceptible regulations, it may be necessary to remove a large number of officers who have grown as used to the pocket money from traffic fines as the customs officers have grown used to the pocket money from "gifts".[287] As of 2010, new traffic legislation that is consistent with EU standards had been adopted but was not being enforced.[288]

In addition to the lack of fulfillment of positive expectations for police reform as discussed above, certain aspects of unreformed police culture are more troublesome. Despite the oversight by the MUP Internal Affairs Division and the new Ombudsman's Office reporting directly to the Prime Minister, there remains a deficit in police performance with regard to respect for civil rights and minority rights. Police officers are often cited for abuse of authority and brutality. A few selected examples of police actions during 2008, which have been cited by external observers as probable violations of civil liberties and human rights, demonstrate the extent of this issue. In September 2009, three youths in Brus were beaten by plainclothes police officers, after the police detained the youths on suspicion that they had robbed a gas station. An eighteen-year-old received a broken eardrum and numerous bruises. In response to a formal complaint by the youths, the MUP failed to identify the officers despite the detailed physical descriptions of the officers provided by the youths.[289] In December 2008, three police officers reportedly

287 Dragan Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 85, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753, 85.

288 Overseas Security Advisory Council, "Serbia 2010 Crime & Safety Report," (19 April 2010), accessed May 25, 2010, https://www.osac.gov/Reports/report.cfm?contentID=116306.

289 U.S. Department of State, "2008 Human Rights Report: Serbia," (February 25, 2009), accessed May 14, 2010, http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119103.htm.

beat a college student because he did not obey an order to stop his auto at a checkpoint. The student admitted to drinking and claimed the police had offered to dismiss drunk-driving charges if he remained silent about the beating. A witness confirmed seeing a group of people beating someone at the location where the police stopped the student. The MUP Minister sent a commission from Belgrade to investigate. After the investigation, the police filed charges against the student's doctor, claiming the doctor had grossly exaggerated the injuries to the student.[290]

2. Police Oversight Implementation

As discussed above, the operational reforms to the police oversight mechanisms did not have much early success. The first appointed Inspector General displayed his lack of independence and his loyalty to the police directorate by becoming an organizer of a rally in support of General Sreten Lukic, the former Deputy Head of the Police Service and former Head of the Border Police Directorate, when Lukić was indicted by ICTY in October 2003. The second Inspector General was less focused on investigating police wrong-doing than on socializing with celebrities.[291]

By 2005, a new more professional Inspector General had taken over the oversight role, and "had filed 107 criminal charges against 152 police officers for 200 criminal offenses. The Inspector General's Service had received more than 6,000 complaints and processed approximately 89 percent."[292] In a time period when the former Minister in charge of the police was publicly stating that political parties and politicians were being largely financed by organized crime, and publicly implying the politicians were largely corrupt, the Inspector General chose, after receiving about 6,000 complaints against police officers, to lay charges in only 1.8 percent of the cases. That works out to laying charges against approximately one-half of one percent of the police force staff. So in what the former Minister of Police was characterizing as an "apple orchard of windfalls

290 U.S. Department of State, "2008 Human Rights Report: Serbia," (February 25, 2009), accessed May 14, 2010, http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119103.htm.

291 Kešetović, "Attempt to Reform Ministry of Interior," 83.

292 Bakic and Gajic, "*Police Reform in Serbia: Five Years Later.*" 18.

going to rot," the Inspector General was only able to identify barely more than a handful of bad apples. This is apparently in part due to the lack of authority granted to the Inspector General by the MOI when creating the institution. In 2005, the Inspector General reported difficulties in functioning due to lack of cooperation within the police, including restrictions on access to information concerning complaints filed against police officials, and regarding war crimes and organized crime.[293]

The initial success of police oversight reform by the Inspector General's Service can be characterized as better than nothing, which was the previous level of oversight it replaced; but very disappointing to an advocate of liberal democratic values and processes expecting Serbian police reforms to relatively quickly approach EU standards.

Improvements in police oversight operations occurred with the establishment of the Internal Affairs Sector of the MUP. By 2007, the last year for which data is posted, the Internal Affairs Sector reportedly dealt with 2,384 complaints against police officers. Of these complaints, nearly all, 2,347, were processed. Of the processed files a total 11.3 percent, or 266 cases, were deemed founded or partially founded. Almost a third (31.4 percent) of the investigated complaints (739) were dismissed as unfounded, while a further 21 percent (493) of the complaints were judged not to contain enough facts to investigate the allegations. The remaining 36 percent (849) of the complaints were dealt with by Internal Affairs by passing the case to other police units for further work.[294]

During 2007, the Internal Affairs Sector reportedly filed 122 criminal charges and 12 amendments of criminal charges against 239 persons, of which 159 were police employees and 80 were non-police Serbian citizens. These charges related to 282 criminal acts of which 27 percent involved abuse of official authority, 14 percent involved falsifying official documents, 11 percent falsifying non-official documents, 12.8 percent involved accepting bribes, and a further 6.7 percent were related to fraud. The regional police directorates outside of the Internal Affairs Sector also filed charges

293 Commission of the European Communities, "Commission Staff Working Document, Serbia 2006 Progress Report, 1389" (November 8, 2006), 37.

294 Republic of Serbia, MUP. "Results achieved – 2007." accessed April 3, 2010, http://prezentacije.mup.gov.rs/sukp/rezultati/2.1.1_en.html.

related to illegal acts by police officers, bringing the total numbers of disciplinary prosecutions in 2007 to 483 criminal charges and 18 amendments against 551 MUP employees regarding 680 criminal acts. The most common crime among police in 2007 was criminal acts of endangering traffic with 115 cases prosecuted, and severe crimes against traffic safety resulting in 45 cases prosecuted. The next most popular was abuse of official authority with 106 cases. The once popular practice of accepting bribes netted 63 cases with prosecution. Falsifying official documents resulted in 48 cases, and only a paltry 33 fraud causes were prosecuted. In addition 2,299 MUP police were subject to misdemeanor proceedings for "severe abuse of official position," and a further 1,622 police officers underwent misdemeanor proceedings for "minor abuse of official position."[295]

In summary, these reported numbers are not obviously consistent and don't obviously add up. This leaves open the question of whether the cause is the Internal Affairs Sector's difficulties with record keeping or with accurately reporting its work. Questions might also be raised about the high proportion of complaints received, which were assessed to be unfounded. It is not clear whether the fact that only approximately 11.3 percent of complaints resulted in charges is due to the Internal Affairs Sector being somewhat lenient toward their colleagues or whether Serbians are overly enthusiastic to lay formal complaints against their police. Despite these unanswered issues, the adoption of the Law on Police legislation and the establishment of the Internal Affairs Sector is a significant operational reform improvement compared to the earlier performance of the Inspector General's Service.

3. Border Police Operational Reform

The Border Police Directorate, under its then head Colonel Dusan Zlokas, was highly successful in developing a border policing strategy, building domestic political support for it, arranging international cooperation to provide necessary expertise and funding for infrastructure and equipment, and implementing the strategy. The successful

295 Republic of Serbia, MUP. "Results achieved – 2007."

demilitarization of the borders in 2006 stands as a significant achievement and a significant milestone toward meeting EU Schengen conditions. The Border Police Directorate has continued to build its capability to secure and control the traditional borders.

Over time, as police officers human capital skills cumulated, the years of training in new EU techniques, and as infrastructure and equipment accumulated due to continuous EU CARDS and other donor funding, the border police began to show improved results. By 2010 the border police were becoming adept at detecting and interdicting human traffickers. Serb Border Police in the Subotica BPC area claimed their good working relationship with Hungarian border police for information exchange and joint cross-border actions resulted in much greater success in jointly detaining illegal migrants. The Serbian Border Police were able to obtain EU funding to acquire six vehicles with thermal-imaging cameras, global positioning and laser range finders; and have detected and apprehended more than 400 illegal migrants using the new gear and joint operations with their Hungarian counterparts.[296] Border police, in May 2010, reported the arrest of a nine-member human trafficking organization that had trafficked approximately 100 people from Kosova through Serbia to Subotica and then into Hungary during a two month surveillance period. They credited good information sharing relationships with Hungarian and Austrian border police for alerting them to the traffickers operations.[297]

The Police Directorate and the Border Police Directorate, under its then head Colonel Dusan Zlokas, was quite successful in countering trafficking in humans. It has been observed that this may be partly because there was no political controversy about the desirability of eradicating human slavery, since the corruption in the security sector has focused around the more profitable drug and weapons trades. In September 2003, SECI coordinated an area wide campaign against human traffickers code named

296 Mnet. "Serbian Police Clamp Down on Illegal Immigrants With Many Coming From the Middle East," (31 May 2010), accessed June 4, 2010, http://mpelembe.blogware.com/blog/_archives/2010/5/31/4541685.html.

297 Barlovac, Bojana. 2010. "Serbia Arrests Suspects in Human Smuggling." BalkanInsight.com. (May 11, 2010), accessed May 29, 2010, http://www.balkaninsight.com/en/main/news/28001/.

"Operation Mirage," which apprehended 526 of 600 identified human traffickers and charged 207 of them.[298] However, only 50 of the 207 were tried and only 5 were convicted.[299] This highlights that the difficulties faced by Serbian police with having accused dealt with and convicted by the courts is shared by other countries in the region.

Serbian police continued to have success combating human traffickers in 2005. The police collaborated with the IOM Mission at the operational level to investigate and free several trafficked persons. Most of the trafficked women freed were discovered and released from their situation due to police raids.[300] In 2005, Serbian police arrested 24 people for sex-trafficking in Serbia, and approximately 180 victims were freed. Police also uncovered 11 human smuggling operations and arrested 23 of the smugglers in 2005.[301]

In 2006, border police and customs officers seized about 360 kilograms of heroine in the first half of the year, which was over two times as much as they had seized in the previous two years, 2004 and 2005.[302] As Table 5 details, in 2007 heroine seizures climbed to a total of 484.3 kg, but declined thereafter.[303]

298 Anastasijevic, "Organized Crime in the Western Balkans," 9.

299 Dejan Anastasijevic, "Organized Crime in the Western Balkans," (paper presented at the First Annual Conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region. Humsec, Ljubljana, November 23-25, 2006), 14, accessed April 7, 2010, http://www.etc-graz.at/cms/fileadmin/user_upload/humsec/Workin_Paper_Series/Working_Paper_Anastasijevic.pdf.

300 Carolina Wennerholm and Eva Zillén, "IOM Regional Counter-trafficking Programme in the Western Balkans – Sida Evaluation 03/37'" (June 2003), 50, accessed May 7, 2010, http://www.oecd.org/dataoecd/42/39/35213320.pdf.

301 Anastasijevic, "Organized Crime in the Western Balkans," 9.

302 Ibid., 6.

303 See Table 5.

MUP STATISTICS ON POLICE NARCOTICS SEIZURES (2008, 2007)[304]			
	Amount Confiscated in Grams (except Ecstasy in pills)		
Seized Drug	2010 Jan. to Nov.	2008	2007
HEROIN	135,000	207,649	484,337
COCAINE	17,000	15,091	16,134
MARIHUANA		1,477,786	1,625,053
CANNABIS		0	583
HASHISH	16,000	1,139	583
ECSTASY		1,078	3,751
TOTAL SEIZED	1,250,000	1,743,862	2,296,533
NUMBER OF SEIZURES		6,189	6,141
NUMBER OF CRIMINAL OFFENSES		6,058	4,926

Table 5. MUP Statistics on Police Narcotics Seizures (2008, 2007)[305]

More recently, the border police and customs officers at several BCPs have made significant seizures from drug smugglers. In September 2008, border police seized 5kg heroin at the Horgas BCP to Hungary from a German national on a bus and arrested the man.[306] In July 2008, border police at the Gradina BCP into Bulgaria seized 45 pounds of heroin from the Turkish driver of a Swiss registered car and arrested the driver.[307] In

304 The 2007 and 2008 data are from the MUP. The 2010 data are from B92, "MUP: 1.25 Tons of Drugs Seized in 11 Months'" (December 30, 2009), accessed May 12, 2010, http://www6.b92.net/eng/news/crimes-article.php?yyyy=2009&mm=12&dd=30&nav_id=64138.

305 Ibid.

306 FoNet Belgrade, "Border Police Seize 5 Kilos of Heroin," (September 14, 2008), accessed June 2, 2010, http://boardreader.com/thread/Border_police_seize_5_kilos_of_heroin_To_at5t__TM3BFVUF84IVAK0AM.html.

307 UPI.com, "Serbian police seize 45 pounds of heroin," (July 24, 2009), accessed May 3, 2010, http://www.upi.com/Top_News/2009/07/24/Serbian-police-seize-45-pounds-of-heroin/UPI-60361248445126/.

September 2009, border police at the Roszke BPC into Bosnia-Herzegovina seized 20 kg of marijuana from the Croatian driver of a car with Bosnian license and arrested the driver.[308] In March 2010, border police at the Horgos BCP to Hungary seized 46 kg of cannabis from the Dutch driver of a Dutch licensed van and arrested the driver.[309]

4. Customs Administration Operational Reforms

In the field, the results of the work of customs officers overlaps considerably with that of the result of the work of the border police officers. Without inside management information it is difficult to distinguish the contribution to border security of the two groups. Therefore, this thesis will attribute the increased rates of drug seizures discussed in relation to border police as jointly attributable to the border police and to the customs officers.

Customs Administration oversight implementation has also publicized some successes. In late 2006, police arrested more than 30 customs officers on suspicion of being members of a merchandise smuggling ring. In August 2007, Serbia's customs director announced that over 50 customs officers were suspended due to suspicion that they had abused their official powers and were part of a goods smuggling ring. Included in the arrests were the coordinators of the Customs Anti-Smuggling units at Vatin and at Igor Mishkin, and one of the heads of the customs office in Vatin. Reportedly some trucks were being allowed to pass the border uninspected in exchange for a bribe of 3000 Euros per truck. The Director of the Customs Administration claimed their campaign against corruption was having a positive effect, noting that the 2007 revenue from Customs Duties and Excises at borders for the first eight months of the year was 22

308 MTI, "Marijuana Seized at Serbian Border," (September 28, 2009), accessed April 19, 2010, http://www.caboodle.hu/nc/news/news_archive/single_page/article/11/marijuana_se/.

309 B92News, "Border Police Seize 46 kilos of Cannabis," (March 19, 2010), accessed April 12, 2010, http://www.b92.net/eng/news/crimes-article.php?yyyy=2010&mm=03&dd=19&nav_id=65903.

percent greater than for the same period in 2006.[310] In December 2009, customs officers arrested 13 border police and six customs officers in BPCs along the border with Montenegro on suspicion of corruption and abuse of authority, alleging they had accepted bribes during the period April to December 2009.[311]

Anecdotal reports indicate that corruption among customs officers has not disappeared; however, it appears to be contained and controlled by the policies of Customs Administration senior management and the Internal Affairs Division. As of 2005, apparently typical "gift" amounts expected by BPC Customs Officers ranged from a couple of Euros or a chocolate bar for a suitcase smuggler, to 10 to 15 Euros for a busload of suitcase smugglers.[312] This may indicate that customs corruption has lessened as customs salaries rose and more sophisticated equipment was provided to customs officers to do their job, perhaps making it a more prestigious job and more worth keeping.

The Customs Administration has also demonstrated increasing competence in more sophisticated investigations, and demonstrated the capacity to coordinate complex joint enforcement actions with neighboring country customs organizations. In 2008, the Customs Administration suspected that Serbian companies were fraudulently importing textiles from Hungary under documentation mis-specifying the origin, customs value and quantity. Customs used the secure communications facility of the SECI Center to contact the Hungarian Customs service to request copies of the Hungarian export documents for

310 PressOnline, "PAO JOŠ JEDAN VOĐA 'CARINSKE'," (January 8, 2007), accessed April 20, 2010, http://www.pressonline.rs/sr/vesti/u_fokusu/story/1464/PAO+JO%C5%A0+JEDAN+VO%C4%90A+%22CARINSKE%22.html. Also see Moldova.org, "Serbia Suspends Customs Officers For Fraud," (August 27, 2007), accessed April 20, 2010, http://politicom.moldova.org/news/serbia-suspends-customs-officers-for-fraud-69298-eng.html. It is noteworthy that the Director did not make any claims that his comparative figures had been adjusted for economic growth, or for changes in tariff rates or for increases in import quotas or licenses. Reporting gross numbers which happen to support one's position tend to indicate a publicity/political exercise more than an analytic process.

311 B92News, "Customs, police officers arrested," (December 22, 2009), accessed April 10, 2010, http://www6.b92.net/eng/news/crimes-article.php?yyyy=2009&mm=12&dd=22&nav_id=63958.

312 Simpson, "Serbia Losing Customs Corruption Battle."

the suspected textiles. The one-year long joint investigation with the Hungarian Customs service revealed a 1.2 million euro fraud and resulted in 52 charges against several Serbian companies.[313]

5. Border Police and Customs Oversight Implementation

Like police oversight operational reform, Customs Administration oversight apparently failed to eliminate corruption. Despite the Criminal Code penalties of 6 months to 10 years in prison for corruption and accepting bribes,[314] customs officers apparently continued to enthusiastically and systematically extort small amounts from people crossing the border at BCPs. Perhaps by limiting themselves to the suggested 30 euro maximum "gift" per shipment they switched the main cost of their corruption away from the wealthy and powerful Serbians smuggling industrial sized shipments, and transferred the cost to the hundreds of "sole proprietor" suitcase load smugglers; and thereby, avoided making it worth anyone's effort to formally complain.

However, recent events indicate an increasing level of success for border police oversight and customs oversight. In March 2009, police arrested 35 people from Novi Pascar, Kraljeva, and Raska, including 18 police officers for smuggling, corruption, and illegal possession of weapons.[315] In December 2009, customs officers arrested 13 border police and six customs officers in BPCs along the border with Montenegro on suspicion of corruption and abuse of authority, alleging they had accepted bribes during the period April to December 2009.[316] In March 2009, nine border police officers received 10 to 18 month prison sentences for receiving bribes and allowing customs-free transport of goods

313 SECI Center Bucharest, "COTTON Operation against textile smugglers: Regional Cooperation of Customs Services," (2009), accessed April 25, 2010, http://www.secicenter.org/p449/12+February+2009

314 Den Otter,"Cross-border trading reforms in post-war Serbia," (2009), 82, accessed March 28, 2010, http://www.doingbusiness.org/Documents/CaseStudies/2009/DB09_Reforms_Serbia.pdf.

315 U.S. Department of State "2009 Human Rights Report: Serbia" (11 March 2010), accessed May 23, 2010, http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm.

316 B92News, "Customs, police officers arrested," (December 22, 2009), accessed April 10, 2010, http://www6.b92.net/eng/news/crimes-article.php?yyyy=2009&mm=12&dd=22&nav_id=63958.

across the Serbian-Kosovo border in 2007. In June, 16 border police officers were sentenced to 18 to 20 month prison sentences for accepting bribes to facilitate smuggling of cattle across the Drina River to Bosnia and Herzegovina.

E. CONCLUSION

The review of the organizational reforms undertaken by the Police Directorate and the Border Police Directorate indicate that a large number of reforms were planned and executed to bring the legislative framework of policing into greater consistency with the EU standards. However, despite the expert advice of international experts from DCAF, the OCSE, the EU, etc., much of the legislation that was enacted lacked consistency with the prevailing conditions in society. For example, The Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime-Law on Organized Crime of 2003 was considered unworkable and police and prosecutors produced few results with it.[317] The aspects of the Law on Police, the Criminal Code, the Criminal Procedure Code, and the Charter of Right intended to prevent police brutality and abuse of authority have not proved effective despite being created with the expert guidance of agencies such as OCSE, DCAF, etc.

In contrast, the legislative changes for more formulaic activities proved more, although not fully, successful. This is especially the case when the legislative changes were backed up by international support in the form of implementing technologies and financial support. For example, the Customs Law reforms and the Law on Protection of the State Border to enable IBM were more successful. These laws were written and adopted to implement agency strategic plans that had been developed under the guidance of EU experts and international agencies. The implementation of border control is being carried out by a relatively small group of about 6,000 border police, many of whom were hired and trained as part of the reforms, and by about 2,200 Customs Administration

317 Paunovic, "Police Reform in Serbia," Friedenskonsolidierung auf dem Balkan: Probleme und Perspektiven, Nov. 2005, p. 77-89. Institute for Peace Research and Security Policy (IFSH), Hamburg, Germany, 79-80, accessed April 9, 2010, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233&lng=en&id=22753.

staff, all of whom are following a clearly defined EU model. A major portion of the total cost of the implementation has been supported by EU funds and other members of the international community.

In oversimplified terms, the summary that can be taken from this is that in security sector reform, as in new business start-ups, a "franchise," in which all the details are specified and manuals provided as guides to all the "how-to-do-it" aspects and infrastructural equipment is supplied as part of the package, is much more likely to be successful than if the entrepreneur (reformer) has to think through and figure all the "how-tos" for himself. Of course, the other part of franchise success is that the franchisee must want to carefully and diligently follow the strategy and procedures specified by the franchisor. The carrot of EU pre-accession aid and of near term accession to EU markets have made "doing it the EU way," regarding border security, seem worthwhile because EU border control success is measured statistically; and statistics on interdictions and seizures can be increased without preventing illicit flows.

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V. POLICE AND BORDER SECURITY REFORM CHALLENGES

A. MUP REFORM CHALLENGES

1. Resource Allocation

The MUP budget is 75 percent consumed by salaries of current staff and pensions of retirees. There is little fiscal flexibility to invest in modern crime detection and suppression equipment, labs or training.

2. Legacy Staffing and Organizational Culture

The MUP's ability to reform is also challenged by the legacy of senior staff and managers who participated in the 1990s economy and the 1990s ethnic conflicts, and whose human capital has been optimized to function in an environment of corruption and use of violence as the primary mode of interaction. Valuation of human rights and focus of effort toward creative innovations that generate win-win outcomes are not habitual practices for these managers; and consequently, they are poorly suited to being leaders promoting liberalization and democratization and entrepreneurial economic and social growth.

As a consequence of both the budgetary tightness and the culture of the MUP, the Ministry lacks a functional long term strategic planning and budgeting process. That makes coordinating efforts over long periods to achieve success with complex reform challenges difficult or perhaps not feasible. It is crucial that the MUP develop an integral long term strategic planning and budgeting process.

The tolerance, or perhaps preference, for redundancy in non-mission critical organizations appears to be a part of the MUP culture. One of the main aspects of the 2006 police education reform was the consolidation of the Police College and Police Academy, which performed very similar functions but worked independently of each other. Similarly, part of the reform was the consolidation of the various independent anti-terrorism and special police units into the Gendarmerie. Perhaps to insiders, there is an advantage to having multiple largely redundant units working at low utilization levels

because they represent stores of manpower available on short notice for quick response. However, to an outsider the multiple redundant units working at low capacity utilization levels looks like wasting resources and not completely having the capability to respond in more complex and sophisticated ways to situations. In terms of an example, borders can still be controlled by men with guns searching each car and truck that applies to pass through. But, highly integrated just-in-time industries cannot operate across such a border, and so the country cannot gain the benefits such industries could offer. With the help of the DCAF, OCSE and EU, the Border Police Directorate has managed to avoid this sort of roadblock. But, fully functioning IBM does not all happen at the borders. For example, part of keeping borders closed to undesirable people and products relies on high quality criminal intelligence and information sharing with other jurisdiction's CID police. High quality IBM cannot be achieved if the various criminal investigative and special organized crime units all have redundant investigative and intelligence units, so that the total of what they achieve is less than the sum of their individual efforts.

The MUP as a whole and the Police Directorate must meet the challenge of defining appropriately narrow unit missions and competences, eliminating organizational and operational redundancies, to increase efficiency and capabilities as a police force. Designing narrower job description competences can also help to raise individual productivity and allow headcount reduction to free up some of the limited budget for higher salaries or investment in training and equipment. In the short term, the MUP has the opportunity to take advantage of low to no cost training by EU sponsored groups such as OCSE, DFAC, etc., and strategically taking advantage of this subsidy is smart management.

3. Oversight

The other reform challenge illustrated is that oversight cannot function if police are allowed to refuse to be accountable to oversight processes. Police accountability to the rule of law and to the citizens of the community is fundamental EU standards. Increasing police accountability is a crucial reform challenge facing the MUP.

The Police Directorate faces an organizational challenge, which it has not been able to cope with so far. The description of Police Oversight mechanisms above noted the Inspector General's Service was ineffective during the first years. The response by the government, presumably with at least the agreement, or perhaps the recommendation, of the Minister was to set up another oversight mechanism, the Internal Affairs Division with a considerably overlapping mandate. There does not seem to have been an effort to define a clear division of responsibilities between the two oversight units.

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B. POLICE DIRECTORATE REFORM CHALLENGES

1. Human Rights Issues

Restraining police officers from engaging in human rights violations and brutality, and disciplining those who do, continue to be a challenge for the Police Directorate. A recent State Department report relates the example of a Belgrade police officer, Miljan Raicevic, who was sentenced to a seven year prison term for killing Djordje Zaric, an individual citizen whom the police officer had stopped in traffic.[318] Given the Serbian court's sentencing of the killers of Prime Minister Djindjic to 40 year sentences, a seven-year sentence for a brutal murder is extremely lenient punishment, suggesting that the justice system is either corrupt or values preferential treatment of police lawbreakers, neither of which is consistent with the EU culture of unbiased application of the rule of law. Whether the killing was premeditated, putting into question the officer's fitness to exercise the authority to enforce the rule of law, or whether the

318 U.S. Department of State, "2009 Human Rights Report: Serbia," (11 March 2010), accessed April 25, 2010, http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm.

killing was impulsive, suggesting fundamental issues with police human resources screening and training processes, the killing is symptomatic of fundamental problems for the process of assimilation of Serbia into the EU society.

The report also notes that existing Serbian law allows authorities to detain a person for up to six months without charging the detainee, which is hardly consistent with respect for the detainee's human rights. In addition the police often violate even this law by detaining people for longer than six months before charging them or releasing them.[319]

A second example from the same report highlights two other reform challenges. In July 2008, Ranko Panic died after being beaten by multiple police officers while he was participating in a political rally regarding ICTY indictee Radovan Karadzic, who at the time of the rally had not yet surrendered to the ICTY. An internal police investigation was begun into the actions of the six involved police, including a senior commander; but more than a year later there were no reports on the results of the investigation.[320]

One reform challenge this example illustrates is the continued tendency for Police Directorate officers to be used by the government to suppress opposition. As the Djindjic leadership transition demonstrated, there is still considerable acceptance in Serbian society of the settlement of political issues by violence when persuasion, intimidation or bribery is not successful. This challenge is more than can be solved by new legislation or setting up a new unit for civil rights crimes. Nor will appointing new police supervisors with clean backgrounds to admonish the troops not to pick on anti-government protesters solve the issue, because the regulars will wait till their off-hours to take carry of opposition "troublemakers." To make refusal to engage in political suppression a new Serbian Police Standard Operating Procedures (SOP) requires an organizational culture change. Theoretically, that sort of cultural change could be brought about gradually through the Police Academy training process, except that as was noted above, in the

319 U.S. Department of State, "2009 Human Rights Report: Serbia," (11 March 2010), accessed April 25, 2010, http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm.

320 Ibid.

"new" curriculum the same long experienced instructors are teaching essentially the same texts and courses using the same militaristic styles of instruction as they have been for the last twenty years.

2. Corruption Control

Mention was made above of the problem of corruption in the Traffic Police force and of the prevalence of corruption of customs officers and border police at BCPs. The several reports noted above, of large numbers of customs officers being suspended for running large scale smuggler organizations, suggests that customs and border police management oversight mechanisms are not able to prevent corruption nor to detect it consistently enough to make the cost of potentially being caught high enough to discourage officers from making large investments of time and effort to engage in corruption. If the oversight mechanisms are not able to reliably detect higher value corruption, then smaller amount corruption would result in even less risk of punishment; and therefore, would be perceived as essentially free money to the border control officers. This suggests that petty corruption by border police and customs officers is "standard operating procedure" and is tolerated, perhaps grudgingly, by senior Customs and Border Police managers.

The extent to which corruption affects the senior levels of the police, border police and customs is less clear. Six years ago the former Interior Minister stated publicly that the major political parties and politicians were being financed by mafia networks.[321] In December 2009 on the occasion of submitting Serbia's application for EU membership, President Boris Tadic declared that "Serbia's future depends on breaking the ties between crime, the economy and the judicial and political spheres."[322] Tadic is a skilled politician, so he may have been exaggerating with the intention of subtly threatening EU officials and members that if they do not support Serbia with financial aid and quick accession to membership, organized crime is likely to devour the vitality of his

321 Robert Bideleux and Ian Jeffries, 'The Balkans: A post-communist history," (New York: Routledge, 2007), 325.

322 Randoux, "Rooting Out Corruption and Organized Crime."

country and then turn to the north for further spoils. However, to claim that the country's future depends on breaking the existing hold of crime on the economy, the judiciary and the politicians suggests that corruption is extensive in the higher levels of decision-making and leadership.

To minimize corruption, the Police Directorate and the Customs Administration need to reform organizational culture. This is a complex challenge; however, designing narrower job competences and raising salaries are complementary and relatively less demanding ways to reduce corruption. As alternate job requirements become more specialized, there is less overlap and less opportunity for an employee to easily obtain an alternate job in the event they are disciplined and lose their current position. As the salary benefits of a position become a greater portion of the total benefits and corruption skimming a lower proportion, the employee is less likely to risk being demoted to a lower salaried position. Therefore, narrowing job descriptions and raising salaries will cause employees to be more restrained in engaging in corrupt practices or abuse of authority.

A contributing reform challenge may be the private security sector. The Serbian Registers Agency reports there are approximately 600 registered protection, security and detective companies in Serbia with a total of approximately 40,000 employees authorized to carry weapons. This makes the "private sector army" larger than the Serbian military, which in 2010 had 36,000 personnel, many of whom are desk and supply workers who are not armed. However, the police with 47,000 armed officers still outgun the private sector.[323] Nevertheless, having such a large number of armed ex-military or ex-paramilitary-police operating with minimal regulations provides opportunities for these "private protection, security and detective" staff to hire out to organized crime as well as to legitimate employers; thereby, enhancing the power of organized crime businesses and enhancing the potential returns to corruption.

323 Vesna Peric Zimonjic, "Serb Mercenaries See Prospects in Latin America," .IPS News. (26 May 2010), accessed June 4, 2010, http://ipsnews.net/news.asp?idnews=51593.

3. ICTY

The government has been subject to much pressure for its failure to have the police or the military find and arrest ICTY indictees, including Ratko Mladic and Goran Hatzic. The various coalition governments since 2003 have consistently avowed their intention to cooperate with the ICTY, at least whenever pressed by an EU or international aid funding deadline, and at all times during the years since 2008. Yet, the capturing of indictees has been a delayed process. Apparently this indicates the power balance in Serbian society. The government does not command the allegiance of all groups in society, notably some parts of the security sector. There is a power balance generated as the profits from smuggling and other organized crime businesses provide a significant proportion of the population with higher incomes than they estimate they could earn from the opportunities government policies could provide to them. People with no expectation of being able to gain by pleasing the government are unlikely to provide information that would aid the government, especially if they are benefiting by not doing so. For example, Radovan Karadzic is reported to have supplemented the salaries of a large portion of the Repubic Srpska police force for a number of years. This decentralization of power in society to organized crime business owners and employees remains a challenge to government reform efforts.

To some extent, this challenge is being overcome as the increasing amounts of EU funding of the EU integration adjustment process are providing the government with control over a growing proportion of the total economic activity in the country. In addition, the government is in the process of "fiscalizing various industries such as taxi drivers and lawyers by requiring them to install and use cash registers, so there will be a record of their transactions to form a basis for the collection of taxes."[324] The more breadth of control the government gains over various sectors of the economy, the more

324 Radio Srbija, "Reforms Under Pressure," (December 18, 2009), accessed April 10, 2010, http://glassrbije.org/E/index.php?option=com_content&task=view&id=9430&Itemid=32.

success they will have in extracting compliance from the security sector and the citizenry for assistance with apprehending both the few remaining fugitive ICTY indictees and the many organized crime members.

As Bideleux and Jeffries observe, successful reform does not require reformers "to win over or gain the acquiescence of the thuggish ultra-nationalist and the criminal gangster wings of the Serbian polity, economy and society," as with sufficient financial resources reformers can "marginalize and gradually neutralize" the obstructionist elements.[325] This has essentially been the EU strategy to date, with EU support providing benefits to the sectors of the Serbian security system that were blocking the critical path of reform. However, the easier reforms, putting in place new legislative frameworks, down-sizing the military sector, and installing basic modern border control technology to ensure basic border security have been accomplished.

C. BORDER POLICE AND CUSTOMS ADMINISTRATION REFORM CHALLENGES

The Border Police Directorate and the Customs Administration have successfully implemented border control, including providing relatively efficient movement of travelers and trade goods through the borders and basic border security to keep out some of the illegal migrants and some of the unauthorized goods. This is an important accomplishment. However, it is doubtful that border security operations, which sporadically, rather than routinely and systematically, apprehend illegal migrants and smugglers will be effective at keeping the border closed to typically much better financed and trained terrorists. Yet, keeping the Serbian border closed to terrorists is a major security concern for the EU members.

To achieve higher level IBM and the moderate or high level border security that effective IBM can provide requires reducing corruption to much lower levels, increasing interdiction capabilities, and increasing Customs Service, Border Police and Police Directorate intelligence gathering and analysis and coordination capabilities. The

325 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 326.

intelligence effectiveness enhancement is highly dependent on public cooperation. Public cooperation depends on the public's level of trust and belief that the police and border security officers' activities are serving the public's interests. Public confidence that the police and border security officers activities are serving the public's interests will not develop if Police Directorate officers continue to violate citizens' human and civil rights, nor if police and border guard officers continue to be involved in corruption. Reducing both these undesirable tendencies requires changes to organizational culture.

D. KOSOVA ADMINISTRATIVE LINE

While Serbian politicians officially refuse to acknowledge the line between Serbia and Kosova as an international border, the MUP signed a protocol with EULEX in 2009 regarding control of what the MUP refers to as the "administrative line" between Serbia and Kosova. Eleven Administrative Line Control Points (ALCPs) have been set up with moderate speed digital data communication links to the MUP Single Information System (SIS) and with automatic readers for electronic travel documents installed and functioning. Maintaining border security of the "administrative line" involves several challenges that are amplifications of the regular IBM border security issues.

Securing the administrative line itself will be the task of the Gendarmerie. The MUP has stationed elite Gendarmerie officers along the administrative line border and nearby to each ALCP to maintain the security of the ALCPs and of the administrative line itself. Unlike the Border Security Police along other borders, the Gendarmerie troops are assigned to be constantly engaged in reconnaissance patrols using surveillance radars and opto-electronic devices, as well as in operations exercises including ambushes, blockades, raids, and search and inspection of terrain and facilities along the administrative line. These exercises are claimed to be preventative and intended to detect illegal crossings, as well to detect narcotics smuggling, smuggling of weapons, and human trafficking.

The border control task to be performed at the ALCPs is more complex than at the BCPs along Serbia's other borders due to two factors. One is that the administrative situation in Kosova is complex and in flux. Administration of the internal and border

security of Kosova is a shared task of KFOR, EULEX, UNMIK, and the Kosovo government. The MUP has sought the institution of regular meetings at the local, operative and command level between the Gendarmerie, KFOR, and UNMIK. The Kosova government may lack sufficient resources to accurately collect and share the data needed for IBM. In addition, due to Serbia's refusal to recognize the Kosovo government's declaration of independence, and possibly due to corruption, the Kosovo government may not fully cooperate with Serbian border guards on information sharing and implementation of IBM. As a result, the Border Police Directorate officers staffing the ALCPs probably have access to less shared information than is available to BCP officers along other borders. Secondly, due to the status of the Kosova economy and its proximity to Albania, Kosova is a favored transit path for drugs being smuggled into western European EU countries, for irregular migrants to the EU, and for trafficking in human beings both into Serbia and into Kosova.[326] Consequently, ALCP officers will have a relatively greater volume of attempted drug smuggling and attempted irregular migration northward to interdict. Reportedly, the greater profitability of smuggling, compared to other economic opportunities in Kosova and Albania, results in the attraction into the smuggling business of relatively more talented and capable individuals than occurs in other areas whose more prosperous economies provide more legitimate business opportunities. Therefore, the task of the Border Police Directorate and Customs Administration staffing the ACLPs is more difficult due to the relatively greater smuggling expertise and smuggling creativity of the people the ACLPs attempt to interdict, compared to those faced at the BCPs on other Serbian borders.

While ALCP security control presents a higher degree challenge for Border Directorate and Customs Administration border guard staff, the challenge provides a good testing environment for new interdiction equipment and advanced interdiction techniques. Further, the experience gained by border guards at the ALCPs is valuable in increasing the effectiveness of interdiction efforts at other BCPs.

326 The Border Police report a large number of Afghans have been apprehended in the area of the Administrative Line after illegally crossing into Serbia.

E. CONCLUSION

The reforms to the Police Directorate and Border Police Directorate and Customs Administration organization and operations have had positive effects. The Customs Administration enjoyed somewhat better access to funds to support reforms, both from domestic revenues and from foreign support, through the EU CARDS scheme as well as bilateral assistance funding. The Customs Administration is a more transparent organization than a national policing agency, and this also allowed the Customs Administration to draw more fully on foreign expertise in developing its reform strategy and in implementing through emulation some of the best practices offered by the World Customs Union, the World Bank, and the EU. The Custom Administration began its reform with a detailed long term strategic plan developed in consultation with international experts in customs service systems and organization. The Customs Administration existing electronic data system at the beginning of the reform process was essentially obsolete, and many of the BCPs were in new locations or needed to be rebuilt. These considerations made the reform effort almost as much of a greenfield project as a renovation. The Customs Administration has adopted electronic document filing and customs clearing, as well as basic risk assessment based inspection management and has transformed itself into an EU standards compliant customs service.

The Border Police Directorate has also had the advantage of having begun its reform process with the development of a long run strategic plan developed in consultation with EU experts in border control infrastructure. A border control system is a relatively non-secret operation and, therefore, the Border Police Directorate has had the advantage of being able to readily draw on discussions with international experts. The Border Control Directorate also enjoyed a second advantage in its reform process in that the Schengen standards specify to a significant degree the objectives of the process, making the reform somewhat analogous to implementing a business franchise. Also somewhat similar to a franchise, the seller, in this case the EU, offered financing and ongoing guidance in completing the infrastructure installation and acquiring the equipment and getting the operation up-and-running. Serbia has its border control system functioning and is now working on developing more expertise in operating the system to

increase the resistance, or impermeability, of its borders to undesirable and illegal passage of goods (drugs, unauthorized goods) and people (illegal migrants). Furthermore, the Border Police Directorate requirements became national priorities because of the need the government felt to demonstrate its cooperation with the EU accession process in the political least contentious ways and because the EU prioritized border security conditions in the accession process.

Of the three organizations considered in this assessment of border security, the Police Directorate has faced the most difficult reform process. As a national police system responsible for internal security, as well as domestic and foreign intelligence, the processes of the Police Directorate must be kept more private for national security reasons. In addition, the Police Directorate commenced the reform process with excess manpower, which almost surely believed it embodied sufficient expertise without drawing extensively on international expertise or international best practice models. There was also less availability of external funding support for general police reform than for the other two aspects of border security reform considered in this thesis. Due partly to the institutional habits that had developed in the MUP during the 1990s, the Police Directorate started off the reform process without a strong planning procedure; and did not develop a long term strategic plan. Further, the Police Directorate was hampered in its reform by a relative lack of MUP financial capacity to invest in new infrastructure (educational curricula, long run strategic training programs for mid and senior managers), and non-weapons related modern policing equipment e.g. forensic crime scene and forensic laboratory equipment.

In addition, all three of these organizations faced the difficulties of starting reform from corporate cultures, which a western commentator would classify as ‘ethically challenged’. The Customs Service had been trained to be corrupt by its former director, Kertes, as part of the Milosevic government’s policies to survive UN embargoes. Officers of the Police Service had been required by their periodic battle front work "shifts" during the 1990s to be brutal and mercenary, if not outright murderous. And the Border Police

Service staff had learned from the example of their colleagues from Customs to be corrupt, and from the example of their colleagues in the other units of the Police Service to be brutal and mercenary.

Many liberal democratic observers have been disappointed by the pace of reform toward EU standards demonstrated by the Serbian security sector. According to one commentator, "The most significant result of the reforms on the operational level were the return to Interpol and the establishment of international cooperation, higher representation of women, successful prevention of violence escalation in the south of Serbia and the creation of multi-ethnic police, and the formation of the Unit for the Suppression of Organized Crime and its success, improving the forensic capacities, and takeover of the border protection."[327] Of these, the return to Interpol in 2001 and the establishment of much international cooperation as well as the creation of the multi-ethnic police in 2001/2002, occurred toward the beginning of the Djindjic government. As discussed above, the Unit for Suppression of Organized Crime has won some battles; but has a long way to go before it could be said to have been a success in suppressing organized crime to levels typical of other EU countries. Recent successes have been the technical improvement in forensic capability and the demilitarization and implementation of integrated border management style border controls, also a largely technical installation. Thus the recent reform successes have been of a technical nature, and reforms dependent on organizational culture changes have largely been delayed. Reforms that are completely foreign to cultural habits are difficult to implement, even if formally adopted. Even within the pro-EU government Cabinet, there has been reluctance to effectively implement some EU liberal democratic institutions, such as the law on reporting of assets and incomes of National Assembly members and of political parties, and to exercise the admittedly weak powers of National Assembly committees to oversee the security sector. Given the influence of the Belgrade Law School based intellectual elite, the literary elite, and the Orthodox Serbian Church on the fundamental worldview

327 Kešetović, 2008. Attempt to Reform Ministry of Interior - Essence and Form. In Security Sector Reform in Serbia -- Achievements and Prospects, edited by Wiroslav Hadzic, 79-86. Belgrade: Center For Civil-Military Relations, 2008), 83.

dominant in the culture, and the war experience of much of the population, it is not so surprising that the habits of perception and habits of responding consistently with liberal democratic values have not been adopted more than superficially by the vast majority of the Serbian populace.

The reform path ahead for border security in Serbia involves transformation of the organizational culture of the border guard organizations, and of the other security sector actors, primarily the police and the courts, that IBM depends on. The challenge of managing organizational cultural change has yet to be overcome by any of the Customs Administration, the Border Police, or the Police Directorate. This challenge is currently being approached through ethics training modules for customs and police officers. This is unlikely to have significant lasting effect. Unless more appropriate reform approaches are introduced and supported by the international community, Serbian border security reform in unlikely to proceed quickly. For Serbian border security reform to succeed in generating higher levels of IBM and borders closed to terrorists and organized crime before 2020, reforms based on the considerations in the following section must be developed and implemented.

VI. CONCLUSION AND RECOMMENDATIONS

Serbian implementation of EU-mandated reforms to the laws and administrative practices of the police and the border management security sectors have been slower than many EU and other western observers partly due to the lack of political support for submission of Serbian autonomy to broader EU community interests by conservative nationalist elements in Serbian society. Serbian politicians have suggested the responsibility for this lies with organized crime and corruption. Prime Minister Zoran Djindjic famously quipped that other countries have their mafias but in Serbia the mafia has its country. In 2004, according to former MUP Minister Dusan Mihajlovic, mafia networks in regular business and in illicit business were financing major political parties and politicians.[328] In December 2009, President Boris Tadic in formally making application for EU membership stated that "Serbia's future depends on breaking the ties between crime, the economy and the judicial and political spheres."[329] Serbian policy commentators suggest that in response to further reforms that effectively curtail organized crime and corruption of institutions "fierce resistance should be expected. Nationalist politicians will protest against foreign meddling in their country's internal affairs; corrupted officials and bureaucrats will resist reforms, and they will team up with those who are simply incompetent, but eager to keep their positions."[330] Future reforms that effectively enhance border security and policing will certainly curtail corruption and organized crime, making the prospects for Serbia's success in meeting EU accession conditions for IBM and policing appear dim.

From a liberal point of view, this is too pessimistic. As Bideleux and Jeffries observe, successful reform does not require reformers "to win over or gain the acquiescence of the thuggish ultra-nationalist and the criminal gangster wings of the Serbian polity, economy and society." Instead, with sufficient financial resources

328 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 325.

329 Randoux, "Rooting Out Corruption and Organized Crime."

330 Anastasijevic, "Organized Crime in the Western Balkans," 14–15.

reformers can "marginalize and gradually neutralize" the obstructionist elements.[331] This has essentially been the EU strategy to date with EU support providing benefits to the sectors of the Serbian security system forming blocks along the critical path of reform. However, the easier reforms such as putting in place new legislative frameworks, down-sizing the military sector, and installing modern border control technology to ensure basic border security have been accomplished. Yet, it is doubtful that border security operations that sporadically, rather than routinely and systematically, apprehend illegal migrants and smugglers will be effective at keeping the border closed to typically much better financed and trained terrorists. Keeping the Serbian border closed to terrorists is a major security concern for the EU members.

To achieve higher level IBM and the moderate or high level border security that effective IBM can provide requires reducing corruption to much lower levels, increasing interdiction capabilities, and increasing customs service, border police and Police Directorate intelligence gathering and analysis and coordination capabilities. The latter is highly dependent on public cooperation. Public cooperation depends on the public's level of trust and belief that the police and border security officers' activities are serving the public's interests. Public confidence that the police and border security officers activities are serving the public's interests will not develop if Police Directorate officers continue to violate citizen's human and civil rights, or if police and border guard officers continue to be involved in corruption. Reducing both these undesirable tendencies requires changes to organizational culture.

The reform path ahead for border security in Serbia involves transformation of the organizational culture of the border guard organizations and of the other security sector actors, primarily the police and the courts, that IBM depends on. The challenge of managing organizational cultural change has yet to be overcome by any of the Customs Administration, the border police, or the Police Directorate. This challenge is currently being approached through ethics training modules for customs and police officers. This is

331 Robert Bideleux and Ian Jeffries, The Balkans: A post-communist history, (New York: Routledge, 2007), 326.

unlikely to have significant lasting effect. Unless more appropriate reform approaches are introduced and supported by the international community, Serbian border security reform in unlikely to proceed quickly. For Serbian border security reform to succeed in generating higher levels of IBM and borders closed to terrorists and organized crime before 2020, reforms based on the considerations in the following section must be developed and implemented.

The youth of Serbian society were originally won over to a pro-EU worldview by the civil-society funding channeled to Otpor and affiliated groups in the late 1980s and 1990s. Many voting and powerful members of the older generation have remained within a more nationalistic worldview strongly influenced by the cultural mythologies of the Kosova Epic and personal or inter-generational memories of the plight of Serbians at the hands of other European nations during the 1939-45 conflict.

While it would be oversimplifying to say the educated urban older generation are guided by the Serbian literary elite, and the less educated rural older generation are guided by the Church, the strongholds and leadership of this more nationalistic worldview are located within the current senior membership of the Serbian Academy of Arts and Science, within the University of Belgrade Faculty of Law, and within the Serbian Orthodox Church clergy.

To increase the flexibility of Serbian political and electoral support for nationalistic policies and to promote increased Serbian flexibility in accommodating the needs of the expanding and integrating EU economy, a number of strategies should be pursued including:

- Channeling of increased academic research grant and conference travel funding to younger more EU-oriented members of the Serbian Academy of Arts and Sciences (SANU)
- A grant to the University of Belgrade tied to funding of a large number of new chairs in law to be filled by scholars under age 30 with international academic legal training, and coupled with generous research grant and conference travel funding to these new legal scholars to allow them to publish voluminously so as to dominate the legal literature with pro-EU theory and commentary

- Channeling of increased funding to priests and bishops of the Serbian Orthodox Church who hold pro-EU views and promulgate those views to their parishioners

Further, while the younger generation was won over to the pro-EU worldview in the 1990s, some aspects of EU politics, including the xenophobia being expressed in more restrictive intra-EU immigration regulations and the recent political reluctance to accommodate Greece's financial situation without escalating it to an economic crisis, is causing some Serbian youth to back away from their enthusiasm for EU integration. The EU and its agencies should resolve to address this issue by providing additional funding for more civil-society groups in Western Europe, which promote multiculturalism and anti-xenophobic rhetoric to help to marginalize the xenophobic political parties and their supporters.

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