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CONTEXTUALIZING CRIMINALITY AND SECURITY IN SOUTH EAST EUROPE

In contextualizing one must not forget that

1) The region's heterogeneity is an omnipresent fact. If one looks at the national level of the various states in the region as well as on their individual pace of transformation it is very difficult to present a regional South East European perspective at all. This is the case in several aspects but also the one of criminality and other security issues. This does not mean, however that we do not see criminal activities organised on a transnational European and international level. On the contrary: organised criminality functions exactly this way - but we should delve into national characteristics and look whether and how politics and crime have joined ranks on a nation-state level. This is what I see as the prevalent danger in SEE because of weak political, societal and economic institutions and the lack of public trust in them.

2) By analysing criminality on a state level as well as on an international level we look at a transnational and a global phenomenon and one that is as transnationalizing as it is globalizing. It has to be looked and acted upon as such in SEE while keeping in mind its local effects and roots. What we should not do is to treat SEE as a region that is somehow naturally inclined to crime and mafia style activities – in the same way as we treated SEE a decade ago as an area prone to conflict and war. In both cases such a kind of stigmatisation seldom leads to accurate analysis.

3) The phenomenon of criminality could develop and threaten both (inter)national security and the rule of law in SEE due to dramatic changes in the international system. The break up of the Former Yugoslavia and the collapse of the Communist bloc as a firm ideological system of control both contributed to this or rather were the most

important elements in these changes. There was an ideological vacuum that led to a vacuum of legitimacy.

4) Due to the need for analytical clarity as well as because the successor States of the Former Yugoslavia form an important part of SEE, the Former Yugoslavia and other SEE states have to be dealt with separately. I would argue that the break-up of Yugoslavia and the resulting wars remain the central political events of and in the region. Last but not least as this is the subject of the paper they should be identified as grand-strategic state-instigated criminal manoeuvres and have to be analysed accordingly. Not only this – the wars and the way they were led fundamentally changed what was legal and illegal, what was part of civil politics and what was a military affair – or rather blurred the fine line between those two areas. The wars and organised violence in itself could be read and interpreted as acts of state and (para-) military terrorism against a largely unprotected civilian population. What could the ethnic cleansing campaigns be but organised crime? What else the sieges of Vukovar or Sarajevo were than terrorism? It is due to the Yugoslav wars that this area was and to a very unequal degree still is one of immense insecurity. Not only did the Yugoslav wars bring with them "conventional" war-induced security problems i.e. death and destruction, flights of civilians we came to know as ethnic cleansing, etc. it also brought about -and this is an issue we are dealing with here which is even more important- the break-down of State authority and public order not only in the war afflicted regions, but in areas where actual combat had not spilled over.

Old and established norms and forms of legitimacy were purposefully destroyed, they were erased by highly skilful bureaucratic and organizational means and were for a time almost non-existent. These manoeuvres were successful to a large degree and had a devastating effect on established norms of legality, rule of law and accountability which cannot be overestimated. When the most criminal actors – many of whom are now in The Hague– should be considered a huge progress and success in crime fighting. For years these were the actors that were legitimized internally by elections and externally by international diplomacy. How could the citizenry understand that they were criminals? By which means are they to understand that paramilitaries

that were politically and in some cases also physically responsible for the most atrocious crimes against civilians could be deputies in national parliaments like Seselj and Arkan and thereby embody and symbolise legitimate authority? Arkan is a good example to illustrate the mechanism in action: in order to destroy the old system that was simply in the way of his political plans, criminals were needed instead of competing fellow politicians, a competent police force or judiciary. A criminal is cheap labour as he is already outside any form of legality, has nothing to lose but everything to win by serving his political master. The politician is the one who gives him credit, protection and immunity. When his services become obsolete and his actions become a threat to the master, he gets laid off – and that is exactly what happened to Arkan and several others that operated in the tightly knit net between politics and criminality. One could evaluate this in two ways: either the political system is a criminal one, or the criminal element in society has overtaken the political. For both, evidence could be found easily, the recent murder of Zoran Djindjic being only the most prominent example.

5) A deep transformation of the political power structure took place in another sense: The shift from civilian to military power made control over the means of violence and not legality the most crucial precondition for getting and holding on to power. The general dispersion of the State's control transferred the monopoly of power to regional and local war-lords and substituted formal political activities and procedures by mafia activities in many forms and variations. One could not say that this was a sheer outcome of the war. Rather were these metamorphoses were carried out in the "form" of war. Or to put it even more bluntly: these wars have to be seen as organised political efforts to undermine legitimate political structures, state sovereignty, national security and to eventually break them.

6) Having this in mind we should track down the phenomenon that we think is central to explaining insecurity and the obstacle to reducing criminality and illegal activities in the region. I would argue that it is the lack of state and institution building – whether as a legacy of wars or as a legacy of totalitarianism party – that made for a lasting security vacuum. The main dilemma at work here is that on the one hand we ask for legitimacy and the rule of law, on the other the International

Community recognized and legitimized warlords and their success (e.g. with the Dayton Peace Accord).

In the post-war phase efforts were slow to repair war damages. Slower still is the reconstruction of the political and social fabric of war-ridden and almost destroyed societies. This is done, however, within a system of parallel levels of various sovereignties which have a lasting effect on post-war reconstruction efforts and are re-produced in a much more civil and well-intentioned way by the national-international division of power, especially in places under international protection like Bosnia, Kosovo or the Former Yugoslav Republic of Macedonia (FYROM). Not only do we see at times a rather chaotic and divided response to the national-international division of power and authority, we are also confronted with the fact that often the formal political structure is rather powerless unless it responds to the informal and hidden power base that was built during the war. That norms like accountability and trust in public offices could not develop and take root has therefore a domestic war-time dimension to it as well as one that has to do with the fact that office holders are internationals who don't owe their position to the local electorate nor have to legitimise their actions and policies before them and in this way contribute to a sovereignty and legality dilemma.

In order to conclude I think a political plan for all kinds of international or solely European intervention in SEE is important and its perspective should be the achievement of European integration while we recognise as well as remind ourselves of the fact that within the criminal realm, Europeanization has already taken place.

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