

PRIVATE SECURITY IN EMERGENCY SITUATIONS - SERBIAN EXPERIENCE

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Abstract

Privatization of security started in Serbia in 1990s when first private security companies were established. Besides taking care of people and property in regular circumstances they have to perform security task also during emergencies and disasters, together with Sector for emergency management, police, military and other state actors and actors from civil society sector (Red Cross, Mountain Rescue Service etc.). Communication and cooperation between stakeholders is of crucial importance in crisis situations. Cooperation between the public and private sector and other entities can be built only in an atmosphere of trust in which the process of information sharing contributes to the raising awareness about the situation and with openness and transparency while protecting privacy and civil liberties. However, there are different interests, logic, motives and objectives among stakeholders in those relations. Also, important questions refer to the establishment of common terminology and harmonization of technical standards. In the paper the main obstacles for effective cooperation between state and public actors and private security companies in Serbia will be described and possible solutions proposed.

Key words: Crisis management, private security companies, Sector for emergency management, communication, cooperation

Introduction

Private policing and security²³¹ constitute an integral (and even more and more present²³²) part of overall security system almost in every country. Organizationally and functionally this system involves rights, duties and responsibilities to build the security and stability essential for the successful functioning of the state/society. (Sotlar, ND). Actually policing is being reconstructed worldwide. "Its distinguishing features are:

(a) the separation of those who authorize policing from those who do it and

(b) the transference of both functions away from government." (Bayley and Shearing, 2001)

This change in policing is often mischaracterized as "privatization", but because the distinction between public and private domains becomes problematic in the new policing, the more appropriate description for what is occurring is "multilateralization." (Bayley and Shearing, 2001)

Private security companies (PSC) can be defined as clearly structured and hierarchical, registered corporate associations that offer services of a security based nature and which compete with other such firms on the open market. (Milošević, 2008). Private security companies are simultaneously economic agents subject to the rules of the market and security sector actors whose activity may contribute to either an increase or decrease in the feeling of safety among citizens at large. (Stojanović, 2008)

The trend of privatizing security sector services has been prominent during the last few decades in the countries in transition as much as in the developed democracies. Besides performing their regular tasks, private security companies can also give significant contribution in all phases of crisis/emergency management (mitigation, preparedness, response and recovery). Necessary preconditions for this are establishing the appropriate legal framework and trust and cooperation among PSC and other actors in emergency management.

²³¹ The terms "private policing" and "private security" are nowadays often used interchangeably. To be more specific - private policing usually refers to "contract security" (security services provided to organisations by commercial providers under contract, to secure and protect their clients' assets and personnel), while private security more often refers to "in-house security" (security services provided by a company or organisation to meet its own internal security needs). (Sotlar, ND)

²³² Worldwide development of private security is being directly conditioned by the rise of liberal economies and by the processes of globalisation

Private security in Serbia

The concept of private security in the Serbian security system is rather new as it emerged after the break of socialist order and stepping into pluralist democracy in early 1990s. Sudden growth in the number of private security companies began after the abolition of the Law on Social Self-Protection in 1993. From the outset, the development of the private security sector was moving in two directions:

(1) towards establishing private security agencies that were engaged in protecting “new businessmen”, politicians, and celebrities, but also criminals and both former and current members of the secret services; and

(2) towards establishing private security companies that inherited the role and jobs of former security services in public companies that were engaged in traditional roles of securing property, people, or businesses (Davidović, 2009).

In a period of more than 20 years the private security sector was changing under the influence of different changes in the social, political and economic environment. Actually, the only constant was the lack of legal framework.²³³ Only in November 2013 the Law on Private Security and the Law on Private Detectives were adopted but they still have not been fully implemented.

The Law on Private Security introduced important measures that aimed to define, regulate and professionalize the sector. It also prescribed mandatory vocational training and licensing of companies, employees and private investigators. In order to properly separate the business activities of private security companies from those of private investigators, two different types of licenses were introduced. The Law also regulates the powers available to private security personnel and private investigators, as well as how and by whom these elements of the sector will be overseen.

Nowadays, the private security sector in Serbia employs between forty and fifty thousand people, matching the number of police officers and exceeding the number of Serbian Armed Forces personnel. The sector’s emergence and development was the result of various interlinked social, economic and political conditions and factors. Some of these were positive, such as the privatisation of state-owned and public goods,

²³³ It was only partially regulated and the different regulations were spread across 18 different laws.

increased investment, the influx of international companies into the Serbian market, legal regulation of the sector and so forth. Others were negative, however, such as the outbreak of a civil war, UN sanctions against Serbia, the rapid growth of the black market, corruption, criminality and the weakening of state institutions. These factors shaped the Serbian private security sector, which is today simultaneously a source of security and insecurity for the country's citizens. After the year 2000, the Serbian private security sector became increasingly professional, and as some companies came to understand the importance of sector-wide organisation and cooperation, in 2005 they formed the Private Security Association within the Serbian Chamber of Commerce. (Petrović and Milošević, 2015)

Today in Serbian private security sector there are 600 registered companies²³⁴, but realistic assessments suggest 300 viable companies, almost half of them based in Belgrade with an estimated workforce of 40 to 50 thousand employees²³⁵ and unrealistically low hourly rates (around EUR 1) and market value of around EUR 140 million annually. The market is dominated by two large multinationals: Securitas and G4S; while local areas usually contain two or three mid-size local companies and a large number of small firms that may not survive licensing. Domestic companies with links to political parties currently in power have a strong market position regarding the fact that around 50 percent of contracts are with public institutions or companies. Political connections are the key for winning contracts. Currently in Serbia there are no private military companies, but only private companies that provide so-called physical-technical security (PTS) - offering physical and technical protection for individuals, buildings and property and private detective agencies - small businesses with only a handful of employees offering missing person finding services, "rescue from sects", "checks on a partner's fidelity and even also physical-technical security. Main services PSC are offering are private security, security system services, investigative activities and protection and investigative activities (Petrović and Milošević, 2015)

²³⁴ Specific phenomena in the Serbian private security market are state-owned companies that offer commercial security services. These companies are the successors of the former in-house security services that operated within state-owned enterprises

²³⁵ Around 30 percent of employees are not registered.

Serbian system of emergency management

According to Law on Emergency Situations the Republic of Serbia shall ensure the establishment of an integrated civil security system. The Parliament is responsible for adoption of a National Strategy for Protection and Rescue in Emergencies (NSPRE) while the Government is responsible for all system aspects of civil security (adopting plans, risk assessments and other documents, ordering general mobilization of the civil protection units, supervision of crisis preparations etc.).

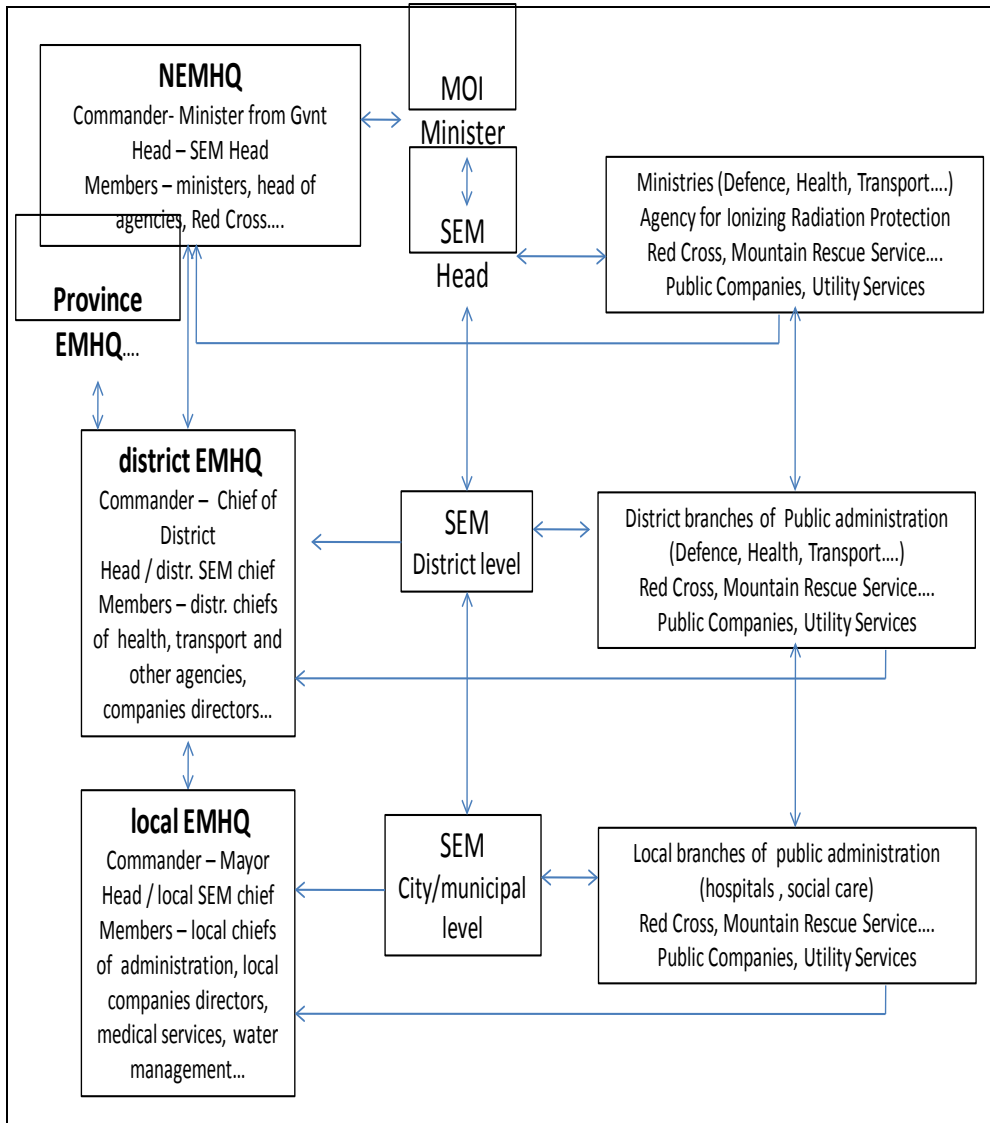
The Sector for Emergency Management (SEM) is a specialized organizational unit of the Ministry of Interior (MOI) that coordinates the activities of all state and civil society institutions involved in emergency and disaster management at all levels of political territorial organization. Besides SEM, different ministries, other agencies and special organizations²³⁶ within their respective areas of responsibility have roles in crisis management and can even be key players in some specific crises (e.g. pandemic or CBRN threats).

Looking top-down SEM has its organizational units for the territory of a district and city/municipality with a support (service) role in the district/local EMHQ as main operational and expert bodies for coordinating and managing crisis response. They are permanent bodies²³⁷ established for the territory of municipality and city by respective assembly, for the territory of administrative district by NEMHQ, and for the territory of autonomous province and republic by respective governments. EMHQ is comprised of: commander, deputy commander in the metropolitan and municipal HQ, head and members. If needed, EMHQ shall establish auxiliary expert and logistic teams to execute specific tasks related to protection and rescue.

²³⁶ Those ministries, agencies and organizations are shown in the Organogram cell on the right to the SEM Head.

²³⁷ These are the bodies with permanent members – the heads of relevant institutions are automatically members of the HQs, but in cases of specific crises, besides regular members, the HQs may include other members, managers, experts and so on. This does not mean that they have employees that come to their offices each Monday morning. It is more like project organizations. During the cold phase of the crisis HQ is actually a kind of network with respective organizational unit of SEM as a main pillar.

Figure 2: EMHQ structure



Source: MOI

In the "cold phase" of crisis EMHQ is coordinating activities of all actors regarding risk assessment, planning, preparation and preventive measures (risk reduction), while in the "hot" phase HQ is responsible for the response, i.e. implementation of crisis plans and recovery activities.

Following the Principle of gradual deployment of forces and resources (LES, a. 5) in protection and rescue activities, forces and resources of the municipality/town shall be deployed first. In cases when, due to the size of a disaster or threat, the forces and resources of local self-governments are not sufficient, the EMHQ shall request deployment of forces and resources from the higher level of government (regional/provincial/national). The Police²³⁸ and Serbian Army shall be deployed when the available forces and resources are not sufficient for protection and rescue activities.

Responsibility is delegated to higher levels of government through EMHQ. Upon the request of a commander of a lower HQ, a higher HQ is engaged in crisis management. A decision on declaration of an emergency situation, at the proposal of the relevant EMHQ, shall be passed by the president of the municipality/mayor/executive body of the autonomous province/ Serbian Government for the respective territory. The procedure is the same for declaring the end of an emergency situation. Exceptionally, it is possible that the NEMHQ, as the highest authority for emergency management, immediately assume control of an emergency situation if it deems necessary, based on the information and its own assessment, without waiting for the up-scaling procedure.(Kešetović, 2014).

Possible role of private security in emergency management

By performing their regular tasks regarding risk assesment and provision the physical and technical security of the companies/entities for whose protection they are responsible, employees of PSC undertake a number of preventive measures that raise the level of protection and strengthen the resilience of the respective company/organization, and, consequently, raise the resilience of the whole local community in emergency situations.²³⁹ This is particularly the case when PSCs are in charge of the security of critical infrastructures/CI (like powerplants, water supply

²³⁸ Serbian police is national centralized organization within MOI.

²³⁹ The importance of training employees of private security for acting in emergencies is recognized in the *Ordinance on the manner of implementation of programs and training to perform the duties of private security*. This document contain topics such as Natural and other disasters risk assessment and Emergency procedures (Pravilniko programima i načinu sprovođenja obuke za vršenje poslova privatnog obezbeđenja, 2014)

sistems and similar). Particularly important is the role of private security regarding prevention of emergencies caused by malicious action of human beings like terrorism, diversion or sabotage. However, one should not forget that these tasks PSCs can perform successfully only if they have a proper cooperation with the police and other actors of the security system.

Also, when monitoring the perimeter of the facility they are protecting and scanning its environment (neighborhood) using their equipment and methods (detectors, sirens, electronic surveillance, CCTV etc.), employees of PSC are in a position to notice early warning signs (prodromal symptoms) of a forthcoming crisis. Sharing this information with other actors in emergency management system can be of vital importance.

During the emergency situations PSC can help in search and rescue efforts through sharing information, technical, communication, human and other resources in crisis response. Having in mind their capabilities, they can be very useful in certain activities of protecting people's lives and property, evacuation and taking care of population, search and rescue activities (even using the use of trained dogs) property, preventing looting, securing the scene of event and security of evidence and so on.

Finally, private security can also ease the crisis recovery in activities like the search for missing persons and family reunification, damage assessment etc.

First necessary precondition for including PCS in emergency management is an appropriate legal framework, respectively recognizing PSC as an actor in emergency management network with clearly defined mandate, tasks, powers, responsibilities and relations with other subjects. This first precondition is missing in current Serbian legislature.

Although the 2009 National Security Strategy acknowledged private security as an actor in the security sector, PSCs were generally not defined or regulated in the national regulatory framework. Role and involvement of private security in emergency management is not mentioned in the *Law on Private Security* nor in the *Law on Private Detectives*. On the other hand in the Chapter III of the Law on Police (Cooperation) it is stated that the Ministry of Interior cooperates with state security services, other state authorities and local self government units. Cooperation with private security sector is not even mentioned. In the *Law on emergency situations*, PSCs are mentioned in the

context of the concept of “trained legal persons”²⁴⁰. Rights and responsibilities of companies and other legal persons are defined in Chapter IV of this Law. Law on emergency situations specifies in more detail the obligations of humanitarian organizations, Red Cross and Mountain Rescue Service, not even mentioning PSCs. In the new draft *Law on natural and other hazard risk reduction and emergency management*, there is again no mention of PSCs.

The other important requirement for including private security sector in emergency management is establishing partnership with police and other actors in the state security sector. However in Serbia there is a serious lack of partnership between the private and state security sectors. A lack of communication and cooperation between public and private security sectors suggests that the MoI and Serbian authorities are torn between competing demands to re-define and organize modern policing, on the one hand, and demands to preserve the status quo, on the other. (Kesetovic and Davidovic, 2009).

Relations between public security sector (in the first instance police) and private security sector cannot be described like cooperation, or competition. (Bayley and Shearing, 2001) Actually these two systems exist parallelly, side by side.

From time to time, on a case-by-case basis, on the ground there are certain forms of cooperation (sharing data or resources) during ongoing operations, but it depends on the personal relationship between the individual police officers and professionals in PCS. In any case, cooperation is the exception, not the rule. In contrast to the situation in developed countries, a real partnership between the two sectors is not yet in sight. The reasons for this situation and obstacles to establish effective cooperation are numerous and can be classified into the following major groups:

1. systemic obstacles – State-centric understanding of security in Serbia is still prevalent. There is no willingness to share responsibility for security among stakeholders in the security arena. State (public) police is perceived as a major,

²⁴⁰ LES defines **Trained legal persons** – as companies and other legal entities trained and equipped for protection and rescue activities such as: public utility companies, construction companies, water management companies, forest management companies, catering companies, mining companies, transport companies and other legal entities, private security companies, commercial aviation, associations, alliances and societies and clubs related to fire-fighting, cynology, diving, nautical science, alpinism, speleology, radio-amateurism, mountain rescue service, scouts and other participants relevant to protection and rescue.

but not anymore as the sole provider of security, while companies that deal with private security are not recognized as such and not included in the security system. Also, it seems that there is not enough political will to address these issues.

2. legal obstacles – the fact that relations between public and private security are not legally defined
3. professional obstacles - Among the political actors in Serbia, the Police is not understood solely as a public service serving citizens, but partly as a source of power. For the individual policeman it is crucial to be seen as effective in the eyes of his immediate superior, while for the police managers the opinion of the political leaders is most important. Inherited police culture and values are changing relatively slowly, so policemen think about police organization as a single actor responsible for security. From this perspective, private security companies (let alone the citizens) cannot be treated as real partners. After all, one of the general characteristics of traditional police culture, which is described in detail in literature is a stereotype attitude of police officers "we are competent, we only know what the police is and the others, including PSC should only share information and resources with us and follow our instructions". From this position, "cooperation" is understood as a one-way street - PSC, citizens and operators assist police in solving those problems identified and defined by police managers as priorities. The majority of PSCs in general do not follow professional standards. In addition, an objective obstacle for this cooperation represents the background of some of these companies, as some were very close to organized crime and engaged in a civil war, and the fact that some of the employees in these companies have criminal records, and/or other previous experience of policing, all of which presents a barrier to mutual trust that is a prerequisite for genuine partnership and cooperation.

Public private partnership in critical infrastructure protection

In each society it is of utmost importance to protect the critical infrastructures in emergency situations. This can be done only with effective public private partnership. CoESS recognized some vivid examples of efficient public-private partnership in

protecting critical infrastructure like Project Griffin in the United Kingdom, German cities in which private security companies have come together with the local police to pool information and share it with the police and Spain where police recognizes that private security officers are a valuable resource. These examples clearly demonstrate that well-defined, well-managed and well monitored public-private partnerships are efficient, effective and, increase the security of critical infrastructure. CoESS researches concluded that, in order to be successful, these partnerships must comply with certain criteria. These include an open dialogue between responsible public authorities and private security providers, clear instructions regarding the role of each partner, a clear legal or contractual framework, regular evaluation, and necessary corrections and improvements when and where needed. (CoESS, 2010).

Most of the critical infrastructure in Serbia is protected by former in-house (state) security services. During the 90's period of privatization, these security services became separate companies which now offer services to customers like any other private security company on the private security market. But for now, they primarily protect only public companies, that is, they protect the critical infrastructure from which they originated. This is particularly the case for the sectors of energy, water-management, post office, telecommunications, and railways. Other critical infrastructure such as the health sector, water supply, river ports, airports etc. are protected by PSC private security companies, usually in a mixture with in-house security services.

The key problems in critical infrastructure protection in Serbia are: (1) cases of severe economic crime within critical infrastructure; (2) absence of public-private partnerships in protecting critical infrastructure; and (3) dramatically politicized management. Speaking of the first of the aforementioned problems, it turned out that companies which are important and vital for the country and society are the favorite prey of "criminals protected by the state". A recent investigation of crime committed during 8 years in the huge complex of the thermal-power plant Kolubara, by the management and managing board members, tentatively shows a paradoxical situation in that many critical infrastructures in Serbia are primarily endangered from the inside and not from the outside. The dossier consisting of more than 30,000 pages regarding the crime committed in this thermal power plant that caused the damaged worth more than €250 million, tells a lot about the size and severity of the problem.

The second problem, the absence of public private partnership, is a chronic disease of internal security in Serbia. The research carried out in 1986 (Davidovic, D.

1993) by the Institute for Crime and Sociology Related Research showed that the partnership between the police and security service in public companies almost did not exist. This can be explained by the strong stereotypes about the omnipotence of the police in security-related activities, but also by the low level of democracy in Serbian society.

The third problem is the joint problem of the majority of societies in transition. Such societies experience all the negative consequences of chaotic privatizations carried out in ways that tend to line the pockets of political, criminal, and economic elite from the former socialist governance. Indeed, critical infrastructure security in the systems that still have not been privatized, has become the prey of political parties that take considerable funds from these rich companies to finance their programmes and campaigns. That kind of management always has to ask its party top officials in the first place whether it may introduce a novelty/change in the company management, especially if those changes regard security policy within critical infrastructure. (Davidović, Kešetovic, and Pavicevic, 2012)

In the establishment of the model of critical infrastructure protection (CIP) system in the Republic of Serbia researchers within RECIPE project found the following constraints:

- The lack of legal and strategic framework (i.e. non-existence of a Law on CI, Strategy on CIP etc)
- The lack of an adequate definition of CI in Serbian literature;
- Inconsistency of concepts similar to CI such as: mandatory protected facilities, objects of particular importance for national defence etc;
- The lack of identification and classification of CI assets and facilities in the Republic of Serbia;
- The Law on PPP has no CI related provisions and articles.
- The lack of an adequate legal framework in the field of information security similar to the ones existing in the EU countries;
- Non-existence of criteria for definition of sensitive data and mechanisms for their exchange related to national and European CI;

Besides overcoming these constrains In line with the recommendations of the Directive 2008/114/EC there is a need for establishment of the National Centre for CI which would serve as the national contact point for the protection of ECI. The National Centre would be legally responsible for its activities in the field of CIP. Within RECIPE

project the institutional position and functions of the National Centre are proposed. (RECIPE, 2016)

The role of private security in Serbia is continuing to expand. There are three main reasons for this. After eighteen years, private security in Serbia has finally become legalized; a special law on private security is in the process of being adopted. Also, the Serbian Association of Private Security Companies and the Association for Private Security at the Serbian Chamber of Commerce are raising awareness of private security, and the need for professionalization and standardization. Finally, CoESS is providing important assistance in the processes of preparing Serbian private security to enter a European model.

Conclusion

Relations between the public and private security are very important for achieving a stable security situation in each country not only in normal circumstances but also in emergency situations. These relationships can take the form of co-operation, ignoring or obstructing each other. If between these sectors there is a real balance, clearly and precisely regulated relations and willingness for cooperation, defined jurisdiction, responsibilities and division of labor, their capacity will be multiplied. Sharing resources and information between these sectors reduces the adjustment costs and utilization of their capacity. Differences in operating mentalities and approaches that are represented in these sectors, enrich both police and private security companies during each other's meetings and joint activities. If there are no contacts and communications between these sectors, instead of synergy the result will be entropy, followed with the weakening of both sectors and a lower level of security and protection of citizens, companies and critical infrastructures in normal circumstances and in emergencies.

Within the still prevalent state-centric concept of security and the unfinished reform of public police and state security sector it is hard to increase understanding and awareness of the need to build partnerships and cooperation for mutual benefit. In addition, there are significant systemic, legal and professional obstacles to establishing this cooperation. For a significant improvement in this area several processes are particularly important. It is, above all, the completion of the privatization process. It

needs to be followed with the accelerating of the completion of the police reform and the building of a proper legal framework for the activities of non-state security providers, as well as the regulation of their relations with the public police.

Private security in critical infrastructure protection has clearly not reached its full potential in Serbia. Best practices discussed in the CoESS white paper seems like a distant goal for private security in Serbia. Public-private partnerships in the UK, Germany, and other countries could be very useful examples of practicing PPP not only for Serbia, but for the other countries in the region as well. In our view, the critical infrastructure protection strategy given in the ECI Directive, the coordination with private security in EU done by the CoESS, and the proscribed guidelines for enforcing public private partnerships, also by CoESS, must become "homework" for all key actors in the field of security. This include responsible decision makers (governments, politicians), owners and operators of critical infrastructure, and the private security services industry as a whole (Davidović, Kešetovic, and Pavicevic, 2012)

References

1. Bayley, D.H. and Shearing, C.D. (2001). *The New Structure of Policing: Description, Conceptualization, and Research Agenda*, Washington, DC: National Institute of Justice.
2. Confederation of European Security Services (CoESS) (2010). *Critical Infrastructure Security and Protection- The Private -Public Opportunity*. Paper and Guidelines by CoESS. Wommel, Belgium: CoESS, available on http://www.naftso.org/language/en/uploads/files/home_0/home_b12b429e50767e06715e1294ce238774.pdf
3. Davidović, D. (2009). Public-Private Security Sector Partnerships in Serbia- Problems and future development . *Varstvoslovje* 2. , 345-351.
4. Kešetović, Ž. (2014) "Crisis Management in Serbia - In the Search for the Optimal Model", Saarbrücken :LAP Lambert Academic Publishing.
5. Davidović, D., Kešetović, Ž. and Pavičević, O. (2012). "National Critical Infrastructure Protection in Serbia: The Role of Private Security" *Journal of Physical Security* 6(1), 59-72

6. Milošević, M. (2008) "Methodological Framework for Researching the Serbian Private Security Sector" in *Private Security Companies in Serbia – A Friend or a Foe?*, Belgrade:Centre for Civil – Military Relations.pp 16-25.
7. Pravilniko programima i načinu sprovođenja obuke za vršenje poslova privatnog obezbeđenja, 2014 "Sl. glasnik rs", br. 117/2014
8. Petrović, P. and Milošević, M. (2015)" Serbia " in Klopfer, F. and van Amstel, N. (Eds.), *A Force for Good? Mapping the private security landscape in Southeast Europe*, Belgrade/Geneva: Geneva Centre for the Democratic Control of Armed Forces pp 83-106.
9. RECIPE (2016)Feasibility Study of Serbian Model for Establishment of Critical Infrastructure Protection System, available on http://www.recipe2015.eu/UserDocsImages/pdf/Study%20of%20Feasibility_Serbia.pdf
10. Sotlar,A. "Crimprev info n°23bis - Relationship between private and public security sectors – From coexistence to partnership?", *CRIMPREV*[En ligne], CRIMPREV programme, Crimprev Info, URL : <http://odel.irevues.inist.fr/crimprev/index.php?id=230>
11. Stojanović, S. (2008) "On the Need to Study Private Security Sector in Serbia" in *Private Security Companies in Serbia – A Friend or a Foe?*, Belgrade:Centre for Civil – Military Relations, pp. 13-15.