

ISSN 1857-7172



Vol. 8, Number 1-2, 2017



ФИЛОЗОФСКИ ФАКУЛТЕТ - СКОПЈЕ  
ИНСТИТУТ ЗА БЕЗБЕДНОСТ, ОДБРАНА И МИР



Година 8, Број 1-2, 2017.

# БЕЗБЕДНОСНИ ДИЈАЛОЗИ

СПИСАНИЕ ОД ОБЛАСТА НА БЕЗБЕДНОСТА, ОДБРАНАТА И МИРОВНИТЕ НАУКИ

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БЕЗБЕДНОСНИ ДИЈАЛОЗИ / SECURITY DIALOGUES

ISSN 1857-7172

eISSN 1857-8055

Година 8, Број 1-2, 2017/Vol. 8, No. 1-2, 2017



ISSN 1857-7172

eISSN 1857-8055

OPEN ACCESS

<http://sd.fzf.ukim.edu.mk>

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Издавач/Publisher

Филозофски факултет – Скопје/Faculty of Philosophy – Skopje  
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Компјутерска обработка: MAP-CAЖ

Печати: MAP-CAЖ Тираж: 150



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## **West Balkan satellite states of the soft empire of the EU**

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### **Abstract**

Ulrich Beck's work, focusing on Europeanisation, presents one of the most usable – revolutionary – descriptions of the globalised world: he also shares the opinion that 'understanding' reality is, in and of itself, a revolutionary act. Reflexive modernity prompts us to reconsider the relation of the West-Balkan and Europeanisation. On the periphery of the EU, the West-Balkan states will only be able to regain their potential if the mostly economic integration also becomes a social one. All these efforts point us toward the renewal of democracy. Beck's works contain fine arguments for the foundation of self-governance: for the mutual acceptance of a bottom-up and democratic procedural order. In Europe, diversity brings about not only a multitude of problems but also opportunities for their solution. The social success of Europeanisation partly depends on the revision of elements of 'democracy', as majority-principled decision making may lead to the automatic exclusion of minority communities. This cannot be envisioned without reinterpreting the role of communities on Europe's periphery, including the relation between a nation state and its neighbours, and between a nation state and the EU as well.



We elaborate on the relationship of Beck's 'soft empire' and peripheral states, considering the EU as a non-homogeneous and non-hegemonic empire. We also work on the socio-theoretical "critique" of the so-called '*methodological nationalism*'. The starting point of a new approach is that the main problem is not any nation-building program. In our view, the reasons for the recurring, persistent problems with the issues of a nation its state and neighbours are the majority-principled decision-making and regional segmentation, and the fixed nature of borders. The emerging Balkan phenomenon of "*association with a delayed or cancelled accession process*" requires a new approach.

### **The West Balkan**

A main factor in 21<sup>st</sup>-century Serbian political processes (just as in the post-Socialist region in general and thus in the West Balkan and Serbia) has been the attitude toward territorial retraction and toward the seceded regions. (The Albanian efforts of regional unity can be interpreted as the reverse side of this.) The South-Slavic civil wars that concluded the late 20<sup>th</sup> century had just the opposite result with regard to regionality that the Balkan wars had had in the beginning of the century. The region most commonly referred to as West-Balkan<sup>1</sup> is ethnically much more homogeneous than it had been in the period of 'regional unification', but it is still one of the most complex ethno-political puzzles in Europe. In the era of economic globalization and its associated supra-national institution system, however, "traditional methods" cannot handle the challenges in the West-Balkan any more.

Along with newer forms of integration and compatible with the so-called Europeanization, the centuries-old conflicts of the resident political actors (ethnic and/or territorial) need resolutions that are also acceptable for external actors. Establishing the new (: "democratic") political institutions in the region also presents this duality: there is a need to develop solutions that are still acceptable for the country's political scene and already satisfactory for the "observers" abroad. In the case

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<sup>1</sup> Another expression, *Smanjeni Zapadni Balkan* or Rest of the West-Balkan ("Restern-Balkan") is used to collectively denote the countries in the region minus Croatia, i.e. non-EU states. (See Jović 2015, 133 p.)

of Serbia, this actually meant whether the false opposition of “*Europe or Kosovo*” can be transcended by any government coalition in a way that does not erase its own basis until the next elections. (In the meantime, the Albanian-dominated states of Albania and Kosovo have to give the impression that they are able to control their territorial aspirations, possessing the patience to wait for the right “historical moment”; without doubt, the long-term goal is the unification of Alban communities. Whether or not this happens within the EU as an empire or on the outer/inner rim, is practically of secondary concern.) As the last two Serbian nation-level elections in 2012 and in 2014 prove, this was in fact achieved. (In addition, so far the Albanian aspirations have not outgrown the frames acceptable for big political actors).<sup>2</sup> The basic situation has not changed since 2008 and is further complicated by the following: the ruling parties should<sup>3</sup> demand *de facto* regional autonomy for the Serbs living in one block in the *de jure* unrecognised but autonomous Kosovo. What’s more, they had better support the autonomy efforts of the Serbian entity (Republika Srpska) in Bosnia-Herzegovina and should not isolate themselves from the pro-Russian communications demonstrated by certain social groups in Montenegro. These are rights and activities that the *vox populis*, taking the same minimums for granted, could not accept in the case of ethnic communities in Serbian territories. For them, Albanian, Bosnian or Hungarian regional autonomy is out of question. While the Serbian demands<sup>4</sup>, also prompted by international actors, face spontaneous and long-lasting disapproval from the Kosovars. At the same time, an (oppositional) party in Hungary is attacked for attempting to open an office on the Serbian parts of the Tisza region, but the Serbian governing party operates such offices with un-reflected self-evidence in the Serb-populated territories of Bosnia. Thus a characteristic West-Balkan context accompanies the enforcing role of external factors like the European Union, not only in the actual dimension of government actions, but in a similarly characteristic ideological-semantic dimension as

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<sup>2</sup> Both the problem of the inviolable Serbian sovereignty and of the provisional unification of Albanian ethnicities threaten with the emergence of a less docile local elite. All major (local and global) actors are in favor of a domesticated handling of these problems.

<sup>3</sup> As an implicate national minimum.

<sup>4</sup> See the 2015 December 17 summary of the ECMI in Flensburg. The publication also includes a chronological synopsis of the stages of the process. See: <http://us6.campaignarchive1.com/?u=0e3bc8a45806bf65531105c4b&id=5d29ca412c>  
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well. Depending on the case, these roles are not only overvalued, but re-evaluated. This neighbourhood- and minority-policy and its institutions could well be reinterpreted through Beck's 'soft empire' theorem. (The essence of Beck's views is that the EU generates a unique action space with specific asymmetries and options not only for its member states, but for its potential partners as well, regardless of their distance from actual accession.)

### **The context of segmentation – normative democracy theory**

The starting point of the Western normative democracy theory is the so-called theory of communicative action by Jürgen Habermas, but its teleology seems to have its target in the post-national constellation (Habermas 2006).

*“Though sovereignty and the state’s power monopoly has remained formally intact, the increasing interdependence of the world’s societies weakens the premise that a national policy can overlap, even regionally and within the borders of the state, with the actual future of the society of the nation.”*

Jürgen Habermas 2006: The post-national constellation. L’Harmattan, Budapest 66 p.

This social theory is based on leftist ideology, glorifying equality and striving to transcend (neglect) national programs, has its 'normative' suggestions; tracing them leads one to a **constitutional fetishism** intending to recycle the political tradition of contract theories. Its own consent-principled expectations are based on the notion that the constitutional directives regulate everyone in their choosing of implemented political actions (for details, see Soós-Pap 2015). However, the citation also suggests that the importance priority of the problems differ for the central states (and the minds behind their solution theories) and for the post-Socialist (member or candidate) countries on the internal and external periphery. The former would address the challenges of economic globalization by setting up an action space realised on a supranational political level, and the framework for this could be a Beck-ian empire of the cosmopolitan Europe or a global state. The latter have tried to realise their nation-building aspirations, all infeasible in the not so soft Soviet imperial conditions, through their own 'restorative revolutions' (: regime change, system transition). Internal relations are less and less homogeneous; for the former states, the task at hand is to establish a new primary majority, transcending the traditional concept of nation (willing

to live without shared past, culturally heterogeneous). But post-Socialist countries are striving to conclude a historically (before 1944) unfinished project of overlapping nation and state, in a 21<sup>st</sup>-century environment. It could be considered belated or even anachronistic from the centre, but it is not without validity.

As opposed to this, the new generation (Axel Honneth, Jan-Werner Müller) of the Habermas school prefers the procedural order manifested in the so-called Copenhagen criteria (where it lacks the necessary socio-theoretical foundations, though). This is true for theory (Honneth: *The Struggle for Recognition*; Honneth 2010)<sup>5</sup> and practice as well (J-W. Müller: *Verfassungspatriotismus*; Müller 2010), but definitely true while establishing the extended political community of the EU. This is explained in the essay on Europe's constitution by Habermas (see Habermas 2012, 135). However, the constitutional process of the EU is known to be stalled. Therefore, relations between the large social groups of EU citizens (nations, ethnicities and all 'non-dominant' (minority) communities that have a commonly shared "attitude" or life-world to their environments) are regulated by member state-level constitutions and higher (but legally less enforceable and only indirectly effectual) human-right norms.

### **Integration and the belated nation-building**

Normative social theories tend to devalue exercises in nationalism, as not facilitating equality and consent. However, these are not a one-time excess of post-Socialist social phenomena, but today they seem to be normal society-building practice. In all cases, the most striking political program among them is **nation-building**, or as Zoltán Kántor calls it: *national re-institutionalisation*. (see Kántor 2014, 49) Without regard to ideological preconceptions, this is a realistic view on nationalism that can adequately interpret the discussed phenomena. The multi-actor process gained a characteristic context, due to the regional integration efforts (factual or intended EU-accession) from most post-Socialist countries, in spite of their former attitude of

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<sup>5</sup> During the process of nation building, non-dominant communities may face disadvantages; the socio-theoretical basis of their legal and moral efforts is provided in Honneth's work (Honneth 2013).

segmentation. Thus the framework of interpretation must also be extended. As Kántor summarizes it:

*"The process of national re-institutionalization in the post-Communist period is to be examined with regard to state re-organization, minority self-organization, support from the home country, and EU influence. Nationalism should be analysed within the framework of the political actions of the four actors and the interactions of their policies, as a separate analysis of the actors can lead only to partial understanding."*

Zoltán Kántor: *The institutionalization of the nation in Hungary after the system transition*. Budapest, Osiris, 2014, 51.

It is also worth noting that there is a duality present in the successor states of the several national communities of declaredly equal status; the newly or again independent nation states assume the two extremities of re-institutionalization. Serbia, even with a past of civil war, is not so unwilling to have minority institutions (unless they have regionalisation aspects), while Slovakia, with much better transition 'results' by having peacefully seceded from the Czech Republic, is quite reluctant to establish any minority institutions (autonomous bodies and competences). However, Slovakia has been more exposed as a home country; the meeting of the Serbian and Slovakian prime ministers also involved discussion of the situation of the Slovakian minority in Serbia. Albanian territories were historically forced to develop separately; their integration goal, the vision of a future Great-Albania does not facilitate neighbour- and minority policies. Without a definite tendency, it can be stated that those successor states that had had ethnic institutions during the Socialist era are more willing to allocate resources for minority institutions; and states in a more advance stage of nation building (and operating with more stabilized state and nation boundaries) find it easier to achieve less problematic neighbourhood policies. (Even if relations have been shifting on a weekly basis, due to the refugee crisis and to the semantic and structural actualities that the admittance/restriction issue brought in – See Ördögh 2015).<sup>6</sup>

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<sup>6</sup> In his paper Ördögh highlights that Serbia's refugee policy also has serious challenges: the legal framework is not conform to EU-expectations and the design of system itself is substandard, in terms of capacity and skill of personnel (Ördögh 2015, p 181). There is a symbolic war of interpretations ongoing among the neighboring countries, largely restricted to the filed of media. The mass appearance of refugees, the infrastructural and ideological unresolvability of the crisis opened a new chapter in self-interpretation. The international attention now makes it possible to re-position other symbolic offenses about the neighbors.

The system transitions starting in 1989 meant similar processes for countries in the former Socialist block. In Serbia, this happened in two distinct phases.<sup>7</sup> A major lesson of the period is that late Socialist relations and positions (advantages and disadvantages) could disintegrate in the course of months: how a state utilized its opportunities during the transition mattered much more than the starting conditions. Granted, there were historical differences stemming from cumulative causality and involving compulsory paths. One such difference is the internal conditions for restarting the nation state program. After 1989, these defined the scene of national and minority politics, the roles of home country and of primary majority; conflicts of neighbourhood politics can be traced back to such fears (territorial demands, dismissal of self-autonomy efforts).

Therefore, though we would not have expected it a quarter of a century ago, Albanian and Serb nation-state efforts face very similar structural problems throughout the various successor states, fiercely defending their hard-earned independence and thus more sensitive to symbolic atrocities. Meanwhile, economic indicators of the involved two (or three, or five)<sup>8</sup> countries converged rather to each other than to those of the aspired EU member states. The 'international judgment' on a given action (an atrocity of an act of heroism, depending on the interpretative context of the event) is also a function of how they interfere with the present interests of the big players.

Thus, acts of a functionally similar status can have differing international careers in divergent interpretative contexts, ranging from near *casus belli*<sup>9</sup> to being too low-key for major news agencies. An involved neighbouring state can, however, have its

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<sup>7</sup> Certain elements of the normal system transitions (party formation, pluralistic media, a limited economic transformation) were present in the first phase (the Milošević-regime) as well, but the second phase began on October 5, 2000, by institutional transformation.

<sup>8</sup> In addition to the Albanian-majority states of Albania and Kosovo, Macedonia also has a politically relevant Albanian minority. The Albanian communities in Serbia and Montenegro have regional/local significance. Serbs in Croatia, Montenegro and especially in Kosovo can be seen as politically relevant. They form a separate entity in Bosnia. (C.f. Reményi 2015, 13)

<sup>9</sup> This is no poetic exaggeration: refer to the Serbian and Croatian daily papers from 2015 September for official and less official 'interpretations' of the measures that were taken in connection with the refugee crisis and each other.

media dominated by the same event for weeks or months: consider the drone “attack”<sup>10</sup> occurring at a European championship qualifying round with Serbia vs Albania playing. The international media treated it as a petty scandal soon to be forgotten, while it dictated the discourse space for long in Albania and Kosovo, but in Serbia alike.

### **The influence of international actors**

Options for external actors were also significantly bolstered in the new, soft imperial conditions. As long as the struggle for autonomy was top priority, other perspectives and compulsions could be suppressed. But beside the shared goal of EU accession, the new international system of relations stresses temporary compromises with the efforts of competitor countries in the region. The whole EU accession process was designed as a process of reconciliation. However, a coerced reconciliation with the accession perspective in mind does not mean the disappearance of nation-building intentions, or that these would not result in symbolic clashes between states/nations. Beside the aforementioned football conflict, many other symbolic battles are fought by the region’s nations. Nowadays these remain within the scopes of their own media, and most do not transcend the scene of interpretative “wars”.

The West-Balkan states are at different stages of the accession procedure, they have differing goals and very divergent perspectives. Their movements are further complicated by certain states competing for regional influence, compensating their recent or older losses of position and referring to cultural and religious origins and traditions. Both Russia and Turkey regard the region as a significant auxiliary stage of

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<sup>10</sup> On October 14, 2014, the Serbia-Albania EC-qualifier match in Belgrade was disrupted by a drone hovering above the field and sporting a flag of Greater Albania and Albanian national symbols. Both fans and players took offense, the flag was captured and the match was interrupted. There were allegations that the drone was controlled by Olsi Rama (the brother of Albanian president Edi Rama), who had immunity by his US passport. Along with two companions, he was apprehended and then released by Serbian police. (See <http://www.naslovi.net/2014-10-15/b92/albanci-se-utrkuju-dron-je-nas/11976498>, <http://www.naslovi.net/2014-10-15/blic/ko-je-olsi-rama-covek-koji-je-zeleo-da-izazove-nerede-i-krvoprolice/11972510>.) The incident was interpreted in Serbian publicity as a symbolic violation of the territory of the Serbian state.

global politics.<sup>11</sup> Even the otherwise apparently particular Serbian/Albanian intentions can be provided an international context, though their influence on local politics is today largely reduced to the symbolic gestures of occasional investments; both the Albanian and the Serbian parties prefer to maintain good relations with the European Union, to display an accession potential. Still, nation building is ongoing parallel to Europeanization, and the strongmen of the national elite working for European acceptance were regarded incompatible by the West a couple of decades ago; they have to seize opportunities to utilize cultural and religious connections for political gains. (This is true for Vučić and Tači as well: not only their pasts, their presents are also intertwined, just as the parallels of their paths from radicalism to consolidation are also perceptible.)

As to the neighbour and minority policy of 'those already within the empire', experiences are ambiguous. After becoming a member, the legal situation of minorities quickly left the agenda, and is occasionally revisited as neighbour policies only. Membership aspirants (and those pursuing the program of the strong nation state, perhaps while maintaining a pretence of postponed accession plans) can prepare for more and more explicit requirements on the part of the empire. (Cf. Nakamara 2009, Samardžić 2009) At the same time, the imperial context has been quite successful in domesticating the verbal and symbolic clashes that are inevitably involved in nation building. These clashes are more for internal use only, and the opponents who almost seemed mortal enemies in their twenties are now real-politicians in responsible positions, calming tempers. At the same time, the individual states do not have a well detailed, definite neighbourhood policy (Cf. Tatalović 2015, 151-158)

### **Concepts of space and power in the new millennium**

The turn of the millennium saw several authors discussing the unipolar world order and the consequent (postmodern) state of being 'without history'. Partly to counterbalance and refine them, important works of social and spatial theory had been published by the mid-2010s. Based on these, I intend to sketch the options that define

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<sup>11</sup> The Jović-article has a separate chapter on the recent developments of these relations, see Jović 2015, 139-143 p.



the political freedom of the West-Balkan countries. But first, attention must be drawn to Niklas Luhmann's work urging a sociological enlightenment, where space is *highlighted as a medium of power*. It is through space that the origin of all political phenomenon, the relation of power, becomes manifest. Power is a category of relations. It does not exist self-sufficiently. Discussing it makes sense only within the relation shaped by its existence/absence. And this relation is given shape by space (territory brought under the power): as the sand of the beach makes the track of feet visible, so is power itself made visible by territory.<sup>12</sup>

An important constituent part of a ruled area is its borders. For Luhmann, segmentation (definition of spatial boundaries of power, an inflexible and hard-to-change construct, like a fixed state border) is the originator of many additional questions.<sup>13</sup> The external environment, the powers on the outside of segmentation (them), the area under control, the internal system (us), actors (political agents) on the two poles of the power relation, all these and their ways<sup>14</sup> of interaction create politics itself. A major characteristic of the controlled territory is that the system of power (politics) is usually unwilling to yield a part of the territory that is under its control. Territory loss always means capitulation for them, which undermines legitimacy and therefore results in the transformation of internal power relations. Losing control over a territory also involves the de-legitimation of the reigning power. And the other way around, power that is able to transcend the current segmentation relations gains further legitimacy as a result of its own territory-gaining/maintaining policies.<sup>15</sup> The connection between the potential for maintaining power and territory gain/loss seems undisputable.

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<sup>12</sup> Of course, both the theoretical and practical power concepts involve non-spatial power institutions, but these (for example national councils in Serbia) are established to avoid the spatial restrictions on power. The intention is to create a power form that does not threaten the power over the nation state space through internal segmentation (regional autonomy).

<sup>13</sup> See Luhmann 2002, 58.

<sup>14</sup> Political theory has developed tools to present these issues, but Luhmann's stance is worth highlighting, as it also addresses the background of the phenomena.

<sup>15</sup> This was well demonstrated by the internal legitimacy of Milošević's system: despite the lost wars and the military/exploitation economy, they had a serious internal basis throughout Serbia even in the final days (after the NATO bombings).

However, history is apparently unwilling to end, and the unipolar world order seems to be unsustainable for ever or long. Among the visible scenarios of shaping political space, two concepts are discussed about imperial large regions, both having West-Balkan aspirations as well. One is that the whole territory of the West-Balkan joins the European Union (regarded by many as the only alternative). The other is a concept about the imperial border of the Eurasian megaregion, bolstered through Orthodoxy.<sup>16</sup> The basis of the two concepts have their own characteristic ideas about spatial manifestation of the relations toward modernity. But while the Russian/Eurasian concept involves a plan that externally criticizes modernity, to be realised in a controversially followed imperial framework<sup>17</sup>, the worries about joining the European megaregion are internal in nature (their basis being reflexive and self-critical modernisation). The ideas of the latter consider the conceptual basis of imperialism to be radically changeable, thus so is the relation to a ruled territory. (The EU as an empire, claims Beck and Grande's book<sup>18</sup>, is neither hegemonic nor homogeneous: hence it is 'soft'<sup>19</sup>).

We have to note here that a concept of Eurasia to be unified by the Russian state appears as a necessity (as a description of an eventually occurring process whose only alternative is annihilation<sup>20</sup>). As opposed to this, joining the EU poses an outcome that is still influenced by many factors, with details blurred, and the temporal horizon of its realization is uncertain, but not unforeseeable.

The involved West-Balkan countries (the Russian narrative does not explain what roles would countries with non-Orthodox majority receive, trapped within the

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<sup>16</sup> A main ideologist is Alexandr Dugin (Kiss 2013, Szilágyi 2015), but Srđan Perišić also discusses the cultural and real-political aspects of the concept. C.f. *Osnove ruske geopolitike* (Foundations of the Russian geopolitics; PERIŠIĆ 20015, 25-61. p.).

<sup>17</sup> See DUGIN 2004a; 2004b; 2008; 2013.

<sup>18</sup> Beck's works often include a critical re-assessment of modernity. Here we highlight *Cosmopolitan Europe*, co-authored with Edgar Grande and explicating on the EU as a singular imperial construct. C.f. the historical analysis of sovereignty: BECK-GRANDE 2007, 99. p

<sup>19</sup> Soft is a 'total' adjective here and a future characteristic of the empire to come, not to be confused with the soft political methods of international relations (as opposed to military actions).

<sup>20</sup> C.f. the sections on Russian interference on Ukrainian territories in DUGIN 2013, 42-44. p.; PERIŠIĆ 2015, 287. p.

natural boundaries of this civilizational megaregion)<sup>21</sup> would take a peripheral status in both scenarios, with all the included disadvantages (anomalies in development level)<sup>22</sup> and advantages (mobility due to lower degree of integration)<sup>23</sup>.

Even for a description operating with negative (soft) attributes, imperialism establishes its structure on elements of differing status. Spatial distance is paired with cultural distance/otherness. This is completely the opposite of the currently 'official' unipolarity-based imperial doctrine, according to which the global society needs to be constituted of homogeneous (sharing the same operational principles) elements. These are composed of essentially equivalent variants of *capitalist* economy and *democratic* decision making<sup>24</sup>.

### **West-Balkan countries trapped between commitment expectations**

In the middle of the second decade of the new millennium, none of the issues that are crucial for the West-Balkan countries are concluded for good.<sup>25</sup> Neither ethnical or state boundaries, nor the possibility of categorization along influence zones could be seen as completed. Only Croatia's EU accession brought apparently irreversible changes that will enforce some self-control from the parties, when it comes to claims about Croatia.<sup>26</sup> The situation is better described as "un-solidified solutions" than as

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<sup>21</sup> Perišić comments that the Balkan is explicitly included in the influence zones of the new Russian geopolitical doctrine; see PERIŠIĆ 2015, 246-248.).

<sup>22</sup> Or the fact that that Russia is relatively far away. The lack of territorial continuity is a vulnerable point in the theorems intending to bond Slavic-Orthodox West-Balkan states to Russia, unlike the commitment policies of adjacent authoriter leaders (see CIS, Lukashenko and Belorussia). A West-Balkan state can only achieve a status of 'observer' regarding the institutionalization of the Eurasia-concept.

<sup>23</sup> At the West-Balkan research workshop in Graz, this is referred to as the so-called Turkish scenario, 'advancement without accession'.

<sup>24</sup> Luhmann uses the neutral term 'majority-principled'.

<sup>25</sup> In other words, they seem re-openable, when the situation demands.

<sup>26</sup> Croatia's territorial aspirations are not settled and there is no consistent neighborhood policy to speak of, either. C.f. Hrvatska politika prema državama Zapadnog Balkana nakon članstva u

“frozen conflicts”. No party has it in its interest today to spark a conflict of similar intensity to the civil wars of the late 20<sup>th</sup> century. Nevertheless, the following West-Balkan issues are still open present day:

- state situation of Kosovo
- formal/institutional unity of Serbian districts in Kosovo
- interrelations of Bosnian entities
- relation of the entities with their origin countries
- Macedonia’s official name usage
- the level of autonomy (/secession) of the Albanian-majority parts of Macedonia, Serbia and Montenegro
- the issue of the Sanjak, located in two distinct countries today
- the state situation of Montenegro and the divergent ethnic identities

These topics need to be treated as provisionally accessible problems by the current elite, because the declared and supposedly conclusive acceptance of the status quo would erode the legitimacy of their own rule. This gesture would abandon control over these now international, politically addressable issues, whose re-emergence could shift power relations within the new states, even on the short run. Suggesting a future re-settlement of the issues, they also let their own options and mobilisation potential untapped. If consolidation processes progress slower than hoped, they will have the means for the re-legitimization of their rule, even considering their gradually eroding action potential.<sup>27</sup>

There is an obvious and powerful pressure from the international entities active in the region. However, the governing parties in 2000-2008, origination from the Democratic Opposition in Serbia (DOS), cannot forfeit the Southern province of Kosovo. (not for their own ideological/value basis, but such a symbolic act would soon render them a dwarf party<sup>28</sup>) The various party formations organized by veterans of the

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Evropskoj Uniji - Attitude of Croatian politics to West-Balkan countries after the EU accession. TATALOVIĆ 2015, 151-155.).

<sup>27</sup> The whole region has to face challenges of political and social transformation and the resulting crises. The relative un-consolidatedness of the newly or again autonomous states is manifest in the frequency of early elections.

<sup>28</sup> In 2012, president Tadić also experimented with early elections, which fits in the tendency. (However, the Democratic party had made a strategic mistake earlier, when they formed a

Kosovar liberation battles are also unable to allow for the institutional separation (regional autonomy/'un-secession) attempts of the formally taken, but never really ruled northern, Serbian territories.<sup>29</sup> Global players also acknowledged the complexity of the situation. This is why *Realpolitik* can have an advantage in the West-Balkan, during the implementation of the expectations from the centre.

### **New opportunists**

The present situation is thus an intriguing ground for regional powers (ex-empire) redefining themselves today, such as Russia or Turkey. Cultural bonds (Orthodoxy, 'Slavic psyche') and century-old imperial presence, and the Islamic regional mosaic left behind by the receding empire has never actually lost sight of this periphery. In a period of newer uncertainties, the time came<sup>30</sup> when much influence could be gained from a small investment. The aforementioned internal controversies of the issue also enabled Russia to find partners among the Orthodox Yugoslavian successor states. This is partly instead of Romania, committed to both the USA and the EU, and instead of Bulgaria, now a geo-economic partner coerced by certain actions and values expected by the new centres. Compared with the mobilised capital, all this seems to be carried out with a fairly good return rate.

The efforts defining Russian-Serb relations in the new millennium are in many aspects different from those in the past. Russia inherited key positions in international organizations from the USSR, and in the last fifteen years Serbia has expected Russia to take a favourable stance for them (e.g. a veto in the UN Security Council) in the emerging unresolved/unresolvable issues. Russia, as part of its 'geopolitics of resources' strategy<sup>31</sup>, strove to shape its economic footholds in the Balkan. In other words, the Russian party just had to not counter the Serbian expectations, for relatively cheap

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coalition with the Serbian Socialist party of Slobodan Milošević – again, for the sake of remaining in power.)

<sup>29</sup> See Opportunity?/UDRUŽENJE/ZAJEDNICA VEĆINSKI SRPSKIH OPŠTINA: OBAVEZA ILI PRILIKA? ECMI: Kosovo Communities Issues Monitor, Flensburg, 2015, 4. p.

<sup>30</sup> In his article, Dejan Jović commits a separate chapter for the phenomenon, subtitled '*The effects of Russia's and Turkey's growing power*'; see: JOVIĆ 2015, 139-143. p.).

<sup>31</sup> PERISIĆ 2015, 165-169. p.

economic advantages. However, neither party has been able to accomplish the maximum of their intentions. Serbia was disappointed by Russia not really inhibiting the international process of Kosovo's recognition. (Whether Russia was unable or unwilling is a matter of interpretations.<sup>32</sup>) Each ruling Serbian government actively anticipated and counterbalanced this intention: national gas company NIS went into Russian majority ownership well under its price, which the Serbian media<sup>33</sup> and opposition keeps thematising. This Russian move was to be an organic part of the planned South Stream gas pipeline, later abandoned due to Western pressure. Thus the Serbian expectations of the collectable transit fees and 2000 new jobs failed, never settling the balance against the Russian benefits.<sup>34</sup>

The contrary strategy of opposing Russian efforts does not seem to be surely profitable, either, as the case of Montenegro shows. Having Orthodox and Russophile traditions itself, the republic gained independence in 2006 and was committed toward Western orientation on the 2016 national elections.<sup>35</sup> Russia- and Serbia-friendlies remained in opposition, but NATO membership and the emphasised siding with the EU/USA will not solve the country's everyday problems. One-third of its domestic product comes from tourism, with just Serbia and Russia being the two major source states in terms of number of guest nights.<sup>36</sup> Most of Montenegro's foreign trade and its foreign-originated capital investment are from these two countries as well.<sup>37</sup> The new Montenegrin cabinet will have much to do to reconcile economic interests and symbolic allegiance.

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<sup>32</sup> Ibid, 136-141. p

<sup>33</sup> See <https://insajder.net/sr/sajt/bezograncija/2400/and>  
<https://insajder.net/sr/sajt/bezograncija/2468/Rusko-srpski-posao-veka-drugi-deo.htm> ,  
downloaded: 2017.01.09.

<sup>34</sup> PERIŠIĆ 2015, 172-175. p

<sup>35</sup> Prime minister Đukanović's party had the relative majority, but he himself was removed from power. C.f. the election results at :  
<http://www.dik.co.me/izbori%202016/Konacni%20rezultati.pdf>, downloaded: 2016.11.20.

<sup>36</sup> 27.8% from Serbia and 26.5% from Russia in 2015, see the Montenegrin office of statistics:  
<http://www.monstat.org/cg/>. Downloaded on 2016.11.20.

<sup>37</sup> According to 2013 data, 27% of the investments come from Serbia and another 10% from Russia. see the Montenegrin office of statistics: <http://www.monstat.org/cg/>. Downloaded on 2016.11.20.

The third West-Balkan country involved in Orthodoxy is Macedonia, whose Eurasian allegiance is rather hindered by the fact that they could only minimally get Russian support to their now international problems. They also continue an unresolvable debate on name usage with the Orthodox, but not Slavic, Greece. (In this regard, the EU-member Greece is also in the mentioned Balkanic dilemma: they can't forfeit rights to the name without risking internal hazards.) Macedonia has become infamous for being a European mediator of the Russian propaganda machinery: most of the Russian-controlled fake news sites are based here. However, the Macedonian political elite is well aware that Western orientation is perceived as exaggerated by the Slavic-Orthodox majority, and this can be counter-productive. It proved true in the recent Bulgarian elections; like a pendulum that tends to swing to the other extreme and facilitate Russophile powers.

### **The geopolitical framework of regional initiatives**

Bottom-up regionalism in the West Balkan invariably faces suspicions of ethnic secessionism. The independence of Kosovo is a warning example for power elites. Similar situations are avoided whenever possible, but they need to support any parallel efforts on their own brethren's part within the borders of another country. They just cannot afford not to help their fights for recognition. Politics does not necessarily require consistency. This is why such constellations seem often un-modellable for the external viewer.

Áron Léphaft counts with several options of ethnically-based regional autonomy in his discussion of the emerging anomalies.<sup>38</sup> As the new states and those with a distinct (pre-Yugoslavian) past are small in area, and as their historical developments took place within the same megaregion, bottom-up regional initiatives can only involve ethno-regional efforts. One exception is the northern Serbian province of Vojvodina. The region was not always part of the Serbian state, and was populated by South Slavs as a consequence (refugee waves and relocation projects) of the 17<sup>th</sup> century military endeavours in the collision zone of the declining Ottoman Sultanate and the expanding Habsburg empire. Vienna had its interest in the formation of a sort

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<sup>38</sup> Léphaft 2014.

of border buffer region, and in a partial and delayed restoration of the Hungarian Crown's jurisdiction; this was achieved between 1690 and 1867. However, the resulting territory developed a demographic and economic structure different from both the Balkans and the Habsburg realms, when at the Paris peace treaties in 1918 it was decided that Vojvodina went to the Serb-Croatian-Slovenian Kingdom and then to Yugoslavia. One-third of the population was South Slavic at that time. Slavic majority was brought on by the modernization/colonization processes in the Yugoslavian period and the relocations that followed WW2. During the era of the second Yugoslavia (1945-1989), the multi-ethnic character of the region was emphasised, in accordance with Socialist ideology. The population movements accompanying the civil wars around the turn of the millennium increased the homogeneity of the province that has a strong (two-third) Serbian majority today<sup>39</sup>, with once state-founder ethnicities like Croats and Montenegrins in minority. During a period of three centuries (from 1690 to 2000 – two centuries of which did not see any West-Balkan concepts of state or nations shaping the development of the region), an ethos emerged here that is in many aspects different from those in central and southern Serbia, one that is suitable for bottom-up initiatives. However, this does not mean an ethnically based regional autonomy (attainable in theory only for the Hungarian local majority in northern Bácska and along the Tisza river), but a regionalism founded on economic and cultural “separate development”.

The issue of Vojvodina is secondary to other problems in the West Balkan. Though the ethnical emancipation of minorities and the regional emancipation of the majority has been ignored in favour of efforts to reinforce central state power<sup>40</sup>, the solution is not hopeless. The key factor to bring change is found outside the Balkan.

In the process toward the EU, Serbia had to formally enable the formation/consolidation of the institutions that regained attention, due to the accession criteria. The explicit thematization of regional development and minority

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<sup>39</sup> In the last census in 2011, 66.67% was the proportion of Serbs. Source: Republički zavod za statistiku, <http://webzrzs.stat.gov.rs/WebSite/Public/ReportResultView.aspx?rptId=1210>; downloaded on 2017.01.11.

<sup>40</sup> The de facto autonomy of the province was supported rather from the opposition, even by the Western-oriented parties. Trapped within false parallels like Kosovo-Vojvodina, they did not do much for its realization. The influence and support of regional parties is too small to change the historically established situation.



rights (in the so-called Chapter 23) will eventually prevail over the Orthodox/Unitarian legal notion that only the central government can have jurisdiction throughout Serbia.<sup>41</sup> These issues can actually be solved through institutional solutions that are acceptable for the European Union and also maintain Serbian regional unity (as a fundamental and indispensable tenet), so they are not impossible to settle. The solution to both seem to be within reach.<sup>42</sup>

However, the question whether Serbia can be called a consolidated democracy is still open. It is certain that the question is hard to answer regarding the whole West Balkan, actually. The 2017 paper by Tibor Ördögh, *Serbia as a Consolidated Democracy* addresses this issue. The institutional checkpoints he examines (including constitution, cabinet, party system and political culture) present that the process is not fully concluded, but it is neither much different from what can be expected in the region: the required institutions exist, though they do not operate with truly good efficiency. The author highlights a deficit, the media' disproportionate power in influencing political will, that has also become suspicious in allegedly consolidated Western democracies. A slow increase of the democracy index (from the 66. to the 65. rank, see Ördögh 2017, 36.) can be perceived as an achievement. But there is a most recent trend of closing in on the Western model; this emerged due to the fact that more and more consolidated democracies question the legitimacy of the political elites, with the media as a primary factor in the legitimacy deficit. It can be seen as disturbing news for everyone, but the West Balkan region can hardly be blamed for its emergence.

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<sup>41</sup> C.f.: PAP-BOZSÓ 2014; SARNYAI-PAP 2015

<sup>42</sup> Regarding minority rights, there are forms invented in the early 2000s that are not accompanied by territorial consequences. This is how the system of personal autonomy and of national councils could be established. Jurisdiction debates are ongoing, but they must be solved and consitutionalized to continue the EU-accession negotiations. (see Pap 2014, 95-99). Vovvodina has always been a politico-technical question. Now that national parties also managed to set up their bases, it is no longer unsolvable. (Until recently, the 'democratic opposition' was able to use the province as a fall-back area.) The emergent solutions of ethnical autonomy without regionality and regionalism based on formal rights do pose problems within the state, but these are not in the scope of international relations.

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## **Lilliputian Foreign Policy of a Small State: The Case of the Republic of Macedonia**

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### **Abstract**

The paper focuses on the foreign policy making and choices of a small and weak state, i.e. the Republic of Macedonia. The article revolves around a set of questions defining the smallness and weakness of small states in the international relations. Then it proceeds to analyze foreign policy choices and decisions of the Macedonian state since 1991. The basic hypothesis is that not only smallness is important but also the weakness of a state. Quasi-protectorates in the post-Yugoslav region can hardly afford any independent foreign policy goals and means. The link between the internal (in)stability and external interventions (international state-building) determines an overwhelming dependency syndrome, which predestines the affiliation of these states to the West. The rhetoric of the advancement of the New East (newly empowered Russia and China) serve only as a factor of fear that strengthens the grip of the Western alliances and organizations.

**Key words:** foreign policy, domestic policy, small states, international state-building, the Republic of Macedonia

## 1. Introduction: Small States in the Multipolar Global Context

The conventional wisdom in international relations reads: the size (of a state) matters a lot. Behavior of states is determined by their military capabilities, economic power, size of territory and population, natural resources, etc. Up to recently small states have been seen as negligible in the larger context of great power politics. The only exception of this rule used to be the conglomerate of small states under the umbrella of Non-Alignment Movement during the Cold war period: they did not have power comparable to that of the West and the East but still managed to make influence within the United Nations.

It is believed that the fundamental changes of international system since the end of the Cold war have had strong implications for small state foreign policy (Hey 2003, p. 1). Unlike in the past, they have earned more visibility and even more abilities to take the advantage of their membership in various international organizations (such as EU, NATO, etc.). With no military blocks and rival superpowers to misuse them as pawns in a global competitions, they are supposed to benefit from the new international constellation. Indeed in recent years there have been a number of small states taking on an increasingly active role on the global stage. In these regard, there are two different opinions: some authors believe that changes in the international system have given present day Lilliputians new avenues to try to influence others and take on a foreign policy profile above their diminutive stature. According to this opinion, allegedly, they have a choice to pursue a foreign policy beyond what previous international constellations limit them to. The increased role of international organizations in the international system is seen as a crucial factor for this new role of small states. However, there are substantial variations among small states' foreign policy, which in some cases may be even outsized. The advocates of the other standpoint argue that behind the declaratory changes of power in the international system, the reality check shows that small states have fewer policy options now than at the height of the Cold War. For instance, the poor ones are being caught between the economic powers and institutions and their economic/fiscal demands and structural reforms on one hand, and the socio-economic expectations of their own citizens, on the other. Many of them have set the integration with Western structures as the most important strategic foreign policy goals – hanging to a pipe-dream that it would bring them social welfare and security. The wealthier ones, which are already well-integrated in the Western

associations, also feel sandwiched due to the expansion of power of these integrations and try to find way to keep their relative influence from within.

The starting point of any analysis of small state foreign policy begins with search for a definition: what makes a state "small"? There is a vast number of definitions in the literature that emphasize one or another dimension. Pace (2000, 107) claims that despite of decades of study, no satisfactory definition has been found. Baehr (1975: 459) goes further arguing that due to definitional problems, the concept of smallness is useless as an analytical tool. According to him, definitions can be clear and unambiguous but arbitrary at the same time; more sophisticated definitions are also more ambiguous and difficult to apply to concrete cases. However, Hey (2003, 2) believes that no strict definition is necessary either to employ "smallness" as an analytical device or to glean findings about foreign policy behavior from it.

What is unanimous among the scholars is the conclusion that small states make up the vast majority of the international system. Of the 191 UN member-states it is estimated that no more than two dozen would assuredly fall outside this category (Neumann and Gstohl 2006, 3). The first wave of newly independent states during the 1960's gave rise to a debate on how to define a small state; the second wave followed the collapse of socialist federations. The most common classification is based on an objective criteria, such as population, geographic area and economic capacity. (Crowards 2002, 143). Small states are also defined by their position within the international system. For instance, Vital (1971) argues that a small state is 'small' in relation to a greater power it is interacting with. According to Keohane (1969), small states are those that are "system ineffectual," that is they are unable to influence the international system.

The attribute of "smallness" has been indeed applied to so many different states, and not all of them are to be seen as vulnerable or insignificant in the international arena. The objective parameters do not always give a full picture of the position and role of a small state. For instance, one could hardly argue that Israel and Switzerland could easily fit in the category of small states; the same applies to Austria, Belgium, or even Luxembourg (all member-states of the EU). Advocates of the concept rather than a definition of small state emphasize that the concept of a small state is based on the idea of perceptions. A state is small if its people and institutions perceive it as a small, or if other states' peoples and institutions perceive it as a small. Perceptions matter – that is a bottom-line conclusion of scholars who stress that

psychological dimension should go together with objective criterion by which to define smallness (Rothstein 1968, Keohane 1969). Small state usually recognizes that it cannot obtain security by its own capabilities, i.e. it have to rely on others. In the traditional academic thought, "small" in the context of foreign and security policy meant that such a state was perceived as no danger to neighboring states (Goetschel Laurent 1998, 13). That a state is deemed small not by any objective definition but by its perceived role in the international hierarchy, or even significance in preserving or imposing certain balance of power in the international system. The most recent case is Montenegro's joining NATO, and the interpretation that tiny state is not tiny anymore because of its impact on the US-Russia relations (Snider 2017). Due to the complexity of modern world, researchers are quite often left to follow the hunch "I know what is a small state when I see it", thus combining all relevant criteria in the current circumstances.

Small and/or weak states have always been enforced to invent foreign policy variations in order to survive and/or to protect their vital national interests. In 70-ties Vital (1971) elaborated that small states would rather seek out multilateral organizations and alliances to ensure their security and achieve foreign policy goals. He also believed that they would usually have limited foreign policy objectives and would engage in a relatively low number of international activities. Unlike him, East (1973) concluded that small states were more likely to get involved in international affairs, especially when the national stakes were high and high-risk action had become necessary. Katzenstein (1985) gave a different dimension to the issue by pointing out how the small European states outperformed their larger neighbors in policy flexibility and creativity in order to compensate for the lack of military and other capabilities.

In spite of the conventional truth that small size and weakness curtail foreign policy options and goals, many scholars also note that there are important exceptions to this rule. For instance, geography, importance to great powers, level development, internal stability, etc. are all factors that affect a small state's foreign policy behavior. Singer (1972) points out "attractive power" (importance to other countries) which small states could exploit in order to enhance their foreign policy success.

Research of small state foreign policy since the end of the Cold War displays two serious weaknesses: there are too few comparative empirical studies which impedes any serious theory building, and second – in the view of the dominant neorealist paradigm, small states are given subordinate status within political science, because

the “big players” take the most scholarly attention due to their power to shape the international system (Hey 2003, 5). In sum, the available scholarly literature lacks a paradigm that may guide researchers to generate comparable and cumulative conclusions on small state foreign policy.

Having all this in mind, this case study has a limited ambition to examine foreign policy options and behavior of a specific Lilliputian state in South East Europe, not only in light of the changeable international system, but also with regard to the international state-building policies and internal instability.

## **2. What Makes the Republic of Macedonia “Small” and/or “Weak”?**

The analytical framework for this research is the Rosenau’s one (1966). The “father of comparative foreign policy” suggests a number of explanatory factors. According to him, foreign policy behavior vary according to three traits, such as: the size, the level of development, and the political system of a state. The factors are organized according to five levels of analysis: international system, role (bureaucratic actors), government (relationship among government actors), society (public opinion, national culture, etc.) and individual (state leadership). For purpose of this preliminary research we collapse role, government and society into one – state level. In spite of the new international environment, Rosenau’s questions still ring true: to what degree are small states manipulated by the international system and the actions of the more powerful actors? In this article, we shall try to give answers to a set of questions concerning the Macedonian foreign policy behavior and options since 1991. At the system level analysis we shall focus on evidence about state security as an important factor in the state’s foreign policy making and choices as well as to the influence of external (regional and global) actors and constellations. At the state level analysis, we shall seek evidence about domestic factors’ influence on foreign policy. At the individual level we shall analyze leaders’ decision-making authority and personal influence on foreign policy.

Smallness of the Republic of Macedonia is self-evident if one is to use objective parameters: the size of territory, population, GDP, natural resources, etc. What may not be visible at first sight is that Macedonia is not only a small country but she has been getting weaker since onset of its independence (Vankovska 2002; Krastev 2002). The



independence came at the critical moment for the international system: bipolarity had just become past but expected peace dividend proved just a pipe-dream. The global transformation - where the old was gone but the new had not arrived yet - was ambiguous to say the least. On one hand, it offered chances for many newly established small states to gain independence, while on the other hand security risks had become very high due to the precarious collapse of multinational federations and interethnic upheaval. At first sight, it seemed that Macedonia's smallness and (military, political and economic) weakness did not interfere with its becoming a new international actor. Some scholars stick to this conclusion, pointing out that during Yugoslavia's collapse the small states such as Slovenia and Macedonia remained relatively safe and invulnerable in contrast to bigger states such as Croatia and Bosnia (Hey 2003, 8-9). This point of view, however, disregards Macedonia's vulnerability and the way she got UN membership. Under unprincipled pressure by Greece and then European Community, the new small state had to accept unprecedented conditions inflicted on her by the UN Security Council (i.e. great powers) with regard to its constitutional name (Janev 1999). As the years would soon prove, it was a turning point that made the Macedonian state not only small but also weak both in terms of international relations and domestic politics (Vankovska 2010).

State security has always been an important factor in foreign policy making and choices of the Republic of Macedonia. However, one should deconstruct the meaning of state security concept in order to understand Macedonia's concerns. For that purpose, we propose Bary Buzan's (2008) broader framework of security, and particularly the concept of societal security. For instance, Macedonia's insistence on joining NATO has much more to do with (national/ethnic) identity than with military or other security concerns. Naumovski (2013) is right arguing that the "name issue" has been a cornerstone of the Macedonian non-typical foreign policy: this paramount problem has been following the Macedonian state since the onset, i.e. seeking UN membership and international recognition in general. It contributed to disregarding all other diplomatic and foreign policy actions. Identity (of the Macedonian nation) has been also deeply embedded in the diplomatic relations with the neighbors.

According to Koneska (2014), the Macedonian foreign policy since 1991 has been focused onto two sets of objectives - one relating to the country's sovereignty and security, the other concerning its belonging to various international and regional organizations, in particular NATO and EU. One could also argue that it is hard to

distinguish one objective from another for belonging to NATO and EU is seen as the ultimate way to achieve and secure the country's sovereignty and state security. Furthermore, NATO and EU are much more than usual foreign policy goals - they are tightly related to the internal state of affairs, including interethnic peace and stability.<sup>43</sup> To make things worse, these international organizations are generally perceived in a non-dialectical way, as something static and ideal in spite of the crisis and dramatic changes of the constellations of the international relations. Official visits paid to any non-Western country have been a rarity in the Macedonian foreign policy. This situation has slightly changed with the VMRO-DPMNE led government (i.e. since 2006): due to economic reasons diplomats and political representatives have launched an "offensive" and "road-shows" all around the globe. The main goal has been an increase of direct foreign investments and other economic enterprises that would have a positive impact on economic growth. A part of the quest has been building closer ties with Russia in the energy sector through an inclusion in the South Stream gas pipeline to transport natural gas to Macedonia.<sup>44</sup>

The society deeply divided along ethnic/religious/language lines sees NATO (and EU for the same reason) as a glue to keep society together. However, the other identity problem related to the name issue (dispute with Greece, and indirectly with NATO and EU) prevents the country from reaching the goal, and intensifies further internal divisions. No wonder some Albanian politicians get often claim that "Albanians

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<sup>43</sup> For two opposing views see: Bekim Nuhija, *New Balkan Politics*, 2013, no. 13, 142-153, available at: <http://www.newbalkanpolitics.org.mk/item/The-impact-of-postponed-accession-of-Republic-of-Macedonia-in-the-Euro-Atlantic-structures-to-the-inter-ethnic-relations#.U7jsx5SSy3K>. And: Biljana Vankovska, The EU integration as a security discourse: the curious case of the Republic of Macedonia, *Heinrich Böll Stiftung magazine for south-eastern Europe - Agenda*. 2011. no. 5, 5-7, available at: [http://www.hr.boell.org/downloads/Agenda\\_5\\_Engl.pdf](http://www.hr.boell.org/downloads/Agenda_5_Engl.pdf).

<sup>44</sup> South Stream is a project for construction a gas pipeline running under the Black Sea to Southern and Central Europe that has been carried by Russian company Gazprom. In July 2013 the Russian and Macedonian governments signed the Agreement of Cooperation in building a special branch for gas supplies to Macedonia. See: "South Stream construction to create conditions for developing gasification and gas-fired power generation in Macedonia". *The South Stream project official website*, 4 September 2013, available at: <http://www.south-stream.info/en/press/news/news-item/south-stream-construction-to-create-conditions-for-developing-gasification-and-gas-fired-power-gener/>.

[from Macedonia] will join NATO with or without the Macedonians". For many Macedonian citizens, membership in NATO and EU is a matter of survival of the state in face of internal insecurities. Macedonia has no confidence in her internal stability but she perceives lack of external certainty too. Thus foreign policy is mostly focused on state survival both from internal and external threats. Due to the inertia of the unipolar moment (i.e. domination of West, and particularly of the US in the region of former Yugoslavia), the state has accepted TINA principle – There Is No Alternative [to NATO, EU, close relationship and compliance to Washington and Brussels]. This course has not only limited foreign policy choices but also curtails any internal (expert or public) debate on foreign policy variations. Hence the emergence of the multipolar international system as well as the shadows of the Second Cold War has had no serious impact on Macedonia's foreign policy.

When it comes to state level analysis, the basic premise is that Macedonia is a rather autistic state (Maull 2017). The patterns of foreign policy behavior in the period 1991-2017 are persistently either too weak or too disruptive to realize the collective interests of that state and its people adequately and sustainably. Autism results also from the specific political dysfunctions or weaknesses as well as from the emotionally charged politics (be it with regard to the name issue and identity (for the Macedonians) or with fatalistic notion of belonging to NATO and EU as a matter of survival or ethnic unity (for the Albanians). It may also be seen as an expression of paralysis that results from excessive international involvement both in domestic and foreign policy tactics in policy- and decision-making.

Since 1991 it has been manifesting difficulties to react to and communicate with others. Having been a successor-state of an influential non-aligned state (Yugoslavia), it seems that Macedonia did not exploit any foreign policy experience or knowledge from the past (i.e. Non-Alignment Movement, NAM)<sup>45</sup>. Instead it has grown into a self-centered state, exclusively focused on (if not obsessed with) NATO and EU integration and almost unaware of any other global developments. The accession to NATO and the EU has strongly determined all foreign policy activities for more than 20 years. The only exception, or better a short 'excursion' into world politics, was the so-

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<sup>45</sup> Currently, all former Yugoslav republics except Macedonia and Slovenia enjoy an observer status with the NAM.

called Taiwan episode (Tubilewicz 2004).<sup>46</sup> On the Macedonian side the motivation was economic (and lucrative for a small group of politicians) but the effects were very harmful especially with regard to national security. If anything, the political elites learned that they had no capacity to play on an international scale without serious consequences, and that the great powers (such as China) should not be irritated.

The intensification of the international state-building efforts since the armed conflict of 2001 has led to another extreme - i.e. to a dependency syndrome both in domestic and foreign affairs. The so-called international community (mainly EU and US ambassadors and other officials) represent a third party in any internal stand-off. For instance, the EU mediators helped the political parties reconcile over the parliamentary crisis of 24 December 2012. Quite indicatively, among other issues, the so-called 1 March Agreement required "a Memorandum of Understanding affirming the cross-party consensus on, and commitment to, the country's strategic objective of EU and Atlantic integration" (Report from the Commission to the European Parliament and the Council 2013). Even it is true that there has been a long-term party consensus over NATO and EU, according to the Constitution the citizens will eventually have a final say on a national referendum.

Upon independence, understandably capacity building in the field of foreign policy was one of the greatest challenges for the Macedonian elites. However, it took 16 years to regulate the domain and to enact the first Law on Foreign Affairs. The statistics shows that Macedonia has established a vast network of consulates and embassies - far wider than it can financially and otherwise sustain. Foreign policy consensus (over NATO and EU membership) has been probably the only matter that brings different political and ethnic actors together. Yet as in other domains, partitocrazia (Siljanovska-Davkova 2016) has entered foreign policy to such a degree that diplomatic posts serve merely as rewards for obedient and not necessarily competent party soldiers. The foreign policy goals have not had priority in any of the coalition governments (usually made by a Macedonian and an Albanian political party). From institutional point of view, one should stress that foreign policy is almost

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<sup>46</sup> In early 1999 the Macedonian government recognized the Republic of China (ROC) hoping that Taipei's generosity would resolve its economic problems. China, one of the first great powers that had recognized Macedonian independence after 1991, reacted in a predictable manner: Beijing suspended diplomatic ties with Skopje and vetoed the decision on extension of the UN preventive mission on the eve of NATO intervention in Kosovo.

exclusive domain of the executive branch – i.e. government (foreign minister and the prime minister) and president of the Republic. According to some authors, the very fact that two bearers of executive power have foreign policy competencies gives the political system a semi-presidential form. Analysis of the constitutional arrangement yet shows that the government is a primary actor while the president in the parliamentary system has rather ceremonial and not a decisive role in foreign policy domain. In practice however Macedonia witnessed different influences depending on the charisma, experience and ambitions of the key-players.

The failure to get invitation for full NATO membership at the Bucharest Summit, have become a significant turning point both for the Macedonian internal and foreign policy. The national disillusionment has given the leading politicians free hand, which was mainly used for internal identity policy building and raising nationalism. The project known as Skopje 2014 is the best indicator for this dramatic change. Furthermore, the budgets of the Defense Ministry and Foreign Ministry have been downsized continuously. For instance, in the period 2010-2012 the latter's budget went down by 50% (Dokmanovic 2013, 57). Some domestic authors (Ilik 2013, 108) identify Eurodefetism in the public opinion, and even fear of 'change of the course' from EU to BRICS. Similarly, Koneska (2014, 103) speaks of recent dilution of the party consensus on foreign policy objectives due to the center-right VMRO-DPMNE (Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity) increasing arguing against unconditional commitment to membership in NATO and EU if the country is enforced to compromise over the constitutional name in order to start accession negotiations. However, officially not a single political actor even less the government has ever developed a different path in foreign policy.

So far, the political elites have faced a tough choice between the Western allies only twice, and both times the decision was in favor of the US rather than the EU. The ratification of the bilateral agreement with the United States, granting US citizens' immunity from prosecution by the International Criminal Court (ICC) was the first instance of disregard of Brussels. The second example relates to Macedonia's decision to join the "Alliance of the Willing" in Iraq. Practically, Macedonia had placed herself among the states of so-called "new Europe". In both cases there was a shadow of doubt if the consent of the Macedonian leadership was voluntary; on the other hand, the public opinion was clearly against these two government's decisions. In general, the public opinion is quite impotent and irrelevant for any policy- or decision-making effort

unless it concerns NATO and EU integration. The levels of public support are carefully measured and interpreted as all-national consensus. In a few cases when it dropped below 90 percent there was a slight sense of panic and a fear of (alleged) Euro-scepticism. In other words, bottom-up popular input is of importance only with regard to a limited number of foreign policy issues.

Foreign policy approach offers a specific view, by breaking apart the monolithic view of a nation-state as unitary actor. The focus on the people and units that comprise the Macedonian state shed the light on divergences in terms of motives and values of the internal actors involved in foreign policy making. Under the surface of unity, the insightful analysis may differentiate certain variations depending on the actions undertaken by entities with mandate involving international affairs. The practice proves that despite the first impression, one could hardly speak of a coherent "Macedonian foreign policy". Furthermore, one could hardly speak of Macedonia's "national interest" due to the divergent interests of various internal players. Hence fragmentation dominates over consolidation of Macedonia's foreign policy. For instance, it has been a practice for ethnic leaders (be they politicians or intellectuals) to lobby and run a foreign policy of their own, regardless that general national interest. In the heart of the dispute is for instance the "name issue" that has substantially different meaning for ethnic Macedonians and ethnic Albanians living in the state. While the Macedonians hold hard line positions in terms of preservation of state name, the ethnic Albanians from Macedonia have overtly proposed accepting compromise in direct quasi-diplomatic offensives in Athens, Washington DC or Brussels.

At individual level, the starting premise is that although international system may constrain the activities of human actors, still human will may has major influence in sharpening foreign policy of a state, or even world affairs (Hudson and Vore 1995, 210). This line of analysis is the best to be followed through the role of each president of the Republic in the foreign policy understanding and realization. For instance, the first Macedonian president Kiro Gligorov dominated both internal and foreign policy of the young state. He was an old and well-experienced politician with a much higher international profile than anybody else in the newly established elite. He was practically the only negotiator in most of the international affairs that the young state had to deal with. His authority had a strong impact on the understanding of the foreign policy and its realization. Koneska (2014, 102) argues that it was because of his traditional views on international politics that foreign policy was focused primarily on state security,

while membership in international organizations was seen not as a normative imperative but rather as an instrument for protection of a small state's interests and existence. According to some analysts, things have changed since he left the position when the public discourse turned towards the narrative of Europeanization and values as a primary motivation for Macedonia's integration in the Western international organizations. Actually it was the internal conflict and post-conflict peace-building that welcomed the EU and NATO as mediator and state-builder with dominant influence on foreign policy rather than constitutional shift towards power-sharing model in 2001. At first sight president Trajkovski was not of a same caliber as Gligorov but it appeared that he had quite close relationship with the US administration. His political career skyrocketed in 1999 when he dared sharply respond to foreign journalists who attacked Macedonia's treatment of Kosovo refugees. Having been known as a "one statement man", Trajkovski became an obvious choice for the presidential candidate of VMRO-DPMNE in the coming elections. In 2001 he became a principled actor of the internal crisis due to the great international support he received. He allegedly authored so-called "Trajkovski's peace plan" although the public was aware that the idea had been internationally drafted and imposed. However, Trajkovski served as a spokesperson who actually announced and later on signed the Ohrid Framework Agreement. He was well-respected as a man of peace and faith (due to his deep religious affiliation), and even more after his tragic death in a plane accident. From a rather marginal political figure with not much political and foreign experience, he grew up into a main player. It became clear when in December 2000 the public heard that Trajkovski obliged himself and wrote a letter of commitment to President W. Bush that Macedonia would support any Iraqi military intervention disregarding the Parliament and the Government which are constitutionally entitled to do so. The next president, Crvenkovski kept a low profile in the international relations and was merely focused on developing regional cooperation. The current president Ivanov has been marginalized both by the dominant Prime Minister Gruevski, and by the Western power centers, expect when he was needed to undertake unpleasant and 'dirty' jobs in the domestic politics and with regard to the migrant crisis.

### **3. Conclusion: Macedonia on the Frontline of Geopolitical Divisions**

The first foreign minister of independent Macedonia Denko Maleski (2013) argues that “in the third decade of our independence, Macedonia needs a new foreign policy”. However, he not only fails to render what would be the newness of that foreign policy but there is not even a clear answer if Macedonia had ever had an old foreign policy (that should be abandoned). In our opinion the right and legitimate question reads: is a semi-protectorate (due to the excessive state-building building process run by the international actors) able to create and run a foreign policy according to its national interests? Or more precisely: does such a state need a foreign policy of its own at all? Based on the literature on power one should question if Macedonia is a ‘small power’, meaning that the state has weak military capability, or in Rothstein’s terms, a state that recognize that it must rely on others for its security (Rothstein 1968, 29). The bizarre fact with Macedonia is that she is a weak state, both militarily and economically, but she has been seeking to exert influence over larger nations (primarily her neighbors, and European states) through strategic location and participation in military alliances (be they informal US-led coalitions or NATO endeavors). But intensive and relatively strong participation in Afghanistan and Iraq, a costly and hazardous venture, especially for a small country with limited resources, have not resulted in country’s admission to NATO and EU. Involvement in peace and military operations stems from the belief of policy-makers that such activities promote the country’s national interests by enhancing its influence in key international fora such as NATO or US-led operations. This is why researchers should focus on the perspective of dependency and vulnerability, not power. As far as Macedonia is concerned, one should keep in mind the slogan: the smaller the state, the less independent in reality. While claiming to be bearer of (nominal) independence, in the international arena Macedonia is nothing but a client of powerful states, even at expense of its national interests and/or the international norms and international law. On the other hand, Macedonia is an example of so-called autistic foreign policy, blind association with interests of external powers in hope she will eventually benefit from that, and complete inability to formulate and implement foreign policy choices due to the disastrous internal politics that make her an object rather than a subject in international arena.



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## **Security Cooperation in the Western Balkans (WB): Challenges and Opportunities**

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### **Abstract**

Western Balkan thesis remains particularly popular in the circles of international politics, according to which it is necessary to emphasize the traditional situation in the countries in Southeast Europe focusing on Balkan nucleus with its immediate neighborhood. Hence, the elaboration contained herein is moving along two axes: first, an attempt is made for rational analysis of the question "Whether the Western Balkan countries have already established a system that takes care of resolving open issues and problems without using force and based on model of regional security community?" The second line of analysis refers to the experiences of the Western Balkan countries for security cooperation among them in the wider context of security and political relations in the entire Western Balkans region.

**Keywords:** Western Balkans, regional cooperation, security, regional security.

## Introduction

'South East Europe' (SEE) is usually used to emphasize the traditional situation of the countries in the SEE region focusing on the Balkan core with its near neighbourhood. In the paper, we will use the 'Western Balkans'(WB) which the EU has coined for practical reasons to encompass Albania, Bosnia and Herzegovina (BiH), Croatia, Macedonia, Kosovo<sup>47</sup>, Montenegro and Serbia. Except Albania, they were all part of former SFR Yugoslavia. In the aftermath of war the new WB countries firstly had to address the consequences of war and approach the reconciliation and peace building process, instead of embarking directly on the path of democratic and economic development. Yet, growing economic, political, security and cultural inter-dependence impacts the autonomy and functional capacities of states, and the on-going processes. Security complexity in the WB has been growing in the last 25 years due to the unfinished processes and unresolved issues based on political, socio-economic and ethno-national elements. Their interconnectedness, interplay, and mutually reinforcing impact is coupled with the fact that not all of the requirements for stability have been set so far. This results in the security framework which is becoming increasingly complex and aggravated thus challenging the functioning of the whole region and the prosperity of the entire continent.

Applying the regional approach, it is noteworthy that regionalism was a constant feature of the global security and economic architecture since WW2. Thus, regional security and regional cooperation are among the most important preconditions for peace and prosperity in the WB.<sup>48</sup> Regional dimension will thus be given due attention as it deals with how security is clustered in a geographical region. As the security of each state in the region interacts with the security of others, this shows the intense security interdependence within a region<sup>49</sup> and thus points to the importance of regional cooperation.

The goal of our paper is twofold: first we will briefly address the topic from the academic perspective and try to answer the following research question: HAVE THE

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<sup>47</sup> Kosovo is not a member of the UN, hence the addition 'Under the UN SC Resolution 1244'.

<sup>48</sup> Ejđus, Filip (2011) Towards the Western Balkans Security Community 2.0. Analysis Faculty of Political Science, Belgrade.

<sup>49</sup> Buzan, Barry and Ole, Weaver (2003): Regions and Power.

COUNTRIES OF WESTERN BALKANS ALREADY ESTABLISHED A SYSTEM that ensures the solving of open issues and problems without the use of force, based on the model of regional security community, as defined by Karl Deutsch? Second, we will address the topic from more practical aspect and, therefore, present the experiences of the WB countries of security cooperation between them in the broader context of security and political relations in the whole Western Balkan region. Hence, this paper offers a theoretical approach to the analysis of the Western Balkans. The authors will continue researching this issue through case studies e.g. Macedonia etc.

The scientific research of security paradigm at regional, national, international and global levels, during the last decade increasing attention has been paid to the regional security. The region has gained importance as a referential unit of analysis for security relations in the world. It comprises security activities and needs „beyond national state and below international system“. The region thus differs from both global and national level of international community, as it represents a smaller unit than international system, and is more than just a sum of national units. In view of such a specific position of region in the international system, regional security is not analysed only as regional, but also as complex interaction between regions and other units at international and global level. In the framework of regional stability the region thus represents potential for the realization of national-security interest.

### **New Security Architecture in the Western Balkans**

The end of the Cold War brought about a culmination of geostrategic, geopolitical, and geo-economic changes in international environment, which transformed the existing international security »architecture«. Geopolitical transformations in central, eastern, and south-eastern Europe involved a dramatic turn of events triggered by the secession of former SFRJ. A diversified heritage of the Yugoslav war, based on the disruption of reciprocal contacts between states in the area, has left a difficult burden to the WB countries, which negatively impacts on their regional security cooperation. The consequences are largely seen in the stability of the region, in regional security, and indicate a difficult reestablishment of stable security relations between the WB countries.

The wars on the territory of former Yugoslavia came as a surprise to both the population of this area and the entire international community which struggled for a concrete solution to this conflict. »The war in the south-east Europe warned entire Europe of the necessity to establish new European models for the implementation of certain forms of common foreign and security policy, and questioned the framework of most important European values that served as foundation for the stability, welfare, political legitimacy, and moral authority of the West from the end of the second world war until today« (Ghebali and Sauerwein 1995, 179).

The establishment of political relations between the states of Western Balkans in the nineties was severely hampered by numerous armed clashes. Diplomatic relations between individual states of the region were established in the immediate aftermath of Yugoslav disintegration, while diplomatic relations between states engaged in war conflict took a while and were established later. Multilateral forums and the pressure of international community were of great importance for the development of political operation. In the aftermath of war conflicts on the territory of former Yugoslavia, political cooperation between the states was made difficult due to many open questions. To name just a few: establishment of state borders, the action of BiH brought before the International Court of Justice against Serbia and Montenegro for genocide and aggression, the unsolved question of Kosovo, and the question of adequate protection of minority rights and the rights of refugees, etc.

Regional cooperation is of utmost importance for political stability, security, and economic development of WB states. Regional stability and security is key to economic development. Through the prism of economic aspect, regional cooperation is of substantial importance for increased welfare and economic growth. With regard to the security dimension, regional cooperation contributes to the solving of key security challenges in the region, since many urgent issues, such as organized crime, corruption, illegal migrations etc., can only be efficiently tackled with A cross-border approach (European Commission, 2005).

The arguments just mentioned emphasize the key role of international support in re-establishment of cooperative relations between countries in the context of the development of regional cooperation in the Western Balkans. In recent years *the main achievements* in the field of cooperative relations among WB states have been the strengthening of functional and intersectoral cooperation, improvement of multilateral political relations, and improvement of bilateral political relations, although the latter

constantly oscillate (Minić 2013, 34-35). *Obstacles*, such as economic and financial crisis, open questions in the region, fragmentation, lack of coordination, insufficient institutional capacity, and uneven development in various areas of cooperation, are still present in the process of advancement of regional cooperation in WB (Minić 2013, 35). The political will of key actors in individual regions, in particular their commitment and readiness to search for joint solutions to problems common to this area, belong to *the main challenges* for future development and promotion of regional cooperation. This kind of political willingness must be backed up and supported by adequate institutional, human, and financial capacities. The main problem, therefore, is located inside the political subsystem of individual states and in their intergovernmental harmonisation.

Today WB are faced with the challenge of new integration in the framework of European and Euro-Atlantic integration processes. Problems that burden the WB and present an obstacle to the EU and NATO accession (besides the aforementioned ones) are also ethnic tensions, territorial disputes, migrations, corruption, and organized crime.

Based on the analysis of two transformation processes of WB states, namely a) state-building and democratization, and b) accession to Euro-Atlantic integration, we can conclude that in the period after 2000, the WB states have made important progress towards internal political, economic, societal, and military stability, which ensures (with the help by the EU and NATO) also peace in the region. Croatia has become a member of the EU and NATO. During accession negotiations its legislation was harmonized with the European Acquis, and progress was made in the prosecution of economic crime and the protection of human rights. Macedonia and Serbia are candidate countries for EU membership and BIH, Montenegro, and Kosovo aspire to the same. Moreover, Albania has already become a NATO member state, while in June 2017 Montenegro will become a full-fledged member state.

Relations between Croatia, BIH, and Serbia have been gradually improving. Initial talks and diplomatic contacts have started between Serbia and the newly formed state of Kosovo. Bilateral relations between Croatia and Macedonia are very good, and the state of the rule of law, respect of human rights, and minority rights has been improving. Law enforcement authorities in the WB have increased their participation in the curbing of international crime. It is thus possible to say that the existing cooperation of WB states has had positive impact on regional security cooperation. However, the answer to our research question, namely whether the WB countries have



already established a system that provides for the solving of open questions and problems on the basis of security community model and without the use of force, has to be negative. As can be seen already from a superficial analysis of the situation, reciprocal cooperation of WB states has not been developed to the level where we could confirm the existence of the regional security community as defined by Karl Deutsch and other international security scholars (e.g. Adler, Barnett, Atina, and others). Therefore, the following common elements of the regional security community theoretical model are singled out. Namely:

- The highest level of security cooperation is institutionalised
- The absence of conflict behaviour or provision of high level of peace and security
- Security relates to all areas of human existence in the society, not only to the military
- Security is formed in response to various internal and external interactions of entities in the region
- A sense of community and common identity in the region is created.

In the case of WB, it is difficult to speak of the creation of a regional security community according to the given criteria, since the endeavours of countries in the region are mostly invested in the EU and NATO membership, and not in the establishment of their own regional security organization. EU and NATO, which operate in a much broader political and territorial context, already have great impact on the WB states. There seems to be some overlapping or strong impact of transregional security organization. It is thus possible that a real security community (as for example the Nordic or Euro-Atlantic) will not be developed in the WB region, for there will be no need for it.

### **Western Balkan Region: GEOGRAPHY AND PLAYERS**

Let us now turn to the second part of our analysis, where we will consider some practical aspects of current security situation in WB and implications for future development of regional security cooperation.

There is a well-known saying "tell me where you are from and I will tell you what your problems are".

Geography to a large extent determines policy. Looking at the map, the region of WB is both blessed and cursed by being at the crossroads of trade and influences coming from all directions. Living in this transit region brings us multiple advantages as well as more than our fair share of security challenges.

In the context of the current geopolitical situation the Balkans is still used as a playground for big powers. From the East, Moscow continues to try to exert its influence through its grip on the energy sector and through historical alliances with Orthodox nations. From the West, in particular from its most influential capital Berlin, conditional carrot is being offered in the form of Euro-Atlantic integrations. For Berlin, this is about bringing the region closer to the EU and, eventually, to EU membership, bringing long-term stability to the Western Balkans, and, of course, ensuring German economic interests in this part of Europe.

In 2013, Serbia signed a military cooperation agreement with Russia. And in October 2014, much to Berlin's chagrin, Serbia rolled out the red carpet for Putin, with president Nikolić awarding him the country's highest order. Russia has also long been a staunch supporter of the Republika Srpska, and there are rumours that Moscow is inquiring about a possibility to establish a navy base in Montenegro. On the other hand, a few years ago we saw our heads of government being summoned to Berlin on a short notice to discuss Euro-Atlantic perspectives of the WB and various (mostly infrastructure) projects which could be financed from the EU budget.

However, a few years ago EU has a lot of pressing issues (and Russia even more), hence the European Commission President Jean-Claude Juncker has put the Western Balkans way down on his agenda.

The WB is seen as one of the European regions most vulnerable to Islamic terrorism, due to its transit character and radicalisation of minor parts of Muslim populations. Experts note that the region may play a secondary role in terrorist plans, as a transit point for terrorists, and a place for rest and recuperation. Moreover, they agree that the region's persisting problems continue to make it vulnerable to terrorist groups in the future. We should also be aware of the issue of so-called foreign fighters returning from the MENA region (Middle East and North Africa).

Last but certainly not least is the issue of organized crime. Each of the Western Balkans states is faced with security threats of trans-national nature, such as organized crime, arms, drugs and human trafficking, corruption, illegal migration, money laundering. These activities are facilitated by poor law enforcement and

insufficient prevention through joint regional efforts. The necessary measures to tackle these threats are in place but they are not always implemented. This is due to the weakened state institutions, political and criminal interests and the lack of human and financial resources. Advancement in the fight against organized crime, political extremism and radical structures is crucial in order for the Balkans to achieve long term security and stability.

## **ASSESSMENT OF DEFENCE COOPERATION AMONG WB COUNTRIES TO DATE**

When discussing defence cooperation in the Western Balkans, we will try to answer a couple of questions. The first (one) addresses the current state of Western Balkans in the area of security cooperation.

Since even before the end of armed conflicts of the 1990s, we have acquired quite a few frameworks for regional defence cooperation: South-Eastern Europe Defence Ministerial (SEDM), Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC), South-Eastern Europe Clearinghouse (SEEC), South-Eastern European Cooperation Initiative (SECI), Adriatic Charter (A-5). When Slovenia tried to rationalize some of these initiatives in September 2013, we managed to create one more defence cooperation framework called Comprehensive Regional Ministerial (CRM).

In a decade and a half since the last large scale conflict in the region we have had plenty of meetings on various levels, exchange views and best practices. At first, these meetings were important simply because they did take place and were seen as a trust building measure by third countries that (partly) financed these initiatives.

However, despite the needs and external financial and moral support for regional security cooperation in the Western Balkans, real progress is lacking. To some extent the reason is that regional security cooperation was perceived as a means to an end, as a transitional tool to facilitate Euro-Atlantic integrations of each state in the region. Governments were committed only by declaration, with few resources and experts provided, and few practical measures undertaken between any two high-level meetings.

More or less the same can be said for bilateral cooperation in the WB Region. We do not venture further than briefings about national (lack of) defence capability development, ways and sideways of defence reforms.

Few concrete defence cooperation programmes, such as Balkan Medical Task Force, take numerous meetings and many years to emerge from the drawing board. And even then, the creation of task force is painfully slow and it may take many more years before it becomes operational, let alone deployed in operation. To be fair, we also have to mention successful Croatian initiative for A-5 cooperation in military police school in Kabul.

After so many mostly wasted years it is high time for us to move forward under our own steam.

To sum up, we are definitely not lacking tools for regional defence cooperation. What we are lacking is political will and public support to give substance to our security cooperation.

## **A BOTTOM-UP APPROACH**

The next questions to be asked are the following: Which are the most pressing security threats WB Region is facing? How can we address them together? Can we get both public and political support to devise regional response and implement it?

First of all, security is a much broader term than defence. The security challenges our region is facing are by no means only military in nature. On the contrary, in fact, I believe that there is only a remote possibility of a large scale military conflict in the foreseeable future.

What we could therefore suggest is a kind of bottom-up approach. Given our complex history, defence cooperation may be a non-starter. We should instead focus on those areas of cooperation where we have already made substantial headway in the past. Even without foreign encouragement. Enhanced cooperation between police forces of WB countries is the first obvious choice. Disaster protection/mitigation and rescue is the second one. The first carries less political connotations, the second none whatsoever. We do much better when politics is not involved. Mutual benefits for all parties concerned are obvious, hence public and political support should be forthcoming. These two suggested field of cooperation could prove to be excellent

confidence builders. From there we should proceed to defence cooperation on a step-by-step basis.

One of the most pressing security threats to the Balkans is emerging from the side effects of conflicts and failing states in the Middle East and Northern Africa: refugees fleeing to Europe, increase in drugs, arms and human trafficking. Many of refugees and smuggling routes are leading through the Balkans. Minimizing security threats emanating from these illegal activities is clearly in our common interest.

Although natural and man-made disasters do not come to most experts' minds when talking about security challenges, they may turn out to be the most convenient ice breakers in the Western Balkans security cooperation. Due to climate change, which makes our weather ever more unpredictable and extreme. The number and scale of climate-related disasters is unfortunately likely to increase. Our region is prone to floods, landslides, heavy snowfall, forest fires, and in some areas, drought. And what is more natural than helping your neighbour in need? This is not only the right thing to do, it also creates gratitude, a deep bond and, as a result, trust. In our view, enhanced cooperation in strengthening disaster preparedness and facilitating disaster relief will also pay political dividends. Furthermore, it might be a game changer in the culture of post 1990s cooperation in the Western Balkans. Slovenians were touched by suffering inflicted upon Serbian population in the 2014 floods and overwhelmed by genuine gratitude that our help generated.

The most obvious security challenges are ethnical tensions that seem to be rather swept under the carpet than extinguished. There are many unresolved issues that can be used by internal or external actors in the current regional and broader geopolitical situation. We do not foresee this could result in major conflicts, but even minor incidents (for example the Infamous football match in Belgrade) can have unforeseen consequences. We think these challenges should not be viewed as security but as political issues. The solution can only be a political one. However, it can be addressed indirectly by enhancing cooperation on other security related issues, such as fighting against organized crime and helping each other in disaster relief efforts.

## CONCLUSION

To conclude, our goal for, let us say, the year 2025, should be excellent cooperation in disaster relief & rescue and good police and law enforcement cooperation. These efforts will significantly contribute not only to a safer environment for our populations but also to the enhancement of trust, which is an essential precondition for any meaningful defence cooperation. One could firmly believe that the hardest nut, that is, the unresolved issues emanating from ethnical tensions, will be cracked by political means on the basis of bottom up security cooperation.

One cannot be sure about the exact year that this goal will be reached, some issues need a longer time to mature properly here in the Balkans. However, the lessons learned of our analysis prove that the countries of the WB **can** work together.

We need to learn again to work together, not because this is suggested or even demanded by preachers of the Euro-Atlantic integrations gospel, but because we will be safer and better off if we overcome the troubled past and provide our children and grandchildren with a good example of how security cooperation is well worth it while.

In particular, preservation of peace and stability, regional cooperation and EU membership should be common strategic goal for all the countries in the Western Balkans. Finally, one can conclude that despite the worrisome voices and statements coming from the WB from time to time, indicating that we are facing political obstacles, tensions, and blockades, efforts should be made for them to be overcome successfully and to work hard towards realization of all the activities that will be paving the road of the WB countries towards the EU. WB countries should strongly step along that track, concentrating on reforms and adoption of European values. Maybe it is high time for the region to rely less on the EU mediation and the WB countries to work harder together coping with challenges in the region and the European path.

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## STATE, STATE-BUILDING AND SECURITY IN THE WESTERN BALKANS

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### Abstract

After the intra-state wars and conflicts in the Balkans region, insecurities caused by weak states still constitute an important concern for stability of the region. Therefore, international community has engaged in some attempts for rebuilding of weak states through state-building efforts in order to prevent the spill-over effects of insecurities originated from them. Because, security issues such as arms, drugs and human trafficking, organized crime, corruption, immigration and refugee problems in the Western Balkans threaten the democracy, the rule of law, human rights, political stability and the economic progress within the region. Albania, Macedonia, Bosnia-Herzegovina and Kosovo as the weak states of the region suffer from deficits in legitimacy, capacity and provision of public goods. That's why, they are unable to implement effective development policies for its citizens' basic needs in terms human security. In this paper, it is aimed to analyse the relationship between state-building process and its security implications in the Western Balkans. Conceptually, state-building refers to the set of actions undertaken by international actors to strengthen the capacity, legitimacy and the institutions of the state where these have seriously been eroded or are missing. The state-building processes of the weak states in the region are closely related to the European integration process of the region. Although there are ongoing efforts in all these countries to reform institutional capacity of the state in accordance to European standards, it can be concluded that these reforms are, at best, only mildly effective. That's why, the paper argues that real success of the state-



building efforts in the region depends on the embracement of these efforts by the people.

**Keywords:** Weak State, State-Building, Security Issues, Western Balkans

## Introduction

The nation-states are regarded to have sovereign control over their territories and are taken to be juridical equals in the arena of international affairs. However, in terms of concept of weak state introduced by Barry Buzan, empirical sovereignty of the state is questioned by several actors inside of it, especially in respect of the idea of the state. Therefore, national identity and institutional structure of the state can be questioned by the significant part of the society. In this respect, one of the most crucial objective of post-conflict era is to build an inclusive state structures and political identities in order to eliminate the root causes of the conflict. Given the importance of weak states for regional and international security and stability, when international community attempts to involve for rebuilding of these states, as a top-down approach, state-building is mostly privileged in terms of consolidating of institutions of the state. But probably as the most crucial reason of being a weak state, nation-building aspect is neglected intentionally or unintentionally. In this respect, it is claimed that post-conflict peace-building process should aim at addressing the root causes of the conflict and restoring the political, economic and social infrastructure in a post-conflict society to establish governance, the rule of law, as well as social and economic justice (Dursun-Özkanca, 2010: 437).

Insecurities of weak states have a spill-over effect. These insecurities include the threat of violent transfers of power, insurgency, secession, rebellion, terrorism, weapons proliferation, organized crime, warlordism, refugee flows, mass migration, regional instability and ultimately, state collapse and anarchy (Patrick, 2006: 1). These threats are making impossible to put sharp dividing lines between internal and external security because of their spill-over effects (Ağır, 2014: 11). Therefore, effects of these threats on regional stability and security show that the repercussions of them will not just be felt locally. When states lose control of some of their territories, it raises security concerns for a given state and its neighbors. Regionally, they can spill

instability well past their borders and create a conflict dynamic affecting neighboring countries.

After the end of the Cold War, weak states have become a common concern in post-conflict situations such as in the former Yugoslavia. For the moment wars were over in the Balkans region, but insecurities caused by weak states constitute an important concern for stability and security of the region (Ağır, 2014: 2). Indeed, the non-traditional security issues in the Balkans threaten the democracy, the rule of law, human rights and the stability and the economic progress within the region, even with an impact beyond the Balkans. In this process, drugs and human trafficking, terrorism, corruption, money laundering and the proliferation of small arms endanger overall security predicaments.

The paper argues that there is a strong correlation between the weak state and security issues, and the main challenge to stability in the Balkans comes from the presence of a chain of weak states in the region. Albania, Macedonia, Bosnia-Herzegovina (BiH) and Kosovo can be classified as weak states (Ağır, 2012: 1). Likewise, Fragile States Index 2016 which is conducted according to some criteria such as uneven economic development, poverty, state legitimacy, public services, human rights and rule of law and security apparatus shows BiH on rank 88, Macedonia on rank 111 and Albania on rank 124 (Fund for Peace, 2016). While statehood problem of these countries limit their ability to provide security, goods and services to their citizens, this problem cannot be addressed only at the institutional level but must be tackled at the social and individual level as well.

### **A Brief Outlook to Non-Traditional Security Issues of the Balkans**

The states which especially emerged from the former Yugoslavia's ruins have been suffering from non-traditional security issues such immigration and refugee problems, terrorism, arms, drugs and human trafficking, and spread of organized crime and corruption. It can be comprehended that a great number of security threats emanate from the non-traditional security issues when it is examined the security strategy documents of the states in the region (See, Palinkasev, 2007: 73-80; Hroni and Qazimi, 2007: 58). Instead of traditional security threats such as inter-state wars, security agendas and conceptions of the countries in the region are mostly focused on

the non-traditional security issues (Ağır, 2012: 2). In addition to the collapse of communism, politically and economically ill-managed liberalization process and the number of conflicts and wars in the region (Ağır, 2012: 1), the weak state phenomenon in the Balkans region underpins these security issues that constitute a threat to individuals, communities and also state itself (Buzan and Wæver, 2003: 384). In this respect, weak states of the Balkans can slow down the democratization process in the region and promote reproduction of instability and insecurity. Because, there is a direct causality between the absence and/or lack of state functions and the likelihood of return to violence in post-conflict environment (Ağır, 2012).

The spread of the organized crime is certainly one of the most significant security risks in the Western Balkans. Because, the organized crime has fed instability in the countries of the region and hindered their transition to more representative political and economic systems, thereby slowing their integration into the world political economy (Levitsky, 2003: 235). The transition from communist rule to democracy, wars on the Balkans region in 1990s with their economic blockades and war economies, and the presence of weak states in the post-war context provided a favourable environment for networks of organized crime to bloom (Stojarova, 2012: 91). In this environment, through exploiting chaos, insecurity, lack of proper organization and nonexistence of the rule of law, the organized crime groups have established their strongholds in the region and created links with high-ranked political officials and parts of the military establishments (Vukadinovic, 1999: 13). Organized crime groups attached to political elites in the various states in the region constitute crucial threats to their economic transformation, democratization and the process of integration into Euro-Atlantic structures. It is claimed that organized crime is still often linked with (persons in) state institutions because of the nature of the weak states in the Balkans (Benedek, 2010: 10).

According to one senior UNMIK official, "When we talk of organised crime in Kosovo, we are very much dealing with politicians, [and] ministers" (United Nations Office on Drugs and Crime, 2008). Under these conditions, the fight against organized crime faces many problems such as the reluctance of local organs to deal with the criminal structures and involvement by the elite in illegal activities (Ağır, 2012: 5; Ağır, 2014: 13). In terms of Macedonia, it has completed its reforms as regards the judicial system and the public administration, and has made progress since becoming a candidate country of the EU in 2005. Accordingly, some progress has been made in the

fight against trafficking of human beings, money laundering and organised crime (EU Commission, 2014). However, the capacity to fight organised crime remains hampered by the operational and institutional shortcomings. When it is considered for BiH, organised crime that consist mainly of drug trafficking, trafficking in human beings and financial crime remains a serious concern. BiH has started to fight against organised crime, trafficking in human beings and terrorism, but sustained efforts over the long term remain necessary (EU Commission, 2007). Therefore, organised crime networks continue to operate throughout BiH and have a negative impact on political structures and the economy (EU Commission, 2011).

As another important security issue, the corruption which is deeply rooted in the region naturally involves the political elites and state institutions. This phenomenon is regarded as a threat for four reasons: 1) because the reform of political institutions is greatly dependent on anti-corruption measures; 2) because the establishment of a healthy market economy is impossible without curbing corruption; 3) because a formal acceptance of anti-corruption measures without their implementation is not sufficient to qualify countries in the region for the European integration; 4) because without adopting anti-corruption laws in line with European standards, it is impossible to adapt to EU regulations (Gazdag et. al., 2007: 17). The Corruption Perception Index of Transparency International shows Albania and BiH equally on rank 83, Macedonia on rank 90 and Kosovo on rank 95 (Transparency International, 2016).

Corruption is still widespread and remains a major problem for weak states of the region. This is due to insufficient legislative and implementing measures and a lack of determination and the weakness of the judicial system. Indeed, the principles of transparency and accountability are not yet fully applied. Therefore, more concrete results need to be seen in practice, both in terms of reduction and deterrence of corruption (EU Commission, 2014). Because, although the legal frameworks for fighting corruption have largely been in place, implementation of existing legislation have been insufficient in weak states of the region (See, EU Commission, 2016b; EU Commission, 2011). In this respect, corruption continues to negatively impact all spheres of life, economic development and the rule of law.

Under the intra-state war conditions, in the name of ethnic homogenisation large numbers of persons are displaced within their own country, while others are more or less forced to flee to neighbouring countries (ethnic migration) or to seek asylum elsewhere (refugees). Thus, displacement became a serious issue in the Western

Balkans after millions of refugees and internally displaced persons (IDPs) were littered across the region (the majority in BiH, Kosovo, and Serbia) as a result of the wars in the 1990s, the 2001 internal strife in Macedonia, and the numerous conflicts in Kosovo in the 2000s. In response to this situation, international agreements like Dayton Accords and the UN resolutions like Security Council Resolution 1244 on Kosovo emphasized the return of all refugees and displaced persons and protection and promotion of human rights of them. In spite of efforts for solving human displacement, according to the United Nations High Commissioner for Refugees (UNHCR), as of January 2009 there were 132,071 refugees and 352,905 IDPs remaining in the Western Balkans (Center for Strategic and International Studies, 2010).

Connected to demographic security of the region, human-trafficking is another non-traditional security issue. The destruction of social fabric caused by the conflicts in the region, coupled with massive migrations, and the economic collapse, worked together to create fertile ground for dealers in human beings. Balkans region is simultaneously the source, the transit route, and the destination for the trafficking of human beings. It is estimated that 120,000 victims of human trafficking or more are coming to the EU through and from the Balkans each year (United Nations Office on Drugs and Crime, 2008). Illegal immigrants also form a natural setting not only for the spread of organized criminal groups but also of terrorist organisations (Moustakis, 2004: 149).

Moreover, due to the civil war conditions in the Middle East, the influx of people transiting along the Western Balkan route has increased rapidly in recent years. For example, in the period from September to November 2015, a total of 428 597 people were registered as transiting Macedonia. Between January 2016 and March 2016, 89 628 foreign nationals -majority of them from Syria, Afghanistan and Iraq- were registered in the country (EU Commission, 2016c). Likewise, statistics show an increasing trend of people coming to BiH from the high-migratory-risk countries. In 2015 the number was 293 943 individuals, compared with 230 974 in 2014 and 209 490 in 2013, mostly from Turkey and Albania but also from China, India and Afghanistan (EU Commission, 2016a).

Another serious security problem that affect the weak states of the regions is terrorism and radicalisation. For example, Kosovo has been affected by the phenomenon of foreign terrorist fighters and radicalisation tendency. Because, 300 nationals are reported as active fighters in conflict zones in the Middle East. However, the numbers

are decreasing and since September 2015 there have been no new reported cases (EU Commission, 2016b) due to the stepping up efforts in the fight against terrorism. As well as the law on foreign terrorist fighters, it also adopted a strategy and action plan on prevention of violent extremism and radicalisation that may lead to terrorism (EU Commission, 2016b). In terms of Macedonia, some progress can be reported in the fight against terrorism. The country became a member of the counterterrorism initiative of the Council of Europe. The Council for the Fight against Money-Laundering and Financing of Terrorism was established as an inter-ministerial body to improve inter-institutional cooperation (EU Commission, 2012).

Post-conflict situations are often characterized by weak states, which still need to consolidate themselves and to reform the police and the judiciary in order to make sure that these are operating in the interest of the citizens (Benedek, 2010: 3). In this context, security sector reform is of crucial importance, because in post-conflict situations the security sector is often linked with organized crime and therefore rather a threat to citizens than a provider of protection. Security sector reform includes the process of transforming or establishing new security institutions, including, the army, police, judiciary, border services and intelligence agencies. The goal is to create a functioning democratic state and society in which the citizens are able to live without fear, whose human rights and fundamental freedoms are guaranteed and whose property rights are protected. The army, police, intelligence agencies and other security sector agencies engaging in widespread abuses, organized crime and corruption became frequent cases in the countries of Balkans in the last decades. And also, they became obstacles in the strengthening of the governance structures in the government and in the improvement of the security situation, contributing to the increase of the instability and insecurity in the region. Although there are now ongoing efforts in all former Yugoslav republics to reform structures of security sector in accordance to European standards, most observers agree that these reforms are, at best, only mildly effective (Anastasijevic, 2006).

### **Corelations of State-Building and Nation-Building in the Western Balkans**

The demand for external interventions to stabilise failing states or rebuild failed ones is quite large, and resources available for these efforts are rather limited.

But it is not only lack of resources which constrains the effectiveness of the international community, it is also the lack of knowledge of which approaches to the stabilization of fragile states work and which instruments are best suited to perform this task (Ottoway and Mair, 2004: 1). The UN is becoming involved in state-building projects without any clear institutional guidelines or political consensus. This has given rise to uncertainty of mandate in ongoing UN operations, as well as the potential for establishing precedents that may confuse the normative framework within which future operations take place.

It is argued that the best way to avoid state failure is to prevent it, and the best way to prevent it is to support broad-based economic growth. According to the World Bank, low-income countries are about 15 times more susceptible to internal conflict than countries in the OECD (Eizenstat et. al., 2005: 140). So, necessity of linking security and development has become a policy mantra, and there are vigorous calls for integrating security and development perspectives and policies (Tschirgi, 2006: 41). But development model for weak states could partly overcome the existing problems. Because the prerequisite for sustainable peace and security in weak states requires democratic government, respect for human and collective rights and satisfaction of the population's basic needs. Thus, socio-political cohesion within a unit can be achieved, and as a consequence of the fact that members may share common norms and values and have a relatively high attachment to institutions which are perceived to be legitimate.

The institutional approach to state-building refers to the set of actions undertaken by national and/or international actors to reform and strengthen the capacity, legitimacy and the institutions of the state (Fritz and Alina, 2007: 13). Thus a state-building model prioritises 'institutionalisation' with a view to legitimizing public power within a given territory. The key goals of state-building include "provision of security, establishment of the rule of law, effective delivery of basic goods and services through functional formal state institutions, and generation of political legitimacy for the (new) set of state institutions being built" (Fritz and Alina, 2007: 13). However, as Kalevi Holsti has highlighted, while institutionalization and the instrumental capacities of statehood are important: 'it is in the realm of ideas and sentiment that the fate of states is primarily determined' (Holsti, 1996: 84). This conception emphasizes a very different conception of the state adopted by institutionalists.

Due to the importance of the state-society relations for the success of state-building processes, international community should focus more on understanding socio-political contexts, how local societies relate to the state and how historical and cultural factors shape public perceptions. Because, a consolidation of the state and its institutions must emanate from the very bottom of society and must be supported by society as a whole. In other words, development of legitimate and effective states cannot be imposed from outside but rather emerges from internal negotiations, as a bottom-up endeavor. Indeed, constituting a state is not necessarily the only way of achieving security. Therefore, in addition to developing viable domestic institutions with international support, international intervention should encourage bottom-up initiatives aimed at re-establishing economic and social ties across different communities (Belloni, 2007: 6). The knowledge of the local context and a bottom-up approach are crucial to increasing the chances of success for international engagements.

In this context, operations that aim to transform the weak states should consider not only state-building efforts, but also nation-building ones. Because, rebuilding a state after conflict is about restoring the people's trust and confidence in governance systems and the rule of law and rebuilding relationships at all levels. These processes are all critical to the consolidation of peace and security in post-conflict situations. When they are neglected, the threat of conflict re-emerging is very real. In this context, instead of concentrating efforts of post-conflict reconstruction primarily on state institutions and the recreation of a state monopoly of force, an integrative model that bring together the humanitarian and societal needs of people, should be given priority in post-conflict reconstruction process. However, it should be emphasized that nation-building seems impossible to contemplate without a secure environment having been established in the first place. Therefore, the processes of state-building and nation-building can be complementary rather than mutually exclusive.

The common response to disorder within states is the regaining and maintaining control, rather than addressing root causes. So, peace-building should involve an effort to eliminate the root causes of conflict, to promote the security of the individual, societal groups, and the state. "Ultimately, peace-building aims at building human security, a concept which includes democratic governance, human rights, rule of law, sustainable development and equitable access to resources" (Barnett and Zürcher, 2009: 26). But also there should not be any fear among sub-national groups that peace-building efforts of international community undermine their power at local level



and increase the state's control over the periphery (Barnett and Zürcher, 2009: 24). Because, it should be stated that all causes of insecurity within weak states is related to the process of state-making and its corollary nation-building.

Analysts use terms such as "nation-building" and "state-building" to describe the phenomenon of international intervention in weak states (Belloni, 2007: 97). So, it seems necessary to make an attempt at conceptual clarification. Although the two concepts are closely related, state-building focuses primarily on public institutions -the machinery of the state, from courts and legislatures to laws and bureaucrats- whereas nation-building refers to the strengthening of a national collective identity, including its sense of national distinctiveness and unity (Paris and Sisk, 2009: 15). There can be a highly effective state apparatus that contributes nothing to the emergence of a sense of nationhood. So, international interventions to build the capacity of state institutions have to be complemented by actions that take into account the roles of perceptions and expectations, of bottom-up consultations and of the degree to which populations feel represented by public institutions. Consequently, this paper argues that while international community has largely focused on state-building, stability requires a deeper process of nation-building. Because, social and cognitive processes of creating a common national identity during post-conflict reconstruction are paramount.

The term of nation-building implies that this political activity is essentially about either creating a nation out of some other forms of community, or making a national identity stronger. Reconfiguring the national identity involves attempting to make it more modern, or less ethnic (Norman, 2004: 84). In this respect, processes of state-building and nation-building cannot be accomplished in the case of absence of common idea of the state among citizens. Because of low level socio-political cohesion, the population is divided along ethnic, cultural, religious and social lines, thereby there would be no consensus within society on political and social organization of a state. In this case, nationalism will contain the seeds of new tensions affecting national minorities (Guibernau, 1996: 141). Because national integration project mostly involves the assimilation of ethnic groups into a single homogeneous cultural system. Thus, a nation-building process can be conceived as a security threat by ethnic minorities. In this respect, trying to build institutions without linking them to shared values and inclusive notions of citizenship and political community can result in the persistence of divisions.

## Conclusion

Given weak states have lack of institutional capacities and socio-political cohesion, they would suffer from deficits in legitimacy, capacity, provision of public goods and inclusiveness. Therefore, they can cause important security threats such as terrorism, organized crime, refugee flows, mass migration and regional instability (Ağır, 2014: 21). Indeed, the weak states of the region play an important role in the security puzzle of the Western Balkans. In recent years, there has been positive developments in terms of institutional capacity for addressing the above-mentioned non-traditional security issues in the weak states of the region. However, much remains to be done to strengthen the rule of law, intensify the struggle against organized crime and corruption and ensure the proper functioning of state institutions in the region.

It should be stated that the strengthening of weak states in the region is dependent on the success of state-building processes which are closely related to the European integration process. But most of the threats targeting the physical integrity and dignity of human beings are locally produced and unique to the region. So, it is argued that a bottom-up approach which would provide participation of civil society in agenda-making process rather than setting up a human security agenda in Brussels is necessary (Ovalı, 2009: 177). So, the priorities of the international community should be in line with the needs of individuals and social groups in the region. Accordingly, state-building process should not be seen as only a 'technical' process of creating new state institutions or strengthening existing ones. Because, functioning institutions depend not only on formal design, but also on the social context within which these institutions operate. Formal institutions need to be rooted in society; otherwise they risk becoming useless or being captured by private or patrimonial interests (Troncota, 2011: 72-73).

Given the ethno-national divisions still define the character of the political dispensations in these countries, it is a necessity to constitute an inclusive political and social structures for all segments of the society. In this direction, creation of civic political identities with the help of international community seems crucial for transparency and accountability of the state institutions. Thus, socio-political cohesion and legitimacy of the weak states of the region can be strengthened. Accordingly, efficiency of the state as the provider of security needs for individuals, social groups and state actor itself will be empowered in order to overcome non-traditional security issues.

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## **CRISIS MANAGEMENT IN THE REPUBLIC OF CROATIA**

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### **Abstract**

In Croatia, the mission, set of goals and general issues of crisis management are still not completely, and to a sufficient extent, defined by appropriate legal solutions, regulations and strategic documents. Therefore, access to this vital area of safety issues is still divided to certain areas depending on the type of crisis or threat. The necessity of establishing a comprehensive and unified system to manage crises was recognized over fifteen years ago, and a series of discussions has been held on the issue, as well as the issue of developing the concept of a crisis management system. Despite these efforts, there have been no significant results. The issue was approached in 2004. by passing the Law on Protection and Rescue and the establishment of the State Protection and Rescue Administration (DUZS), and again in 2005. by passing a new Civil Protection Law. However, the civil protection system covers only a part of an integrated crisis management system at the national level, such as protection and rescue, disaster and major accident management. The normative framework of the Republic of Croatia, even after Croatia entered the EU and adopted it's *acquis communautaire*, is marked by the lack of comprehensive solutions regarding the definition of national crises and the establishment of a crisis management system.



Therefore, this paper analyzes the existing normative framework of crisis management in the Republic of Croatia, as well as its functionality with a focus on the system of civil protection.

**Key words:** Crisis management, normative framework, civil protection system.

## Introduction

In the Republic of Croatia, there have been numerous papers, which conceptually and contextually deal with the term crisis, as well as the architecture of crisis management. Various literary publications contain the appropriate categorization, descriptions and explanations of the term crisis. There is, however, no clear and unambiguous definition of the concept of crisis management. This is the result of a lack of an integrated crisis management system in the Republic of Croatia. In various documents that can be found in the Central Catalog of Official Documents of the Republic of Croatia, the term crisis appears in 174 valid legal regulations, however, these mentions are mainly related to specific areas of expertise<sup>50</sup>.

The normative framework of the Republic of Croatia is marked with a lack of integral and complete solutions concerning determining national crises as well as establishing a crisis management system, even after Croatia entered the European Union and adopted its *acquis communautaire*.

The first qualitative step in introducing and defining the concept of crisis in its own normative regulations was made by the Ministry of Defense of the Republic of Croatia, and with its membership in international organizations, other state authorities have gradually started introducing the concept of crisis in their field of work and everyday vocabulary.

The term crisis management, as well as all of its semantic derivatives appear less and less frequently in the legal regulations of the Republic of Croatia. Even when they are mentioned, they are referred to as being sector-oriented, as well as the term crisis.

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<sup>50</sup> Registry of legal regulations is available at <http://www.digured.hr/>. Access January 22<sup>nd</sup>, 2017.

Numerous strategic documents in the Republic of Croatia interpret in different ways what should be an integrated crisis management system, depending on the period of their passing. These documents are consolidated in noticing the absence of such a system and connecting its establishment with the civil protection system. The concept of crisis management is conceptually linked to the development of a civil protection system in 2002, as an organizational framework for disaster prevention and remedying the aftermath of natural and technological disasters, as well as destruction caused by war. However, in the absence of better solutions, it is most often connected with the above mentioned. Tatalović S., Grizold A. and Cvrtila V. (2008) believe that an attempt to resolve the issue of the lack of an integrated crisis management system was the founding of the State Protection and Rescue Administration (DUZS) on January 1<sup>st</sup>, 2005. DUZS was established in order to avoid the overlapping jurisdiction of various state-owned defense and rescue bodies, as well as coordinating their activities in the event of an accident or disaster. Despite this, the expected results have not been achieved to date. Therefore, the concept of an integrated crisis management system has still not been defined. Although several proposals were presented, the competent state bodies have not yet reached a consensus. In the National Strategy on Chemical Safety (Narodne Novine 143/08), the DUZS is described as an integrating system at the national level. It is also described as "...the foundation for the structure of crisis management in local and regional authorities." utilizing its regional protection and rescue offices.

DUZS is the only central body of state administration founded with the aim of dealing with the crises and eliminating disaster consequences. Since its founding, it has been proposing potential solutions and crisis management models, which are being included in the public hearings of central government bodies. These solutions and models are, however, halted at these hearings. The main reasons for this are the unpreparedness of such proposals from the highest level of government, the unwillingness to effect change in the state administration system and the inadequate number of involved entities willing to prepare solutions and models of crisis management.

The role of DUZS is extremely important and unavoidable in all phases of crisis management<sup>51</sup>. DUZS is the administrative and inspection authority responsible for the civil protection system as well as the fire brigades, in charge of communication and coordination through the 112 Centers, international co-operation, training and education of personnel required for the needs of a crisis management system, critical infrastructure and state intervention firefighting units and civil protection<sup>52</sup>. It is also developing the concept of Zoning Warehouses and is the responsible body for coordinating search and rescue operations in the event of aircraft crashes on land and inland waterways on the territory the Republic of Croatia, and so on. (Toth, I., Trut, D., Ćemerin, D. and Vitas P., 2007).

Over time, the trend of legislators' attempts to design and propose crisis management framework is noticed. One of these attempts is going one-step further and mentions the existence of a "national crisis management system"<sup>53</sup>. Observed in the context of the response to the threats of possible consequences of the use of weapons of mass destruction, it was stated that "for the management of crisis situations, the Government of the Republic of Croatia provides central management, planning, supervision and coordination of the crisis management system", suggesting that Croatia still has a crisis management system. This depends, though, on different points of view and is questionable how to look at the above mentioned from different discourses.

It is undisputed that the Government of the Republic of Croatia, as the highest executive body, is responsible for the establishment of a crisis management system. It

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<sup>51</sup> The Law on the Civil Protection System stipulated the powers, obligations, rights and duties of the central state authority in the civil protection system but did not establish its name and status in the state administration system. However, the provisions of Article 36 of the Law on Organization and Scope of Ministries and Other Central Government Bodies (Narodne Novine 93/16 and 104/16) established that it is the central state administration body of the State Protection and Rescue Administration.

<sup>52</sup> and even in the recovery phase where it assumes the initial coordinator's role, before the relevant sectors fully assume their responsibilities.

<sup>53</sup> Eg. in the National Strategy for Prevention and Countering Terrorism (Narodne Novine 139/08) and the Action Plan for the Prevention and Suppression of Terrorism (Narodne Novine 136/12) as well as the National Strategy and the Action Plan to Suppress the Spread of Weapons of Mass Destruction (passed on January 10<sup>th</sup> 2013, at the 71<sup>st</sup> session of the Government of the Republic of Croatia)

has, however, too many managerial functions and is hierarchically too far removed from the field to deal with crisis management systematically, timely and without interruption. For this, a developed system and a specialized body is required, which will refer to the above mentioned as its daily job. Such a body would collect and analyze all relevant information on all potential crises of national interest and would prepare draft decisions for the Government of the Republic of Croatia, all the while having the power to make the most important executive decisions independently. It is a fact that many other countries are faced with an identical challenge (Toth, I., 2015).

The Republic of Croatia has the necessary components for a crisis management system, different solutions for different crises, as well as a developed crisis management infrastructure. There is, however, no integrated system or central crisis management body for the entire spectrum of crises. For the time being, despite all the aggravating circumstances, DUZS is the body most often associated with dealing with crises and crisis management.

### **Legal basis for establishing crisis management**

Although an integrated system of managing crises and crisis management is not explicitly conceptualized and regulated in Croatian legislation, the lack of experience is compensated by using the available solutions established by the Constitution of the Republic of Croatia and the provisions of various laws, regulations and documents<sup>54</sup>. Fundamental civil rights, government organizations as well as mutual

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<sup>54</sup> Eg. in the Civil Protection Law, the Critical Infrastructure Act, the Environmental Protection Act, the Radiological and Nuclear Safety Act, the Law on Protection against Natural Disasters, the Water Act, the Disaster Recovery Law in the Vukovar-Srijem County, Law On the Croatian Mountain Rescue Service, the Law on Fire Protection, the Firefighting, the Law on Defense, the Law on Participation of the Armed Forces of the Republic of Croatia, the Police, Civil Protection and Civil Servants and Employees in Peacekeeping Operations and Other Activities Abroad, the Coastal Law The Republic of Croatia, the Law on Health Care, the Law on the Transportation of Hazardous Goods, the Non-ionizing Radiation Act, the Law on Humanitarian Demining. Also, relevant documents for the study of crisis management in Croatia are Estimation of the Republic of Croatia's threat of natural and technical-technological disasters and major accidents, Protection and rescue plan for the territory of the Republic of Croatia, various other regulations,

powers and competencies are defined by the Constitution of the Republic of Croatia (Narodne Novine 41/2001). Article 135 of the Constitution stipulates that local self-government units carry out local-level tasks that directly address the needs of citizens... "And enter the domain of crisis management and civil protection<sup>55</sup> in a direct and indirect manner. The above-mentioned provision puts civil protection into the jurisdiction of local authorities, which is essential for the development of a crisis management system in the Republic of Croatia. The provisions of the Constitution show that the organizational model for the protection of citizens begins to be built at the level of local authorities. Civil protection is an area of activity that brings together and complements all the participants, normative solutions, citizen protection measures and the active role of citizens themselves in the system of prevention, preparedness and response to crises, as well as the elimination of the consequences of major accidents and disasters (Toth, I., 2015).

There is a multitude of laws and regulations that partially regulate procedures in various crisis situations. The basic legal act regulating crisis management is the Civil Protection Act (Narodne Novine 82/15). It regulates the institutional structure, rights and responsibilities of all participants, procedures, as well as the management of the civil protection system. The Civil Protection Act, however, in its provisions, does not describe the term crisis or crisis management, nor does it individually define them. Furthermore, it provides for the establishment of a civil protection headquarters at the national level, as well as at the level of local (regional) authorities. The Civil Protection headquarters of the Republic of Croatia is established and managed by the Government of the Republic of Croatia. In the area of the local (regional) authorities, the management of said regional and local authorities falls to chiefs, mayors, governors and the executive authorities.

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the *acquis communautaire* of the European Union implemented in Croatian legislation, bilateral intergovernmental agreements and obligations of the Republic of Croatia taken from membership in various international organizations.

<sup>55</sup>"... and in particular relating to housing and development, spatial and urban planning, communal services, childcare, social welfare, primary health care, education and primary education, culture, physical culture and sports, technical culture, consumer protection, protection and improvement of the natural environment, fire protection and civil protection" (Article 135 of the Constitution of the Republic of Croatia)

According to the Plan, procedures and measures of protection and rescue are readiness, alertness, mobilization and growth of operational forces, as well as protection and rescue measures.

The purpose of the plans is removing critical occurrences of importance for the operation of the protection and rescue system. This is achieved through synergy and joint action of the governing and administrative parts of the system and operational forces. The plans provide for levels and stages of readiness, ways of reacting in individual phases, the state of logistic capacity, and other important provisions for effective protection and rescue of human lives, material goods and the environment in disasters and major accidents.

The Protection and Rescue Plan for the Republic of Croatia defines DUZS as the central body in all procedures and measures of protection and rescue. DUZS issues instructions and recommendations to all participants in the protection and rescue system, and has the obligation to alert and inform the public. The DUZS Director has the ability to make standard operating procedures (SOPs) and has direct command of the operational protection and rescue forces. The area of critical infrastructure, an important crisis management factor in the Republic of Croatia, has not been fully developed nor does it conform to the requirements of the European Union and NATO. The Republic of Croatia will have to progressively and methodologically differentiate certain areas of crisis management in order to be compatible with the solutions of the above-mentioned associations and partner countries in these organizations. An example of this is the obligation to identify, determine and protect critical infrastructures and disaster risk assessment, as well as the introduction of measures and activities from the NATO Handbook on Crisis Management in Croatian Legislation. The implementation of the above-mentioned standards in the Republic of Croatia started in 2013 by passing the Critical Infrastructure Act (Narodne Novine 56/13).

This Act regulates national and European critical infrastructure, national critical infrastructure sectors, critical infrastructure management, risk analysis, owner/manager security plans, the critical infrastructure security coordinator, sensitive and classified data handling, and oversight over the implementation of the Act. The Republic of Croatia has taken on the obligation to identify European critical infrastructures on the territory of the Republic of Croatia from other members of the Union and it has the power to determine the critical infrastructure of interest for the Republic of Croatia on the territory of other Union members. It has established the

legal basis and platform for the interdepartmental cooperation process in identifying, defining and protecting critical national infrastructures, as well as co-operation with neighboring countries and the European Union bodies in determining and protecting critical infrastructure on the territory of the Republic of Croatia and other countries (Toth, I., 2015)

Using the above mentioned law, the Government of the Republic of Croatia has given DUZS the important role and responsibility to, in cooperation with responsible central governing bodies whose scope the individual critical infrastructures belongs to, regularly monitor and assess the threats and propose operational and other measures to assess the critical level and the need for the proposed measures for the management and protection of critical infrastructures. DUZS is designated as a means and distributor of information exchange and coordination of activities related to the European Critical Infrastructures with other Member States and European Union bodies. Given that the Republic of Croatia, as a member of the European Union has an obligation to evaluate risk and submit risk data to the European Commission, the Government of the Republic of Croatia entrusts the above-mentioned task to DUZS. This indicates that the Government has designated DUZS the central body of civil protection and crisis management system of the Republic of Croatia.

Croatia's membership in NATO imposes an obligation to accept and implement NATO's Crisis Response System (NATO Crisis Response System), which has been fully developed, taking into account different NATO concepts, capabilities and arrangements. This system is described in the NATO's Crisis Response System Manual (NATO Crisis Response System Manual). The system is designed to ensure uniform treatment between NATO headquarters, strategic commands and member states. The Manual provides measures for managing and responding to crises. As all NATO members are required to fully participate in the crisis response system and apply crisis responses from the above mentioned Manual, all States also have a duty to align national crisis response systems with the NATO system to achieve compatibility with principles and procedures described in the Manual. The process works by NATO headquarters announcing a single measure or more measures to respond to the crisis. It is the obligation of each Member State to notify NATO on whether or not it has been able to implement the measure declared wholly or partially. The decision on the implementation of the measure is always proclaimed by the Government of the Republic of Croatia.

## **Operational dimension**

The effectiveness of the civil protection, safety and rescue system of the population, material and technical resources, environment, critical infrastructure and all socially acceptable resources of valuable protection and rescue is visible in the readiness and abilities of each individual member of the crisis management system and the system as a whole in the implementation of measures and activities involving prevention, readiness, reaction and recovery in cases of extraordinary events. The readiness and ability of the crisis management system in Croatia is monitored through the following:

- Readiness and effectiveness of the participants and operational forces of the civil protection system
- Principles of activation
- Chain of command and coordination
- Development of skills and abilities
- Communication connections for management in crisis situations

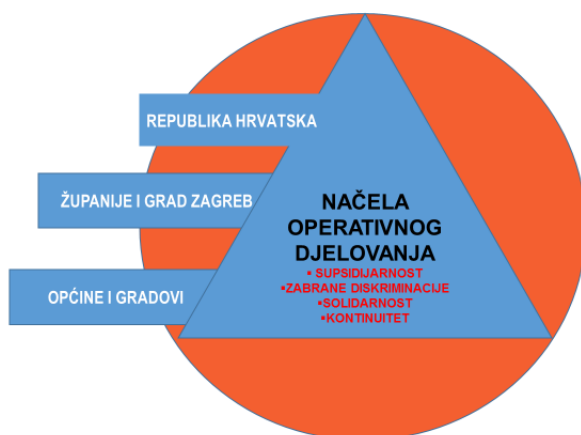
The civil protection system consists of the participants and operational forces of the civil protection system. The Participants are the Government of the Republic of Croatia, the DUZS as the central state administration body responsible for Civil Protection, the Armed Forces of the Republic of Croatia, the police and the executive and representative local (regional) Authorities. The operational forces consist of the Civil Protection Headquarters at the local, regional and national level, the operational forces of the fire brigade, the Croatian Red Cross, the Croatian mountain rescue service, civil protection units and commissioners, the site coordinators and legal persons in the civil protection system. Their relations are determined by the aforementioned acts.

The general principles on which the civil protection system is based are humanity, prohibition of discrimination, subsidiarity, solidarity and continuity of action. In accordance with the principle of subsidiarity, decisions and measures are made and implemented by engaging all available resources of the local (regional) authorities that is hit by a major accident or disaster. This is derived from the provisions stipulated by the Constitution, the Law on Local and Regional Authorities, the Law on the Civil Protection System and the provisions of various other laws. This principle ensures that the local incident remains within the limits of local governance and resolution. According to the principle of solidarity, if objective circumstances exceed these limits



and resources, additional assistance is provided to the affected local (regional) authority. Other local and competent regional authorities are required to provide assistance as a high-level administrative-territorial political entity. If an incident escalates beyond the local (regional) authorities' capabilities, the Government is also required to provide assistance. According to the principle of continuity of action, the system and operational protection and rescue forces continue to carry out regular missions in major accidents and disasters.

Figure 1: General principles of operation of the CP system in the Republic of Croatia

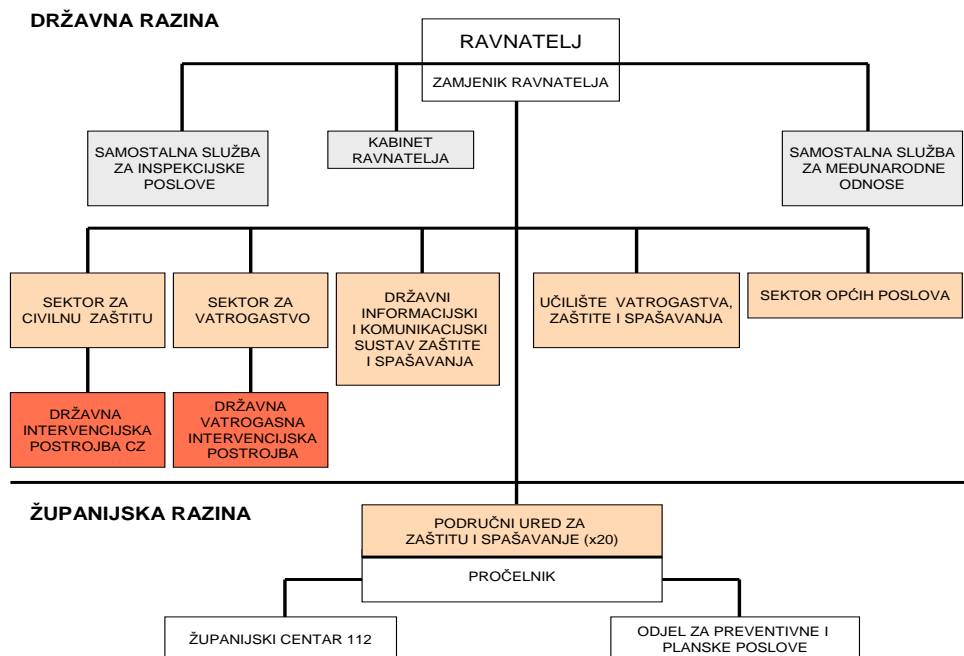


Although these principles are universal and practically applicable, there are examples in Croatia that show that they are not being applied. In the past few years, the most notable examples of this have been flood situations. The local levels did not make use of all their available resources, but at an early stage demanded assistance from the state level, thus bypassing the level of regional authorities. This often required the involvement of the Croatian Armed Forces as a strategic state resource without utilizing all civilian resources, from the local (regional) to the state level. This indicated a lack of understanding of how the system functions, traditional (but not always correct) confidence in the speed and efficiency of the Republic of Croatia's Armed Forces response units, and the efforts of the local community save their own resources.

On the other hand, some threats and challenges are identified as too large and too great a risk for these principles to apply, and for the system to be activated and start to operate from a lower to a higher level. In these cases, coordination and

leadership from the state level to the local level is required. An example of this are the dangers of nuclear, chemical and biological threats to which the state alone has certain capabilities of prevention, alertness and response.

Figure 1: Organization of the State Protection and Rescue Administration



Source material: DUZS (2015), author's processing.

The Chain of Command and coordination is formally established and regulated by the Constitution, strategic and planning documents, laws and subordinate acts and mutual cooperation protocols. Establishing conditions and clear guidelines for managing the crisis management system is the responsibility of the Government of the Republic of Croatia. The Government's role in such situations is crucial in providing official statements and informing the population (which it may delegate to the DUZS Director), in deciding whether or not to provide or receive international assistance, declare a disaster, introduce extraordinary measures to eliminate the consequences of a disaster, introduce readiness at a strategic level, securing funds in the state budget for

the material renewal of readiness for protection and rescue forces within state commodity inventories, response and implementation of long-term protection and rescue measures (Kešetović, Ž., Toth, I., 2012; Kešetović, Ž., Korajlić, N., Toth I., 2013;).

In emergency situations, DUZS acts as a coordinator between civil protection participants, while in major accidents and disasters it manages the operational forces and coordinates the activities of other participants in civil protection activities, distributes information in a timely manner, monitors the implementation of prescribed measures and activities in civil protection as well as conducts mobilization for the needs of the crisis management system. DUZS manages the Civil Protection headquarters of the Republic of Croatia (SCZ RH) until a state of disaster is declared.

The Government of the Republic of Croatia pragmatically decides how it will fulfill its obligations and which tools and capabilities it will utilize, depending on the potential crisis situation or the crisis that has occurred. An example of such an action is the establishment of the crisis headquarters. One of the few central state authorities taking advantage of this possibility and actively benefiting from it is the Ministry responsible for healthcare. The Crisis Headquarters is activated and operates in health crisis situations, as well as during complex inter-agency responses to crisis situations.

In inter-agency co-operation, the role of the civil protection headquarters established in each territorial unit of the Republic of Croatia is paramount. They represent expert, operational and coordinating bodies that serve as support to decision-makers at the local, regional and state level - the mayor, governor, chief and director of the DUZS. Each territorial unit establishes its own headquarters according to its needs, while the Civilian Protection Headquarters of the Republic of Croatia is established by the Government by appointing civil protection heads from central government bodies and the system of important operations forces. The headquarters function as coordinators, play a role in the exchange of information between the participants of a crisis event, represent a forum for the exchange of opinions and prepare draft decisions.

The development of the capabilities of each individual system member is of paramount importance for the efficiency of crisis management systems and the development of universal standards, exercises, education and training. DUZS organizes and annually conducts a large number of such cross-sectoral activities on a national and local level. Communication interconnection contributes significantly to the response rate, duration of overall activities, coordination between system participants and citizens, as well as the protection and rescue of citizens and their property, material

and cultural goods, the environment and critical infrastructures. 112 centers and the State Protection and Rescue Center have this role in all complex incidents and crises in the Republic of Croatia. They are the organizational part of the DUZS and support all the participants of the crisis management system. 112 Centers play an indispensable role in early warning and public alert systems, as well as international coordination in all types of natural, anthropogenic and complex crisis situations that are addressed by the analyzed crisis management system. Proper managing in crisis situations is the crown of the entire crisis management system and all its components. The Protection and Rescue Plan for the Republic of Croatia provides for a framework for action in the following phases: warning, readiness, mobilization and growth of operational forces, protection and rescue measures. The principles of action within these phases apply to most of the natural, anthropogenic and complex dangers addressed by the crisis management system as we know it in Croatia. Since the basic principle of crisis management is that a crisis event determines organization and response, the Protection and Rescue Plan for the territory of the Republic of Croatia also recognizes events that require an increase in forces and a different approach than those common models.

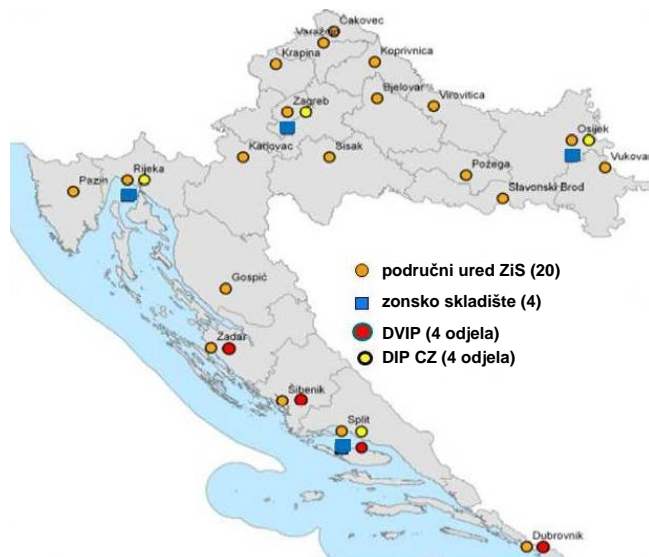
The first measure in the system is early warning (we would add prediction as a pre-warning phase) wherever possible in a timely manner. For most natural hazards (with the exception of earthquakes) early warnings are possible and consequently the most effective measure in protecting the population, material and cultural goods. Concurrently, this measure is also the least expensive way of preparing to deal with the consequences of extraordinary events. There are different early warning systems in the Republic of Croatia that use emergency services, local (regional) authorities, legal entities and state authorities with special powers and responsibilities such as DUZS. The most important national and international systems are used by DUZS to activate the crisis management system, but also to alert the population to potential dangers.

A successful reaction primarily by emergency services, and then crisis management systems is conditioned by timely and quality information about an emergency event. The role of citizens and legal persons is extremely important in the aforementioned. Every citizen of the Republic of Croatia is required to report that there is a possibility of an incident or that an incident is underway. Legal persons using hazardous substances are required to establish warning systems within their own facilities, as well as those for alerting the local population. Timely information about the

extraordinary event and the quick and efficient response of emergency services create the conditions for keeping a local incident at a local level. DUZS monitors these incidents, collects and analyzes data and information, ensures communication between necessary emergency services, collects feedback, records events, and compiles reports. At this stage, DUZS evaluates all the information gathered and decides whether the responses of emergency services to the relevant incident should be kept at the local level or it is necessary to activate individual participants and operational forces of civil protection depending on the type and magnitude of the crisis event (Toth, I., 2015).

If DUZS assesses that a local incident might escalate or has already escalated, it will raise its monitoring level through its regional office for protection and rescue and will initiate the introduction of readiness for parts of the necessary system participants (units of local authorities and operational forces), as well as their own organizational units (Figure 2).

Figure 2: Territorial layout of the DUZS organizing units



Source material: (DUZUS, 2016)

Depending on the type of extraordinary event, DUZS has two procedures at its disposal. The first one - informs citizens through regular communication systems - by

publishing information on their web site and by informing the media, primarily radio and television. The second one - uses the public alert system in affected areas. Readiness, mobilization, and growth of civilian operational forces are a part of the active preparations to prevent an incident or to remedy the consequences if an incident, if it is already underway. If the incident has escalated outside the boundaries of a legal entity's facility, if it is no longer a local incident and has surpassed the ability of local emergency services to deal with it successfully, and presents a potentially greater risk to life, health and property, the crisis management system is activated and the participants and operational forces needed to solve the crisis are activated. In accordance with the Protection and Rescue Plan for the territory of the Republic of Croatia, the DUZS Director has the responsibility and the ability to directly command the operational forces of civil protection, using the Catalogue of Capability of operational forces and civil protection participants with a review of total rescue capacity, divided by activities of civil protection interest in the Republic of Croatia. Even though there is a possibility of direct command within the crisis management system, inter-agency activities are increasingly using the term co-ordination, since the system has been established in a way that all participants are aware of their competencies and responsibilities so that it is not necessary to command them, but to coordinate their actions. The DUZS Director decides on the activation of the civil protection headquarters of the Republic of Croatia and the mobilization of all operational forces of civil protection of the Republic of Croatia. If necessary, DUZS will propose to the Government of the Republic of Croatia whether it needs to send or receive international assistance. In the event that an incident may cause unwanted consequences on a large scale, the Government of the Republic of Croatia, upon the proposal of the DUZS Director, declares a state of disaster. The Government of the Republic of Croatia takes command of the civil protection system in disasters, and the Prime Minister of the Republic of Croatia or, on their behalf, a member of the Government or the head of the civil protection headquarters of the Republic of Croatia (DUZS Director) takes over the work of the civil protection headquarters of the Republic of Croatia.

#### International aspects

There are numerous initiatives and areas of international cooperation on this matter, in which the Republic of Croatia is involved, from bilateral and regional

cooperation<sup>56</sup> to membership in international organizations and initiatives<sup>57</sup>. In the observed crisis management area, it is necessary to regulate co-operation between the contracting parties in the area of prevention, alertness, response and removal of disaster consequences. International civil protection cooperation agreements concluded and ratified in accordance with the Constitution of the Republic of Croatia form an integral part of the legal order of the Republic of Croatia and, by law, supercede all other laws. The Croatian Parliament has ratified 12 bilateral mutual assistance agreements in the event of disasters and major accidents while three more agreements are being ratified. Bilateral co-operation also takes place with other countries through various specialized programmes (Toth, I., Cemerin, D. and Vitas, P. 2011). The core areas of cooperation covered by bilateral, regional and worldwide international cooperation include: planning and implementation of preventive measures to protect against floods, earthquakes, fire, navigation accidents, radiological hazards and industrial and other civilizational accidents; mutual sharing of information on the dangers, emergence and disaster consequences; mutual assistance in protection, rescue efforts and removing consequences of a disaster; co-operation in education and training of civil protection participants, fire-fighters and other members of rescue teams, as well as protection and rescue specialists, and organization and implementation of joint exercises for protection and rescue; exchange of scientific and technical data relevant to disaster protection; cooperation in the development and production of rescue equipment.

## Conclusion

The legal basis for the crisis management system in Croatia is formal legislation, with the umbrella law on the system of civil protection<sup>58</sup>, and more relevant laws that regulate the specific areas of risk and danger. What is noticed in analyzing

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<sup>56</sup> Eg. Disaster Preparedness and Prevention Initiative for Southeast Europe and the South European council for Civilian-Military Planning in Urgent Situations.

<sup>57</sup> Croatia is a very active member of the UN Disaster Risk Reduction office, the Open Partial Prevention accord, Protection and Assistance in case of major natural and technological disasters of the European Council; Civil Emergency Planning Committee for NATO Emergency Situations, the Mechanism of Civil Protection of the European Community.

<sup>58</sup> The entire crisis management area is actually impossible to encompass with a single law, but there is a need for laws that will ensure integrated crisis management.

the crisis management system in Croatia is an all-hazard approach and certain terminological confusion regarding the basic concept of crisis, crisis situation and related concepts. The terms crisis, crisis situation, accident, major accident and other normative terms are often very differently stipulated in various laws (eg. in the areas of civil protection, environmental protection, critical infrastructure, fire protection ...). Also, in most official documents, other general terms such as "disaster", "accident/major accident" or "emergency situation" are used, while the term "crisis" is often used more as a concept in the context of crisis management. Likewise, the criteria for an emergency situation to be deemed a crisis situation are very differently interpreted, which is linked to different degrees of formalization and legal consequences, such as relinquishing operational powers to a higher level of authority, approving special powers or restricting certain civil liberties. Regardless of the type and scope of the crisis, no derogation from the political order is envisaged in the Republic of Croatia.

It can be concluded that Croatia is prepared to handle emergency and crisis situations with legally-regulated ways and methods of organizing the work and activities of the civil protection system, which are the primary responsibility of the Government. Croatia, in addition to well-developed international cooperation in the area of crisis management and civil protection, has also developed bilateral cooperation and signed bilateral cooperation agreements with all its neighbors.

In a world where change and new risks are the only constants and crisis management systems must constantly change, adjust to change and improve, along with their normative legal framework, changing and constantly aligning norms in the area of crisis management are more or less a feature of Croatia as well.

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**THE BALKANS – PART OF RIMLAND!  
THROUGH THE VIEWFINDER OF RISK, THREATS AND  
CHALLENGES IN CONTINUING COLD WAR**

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**Abstract**

Cold war never ended. After the collapse of the SSSR, the former Soviet republics of Lithuania, Latvia and Estonia were annexed by NATO. Also, former communist states Bulgaria, Romania, Poland, Czech Republic and Slovakia were annexed by NATO. According to the conclusion of the NATO summit in Warsaw, it was noted that Georgia, Ukraine and Macedonia are the future countries that should join to the Alliance. Through NATO, the United States continued to implement Spykman theory, according to which "Who controls the Rimland rules (Heartland) Eurasia, who rules Heartland controls the destinies of the world". Balkan region for its geostrategic position, its mixed multi-ethnic structure, is one out of the three regions in Rimland that there have been disagreements continuously along ethnic and religious ground, the nationalism and conflicts often developed into mass bloodshed. The other two regions with similar characteristics are the Middle East and Asian Balkans (countries of Central Asia). It has

not been disputed the fact that tendency of the imperialist forces is through conflict to dominate and control these crossroads. With controls of these three regions US will rule economic development of Heartland. Tendency of the Balkans region is to preserve peace and stability and to minimize the crises that can grow into wars. For this purpose, it is necessary to ensure security cooperation, mutual respect and tolerance, as well as economic development.

If we take into account "South Stream" agreement that signed between Balkans countries and Russia from one side and Chinese Silk Road (speed train line between Athens-Skopje-Belgrade and Budapest) then we can expect that the Balkans could again be destabilized through the old initial caps such as ethnic nationalism, various revolutions, unstable governments and so on. What will be new risks, threats and challenges for the Balkan region in recent tectonic shifts in the international political scene, will be the main subject of this paper.

**Key words:** *Balkans, security, threats, risks, Rimland, Cold War*

## 1. INTRODUCTION

The turmoil and the tectonic shifts on the international political scene have increased the activity of the Balkan volcano. The transition period from hegemony to multipolar order transforms the Balkan region into a chessboard on which the big kings (centers of power) tactically maneuver to conquer zones of influence and interest (Zakaria, 2008). According to its geostrategic position, its mixed and metastasized multiethnicity, the Balkan region represents one of three regions on this planet in which there is constant ethnic and religious friction, nationalism and conflicts which frequently turn into mass bloodshed. The two other regions with similar characteristics are the Middle East and the Asiatic Balkans (countries of Central Asia) (Brezinski, 2016).

The Balkans, said Winston Churchill, "Produce more history than they can consume" (Tharoor, 2012). From a historical perspective, no Balkan alliance has lasted more than one use. The constant clashes of the big centers of power and the shifting of their aspirations also reflect a regrouping of the Balkan geopolitical constellation. Although the West is usually pragmatic in leaving the solution of the problems to the

leading politicians, Balkan people are responsible for their future embracing everything foreign as positive, and everything Balkan as negative. This constellation, together with the poor perception of democracy, coexistence in a multiethnic frame, made a negative perception and connotation of the term “Balkans”.

The revision of Balkan history is the principle reason for the intervention of the big centers of power. Their egoistic right, as alleged foreign and “neutral” factors, to decide the future of the region in favor of peace and democracy is a cause for internal divisions, spreading of hatred and intolerance, and rising nationalism, making the region a source of instability and a security problem.

The Balkans has directly affected by many developments in the world, especially due to its geographical location. Throughout history, the safety of the Balkans has always been in risk. Firstly, the developments and war in the Middle East have been threatening the Balkans security. In other words particularly, the participation of foreign warriors in the IS terrorist organization more than other religious oriented organisations and the involvement of some Balkan citizens to IS creates a risk to the Balkans, who have a serious Muslim population. Moreover, the immigration that occurred as a result of the war in the Middle East and the EU's closed-door policy has begun to create a refugee problem in the Balkans. For the Balkan states, which have not been members of the EU, and have economical problems, refugees could be become a serious risk. Finally, the threat of ethnic nationalism, which always threatens the security of the Balkans and always stands at a sensitive point and reminds itself at certain intervals, has begun to come into view again. In this context, in this study the vulnerability of the stability and security of the Balkan states, which had been supposed to have stabilized until now, will be examined within the framework of new security risks.

## **2. THE BALKANS – PART OF RIMLAND**

According to Mackinder, “Who rules Central and Eastern Europe commands the Heartland. Who rules the Heartland commands the World-Island personified by Eurasia. Who rules Eurasia commands the World(Mackinder, 1904).



Picture 1: Rimland and Heartland

After the end of World War II, Mackinder's theory was modified by the American political scientist, Nicholas Spykman. According to Spykman, the strip of coastal land that encircles Eurasia (called Rimland) is more important than the central Asian zone (Heartland) for the control of the Eurasian continent. The concept of Rimland was divided into three sections:

- Control of the European coast land;
- Control of the Arabian-Middle East desert land; and
- Control of the Asiatic monsoon land.

Control of these regions implies control of the sea routes that lead from/towards Eurasia. From an economic aspect, the control of ports and sea routes implies control of the economic development of Eurasia. And according to Spykman, "Who controls the Rimland rules Eurasia. Who rules Eurasia controls the destinies of the world"(Melton, n.d.).

Although the dissolution of the Soviet Union heralded the end of the Cold War, NATO's subsequent moves proved the opposite. In a period when Russia was on its knees, several former Soviet Republics joined NATO (Latvia, Lithuania, and Estonia). In Southern Europe, NATO's expansion continued with the accession of Bulgaria and Romania. Poland, the Czech Republic, and Slovakia also became member states. And, at the Warsaw Summit, NATO recognized three aspiring members: Georgia, Ukraine, and

Macedonia(Erdem, 2010). Thereby, USA through its NATO instrument should control the eastern borders of Russia, or as Halford Mackinder calls it "Heartland".

Following that theory, Balkan region is de facto part of Rimland and part of Europe. Much of the Balkan countries are absorbed into the European Union and NATO. At this periodBalkan region is a battleground on which the major centers of power (USA - politically and Russia and China - economically) will impose their influence.But our opinion is that the Balkan region should focus on Europe and the European Union. On the other hand, in the new strategic document of the European Union, the Global Strategy for the EU in the area of common and foreign policy, Balkan regions took strategic importance. In this case, the EU should show more agility and determination in terms of strategic interests, primarily for its internal stability and security.For this purpose, a stable Balkans means a stable Europe. The European Union should directly involve its impact on the democratization processes and the provision of stable governments (EU, 2016).

### **3. CONTEMPORARY INFLUENCE AND STRATEGIES OF BIG POWERS**

Throughout history, Balkan geography has always been the focus of great powers. Especially ethnic and religious diversity in this region has become one of the most important tools that can be used to disrupt the stability of the region. The Balkans, which remained between the two poles during the Cold War period, had not reached a stable post-Cold War era, and had a difficult time in ethnic and religious conflicts. Especially in the period of Yugoslavia's disintegration, beside the EU, which could not show its expected activity and power, and adding Russia, which was dealing with internal confusion, resulted as USA had serious effects on the region. In addition to corruption and constant political instability problems, the Balkan region has always been the chessboard of great powers. On the other hand there is rising power, China, who has seen the Balkan territory as an important economic market sometimes make economic alliances with Russia for gaining advantage. So, today Balkan geography is always important for Russia, China, EU and USA.

Because of its close historical and cultural ties with Balkan States, Russia has always used its influence in that region (Strafor Worldview, 2015). There is two main reason for Russian continues influence in the region. First one is against Western

influence in Balkans, despite the Cold War was finish years ago. The Second one has been the implementing of the energy strategies of Russia. In recent years, for increasing Russian influence in region again Putin started to awake Russian and Serbianpan-Slavic link between Orthodox Christian cousins in the Balkans.Using this historical or cultural influence, it is also easier for Russia to use the region to realize its economic strategies.

Although the West invested to Balkans for over years, Russia has also had several regional energy assets and hold several outstanding loans to Balkan governments increased its influence (Strafor Worldview, 2015). Balkan geography has been seen as an alternative route to Ukraine, especially in the relocation of Russian gas to Europe. After crises with Ukraine, Russia started to search new routes for its gas market in Europe. In this search, Turkey came out to the stage and after the long-standing surging relations, Turkish Stream project signed between Turkey and Russia in October 2016, which could be defined as the transferring of Russian gas to Europe via the Black Sea and Turkey's territories. Thus, Russia has both able to make gas transfers easily, and become one step closer to the European market that it has always aimed to be a part of it.



Picture 2: Turkish Gas Stream Map (SigmaLive, 2015).

A similar situation to the economic objectives of Russia is valid for China, one of the rising powers. Because of the recent increase in production and economic

developments China has to be find a new market for itself beyond Asia. The European market, where production costs are high, has become an important market for China, which can keep costs down in every sense.China has achieved its plan to reach the European market both by railroad and by seaway with the new silk road project.



Picture 3: New Silk Road (Newage, 2017)

China's One-Belt-One-Road (OBOR) initiative is the most ambitious infrastructure project for the region. OBOR includes immense network of planned highways, railways, energy grids and port facilities that will create economic corridors between 65 countries in Asia, Africa and Europe (Capri, 2017). Starting in 2013, the initiative aims to create new trade routes, lines and jobs to connect China with Asia, Europe and Transition Economies better and more effectively through 5 Routes. The carrying out of the initiative began in 2015. However, the application of this project to cover all the targeted countries will be possible in the long run. If the project can be fully implemented as intended, many countries and regions will benefit from it. This project focuses on surface transportation as railway and highway connecting China to Europe via Central Asia and Russia. It is aimed at linking China with West Asia via Central Asia, and linking China with South East Asia through South Asia and India. The goals of maritime transport are to link China with the Indian Ocean to Europe and to link China with the South Pacific Ocean (Hong Kong-China). Outside of China, this initiative will be speed up the flow of trade and created new markets and jobs by



lowering shipping costs for all relevant countries. It will also contribute to the development of emerging countries. This initiative will also make an additional contribution to the increase in the amount transported. The connection of the Indian Ocean and Suez Canal with China's sea route to Piraeus Port<sup>59</sup> (Greece) will create a new alternative to the Antwerp Port of Belgium, the Hamburg Port of Germany, and the Port of Rotterdam of the Netherlands. Thus, a 10-day savings will be provided for transportation from China to East and Central Europe. Invested Projects in China's OBOR Framework in Europe are capacity increase and improvement of Piraeus port, Hungarian-Serbia speed rail line, China-Spain freight railway (Kaptan Haber, 2017).

In the Balkans, Piraeus port link with Central Europe and Germany. Turkey and Cyprus, respectively, are part of the Silk Road's overland and maritime approaches to Greece. The Balkans, Turkey, and Cyprus all welcome investment from and trade with China, and China's economic relations with all the Balkan countries are increasing. Also economic relations are mainly approached on a bilateral basis, the CEEC 16+1 (CEEC 16+1, 2017) platform provides an extra way for China-Balkans cooperation. In the short term, it's expected that the geopolitical influence of China in Southeast Europe and Turkey will probably remain limited than EU, USA and Russia but in the longer run, China may develop into a more significant geopolitical actor in the region (Putten & Ham, 2016).

On the other hand, Balkan territory is always important for Western world. European governments have two major goals in the Balkans: to maintain stability in the western part of the region and to minimize Russian influence. For over ten years western Balkans because of the EU membership has been left under the supervision of the union. For supporting stability, the EU has used considerable amounts of resources for bringing reform and economic development to the region (Strafor Worldview, 2015). However, the other non-EU Balkan countries Serbia, Bosnia-Herzegovina, Kosovo, and Macedonia have little economic and political progress.

Together with the unexpected consequences of the Syrian civil war, beside stability, the most important perception of the EU towards the Balkans-especially non-EU Balkan countries- in recent years is related with the refugee crisis.

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<sup>59</sup> Greece's largest port Piraeus, near capital Athens, was privatized and sold to China's Cosco Group Limited in 2016.

Countries in the Western Balkans have been on the forefront of international migrant crisis since May 2015. In this "Balkan migration route", there are thousands of displaced persons have mostly arrived from Syria, Iraq and Afghanistan, fleeing war. European Union has used its financial assistance and expertise however the largest brunt of the crisis fell on the shoulders of Serbia and Macedonia and also Turkey, last stops before the Schengen area. When the arrival of refugees in Hungary (first EU member along the route), they requested asylum, and were accommodated in exiting refugee centres. People migrating to the EU are categorised as either: an asylum-seeker, a refugee, a beneficiary of subsidiary protection, an irregular immigrant or a legal immigrant. According to Frontex data, both the number of illegal border crossings and loss of life on the Western Balkans route has seen a tragic increase in 2016 (Frontex, 2017). De facto closure of the Western Balkan route in March 2016 left thousands stranded in Serbia and Macedonia and its expected that these numbers are triple during this year. It is difficult to assess for Western Balkan countries would cope with the situation without any assistance. There is some amount of financial assistance in the framework of Regional Refugee and Migrant Response Plan for Europe (RMRP) covering Turkey, Southern Europe, Western Balkans however, it will not be enough especially if the situation will be continue in Middle East (European Western Balkans, 2017).

Discussions are underway on what will happen to refugee policy in Europe, while some governments are urged to take strict measures in this regard. Austrian Foreign Minister Sebastian Kurz argued that they need to establish refugee centers outside the European Union (EU) borders in March 2017. According to Kurz, "We need refugee centers to work with the UN refugee commission outside the EU," and that the centers are not important where they are, and that they would be used to protect and repatriate people who are "illegally" entering Europe. Kurz suggested establishing Egypt, Georgia and the Western Balkans for refugee centers, and the Mediterranean route should be closed to "illegal immigrants" (AB Haber, 2017).

It is seen that the biggest and negative effect of the closed-door policy, that the EU implements in the period after the Syrian civil war is in the Balkan geography. Already in this geography where different ethnic and religious groups have come together throughout history, there is a risk that such kind of immigration movements and immigrants who must to be stay in that region, in some way can be changed demographic structure of the region. Such a demographic change could create new

crises in the Balkans. However, it should be taken into consideration by the EU that the Balkans are no longer in a position to endure a new dispute.

The relationship of the USA with the Balkans is based on different bases. For the United States, the Balkans are not backyards like the EU, but should not be surprised by the presence of the United States in every region historically Russia wants to influence. The USA has been involved in the internal politics of the Balkans by NATO in the aftermath of the Bosnian war and the conflict in Kosovo in the 1990s. In addition, there has been new NATO members after cold war, who were the supporters of Soviet Union in previous. The most important aim of the US on the Balkan territories is to minimize the economic and cultural Russian influence in the region. Because, as mentioned above, the European market is very important for both Russia and China, which is a rising power, and the Balkan's is defined as the gateway of Russia and China to Europe. An economically strengthened Russia means Russia, which has more say in international politics. Even if the Cold War is over, the opposition between the United States and Russia today continues through some new geographies, such as the Syrian civil war.

It is obvious that the US, which has held the title of being the only superpower for many years after the Cold War, will take different measures against the new rising powers and will not give up easily. On the other hand, however, it should be taken into consideration that this influence on the Balkans could be made through the Western alliance, and also leave the region primarily to the larger states of the EU, rather than directly influencing it. An increase the Russian influence in the Balkans, jeopardize Britain's position as the leading anti-Russian European power and make a joint British and French soft power strategy in the former Yugoslav republics more likely (Ademovic, 2016).

In this context, it could be said that for both geostrategic, cultural and economic reasons, Russia has never lost interest in the Balkans. The most important economic goal of Russia and China is to enter the European market and for that reason the Balkan Gate is very important for them. It is also important to bear in mind that Russia and China have good relations with Middle Eastern politics. But it is impossible to imagine that the accounts on the Balkan geography are over. Because, throughout history, it is necessary not to forget the existence of "Western" forces who want to have dominion over this region.

#### 4. WHY IS AN UNSTABLE REGION NECESSARY – LESSON LEARNED/NOT LEARNED FORM YUGOSLAVIA?

To answer the question of who needs an unstable Balkans we will consider the story of Yugoslavia. From a European success story after World War II, the breakup of Yugoslavia was a process that suddenly turned into an experiment (pilot project) which subsequently will be applied in other regions of the world.

In order to restrain and stop the aggressive Germany, the great Western powers, France and Great Britain, laid the foundations of Yugoslavia according to the provisions of the Corfu Declaration. Occupying the former territories of the Austro-Hungarian and Ottoman Empire, Yugoslavia united all South Slavs in one country. United in one country, South Slavs won't be an easy prey for the imperialist goals which use the divide and conquer strategy. In its Constitutional order, Yugoslavia greatly resembled Great Britain.

With the foundation of the Non-Aligned Movement, Yugoslavia became an important actor on the international scene. The purpose of this movement is to ensure the national independence, sovereignty, territorial integrity and security of non-aligned countries in their struggle against imperialism, colonialism, neo-colonialism, racism, and all forms of foreign aggression, occupation, domination, hegemony as well as against great power and bloc politics<sup>60</sup>(World Review, 2013). This movement advocated an independent development of the states, rejecting any kind of foreign influence and interference. This strategy of the Non-Aligned Movement wasn't favourable to the Great powers' strategy of ideological wars by absorbing the weak states. To that end, this movement should have been dissolved and Yugoslavia divided, in order to weaken the individual states and subsequently absorb them under the ideology of the Great powers. In fact, that was just one reason.

On the other hand, the rate of economic growth and development of Yugoslavia, especially after World War II, put her on the high 24<sup>th</sup> place in the ranking of world economies. If we compare this data to the report for 2015, Montenegro is

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<sup>60</sup> In a speech given during the Havana Declaration of 1979, Fidel Castro said. For detailed information please;

<[http://cns.miis.edu/nam/documents/Official\\_Document/6th\\_Summit\\_FD\\_Havana\\_Declaration\\_1979\\_Whole.pdf](http://cns.miis.edu/nam/documents/Official_Document/6th_Summit_FD_Havana_Declaration_1979_Whole.pdf)>

ranked 149<sup>th</sup>, Macedonia 130<sup>th</sup>, Bosnia and Herzegovina 112<sup>th</sup>, Serbia 87<sup>th</sup>, Slovenia 81<sup>st</sup>, and Croatia 76<sup>th</sup> (World Bank, 2015). In that time the state had a dominant share in all joint-stock companies, an unimaginable thing for Western democracy. Therefore, the state had a complete control over the companies, and transferring capital out of the country was impossible. Exploitation of natural resources by foreign companies was also forbidden. To that end, the breakup of Yugoslavia into smaller states with weaker economies should enable:

- The states to be incapable of independent development (need for interdependence, globalization, and democracy);
- The collapsed economies and natural resources to be available to the big multinational companies and financial institutions;
- Impoverishment of the population;
- Literate and fit for work people to be forced to work for minimum wage.
- Closing of factories from all economic and industrial spheres in order to neutralize their competition to the Western corporations.

All above mentioned facts were also conditions that opened the door to foreign capital and to the takeover of the large factories by Western corporations. Naturally, for all this to happen Yugoslavia must be dissolved.

From a security point of view, the dissolution of the Socialist Federal Republic of Yugoslavia represented a perpetuation of the imperialist powers' strategy, above all NATO and the EU, for absorbing the dissolved states as a counterweight to the Russian power bloc. Slovenia and Croatia are already member states of NATO and the EU, Montenegro will become a part of NATO this year and should start accession negotiations with the EU. From a security perspective the goal is simple, neutralizing Russia's influence over these countries. In the meantime, the parliamentary elections held in Montenegro were also a referendum for determining the future direction of this country, the EU, NATO, or Russia.

On the other hand, by its strategic position, the Balkans is the main crossroads between Europe and the Near East in both directions. Undoubtedly, the tendency of imperialistic powers is to dominate and control these crossroads. Worthy of note is the so-called "Diagonal road", composed of Vienna-Belgrade-Skopje-Sophia-Istanbul. This road is an overland route towards the Orient for Europe, a gateway towards Europe for

the near and Middle East. Consequently, the power that dominates will have the greatest benefit.

## **5. THE SPREAD OF NATIONALISM INSTEAD OF DEMOCRACY AND PROSPERITY**

The building of strong national identity within the frames of good interneighbor and interethnic relations is nothing more than rubbing the lamp from which the genie of war impatiently waits to come out. And the venomous memory of the wars from the 1990's is an additional spark that could light the fuse.

More than 25 years after the breakup of the federation and the division into blocs, the Western Balkan countries still have the capacity to follow retrograde policy instead of integrative. Talking about federalization and separatist ideas as substitutes for prosperity and democracy, better life, employment and economic development, serves as a powerful tool for spreading fear and keeping people under control. Macedonian folk dance "three steps forward, two steps back" is an embodiment of Balkan politics in the last few years. When things start to get better, such as employment, economic and consumption growth, the development of social policy etc., politicians always remind people that these achievements are thanks to the patriots and ultranationalists whose politics led to this situation. This situation is an impetus and a basis for presenting an election program that should bring about a good result, i.e. a victory on the next elections or referenda.

However, it is obvious that corruption, crime, poor economic results, as well as poverty could be easily forgotten by fueling nationalist and interethnic passions, looking for foreign enemies, keeping people in constant fear of new interneighbor and interethnic conflict.

Although it looked like a Star Wars plot, the arms race between Croatia and Serbia served as fodder for media close to the leading parties in both countries and was used for intensifying national rhetoric and making political points, in order to spark a verbal war between Belgrade and Zagreb in which there was a witch-hunt for spies on both sides that subsided after the referendum in RepublikaSrpska. While this referendum was denounced and declared illegitimate by the United States and the EU, including neighboring Croatia, it was not denounced by the Republic of Serbia. We must

mention here the incident with the Serbian train emblazoned with nationalist graffiti which was heading to KosovskaMitrovica. Such provocation further worsened the frail relations between Belgrade and Pristina. All these events resulted with rising nationalism before the Serbian elections that produced a change, i.e. the current prime minister became a new president.

Secret services and mercenaries, threatened national identity, federalization, threats from neighboring countries, protests "For" and "Against" putting religious symbols and erecting national monuments, as well as making public threats and calls for lynching of "traitors" are pretexts for creating political crisis, and represent a perfect recipe for an unstable country in which nationalism is the main course for the impoverished people. In the case of the Republic of Macedonia there was a situation in which neighboring countries Albania and Kosovo directly interfered in the domestic policy of the country. The creation of the so-called "Tirana platform" by the Albanian prime minister and the four Albanian political parties in Macedonia, during an election process in Albania, may only bring political points to the current prime minister of Albania, but will not resolve the political crisis in Macedonia. This platform fueled the nationalist aspirations in Macedonia. Although the referendum in RepublikaSrpska was condemned by the United States and the EU, the platform and the meddling of neighboring countries in the domestic affairs of Macedonia were not, which reveals the double standards on the international scene.

## CONCLUSION

The transition from hegemony to multipolar order was announced in 2007 during the Munich conference when Russia liberated from the yoke of the World Bank and the International Monetary Fund, was launched as an important player on the geopolitical stage. Russian intervention in Syria marked the global American hegemony era and the beginning of preparations for the construction of a new multipolar world.

According to its geostrategic position, its mixed and metastasized multiethnicity, the Balkan region represents most neuralgic geographical point on the planet where the most geopolitical interests collide in one place. The turmoil and the tectonic shifts on the international political scene have increased the activity of the

Balkan volcano. Seen geographically, the Balkans is part of an area called Rimlend. Domination and control of that area means greater control of Heartland - ie Russia.

Rise of Russia and the establishment of significant relations with Balkan countries, while building economic, energy, political and civilizational interests and influences are key elements for her return on the big stage. The impact on the Balkans through stirring up old conflicts on religious and ethnic basis will cause a serious impact to Russia's interests for Balkans and for its strategic connection with the European subcontinent. From that aspect, Macedonia and Serbia are very important for Russia. According to the geographical positions of these two countries, they are located in the central part of the Balkans. One of the main drawbacks is access to the open seas. These two countries are the Balkan Heartland (Milevski T. & Sharevski M., 2014). The states that surround Balkan Heartland are Balkan Rimlend. Balkan Rimlend consists of NATO members: Croatia, Montenegro, Albania, Greece, Bulgaria and Romania. Together with Hungary as a NATO member, Balkan Heartland is completely surrounded by anti-Russian influence. Any instability in the Balkan Heartland will cause impact on Russia. But here we must not forget China, which also has economic interests in the Balkans, including the areas of Heartland and Rimlend. China has a new economic - development policy geared towards Europe. Any instability in the Balkan Heartland will cause impact on her economic plans. As we know, China logistic supports Russian intervention in Syria. This means that China will continue to help Russia on the Balkans. The core of the Heartland occupies the triangle Shar Planina Mountain - Skopska Crna Gora Mountain, Pristina and Presevo. It is the geographical core of the Balkan Heartland which binds currently Macedonia, Serbia and Kosovo and has the potential to affect the entire Balkans. Considering the events that took place the last two or three years in the Balkans, the building of strong national identity within the frames of good interneighbor and interethnic relations is nothing more than rubbing the lamp from which the genie of war impatiently waits to come out.



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## **EFFECTS OF POST-COLD WAR PEACE IN THE FORMER YUGOSLAVIA**

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### **Abstract**

The fall of the Berlin Wall symbolically represents the end of the bipolar world order. That moment marked the beginning of a new era in international relations. Change at the top of the pyramid of world power, in fact, is the change of social, political and economic environment in global terms. Positive expectations related to the end of the Cold War were let down. There exists an escalation of instability in the areas, which are on the borderline of conflict of interest of former large rivals. The intention to dominate on a global scale has led to the activation of hotspots in the neuralgic geopolitical areas. The new practice has been promoted and introduced in the former Yugoslavia. Today's situation shows a total fiasco of the so called transitional model in most of the states formed on the territory of the former Yugoslavia. The economic and the political reality is a paradigmatic image of a failing transition model and the unfulfilled expectations of the Cold War.

In this paper, a comparison of the economic situation in the countries of former Yugoslavia in the eve of its dissolution as well as of the current situation is made through multivariate analysis, based on current economic indicators. The current status of the quality of life of citizens living in the countries formed on the territory of the former common state is analyzed based on the concept of human security settings and

by its dimensions and indicators. Results of the analysis show that the basis of the current issues is the poor economic situation resulting from the applied model of economic transition from socialism to capitalism.

**Keywords:** Cold War, the Berlin Wall, Transition, Human Security

## Introduction

Post Cold War period is a significant disappointment in many respects compared to expectations of the majority of the people in the world. The effects of the processes of transition in the territory of the former socialist countries compromise democracy and capitalism as the ideals of which people behind the Iron Curtain dreamed.<sup>61</sup> Particularly painful were experiences of the people who lived in the former Yugoslavia. The inability of local rulers to solve the economic problems that Yugoslavia was facing over the years caused discontent among the population. In order to maintain their position of party oligarchy, they diverted public attention from real problems and personal incapacity by pointing a finger at the members of other nations or republics. Social discontent was being instrumentalized and transformed into the worst forms of chauvinism which resulted in breaking of the common state. From today's perspective, we can say that the former Yugoslavia is a perfect example to prove the justification of the existence of the concept of human security. All seven dimensions of the concept had a negative trend in the movement of status indicators. Poor local conditions were additionally stressed by the negative impact of foreign factors. The unfortunate set of circumstances led to internal conflicts and implosion which is explained in different ways, but the fact is that the middle-age generations still have the feeling that their life in the former joint state was better than the life they live today.

In what follows, we will try to confirm (or dispute) the thesis that the quality of life in the former state community was better than it is today in independent mini states arisen from the rubble of the Socialist Federal Republic of Yugoslavia (SFRY or Former Yugoslavia).

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<sup>61</sup> According to the EBRD research for 2010, commitment to democracy in most transition countries has declined (EBRD, 2011: 22).

## Concept of Human Security as Analytical Framework

The fall of the Berlin Wall and the disintegration of the Soviet Union and Eastern military and political Bloc is a turning point in international relations. The institutional control mechanisms, established under the pressure of ideological alternative existence are rendered disfunctional and a restrictive factor to doing business activities. Renouncing the concept of welfare state and a retrograde approach to resolving the problems of systemic crisis of capitalism has its manifestation in the territory of the former socialist (communist) countries, too. The Pamphlet on the End of History (Francis, 1992) gets its economic counterpart: the neo-liberal (neo-conservative) transition model whose promoter is Jeffrey Sachs<sup>62</sup>. The effects of the reforms implemented in the territory of the former Soviet Union are best described by the phrase: *economic genocide* (Bohlen, 1992). The coupling of former apparatchiks and representatives of big capital from the West leads to the collapse of institutions and their instrumentalization for the purpose of interests for maximizing the Transnational corporations (TNCs) profit. In the Report for 1994, having noted the negative trends of the effects of *the Washington Consensus* (Williamson, 2004) in transition countries the expert UNDP<sup>63</sup> team promotes the concept of human security, which evaluates the security of individuals in relation to the quality of their lives (UNDP, 1994). Certainly, there were previous cases in history of the state and its institutions working against the interests of its citizens, but the specificity of the transitional period is the high incidence of the phenomenon, or the number of people covered by this negative practice. Particularly important is the fact that the so-called transition and the perestroika before it are inspired by the wish to attain all of those positive effects of the free market and democratic political system of which the people behind the Iron Curtain dreamed.

The basic idea, presented in the Washington Consensus, which is operationalized through Jeffrey Sachs's transition model is banning state institutions from economic and public spheres. Privatization in all areas, not just state (socially) owned economic assets, but also the education system, health care and municipal services. Having noticed the cataclysmic consequences of their own model, the very

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<sup>62</sup> Jeffrey David Sachs, economic advisor to many politicians in different states through the years of transition (Poland, Slovenia, Russia, Estonia). <http://jeffsachs.org/about/>

<sup>63</sup> United Nations Development Program <http://www.undp.org/>

creators of the Washington consensus soften their initial position and switch to a less radical model expressed through the so-called New Washington Consensus, which does not insist on full privatization of education and health systems, and municipal services (Stiglitz, 2004). The consequences of the period of so-called primitive accumulation of capital in the transition countries have a bad effect on living conditions of the majority population. Given that the process is managed through mechanisms of institutions of national states it turns out that the citizens as the biggest victims of the transition are completely subjected to the mercy of predatory capitalism that has seized the opportunity and set out to conquer the previously inaccessible area.

The authors of the report have realized that the carriers of negative practice are very powerful, so much so that an individual country cannot deal with the imposed practice by itself. The idea is to point out the problem and initiate an international framework that could confront it on the basis of specific indicators. Opting for a seven-dimensional matrix whose elements are based on indicators of the quality of life of citizens, the authors of the report attempt to objectify the parameters to the existing status on the basis of which they can take the appropriate corrective action. In the aforementioned UNDP report the analysis of the state of security of citizens through the following seven dimensions (UNDP, 1994: 24-25) is proposed:

1. Economic security,
2. Food security
3. Health security,
4. Environmental security,
5. Personal security,
6. Community security and
7. Political security.

As can be seen from the structure of dimensions it is about aspects of life of citizens whose quality depends exactly on status indicators within each of the dimensions. Here an appropriate question can be asked: why the accent is on security and not on the quality of life. Our personal impression about it is that by securitization the authors wanted to pinpoint the gravity of the problem. In the previous bipolar world the concept of security had a magical power to mobilize resources and draw attention to specific issues. Viewed from this historical distance, it seems to us that the good intention of the authors of the Report on the UNDP development in 1994 is not fully realized in practice. The positive thing is pointing out the problem, which appears with

the globalization of economic flows, because after 1989, the world literally becomes the global capitalist battleground of large TNCs. Under the pressure of organization rationalization and goods and capital flows facilitation, the disempowered State is losing its main levers of power to control and influence the course of events. The inability of governments to create an environment in accordance with the needs of the local population leads to the absurd situation in which the citizens are less and less interested in participating in political processes and the political processes are increasingly used to shape the system in accordance with the needs of TNCs.

Economic security is not without reason, the first on the list of dimensions on which the security of citizens depends because the actual state in other dimensions depends on economic conditions. Certainly there is a feedback loop that the situation in other areas affects the level of economic security. The level of economic standard affects the quality of food, living conditions, the effectiveness of the system of medical care, environmental conditions, the level of crime, the efficiency of institutions, level of corruption, system stability and interest of citizens to participate in the political life of the community.

The situation in the former Yugoslavia could be used as a textbook example of a real practical value that the concept of human security has. Based on the situation and concrete indicators with the use of an early warning system in the territory of that country the alert lights would have lit up in at least 4 of the 7 listed areas. Economic indicators had a negative trend in a long period, the political system was showing serious signs of dysfunction, the security of individuals and communities in one part of the territory (Kosovo and Metohija) was completely undermined and such a situation was spreading to the rest of the country. We can open a discussion on whether the problem of dysfunctional political system led to the economic crisis or the economic crisis enlarged the shortcomings of the system, however it seems to us that it is irrelevant from this perspective; far more important is the fact that the accumulation of several factors contributed to the known outcome of events.

### **A short overview of the possible causes of the breakup of Yugoslavia**

There are many causes that contributed to the disintegration of multinational and multi-confessional community composed of six federal units. Perhaps the most



comprehensive display of disintegration causes can be found in the journal *Philosophy and Society*, the issue on the subject: theoretical assumptions of understanding the breakup of Yugoslavia, in which prominent authors who were contemporaries of the process gave their view of chain of events (IFD, 1994). Of course, each author puts emphasis to their area of professional engagement, but a thin red line that connects most of the works emphasizes the economic aspects of the weak federal structure that contributed to intensifying hostility between the federal units. If we apply the concept of human security as an analytical framework for understanding the process, we come to the conclusion that, as we have already said, the economic situation is the result of poor conditions in other areas (dimensions) of human security.

Galtung, a Scandinavian author who knows well the state of affairs in the former SFRY presents some interesting observations about the political situation in this country: the political class, which was in power for about forty-five years managed to implement the program of reconstruction and development and to achieve impressive results. However, the maximum reached within the set political and economic model was followed by stagnation due to rigidity and inability to adapt to new conditions. During the seventies, and especially during the eighties, after Tito's death, deficiencies of the system come to the fore. Those deficiencies are not removed because of ideological reasons. Systemic deficiencies are manifested in the political sphere through the established vast bureaucratic apparatus (doubling the structures on the federal and republic level) that fails at being functional, which leads to the economic slump. The complex internal situation is further complicated by changes of the set of international circumstances: primarily a jump in interest rates in the international financial market that turns cheap loans into a heavy burden for the faltering economy, but also the fact that the country is losing the role of a buffer zone between the East and West, which has allowed Yugoslavia a privileged position in its relationships with major powers (Galtung, 1994: 25-28).

Political monopoly of the Communist Party without an alternative program does not allow for corrective mechanisms but further deepens the already existing crisis. Instead of solving economic problems and stabilizing the situation, incompetent party structures strengthen their shaken position by turning to nationalism. By definition, multinational federations, are unstable formations. In the case of former Yugoslavia, that moment is further emphasized by the historical burden of past events and experiences of the Second World War. Many of the problems arising during the

formation of a common state, especially during the great world conflict were not solved but only pushed under the carpet and covered with the glaze of brotherhood and unity of all nations and nationalities who lived in former Yugoslavia. This concept produced positive results in the period of prosperity of the common state but along with the first signs of economic stagnation the first nationalistic outbursts in Croatia and Serbia begin, ending with an all-embracing suspicion of everyone with respect to anyone.

In addition to economic and political dimensions of human security, negative trends also appear in other spheres relating to the quality of life of citizens in the territory of the former Yugoslavia. The continuing drop of real wages leads to a deterioration of economic standards but also to a declining efficiency of the system institutions, which reflects in the quality of food, level of health care, personal security and community security. Although the quality of life of most citizens of Yugoslavia is better than in the neighboring countries, dissatisfaction is growing with the fact that the parameters, by which citizens evaluate their position in the system, are dropping. In addition to internal defects, the pressure applied by the International Monetary Fund (IMF), which imposes restrictive models to the purpose of paying off foreign debt, is a very important factor for the negative trends. Instead of an improvement of the situation and changes for the better in the economic structure, the authorities opt for the reduction of consumption and imports in order to provide funds for the repayment of external debt. Stagnation of wages as a result of reduced investments and imports of raw materials additionally complicates the already complex situation. Like many times before, the conditions imposed by the IMF produce negative effects in practice, and in this context we can say that this organization gives its contribution to the dissolution of the SFRY (Chossudovsky, 1998: 243-263; Woodward, 1995).

International position of Yugoslavia is changing drastically with the warming of relations between the US and the Soviet Union (or Russia). A country that had significant privileges in the treatment by the great powers in times of the Cold War because of its geopolitical position, loses its former geopolitical significance after the fall of the Berlin Wall. Due to the change in the overall situation the then US administration was no longer willing to engage resources in the earlier scope to the purpose of monitoring events in former Yugoslavia. The structure of people in the administration who are not qualified enough to understand the implications of the upcoming process of disintegration also changes. On the other hand, the Soviet Union (and later Russia) has problems of its own. In these circumstances, the countries that

have emerged as new protagonists on the international geopolitical scene (united Germany and Hungary) see the opportunity to strengthen their influence in the Balkan Peninsula. Steps are made to stimulate the disintegration process through political support given to republics that want to leave the community (there were concrete steps towards arming the separatist forces in Croatia).

Interior institutions of the SFRY are unable to provide an adequate response in the existing circumstances. Stipe Mesic, Head of the Collective Presidency as the Croatian representative at the time of the dissolution, boasts of his role in crushing the country he chairs. Unity of the League of Communists of Yugoslavia as the only political organization of federal character is broken because of the struggle of republic structures for better positioning in the new set of circumstances. Republic structures take more care of their own positions by approaching the nationalist movements than of the reform of the system in relation to the new circumstances. One of the moments that seem incomprehensible from the perspective of democratic and institutional achievements is the announcement of multiparty elections without passing laws on party organization. This fact has enabled an active participation of the HDZ (Croatian Democratic Union - the party that gathered separatist-minded members of the Croatian nation) and SDA (Party of Democratic Action - the party that gathered nationalist-oriented Muslim). In their programs, these two parties openly promote breaking of the state and unitary BiH as the goals of their political activities.

Having been left without a supreme commander (Presidency) the Yugoslav People's Army as the armed force which constitutionally have the role (and obligation) to preserve the territorial integrity and sovereignty of the country is not able to change anything. Instead of carrying out its constitutional role, generals travel to Moscow and Washington seeking a solution and support for the action, which they do not get. Due to such set of circumstances, the breakdown occurs that has claimed thousands of lives, and devastated the economy and infrastructure.

### **Comparison of current economic indicators with the situation on the eve of the dissolution**

The process of disintegration of Yugoslavia, as we have seen, is caused by many factors. Our consideration in this paper is restricted to the economic parameters. The

justification for this approach lies in the fact that the economic crisis has triggered the process of disintegration. While the economic situation was favorable, nationalism was sporadic but with the deepening of economic crisis national tensions gain strength. In addition, there is not enough space to deal more with the historical circumstances of the formation of a common state of southern Slavs and the roots of animosity between the nations that made up this country.

As a result of frequent borrowing on international financial market and taking cheap loans after the first oil crisis the Yugoslav economy enters a debt spiral. The rise of interest rates on loans drawn from abroad together with an increase in oil prices and a reduction in foreign demand is the beginning of the ongoing economic crisis, which lasts until the breakup of Yugoslavia (Stojanović, 1989: 103-104).

Statistical figures in Table 1 show that due to the discontinuity of the development and disintegration of the single economic space the situation is far worse in relation to the lost potential products of economies that continued to operate independently. A fully justified objection can be made regarding the approach, taking into consideration the further trend of tightening the economic crisis, but the answer would be that from today's perspective, we cannot predict a possible different scenario. Arguably a possible missed course of events could be a successful economic reform. With adequate support from international financial institutions the course of history could be altered in the Balkan Peninsula.<sup>64</sup> The scenario that actually took place definitely is not a favorable solution and it is far from optimal.

A short analysis of the data in Table 1 may give an insight into the current situation in the former unified economic entity. Because of the comparability of data, the year 2005 is taken as the base and in relation to it the calculation of data from 1990 and 2015 is made. Comparing the cumulative GDP in 2015 (for all economies incurred in the territory of former Yugoslavia) with the Yugoslav GDP from 1990, we can see that a 27% growth was achieved in this period. Republic of Serbia is in the most disadvantaged position as it has not yet managed to reach the GDP achieved in the year prior to the breakup of Yugoslavia (down 20% i.e. the realized GDP in 2015 makes 80% of the one in 1990). Slovenia did best of all new economies but it already had the best economic indicators in the former common state (a 59% growth).

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<sup>64</sup> According to estimates of the then experts a financial injection of \$ 10 billion was sufficient for the consolidation of the former economic situation.

Table 1. Selected macroeconomic indicators of the economies incurred in the territory of former Yugoslavia in prices from 2005

		GDP (mil. USD at constant 2005 prices)	GDP p/c	External debt stocks, total in mil.USD 2005 prices*	Total population in thousands ***
Serbia (Kosovo and Metohija excluded)	1990.	38.104	4.825		7.897
	2015.	30.492	4.298	24.970	7.094
Administrative District Kosovo and Metohija	1990.	6.315	3.185		1.983
	2015.	5.531	3.148	1.750	1.757
Croatia	1990.	42.544	9.081		4.685
	2015.	45.377	10.702	41.230**	4.240
Slovenija	1990.	25.452	13.032		1.953
	2015.	40.478	19.583	41.370**	2.067
BiH	1990.	12.870	2.850		4.516
	2015.	13.770	3.614	10.440	3.810
Montenegro	1990.	2.636	4.093		644
	2015.	3.119	4.892	2.160	626
Republic of Macedonia	1990.	5.750	2.698		2.131
	2015.	8.587	4.132	5.630	2.078
Total	1990.	123.672	5.194	24.760	23.809
	2015.	157.354	7.908	125.800	17.866

Sources:

- The United Nations Statistics Division, The National Accounts Main Aggregates Database <https://unstats.un.org/unsd/snaama/selCountry.asp>

\* - Data for 1990. External Debt Statistics: Historical Data 1998 Resource Flows, Debt Stocks and Debt Service: Apports de ressources, encours et service de la dette, OECD Publishing, Dec 6, 1999, p.205.

- For the rest World Bank, International Debt Statistics.External debt stocks, total (DOD, current US\$) <http://data.worldbank.org/indicator/DT.DOD.DECT.CD?view=chart>

\*\* - CIA World fact book, estimation for 2015: <https://www.cia.gov/library/publications/the-world-factbook/geos/hr.html>

- CIA World fact book, estimation for 2015: <https://www.cia.gov/library/publications/the-world-factbook/geos/si.html>

\*\*\* Data for population: The Federal Statistical Office (1991): Yugoslav Statistical Yearbook 1991. Beograd: The Federal Statistical Office and Savremena Administracija.

Data from Table 2 tells us that the decline in economic activity in the territory observed is also evident in relation to the countries of Western Europe. In the reporting period, Germany records a GDP growth of 43%, while Greece as a country with approximate economic profile as the former Yugoslavia achieves GDP growth of 24%. The external debt of the SFRY in 1990 amounts to USD 24.8 billion, while the sum of debts of the individual states incurred in the territory of the former common state for 2015 amounts to 125.8 billion US dollars at the prices in 2005 (an increase of 408%) . We notice the very negative trend of stagnation of GDP and a multiple increase in foreign debt. Poor living conditions influence the departure of many citizens from the territory of the country of origin and unfavorable living conditions lead to a reduction in the birth rate so that there is a negative trend regarding the number of the total population. The total population of 2015 has decreased by nearly 6 million (reduction of 25%) relative to the 1990. The only country which records a growth of population is Slovenia (5.84%), which can be attributed to its better economic situation compared to the other countries in the former common space. Slovenia has managed to maintain the population, including the arrival of foreign nationals who are relocating to the area of Slovenia regarding this as an opportunity to improve the quality of their and their family lives. In the observed period, Germany increases the number of its population 2.19% and Greece 8%.

Table 2. Selected indicators for Germany and Greece

		GDP at constant mil. USD 2005 prices	Per Capita GDP	Population
GER	1990	2.286.945	22,353	78.958.237
	2015	3.291.225	41,686	80.688.545
GRE	1990	160.923	9,662	10.131.737
	2015	198.913	17,788	10.954.617

Source: <https://unstats.un.org/unsd/snaama/selCountry.asp>

From Table 3 we can see how the parameters by which we can assess the stability in an area generally follow (they are in correlation with the data about it) GDP. All the parameters show that Slovenia is in the best position: the lowest unemployment rate, the least social stratification and the highest life expectancy. Only the data on the percentage of the population below the poverty line are less favorable compared to the

same parameter for Serbia. From today's perspective, we can say that the starting position allowed Slovenia to pass through a transition vortex with less damage. Focusing on self-interest and relatively successful secession without war and economic damage enabled Slovenia to follow the developed countries by economic parameters. Macedonia together with BiH is most disadvantaged in relation to the number of unemployed, the value of GINI index and the population below the poverty line. In terms of population below the poverty line, BiH is in a more favorable position compared only with Kosovo and Metohija. When it comes to the Corruption Perceptions Index only Slovenia is significantly separated from the other countries of the former Yugoslavia with an index of 61; for all other countries index values range from 36 to 49.

Table 3: Selected parameters indicative of the social stability

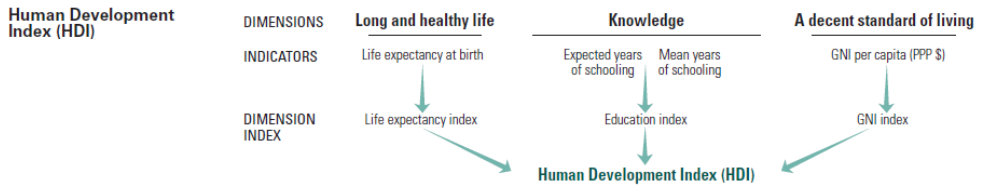
	Unemployment rate (2016)	Distribution of family income - Gini index (2012)	Life expectancy (year 2014)	CPI 2016*	Population below poverty line (%) (2014)
Serbia	18.9	38.7 (2014)	76	42	9.2 (2013)
Administrative District Kosovo and Metohija	35.3(2014)	29.4 (2012)	71	36	30
Croatia	15.8	32,5 (2012)	77	49	19.5
Slovenija	11.6	23.7 (2012)	81	61	13.5 (2012)
BiH	43.2 (2015)	36.2 (2007)	76	39	17.2 (2011)
Montenegro	18.5 (2014)	26.2 (2013)	76	45	8.6 (2013)
Republic of Macedonia	24.9	43.6 (2013)	75	37	30.4 (2011)

Source: - CIA (2017) World fact book. <https://www.cia.gov/library/publications/the-world-factbook> (visited on 15.04.2017)

\*-**Transparency International** (2017) Corruption Perceptions Index 2016. [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016) (visited on 20.04.2017).

Human Development Index<sup>65</sup> created by the UNDP is the closest to the presentation of the situation in relation to the elements of the concept of human security.

Picture 1. Human Development Index and its components



Source: **UNDP** (2017) Human Development Reports. <http://hdr.undp.org/en/content/human-development-index-hdi> (visited on 20.04.2017).

From Table 4 we can see the index values for all the republics (now independent states) of the former Yugoslavia. The data show a certain degree of correlation between the achieved GDP p/c and the parameters based on which the UNDP evaluates the quality of life during the formation of HDI. Slovenia is again in the best position by all parameters, followed by Croatia, and other countries. The only deviations is evident in the parameter values for Macedonia and Bosnia and Herzegovina, and Serbia and Montenegro, which may be explained by the minimal differences in the previous period, but also by the current processes in the territory of these states.

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<sup>65</sup> Human Development Index (HDI) was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes (UNDP, 2017).



Table 4. Human Development Index and its components (2015 years)

HDI rank	Country	Human Development Index (HDI)	Life expectancy at birth	Expected years of schooling	Mean years of schooling	Gross national income (GNI) per capita (2011 PPP \$)
25	Slovenia	0,890	80,6	17,3	12,1	28.664
45	Croatia	0,827	77,5	15,3	11,2	20.291
48	Montenegro	0,807	76,4	15,1	11,3	15.410
66	Serbia	0,776	75,0	14,4	10,8	12.202
81	Bosnia and Herzegovina	0,750	76,6	14,2	9,0	10.091
82	Republic of Macedonia	0,748	75,5	12,9	9,4	12.405

Sources: **UNDP** (2017) Human Development Reports. Human Development Index and its components <http://hdr.undp.org/en/composite/HDI> (visited on 20.04.2017).

In this context it is interesting to compare the values of HDI for Yugoslavia in 1970 and 1985. At the beginning of the period of economic stagnation, HDI value for the SFRY is 0.757. Although the value of economic indicators stagnated permanently, HDI grows until 1985, when it reaches its maximum of 0,917 (UNDP, 1991: 97). The conclusion is that despite the economic crisis, the quality of life of citizens improves, which can be partly explained by the increase in external debt. However, current data show that although the common debt of all countries far exceeds the level of indebtedness of the former country, HDI values for all countries are at a lower level than in 1985. According to the UNDP, Yugoslav HDI was in 1990 and 0.893 and by this indicator Yugoslavia is ranked 34 of 160 countries ranked at that time (UNDP, 1991: 15-16). Today, with the exception of Slovenia, which records some progress, all other countries have fallen on the list of the ranked by the value of HDI.

## Conclusion

Previous analysis confirms the initial assumption that the quality of life for citizens living the territory of former Yugoslavia is worse than it was at the time of the breakup of that country. The recorded growth of GDP p/c is more the result of the growth of external debt rather than of the improved economic performance. In addition to debt growth at the level of newly formed states, a certain increase in social differences was also recorded, which indicates the potential for instability because of social tensions.

HDI together with a proper analysis of the political situation, indicators of environmental conditions and level of criminal activity would give a more accurate picture of the situation in the observed area. This holistic approach requires much more space, so we take this opportunity to point only to the fact that the high level of CPI is the indicator that warns of further possible complications in the analyzed area. Corruption as a systemic problem does not help to change the situation for the better, but on the contrary, further deepens the current problems.

The role of international factors must be taken into account in the analysis of the current situation in the same way as it provides a part of the explanation for the historical dimension of the analysis. In addition to the former East - West conflict, some new actors have appeared meanwhile such as the Islamic factor, but also China, which as a global power is expressing interest in the area of the Balkan Peninsula as a significant access road to its goods to the EU market. Further course of the current situation will depend on the ability of local elites to recognize the common interest of the people living in the Balkans and their resilience to the instrumentalization as the function of realization of geopolitical (geo-economic) factors interests. In addition to raising economic performance, integrative connecting of economies in this area on the basis of common economic interests could contribute to stabilizing the existing situation.

The fact that thousands of highly educated young people<sup>66</sup> have left the Balkans is discouraging because of the fact that it has greatly reduced the capacity to

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<sup>66</sup> Most comprehensive material on migrations related to the Balkan Peninsula can be found in the proceedings: Goran Penev, ed. (2011): *Migracije, krize i ratni sukobi na Balkanu s kraja 20. veka*, Društvo demografa Srbije / DémoBalk. Beograd.

overcome the crisis. Departure of the most vital part of the population further complicates the situation because it reduces the chances of timely coming out of the crisis and overcoming the conditions that have led to it. Bearing in mind the current economic situation, the trend of the departure of highly educated personnel and the continuation of the practice of attracting foreign investments on the basis of cheap labor or various benefits to foreign investors can be expected to continue, which further complicates the local conditions. Getting out of the vicious circle is not possible without the help of developed countries. However, given the current crisis of the global system and the problems that the developed countries are being faced with for almost a decade, it will be difficult to get significant help. The only likely solution that remains is the option of reliance on one's own powers and resources rather than those of others along with curtailing the predatory appetite of big business.

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## PREPAREDNESS AND RESPONSE TO MIGRANT CRISIS AS AN INDICATOR OF "BALKAN ROUTE" STATES RESILIENCE

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### Abstract

Zenith of migrant crisis, arising as a result of the war in Syria and political turmoil in some Asian and African countries, took place in the year of 2015 testing the readiness and diplomatic relations of countries in the so-called "Balkan route" - the shortest transit corridor to migrants shelters in the EU. In terms of the migrant crisis, each country responded to the new circumstances in accordance with available capacities and interests. Preparedness and response to migrant crisis reflected the degree of Balkan states national security resilience, their ability to respond adequately to the changed circumstances in the security environment and to return to the normal state of functioning in the shortest time without compromising vital functions of the system. The sudden influx of migrants within a short period of time created the need for flexible and pragmatic responses of "Balkan route" states with the aim of prompt transit of migrants to final destinations in the EU. Subsequent unilateral actions of individual countries and the establishment of an agreement between Turkey and the EU

have led to the closure of "Balkan route" and generated progressive growth of migrants smuggling as well as using of alternative transit axes.

**Key words:** migrant crisis, "Balkan route", preparedness, response, resilience.

## Introduction

Term "migration" has etymological roots in the Latin language (*migration*, *migrare* -wandering, roaming). United Nations defined migrations as the activity of "crossing state or administrative borders for a specific period of time by the refugees, internally displaced people and economic migrants" (UNESCO - Themes - Migration, 1998). Inability to achieve fundamental rights, graphically illustrated in the initial parts of the Maslow hierarchy (pyramid) of human needs (Maslow Lewis, 1987), represents primary motivator for migrations.

Activating of the so-called "Balkan route" - transit corridor from Greece through Macedonia, Serbia, Croatia and Slovenia which leads migrants to the desired destinations in the EU- was the result of a sudden influx of migrants in 2015 from civil war-torn Syria in 2015 and economic migrants who have left their home countries in Asia and Africa due to existential threats. The flow of a large number of people in a short period of time through aforementioned transit corridor generated political, humanitarian and security problems in Balkan countries who were instructed to cooperate, despite a constant influence of the burden of the past. Complex security situation in Balkan states during migrant crisis required implementation of pragmatic and flexible answers. Preparedness and response of each of these 'Balkan route' countries depended on the political and economic stability of individual countries as well as on the assistance in the form of information and material aid they received from other countries and organizations.



**Figure 1:** "Balkan route" and alternative routes for transit of migrants (Deutsche Welle, 2015);

National security strategies of the Balkan states as "documents that define objectives of security policies, means and methods for the realization of national security interests and objectives" (Keković, 2009: 89) define migratory movements in various ways, placing them in the corpus of international and regional security risks and threats. The concept of resilience<sup>67</sup> is implicitly mentioned in the security strategies of the Balkan states through the state's ability to apply preventive measures and strengthen national security system capable of a timely response, continuous functioning and maintaining vital functions and identities in the case of existing threats. Balkan countries that adapted functioning of the national security system to new circumstances and took advantage of them to improve the situation of national

<sup>67</sup>The term "resilience" is taken from the Technical Sciences whose researchers used it in the context of a resistance material which can withstand the external pressures and continue to perform its function and keep identity without permanent modifications of the structure (system).



security can be characterized as countries that possessed characteristics of antifragility (Taleb, 2012).

State authorities and non-governmental organizations in several "Balkan route" countries reacted to the sudden influx of migrants in accordance with their capacities and interests. The data used in this paper were collected by analyzing publicly available documentation and through a questionnaire created for experts from the "Balkan Route" countries who were directly or indirectly engaged in the solving of migrant crisis. The authors of this paperwork presented indicators of resilience of transit countries for migrants on their way to final destinations in the EU:

- Institutional and organizational readiness of individual countries before the crisis outbreak in 2015;
- Reactions of state bodies and the high-ranking officials during the crisis;
- Changes in the legislation of the state affected by the crisis - the adoption of new laws, changes to existing normative acts;
- The involvement of security forces in dealing with the crisis –border police, the army and special units;
- Providing humanitarian and medical assistance at border checkpoints; transport of migrants;
- The reactions of citizens to migrants in transit;
- Reactions of the state structures to the pressures of EU officials;
- Institutional, informational and technical cooperation among "Balkan Route" countries;
- Recovery process of each country after "Balkan route" closure and response capacity improvement;

### **Greece - "Balkan route" entry point**

During the year of 2015 and the first quarter of 2016 Greece, as the first country in the "Balkan route" corridor became the focus of public attention for several reasons. In the process of economic recovery from devastating effects of the global economic crisis, this EU country faced numerous problems due to the sudden influx of migrants and their transit to other Balkan countries.

Institutional and organizational readiness of Greece to the sudden influx of migrants was not at the highest level due to the long process of recovery from the economic crisis as well as the lack of assistance from other countries and organizations in which Greece has had decades-long membership. The sudden influx of migrants who were trying to reach the eastern Greek islands from Turkish coast has led to the deaths of large numbers of people (UNHCR Report, 2015). Sharp reactions of Prime Minister Alexis Tsipras were results of the negligence of Turkish government and the unreadiness of Greek authorities (Coast Guard at first place) to the new situation due to a lack of logistical support from the EU (Squires, 2015). Bitterness of Greek authorities was the effect of lack of support from neighboring countries and EU institutions. This attitude dominated in all public appearances of high-ranked government officials during migrant crisis.

Political turmoil in the zenith of the migrant crisis led to dissolving of Greek parliament and the announcement of parliamentary elections in August 2015. The internal political dynamics and the election campaign conducted in the moments of the greatest humanitarian crisis since World War II has blocked legislative initiatives and amendments to normative acts with the aim of alleviating the effects of the migrant crisis. The law on the deportation of refugees and their return to the coast of Turkey was adopted in April 2016 as part of an agreement reached between top officials in Berlin and Ankara in March 2016 (European Commission, 2016).

Additional engagement of Greek police and special units on the eastern islands (such as Kos, Lesbos, etc.) was caused by increased demand for the establishment of public order after a large number of incidents provoked by the dissatisfied migrants due to the slow process of registration and distribution of meals (Konstatinidis, 2015). Humanitarian organizations significantly contributed to calming the situation (Papathanasiou, 2015) by providing assistance to migrants in the form of medical care and meals. Nongovernment organizations made transit of migrants through the territory of Greece bearable within the limits of fulfilling basic human needs on daily basis. Increased presence of security forces and thousands of migrants arriving daily in the Greek islands have led to dissatisfaction and solicitude of the local population for several reasons. Income from tourism as one of the strongest economic sectors of the country in the process of recovery from the economic crisis was decreased due to unwillingness of many tourists to spend their vacation in the islands which were geographically suitable for transfer of migrants from Turkey to Greek coast. Also, local

residents were concerned about their own physical safety and health due to the potential risk of spreading diseases because of inadequate hygiene conditions in refugee camps (Haga, 2016).

During migrant crisis, senior Greek government officials met state officials of other "Balkan route" states and senior officials of EU at summits organized for adopting measures and plans for migrant crisis dismissal. Appeals of Greek authorities for humanitarian aid delivery to refugees who were coming in significant number on daily basis to the Greek island coast provided the sum of several hundred million € of aid (European Parliament Briefing, 2015). Instead of stronger support and assistance from EU institutions, Greek authorities were faced with threats of suspension from Schengen zone because of the inadequate control of the external EU borders (BBC, 2015).

Incidents at the border crossings and the eastern Greek islands as well as the deficit of human and material resources were the reasons for the accusations directed to neighboring countries, especially to Turkey and Macedonia. Closure of "Balkan route" led to easing of tensions between Greece and its neighbors.

Migrant crisis recovery process in Greece has taken place simultaneously in terms of recovery from the economic crisis and the implementation of painful reforms of the tax and pension system, and therefore it is difficult to isolate indicators of migrants transit consequences in this country. Immediately after "Balkan route" closure, Greek authorities have directed attention to the recovery of tourism in the eastern Greek islands that were damaged due to migrant crisis (in the context of the recovery of local economy and undermined reputation) and to the implementation of the agreement between EU and Turkey that implies deportation of refugees to Turkish territory. Also, Greek authorities have made some improvements regarding accommodation conditions, acceleration of the examination of the international protection beneficiaries and applicants in the labour market (Skleparis, 2017). Surprisingly, tourism on eastern Greek islands bounced back after migrant crisis and brought more tourists to the islands in the years following the crisis (Morris, 2016).

### **Preparedness and response of the Republic of Macedonia to the migrant crisis**

The creators of the Concept of national security and defense of the Republic of Macedonia pointed out that "the roots of instability in the region are in political

extremism, extreme nationalism, religious and racial intolerance, which in combination with weak state institutions and the lack of rule of law can generate a high level of risk and danger" (The concept of national security and defense of the Republic of Macedonia, 2003). Migrations of population, especially illegal, are listed in the corps of security risks and dangers that come from the environment and can adversely affect national security of the Republic of Macedonia.

Migrant crisis befell the Republic of Macedonia in moments of political crisis and the escalation of inter-ethnic tensions. Fragile democratic institutions in this former Yugoslav republic were severely tested by a large flow of migrants during crisis. Absence of cooperation and coordination of government bodies in the period before the crisis had an impact on the level of readiness institutions of the sudden influx of migrants (Kosevaliska, Tusevski, 2015). Budget restrictions and insufficient quantity of humanitarian aid for migrants in transit were the root cause of Macedonian officials deprecation during 2015. In August 2015 Macedonian authorities declared emergency situation in and initiated an amendment to the Law on asylum (VOA, 2015) with the aim of facilitating migrants movement to the border with the Republic of Serbia and prevention of humanitarian crisis (the Guardian, 2015).

Initial phases of migrants transit through the Republic of Macedonia were significant in the light of additional engagement of border police and experts from the Crisis Management Center (Gallagher, 2016). Increasing number of transiting migrants during the summer of 2015 gave an impulse for decision made by the President of the Republic of Macedonia on the additional engagement of army forces at the border crossing points (Papadopoulou, 2015). Both numerous non-governmental organizations and citizens who organized themselves and provided support and care for migrants in transit by donating food and medical supplies got positive public reaction.

Perennial problems and tensions between Greece and Macedonia have influenced the level of cooperation and coordination between security services of mentioned countries during migrant crisis. Greece as a country multidecadal membership in NATO and the EU did not provide enough help to Macedonian security services (BBC, 2016). Cooperation with the authorities of the Republic of Serbia is assessed as positive and constructive by the Macedonian public, while relations with Brussels have been strained due to pressure from the EU regarding the structure of internal political turmoil and attitudes of governing structures (Herczog, 2016). During the crisis, Macedonian officials had several meetings with EU officials in Brussels.

Valletta Summit gathered representatives of many European and African countries in order to discuss migrant crisis, but it was held without the presence of Macedonian officials (Valletta Summit on Migration 2015).

Closing of the "Balkan route" made Macedonian authorities faced with the problem of taking care of the refugees who are currently living on Macedonian territory.

"Second-in- chain" position within "Balkan route" corridor made Republic of Macedonia and its government an important partner in migrant crisis resolution, highlighting the role of the ruling elite's position. Cooperation of EU officials with "VMRO-DPMNE" representatives weakened the opposition and civil society, which led this country into deeper structural problems.

### **Resilience of the Republic of Serbia in the context of the migrant crisis**

The Republic of Serbia as one of several countries on the transit corridor shared the burden with neighbouring countries regarding migrant crisis. The National Security Strategy of the Republic of Serbia recognizes migration as one out of numerous transnational challenges, risks and threats that may endanger national security (National security strategy of Republic Serbia, 2009).

In 2012 Serbian parliament adopted the Law on Migration (Law on Migration, 2012) which puts in charge Commissariat for Refugees and Migration to perform professional and other tasks related to the migration issues. This law emphasizes the role of Commissariat for Refugees and Migration to perform tasks related to: determining, proposing and taking measures for the integration of people who are, in accordance with the Law on Asylum (Asylum Act, 2007), entitled to asylum; identifying, proposing and taking measures for the reintegration of returnees under readmission agreements; improving the living conditions of IDPs while in displacement; proposing a program to develop a system of measures for families of foreigners who are illegally staying on the territory of the Republic of Serbia and proposing programs to support the voluntary return of foreigners who are illegally staying on the territory of the Republic of Serbia to their country of origin. Commissariat performs tasks related to: the collection, compilation and analysis of data and indicators for migration management; reporting on immigration and emigration; the development and regular updating of the migration profile of the Republic of Serbia; establishment of a unified

system for collecting, organizing and sharing data; establishing cooperation with the members of the European Migration Network; education and training of people engaged in activities relevant to migration management, ensuring the availability of information relevant to migration issues, as well as other duties specified by the Law. In June 2015 Serbian government established an Inter-ministerial working group for migrations under jurisdiction of Minister of labour, veterans and social rights. In July of the same year, Collection center for Refugees was opened in Presevo, as the first point for providing help to refugees in transit.

The Response Plan of the Serbian Government was adopted during the period of a sudden influx of migrants in September 2015 (Response Plan of the Government of RS to the sudden influx of migrants, 2015). As part of the Plan, certain activities and measures were adopted regarding institutions and organizations and their activities in the case of a massive transit of migrants. UNHCR and the International Organization for Migration (IOM) presented Annual plan of responses to refugee and migrant crisis in Serbia (Annual plan responses to refugee and migrant crisis in Serbia, UNHCR, 2015) in January 2017. The aforementioned plan is a part of the regional response which includes Serbia, Turkey, Greece and Macedonia.

In the early stages of the migrant crisis during the first half of 2015 the Government of the Republic of Serbia had an extensive experience towards migrants, following civilization and European norms and standards in terms of free movement of people, relying on the views of Germany's official policy, which advocated a liberal attitude and opening the borders to all migrants. The turnout has been created as a result of restrictive migration policy of neighboring countries, notably Hungary and Croatia, which increasingly began to pursue their national interests in terms of the migrant crisis, which led to the closure of their borders for the mobility of migrants (The Guardian, 2015). Increasing number of migrants in Serbia has resulted in the lack of sufficient resources for providing support to those people (Sputnik news, 2015).

Before the outbreak of the crisis, Serbia has had extensive experience with providing help to refugees and internally displaced people and in this context institutional and organizational readiness was at a high level. A significant contribution to mitigating the effects of the migrant crisis in the Republic of Serbia was made by a number of non-governmental organizations, the Red Cross, UNHCR and groups of citizens who have voluntarily donated aid in the form of food, clothing and medical material. During 2015, one of the first civilian organizations that organized help for

refugees was "Miksalište" (Beta agency, 2015), providing assistance in the form of clothing, food, water and medical supplies at locations where gathering of a large number of migrants was recorded. During 2015, as a partner of the UNHCR, Info Center started to work in Belgrade, providing help with information as well as translator services (Ljubisavljević, 2015). Considering the transiting nature of migrants crisis, not a single incident was recorded between local population and refugees in Serbia (Spasojević, 2015).

Cooperation with neighboring countries has existed during the migrant crisis, but was not at the optimum level. Organized smuggling groups of migrants and closing of Hungarian border for transit of migrants have placed additional burden the Balkan states that had already been fighting with effects of migration crisis. Meetings of senior government officials with counterparts from neighboring countries took place mainly during the summit of leaders of the countries of the region with EU officials. Meetings of Balkan officials at the ministerial level were organized with the aim of calming tensions following the incidents and resolving situations that occurred in the context of the migrant crisis, threatening to endanger economic relations and the exchange of goods between countries (Beta, 2015).

The Ministry of Labor, employment, social and veterans' rights of the Government of the Republic of Serbia, in cooperation with the Commissariat for Refugees and Migration of the Republic of Serbia, UNHCR and NGOs, organized conferences and panels in order to gather eminent experts and discuss the experiences acquired at the field during the crisis, providing the impulse for starting institutional process of identifying lessons learned during the migrant crisis (Conference "Challenges of the refugee crisis -learned lessons" Conclusions and recommendations, 2016). Isolated incidents that happened in previous years in local communities (e.g. Banja Koviljaca "Asylum Protection Center" and in Subotica) were also a reason for civil society initiatives and recommendations directed towards government institutions (Migrants are not a threat but they are a security challenge for Subotica, 2017).

After the closure of the "Balkan route", joint patrols of Serbian army and police forces that were engaged to prevent illegal crossings of state border, thwarted smuggle attempts of more than 20 000 migrants by 2017 (Press Release of Joint forces of the army and police of the Republic of Serbia, 2017).

## **The Republic of Croatia in terms of migrant crisis**

Creators of Croatian National security strategy recognized illegal migrations as one out of many asymmetrical security challenges, risks and threats (Croatian National security strategy, 2002). Migrant crisis in Croatia was marked by attempts of ruling structures to convince the public that the country is not the final destination of migrants and that a transit corridor for migrants transit from the Republic of Serbia will be directed towards Hungary. Also, as an integral part of Government's successful crisis communication strategy, the Croatian public was assured that in the case of migrant crisis outbreak, civil protection system which proved to be effective during the floods in Eastern Slavonia will be activated (Hina, 2014).

The Government of the Republic of Croatia made decision in July 2015 to establish Headquarters for Coordination of Activities with executive power in respect of all activities related to the receipt and transit migrants through the country. By the end of migrant crisis, Headquarters analyzed events and made strategic decisions and guidelines for all relevant actors activities. The most significant changes to the existing legislation were related to the amendments to the Law on State Border Control and the Law on Defense by which the Croatian Government has created a legal foundation for the Croatian armed forces to assist the border police. Although laws were amended, to the activation of the armed forces to assist the police never happened. Government's decision that has attracted great attention of the public was temporary employment of local unemployed population in the activities that were related to some form of assistance to migrants in the municipalities where they stayed during transit. In this way Government successfully used migrant crisis and temporarily decreased unemployment in local communities.

All activities of state and a non-state sector, domestic and international civil organizations in humanitarian embodiment have been coordinated and synchronized with each other. Headquarters for coordination of activities was established by the Government and it was making strategic guidelines for activities in the migrant crisis, while the operational headquarters made up of all government forces involved in the intervention, was deciding upon operational activities of all the forces engaged.

Reactions of Croatian citizens at the beginning of the migrant crisis were divided, with emphasis on the increasing the number of citizens who supported assistance to migrants. During the migrant crisis, there have been no security incidents



during the transport of migrants or in transit camps. The Republic of Croatia did not allow migrants to move freely through the national territory, they have been accepted at the border, registered, provided with medical, psychological and other humanitarian aid and transported to the border with Slovenia.

Croatian police exchanged information with neighboring countries on daily bases. The blockade of Bajakovo border crossing point due to non-compliant policy of the Republic of Serbia regarding transport of migrants to certain border points was terminated without lasting consequences for relations between the two countries (Beta, 2015). The strategic decision of the Croatian Government to ban the free movement and retention of migrants has had a key role in the protection of national security during the migrant crisis. Efficient civil protection system gave additional contribution in dealing with the migrant crisis (Information on the state system of civil protection, 2015).

### **Preparedness and response of the Republic of Slovenia to the migrant crisis**

Economic and political stability of Republic of Slovenia was confirmed by gaining membership status in the EU and NATO. Relatively high institutional and organizational readiness for migratory wave is the result of longstanding process of building democratic institutions, rule of law and the harmonization of the national security system with EU and NATO.

The strategy of national security of the Republic of Slovenia (Resolution on the National Security Strategy of the Republic of Slovenia, 2010) identified illegal migration as a form of threat to the national security in the context of global sources of threats and risks. The creators of the Strategy claim that "the pressure of migrating from the direction of Southeast Europe is conditioned by socio-economic factors and the security situation at the above mentioned as well as on a global basis. Mass migration in the future may generate security threats and threaten the health of the nation "(Resolution on the National Security Strategy of the Republic of Slovenia, 2010).In this way, Slovenian policymakers made a relation between illegal migrations and potential health crises.

After closing of the Hungarian border, the Republic of Slovenia has been faced with a massive influx of migrants who use the territory of the country as a transit corridor to Austria and Germany (Pusterla, 2015). Slovenian lawmakers did not foresee the involvement of the army in the field of civil protection during emergencies which caused an overload and the deficit in the number of police officers deployed during the initial phases of migrant crisis. After the meeting of the National Security Council in October 2015, a decision was made on hiring Armed forces in assisting the police forces was made (BBC, 2015).

The UNHCR and the Red Cross were permanently present at border crossings and checkpoints, helping the authorities to register people with special needs and provide them with additional humanitarian aid. Assists that listed organizations and individual citizens provided to migrants in transit were not sufficiently covered in the media because of a negative attitude of the public towards immigrants who were considered to be a threat to national security (Green Journal, 2017).

Good organization of the security services and non-governmental sectors in the management of migrants in transit caused the absence of significant pressures from EU institutions. European Commission donated dozens of millions of euros for the construction of additional accommodation and as an aid for security services (UNHCR Europe's refugee emergency response update # 10, November 2015). Cooperation of the Republic of Slovenia with neighboring countries was solid except for bilateral tensions with the Republic of Croatia on the occasion of transit of 25 000 migrants in a period of a few days in October 2015 (SLOGA, 2015). That situation forced officials of Croatia and Slovenia to seek the help of police forces of other EU member states.

A few months after critical attitude towards the construction of the wall in the Hungarian-Serbian border, the Government of the Republic of Slovenia has applied identical measures to protect the Schengen area and to prevent the creation of "stoppage" in the movement of migrants to Austria. The Republic of Slovenia, a politically stable and geographically smallest state of "Balkan route", did not have major consequences due to migrant crisis, unlike Greece which, after signing of the "EU-Ankara" contract was faced with the disposal of tens of thousands of migrants detained on the border with the Republic of Macedonia.

## **Conclusion**

Resilience of individual Balkan countries in the context of the migrant crisis in 2015 is a complex phenomenon made up of a large number of factors that in different ways contributed to their preparedness and response to migratory wave. Migrant crisis tested the institutional and organizational readiness of individual countries of "Balkan route" and their fragile bilateral relations burdened with the past.

Because of the dealing with the consequences of the global economic crisis and its position as the first country in the Schengen area for migrants, the Hellenic Republic has brought an exceptionally heavy burden during the migrant crisis. Unsatisfactory level of cooperation with Turkish and Macedonian authorities has further aggravated the efforts of the Greek authorities to register migrants and transport them to the exit border checkpoints. Closing of "Balkan route" corridor has created a problem with the disposal of tens of thousands of migrants who remained "trapped" on the Greek-Macedonian border. The Republic Macedonia and the Republic of Serbia, despite a satisfactory level of security services cooperation and help provided by international and non-governmental organizations, faced a lack of resources to care for a large number of migrants who spent a transit period in those countries. The Republic of Croatia and the Republic of Slovenia showed a high degree of organization and preparedness migrants during the crisis, according to the collected data. Despite sporadic misunderstanding due to non-compliance at the bilateral level, those countries managed prompt reactions involving competent services to provide necessary humanitarian assistance and efficient transportation of migrants to the end "Balkan route".

"Balkan route" was officially closed by signing the "EU-Ankara" contract in March 2016. That agreement led to the weakening of previous migratory pressures towards Balkan countries, creating potential for organized crime activities in the form of smuggling migrants through alternative transit corridors.

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## DYNAMIC MIGRATION FLOW MODELLING

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### Abstract

The number of international migrants reached 244 million in 2015, including almost 20 million refugees. This number was further increased with the onset of the “Migrant Crisis” with a huge number of people abandoning conflict-torn countries of Syria, Iraq, Afghanistan, Libya etc. Taking into account that serious problems related to human migrations have existed throughout history, in the previous decades various models have been developed for the analysis of this field. The most common models have been the Lee Model and the Gravity Model. The Lee model applies so-called push-pull factors for the analysis of decisions for migrating, whereas the Gravity model of migration is derived from the Newton’s Law of Gravity, and is used to predict the degree of interaction between two spatial models. The Gravity model of migration is based upon the idea that the increase in interregional differences in socio-economic values between locations of migration origin and destination may induce increased flow between them, whilst the increase in distance between two locations may cause the tendency of migration to decrease. Both models, among many others, are used mainly

for explanation of migration decision making and the migration management policies. The existing migration models based on System Dynamics (SD) are generally related to data analysis, policy making and migration management. The paper presents an SD model that analyses migrant/refugee flow, taking into account the following parameters: political decisions of the countries on migrant routes (political intervention), socio-economic factors, porosity of state borders, criminal activities, public opinion, health, climate and environmental conditions etc. The model was built and simulations performed using the *Vensim* modeling tool, the results of which may be used for prediction purposes, creation migration management scenarios, as well as for the risk and resilience assessment of the migrant routes.

**Keywords:** *migration model, system dynamics, simulation model, risk assessment, resilience.*

## 1. Introduction

The series of “Spring” events throughout the Middle East and Northern Africa has triggered the movement of vast number of refugees and migrants from those areas to Europe. Europe is currently witnessing a mixed-migration phenomenon, in which economic migrants and asylum seekers travel together and these groups overlap. This phenomenon is further exacerbated by the inconsistent methods with which asylum applications are often processed across the EU. (Park, 2015)

Despite of the size of this human and humanitarian tragedy, it is more of a constant, rather than an isolated occurrence throughout the history. The world history is a history of migrations. From prehistory and early antiquity until now, virtually there has not been even a brief period without tribes, clans, classes, families and individuals moving from a place to place, either escaping from dangers and hardships, or searching for better life. Some of those migrations have been caused by political, some by economic, and some by environmental changes. Paleo-Indian hunters entered the American continent at least twenty thousand years ago, whilst Indo-Europeans colonized Europe, Western and Southern Asia from Central-Asian steppes by the early second millennium BC, Bible tells of Judean exodus and Babylonian captivity. The

middle of the first millennium AD in European history is even called the Migration Period when the “barbarians” broke into Roman Empire. And the list goes on.

Fast forward to the modern age. Hunger, plague, discovery of the “New World”, and the “invention” of the doctrine of the Total War caused many people to leave their households. In the XX century, the largest migration waves were observed during and in the aftermath of two world wars. As there was a steep increase in the world population, total numbers of refugees, migrants and internally displaced persons also increased. For instance, at the close of World War II there were an estimated 30 million refugees and displaced persons on the European continent, some dislodged by the war and others by the redrawing of Europe’s boundaries. Furthermore, the emergence of newly independent states in Africa and Asia during the post-war years generated a new global refugee phenomenon. This process was accompanied by population exchanges, most severely in India and Pakistan, and by a succession of internal wars and violent conflicts. After the ebb during 70’s and early 80’s there was a significant flow during the late 80’s and 90’s due to the breakup of the Soviet Union, Warsaw Pact and the wars in Yugoslavia. (Weiner, 1996) This prompted some authors to describe the XX century as the century of migrations.

However, the same authors could not even suppose the extent this phenomenon would reach in the first half of the second decade of the 21st century. (Ninković, Kešetović, 2016) The wave of demonstrations and protests, riots and civil wars known as The Arab Spring (Arabic: الربيع العربي ar-rabi‘ al-‘arabi) and escalation of Syrian crisis in 2011 were trigger events for a great migrant flow from the Middle East and Africa towards Europe that intensified in 2014 and reached almost unimaginable dimensions during 2015. In fact, the 2013 United Nations projected number of migrants was largely surpassed in 2015, accompanied with equally high growth rate. Only two years ago, it was assumed that the total number of migrants on the global level would reach a maximum of 237 million, which represents a drastic increase in comparison with the year 1990, when the total number of migrants amounted to “only” 154 million (Simeunovic, 2015). Every attempt to quantify the number of migrants can give only a momentary and shaky figure that may be outdated after several days.

A significant number of migrants cross the borders illegally. According to data gathered by FRONTEX in 2014, detections of illegal border-crossing reached a new record, with more than 280.000 attempts. The unprecedented number of migrants

illegally crossing the external borders has roots in the fighting in Syria that has resulted in the worst refugee crisis since the Second World War. Indeed, most of the detections at the borders concerned migrants from Syria, who later applied for asylum within the EU. Most migrants were detected in the Central Mediterranean area, where detections totalled over 170.000. On the Eastern Mediterranean route detections totalled over 50.800. Towards the end of 2014, detections sharply increased at the Hungarian land border with Serbia, making the Western Balkan route (with 43.357 detections) the third most important irregular migration route towards the EU (FRONTEX, 2015).

Saying that the current migrant crisis is affecting the Western Balkans would be an understatement. One of the most used ways towards rich countries of the West goes via Balkan Peninsula – Greece, Bulgaria, Macedonia, Serbia and Croatia. There are also other routes, from Northern Africa across the Mediterranean Sea to Spain or Sicily, through ex-Soviet republics etc. In addition, there is a constant influx of migrants from Mexico and Central American countries into USA, from South-East Asia to Australia, to mention just a few.

Despite their large numbers in historically and geographically various settings, all migrations show similar traits which enables creation of migration models and simulations. In our paper we will first present several most important approaches to migration modeling, in particular gravity and Lee's push-pull model. In the second part of the paper we will explain how systems theory in general, and system dynamics in particular can be used in migration modeling. Finally we will present the results of the simulation and draw conclusions from it.

## **2. Migration models**

Human migration is one of the few truly interdisciplinary fields of research of social processes which has widespread consequences for both individuals and the society. Human migrations can be considered as demographic, economic, ethnologic, geographic, political, psychological or social process. One of the first attempts to formalize the study of migration processes was done by the English geographer Ernest Ravenstein. Ravenstein's idea was that the principal factors of migration, though not the only cause of migration, are economic. As pointed by him, bad or oppressive laws,

heavy taxation, an unattractive climate, uncongenial social surroundings, and even compulsion (slave trade, transportation) produce flows of migrants. Ravenstein's basic laws, subsequently amended by additional laws derived from his work, serve as the starting point for virtually all mathematical models of migration processes. (Ravenstein, 1885)

Lee (1966) revised Ravenstein's XIX century laws on migration and proposed a new analytical framework for migration. In his view, the decision to migrate is determined by the following factors: factors associated with the area of origin; factors associated with the area of destination; so-called intervening obstacles (such as distance, physical barriers, immigration laws, and so on); and personal factors.

A breakthrough in mathematical modeling of migration dates back to the 1930s, which led to the appearance of different micro and macro models. A significant contribution to the development of migration modeling in the 20th century was made by the improvement of the mathematical methods used in demography, first of all – econometrics.

## **2.1. Classification of migration models**

*A mathematical model of migration* is a simplified description of real migration processes, where all the crucial links between the real "participants" of spatial movements – migrants and factors of migration – are expressed mathematically. As a social-economic process; migration modeling can be applied to both, macro and micro levels. Given the same object of research – population – these two approaches differ in the subject and the goals of research. (Aleshkovski & Iontsev, 2005)

*The macro approach* studies the patterns of migration of the whole population or certain social groups (for example, seniors, population in working-age period, ethnic groups, etc.) within a framework of a given territory and is based on either census data or current statistics. Characteristics of the origin and destination regions (such as climate, income, unemployment, etc.) are used as input variables for macro models of migration, migration processes indicators (such as migration increase, etc.) – as output variables. The core ultimate goals of application of migration modeling at macro level are: migration processes analysis, migration indicators forecast and simulation of migration process development using the analysis of possible changes in emigration under different scenarios of economic growth in the emigration countries.

*The micro approach* focuses on the migration behavior of individuals (families, households) and intends to explain the decision-making process by potential migrants to remain in a current residence or to migrate to another one. As input variables micro models use both the characteristics of the origin and destination regions and the characteristics of individuals involved in migration processes. Output variables can describe migration behavior of a representative individual or, as in the case of macro models, aggregate indicators of migration processes. The core ultimate goals of application of migration modeling at micro level are: analysis of the decision-making process by potential migrant and analysis of the individuals selection process between alternatives.

Despite the fact that macro and micro approaches to modeling have traditionally evolved independently from each other, actual migration flows are always the result of a combination of decisions made by individuals. According to the underlying basics and the mathematical methods used, micro and macro models of migration can be classified into several categories.

According to the modeling approach migration models can be characterized as *deterministic* and *stochastic* models. A model is classified as *deterministic*, if the result of any system change can be predicted unambiguously. *Stochastic* models, on the other hand, provide several output values given the same input value, whereas some likelihood values correspond to all the attainable outcomes, in order to reduce the uncertainty.

According to the time period migration models can be classified as *static* or *dynamic*. *Static* models refer to the state of migration processes at a particular point in time, whereas *dynamic* models consider the interaction between the variables in time. *Dynamic* models are mainly used for the purposes of migration processes forecasting.

Chronologically, the *interaction models*, or the *models of spatial interaction* came first. They are based on the idea of analogy of the processes undergoing within physic and social systems and, correspondingly, the idea of the methodological unity. The conclusion can be drawn that the population is comparable to a simple system of elementary particles, whose existence and motion follow the rules similar to physical, and the society is a vast mechanism, where migration and concentration of people-molecules proceed as the result of the implementation of the "gravity forces" between aggregate groups of people, i.e. the distance of motion rises as the size of the group goes up, and falls in case the distance between two groups increases.

With respect to peculiarities of the migration modeling, interaction models can be classified into *gravity models*, *intervening opportunities models* and models based on the *general theory of movement*.

The other important types of Macro models are Migration Factors Models (Pull-Push Migration Models) and Markov Chain Migration Models, as well as Migration Processes Diffusion Migration Models and Human Capital Models of Migration pertaining to the subset of Micro models.

Now, we will take a more detailed look at the main types of Macro migration models - Gravity and Lee models.

## 2.2. Gravity models of migration

The majority of the interaction models belongs to *gravity models of migration*. These models consider spatial mobility of population in analogy with Isaac Newton's Law of Gravitation (1687) as interaction between two territorial units (i.e. countries, regions, etc.) (see Figure 1).

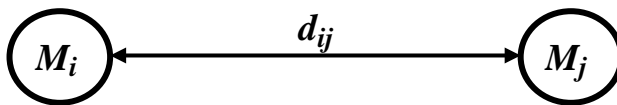


Figure 1. Scheme of spatial interaction of two territorial units within the gravity model of migration

This "law" says that migration between two regions  $i$  and  $j$  is directly proportional to the product of population sizes of these regions and inversely proportional to the square of the distance between them. Hence classical gravity model is a special case of migration interaction model where population: of regions of origin and destination of migrants are used as the masses of interacting bodies.

Advantages of models of this type include, first of all, relative simplicity of developing and availability of statistical data for all level of analysis (inter-state, interregional migration, etc.).

The gravity model is a popular mathematical model used to predict the interaction between two or more places. In geography it has been used to simulate a variety of flow patterns, such as traffic and mail flows, telephone calls, and migration. Essentially, the gravity model can be used to account for any interaction or flow that is expected to move from one place to another. This idea has generated many mathematical manipulations of the model.



The original gravity model is based on Newton's law of gravitation, expressed as:

$$G_{ij} = G * (M_i * M_j / d_{ij}^2)$$

where  $G_{ij}$  is the gravitational bond between objects  $i$  and  $j$ ,  $G$  is the gravitational constant,  $M_i$  and  $M_j$  are measures of the attractiveness of masses  $i$  and  $j$ , and  $d_{ij}^2$  the square of the distance between objects  $i$  and  $j$ . (Sink, 2010) The theoretical principle of the gravity model is twofold: (1) the degree of interaction is directly proportional to the size of the masses and (2) the degree of interaction is indirectly proportional to the distance that separates them. For the use in gravitational migration model, the denominator in the formula has the form of  $d_{ij}^b$ , in which  $b$  is the friction of distance. Larger values of  $b$  indicate that the interaction between  $i$  and  $j$  declines more rapidly with increased distance.

Generally, three types of gravity model have evolved since the original formulation: (1) origin-specific, (2) destination-specific, and (3) network or potential models. The basic gravity model formulation is the foundation of origin-and destination-specific models. Commonly, origin-specific models are used to predict flows from one place of origin to several destinations. With destination-specific models, flows are predicted from several origins to one destination. The gravity model was later reformulated to account for a network of interactions between places. These are known as potential models. Results of the potential model show the position of each place relative to all other places. Often, the results are illustrated spatially with a potential surface map.

Most criticism of the gravity model has concerned its use as a predictive tool. Some note that the model is not based on observation and therefore cannot be substantiated scientifically. Others believe that the model is biased toward existing spatial patterns and that this will perpetuate the status quo.

### 2.3. Lee's model of migration

For the motivations for migration we can consider how relationship between two points (origin and destination) is affected by *push factors* and *pull factors*. Push

factors exist at the point of origin and act to trigger emigration; these include the lack of economic opportunities, religious or political persecution, hazardous environmental conditions, and so on. Pull factors exist at the destination and include the availability of jobs, religious or political freedom, and the perception of a relatively benign environment. Pushes and pulls are complementary – that is, migration can only occur if the reason to emigrate (the push) is remedied by the corresponding pull at an attainable destination.

Figure 2. summarizes Lee's (1966), push-pull theory in graphic form. It shows possible migration between a place of origin and a place of destination, with positive and negative signs signify pull and push factors, respectively. Flows take place between two places, but there are intervening obstacles to these spatial movements. Although these obstacles are represented by "mountain" shapes, the obstacles need not be limited to physical barriers. Restrictive immigration laws, for example, can present a formidable barrier to prospective migrants. Note that both the origin and destination have *attributes - pushes and pulls*, reflecting the reality that any migrant must consider both the positives of staying and the negatives of moving, as well as their converses. The logic of the push-pull theory is that if the plusses (pulls) at the destination outweigh the plusses of staying at the origin, as shown below, then migration is likely to occur.

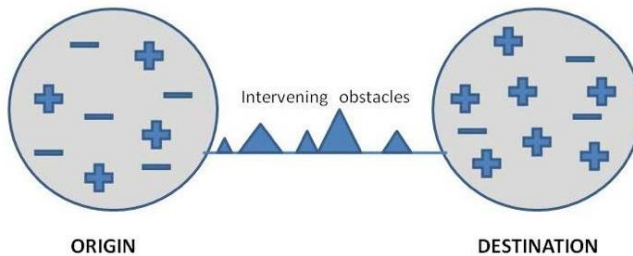


Figure 2. Lee's Push-Pull Theory

The flow of migrants between two places may not totally develop if *intervening obstacles* exist between them. The intervening obstacles refer to any barriers to spatial interactions, in this case physical, economic, cultural or political impediments to migration. The number of migrants is directly proportional to the number of opportunities at a given place and inversely proportional to the number of intervening obstacles. Therefore, the volume of migration from one place to another is associated not only with the distance between places and number of people in the two places, but

also with the number of opportunities or obstacles between each place. This is especially true in labor migration.

### **3. Migration systems theory**

Unlike transitional models that focus on how broader processes of development affects migration, migration systems theory draws a two-way, *reciprocal* and *dynamic* link between migration and development, and therefore seems particularly relevant for elaborating a theoretical framework, which puts migration in a broader development perspective.

Migration systems theory (de Haas, 2008), defines a migration system as a set of places linked by flows and counterflows of people, goods, services, and information, which tend to facilitate further exchange, including migration, between the places. Borrowing from general systems theory it is focused on the role of information flows and feedback mechanisms in shaping migration systems. This theory stresses the importance of feedback mechanisms, through which information about the migrants' reception and progress at the destination is transmitted back to the place of origin.

Migration systems theories primarily focus on the factors that cause, shape, and perpetuate migration. In particular migration systems theory is useful in describing and modeling processes of spatial geographical structuring of migration patterns, and, as a spatiotemporal model, it can be well integrated within the dynamic transitional models of migration-development interconnections. Taken together, they help to understand how migration evolves over time - and changes in its nature, magnitude, destinations, and selectivity - and is reciprocally linked to the broader process of development. This theoretical perspective is fundamentally conflicting with and superior to static and a-historical push-pull, neo-classical and structuralist approaches, which all draw on the - erroneous - sedentary notion that migration and development are substitutes rather than complements.

#### **3.1 System dynamics migration models**

System Dynamics (SD) was invented in mid 1950s by Jay Forrester of the Massachusetts Institute of Technology (MIT) to improve the ability to understand

complex systems. (Forrester, 1961) At the beginning it was mainly used in business practice. In the following years, other science disciplines than business management got interested and nowadays, SD is applied in the field of environmental and political science, economics, medicine, engineering and development amongst others. By framing the underlying structure of a complex system, System Dynamics is supposed to reproduce the observed behaviour.

System dynamics enables joint analysis of the migration phenomenon in the location/country of its origin, with the location/country of its destination. The SD approach allows analyzing the migratory phenomenon by integrating in the same analysis a set of quantitative and qualitative variables that influence and determine this phenomenon. This approach also allows studying the migration phenomenon from the perspective of the complex systems. (Chávez et al, 2011)

System Dynamics is defined as a "computer simulation of continuous, non-linear feedback systems, emphasizing an endogenous point of view".

The main concepts of SD are feedback thinking, which can be reinforcing or counteracting, the distinction between stocks and flows, being responsible for delays in the system, and the endogenous point of view -necessary for shifting loop dominance and the inclusion of non-linearities.

The feedback concept is central to the SD approach. It means that there is a closed causal chain, a closed loop of mutual cause-and-effect, so that an effect perpetuates until it influences back to its initial cause, after having passed one or any number of variables before. A feedback loop can be positive or negative. Positive loops tend to reinforce or amplify whatever is happening in the system. Negative loops counteract and oppose change, so they are also termed as balancing or counteracting loops.

The second crucial concept refers to the important status of stocks and flows, Figure 3. As soon as SD models are used for simulation it needs to be identified whether a variable is a stock or a flow variable. Stock variables are accumulations and indicate the status of the system through time, whereas flows represent the rate of change: they increase or decrease a stock over some time interval, being either inflows or outflows. A stock can only be changed and thereby managed by a flow.



Figure 3. Stock and flow SD elements

The model developed for this paper aims at representing the causes and consequences of emigration from origin to destination countries, embedding them in the broader development context with the purpose of exploring the inherent feedback relationship of migration and development on a macro-level, as well as the behaviour of the system by means of simulations.

#### 4. SD migration/refugee flow model

In this paper we consider population migration models constructed on the basis of different class of spatial epidemics models. The temporal-spatial migration models are obtained by adding classical spatial homogeneous epidemics terms into migration models; they have the form of nonlinear differential-integral equations. They describe the evolution of the density of a system of population living in a particular spatial domain. The above also means that dynamical behavior of a population system with migration is very complex.

Namely, individuals in this population system can move from one location to the other with a rate ( $\nu$ ) determined by characteristics of their departure and arrival locations and other non-spatial factors. There are two categories of variables: *endogenous* and *exogenous*. *Endogenous* are spatial/security factors, whereas socio/economic, psychological and other relevant factors pertain to *exogenous* variables. (Simonović & Ahmad, 2010)

The migration rate function ( $\nu$ ) determines to a great extent the dynamical behavior of the population system. The SD migration/refugee flow model can be generally based on:

$$\textit{Migration\_rate}(\nu)=f(\textit{socio/economic factors, spatial characteristics}) \quad (1)$$

For the development of SD model we first consider the migration SI model, which is obtained by adding migration terms into the classical SI epidemic model. Further, we considered the migration models obtained on the basis of more complex epidemic models: SIS, SIR, SEIR and MSEIRS. For detailed analysis and development of the complex migration model we adopted the MSEIRS model (Hethcote, 2005), as well as its broadened version MSEIRWS model [*Maternally derived immunity - Susceptible - Exposed - Infected - Recovered - Waned (low immunity) - Susceptible*] (Goeyvaerts et al, 2011), Figure 4.

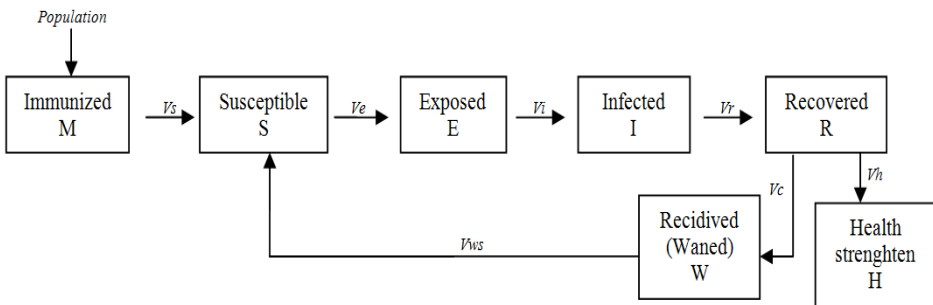


Figure 4. - MSEIRWS epidemics model

On the basis of the epidemics model, the analogue migration SVTFMRV [*Safe - Vulnerable - Threatened - Migration Flow - Migrated - Readmitted (no asylum) - Vulnerable*] was developed, Figure 5.

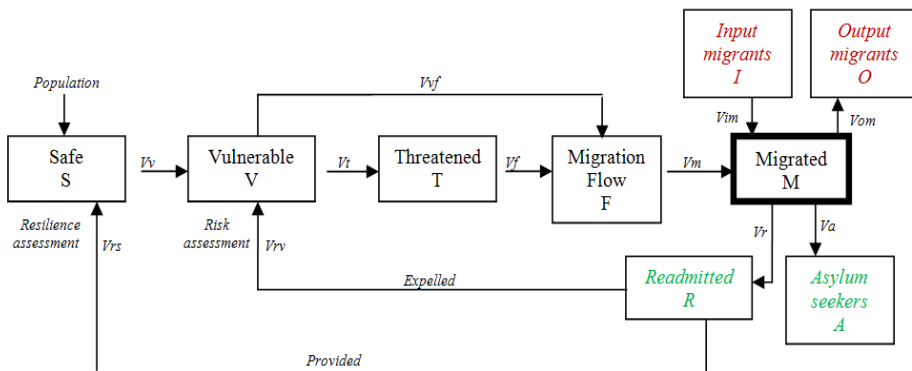


Figure 5. SVTFMRV migration model

In Figure 5, the  $I$  and  $O$  blocks, represent inflow and outflow of illegal migrants. Besides that, those blocks may be used for connection with other migration models from different spatial locations. In that way it is possible to form a network migration model that represents migration flows at a broader geographic area.

As we have already mentioned, migration models have the form of very complex nonlinear differential-integral equations, which are possible to represent as a mathematical model. However, for the realization of the computer simulation SD migration/refugee flow model we used the Vensim simulation software that primarily supports continuous simulation - system dynamics. This software tool enables direct formation of simulation model on the basis of *Causal Loop Diagram* (CLD) that aids in visualizing how different variables are interrelated in the system. Moreover, on the CLD basis a simulation model is developed, which is further used for the analysis and simulation of migration flow processes. This way a formation of a complex mathematical model can be avoided, taking into account that *Vensim*, on the CLD basis, internally realizes all mathematical relations of the model and forms a situational model.

Figure 6. represents *Vensim* simulation SD migration/refugee flow model.

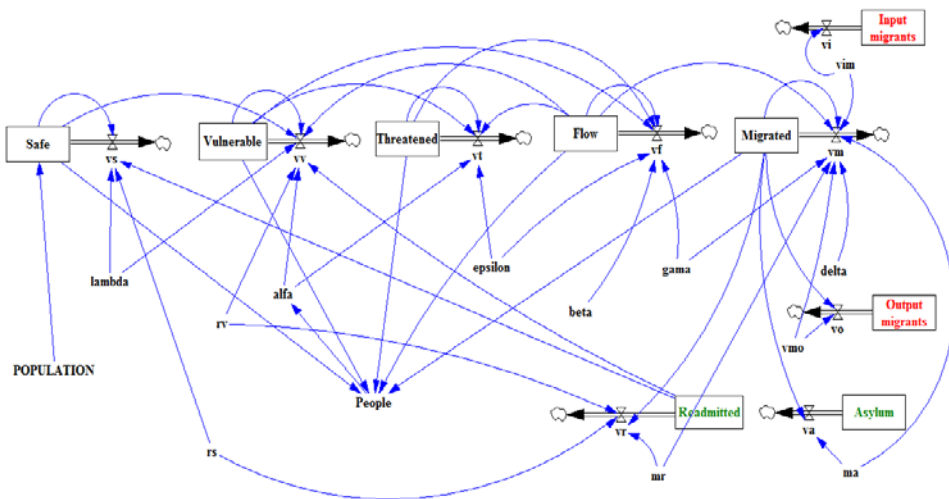


Figure 6. SD migration/refugee flow model

In Figure 6, the variables  $rv$ ,  $rs$ ,  $mr$ ,  $ma$ ,  $vmo$ ,  $vim$  - represent the constants that define the dynamics of certain processes - stocks, as well as their mutual

interaction. These values are defined on the basis of statistic and experience data, as well as through experiments during testing and adjusting of the model.

The meaning of other variables in the model - *alpha*, *beta*, *gamma*, *delta*, *epsilon*, *lambda*, is represented in the following table:

Table 1. Description of variables in the model

variable	Description
<i>alpha</i>	transmission rate from <i>Vulnerable</i> to <i>Threatened</i>
<i>beta</i>	transmission rate from <i>Vulnerable</i> to <i>Flow</i>
<i>gamma</i>	transmission rate from <i>Flow</i> to <i>Migrated</i>
<i>delta</i>	rate of changing of <i>Migrated</i>
<i>epsilon</i>	transmission rate from <i>Threatened</i> to <i>Flow</i>
<i>lambda</i>	rate of changing of <i>Safe</i>

The values of these variables are defined on the basis of statistic and experience data. In addition, the data and factors obtained from other migration models, such as various gravity, push-pull and other models. Those variables can be time-varying and represent aggregate values obtained on the basis of differing external parameters that define temporal and dynamic characteristics of stock variables in the model. Hence, for instance, the variable *epsilon* (transmission rate from *Threatened* to *Flow*), can be represented as, based on the expression (1):

$$epsilon = e1*[internal\_factors] + e2*[external\_factors] + +e3*[psychological\_factors] \quad (2)$$

in which weighting factors *e1*, *e2*, and *e3* are defined on the basis of statistic and experience data. Furthermore, the factors in the expression (2), can be, for instance, represented in the following manner:

$$internal\_factors = a1[*risk\_assessment] + a2[*social\_factors] + +a3[econom*ic\_factors] \quad (3)$$



$$\text{external\_factors} = b1*[\text{security\_factors}] + b2*[\text{spatial\_factors}] + b3*[\text{refugee\_factors}]$$

(4)

$$\text{psychological\_factors} = c1*[\text{population\_factors}] + c2*[\text{danger\_recognition}] + c3*[\text{evacuation\_decision}]$$

(5)

All factors in the expressions 2, 3 and 4 can be further decomposed into other elements. Thus, for example, the factor *evacuation\_decision* in expression (5) can be represented as:

$$\text{evacuation\_decision} = d1*[\text{situation\_acceptance}] + d2*[\text{experience\_factor}] + d3*[\text{support\_factor}]$$

(6)

It should be stressed that all these factors and their components can be time-varying. The identification of these factors is a complex process and depends on the concrete application of the simulation model, expert knowledge in the migration modeling and accessible statistic and other data.

Similarly, as showcased in expressions 2, 3 and 4, other variables from Table 1. can be defined.

#### 4.1. Results of simulation

As we have previously mentioned, for the realization of the computer simulation SD migration/refugee flow model we used the *Vensim* simulation software modeling tool that supports continuous simulation and system dynamics. This software tool enables direct simulation of the model on the basis of *Causal Loop Diagram* (CLD) that aids in visualizing how different variables are interrelated in the system. Due to the limited space in the paper, we have not represented the CLD.

By performing multiple simulations and parameter calibrating in the model we may obtain various data on migration processes and flows, in local or wider areas. The data analysis can provide insight in certain migration activities, and the analyzed data can be used for prognostic or decision making purposes.

In this paper, we limited ourselves on representing model response for two stock variables, *Migrated* and *Readmitted*, (Figure 7) and for two flow variables *vm* (migrated) and *vr* (readmitted), (Figure 8).

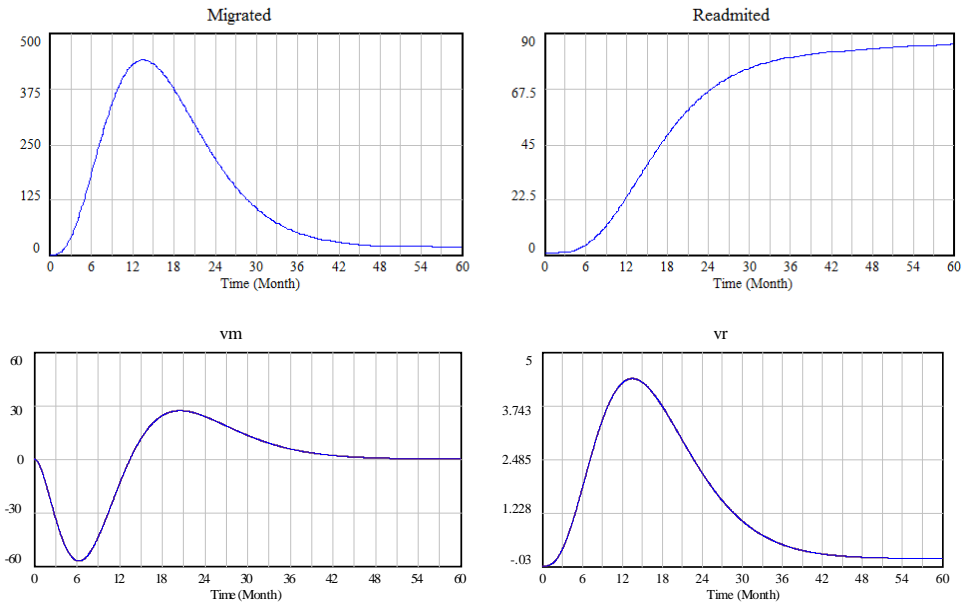


Figure 7. Model response for stock variables *Migrated* and *Readmitted*

Figure 8. Model response for flow variables *vm* (migrated) and *vr* (readmitted).

In a similar way the model response for all other model variables, as well as their combinations, can be represented, which we had to omit here due to the limited space.

This is a pilot model, in the early stage of development. The development of complete and concrete SD migration models is a complex and time-consuming task that would require engagement of a multidisciplinary team of experts. For instance, in the early stage of the model development, the data about the Balkan Route presented in the first section of the paper, may be taken into account, until the access to the raw data and expert opinions is secured.

## 5. Conclusion

Mass migrations have been a constant throughout the human history. However, due to the globalization and developments in technology, especially in transport their frequency and volume intensified in the recent decades. The attempts to represent the migrations through models have been existent ever since XIX century, but there is a lack of models that would include time-varying state of the system in which the migrations occur.

In this paper we proposed the method of System Dynamics (stock and flow diagram) for creation of dynamic model of migrations. We designated our model as SVTFMRV named after the stocks in the model: *Secured, Vulnerabled, Threatened, Flow, Migrated, Readmitted* and *Vulnerabled*. The model is derived from an existing epidemics and infection model, and is analogous with the MSEIRWS epidemics model. Therefore, SVTFMRV model can serve as the basis for concrete scenarios applicable on, for instance, the Balkan Route. Besides that, this model may be used for connection with other similar migration models from different spatial locations. In that way it would be possible to form a network migration model that would represent migration flows at a broader geographic area.

The model that we offer is of conceptual nature. This is a pilot model, in the early stage of development, as the development of complete and concrete SD migration models is a complex and time-consuming task that would require engagement of a multidisciplinary team of experts. The model was built and simulations performed using the *Vensim* software modeling tool, the results of which may be used for prediction purposes, creation migration management scenarios, as well as for the risk and resilience assessment of the migrant routes.

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## **The Balkans and Refugee Crisis: Lessons Identified and way forward**

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### **Abstract**

During the refugee/migrant crisis in 2015 and 2016, through the Balkan countries from Turkey to Western Europe has passed more than 800.000 refugees and migrants. A relatively small number of them requested asylum protection in the countries of the Balkans, generally they all had the intention to come as quickly as possible to Western Europe. In fact, gaps between the large number of migrants and refugees, uncertainty of time (until when the route will be opened for massive passage), limited transport and accommodation capacities in all parts of route, limited humanitarian and security assumptions and different approaches towards this challenge, resulted in a political crisis between individual Balkan countries. Paradoxically, despite they were aware that refugees and migrants do not want to stay in their countries, at the beginning of the crisis the Balkan countries very badly cooperated, and some of them even confronted each other in some areas. As the crisis extended, slowly the cooperation between countries increased, although by the end of the crisis has not reached a satisfactory level of collaboration needed between the neighboring countries which lean on each other and depend on each other treatment. Under the assumption that crisis between countries was inevitable, it should be one of

organizational nature – which is the best way to help refugees and migrants in transit with clear implementation of necessary and available security measures that could be carried out – and not political character. Due to the real need of improving future cooperation between the Balkan countries, under the reasonable assumption of reopening the route for massive migration (either to Western Europe or the return of those who will not be able to stay and will be returned through same route), it is necessary to analyze the recent experiences and suggest ways and models of better cooperation in the future. The main focus of this research is the analysis of political processes and decisions, applied models of cooperation and detection of unused opportunities, all that with the aim of articulating these results in the form of recommendations for a wide range of actors involved at all levels of emergency management - whether in the refugee/migrant crisis or another potential crisis in the Balkans.

**Key words:** The Balkans, Refugee crisis, Lessons Identified, Way forward

## 1. Introduction

The migrant crisis which has during 2015 and 2016 shook the Europe, the European Union and most European countries (whether they are members of the European Union or not), showed and revealed many cracks, incomplete and/or partially completed political, security, humanitarian, social, organizational processes and their cons activities. To migrant crisis preceded a series of events and smaller crises that were supposed to warn and prepare responsible, and they all the rest, for major large scale crisis which will thoroughly shake up all institutions, processes and the actors involved. The above did not happen and all the key decision makers were taken aback with the volume of events and reacted reactive – from the representatives of the executive authority in European Union administration, most powerful members of EU as countries that should have more experience with migration then other because they are most common countries of destination for large number of refugees and migrants to countries on the transit route that due to its geo-strategic position found themselves in the corridor of mass migration.

So far in the academic and professional literature there are quality descriptions of the main factual indicators of migrant crisis 2015 and 2016 in terms of push and pull factors influencing the permanent migration and in this case the specific of mass migrations; relations between migrants and refugees, in this regard – mixed migration flows; on the conflict in Syria and Iraq, from where the largest number of refugees originated; figures on migration and refugee movements; of an open invitation of Germany for refugees; and disorientation of the European Union in the crisis. Therefore, we won't be focusing on mentioned domains which have so far been very well analyzed and described, yet scope of our interest is on much less researched organizational readiness and mutual cooperation between the states (Mikac and Dragović, 2017; Smajić, 2017; Tatalović and Jakešević, 2016; Mamić, Mikac and Dragović, 2016).

The special interest of this research in a broader perspective represents the region of Southeast Europe, the time frame of observation is 2015 and 2016, while the narrower perspective are the specific countries in the so-called Balkan Route, which are due to its geo-strategic position placed on the way of mass migrant movements from southeast to west Europe. We have observed and analyzed the situation in the following countries: Republic of Turkey, Greece, Republic of Macedonia, Republic of Serbia, Hungary, Republic of Croatia and Republic of Slovenia. It should be emphasized, that the Southeast Europe territory is wider geographic term than the Balkans, where in both cases a number of countries (beside these which are mentioned) are included. We have decided to observe above listed countries because they were more prominently exposed to major mass migration movements and there were political and other forms of mutual controversy. Likewise, so-called Balkan Route has long been known as two-way smuggling route through which from the East to the West predominantly were smuggled drugs, people and weapons, and in the reverse direction – cars, synthetic drugs and other value goods. In a specific crisis which is observed, mass migration of migrants and refugees is linked with the traditional smuggling route regardless of the partial correlation with the original smuggling route.

Until the outbreak of migrant crisis 2015, Republic of Turkey has taken several million refugees mainly from Syria, Greece up to that point was the destination for a large number of African and Asian refugees and migrants who from there tried to move on to Western Europe. Republic of Macedonia has found itself on the way and in the unusual situation of pressure by entering and passing a large number of uncontrolled migrants from the European Union and the Schengen area. In Republic of Serbia there



was massively entering of migrants and refugees from Macedonia and to a lesser extent from Bulgaria. After Serbia, next transit country was Hungary and after setting the wire along the border with Serbia, migrants were routed through Republic of Croatia and continuously through Republic of Slovenia to Western Europe.

The starting point of the research is the claim that at the beginning of the crisis, observed countries very badly cooperated, and some of them even confronted each other in some areas despite they were aware that refugees and migrants do not want to stay in their countries. As the crisis extended, slowly the cooperation between countries increased, although by the end of the crisis has not reached a satisfactory level of collaboration needed between the neighboring countries which lean on each other and depend on each other treatment. From subjected, we are setting main hypothesis of research which says that under the assumption that crisis between countries was inevitable, it should be one of organizational nature – which is the best way to help refugees and migrants in transit with clear implementation of necessary and available security measures that could be carried out – and not political character. Humanitarian approach towards migrants in transit is not questionable nor security perspective that needs to be included in the protection of its own citizens as well as the migrants themselves. The focus of the research is the internal organizational aspect of countries and cooperation between them on the Balkan route where no one asked if they want, can and have the capacity and ability to receive and at a certain time in transit to take care of a large number of migrants and refugees.

Due to the real need of improving future cooperation between the Southeast Europe countries, under the reasonable assumption of reopening the route for massive migration (either to Western Europe or the return of those who will not be able to stay and will be returned through same route), it is necessary to analyze the recent experiences and suggest ways and models of better cooperation in the future. The main focus of this research is the analysis of political processes and decisions, applied models of cooperation and detection of unused opportunities, all that with the aim of articulating these results in the form of recommendations for a wide range of actors involved at all levels of crisis management – whether in the refugee/migrant crisis or another potential crisis in the Southeast Europe. For this purpose, we conducted an analysis of public policy of countries on the Balkan Route, interviewed scientists from those countries through unified questionnaire and interviews with individuals directly involved in the migrant crisis. The entire analysis process will be implemented through

the concept of crisis management and its four phases – prevention, preparedness, response and recovery.

## **2. Prevention and preparedness within countries on the Balkans route for the upcoming migration crisis**

The prevention represents measures and intent of completely avoiding the potential negative impacts that are being undertaken in advance and in this case the activities that should reduce the negative impact of mass migration. The stated is including: identification and analysis of the risk of mass migration, analysis of consequences, risk assessment and action plans, scenarios and risk management measures. Preparedness is related to crisis response planning as well as the state of readiness of operational forces for action. Exemplary these are: prepared action plans, trained scenarios for crisis situations, readiness of operational forces for reaction, linked early warning services with other competent services, well established exchange of information and clear coordination between public institutions, civil society and local self-government.

Key questions of interest to consider in this part of analysis are: What were the political stands of the government and the opposition on the challenge of mass migration at the beginning of the crisis? What are the most important political processes and decisions that took place before and during the refugee/migrant crisis in 2015 and 2016? How was assess the institutional and organizational readiness of the country to accept the mass migrations before the outbreak of crisis? Were there any existing pre-crisis planning documents for a specific event? If not, were they made ad hoc?

Political stands of the Government and the opposition on the challenge of mass migration at the beginning of the crisis 2015 were almost identical in all surveyed countries in a way that in the countries which approached to the issue primarily from the *humanitarian aspect* there was less disagreement with the opposition toward the measures to be taken, while with the primarily *security perspective approach* there was greater differences in opposition approach to the challenges. For example, in the Macedonia the attitude of the Government and the opposition on the challenges of the massive refugee and migrant crisis were largely identical and uniform. Even in some

period when was registered the highest intensity of refugee/migrant flow, the Government functioned in an expanded format with ministers from the opposition (Interior, Labor and Welfare). In Hungary from the very beginning of the crisis, the Hungarian government claimed that the massive influx of migrants is a significant threat to both Hungary and the Europe. This security-based approach persisted afterwards as well. The opposition was somewhat divided regarding the migration crisis. In the beginning, the left-wing opposition (including the Hungarian Socialist Party and the Democratic Coalition) communicated that there was not any migration crisis at all. The right-wing radical Jobbik, demanded more radical measures to address irregular migration. In the Republic of Croatia, the opposition of the right center and the President of the country elected from the party (which was then opposition party) have strongly criticized the approach of the governing, seeking a much stronger stance on the issue and the deployment of the Armed Forces to the border for stopping the migration wave. Occasionally, there were official disputes with the Republic of Serbia about the ways and models of accepting mass migrations from its territory. It is an interesting fact that in Republic of Serbia there is a shift of activities regarding migrants and refugees emerged as consequence of Hungary and Croatia reaction, countries on the route where there is no longer the situation that the general complaints towards neighboring countries are directed to those countries from which migrants and refugees are coming, but to those in which they are going on their way to Western Europe.

Under the pressure of the arose situation, all countries on the route have made some significant political processes and decisions. Every country has made harmonization of national legislation on the status of refugees and rights for asylum, and amendments to the Laws on Foreigners and the Protection of the state border. Thereby, countries closely cooperated with the European Commission. They established the reception and transit centers with the necessary infrastructure providing registration, adequate humanitarian and medical assistance. The coordination mechanisms were also established same as interaction between government institutions, humanitarian and international organizations and non-governmental organizations. In the Turkey, after the certain time, governing AKP party (Justice and Development Party) has changed "open door policy" approach due to the security reasons and Government has tightened the border controls. In the Greece, there was a major overhaul of legislation framework. The Greece has taken numerous measures on

acceptance and registration, created Reception service, mobile Units and Centers, executive structure of National Strategic Reference Framework, and certain agreements have been signed with specialized EU agencies (European Commission, 2015). Assembly of Republic of Macedonia declared an emergency crisis on the part of the territory of the Republic of Macedonia, in the areas of southern and northern borders. The stated condition was in force from 19 August 2015 till 30 June 2016 continuously (Kekenovski, 2016). Some countries like Macedonia, Croatia, Hungary and Slovenia provided a formal legal basis for the deployment of forces and capabilities of the Army of the Republic Macedonia to support the Police forces and civilian Crisis Management capacities. Some of them have used these measures to greater while some to smaller extent. The countries on the route which were in ability have done the following: improved border management, started the relocation programme, restarted return programmes and created adequate reception capacity. Some countries, like the Hungary, inducted the new "border procedure" prescribing the mandatory submission of asylum application in the so-called "transit zones", which are in compliance with EU legislation. In addition, the "safe third country" concept was introduced, including Greece, Macedonia and Serbia as countries to where rejected asylum-seekers can be sent back without exposing them to any threat. Simultaneously, the illegal crossing of the border fence became subject to the Criminal Code as criminal offence, punishable by actual or suspended imprisonment up to 10 years. At the beginning of this observed period, the countries were dedicated to the consolidation of their legal regulations and the establishment of new internal mechanisms and less attention was paid to cooperation with neighbors.

Institutional and organizational readiness of the countries to accept the mass migrations before the outbreak of crisis was at various stages of organization. Some countries like Turkey have already established the internal mechanisms because of the proximity of the crisis point. In the context of increasing number of refugees since April 2011, Directorate General of Migration Management was established as a body of Ministry of Internal Affairs on April 2013. Until the establishment of Directorate General of Migration Management, the problem was addressed by Directorate General of Police Forces (Ministry of Interior, 2015). In the Greece, there is the establishment of Ministry of Migration Policy. In the Macedonia, *Crisis Management Center* had a leading role in coordinating all activities in the refugee/migrant crisis. In the Serbia, the Commissariat for Refugees and Migrations conducted expert and other tasks related to migration

management. In the Croatia, the Government of the Republic of Croatia on 17 September 2015 adopted a Decision on the establishment of a Committee for coordination of activities regarding the arrival of the migrants in Republic of Croatia. This Committee was given executive powers concerning activities of the acceptance and transfer of refugees/migrants through the Republic of Croatia. The main institution named for the implementation of all operational requirements was the Ministry of Interior. It is important to point out that countries in the territory of the former Yugoslavia (Macedonia, Serbia and Croatia) because of the wars waged in the 1990s have historical experiences with refugee crises and a certain level of institutional memory, some organizational capabilities and faster adjustment possibilities from other countries on the Balkan route. In the Hungary, due to the unprecedented mass influx of 2015, the institutional framework had to undergo massive changes in order to be adequate for the management of irregular mass migration. The planning of these measures had to be fast, efficient as well as lawful. As a result of these changes, Hungary became capable of protecting its own and the Schengen external border. In case of Hungary, from all of the analyzed countries, there is the most evident approach based on the security aspect of protecting their sovereignty.

Pre-crisis planning documents for a mass migration event are important because they determine the organizational structure, mechanisms, and procedures in preparation and afterward in reaction to the situation. In the Turkey were *established and implemented policies and strategies related to migration and ensured coordination between the related agencies and organizations in these matters* (Ministry of Interior, 2015). The Greece had national plans for related events, but 2015 and 2016 events far exceeded them. The Macedonia did not have such plans but they were immediately prepared in 2015 and are applied consistently. The Republic of Serbia Governments response plan for sudden inflow of migrants was adopted in September 2015. Within the Plan, there was determined activities and measures of the institutions and organizations that will be undertaken in the case of mass transit of migrants (The Government of the Republic of Serbia, 2015). The Hungary had a migration strategy for the period 2014–2020 adopted before the outbreak of the crisis, laying down the basic principles, goals and characteristics of the Hungarian asylum and migration policy (The Government of Hungary, 2013). This strategy served as a platform for the required activities in the observed period. Interestingly, while the Strategy was the basic starting point for the Hungary, Croatia's migration policy as a key document in this area has just

ceased to be valid in 2015 (it was adopted for the period 2013-2015). Additionally, Croatia did not have any plans for a specific event, although some preparatory internal procedures had been drafted, but was relying on the action plans of the Civil Protection System, which proved to be very successful one year earlier with dealing with consequences of catastrophic floods. Such a situation is somewhat worrisome because it was a different kind of an event and with that, different necessary response procedures to the crisis. In Republic of Slovenia there was some preparations done by the government, and some exercises of the Civil Protection. The preparations were made for the asylum seekers, not for the people in transition. When it became clear that Slovenia was only a transition territory the organization of work and processes changed. A decision to use the national earthquake plan to cope with the refugee and migrant crisis was adopted. The documents show that there was a so called contingency plan adopted in June 2015. However, the flow of the migrants was a surprise, because the government was not prepared for the transition of the migrants (the plan contains the solutions regarding the settlements of the migrants in Slovenia) and also not prepared for the number of the incoming people (Torkar, 2016).

All observed countries have made significant steps and political measures in response to massive arrival and transit of refugees/migrants, but it is noticeable how in all countries in the first period of the crisis, there were important problems in terms of institutional and organizational readiness. The countries were not ready to manage the enormous number of flows (Torkar, 2016; Kekenovski, 2016). From that, the general conclusion is that their prevention and preparedness measures and mechanisms were not at the required level for this specific event. After a short time, from an organizational and institutional aspect, situation has stabilized in the certain extent within each country, with the great effort of all involved resources, and the transit of migrants and refugees further towards Western Europe was enabled.

### **3. Crisis Response: Cooperation and Coordination with Neighboring Countries**

The reaction represents timely provision of services during and immediately after the crisis to save lives and reduce negative impacts. The quality response is aimed at reducing the likelihood of cascading effects and new crises. This is possible to

achieve with effective operational activity of Emergency Services and Crisis Teams, mobilization of equipment and personnel, essential staff type activities, timely enforcement of inclusive decisions, inclusion and coordination of all domestic and international relevant institutions.

Key questions of interest in this segment of research are: Which body was responsible for the coordination and management of the crisis? Which main national and international associates were involved in the implementation of crisis management? What were the main challenges in country? What were the main challenges of cooperation with neighboring countries? How was assess the cooperation with neighboring countries and at which levels it took place?

In most analyzed countries, the main coordinating body was the Ministry of the Interior (Croatia, Hungary and Slovenia), or component within the ministry (Turkey). In the Macedonia, according to Crisis Management Law, the Crisis Management Center has main responsibilities for coordination and implementation of recommendation and decision done by Steering Committee and Assessment group (Governmental body in the crisis management system). In the Serbia, the Commissariat for Refugees and Migration is the main body for refugees/migrants crisis management. In the Greece, that is the Ministry of Migration Policy.

It can be highlighted how the structure of migrants and refugees changed during the crisis itself in relation to the period before it occurred. In Greece, from January 2015 until 4 January 2016, 859,508 third country nationals have entered the Greek territory. While in 2013 and 2014 the main country of origin was Afghanistan, in 2015 it was Syria. Another significant change was the increase in the number of families and unaccompanied minors seeking asylum (European Commission, 2015).

Within each country, state-level cooperation has been established with all relevant and necessary bodies as well as with local and regional self-government. Likewise, beyond the level of authorities, contact and cooperation with international and intergovernmental organizations in the field of migration and asylum, such as: organizations like the UN High Commissioner for Refugees, International Organization for Migration, International Committee of the Red Cross, International Centre for Migration Policy Development. Significant activities were undertaken also with relevant European Agencies, like: European Asylum Support Office, European Border and Coast Guard Agency (FRONTEX). Apart from the authorities, the non-governmental organizations are also crucial actors, who often fill in the niches in the system.

In this section, it is necessary to highlight the following activities of individual countries. In 2016, Turkey decided to build a separating wall on its border with Syria. With launching of Operation Euphrates Shield on 24 August 2016, Turkish Armed Forces has engaged in fight against ISIL in the northern Syria. Thus, it is aimed to provide both security needs of Turkey against terrorist penetrations into the country and de facto safety region for refugees in Syria's territory. As the lack of cooperation, some countries have decided for measures such as setting up a wire fence on the border (which has made the Hungary fully towards Serbia and Croatia, Slovenia partially towards Croatia as well as Macedonia towards Greece). It is interesting how some international organizations, for example, UN High Commissioner for Refugees Started developing their own plans for action on the crisis in Serbia and as part of a broader perspective, i.e. planning a regional response which in addition to Serbia, includes Turkey, Greece and Macedonia (UNHCR, 2017). Such an initiative is understandable and necessary, but also something that all countries on the Balkans route should undertake in that period by themselves.

The challenges differed from country to country, but the main common feature is that there was not enough cooperation and trust between the neighboring countries – every one of them was primary protecting their own national interests. The specifics of challenges also depended on the context of each crisis situation and they changed over time. In view of one's own challenges and the relation with neighboring countries, it is necessary to understand the challenges with which countries has additionally encountered. Turkey and Greece felt the greatest pressure. The specificity of Turkey is her geographical position and its long borders with Syria and Iraq, black holes in the northern parts of Syria and spill-over effects of Syrian civil war same as terrorism and terrorist actions like ISIS and Al-Qaeda which no other country on Balkan route encountered. Also, social disorder in the southern provinces of Turkey due to their demographically multicultural social structure, economic burden in terms of hosting more than 3 million refugees, same as enormous spreading of organized crime such as human, arms and drug trafficking. For Turkey, Greece and all other countries, the important question was social and political reactions of citizens to refugees and migrants, preservation of public order, public security, and protection of the local population, their properties, and the protection of security (humanitarian,) medical and other for migrants and refugees, as well as environmental protection. For the Greece, in addition to all above stated, as a special problem has been highlighted emigration of



young and highly educated Greeks. In Serbia worrying were incidents between refugees of different ethnic backgrounds, some of whom have had a deadly outcome. For Slovenia, besides the above mentioned, there was a specific holding of protests against the Government's official policy. The Hungarian Government clearly committed itself to a security-based approach at the very beginning of the crisis, claiming that irregular migration must be stopped in order to ensure the security of the Hungarian and European citizens and borders. For all countries, it was common the issue with number of incomers which has surpassed their capacity for acceptance and management and it was constantly presenting the challenge (problem) of insufficient cooperation with the governments and services of neighboring countries same as lack of police personnel and personnel in other services because they could not use all of their resources on an existing crisis.

Main challenges of cooperation with neighboring countries were significantly expressed at the beginning of the crisis. In some cases, as between Croatia and Serbia, they have led to the blockade and official closure of the main road border crossing for commercial freight traffic. Hungary has retained the train composition of Croatian Railways that carried migrants and refugees from Croatia to Hungary. There were no sufficient and effective institutional mechanisms between Turkey and its neighboring countries in terms of refugees and migrants. And also, Turkey has crucial political problems with Iran, Syria and Iraq as the refugee and migrant producer countries. Moreover, looking from Turkey perspective, Greece and Bulgaria as the neighboring countries of Turkey have objections for sharing refugee/migrant burdens. The Greece had its own challenges with Turkey from which migrants and refugees arrived, as well as with Macedonia, which was the next on the refugees/migrants route. Macedonia had major challenges with coordination and exchange of information and data on refugees/migrants transit, their composition, vulnerable groups and security intelligence information. Similar was related with countries in the continuation of the route: Serbia, Hungary, Croatia and Slovenia. From Hungary's perspective relationship with its neighboring countries shows a varying picture. With Serbia, the relationship – apart from minor tensions – has been basically harmonica. This is reflected in the fact that Serbia accepted the system of the fence and transit zones. However, major tensions and conflicts arose between Hungary and Croatia, just as the case was between Hungary and Austria. The problems with these countries originated from their totally different standpoint on migration, as well as from uncertainties in the

application of international and EU regulations and standards (e.g. Dublin Regulation) in force. The Republic of Croatia wanted to secure one entry point to the country and to transport migrants and refugees to the Hungarian and Slovenian borders with maximum efficiency and speed with their own resources, wanting to avoid (by all means) a congestion of this route and redirection of the migrant wave from Serbia to Bosnia and Herzegovina, and from there to Croatia – which then would not be able to effectively manage the migratory wave and potentially the Greek scenario would happen. For all countries, the main challenges were coordination and cooperation with the neighboring countries, but as the crisis progressed, the countries were forced to better cooperate.

Cooperation with neighboring countries was of a crucial importance for transit of migrants and refugees from Turkey to Western Europe. Despite all the common challenges, individual countries have achieved a very limited cooperation. The crucial for relations between the countries on the Balkan route and what has defined them, are activities between the European Union and Turkey. In March 2016, EU and Turkish leaders agreed on a statement to tackle irregular migration following the massive influx of migrants into the EU. From 20 March 2016, all new irregular migrants arriving on the Greek islands will be returned to Turkey if they do not apply for asylum or if their claim is rejected. For every Syrian returned to Turkey from the Greek islands, another Syrian will be resettled in the EU. The EU-Turkey statement builds on the EU-Turkey joint action plan, which was adopted in November 2015, to increase coordination on migration management. The action plan aims to tackle the refugee crisis created by the situation in Syria (European Council and Council of the European Union, 2016). The Greek relationship with Turkey was based on the above-mentioned activities and procedures agreed upon by the European Union, but it was partially followed. Cooperation with Albania, Macedonia and Bulgaria was predominantly effective. The Macedonian perspective is similar and it is accentuated how co-operation was relatively good on all issues, with some problems at the beginning of the crisis, that during the crisis have been reduced, and the cooperation was improved. The same situation was both in terms of cooperation between Serbia and Croatia, Croatia and Slovenia.

Mostly, cooperation with neighboring countries existed but was not at an optimal level. Since the initial cooperation which was at a low level, as time has passed, cooperation has improved. To that contributed the initiatives that came from the European Union and through which the meetings of EU representatives with countries

officials from the analyzed countries took place. The meetings were organized with the aim of calming the tension after the incidents and resolving the situations which happened in the context of the migration crisis. In addition, the countries on the Balkan route have independently organized and conducted meetings. Obviously, all mentioned initiatives and processes had reactive approach.

#### **4. Identified and lessons learned as part of post-crisis recovery process**

Recovery from the crisis lasts until the system, society and institutions return to pre-crisis conditions (if it is possible). We differentiate short and long-term recovery, depending on the consequences that are caused by the mass migrations and how permanent they are. As a segment of special interest within the recovery phase, stands out the process of identified and subsequently learned lessons as extremely important for learning from immediate experience, creating institutional memory, avoiding repetition of learned mistakes, better responsiveness in similar cases, reducing resource consumption, and standardization needs.

Key questions for this section are: Is there an institutional process of identified lessons and lessons learned in crisis situations? If there is, whether it was used after the crisis for the purpose of event analysis? After end of crisis, which recommendations were isolated for better organization within the country for this type of crisis in the future? Which recommendations are abstracted for improving cooperation with neighboring countries in this type of crises?

The institutional process of identified and lessons learned in each analyzed country is understood in a partially or completely different way. The Turkey has established The Council for Coordination of Fight Against Irregular Migrations, as an institutional body and integral part of Directorate General of Migration Management. The Council has and still is conducting numerous activities in the process of identified and learned lessons (Ministry of Interior Directorate General of Migration Management, 2016). Meanwhile, in the Greece, policies and actions (at all levels) are still based on ad-hoc decisions and assessment of the situation. There is no systematic procedure to build upon lessons learned that exists currently. In Macedonia, some lessons have been identified and incorporated into standard operating procedures and thus became lessons learned. In Serbia, the Ministry of Labor, Employment, Veteran and Social

Policy, in cooperation with the Commission for Refugees and Migrations of the Republic of Serbia, UNHCR and the NGO sector, organized conferences and panels where eminent experts discussed the (field) experiences gained during the crisis, with the aim of giving impulse to start the institutional process of identifying the lessons learned during the migration crisis. Similar activities were also undertaken in Republic of Slovenia (The Government of the Republic of Slovenia, 2017). In this research, for Hungary was not found any form of institutional processes of identified and learned lessons but many new regulations were adopted in the last two years which has improved the readiness and capability of Hungary to react to crisis situations – that means such process exists, although during the research we have not obtained it. Regarding the Republic of Croatia, the process of identified and subsequently learned lessons, does not exist at the level of the system or the country, but it is institutionally implemented by certain organizations, and there is no information exchange on how to react more effectively in similar situations in the future.

After each crisis (and also during), it is necessary to draw up recommendations that will enable more successful proceeding (dealing) of all involved in the crisis management process. In Turkey and Greece, it is obvious how the crisis has not been over yet. There is no further recommendation for better organization within the both countries. Turkey and Greece has already tried to cope with the crisis through newly established and/or operationalized institutions and mechanisms. For Macedonia, we have not gained any cognition on certain recommendations that can be used to improvement for the future. Serbia's recommendations for a better organization are made and listed in the Government of the Republic of Serbia Response Plan (with additional amendments) in case of sudden inflow of migrants as well as within the UNHCR Regional Plan and the International Migration Organization plans. In Hungary, the focus is on resolving the crisis beyond the borders of Europe and is considered how it is clear that the irregular migration wave must be stopped outside the territory of the EU. This way it becomes possible to prevent the massive entry of economic migrants into Europe. In this regard, the idea of hotspots to be set up in Libya can become part of the solution. Besides, the system of transit zones proved to be an effective tool in managing the crisis situation, also enabling the authorities to allocate their resources much more efficiently. There have also been some changes in legislation of Republic of Slovenia. As in the previous step, Croatia did not do as much as it could and/or was expected from the process of making recommendations for action in similar situations.

Cooperation between neighboring countries is of crucial importance for effective preparation and response to major events that have cross-border influence. Only the successful cooperation in events such as large migrant transit reduces stress, costs, and political tensions. It is extremely important to identify in which areas and how cooperation can be improved. Regarding Turkish experiences, it is emphasized that it is recommended that institutionalized cooperation with neighboring and partner countries and international institutions should be established and existing ones should be improved. The responsibilities for meeting the basic humanitarian needs of refugees/migrants should be shared by the international community, since refugee/migrant flow is not felt locally, and can easily transform into a regional and international problem. It is important to highlight Macedonia's quality proposal regarding continuing and deepening the cooperation with neighboring countries and facilitating unique database for registration of refugees and migrants. In Republic of Serbia, authorities and the civilian sector agree that international cooperation is a main prerequisite for resolving the refugee/migrant crisis. Data exchange and intensifying cooperation between security services are key factors for improving cooperation with neighboring countries. Hungary suggested a 10-point action plan for the migration crisis in April 2016 (Schengen 2.0). The measures included therein aim to give full effect of existing EU and Schengen legislation (Schengen Border Code) related to the control of external border, to make compulsory registration of biometric identification data of all persons crossing the external border, to modify the Common European Asylum System, to organize the asylum procedures outside the EU, to conclude and enforce agreement on readmission and return of the migrants, as well as to consider the answers to demographic and labor market challenges and matter of sovereign decisions of the EU member countries. These measures can be divided into protective measures such as the tightening of border control, a measure that many European countries have been calling to since the beginning of the migration crisis. There are also preventive measures such as the application for asylum outside the EU. The reform of the Schengen system and the interests shared by the member countries offer the chance for a closer, more harmonic and more balanced cooperation between each member country of the EU. Other surveyed countries had general observations on how to work better with neighboring countries.

## 5. Conclusion

Refugee/migrant crisis in 2015 and 2016 has shown a different level of countries readiness on the Balkans Route in facing major complexed challenge where it was necessary to provide support to people in transit as long as an open call from Western Europe was in force and thereby to protect their own interests. This crisis has put all the observed countries front of the challenge and they were not asked whether they want or can handle it, they were involved for the reason of their geostrategic position. The functions of effective crisis management are precisely the one that are needed to anticipate major events, as much as possible preventively react to them and to response most appropriate in given circumstances. In the observed case, apart from internal organization and procedures within each country, cooperation with neighboring countries was also crucial.

The analysis of refugee/migrant crisis in 2015 and 2016 indicates the justification of this research and the chosen approach. Turkey and Greece were under the pressure from a large number of refugees and migrants, years before the outbreak of the observed crisis, whole time having their own crisis of a similar nature, related to settling and providing humanitarian aid to a large number of migrants and refugees. There is an impression that other countries primarily anticipated that the European Union would be more engaged in preventing the expansion of the crisis. Since that did not happen and in parallel there was a call for migrants and refugees to come to Western Europe (primarily Germany), analyzed countries found themselves in a situation where they did not prepared the necessary preventive measures so they had an ad hoc reaction. At the beginning of the crisis, cooperation between Balkan Route countries did not exist at all, or in some cases was at a very low level, so among them appeared political crises, instead of common preparation and focus to have an agreement how to approach to this challenge. This has confirmed the initial hypothesis which says that under the assumption that crisis between countries was inevitable; it should be one of organizational nature – which is the best way to help refugees and migrants in transit with clear implementation of necessary and available security measures that could be carried out – and not political character.

The research results shows that basically most of the countries on the Balkan Route reacted retroactively and not preventively in relation to the size of the challenges they faced. Also, it was corroborating that no country had at all times established

sufficient capacity to provide assistance and support to migrants and displaced persons movement. Regardless there was the real premise of passing a large number of people, the procedures and plans were developed in the later phase without the possibility of checking their functionality. The reaction was different from country to country depending on the approach to the challenge. The particular interest in this observation is related to the mutual cooperation between the countries, because none of them could solve total or individual challenges on the Balkans Route. In this part of the analysis, it was found that from the initial distrust cooperation has improved and reached a certain level of minimum eligibility to meet many aspects of the crisis. There are also examples of searching substantive solutions in this crisis.

The Balkans Route is currently closed for mass transit of migrants and refugees, but individuals and smaller groups of people are still trying to pass through. Upon the crisis is terminated it is a basic need to make a breakdown to determine the manner and appropriateness of procedures and to see what is possible to do better, so in similar situations and with less invested resources we could be prompt and more efficient. The research found that each country understands and perceive process of identified and learned lessons in a different way. From those who have changed and established new organizational units and procedures to those who has complete inactivity in this area.

This research has shown the complexity of dealing with challenges that are not common or expected, reached a certain aspects of dealing with a refugee/migrant crisis from the perspective of crisis management with the primary focus on the need for cooperation between the states in solving the common challenge/situation. It is necessary to continue with this kind of researches because it is more than obvious we will be increasingly exposed to refugee/migrant crises such as one of 2015 and 2016.

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## THE CRIMINAL LAW RESPONSE TO THE MIGRANT AND REFUGEE CRISIS

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### Abstract

As the subject of elaboration in this paper, the authors refer to the phenomenon of migration – phenomenon that always raised special interest in scientific circles, but recent years is particularly topical and actual question. Migration may be reviewed in a form of several manifestations like: voluntary (mainly economic) and forced migration caused by persecution, armed conflicts, war or other factors. The issue of refugees, asylum seekers and internal displaced persons is also particularly addressed and it is a special challenge from phenomenological aspect.

The authors also elaborate the international corpus of human rights instruments for the protection of migrants and refugees, starting from the Universal Declaration of Human Rights, the Convention on the Status of Refugees, the Convention on migrations in abusive conditions and the promotion of equal opportunities and treatment to migrant workers, International Convention for the protection of the rights of all migrant workers and members of their families, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational organized Crime etc.

As a result of the international efforts in respect of the protection of the rights of refugees and migrants, and especially taking into consideration the migrant and

refugee wave that took place globally, but also in the Republic of Macedonia as transiting country recent years, special attention is paid to the issue of the Criminal Law response.

In this sense, the incriminations of the Criminal Code are elaborated: Art. 418b, smuggling of migrants art.418-v, organizing a group and instigating the perpetration of such offences, art. 418-d, abuse of the visa-free regime with the member states of the European Union and of the Schengen Agreement, as well as the criminal offenses of the Law on foreigners. Authors also give reviews to the Law on asylum and temporary protection and general review of our legislation with the aim to provide elaboration on the question whether the criminal law response is appropriate.

**Keywords:** migration, migrant, smuggling of migrants, illegal immigration

## 1. Introduction

The migration and refugee issues are tremendously actual the recent years. Migration is not a new phenomenon; in fact it is old as humanity itself. Unlike the ancient period when it was perceived as an inherent segment of Greek colonization and Roman expansion, in recent history (18-19 century) it is transformed as the forced relocation of slaves from West Africa to America, and today again, the migration phenomenon, retaining and intensifying the continued negative context, has an extremely serious impact in shaping the world, thereby manifesting its complex social, cultural, political and legal level.

In this respect, in the theory and in the international documents we can find the basic classification of this phenomenon. Its political connotation prevails over its numerical value (Koser, 2007). Unlike voluntary, which mostly deals with economic migrants, forced migration is connected to reasons different from those of "a better existence" – such as the conflicts, persecution or environmental factors. In this context particular attention should be paid on the organized nature of this form of criminal activity. The migration factors are different, mainly known as push or pull factors (Bales, 1999, also see O'Connell, 2001).

With the beginning of the "Arab Spring" in late 2010, the international scene is particularly actualized with the immigrant issue of refugees, asylum seekers and

internally displaced persons. According to the United Nations High Commissioner for Refugees (UNHCR) from 2014, the number of these people in the world exceeds 50 million.

In this regard, in the recent period there is a tendency to restrict the use of the term "illegal immigration" to cases of smuggling of migrants and trafficking. Argumentum a fortiori, there are claims for abandoning of the term "illegal immigrant" and instead use the terms "irregular" or "undocumented" immigrant.

## **2. The international human rights instruments on migration issues**

Given the fact that the immigration phenomenon may pose a serious threat to internal state security, public policy, public health and international relations between states, the statement that "illegal immigration" is a problem of global importance is not even slightly exaggerating! From there arise the efforts of the international community to prevent illegal cross-border movement, namely to find ways for its prevention.

The international rules for the protection of migrants in the modern sense of the word, may be recorded as early as 1948 Universal Declaration of Human Rights which defines the right "to leave the country." Otherwise, the huge number of international documents regulating this matter specifically implies the prevention and repression of crime associated with "illegal immigration". For example, the Convention on the Status of Refugees of 1951, in Art. 31 contains a prohibition that contracting states impose penalties on refugees who come from a territory where their life or freedom is threatened for illegal entry or residence, provided that they apply without delay to the authorities and show good cause for their illegal entry or stay. From this point of view, very important is the prohibition on their expulsion or return provided for in Art. 33, according to which any contracting state shall not expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers of 1975, places an obligation on member states to adopt all necessary measures to prevent the secret movements of migrants for employment and illegal employment of migrants, and

against the organizers of illicit or clandestine movements of migrants for employment by departure, arrival or transit its territory, and against those who employ workers who have immigrated in illegal conditions. Provided that resided legally in the territory for the purposes of employment, the migrant worker shall not be deemed to be illegal or irregular in situation by the mere fact of losing his job, which in itself means the withdrawal of his authorization of residence or, as case may be, work permit. Accordingly, he shall enjoy equal treatment with the citizens, particularly in terms of guarantees of security of employment, the provision of alternative employment, work and retraining.

The International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 provides that states shall cooperate when necessary to adopt measures for proper return of migrant workers and members of their families in the country of origin when they decide to return or upon expiry of their residence or employment permit or when they have illegal status in the country of employment (Art. 67). In the next article of the Convention is proclaimed the obligation to member states, including the state of transit, to cooperate to prevent and eliminate illegal or irregular movements and employment of migrant workers with irregular status. Measures taken for this purpose under the jurisdiction of each country concerned should include: appropriate measures against the dissemination of misleading information on emigration and immigration; measures to detect and eradicate illegal and unreported movement of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, conduct or assist with the development and implementation of such movements and measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers and members of their families who have illegal status. States of employment shall take all adequate and effective measures to eliminate employment of migrant workers in their territory who have illegal status, including where appropriate, sanctions on employers of such workers.

The most important document that explicitly deals with the issue of "illegal immigration" is the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Convention) of 2000. It should be particularly noted that it operates and defines the term "smuggling of migrants" and "illegal entry". Under this Protocol, the

term “smuggling of migrants” means providing illegal entry i.e. crossing borders without respecting the necessary requirements for legal entry into a country of a person in a Member State where that person is not a citizen or resident in order directly or indirectly to obtain financial or other material benefit .

Although the Protocol establishes an obligation for each state party to criminalize acts of smuggling of migrants; acts committed for the purpose of enabling the smuggling of migrants; manufacture, procurement, having or providing false travel or identity document; and by enabling the person without citizenship or permanent resident to remain in the respective country without fulfilling the necessary conditions for staying in the country or other illegal means; this protocol clearly establishes that migrants who were subject to such actions will not be subjected to criminal prosecution. Furthermore, the Protocol provides that any attempt to commit any of the foregoing acts and complicity, organizing or directing others to commit such acts should be punishable. As aggravating circumstances should be considered the endangering or the possibility to endanger the lives or safety of the migrants and those who undertake inhuman or degrading treatment, including exploitation of such migrants.

In order to prevent and suppress the smuggling of migrants by sea, the Protocol provides for an obligation for Member States to cooperate to the greatest extent possible, including the exchange of relevant data in accordance with the international maritime law, and stipulates adequate measures that States should undertake. Furthermore, without affecting the international rules on free flow of people, state parties, to the greatest extent possible, should reinforce that border control is needed to prevent and detect the smuggling of migrants, and to adopt legislative or other appropriate measures for, as far as possible, to prevent the use of vehicles that run commercial carriers, to commit the offenses subject to the Protocol.

### **3. The Criminal legislation in respect of “illegal immigration” in Macedonia**

As international basis in designing the legal framework for the incriminations related to “illegal immigration”, most European countries have taken directions from the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime and UN documents from 2010, Model law against smuggling of migrants. In this context, it should be pointed

out that the latter act, in the second chapter titled “Basic offenses” explicitly talks about the ontology of incriminations associated with this form of criminality.

Republic of Macedonia, especially taking into account Article 6 of the Protocol, which established basic criteria for criminalization of unlawful activities related to the smuggling of migrants, provides a set of incriminations that regulate the criminal context of this matter, namely, in two different laws (the Criminal Code of Macedonia and the Law on Foreigners) there are several provisions.

In that context, chapter thirty four of the Criminal Code of the Republic of Macedonia, entitled “Crimes against humanity and international law” covers three provisions relevant to this area: Art. 418-b “smuggling of migrants”, Article 418-c “organizing a group and inciting the perpetration of acts of trafficking, trafficking in children and smuggling of migrants” and Article 418-e “abuse of the visa regime with the countries of the Union and the Schengen agreement”.

When it comes to incriminations of this kind (legal description of the incrimination being with open character), in general, the object of protection is complex: on one hand, it covers the fundamental freedoms and rights of migrants, and on the other, the international regime on legal flow of migrants from one country to another. Not all legislators from different countries have approach similar or analogous as the Macedonian one. Some systematize these offences in the chapter on criminal offenses against public order – such as Serbia, Croatia, (Turković, Novoselec, 2013). Alluding to the conclusion that the primary object of protection is the public order, which in extensive sense identifies with the social or legal organization, the general security of citizens, the feeling of peace and unthreatened individual and common good. This determination once again verifies the complex character of the protected legal good, and that is the reason why these incriminations represent conglomerate of several subgroups focused on closer objects of protection.

The main incrimination is defined in Article 418 –b of the CCM titled “smuggling of migrants” and with its six paragraphs, it fully corresponds to the directions provided by Article 6 of the Protocol. Imprisonment of at least four years is prescribed for whom by force or serious threat that will attack the life or body, deceit, greed, abuse of position or using of the powerlessness of other illegally transfers migrants through the state border, and that produces, purchases or owns fake passport with such intention. Taking into account the quality of injustice provided in both sequences of this paragraph, we believe that one should not put a sign of “equality”

between them in terms of punishment for the reason the second is just a predicate action regarding the realization of the criminal purpose. Of course, we have to keep in mind the overall penal policy relating to counterfeiting (official) documents. When it comes to the degree of harmonization with Article 6 of the Protocol, the Republic of Macedonia, unlike other countries, has fully provided for acceptance of all forms of execution.

“Illegal transfer” means the entry or exit of migrants in and from the country without the prescribed formalities for crossing the state border, border crossings or outside (if migrants are hidden in a vehicle outside the border crossing, if transmitted by wild roads through the border line). Passive subject of the offense is one or more migrants, which shall include persons who pass through the territory of another country in order to stay in the country (because of work, engaging in crime and other illegal activities, etc.). The action is completed with the transfer of one or more migrants across the state border. Subjective part of the crime contains intention or awareness that by force is made the transfer of persons that are about to acquire a status of migrants (Камбовски, 2011).

Mitigated form of the offence is contained in paragraph 2 and it consists of the recruitment, transportation, transfer, buying, selling, harboring or receipt of migrants. This form is punishable by imprisonment of one to five years. The action aims that the victim makes such a decision (recruitment) or to be taken after the decision has adopted or has been bought, sold, sheltered or accepted by the offender, who also assumed his consent.

Severe forms (paragraphs 3 to 5) are tied to several qualifying circumstances, endangering the life or health of migrant, treatment of migrant particularly degrading or cruelly, preventing migrant to use the rights granted by international law in perpetration of the offences; the crime against a minor and committing the crime by an official in performing his duty. The penalty is imprisonment for at least eight years, unless the perpetrator official in performing his duty, in which case the penalty is at least ten years.

The last paragraph of the provision (paragraph 6) provides for mandatory confiscation of objects and vehicles as objects of the crime (Article 100-a).

The analysis of the incrimination of Article 418-b shows that mostly it is compatible with the international standards. However, certain remarks can be pointed out. In this regard, we can comment the prescribed penalties. At least four years of



imprisonment are prescribed for the basic form of the act, or at least eight or at least ten years for qualified forms – it seems that the severity of the lawmakers is draconian. Comparative experiences show that usually the basic offense sentence ranges up to three or five years while for qualified forms to five or ten years. Since the ultimate goal of the perpetrators of this criminal act is mostly financial gain, perhaps it would be part of the criminal policy fine to be prescribed and also confiscation of property and proceeds (Камбовски, Тупанчески, 2011).

Complementary to the previous provision is Article 418-c, which is about organizing a group and inciting the perpetration of acts of trafficking, trafficking in children and smuggling of migrants. This provision represents a special type of the offense criminal association (art.394). Imprisonment for at least eight years is prescribed for those who organized group, gang or other association for the execution of several crimes including the crime of smuggling migrants. Subject to this incrimination (paragraph 2) is a member of the group, gang or other association, and it is punishable by imprisonment of at least one year.

In Paragraph 3 is provided obligatory exemption from punishment of a member of the association in case of effective regret. Especially is incriminated (paragraph 4) the calling, encouraging or supporting the commission of these offenses. It is about forms of creation or strengthening of other, unspecified persons, the decision to commit the offenses, which does not incite any particular case: if the offender instigates another, or certain group of people, the pursuit of a particular case, it is punishable as an incitement. Supporting is a form of psychological assistance or encouragement of undetermined number of people to perform.

The set of the three provisions in the Criminal Code of Macedonia is completed with the provision of Art. 418-d: Abuse on visa-free regime with the Member States of the European Union and the Schengen Agreement which is actually a reflection of the visa regime that the Republic of Macedonia has established with the Member States. The offence is perpetrated the one who recruits, encourages, organizes, harbors or transports persons in a Member State of the European Union and the Schengen Agreement regarding the acquisition or exercise of social, economic or other rights contrary to European Union law, regulations of the European Union members and the Schengen agreement and international law. Sanctioned is also the case when the offender was obliged to know and could have known that the transfer is done in order to obtain or exercise of social, economic or other rights contrary to EU law, regulations

of the Member States of the EU and the Schengen Agreement and the international right. For primary offense the penalty is imprisonment of at least four years, for the special form of imprisonment of one to five years, and for the qualified form of imprisonment for at least four years.

The second law, which stipulates the other two incriminations in respect with this matter, is the Law on Foreigners. Namely, in art. 148: Assisting foreigners in illegal entry and transit, with imprisonment of one year or with fine is punished helping illegal foreigner to enter the country or pass through the territory of the Republic of Macedonia contrary to the provisions stipulated in the Law on Foreigners. If the operator had intended to obtain illegal profit, it constitutes a more severe form of the crime that is punishable by imprisonment of at least three years. As aggravating circumstance will be considered the endangering the life of the foreigner, committing the crime in a group, gang or other association created to perform such work, so in these cases the perpetrator will be punished by imprisonment of at least eight years. The attempt of the offense is also punishable. A criminal liability for legal persons is also envisaged.

In the next article, 149, titled "Assisting foreigners in illegal residence", a prison sentence of three years is provided for a person who with the intention of acquiring unlawful proceeds for himself or another person will help the foreigner to stay in the Republic of Macedonia contrary to the legal provisions. The attempt is punishable and if the offender under paragraph 1 of this Article is a legal person, it shall be punished by a fine and will be imposed a temporary ban on performing certain activities or permanent ban on performing certain activities. Vehicles used for committing the crime shall be confiscated.

Both incriminations provided in this Law should be complementary but also consistent with the Macedonian Criminal Code in combating the phenomenon of smuggling migrants. In part perhaps this is an achieved goal – sanctioned is the attempt and criminal liability of legal persons is prescribed. But given the description of the legal basis of the acts, and the expected sanction, the real problem for any judge or prosecutor may represent the choice of legal provision under which the factual situation will be subsumed. In other words, helping foreigners in illegal entry and transit and aiding illegal foreigner in residence is a constitutive description of the incrimination of Article 418b, smuggling migrants. The problem is that if the Criminal Code provision is applied then the sentence will be at least four years if it is a basic form or from one to

five years if it is proved that there is consent of the migrant. We remind that in severe forms, the legal minimum is eight or ten years. This means that identical legal situation applying one law means a penalty of at least four years in prison and according to the other (Law on foreigners) a sentence of one year or a fine. Taking into account the principle *in dubio mitius* then the more lenient law should be applied. But the crucial question is whether it is the case in practice.

In terms of suppression of the recently actual cases of illegal immigration, we should especially mark the recent activities of the Republic of Macedonia regarding the prevention of this phenomenon. The Law Amending the Law on Asylum, introduced changes in Article 16 in which it is regulated that foreigner on the border or inside the territory of the Republic of Macedonia may orally or in writing express the intention of submitting a request for asylum in front of a police officer of the Ministry of Interior.

The Police Officer records the foreigner who expressed intention and directs him within 72 hours to apply for asylum before the authorized official at the Department for Asylum in the Reception Center for Asylum Seekers.

If the foreigner does not fulfill the obligation or does not apply for asylum within 72 hours from the time of the declared intention, he will be proceeded in accordance with the regulations for foreigners.

In the new Article 16-a, it is determined the formal aspect that is submitting the application for asylum, elaborating all possible options. The adoption of these solutions was with the intention to overcome or prevent the problem of illegal migration, on the other hand to facilitate the potential asylum seekers access to the body conducting the procedure for recognition of the right of asylum.

This activity of Macedonia on preventive level means even greater affirmation of Article 16 of the Protocol that refers on measures of protection and assistance. It seems that this approach is needed given the fact that the last years the number of migrants (not only in Macedonia) receives a 'planetary' dimension and the social response proves to be inadequate.

## Conclusion

The migration phenomenon is a complex matter of intense social, legal, cultural character. Lately, the negative context of migration is gaining on intensity and it results

in social reaction on international and national level that seems insufficient in quality, but also inefficiently deals with this phenomenon. Verification of this thesis is the recent effort of the UN and the European Union that cannot reconcile their views on this 'burning' issue. Macedonia almost completely accepted and incorporated relevant international standards regarding the prevention and suppression of smuggling migrants.

In terms of criminal legislation we can put some remarks about the consistency of the legal framework composed of five incriminations in the two different laws that are abovementioned. It may be suggested that in future the existing set of criminal offenses should be revised aimed at harmonizing and reducing the possibility of different legal epilogue in identical situations. It should be also specifically indicated that the prescribed and pronounced penalties are draconian; particularly from comparative point of view Macedonia is a leader in the region in terms of the legal minimum for this type of offenses. At the end, we would like to point out that the focus should be put on prevention, having in mind that appropriate safeguards contribute to reduction of the crime rates.

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## **The Influence of Mixed Migrations on the Safety of Republic of Macedonia and the Balkans**

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### **Abstract**

The dynamics of mixed migrations in our region which, thanks to its geographic location and its connection with the European countries is becoming ever more attractive for transit, but also a destination of a large number of migrants and Third World refugees is growing.

All researches and available data indicate that the Balkans is nowadays both the location of origin and a destination of human trafficking, the main route of the Near East refugee crisis, migrant and drug trafficking, as well as a transit point for illegal migration of many African refugees. This paper analyzes the capacities of the Balkans for a regional cooperation in the field of migrations and asylum, because this issue cannot be treated separately as a problem or an advantage of one country, and whether the regional mechanisms and the cooperation with the EU in confronting illegal migration and overboard crime, the legislative and the regional initiative which develops a comprehensive approach of migration management and protection of the migrants, as well as the asylum issue, the systemic setup of the responsible security services in the countries of the region are efficiently organized to manage the migration processes as well as the ever-intensifying security threats.

**Keywords:** mixed migrations, region, institutions, capacities, cooperation



## Introduction

The Balkans, located between the East and the West, are becoming an ever more interesting geographic, geopolitical, and security-related subject of analysis of many EU, Balkanic and world politicians, some of the subjects including the location through which the main route of migrants towards Europe was and is still passing for the citizens of the countries from the Near East, Afghanistan, Pakistan, but also from some African countries.

A large number of people decide to migrate to the EU countries from the Near East and from North Africa due to economic reasons, but also under the pressure of the military conflicts. Migration is becoming an issue that needs global approach and coordinated solutions. Countries are lately intensively discussing about the migration issues on bilateral level, but the need to address it on a regional and, since recently, on a global level is imposing.

Migrations are mainly directed towards Germany. The migrants' route is used by many criminal bands for human trafficking, migrant smuggling and drug dealing, but also for support to the movement of terrorists from the East who, as a consequence of the change in the dynamism of the military actions, try to escape from the locations where they were hired and involved in murders of military personnel but also of civilians who use this route to advance towards the EU.

The analysis of such dynamism of migrations and the course of events leads to the obvious conclusion that the migrations are mainly of a mixed character, that they are used for diverse purposes but represent a serious menace to the peace and security in the Balkan region, as well as in the Republic of Macedonia, which is located on the most geographically and politically frequent "crossroads" of these events.

Such circumstances inevitably raise the question of cooperation in the field of security, migrations and asylum not only on the regional, but also on a wider, European level, as well as of the cooperation with NATO as the most modern form of organization in view of world security protection, because it is not possible to treat this issue as a separate problem or benefit of a respective country.

As for the migrations that have, for already quite a long period of time, been manifested as mixed migrations: refugees, asylum seekers, illegal migrations, migrant smuggling, human trafficking etc., it must be noted that the number of illegal migrants

and asylum seekers is lately continually increasing, and that the countries of their origin have changed.

Republic of Macedonia has put great efforts to manage the mixed migrations in recent years, especially the migrant inflow from Greece, which refused to cooperate with Macedonia for a considerable period of time; this resulted in a collapse on the north Greek border, passing the burden of finding the solution onto the Republic of Macedonia, which was, at first, left to protect its south border alone, thus protecting EU, i.e. the 'external EU border' from illegal immigrants, although it was from an EU Member-state, that is, from Greece, that the biggest problems for Macedonia was coming from. Greece failed to manage its southern islands and water border in compliance with the European regulations on the protection of external borders as pursuant to the Dublin Convention<sup>68</sup>, and to other regulations by which Greece is obligated to take security actions in view of the protection of the EU external borders.

The decision of Germany to suspend the Dublin Convention, according to which the refugees were obligated to seek asylum in the first country they set foot on, caused exaltation among the migrants, especially because the message of the German authorities to all migrants emphasized that Germany would temporarily shelter all refugees, which incited them to choose Germany, and not any other Western European country as their final destination.

But, a wider analysis of this situation immediately led to the conclusion that EU itself failed the plan of protection of its own borders, but also on the plan of respecting its own regulations that the huge EU bureaucracy had spent a lot of money to enact; this especially refers to the FRONTEX mission as a specialized EU organization for protection of the EU external borders.

Hence the serious challenge that incurred not only for the Republic of Macedonia, but also for the other Balkan countries that wanted to protect their borders against illegal intrusion and the potential threats to the security of each respective state, on the one hand, and, on the other hand, the need to act in compliance with the

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<sup>68</sup> *Dublin Convention* is a treaty among EU states (adopted in 1990, came into force in 1997) which determines the EU Member-state responsible to review an asylum application submitted in one of the convention signatories. The said convention prevents the search of the same applicants by several EU Member states simultaneously, also providing the re-direction of the asylum seeker from one country to another, simply because no one wants to take the responsibility of their case.

international laws regarding the human rights protection and the refugee rights, that is, to adjust their policies and practice to the newly arisen real situation.

The main direction of the research and the analyses in this paper are the description and the conclusion regarding certain situations and tendencies of creation of valid estimations about the influence of mixed migrations on the security of the country, but also identification and the confrontation with the counter-indications so as to identify a safe solution of management of the said mixed migration processes.

## **1. Influence of the mixed migrations on the security of the Balkans and of Republic of Macedonia**

The world and especially the EU witness examples of countries that besides their coherent migration policy, supported by regulations, frequently experience serious difficulties regarding security and migration management, especially in the recent years when the migrations are of mixed character. The problem becomes even more complicated if the said management comes untimely, that is, when measures and activities to prevent the unwanted effects and their influence on the country's security are not taken when necessary<sup>69</sup>.

Migration, especially the illegal mixed migration, obviously requires timely and permanent inter-ministry cooperation and coordination, including the most important instances on this level, as are the Ministry of Interior, Defence Ministry of the Republic of Macedonia, the Crisis Management Center, the Ministry of Labour and Social Policy, Ministry of Health, as well as the other ministries and responsible sectors involving all the capacities and very often some regional cooperation as well.

Macedonia has seriously felt the pressure and the security risk of mixed migrations in the last three years, especially with the massive migration wave of people from the Near and Far East in 2015, when the only positive signal was the fact that Macedonia was recognized only as a transit destination towards EU.

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<sup>69</sup> migration management is a notion covering a large number of Government functions and a nation-wide system of organized and humane management of cross-border migrations, especially the entry and presence of foreigners within the borders of a country and protection of refugees and other people in need of protection.

Nevertheless, Macedonia suffered serious implications regarding the management of such challenges. The experience of the 1999 Kosovo crisis, all security services, the inclusion of all capacities and the army of Macedonia, the NGO sector and the International organizations such as IOM, UNHCR, the Macedonian Red Cross, contributed to safe crisis management and provided protection to migrants as a modern state, according to the international conventions and directives.<sup>70</sup>

Mixed migrations undoubtedly complicate the support to the real refugees and asylum seekers who need protection in the first safe country that they reach, but considering that the first safe country besides Turkey is Greece, the usual European practice regarding immigration and refugee policy<sup>71</sup> was put in question, and asylum seekers were allowed to “choose the country that they consider as safe” which, for the largest number of migrants, especially for those coming from the East, was Germany; on the other hand the African migrants emphasized France and England as safe countries.

Such “new” immigration policy of the EU, and especially of Germany, towards the refugees, made it possible for the majority of the to head to Germany, followed on that route by migrant smugglers, human traffickers, threats, attacks from criminals etc.

The large number of migrants in the massive mixed migrations brought other types of security menace but also financial implications as: illegal entry into Macedonia<sup>72</sup>, insufficient accommodation capacities for the asylum seekers, the

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<sup>70</sup> The change in the structure of illegal migrants incited certain challenges that were not prominent in the past years (lack of translators of Arabic language and of the dialects spoken by the illegal migrants, lack of valid readmission contracts with the Asian and African countries, the increased number of people and of their stay in the Shelter Center, the significantly higher financial funds for their possible return to their country of origin, lack of programs for assisted voluntary return, risks to public health etc.

<sup>71</sup> refugee (recognized) is a person who, as a result of wellgrounded fear of prosecution for reasons such as race, religion, nationality, membership in certain social groups or political views, is outside their country of origin is unable or, as a result of the said fear, is not willing to submit to the protection of that country (*Refugee Status Conventio, Art. 1aA (2), 1951, modified by the 1967 Protocol*).

<sup>72</sup> Illegal entry is an act of frontier passage without adherence to the necessary requirements regarding legal entry into the receiving country (Article 39b), UN Protocol against Smuggling of

increased number of individuals seeking asylum, accidents on their migration route, which, in the beginning, largely followed the railway through Macedonia, crimes committed by Macedonians but also by foreigners who established a “chain of cooperation” among perpetrators from several countries along the route as migrant smugglers, riots in the Shelter for Foreigners, due to the insufficient space and poor accommodation conditions etc.<sup>73</sup>

Such mixed migration movements resulted in three serious threats: wave of refugees, who are already in large numbers in the region and in Macedonia, the terrorism threat as well as the menacing advocates of the radical Islamic groups fighting there but originating from the Balkans and from Macedonia.

Also, following the security condition and the migration dynamism in Africa, the announcements received on the second migration wave, on which there are serious indications, but also insights of its approaching the EU, will result in security risks

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Migrants by Land, Sea or Air, Amendment to the UN Convention Against Transnational Organized Crime, 2000).

<sup>73</sup> Directive no 2002/90/EC of the Council of 28 November 2002 defining the aid of unauthorized entry, transiting and residence.

Foreigners who, for any reasons, can not be removed from the territory of the Republic of Macedonia, are accommodated in the Foreigners' Shelter of the Ministry of Interior. In case of any prolonged stay of the foreigner citizen in the Shelter Center, the Ministry of Interior brings a decision on their temporary detention, against which the citizen is entitled to lodge a complaint to the Commission in charge at the Macedonian Government. The reasons for which the foreign citizen can be expelled from the Republic of Macedonia correspond to Article 1 of the EC Directive 2001/40/EC of 28 May 2001 on common recognition of decisions on rejection of third country citizens.

Understanding that the efficient efforts against illegal migration inevitably impose the need to strengthen the punitive policy, the Law on Foreigners introduces the following acts of crime: “assisting a foreigner in illegal entry and transit” – Article 147 and “assisting a foreigner in their illegal residence” – Article 148. The establishment of legal regulations regarding the mentioned acts of crime was pursuant to the EC 2002/90/EC Directive which defines assistance to unallowed entry transit and residence and the Framework Decision no. 2002/90/EC of the Council, defining assistance of illegal entry, transit and residence, as well as the Framework Decision no. 2002/949/JNA of 28 November 2002 on the strengthening of the penal legislation framework in favour of preventing the allowance of illegal entry, transit and residence adapted to the penal system of the Republic of Macedonia.

different from the period of the arrival of refugees from the war-stricken Near East, following the central Mediterranean corridor leading towards Italy.

Thousands of migrants head to the Italian coast on a daily basis, coming mainly from Africa, mostly from Libya and Egypt, but there is also a possibility of another refugee wave from Turkey towards the Balkans and Macedonia, following the known Macedonian route, if the EU and Turkey fail to find a solution to their opposed interests, which are becoming ever more complicated.

All these threats are completed by the fact that the majority of refugees originate from countries stricken by ebola, malaria and measles and that the refugees enter the country without being subjected to any medical control or any supervision, thus creating a serious epidemiological risk, due to which the problem and the menace to the security of the citizens of Macedonia, the region and Europe really becomes serious.

The analysis of the statistical data presented by the International Center of Study of Radicalism, Brookings Institute, in the table below, shows the total number of individuals that have left to fight in Syria and Iraq, since the conflict started. The number includes casualties and people who retired from the conflict zone. The numbers are alarming, as there is almost no region wherefrom no people have left to fight. The number of such people from Western Europe (5,480) is particularly worrying. Considering that many of them could not or must not use public transport to return to their homes, it can be concluded that they they have well used the migrant route towards the EU, which mainly led through the Balkans and Macedonia.

Table no 1. Legion of foreign fighters in Islamic State. Total number of passengers who left to fight in Syria and Iraq since the beginning of the conflict.

WESTERN EUROPE	NUMBER OF PEOPLE LEFT TO FIGHT IN SYRIA AND IRAQ
France	1.500
United Kingdom	700
Germany	680
Belgium	650
Turkey	600
Sweden	300
The Netherlands	250
Austria	150
Denmark	150
Norway	140
Spain	100
Italy	90
Finland	70
Ireland	60
Switzerland	40
<b>TOTAL:</b>	<b>5.480</b>
NORTH AMERICA	
USA	130
Canada	100
<b>TOTAL:</b>	<b>230</b>
NEAR EAST	
Saudi Arabia	2.500
Jordan	1.500
Lebanon	900
Israel / Palestine	120
Jemen	110
Kuwait	70
<b>TOTAL:</b>	<b>5.200</b>
AFRICA	
Tunisia	3.000
Morocco	1.500
Libya	600
Egypt	360
Algeria	250
Sudan	100
Somalia	70
<b>TOTAL:</b>	<b>5.880</b>

FORMER EAST BALKANS	
Russia	1.500
Uzbekistan	500
Bosnia	380
Turkmenistan	360
Kazakhstan	250
Kosovo	220
Tajikistan	190
Albania	140
Kyrgyzstan	100
Serbia	100
Ukraine	50
<b>TOTAL:</b>	<b>3.790</b>
ASIA AND THE PACIFIC	
Pakistan	500
China	300
Australia	250
Indonesia	60
Affghanistan	50
<b>TOTAL:</b>	<b>1.160</b>

Source: International Center of Study of Radicalisation, Brookings institute, EU

## 2. Irregular migration

The last years of the 20<sup>th</sup> century passed, and the new century began with a great dynamism on the military plan, military interventions, terrorist activities from diverse groups, but also massive geopolitical changes worldwide, causing disturbance of the people in North-West Africa, the Near East (Libya, Egypt) etc.

This incited millions of people to leave their locations of residence in search of better life, especially after the wars in Afghanistan, Iraq, the Arabian spring and Syria. The migration of some of those people towards the EU countries was illegal.

The pressure onto the European region was increased by the African migrants mainly coming from North-West Africa (Niger, Nigeria, Mali, Sudan and Somalia from Eastern Africa), with the occurrence of the terrorist organizations like Boko Haram, but also as a result of the unfavourable economic situation, the famine and poverty.



Unlike regular migration, the irregular one is a process of movement involving illegal methods of entry and residence of people seeking better life regardless of the means used to reach their desired destination, i.-e. country.

Irregular migration is a method that jeopardizes the immigration laws of the destination country.<sup>74</sup> Measures and activities should be taken both in the countries of origin and in the target countries, as closely as possible to the problem source. The basic activities to suppress of illegal migrations can be identified as follows:

- external border activities, especially in the countries of origin and in the target countries;
- measures on the external borders, border checks and surveillance,
- activities on the state territory, surveillance of the status of foreign citizens with and without documents,
- International border cooperation.

There are many examples of illegal migrations worldwide. Two groups of illegal migrants can be distinguished: the first group includes the migrants that arrive into their target countries illegally, secretly, through unallowed passages, over mountains, through unmarked border crossings or by water, that is, by boats anchored on unallowed locations in the coastal countries.

The second group covers the illegal migrants who reach their target countries on a legal basis (for example, with tourist visas, student visas etc.), and then stay beyond the validity of their visas, with the purpose to work and reside illegally, abusing the confidence gained upon the issuance of the visa with a limited validity period.

As for the method of border crossings – there is a raising tendency of migrants to illegally cross the border organized in large groups, using the migrant smuggling services.

### **3. Notional distinction between migrant smuggling and human trafficking**

Pursuant to the information already confirmed by EUROPOL, the number of criminals involved in smuggling of migrants and refugees throughout Europe is at least

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<sup>74</sup> EC Communication ('COM(2006) 735 final) The Global Approach to Migration one year on: Towards a comprehensive European migration policy'

30 thousand people who are the main perpetrators of crimes related to such acts; they operate in groups, usually consisting of minor criminals from Syria, Turkey, Iraq, Greece and lately from Macedonia and Serbia.

One example given by EUROPOL refers to 15 perpetrators from Syria and Egypt arrested in Greece in 2015. It was confirmed that only that group gained 7.5 million euros from human trafficking. What characterizes the mixed migrations as well as their organizers is the fact that they are used for other crimes as well such as weapon and drug smuggling.

In order to obtain a better picture of the difference between migrant smuggling and human trafficking, the following two phenomena can be clearly differentiated through an analysis of their existing definitions:

- the primary purpose of human trafficking is exploitation of its victims.
- The notion of migrant smuggling implies assistance in their illegal intrusion into the target country; but, unlike the victims of human trafficking, the smuggled migrants have previously agreed to be smuggled.
- The people intending to illegally enter another country most frequently are the first to come in contact with their smugglers.
- Human trafficking is most often considered as a crime against the basic human rights, while migrant smuggling is treated as crime against the state, as its immigration regulations are broken.
- Migrant smuggling always implies a transnational element and is primarily directed against the interests of the state and not against an individual, i.e. the smuggled person.
- Human trafficking does not have to include international elements and can be carried out within the borders of one single state.
- In some cases human smuggling can be transformed into human trafficking, i.e. the irregular migrant can become a victim of traders.

But, a large number of smuggled people become victims of human rights violation. Many scientists that have researched this phenomenon agree that in practice, the differences between smuggling and human trafficking are not always obvious and can frequently overlap.

There is a considerable need to differentiate between these two notions: the first one implies a human trafficking victim, who is often traumatized and needs proper medical aid, while in the second case, there is an illegal migrant, a person who has been

transferred across the border in inhumane conditions, but are mostly in a very good physical condition.

For example, a person can seek some help from smugglers in order to reach a particular destination illegally, and fall victim of exploitation at the end of the journey, for example, by working in slavery conditions in order to provide financial compensation to the smuggler.

In other situations, female migrants can be aware that they are going to be prostitutes, but unaware of the violence and exploitation implied. In the last two cases the crime committed is the one of human trafficking.

#### **4. Asylum**

The asylum right is a constitutional category in Macedonia. Republic of Macedonia guarantees asylum right to foreigners and apatrides, exiled for their democratic political belief and activity; it is a form of protection offered by a state on its territory pursuant to the principle of non-return and the internationally or nationally recognized refugee rights.

Asylum is granted to a person who is unable to seek protection in their country of citizenship and/or residence for fear of prosecution based on race, religion, and nationality, membership in a social group or political movement.

The Law on Asylum and Temporary Protection regulates the conditions and the procedure of obtention and termination of an asylum right of a foreigner or and apatrid seeking asylum in the Republic of Macedonia, as well as the rights and obligations of asylum seekers with a granted asylum right in the Republic of Macedonia.

Novelty: the migrant can, in written or in spoken form, express intention to submit an asylum right application in front of a police officer of the Ministry of Interior, who issues them a sample of the certificate on their expressed intention and advises them to submit an asylum requirement within 72 hours.

The asylum right implies protection granted to the following categories of people, by Republic of Macedonia under the conditions and in a procedure envisaged by this law

- A recognized refugee (a refugee according to the Convention on the Status of Refugees of 1951 and the 1967 Protocol on the Status of Refugees) and

- A person under subsidiary protection

Almost 60 million of people have been forcefully removed worldwide, due to conflicts, no matter if the relegation happens within their countries or in other countries where they are refugees. This is the highest number ever recorded, as pursuant to the new Report of the UN High Committee for Refugees and is equivalent to the whole population of Italy.

The number implies 8.3 million people more than in 2013, mainly due to the Syrian war, the advance of Islamis State in Iraq and the renewed conflicts in Africa.

The number of refugees increased from 11.6 to 14.4 million people (not counting the 5.1 million of Palestinians) on the world level for the same period, which has been the largest annual increase since 1990.

Syria is the country of origin of most refugees, who outnumber those from Afghanistan, which had been holding the leading position for more then 30 years.

Six out of the ten countries of refugee origin are African. The current conflicts in Somalia, South Sudan, Congo and Central African Republic make them leaders in the negative statistics.

## **5. Key principles of the migration policy of the Republic of Macedonia**

Upon the designing of the migration policy for the period of 2015-2016, Republic of Macedonia remains devoted to respect of the basic principles and recommendations of the international organizations especially of the International Migraiton Organizaiton<sup>75</sup>, which regard the migration management and have universal meaning.

They are the following:

Respect of international standards, human rights and protection. This refers to respect, protection and granting of migrants' human rights as pursuant to international law, protection of vulnerable categories of migrants, as well as of international standards related to migrant workers. This principle also implies supressionof xenophobia, racism and discrimination, as well as incorporation of gender equality into migration policy.

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<sup>75</sup> International Organization for Migration, "Framework for Migration Governance".

A comprehensive and proof-based policy, developed in close cooperation with relevant partners.

Implementation of a thorough and coherent migration policy on a national level, designed on the basis of relevant insights, with the participation of all government institutions in close cooperation of all parties concerned, and the engagement of relevant parties on a national, regional and international level (government agencies, NGO's, associations, migrants' organizations etc.).

Addressing the socio-economic needs.

Integration of new migrants, re-integration of returnees and providing access to healthcare and social services for all migrants.

Support to labor migration (including the temporary and circulatory migration) and support to brain-gain („brain inflow“). Integration of migrations into the development processes through decreasing of costs on foreign currency remittances, their productive use and the so-called brain-gain („brain inflow“).

A policy that is adaptable, i.-e capable to meet the challenges in times of crisis, and alleviate the risks related to migrant movements.

Allowing access to legal migration. This is achieved through transparent and efficient application of migration-related legislation.

Provision of regular migration channels as pursuant to the national development policy. Collection of credible and timely information on migration flows and dissemination of appropriate information on migration policies and procedures to enable the migrants to bring decisions based on relevant information. Efficient implementation of the visa regime and efficient management of migrations and development.

The policies, the action and operational plans in the mentioned fields should refer to several specific fields and their particular aspects, designed so as to make it possible that their specific purposes correspond and be consistent with the general aim of the migration policy in a wider sense as well as the other relevant policies.

Therefore, the basic principles that are applied and determine the design of the Macedonian migration policy are as follows:

- Consistency – coordination of specific policies (policy related to the citizens of the Republic of Macedonia abroad); policy of immigration and integration of foreigners; policy towards illegal migration, migrant smuggling and human

trafficking; policy of asylum and protection of refugees) as well as coordination with migration policy in a wider sense of the word;

- Compatibility – coordination of the migration policy with the economic, social, demographic and culturological policy of the Republic of Macedonia. Verification of the coordination of the purposes of the said policies, the efficiency of the enacted measures, the influence of migration policy and continuous adjustment to the changes in the migration processes;
- Transparency – visibility/clarity in the enactment of certain policies and the overall migration policy in relation to the administrative procedures and spending of funds so as to provide for public confidence and support;
- Sustainability – continuity of designing, preparation and monitoring of the implementation of the measures and activities of migration policy, independently from the changes in the organization structures.

Besides the principles mentioned above, in order to successfully implement the migration policy of the Republic of Macedonia it is necessary to fulfill the following basic conditions – Responsibility of the ministries in charge and of other institutions for the progress in the fulfillment of the policy aims and their implementation;

- Public educational and information campaign in view of the development of a large-scale support to migration policy;
- Advancement of the national capacity to analyze, create and implement of the migration policy, and
- Partnership with the countries of origin and destination, as well as with the regional and international organizations, the NGO's and the other organizations of civil society of the private sector and the other relevant factors.<sup>76</sup>

## 6. Conclusion

It is obvious that the strengthening of the institutional capacities, the improvement of the cooperation among competent subjects on the national, regional

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<sup>76</sup> Resolution of the Republic of Macedonia on Migration Policy 2015 – 2020 (Official gazette no. 8 of 16.01.2015)

and international level are the basic preconditions for efficient and safe management of the migration processes, especially when they appear in the form of cross-border migrations.

Realizing the Balkan events so far, and the risk and threat estimation, it can be emphasized that the Regional security is a problem, as the Region lacks the continuity of its monitoring and appropriate and timely solutions thereto.

The building of regional capacities on the Balkans, in view of fast exchange of security-related data among the countries, imposes the need to a common intelligence center with counter-terrorist activities on the Balkans that will control all the activities of the militant individuals who will participate in the global jihad in Syria, Iraq and other countries, who then return to the Balkans or to EU by the Balkan route, can considerably contribute to efficient migration management.

The concept of integrated border management in EU – is the basis to a future development of IGU in Macedonia, and, in that direction, it is necessary to apply this common model of border management, in view of the protection of internal security, prevention and identification of illegal migrations and cross-border crime.

The change in the structure of the illegal migrants meant the incurrance of certain challenges which were not popular in the recent years (lack of translators from/into Arabic language and the dialects spoken by the illegal migrants, lack of valid contracts on readmission with the Asian and African countries, increased number of people and their prolonged period of residence in the Shelter Center for Foreigners, considerably higher finances for their possible return to the countries of origin, lack of programs on assisted intended return, public health risks etc.)

The increase in the number of asylum seekers outside the region created a situation in which the West Balkan countries do not actually have access to translators from/into all the languages spoken by these people, especially from/into Pashtu, Dari, Urdu, Farsi and other languages. The availability of translators of the languages spoken by the asylum seekers is also important for language analysis. It is performed in case of doubts related to the identification of the asylum seeker's country of origin.

Besides the identification of the person's identity, appropriate identification implies the recognition of the category to which the person belongs: asylum seeker, victim of human trafficking, unaccompanied minor, illegal migrant, crime perpetrator etc.

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## REPUBLIC OF MACEDONIA AND CONTEMPORARY MIGRANT AND REFUGEE CRISIS

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### Abstract

The contemporary refugee crisis brought numerous challenges and raised many questions about the capacity and the ability of Macedonian security system. Two aspects of dealing with this crisis are especially significant: first – to minimize the challenges of the large number of refugees, while respecting the accepted world standards for protection, and second – to protect Macedonia's borders and interests.

The first "wave" of the worst refugee crises in modern society fared relatively well and the security forces of the Republic of Macedonia demonstrated a high level of response capability. Along with the political decisions that aimed to prevent endangering the security of the state and citizens, in terms of introducing a state of emergency and the involvement of several bodies and institutions, were mitigated the consequences that could arise for the system as a whole, but also for the security of citizens in general.

However, monitoring of the current security and political situation in the Middle East, especially in the countries from whence came the largest number of refugees before, leads to the conclusion that it is possible to recurrence the situation from 2015 and 2016. Therefore it is very important to monitor the condition of multiple

levels, to propose measures and activities aimed at timely and quality response to future challenges related to any new security threats.

The paper aims to analyze the recent papers in this area, and to offer new horizons to the possible movements of refugees, their origin, objectives and interests and so on. The authors will analyze the statistics on refugee movement, and measures undertaken by the security forces. It could appear as a good basis for planning the future activities.

**Key words:** refugee, crisis, security forces.

## INTRODUCTION

Migration in the modern world are real, everyday needs, which included a numerous number of countries in the world. Depending on the period of development there were just different ways of migration and reasons why people decide to migrate. In the 20<sup>th</sup> century we can recognize three general periods of massive migrations of people on the European continent: after World War I, after World War II and in the nineties. In the beginning of the new century, there a lot of new challenges on migration issue. In 2014 starts the biggest migration in the modern history, meaning a millions of migrants' from the Middle East settled in Europe. This paper will focus on this contemporary migrant crisis, with different approach and statistics.

However, almost 20. years ago Massey and his collaborators argued that: The theoretical concepts now employed by social scientists to analyse and explain international migration were forged primarily in the industrial era and reflect its particular economic arrangements, social institutions, technology, demography and politics.... The classical approach has now entered a state of crisis, challenged by new ideas, concepts, and hypotheses (Massey, et al. 1998, 3). Although, as they pointed out, 'these new ways of thinking have not yet cohered into a single theory', Massey et al. believed that 'the time has come...to reassess theories of international migration and bring them into conformity with new empirical conditions'. The 'post-industrial, post-Cold War world' needed a new theory of migration appropriate for 'a brand new century'. (Massey, et al. 1998, 3). In the next two decade, the exponential growth of social-scientific research into international mobility of people shows no sign of abating: we

have more researchers, students, research projects, journals and publications than ever before. However, the quest for a generally accepted theoretical framework for migration studies remains elusive. We still lack with to explain why some people become mobile, while most do not, and what this means for the societies where migrants come from, pass through and settle in.

There are some wider accepted definitions on terms related to migrant and migration, but there is no general approach on solving problems and controlling the migrant route. As different type of migration we can recognize (Human Migration Guide 6 - 8, 2005, p. 1):

- **Internal Migration:** Moving to a new home within a state, country, or continent.
- **External Migration:** Moving to a new home in a different state, country, or continent.
- **Emigration:** Leaving one country to move to another (e.g., the Pilgrims emigrated from England).
- **Immigration:** Moving into a new country (e.g., the Pilgrims immigrated to America).
- **Population Transfer:** When a government forces a large group of people out of a region, usually based on ethnicity or religion. This is also known as an involuntary or forced migration. (This will be the author exceptional interest, having in mind that most of the migrants coming from Middle East are running away because of the war or conflicts in their own countries).
- **Impelled Migration** (also called "reluctant" or "imposed" migration): Individuals are not forced out of their country, but leave because of unfavorable situations such as warfare, political problems, or religious persecution.
- **Seasonal Migration:** The process of moving for a period of time in response to labor or climate conditions (e.g., farm workers following crop harvests or working in cities off-season; "snowbirds" moving to the southern and southwestern United States during winter).

About people who migrate (Human Migration Guide 6 - 8, 2005, p. 2):

- **Emigrant:** A person who is leaving a country to reside in another.
- **Immigrant:** A person who is entering a country from another to take up new residence.

- **Refugee:** A person who is residing outside the country of his or her origin due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.
- **Internally Displaced Person (IDP):** A person who is forced to leave his or her home region because of unfavorable conditions (political, social, environmental, etc.) but does not cross any boundaries.
- **Migration Stream:** A group migration from a particular country, region, or city to a certain destination.

People move for a different reasons. Generally speaking there are two factors of migration: **Push Factors:** Reasons for emigrating (leaving a place) because of a difficulty (such as a food shortage, war, flood, etc.) and **Pull Factors:** Reasons for immigrating (moving into a place) because of something desirable (such as a nicer climate, better food supply, freedom, etc.). Several types of push and pull factors may influence people in their movements (sometimes at the same time), including:

1. **Environmental** (e.g., climate, natural disasters)
2. **Political** (e.g., war)
3. **Economic** (e.g., work)
4. **Cultural** (e.g., religious freedom, education)

## CONTEMPORARY MIGRATION IN A MODERN WORLD

The number of international migrants worldwide has continued to grow rapidly over the past fifteen years reaching 244 million in 2015, up from 222 million in 2010 and 173 million in 2000 (UN IMR 2015, 2016.). The increasing numbers are to be taken very seriously and appropriate politics and measures are to be taken. As Castles and others argued the international migration is part of transnational revolution that is reshaping societies and politics around the globe (Castles and others, 2015: 8). The old dichotomy between migrant-sending and migrant-receiving states is being eroded. Most countries experience both emigration and immigration (although one or the other often predominate) while some countries have taken on an important role as transit zones for migrants. The differing ways in which such trends have affected the worlds' regions is a major theme in a contemporary studies and researches.

As far as globalization provide benefits, also incurring problems faced by many people around the world. The increased standards and low incomes, or relentless wars and terror against people, encouraging those people, who come from war-torn territories to leave their country. Most of the time, they migrate to some of Western European countries, not only to receive asylum, but to begin a "new life". Unfortunately, they are not able to enter EU without visa and other permission, so they use forge canals, walking a thousand of kilometers, often caught in the network of smugglers of migrants. Today's migrations, which mainly consist of nationals from Iraq, Iran, Syria, Afghanistan and others pass through our country, that follow the Balkan route, which includes the Republic of Macedonia. Mainly there are five reasons that encourage people to migrate, as so:<sup>77</sup>

1. The war in Syria, which lasts for five years and there are no hopes to be finished shortly. So far, there were about 250,000 dead people, so the population tends toward migration. Also, a large number of migrants come from Afghanistan, Somalia, Nigeria, and so on, also because of the war or war activities in a certain territories.
2. A second major reason is the cost of transportation. In the past when migrating went mostly through Libya and hence paid ship to reach Italy and the transport cost about \$ 6,000. Today it is known that the Balkans route is twice cheaper, or about \$ 3,000.
3. One of the leading reasons is the great welcome for refugees from Germany. Germany suspend the Dublin Regulation, which states that every refugee must seek asylum in this country where they first arrive, delighted Syrians.
4. The recruitment of young forces in Syria, up to 30 years for taking part in the current war is the next leading factor, so a lot of them have decided to migrate in order to avoid mobilization. Contradicting previous said that Syrian government bring a decision that by paying the \$ 300 fee, young men could delayed the time for going to the army. And also, they facilitated the way of obtaining a passport.
5. And as a final reason – the International community. Before starting this wave of migration, Syria left around 4 million people and rushed to neighboring countries. However, due to poor conditions in which they live in these

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<sup>77</sup> <https://www.iom.int/countries/former-yugoslav-republic-macedonia#fm>

countries, this time refugees choose Europe as an appropriate solution to their problem.

Republic of Macedonia is facing both, emigration and immigration. However, this paper will focus at the most on the contemporary migrant and refugee crisis, having the first wave in 2014-15, but with a high possibility to happen again in the near future. In this context the author agrees that Macedonia has taken an important role as a transit country for almost a million migrants passed through the territory of Macedonia in the past two-three years. And not only the Republic of Macedonia, but a lot of other Balkan countries has been so-called "transit countries" on the Balkans route.

## REPUBLIC OF MACEDONIA AND CONTEMPORARY REFUGEE CRISIS

Since 2014, the Republic of Macedonia is facing the greatest challenges in the modern history – a contemporary migrant and refugee crisis. More than a million people from the Middle East (most of them citizens of Syria and Iraq, but also from Afghanistan, Pakistan and some African countries), passed through the territory of Macedonia on their road to EU (especially Western European countries). The new situation implies two different approaches. On one hand, the humanitarian aspect, and on the other hand security implications. Republic of Macedonia has signed up a numerous international conventions and resolutions on migrant and refugee protection, where the obligations of each particular country are foreseen, when facing international issues related to migrants and refugees. Therefore, Macedonia is obliged to act in human way, respecting at the higher possible level all human rights of migrants and refugees. The refugee crisis consisted of persons who have fled of war, which is generally caused by violence at their own countries. According to EU Directive No. 2004/83/EC<sup>78</sup>, those individuals have the right of protection, so-called subsidiary protection. The country give the best possible way to respect international and domestic

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<sup>78</sup> European Union's minimum standards definition of refugee, underlined by Art. 2 (c) of Directive No. 2004/83/EC, essentially reproduces the narrow definition of refugee offered by the UN 1951 Convention; nevertheless, by virtue of articles 2 (e) and 15 of the same Directive, persons who have fled a war-caused generalized violence are, at certain conditions, eligible for a complementary form of protection, called subsidiary protection.

standards, but we must have in mind that Macedonia is a small and vulnerable country with limited resources and capacity to answer all needs of migrants and refugees. On the other hand, Macedonian Police and Army give their best efforts to protect our borders and to prevent uncontrolled movements of large groups of migrants. The purpose of the migrants was not to stay in Macedonia, but on a fastest way to reach some of the EU countries (most in Germany, Belgium, Sweden, later Austria and others). As a matter of fact, there were a lot of challenges for Macedonian people, their personal safety and especially protection of the property. However, there were no serious violations of international standards, and there were no serious threats of domestic security.

We could say that this is the main problem that Europe has faced in the 21st century, and that definitely this refugee crisis will have consequences, both for Macedonia and Europe in the coming years. That is why, the elaboration of this theme is necessary and appropriate. The authors will present official data, collected by the official state agencies responsible to answer the refugee crisis challenges, and will address different aspects of Macedonian occasions when solving this issue.

The so-called "refugee crisis" in the Republic of Macedonia began in 2014, but has taken serious numbers in the mid-August of 2015, when a number of 53000 people come to Greek-Macedonian border in the period of two-three weeks. After this new situation, on 19<sup>th</sup> August 2015, the Government declare a crisis on Southern and Northern Borders.<sup>79</sup> According to the legislation, this decision opens the possibility for proper engagement of the Army of the Republic of Macedonia. Inter-institutional coordination body daily monitors the illegal migrants who intend to enter the territory of the Republic of Macedonia from Greece and establish appropriate response analyzes all possible scenarios. Because of increased pressure on the southern border and the growing intensity of transit through etc. Balkan migration corridor, but the situation in global terms, it was estimated that it is necessary further increased and more effective control of the border areas where there have been mass illegal crossings from Greece. The involvement of the Army has an outcome in two directions. First, to increase the security and tranquility of the local population and second, to ensure a more comprehensive approach to the treatment of persons who have expressed their intention to seek asylum in the country according to the capacity and the

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<sup>79</sup> <http://vlada.mk/node/10918>



recommendations of the conventions whose signatory is the Republic of Macedonia. Just after declaring the crisis, within the Crisis Management Centre, a Headquarter was establish, with the main task to monitor and follow the situation and to prepare an action plan and to implement the planned activities. Headquarters of the Center for Crisis Management is an operational expert body which manages the activities of prevention and management of crisis situations and is composed of representatives of the following ministries: interior, health, transport and communications, defense and foreign affairs. Its members include the head of emergency medical assistance in Skopje, the Director of the Directorate for Protection and Rescue, as well as representatives of the Army, Intelligence Agency, the Directorate for Security of Classified Information and the Red Cross of Macedonia.

The statistics for 2015 are different and depend of the source used. However, the precise number is impossible to count. The institutions has a different approach and begin fully control in the middle of the crisis. According to the official statistics of the Ministry of Interior, the number are as follows:

Table 1. Number of refugees in the Southern border of the Republic of Macedonia in 2015<sup>80</sup>

<b>Indicators / Month</b>	Illegal crossing of the National border	Foreign nationals who have been refused for entry	Asylum seekers	Children without parental accompaniment
January	282	323	201	750
February	199	355	138	808
March	166	353	141	785
April	284	389	112	547
May	318	325	175	746
June	16.021	319	671	1.043
July	57.367	505	229	2.577
August	171.066	414	15	6.976
September	171.422	368	20	6.118
October	191.589	491	29	4.150
November	144.273	354	41	2.377
December	101.843	346	116	1.077
<b>Total in 2015:</b>	<b>854.830</b>	<b>4.542</b>	<b>1.888</b>	<b>27.954</b>

To facilitate the movement of migrants across the territory of the Republic of Macedonia, the Parliament adopted amendments to the Law on Asylum. Macedonia changed its asylum law on 18 June 2015 to let migrants entering the country illegally avoid jail if they leave within three days. The move follows a series of fatal accidents involving migrants traveling through Macedonia on the way to more prosperous European countries, following dangerous routes to avoid police arrest. It allows migrants to apply for temporary asylum at the border or the nearest police station. That will allow them to travel legally through the country for three days.<sup>81</sup> The new Law

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<sup>80</sup> <http://moi.gov.mk/analiza/granichni-premini/2015>

<sup>81</sup> <http://www.voanews.com/a/macedonia-migrants-asylum-law/2828577.html>

Amending the Law on Asylum<sup>82</sup> make a distinction between the intention to submit a request for recognition of right of asylum and the formal aspect, ie the request for recognition of the right of asylum, by potential asylum seekers.

Undeniable is the human aspect of this law, which has contributed significantly to improve the mobility of migrants from the southern to the northern border of the country. However, the figures presented in Table 1 are extremely serious and worrying. With a look at the last column, one may note that in 2015 in Macedonia come 27954 children without parental care. IOM and other international organization take care about all of them (at least temporary protection). Less than 1000 children were connected with their families. Others were send to Serbian authorities for further proceedings. IOM has followed them through the final destination.<sup>83</sup>

The first wave of migrant crisis passed without serious consequences for the country. Financial costs were quite high, and the assistance of the relevant European and international institutions lacking. It is not immodest to say that the state was left to itself to cope with the wave of migrants which were about 50% of the total population. At a later stage of dealing with the migrant crisis, several EU countries<sup>84</sup> sent police officers in Macedonia. Their activities were more declarative than actually helping in controlling and dealing with the influx of people on Macedonian borders. The good side of dealing with the crisis is recognized in fact that the authorities has learned good lessons. Capacities of the Police and Macedonian Army shown as appropriate and with enough skills and knowledge to deal with eventual upcoming crisis.

## **CURRENT SITUTATION OR WHAT WE CAN EXPECT**

According to the last reports, number of migrants especially on Greek island is increasing. Since the EU signed a deal with Turkey to halt the influx, the numbers have dropped dramatically but there are fears the reduction may not be sustainable. And because of new rules that prevent irregular migrants crossing to the Greek mainland,

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<sup>82</sup> Article 16a of the Law Amending the Law on Asylum, Official Gazette of the Republic of Macedonia nr. 145, June 2015

<sup>83</sup> [http://publications.iom.int/system/files/wmr2015\\_en.pdf](http://publications.iom.int/system/files/wmr2015_en.pdf), p. 133

<sup>84</sup> Including Austria, Hungary, Slovenia, Slovakia and later Croatia.

record numbers have become stuck in increasing squalid conditions, and are becoming more angry and desperate, says the UK-based charity. More than 10,000 migrants are currently being held on islands of Lesbos, Chios and Samos - the bulk of whom are fleeing violence and poverty in Syria, Afghanistan and Iraq.<sup>85</sup>

Europe's migrant crisis in numbers:<sup>86</sup>

- Over 275,000 migrants have reached Europe in 2016.
- All but 10,000 have come by sea
- 161,599 have arrived in Greece
- 101,485 have reached Italy from North Africa

Following the situation in Turkey, the one may conclude that controlling and dealing with migrants is not going to be a high priority of Turkish Authorities. As the spring is coming we may witness a new migrant crisis on our borders. The summer months routinely see a rise in the number of migrants attempting to reach Europe as they take advantage of better weather conditions to make the arduous journey. Concern among European politicians is obvious, and visits that happen during January and February 2017, among other aim was to assure that Macedonia continues to be a credible partner in dealing with migrants. Although the Balkan route was declarative closed almost every day the official's record number of new migrants who cross the territory of the Republic of Macedonia. An average of 200 migrants per day arrive at the southern border, or about 2,500 in a month. After this, they are using different ways and channels to reach the EU.

One might say that Greece is taking serious measures to prevent new strong wave of migrants and supported by the EU to reduce the suffering of people arriving mainly from Turkey. Greek Coordination Centre for Management of the Migrant Crisis declare 64832 beds of total capacity, and at the moment there are 33783 people cared for.<sup>87</sup> The very new situation in Greece is as follows:<sup>88</sup>

- Total arrivals in Greece (Jan - Feb 2017): 1,864
- Total arrivals in Greece during Feb 2017: 471
- Average daily arrivals during Feb 2017: 39

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<sup>85</sup> <http://www.bbc.com/news/world-europe-37099332>

<sup>86</sup> <https://www.iom.int/news/iom-Europe's-migrant-crisis-in-numbers>

<sup>87</sup> <file:///C:/Users/user-pc/Downloads/GreeceSites20170214.pdf>

<sup>88</sup> [file:///C:/Users/user-pc/Downloads/Daily\\_Arrival\\_Greece\\_20170212.pdf](file:///C:/Users/user-pc/Downloads/Daily_Arrival_Greece_20170212.pdf)

- Average daily arrivals during Jan 2017: 45
- Daily estimated departures from islands to Mainland: 13
- Estimated departures from islands to Mainland during Feb 2017: 778

The route of migrants are well known. They are using Turkey, Greece, Macedonia (or Bulgaria), Serbia, Croatia, Slovenia, Austria to reach Germany at the most. The picture below shows the Balkans route. In the beginning of the crisis they used Hungary instead of Croatia and Slovenia, but Hungary has built up a wall in order to stop the migrants on Serbian borders.

Picture 1. Migrant route to Germany through Balkans route<sup>89</sup>

### Migrant route to Germany



<sup>89</sup> UNHCR, published on <http://www.bbc.com/news/world-europe-37099332>

As the spring is coming we can expect those number to increase. The main reason is that the war in Syria is not ending, and the situation in Middle East is not getting better. That's why, the Macedonian authorities should monitor the situation on a daily basis, to prevent any escalation, to protect our borders and to secure people and their properties.

## CONCLUSSION

Past two years were extremely challenging. It was a very new experience for Macedonian Police and Army, as well as for all other institutions and agencies to deal with almost one million migrants in a period of less than a year. In the very beginning, we were unable to deal on an appropriate way, so we were witnesses of a numerous accidents involving migrants. In this manner, the author is emphasizing that migrants are often a victims of crime. Trafficking in Human Beings is another challenge for the Police and they should be aware of importance and meaning of this global phenomenon. More than 35 people were killed on Macedonian railways, a lot of them were fallen into the network of smuggling migrants. 30 criminal charges for total number of 42 Macedonian citizens were brought for smuggling in the first half of 2015.

However, migration flows, in particular when inadequately managed, can actually result into conditions of exclusion and vulnerability for those moving, as well as for their host communities. Migrants often face specific barriers and obstacles that result in specific patterns of marginalization. Even that Macedonian is not in their interest, all of us should be aware that they could be a potential challenge. As a consequence, Macedonia must follow what will happen in the near future, to monitor the situation especially what happening in the Greek islands and how the implementation of EU – Turkey agreement goes. Lessons learned from the previous situation and crisis management are good experience and possible solutions for upcoming events regarding migrants and refugee crisis.

The authors recognize that Macedonian authorities give their best to manage the crisis from 2015. The impact of the refugee crisis is important. Macedonia has faced numerous challenges: the protection of national interests and security; responsible and humane treatment of refugees (limited facilities for reception, insufficient support from the EU and international organizations). While the "Balkan Route" was opened, most of

the refugees spend less than 72 hours and relatively safely passed the way from the southern to the northern border. A particular problem caused the closure of the "Balkan route" when at the southern border remained "stuck" thousands of refugees. The fact that they came on our borders from EU Member State additionally has complicated the dealing with their pressure to enter the country. First serious problems happened in that time. The Police was forced to use force and other powers. Considering the possibility of new refugee wave, it is necessary to take a number of actions that will lead to better preparation of services:

- Especially useful would be educational seminars for police officers and soldiers.
- The enhancement of international cooperation, especially cooperation between neighboring countries - Greece - Macedonia - Serbia.
- To exchange experiences with countries that have faced or are facing migrant crisis.
- IOM and UNHCR to engage with more resources (material and human).
- In addition to the already installed wire fence, the authorities to provide border control with thermal cameras and motion sensors.
- To pursue continuous follow-up, to prepare analyzes on a daily and monthly basis, to increase the capacity for stay and accommodation.

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## **GROWTH OF IMMIGRANT POPULATION AND HOMEGROWN TERRORISM IN EUROPE**

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### **Abstract**

It is clear from the past, that mass migration seeking paradise, new opportunities facilitate distribution of terrorism. The fact that at least one of the terrorists of 13 November in Paris entered the European Union via the Balkan route, Berlin attacker indicates that the phenomenon of sleepy Islamists should not be underestimated in the context of migration. Fears of an alleged strategy of the Trojan Horse of the Islamic State, a strategy that has intensified in January 2015. According to the self-acknowledged smuggler who operates in Turkey, claims to have been sent more than 4,000 ISIS fighters in Europe that are loaded on ships and buses full of refugees. However, these observations are potentially misleading. To understand this threat is very important to examine the number of "refugee terrorists" by the total number of refugees, in the total number of terrorists acts. Research done in Western Europe show that the number of refugees terrorists is symbolic in terms of large numbers of refugees arrived in the past two years. Experts on terrorism in the Western states and

Balkans, also warned about hysteric perception that almost every male refugee is a potential terrorist. Concerns about terrorism and refugees are legitimate, but the fear that is expressed normally is increased and worries often are wrong.

**Keywords:** terrorism, crisis, refugees, Europe, migrations.

## **Introduction**

The study of terrorism and the study of migration have been two separate fields. While there is a huge literature on both, migration and on terrorism, there are no indepth studies on the intersection of the two phenomena. There are multiple causal relations between (forced/irregular) migration and terrorism but these are generally complex, historically, and the number of criminals and terrorists in mass migration movements has been low but terrorists often have a criminal background to begin with (Schmid, 2016).

Today, there are over 1 billion migrants, about one in seven persons. Each decade, the percentage of migrants as a share of the total population continues to rise, and in the next twenty-five years, the rate of migration is predicted to be higher than during the last twenty-five years. It has become more necessary for people to migrate because of environmental, economic, and political instability (Kareem, 2016) due to process of globalization. Climate change, in particular, may cause international migration to double over the next forty years (Kareem, 2016).

In 2015 the member states of the EU received more than 1,5 million new applications for asylum – nearly half a million of them from Syrians and another half a million from Afghanis, Iraqis, Pakistanis and Nigerians. The names of these countries of origin already suggest a causal link to terrorism. However, there is also a more sinister explanation. Some argue that refugee flows – consisting these days often of mainly young male Muslims - are deliberately used as a kind of “Trojan horse”, being part of an “organized invasion” of Muslims into the West. Not just some right-wing xenophobic conspiracy theorists think so, even NATO’s supreme commander in Europe, General Philip Breedlove, recently made such a claim, suggesting that refugees are ‘weaponised’ by Russia against Europe (Schmid, 2016). The director of Europol recently described the current situation as “the highest terrorist threat we have faced for over 10 years.”

(Mark, 2016). These security concerns are being exacerbated by unprecedented levels of migration into Europe from impoverished and/or war-torn areas of the Middle East, Africa, and the Balkans, with ISIS known to have targeted such routes for infiltration (Robin, 2016). ISIS displayed its ability to strike at the heart of Europe during attacks in Paris in November 2015 and Brussels in January 2016, while those trained by al-Qaeda carried out the January 2015 raid on the Charlie Hebdo (also in Paris). The potency of these groups is enhanced by their ongoing ability to inspire small cells of radicalized supporters living in the West to carry out attacks on their behalf. The vast majority of plots in the West emanate from such supporters, who have claimed a liation with a terrorist group without ever having traveled to popular safe havens such as Iraq, Pakistan, Somalia, Syria, or Yemen, it appears as though Mohamed Lahouaiej Bouhlel, the terrorist who killed 84 people with a 19-ton truck in Nice recently, was one such individual (Robin, 2016).

### **Analysis of problem**

The conflicts in that past few years generated refugee wave towards EU. EU faced not just with unexpected crisis but with non existing unique policy for solving this huge problem. Refugee crisis for EU become the tip of the iceberg, serious economic pressure, facing with huge social migration and terrorist attacks.

Germany's generosity, and the increasing pragmatism of the Balkan countries, were also contributing factors, the announcement that Germany it would accept any Syrian's asylum application, even if they had previously applied for asylum in other European countries, spurred a bigger wave of arrivals, since people no longer feared being arrested in Hungary, and forced to claim asylum there (Patrick. 2016). Since the beginning of the refugee crisis countries were not well prepared for such a large number of refugees and devoted more to humanitarian issue, but not to the political and security-terrorism. The crisis in these countries found Europe and the Western Balkans not prepared for such a situation, where some countries have sought financial, human and professional assistance to respond according to prescribed legal rules.

Debate about the refugees, both in Europe and the United States, often focuses on the question of terrorism: with the Islamic State raping and beheading with numbing regularity in Iraq and Syria, the fear is that admitting refugees from this part

of the world will open the door to more terrorism and violence in Europe (Byman, 2015). Conservative voices in Europe have invoked the specter of Europe being flooded with [“half a million”](#) Islamic State fighters, while humanitarians dismiss predictions of a terrorism epidemic. Both sides have it wrong. Concerns about terrorism and the refugees are legitimate, but the fears being voiced are usually exaggerated and the concerns raised often the wrong ones (Byman, 2015). Because refugees are from conflict countries (Syria and Iraq) where the ISIS is based and it is normal to be afraid of sending their fighters among refugees who can do many terrorist acts, but this is not their policy. According to Islamic State every good muslim should travel to Islamic State and fight against its enemies and not leaving its state.

Since 2014, Europe has experienced a number of terrorist incidents—including the November 2015 attacks in Paris and the March 2016 bombings in Brussels largely perpetrated in the name of the Islamic State by European fighters returning from the conflicts in Syria and Iraq (Archick. 2016). According to The Religion of Peace from 09/11 till March 2017 in Europe happened 154 terrorist attacks, killed 1106 persons and injured 1324 persons. This cannot be the only concrete evidence to date that terrorist travelers systematically use the flow of refugees to enter Europe unnoticed. Till today we don't have exact researches about the numbers of terrorist acts and number of persons killed by refugees. Even that it was found that two of the attackers had entered the EU through Greece as part of the large influx of refugees from Syria. However, some incidents have been identified involving terrorists who have made use of migratory flows to enter the EU.

The majority of Europeans believe the influx of refugees across the continent has led to an increase in the likelihood of terrorism. According to a survey by the Pew Research Center, in eight of the ten European countries surveyed at least half are concerned about the terror threat. The majority of people in five nations say refugees will be an economic burden and take away jobs and social benefits. (Independent, 2016). Hungarians, Poles, Greeks, Italians and French identify this as their greatest concern. Sweden and Germany are the only countries where at least half say refugees make their nation stronger because of their work and talents. Fears linking refugees and crime are much less pervasive, although nearly half in Italy and Sweden say refugees are more to blame for crime than other groups. (Pew Research Center, 2016).

While most Europeans think the recent surge of refugees could lead to more terrorism, there is less alarm that Muslims already living on the Continent might

sympathize with extremists. The percentage of the public saying that most or many Muslims in their country support groups like ISIS is less than half in every nation polled. Still, 46% of Italians, 37% of Hungarians, 35% of Poles and 30% of Greeks think Muslims in their countries are favorably inclined toward such extremist groups. On these and other questions included on the poll, Greece, Hungary, Italy and Poland often stand out for expressing greater concern and more negative views about refugees and minority groups (Pew Research Center, 2016).

The most frequently quoted arguments are in terms of the following attitudes of the public: refugees are dangerous and pose a threat to national security, refugees pose a threat to the EU economy, refugees have no place in Europe and should seek asylum in the nearest peaceful country in their region instead, refugees are people with another mentality and religion, and a large number of them cannot adopt the European values and model of behavior and cannot possibly integrate in the European community (Kyuchukov, 2016). Refugee crisis is seeing not only humanitarian tragedy but as threat for existence of European Union.

Europe's terrorist threat, while rising, has come overwhelmingly not from foreigners but from fellow Europeans. According to EUROPOL nearly two-thirds of the arrestees for terrorism suspect 432 (63%) in 2016 were EU citizens, the majority were born in the EU (58%) (Taub, 2016). At the same time, European officials remain concerned about European citizens who have joined other extremist groups, as well as self-radicalized individuals who may not have traveled abroad to fight but who have been motivated by Islamist propaganda to commit violence at home (Archick, 2016). According to the most research organizations the numbers of foreign fighters from Western Europe are more than 5000.

A number of other suspected cases, including terrorist use of fraudulent travelling documents, have since been identified. A real and imminent danger, and one that will probably continue to exist for a long time, is the potential for elements of the (Sunni Muslim) Syrian refugee Diaspora to become vulnerable to radicalization in Europe (EUROPOL, 2016). UN report found little evidence that asylum seekers are inclined to be radicalized, or that terrorist groups systematically use migration flows for their purposes (UN Report, 2016).

Just for comparison the U.S. has accepted more than 3 million refugees since 1975, but few of them attempted terrorist attacks on U.S. soil. But as the Cato report for 2016 called "[Terrorism and Immigration](#)" notes, "Refugees were not very successful

at killing Americans.” Only three—all of them from Cuba—managed to mount successful attacks, killing a total of three people.<sup>90</sup> To put that in context, the percent of Americans arrested for violent crime in 2015 is 250 times greater than the percent of refugees who turn out to be terrorists, successful or otherwise (Irwin, 2017). According to the same report identified 154 foreign-born people, including 20 refugees (these 20 terrorists account for 0.0006% of all refugees admitted into the country), who were convicted of carrying out or attempting to carry out a terrorist attack in the U.S. over a 40-year period, from 1975 to 2015 (Kiely, 2017). Foreign-born terrorists who entered the country, either as immigrants or tourists, were responsible for 88% (or 3.024) of the 3.432 murders caused by terrorists on U.S. soil. Only 10 illegal immigrants became terrorists, a minuscule 0.000038% of the 26.5 million who entered from 1975 through 2015, in other words, 2.65 million illegal immigrants entered the United States for each one who ended up being a terrorist (Nowrasteh, 2016). Including those murdered in the terrorist attacks of September 11, 2001 (9/11), the chance of an American perishing in a terrorist attack on U.S. soil that was committed by a foreigner over the 41-year period studied here is 1 in 3.6 million per year. For instance, the chance of an American being murdered in a terrorist attack caused by a refugee is 1 in 3.64 billion per year while the chance of being murdered in an attack committed by an illegal immigrant is an astronomical 1 in 10.9 billion per year. By contrast, the chance of being murdered by a

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<sup>90</sup>According to the CDC, cows caused at least 108 deaths just between 2003–2007. That's about 21 deaths per year, roughly 288 times more than refugees; According to the National Safety Council, injuries sustained from falling down stairs accounted for 1,307 deaths in the year 2000. That's a 1 in 2,739 chance over one's lifetime; According to the Journal of Burn Care and Research, an average of 100 people die each year from burns caused by hot tap water; The CDC found that 279 people died from dog bites between 1979 and 1994, which comes out to an average of about 18 people per year; Roughly 100 people die every year due to bee stings, according to the CDC; An average of eight people die per DAY due to traffic accidents as a result of texting a driving. That's 2,920 people per year; There were 76 wind-related deaths in 2011, and 104 in 2012; NSC statistics show that 357 people died from accidental suffocation or strangulation in bed in the year 2000. So not only is that way, way more than the average of 0.075 deaths per year caused by refugees, but it also means you're actually four times more likely to be suffocated by your own bed than to be killed by a foreign-born terrorist of ANY kind. [https://www.buzzfeed.com/andyneuschwander/13-things-more-likely-to-kill-you-than-a-refugee-terrorist?utm\\_term=.hdJ027R3d#.ywpKaxyBA](https://www.buzzfeed.com/andyneuschwander/13-things-more-likely-to-kill-you-than-a-refugee-terrorist?utm_term=.hdJ027R3d#.ywpKaxyBA) Visited on 13, April 2017.

tourist on a B visa, the most common tourist visa, is 1 in 3.9 million per year (Nowrasteh, 2016).

Brookings Institute, a center-left think tank in Washington D.C. says that “concerns about terrorism and refugees are legitimate.” But they point out that the situations in Europe and the U.S. are very different, for at least three reasons. First, according to the Brookings Institute, European Muslims are more vulnerable to radicalization, partly because of alienation from their communities and governments (The controversy over burkini bans in France is one example of this). While there are exceptions, American Muslims tend to be better integrated into their communities and the surrounding culture. Syrian refugees coming to America face similar challenges, but the U.S. has not had to absorb nearly as many of them as Europe. At the time when Europe has received nearly 700,000 first-time asylum applicants from Syria, the U.S. has resettled fewer than 20,000 over the same period. A second challenge is Europe’s proximity to the Middle East. America has not had to deal with collective admission of Syrian refugees in the way that Europe has. Other experts have already noted that the EU is “more exposed to irregular migration flows over its external borders. Third, while questions can (and should) be raised about the strength of America’s refugee vetting process, the measures currently in place are among the most rigorous in the world (Irwin, 2017).

**Demographic concerns and terrorist acts.** Since 1985, Europe received about 11.6 million asylum applications – meaning that last year’s 1.3 million amounted to about one-tenth of all applications received during the past 30 years by current EU countries (Pew Research Center, 2016). The European Union’s population is about 500 million. According to UNHCR nearly 370,000 refugees and migrants have arrived in Europe in 2016 is 0.074% of total Population of Europe. In 2015 more than 1 million refugees and migrants arrived in Europe, many fleeing wars in Asia and the Middle East. Considering the EU’s wealth and advanced economy, it is hard to argue that Europe lacks the means to absorb these newcomers. To put this in perspective, the U.S., with a population of 320 million, has some 11 million undocumented immigrants. They make up about 3.5 % of the U.S. population. The EU, by contrast, had between 1.9 and 3.8 million undocumented immigrants in 2008 (the latest available figures), or less than one percent of its population. On 1 January 2016, the number of people living in the EU-28 who were citizens of non-member countries was 20.7 million, while the number of people living in the EU-28 who had been born outside of the EU was 35.1 million



(Eurostat, 2016). In the USA the percentage of people living in the USA who were born outside the country reached 13,7% in 2015 (more than 40 million residents) and is projected to hit a record 14,9% in 2025 according to a Pew Research Center. This is twice the proportion of non-EU foreign-born people living in EU. By comparison, the foreign-born population is 1.63% of the total population in Japan, 7.7% in Russia, 20% in Canada and 27% in Australia (OECD, 2017).

The biggest concern among the hawkers of crisis seems to be fears about culture. The U.S. has many more undocumented immigrants than the EU and has always been a nation of immigrants, America's vitality is in large part due to the energy and ideas that waves of immigrants have brought to its shores. (Kenneth, 2015). But most European countries do not think of themselves as immigrant nations. Many Europeans fear that an influx of foreigners will undermine their comfortable cultures. Research suggests this concern is a major factor in support for populist extremist parties in many EU countries. That fear is accentuated in largely Christian Europe by the Muslim religion of most of the new arrivals. Some governments – Poland, Bulgaria, Slovakia – have expressed a strong preference for only Christian refugees. This disquiet has been building for decades as Europe's population has slowly changed. Predictably, the UKIP party in Britain and politicians such as Marine Le Pen in France, Geert Wilders in the Netherlands, Matteo Salvini of Italy, Milos Zeman in the Czech Republic are now using the refugee surge to accentuate these fears. (Kenneth, 2015).

**Implications for counterterrorism.** It is clear from the past that mass migration seeking paradise, new opportunities have facilitated the distribution of jihadist terrorism. However, these observations are potentially misleading. To understand this threat will present the report of mass migration and terrorism, and it is necessary to examine the number of "refugee's terrorists" with the total number of refugees. Example of Algerians in the U.K. is illustrative. Prior to the 1990s, relatively few Algerians lived in Britain, but by 2004 the estimated number had risen to between 25,000 and 30,000, according to a study by the Information Centre about Asylum and Refugees in the U.K. By comparison, just 44 Algerians are known, with some degree of certainty, to have been involved in terrorist activity in the U.K. between 1980 and 2013. This works out to less than 0.2% of the British-Algerian population. The 2010 U.S. Census estimated the country's Somali-born population at about 85,000, yet only 36 were involved in terrorism up until 2013, working out to 0.04%. If these examples are

representative, we can expect far less than 1% of the current wave of refugees to become involved in terrorism. (Mullins, 2016). It is also apparent that the vast majority of jihad terrorists operating in Western countries did not arrive as refugees. For example, jihad terrorism indicates that 15% of jihad terrorists who became active in the U.K. prior to 2013 arrived as asylum seekers or refugees. In the U.S., it is just 5%. In these cases, "refugee terrorists" are clearly the minority. Moreover, during the same time, 48% of British and 61% of American jihadist came from abroad, as opposed to being born in these countries. These disparities clearly demonstrate that claiming some form of refugee status is not a particularly common method of entry to the West for jihadi terrorists. Indeed, the historical record suggests that terrorists who come from abroad are more likely to enter a given country using a valid visa. (Mullins, 2016). Furthermore, several future jihadi terrorists who did come to the U.K. /U.S. as refugees originally did so as children traveling with their families or were otherwise legitimate claimants at the time they completed the application, only to radicalize later on. They did not, therefore, deliberately infiltrate mass migration flows to conduct acts of terrorism. In many respects they were homegrown terrorists. The Tsarnaev brothers, who had been living in the U.S. for 10 years before they bombed the 2013 Boston Marathon, are a case in point. The average length of time spent living in the West for foreigners who became jihadi terrorists after 9/11 was 9.1 years in the U.K. and 10.7 years in the U.S. Although those who claimed asylum typically became involved in terrorism sooner than this – with respective averages of 1.8 and 5.3 years after entering the country – the fact remains that relatively few jihadi terrorists have entered the West disguised as asylum seekers with the preexisting intention of committing acts of terrorism. Instead, they are far more likely to be radicalized while living in a Western country come to the West from jihadi conflict zones (Mullins, 2016).

## **Conclusion**

In sum, recent history suggests that although mass migration and terrorism are indeed connected, refugee terrorists are the exception to the rule. (Sam Mullins, 2016). Refugee coming from conflict countries are not primarily a concern for counterterrorism, but this mean that they should not be ignored by law enforcement, and should treat them as according to the law, especially processing and sharing

information upon their arrival with other agencies and other countries.

The challenge with immigrants is a major problem for all European countries, and this crisis has shown that the EU only works in theory. When faced with this challenge, the EU has not been able to find a common solution. Measures introduced to address the problem are not as effective, every state had an individual approach and the approach is consistent with the national interests and policies, many countries see this situation as a matter of security, while some see as a humanitarian crisis. But the answer is somewhere in the middle. We should not neglect the security aspect of migration issues, but also and the humanitarian dimension. Legal regulation of migration should not be left aside. This movement of people should be done in conformity with these rules. The crisis must be solved by solving the crisis in the countries from which generated all this. We must have a long-term, comprehensive strategy, using various political, diplomatic, economic and security means, while not always bypassing the entire region as countries directly involved in the conflict and other countries around. All this requires commitment not only of state institutions as the main responsible but also and other international organizations such as UNHCR, IOM and other nongovernmental organizations. This applies as usual for states that have little experience with this issue. Terrorists in this context are a drop in the ocean. However, this does not mean that they do not have to go through the standard procedures outlined in the relevant legislation.

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**Gender dimension of human trafficking.  
Interferences from the legal culture.  
The Spanish case**

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**Abstract**

Taking into account the gender dimension of trafficking in human beings is essential to ensure adequate support for the female victims as well as effective prevention and the prosecution of traffickers. Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective recognised that this is a gender-specific phenomenon, affecting men and women in different ways. Therefore, the Directive obliged member states to take into account the gender dimension of trafficking, to develop knowledge on the gender specificities of the way men and women are recruited and exploited, the gender consequences of the various forms of trafficking and potential differences in the vulnerability of men and women to victimisation and its impact on them.

This paper aims to verify in depth the compliance of Spain in terms of application of the Directive, in particular the adoption of a gender perspective. It will do it from the viewpoint that legal actors such as judges, practitioners and legislators need to work with some supposedly consensual idea of legal culture as a regulative ideal when they argue what the European law requires. The main hypothesis is that the Spanish legal culture regarding human trafficking interferes with the EU policy on the matter, especially the fuller implementation of its gender aspects, rendering the transposition and implementation of different elements of the EU Anti-Trafficking Directive contradictory and ineffective. To support her conclusions, the author offers contextual information based on pre-legislative and academic discussions related to the

legislative actions taken by the government to transpose the EU Anti-Trafficking Directive from a gender perspective.

**Keywords:** Human trafficking, legal culture, gender perspective, migration control, prostitution

## Introduction

It has been recently published the European Implementation Assessment on the implementation of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (henceforth 'the Directive'), drawn up by the Ex-Post Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, within the European Parliament's Directorate-General for Parliamentary Research Services. It concludes that there is an uneven implementation of the Directive's requirements across the Member States, in particular related to the gender dimension, which is not taken into account in the application of the Directive by some Member States. There is a shortfall of implementation of gender-specific measures in dealing with this social problem. When analysing the Spanish case, it is said that, 'despite efforts made by Spain since the adoption of the Directive, there continues to be an ineffective application of a gender perspective both in terms of legal and policy framework and in terms of implementation of measures required by the Directive' (European Parliament 2016: 236).

The next section of this Article analyses the European standard on tackling human trafficking from a gender perspective, represented by the Directive. The third section shows with more detail the outcome of the European Implementation Assessment with regards to Spain. The fourth section offers a critical discussion of what is entailed by speaking of an 'uneven implementation' of the Directive's requirements related to the gender dimension of human trafficking when analysing the Spanish case. The Article then goes on to show there are inherent difficulties when implementing an international or European standard in national contexts, discussing the relevance of the role of legal culture in shaping the link between the way in which the problem of trafficking is defined at the European level and how it is implemented at the national

level. In the fifth section an in-depth study of the Spanish context will show that there are two competing narratives when speaking about human trafficking, one related to illegal migration and one to human rights, and that the former is the one with more tradition and acceptance within the Spanish legal culture. The Article will end with some conclusions.

### **The European standard: the gender dimension in the Directive 2011/36/EU**

The use of a gender-specific focus shows that human trafficking affects women and men in different ways as they are trafficked for a different purpose and have separate experiences. Worldwide statistics reported by the UNODC (UNODC Global Report 2016) and EU-wide statistics reported by the Eurostat (Eurostat 2015) indicate that the vast majority of victims of trafficking identified in the EU Member States are still women and girls subjected to trafficking for the purposes of sexual exploitation. Certainly there are also men trafficked for the purposes of labour exploitation, and a small number of boys trafficked for sexual exploitation. Over the last 10 years the percentage of men and boys among detected trafficking victims has grown up, an increase that goes almost parallel with the significant increases in the share of victims who are trafficked for forced labour (UNODC Global Report 2016: 6). However, the number of female victims dominate in all forms of human trafficking starting from its most common form, sex trafficking, through to labour trafficking and the less frequently occurring types of trafficking crimes, such as exploitation for conducting criminal activities and begging, and more recently exploitative sham marriages.

The Directive recognises 'the gender-specific phenomenon of trafficking and that women and men are often trafficked for different purposes' (Recital 3). From the perspective of the protection of victims, the Directive insists on the idea that this gender-specific perspective is part of 'an integrated, holistic, and human rights approach to the fight against trafficking in human beings' (Recital 7). Therefore, the Directive obliges EU Member States to take into account the gender dimension of trafficking when developing both preventive and repressive policies, as well as policies focusing on the protection of victims. From a preventive viewpoint, the Directive encourages Member States to develop knowledge on the gender specificities of the way



men and women are recruited and exploited, the gender-specific consequences of the various forms of trafficking, and potential differences in the vulnerability of men and women to victimisation and its impact on them, as well as to develop gender-specific assistance and support measures where appropriate. In all initiatives concerning measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education, Member States should adopt a gender perspective (Recital 25). From a repressive viewpoint, the Directive also indicates that the level of penalties should take into account aggravating circumstances, for example, when the offence is committed against a particularly vulnerable victim. Factors that could be considered when assessing the vulnerability of a victim are, for example, gender and pregnancy. Moreover, the Directive prescribes a more severe penalty when the offence is particularly grave, 'for example when the life of the victim has been endangered or the offence has involved serious violence such as torture, forced drug/medication usage, rape or other serious forms of psychological, physical or sexual violence, or has otherwise caused particularly serious harm to the victim' (Recital 12). The seriousness of the offence could be taken into account within the framework of the execution of the sentence.

What has Spain done to implement the gender-specific perspective in national legislation and practice?

### **The outcome of the European Implementation Assessment with regards to Spain**

According to the European Implementation Assessment, Spain is unable to tackle all forms of exploitation and to identify and protect all victims. Two factors have been identified as relevant: first, the primary identification of trafficked women as illegal migrants, and only secondarily as victims, with the State failing to adopt a human rights approach instead of a securitizing one, a fact partly due to the ineffective application of a gender perspective; and second, the exclusive focus on trafficking for the purpose of sexual exploitation, which makes invisible victims of other forms of exploitation.

In Spain, the double identification of trafficked women as illegal migrants and victims steadily colonised the territory of human trafficking and captured the attention of government agencies already in a consensus about a crime-control discourse in which the identity of trafficked women remains hidden behind their primary identity as illegal migrants. In such a context, the fight against trafficking is re-structured not in terms of focusing on victim's rights, but in terms of avoiding a diffuse threat to the State (Aradau 2004: 253). Due to the emphasis on the criminal prosecution, trafficked victims who are unwilling to collaborate in criminal proceedings are often denied access to protection, even though this measure has been implemented in legislation (Article 59 bis of the Spanish Immigration Act<sup>91</sup>). This means that the number of victims identified is much lower than the number of individuals detected in an at-risk situation,<sup>92</sup> because if they do not show interest in collaborating with the authorities they are not even identified as victims. Since they are generally reluctant to testify and co-operate with the prosecution efforts and refuse the recovery and reflection period, they do not receive any protection measure.

Second, Spanish penal legislation formally complies with the European legal framework and punishes trafficking for labour exploitation and harvesting of bodily organs, but in practice these forms of exploitation remain hidden. Governmental action is almost exclusively focused on trafficking for purposes of sexual exploitation, considered as a form of gender violence.<sup>93</sup> As a result, law enforcement authorities are

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<sup>91</sup> By Organic Law 2/2009 of 11 December, amending the Organic Law 4/2000 (*Ley Orgánica 2/2009, de 11 de diciembre, de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*), after Spain was condemned by the Court of Justice of the European Union for non-complete alignment of national law when transposing Directive 2004/81/EC (Judgement of the Court, Sixth Chamber, of May 14, 2009 – Spain (case C-266/08)).

<sup>92</sup> According to data released by CITCO 2015, 2014 and 2013, in 2015 13,879 people at risk were detected, of which only 133, a percentage of 0.95, were identified as victims of human trafficking for sexual exploitation, while in 2014 13,983 people at risk were detected and 153 were identified as victims in 2014, 1.09 per cent. In 2013 the figures were 13,159 people at risk and 264 victims, the 2 per cent. There is a preoccupying downward trend.

<sup>93</sup> Very clear in this regard, see the Comprehensive Plan to Combat Trafficking of Women and Girls for Sexual Exploitation 2015-2018 - *Plan integral de Lucha contra la Trata de Mujeres y*

not able to identify victims of human trafficking for the purpose of labour exploitation as such. For example, the result of the 11 *ex officio* investigations of cases of suspected labour exploitation by the Spanish Ombudsperson (*Defensor del Pueblo*) was that of a total of 99 presumed victims not even one of them was actually deemed by law enforcement authorities to be a victim of human trafficking (Defensor del Pueblo 2012: 69 ff.).

Given these results, the report's authors conclude that Spain's transposition of the Directive has not created an appropriate human rights framework to address trafficking and adequately protect and promote the rights of trafficking victims. This lack of a human rights framework is the basis for the Government's inability to create the necessary infrastructure to apply a gender perspective. The framework is clearly lacking in terms of, inter alia, strategies to address trafficking for means other than sexual exploitation, appropriate protocols to identify girls that are trafficked to Spain and appropriate mechanisms to collect data. The failure to properly implement the Directive means that there is a lack of a gender perspective and inadequate structure in which identification is taking place. The direct result of this failure is the ongoing presence of obstacles for the recognition of trafficking victims and their access to rights. (European Parliament 2016: 236)

Despite recognising standardising efforts made by Spain since the adoption of the Directive, this independent evaluation indicates that level of transposition of the Directive and the existing legal mechanisms aimed at tackling human trafficking are not giving the expected results. Difficulties associated with the lack of a gender perspective and the dominance of a crime control approach have limited the usefulness of the adopted measures. The total numbers of identified and protected victims remain at very modest levels.

Should we conclude that the implementation of the European standard represented by the Directive has failed in Spain? By no means. Some difficulties are inherent to the process of implementing international and European standards at national level. In the next section we will analyse the inherent difficulties of implementing European standards.

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*Niñas con Fines de Explotación Sexual* 2015-2018 -, pp. 14-19, elaborated by the Ministry of Health, Social Services and Equality.

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## Concerning the inherent difficulties of implementing European standards

The European standard concerning human trafficking is established in the Directive. As we have seen, the Directive recognizes that human trafficking has a clear gender dimension that should be taken into account when implementing measures related to victim identification, protection, assistance, prevention, and repression of the crime. However, the implementation is by no means easy, as shown by the European Implementation Assessment of the Directive: 'even in the MS which have in principle implemented the Directive's requirements, its effective implementation on the ground appears uneven. This is particularly true when one takes into account its gender dimension, despite the fact that this is an important element of the Directive as stipulated in its Article 1' (European Parliament 2016: 12). An effective implementation becomes even more difficult in countries in which, on the one hand, the gender perspective has produced a concentration of efforts in human trafficking for sexual exploitation, ignoring other forms of exploitation and, on the other hand, human trafficking has been tackled with a crime control approach, in the context of the fight against illegal migration. This is the case of Spain.

But before analysing the reasons for this, it is important to warn of the need to avoid the common tendency of reducing the problems surrounding the implementation of European standards to the scope of the practical difficulties of implementing them. So, to start with, we need to define exactly what is understood as the success or failure of a European standard. For example, although there is no doubt that many countries still have a low level of compliance with the Directive, it is generally recognised that its transposition has led to greater efforts being made, which in turn, increases the level of awareness of the political elite regarding the need to do something about this, and, therefore, this also increases the efforts made concerning this issue.

Secondly, European standards normally tend to mask the differences between those promoting the action. Discrepancies about the 'real meaning' of these agreements are common and constant. It could be said that each country has its own way of implementing them, as the concept of legal culture would suggest.<sup>94</sup> If indeed

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<sup>94</sup> The broad definition of legal culture used here is one way of describing relatively stable tendencies of lawful social attitudes and behaviours. The identifying elements of legal culture range from facts concerning institutions, like the number and role of lawyers or the ways in

national differences do exist, what should be done about this? Does something really need to be done? From a certain point of view these differences present an obstacle that has to be overcome through harmonisation and cooperation. For example, one of the objectives of the Directive was to 'strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, awareness-raising, and education' (Recital 25). One could think that this objective is in danger because of the uneven implementation of the Directive. From another point of view, however, it could be argued that implementation should, in fact, be different if the contexts and challenges themselves are. It may be that maintaining political, legal and cultural diversity is an intrinsic value, even if it does lead to different results when implementing European standards.

With regards human trafficking, although communication between the national monitoring systems with authority over this matter is improving, there is still very little cooperation or cross-fertilisation of ideas across the national borders. So, the Council of Europe, the European Union, the United Nations, and other worldwide institutions continue to offer general advice intended to be universally valid about how to effectively respond to the problem of human trafficking. Perhaps, however, we should first understand the specific features of each legal culture before we can overcome them, especially when these differences also affect the way in which European standards, which are intended to be intercultural but are not in reality, are interpreted and followed. The point is that countries make use of European standards in line with their national way of understanding them, locally, often with aims that are essentially local rather than cooperative. We should understand better this kind of approach in order to improve national efforts in the fight against human trafficking. The European Implementation Assessment also recognises that the detected shortcomings are often

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which judges are allocated and controlled, to different forms of conduct like the indices of judicialisation and prisonisation, and, at the other end of the scale, more nebulous aspects of ideas, values, aspirations and mentalities. Like general culture, legal culture encompasses who we are, not just what we do (Nelken 2004: 1-26). Further discussion about this term can be found in Nelken (1997) and Nelken and Feest (2001). Specifically on why this term is preferable to others like legal system, juridical tradition, legal mentality or juridical ideology, Nelken (2006: 200, 208-211).

dependent on specific national contexts. In the next section a brief description of the Spanish legal context will help us to identify the causes of the main problems detected by the European Implementation Assessment.

### **The Spanish legal context**

In this section two intertwined aspects will be explored, both identified by the European Implementation Assessment as the most relevant factors when explaining the Spanish lack of compliance. First, the link between human trafficking and prostitution, which resulted in a subsequent connection between human trafficking and gender violence that ended in the invisibility of other forms of trafficking that are not for purposes of sexual exploitation. This viewpoint can be framed within the myth of white slavery (Maqueda Abreu 2009a, 2009b; Puente Aba and Iglesias Skulj 2015: 72), which stills permeates world politics on the topic today (Doezema 2000, 2010). Second, the link between human trafficking and illegal migration, which ended in the securitization of the entire legal framework and the relegation of a human rights approach to a secondary place behind the crime control paradigm that dominates the fight against human trafficking in Spain.

### **On the link between human trafficking and prostitution**

Up to the late 1980s, most members of the Spanish feminist movement conceptualised prostitution as an extreme form of women's exploitation, a position that usually coincided with the abolitionist legal approach (Valiente 2004: 210). Since then, some Spanish feminists began to state that there are two types of prostitutes, those who work voluntarily and those who are forced into prostitution by others, and that the state should actively fight forced prostitution but not free sex work (Garaizábal 1991; Pineda 1995: 108-109).

Despite the lively discussion inside the feminist movement, the parliamentary debate that led to the 1995 Spanish Penal Code hardly contained any reference to prostitution (Valiente 2004: 209-210), even though the new code contained important reforms regarding its regulation. It no longer defined promoting the prostitution of

others or benefiting from it as a crime, except in the case of prostitution of minors and legally incapacitated people, but punished people who forced others to be prostitutes. In spite of implicitly distinguishing between voluntary and forced prostitution (Carracedo Bullido 2001: 155-157), the new code coincided with the goals of those in favour of regulation only to a certain extent (Garaizábal 1991: 10).

At the time of the enactment of the 1995 Penal Code no reference at all was made to human trafficking.<sup>95</sup> The first legal intervention on human trafficking for sexual exploitation dates back to 1999, when the 1995 Spanish Penal Code was revised by Organic Law 11/1999 of 30 April to include it as a new crime (Article 188), while at the same time modifying some aspects of the regulation of crimes related to prostitution. A year later, in 2000, the new Immigration Act (Organic Law 4/2000 of January 11, 2000 on the rights and freedoms of foreigners in Spain and their social integration - *Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*) offered permanent residence and work permits to illegal immigrants trafficked into Spain and forced into prostitution if they denounced their traffickers or co-operated with public authorities in the prosecution of these traffickers (Article 55).

These two amendments were clearly based on an abolitionist approach. In fact, Spanish policies related to human trafficking were from the beginning based on the same abolitionist stance that considers prostitution as a form of sexual exploitation.<sup>96</sup>

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<sup>95</sup> The previous 1944 Penal Code regulated two different offences regarding human trafficking: trafficking in workers and cooperation in illegal immigration (Article 499 bis 3) and trafficking for the purpose of prostitution (Article 442 bis a). It also included an offence of cooperation in prostitution activities and the recruitment of women for prostitution, inside or outside the Spanish territory (Article 452 bis a). The facilitation, promotion or recruitment of women under 18 years were considered criminal activities in any case (Article 452 bis b).

<sup>96</sup> This can be clearly observed both in public discourses of Spanish policy makers, such as the Minister of Labour and Social Affairs (see *El País*, February 20, 2002: 24), and official documents such as the parliamentary report on the current situation of prostitution in Spain (*Informe de la ponencia para elaborar un dictamen informativo sobre la situación actual de la prostitución en nuestro país*, published in the *Boletín Oficial de las Cortes Generales*, sección Cortes Generales, VIII Legislatura, Serie A, April 13, 2007, 19 ff.), or the Third Gender Equality Plan 1997-2000 (*III Plan para la Igualdad de Oportunidades entre Mujeres y Hombres 1997-2000*, elaborated by the Spanish Women's Institute, Instituto de la Mujer 1997: 73-74, 78). It is also confirmed by experts

The connection between human trafficking and prostitution was quite clear in the Comprehensive Plan to Combat Human Trafficking for Sexual Exploitation 2009-2012 (*Plan integral de Lucha contra la Trata con Fines de Explotación Sexual 2009-2012*), and it has been reinforced in the Comprehensive Plan to Combat Trafficking of Women and Girls for Sexual Exploitation (*Plan integral de Lucha contra la Trata de Mujeres y Niñas con Fines de Explotación Sexual 2015-2018*), both elaborated by the Spanish Ministry of Health, Social Services and Equality.

The strong connection between human trafficking and prostitution is quite surprising, especially because, as indicated before, Spanish penal legislation related to prostitution cannot be defined as abolitionist, but as imperfect regulationism. The explanation is to be seen in the influence exerted by the Women's Institute (*Instituto de la Mujer*). Its Third Gender Equality Plan 1997-2000 (*III Plan para la igualdad de oportunidades entre Mujeres y Hombres 1997-2000*) inspired the penal reforms related to the topic. This document used an abolitionist perspective (Valiente 2004: 221). Since then, the link between human trafficking for sexual exploitation and prostitution has been continuously reinforced by governmental actions.

The aforementioned connection has at least two important consequences. Firstly, it brands the implementation of systems for the prevention and early detection of situations of trafficking. For example, inspections in places at potential risk of human trafficking are centred in premises where prostitution is carried out. Less attention is dedicated to places where labour exploitation is a well-known reality, such as the sectors of agriculture, in particular seasonal work, textile industry, domestic service, construction and hotel/catering trade. It should be noted that there is still no plan to combat human trafficking with other purposes than sexual exploitation. This is a proof of a lack of strategic and policy instruments to combat these forms of trafficking in Spain, confirmed by the fact that there is no single institutional structure in charge of developing and co-ordinating anti-trafficking action for all types of exploitation and all victims of trafficking, including men and boys (GRETA 2013: 22-23).

Secondly, the issue of trafficking in women has been linked in the Spanish context to the wider phenomenon of gender violence (see for instance Jurado Román 2010, Gutiérrez García 2015). The task of proposing awareness-raising measures against

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(Puente Aba and Iglesias Skulj 2015: 74). Nevertheless, there were no references to gender issues in the parliamentary debate that led to the 1999 amendment (Valiente 2004: 216).



trafficking has been confided to the Government Office for Gender Violence since 2011, when royal decree 263/2011 of 28 February attributed to this Office the competence in the fight against all forms of gender violence, considering trafficking as a form of special vulnerability to gender violence. The preparation of protocols for detecting and reporting situations of trafficking in health, social and educational areas has been carried out through a new Common Protocol for healthcare actions against gender violence, approved on December 20, 2012. Nevertheless, this link between human trafficking with the purpose of sexual exploitation and gender violence does not mean that protection measures offered to the victims of gender violence are also offered in cases of human trafficking, because they are not.

### **On the link between human trafficking and illegal migration**

Trafficking of human beings is located in Spain in the migration, crime, and security nexus, following international trends on this regard (Aronowitz, 2011; Spencer, 2014, pp. 299 ff.).

In 2000 an amendment of the 1995 Penal Code (by the new Immigration Act) integrated in the same article two offences, smuggling of migrants and clandestine immigration and illegal trafficking in human beings for the purpose of sexual exploitation, with the latter applied only when the illegal migrant was victim of trafficking for sexual exploitation, in which case an aggravated punishment was provided (Article 318 bis). In 2003 the offence was reformulated (by Organic Law 11/2003), but maintained the same approach by which the victim of human trafficking could only be a foreign citizen, as clearly stated by the Spanish Supreme Court in its judgement 625/2007 of July 2. In 2007 (by Organic Law 13/2007 of 19 November, *Ley Orgánica 13/2007, de 19 de noviembre, para la persecución extraterritorial del tráfico ilegal o la inmigración clandestina de personas*) this offence entered the limited catalogue of crimes that at that time were subject to universal prosecution by Spanish courts (see León 2010: 400-401 on the reasons that justified this change).

The lack of distinction between smuggling and trafficking was severely criticised (Pozuelo Pérez 2005; Villacampa Estiarte 2006, 2011; Daunis Rodríguez 2010, 2013, 2014; Iglesias Skulj 2011, 2012). It resulted in a purely security-based approach (León 2010: 368), 'triggering multiple initiatives intended to protect the sovereign

spaces of the EU as much as the sovereign bodies of women' (Puente Aba and Iglesias Skulj 2015: 76, citing Aradau 2004: 253). Even when implementing a human rights approach this was done in the context of migration policies and the fight against the smuggling of migrants. For example, one of the objectives of the First Human Rights Plan for 2009-2011 (*Plan de Derechos Humanos*) was to combat human trafficking, including through closer international co-operation, but it addressed human trafficking exclusively in the context of illegal migration (GRETA 2013: 14).

The connection between human trafficking and illegal migration is also quite surprising, not so much from a conceptual viewpoint – as Outshoorn (2005: 143) observed, 'The dynamics of trafficking are best explained by migration theory' -, but from a practical one. The available statistical data show that most of the trafficked victims come from the EU (65 per cent of the registered victims in the period 2010-2012, according to Eurostat 2015: 41). The percentage is significantly lower in Spain (45 per cent of victims from the EU in 2011, according to Defensor del Pueblo 2012: 102-203), a fact that can be explained by the early conceptualization of trafficking as an aggravated form of smuggling of illegal migrants, in this way preventing the identification of EU victims of trafficking as such. We should also remember that during this period certain provisions of the Penal Code concerning labour rights violations were used to prosecute cases of human trafficking with purposes of labour exploitation, before this form of trafficking was introduced in 2010. For example, Article 312.2 - which punishes the recruitment of workers by offering them false jobs or misleading working conditions and the employment of foreigners without work permits in conditions that prejudice, reduce or remove their rights as established by law, collective agreement or employment contract - and Article 313 - which criminalises the enabling of migration of a person to another country through fake contracts, job offers or other forms of deceit. Victims of these offences were not recognised as victims of human trafficking.

In 2010 a new amendment of the 1995 Penal Code (by Organic Law 5/2010 of 22 June amending the Penal Code - *Ley Orgánica 5/2010, de 22 de junio, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal*) made once again independent the offence of trafficking in human beings with the purpose of sexual exploitation, forced work and the extraction of bodily organs (since then regulated in Article 177 bis) from that of smuggling, while still maintaining in force Article 318 bis, in spite of its obsolescence in the new legal framework. But the confusion between the

smuggling of migrants and trafficking in human beings is still evident in some governmental tools. For example, the National Action Plan Against Human Trafficking for Sexual Exploitation 2008-2012 (*Plan integral de lucha contra la trata de seres humanos con fines de explotación sexual*), approved in December 12, 2008, in spite of emphasizing the importance of distinguishing trafficking in human beings from the smuggling of migrants, stated that 'both trafficking and smuggling occur through causes established by irregular migration networks'. Following this trend, the National Strategy against Organised Crime for 2011-2014 (*Estrategia Española contra el Crimen Organizado 2011-2014*) included human trafficking as one of the crimes to be combated as a priority,<sup>97</sup> but linked it with the fight against illegal migration (GRETA 2013: 15).

## Conclusion

The inadequacy of the Spanish legal framework with regards to the obligations to identify, assist and protect victims of trafficking is directly connected with a governmental focus of Spain's anti-trafficking action on sexual exploitation of women and girls, on the one hand, and the combat against illegal migration on the other hand, rather than assisting and protecting all victims of trafficking for all forms of exploitation. In order to ensure the implementation of European standards we should take into account why the Spanish legal culture is still influenced by these two factors, so that we can decide the priority that must be given to proposals elaborated to improve efforts made by Spain in the fight against human trafficking. The Spanish policy response to human trafficking shows an over-concentration on sexual exploitation and migration control, locating law enforcement at the centre of the strategic response.

Perhaps it is time to defy the established criminal policy narratives which structure the legal interventions and the implementation of policies regarding human

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<sup>97</sup> Human trafficking is usually perceived as an issue related to organised crime. This is also the case in the European Union, where the Directive says that human trafficking is a serious crime 'often committed within the framework of organised crime'. The same focus is assumed in Spain. Conversely, human trafficking would be better understood 'as a crime often perpetrated by people known to or, in many cases, related to the victims...' (IPPR 2013: 4). Critically on this regard, Spencer (2014).

trafficking in both the European and national context, and pay attention to other narratives that have been trying to be heard. These oppositional narratives offer a different analysis to that of the dominant discourses. Although until now they have featured little in policymaking discussions, an increasing body of evidence suggests that 'policy is structured around a set of questions that have probably more to do with anxieties concerning migration and prostitution than they have with an anxiety over trafficking, for as Spanger (2011) has noted the dominant discourses are most often concerned with constructions of morality' (Spencer, 2014, p. 306).

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## **Politicisation of enlargement: The future of the Balkans in Europe**

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### **Abstract**

When will we join the EU? and 'Why is it taking so long?' These are recurring questions in euroenthusiastic circles in the Balkans, while, 'Can we afford it?' and 'Will I lose my job to an immigrant?' are recurring questions in eurosceptic and anti-globalist circles in the old EU member states. The question of enlargement has become politicised, something you can be for or against. In 1999 Alston and Weiler described European enlargement as a moral imperative (Alston and Weiler 1999: 672) and the Treaty of the European Union still prescribes that membership is open to any European country that is committed to promoting the European values of human rights, minority protection, market economy and rule of law (TEU art 49 and 2). The term 'enlargement fatigue', however, emerged after the 2004 enlargement, and thus raised the question 'should we continue enlargement' rather than 'how can we facilitate enlargement'. While the TEU has not changed in this respect, discourse in the member states and towards the candidate states have changed. Similar to the concept of European integration (Føllesdal 2004: 4), European enlargement has become politicized.

This article will consist of a historic account of the EU enlargement policy from the first enlargement to the latest. Reviewing the reasoning for changing the enlargement policies from the post-accession harmonization process of the 1970s and 1980s to the pre-accession process in the 2000s, and European conditionality policies in the Balkans, asking how and why they changed and what it means for a Balkan future in Europe. Throughout the analysis I will utilize Schulz-Forbergs theory on how the power of conceptualisations, such as the concept of enlargement, change over time, as



well as theories on European normative power and legitimacy indicators as described by Andreas Føllesdal, Alston and Weiler, and others.

**Keywords:** Enlargement fatigue, politicisation, EU accession, legitimacy, normative power

## Introduction

*"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."*  
(Treaty of the European Union (TEU) art. 2)

*Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.[...]*  
(TEU art. 49)

The legal foundation for European Union(EU) enlargement lies in article 49 of the Treaty of the European Union(TEU), and it relies on two concepts, the geographic or historic notion of a 'European state' – which has not been clearly defined – and political adherence to the common European values as prescribed in article 2. The provision for enlargement has changed somewhat from the article 98 of the treaty establishing the Coal and Steel Community in 1952, which welcomed any European state that could achieve unanimous agreement on enlargement with the existing member states. The political reasoning behind the provision in 1952 emerged from the debate between the federalists and functionalists, famously summarised by French president Schuman in his 1950 declaration *"Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity."* (Schuman declaration may 9<sup>th</sup> 1950). Gradually increased European integration in depth and in breadth, and thereby gradual enlargement, was thus very much part of the post Second World War order and the plan for development of European cooperation.

Whether the initial motivation for European cooperation is categorised as a new human rights and rule of law paradigm in the super-narrative of avoiding another war like the Second World War (Schulz-Forberg 2011), or as a security objective for Western Europe during the cold war (Kelstrup, Martinsen & Wind 2012), or both, the situation changed in the 1990s. Communism fell, a large number of newly democratised states emerged on the European scene, and of course, a devastating war took place in the former Yugoslavia, with crimes against humanity in category with those committed during the Second World War. These developments simultaneously challenged the union's legitimacy based in the war-prevention discourse, and provided the union with dozens of new potential member states and thereby increased geopolitical power. As a response, during the following two decades, the union has changed its enlargement procedures and continually debates its integration policies. For reasons of scope, this article will deal only with the enlargement process.

This article will consist of two background chapters, where the first part 'A Brief History of Enlargement' accounts for the changes in EU enlargement procedures from the first enlargement in 1973 to the latest in 2013 and the potential futures for candidate- and potential candidate countries. This is an internal perspective on EU enlargement and how it is influenced by intra-EU developments, economic and political. The second, 'Bulwark or Bridge State', reviews the influence of candidate states' national narratives on accession speed and process to the EU. This second chapter starts the theoretical part of the article, utilising Benedict Anderson's theory on national narratives and Joseph Nye's concept of soft power. This is an external perspective on enlargement, analysing how an imagined community's national narratives affects both the internal cohesion and its foreign policy space.

Two analytical chapters will follow this, the first accounting in brief for the theoretical synthesis, of Bourdieuan doxa and liberal international institutionalism and soft power, explaining the EU stance towards new member states. The second accounts for the theory on politicisation through theories on legitimacy and normative power, and insights from conceptual history.

Finally, this leads into the conclusion, which will reiterate the theoretical results and attempt to make some predictions about the specific challenges and timelines for the candidate- and potential candidate states in the Balkans to accede to the EU.

## A brief history of enlargement<sup>98</sup>

After the creation of the Coal and Steel union in 1952, the UK attempted twice to join the union, but in both cases demanding special agreements for import of commonwealth goods, and was in both cases rejected. The first successful enlargement was in 1973, when Ireland, UK, and Denmark joined the European Economic Community (EEC). At this time, harmonisation to the *acquis* took place in a five-year adjustment period following accession rather than before accession (Leonard 2005). In the following years, European cooperation changed with the Schengen Agreement in 1985, the Single European Act in 1986, and the Maastricht and Edinburgh treaties in 1992-1993 that established the pillar structure and gathered a lot of European cooperation into one organisation, the EU. The Amsterdam and Nice treaties addressed issues of democratic deficit within the EU by increasing the power of the European Parliament, making the union more supra-national and less intergovernmental in the process. The Amsterdam and Nice treaties from late 1990s and early 2000s also prepared the EU for an influx of new members (Schütze 2012). The second and third enlargements, including Greece, Spain, and Portugal, were similar to the first enlargement but with a longer transition period for the former dictatorships and more restrictions on workers' freedom of movement from Spain and Portugal (Leonard 2005).

The fall of the iron curtain in 1989-1990 resulted in an emergence of several new potential candidate states. In this period, Turkey also approached the EU in order to join a full customs union after having had its application for membership shelved in 1987. These prospects of many new potential member states including one very large, raised the issue of the EU's absorption capacity. The concept of EU absorption capacity was based in a worry that integrating new member states could damage not only their economies because they were not ready for full market competition, but also the economies of existing member states and the momentum of integration, political goals, and public opinion in the EU (Accession Process EUR-Lex - I14536). This led the harmonisation process to move. Instead of a transition period *after* accession, harmonisation now had to be concluded *before* accession.

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<sup>98</sup> Elements of this chapter is based on chapter one in my master's thesis. Not previously published.

The 1990s also prompted internal challenges to the EU. First, the Maastricht treaty, which was to be ratified in 1992, was rejected in Denmark, which had per tradition put the matter to a referendum. Some analysts (Kelstrup, Martinsen & Wind 2012) mark this event as the beginning of an EU legitimacy crisis. Andreas Føllesdal has noted that the referendum results and court cases in Denmark and Germany concerning the constitutionality of sovereignty transfer challenged the permissive consensus legitimacy that the EU had relied on until then. The implicit consensus of the populations could no longer be assumed and thus the integration process – at least in depth – was politicised (Føllesdal 2004). This politicisation was also underway in the enlargement process – integration in breadth – but was addressed by the EU institutions with the changes to the accession process.

### **New accession process and enlargement fatigue**

The 1993 summit in Copenhagen, where the European Council formulated the Copenhagen Criteria<sup>99</sup> for new member states, was the beginning of a new accession process. New candidate states now had to fulfil the Copenhagen criteria and harmonise with the *acquis* before accession and got assistance from the EU institutions to do so (European Council Press Release Copenhagen 1993 and Annex II). In order to ease negotiations on the harmonisation of national legislation with EU law, the *acquis* was divided into 31 chapters for the fifth enlargement in 2004.

In 2004, the UK among a few other EU member states opened its borders immediately to workers from the new EU member states as part of the already existing British managed migration agenda. The influx of workers was greater than expected and the government failed to prevent the popular discourse of the job-stealing Polish plumber, despite the migrants actually benefitting the UK economy and job market (Springford 2014). By 2007, the UK along with other EU members had introduced restrictions to workers from the newest EU member states Bulgaria and Romania

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<sup>99</sup> Stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; 2) A functioning market economy and the capacity to cope with competition and market forces in the EU; 3) The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union (Conditions for membership, europa.eu).

(Szołucha 2010: 4). These restrictions now apply to Croatian workers as well. The restrictions on the movement of workers from new member states is not directly tied to increased conditionality for candidate states, but it is an indicator of a growing reluctance in existing member states to have more candidate states accede; a tendency also known as enlargement fatigue.

The term 'enlargement fatigue' is assumed by some scholars to be the result of a combination of insufficiently tight conditionality applied in 2004 and 2007, and the crisis of confidence following the 2005 failure of the constitutional treaty, the result of which included a lack of institutional capacity to admit new member states (Szołucha 2010). It is worth noting, though, that the Lisbon treaty in 2009 solved the institutional capacity problem, and addressed the constitutional crisis, but in member state discourse, enlargement fatigue remains in force. Likewise, the financial crisis, which hit the South and Southeast European countries particularly hard, has contributed to the discourse of absorption capacity and enlargement fatigue, but the European institutions' solutions were neither lesser integration or a slowdown of the enlargement programme. Therefore, enlargement fatigue is an internal EU issue in public discourse and domestic political programmes. It influences enlargement processes in subtle ways when central political figures gain popular support by stating that there is a pause in the enlargement strategies. However, these are often cheap comments, such as in 2014 when Juncker promised no more enlargements within the next five years (Juncker 2014). The real issue with enlargement fatigue is not that it delays enlargement, since there is no real indicator that this is happening. Current member states' demand for restrictions on new member states, however, is. Restrictions to workers' movement in Bulgaria, Romania and Croatia, halted the economic benefits of membership for both citizens in these countries and potential receiving countries with high demand for workers.

For the latest enlargement, and this will apply to future enlargements in the post-Yugoslav states as well, conditionality has been strengthened. The number of acquis chapters are adjusted to fit each candidate state, generally in a manner that increases the number of chapters. Moreover, for the Balkan states, the Stabilisation and Association Process and Agreements (SAP and SAA) facilitate a longer road to membership with more financial and institutional support along the way. The Stabilisation and Association Process (SAP) is a conditionality programme specifically for the Western Balkans. The EU provides financial and institutional assistance for economic and democratic reforms in return for cooperation with the ICTY, regional

cooperation, and harmonisation with the *acquis* (European Commission: Understanding Enlargement 2007), and the objectives in the Stabilisation and Association Agreements (SAA) must be fulfilled before the country can apply for membership.

In short, the road to EU membership is longer for the Balkan states than it ever was for the states that joined in earlier enlargements, especially in first through third. This could be construed as unfair for candidate and potential candidate states, and within the discourses of enlargement fatigue or absorption capacity, it absolutely is, since the Balkan states simply have the bad luck of being late to the party.

There are, however, weighty arguments for why the EU has chosen to lengthen the road. Internal arguments include that the EU is a larger and more complex organisation than when it started, and it cannot afford any more reluctant member states such as Denmark or the UK which have opt-out and opt-in agreements and large continents of eurosceptics, currently concluding in the Brexit. The many different kinds of sovereignty transfer, through varied kinds of constitutions in the older member states also create legal problems with the primacy of European law, as shown in for example the Danish supreme court case (Maastricht case 1998) which reiterated a dualistic understanding of European law in relation to Danish law. The member states from the 2007 enlargement also proved vulnerable to the financial crisis and have not benefitted as much from EU membership as predicted, and while both Bulgaria and Romania have come far in combatting corruption and protecting democratic institutions, frequent untimely elections and corruption scandals have negatively affected the central and northern European discourses surrounding these countries. Thus, having learned from poor experiences from both old and new member states, the EU has strengthened conditionality within the rule of law, including prior to membership acceptance of EU law primacy, and provisions on sovereignty transfer that are specific and democratic.

Moreover, the post-Yugoslav states are in a specific position because of the succession from Yugoslavia, both legally, where there are still cases of unsolved jurisdiction, such as the Ljubljanska Banka dispute or maritime demarcation, and within transitional justice. Given the European narrative of the EU as guarantor of peace and the Balkan conflict history, transitional justice had to be part of the accession process, as did regional cooperation. In addition, the EU is incorporating the idea of collective rights to combat structural inequalities and discrimination (COM 2005) especially to facilitate integration of Romas in European societies (COM 2011/173). Because of the

constitutional tradition in Yugoslavia and the both positive and negative experiences with collective minority rights and coexistence of several cultural, linguistic and ethnic groups, the post-Yugoslav countries represent potentially very strong allies in the achievement of the goal of non-discrimination, but only if accession and integration is a success. In the meantime the SAAs go some way to allow the states to integrate gradually, gaining the benefits of membership as they harmonise.

### **Bulwark or Bridge state?**

Narratives matter. In Benedict Anderson's analysis of states as imagined communities, the national narratives are key in establishing the state as an entity for which individuals will work, fight and die (Anderson 1983). However, a nation's narrative not only affects its internal cohesion, but also its external soft power. As Joseph Nye has noted in relation to American foreign policy, the policies, words and images that are successful in communication with a domestic audience can have negative effects on foreign soft power (Nye 2004). In American policy, the case of the 'war on terrorism' is an example of this: It mobilised both American institutions and voters, but foreign powers found it hard to work with the notion of a war of infinite duration, and the incarceration of foreign prisoners without trial damaged the American position as a human rights and freedoms frontrunner. Within European policies, national narratives and soft power are of even greater importance as the power of the EU relies for the most part on a combination of economic and normative power, and European enlargement is a tool for facilitating the strengthening of these two kinds of power. For potential candidate states, this means that a national narrative that furthers European normative power, by being in line with promoted European values (TEU art 2), will improve the state's position in the accession process, compared to a state with a national narrative that is in conflict with the promoted values.

Nicole Lindstrom has illustrated the power of the national narrative in foreign policy towards the EU in a comparative study of the Croatian and Slovenian narratives and path to Europe. Both Slovenia and Croatia tried to sell themselves to Europe as 'not really Balkan', but rather bridge states between the Balkans and Europe. This makes sense given the negative Balkan discourses in western Europe, coined

'Balkanism' by Maria Todorova in the 1990s (Todorova 1994). Slovenian discourse as a bridge state was built on liberal principles, making the Slovenian war of independence out to be one between the Balkan tide of nationalism and the Slovenian struggle for democracy and human rights. At the same time, Croatia tried to establish itself as a bridge state in cultural terms, a civilised Catholic country that acted as a bulwark against the unruly Moslems and Orthodox Christians. The Slovenian narrative was easier for the EU to swallow than the Croatian narrative because the EU, already containing many different cultures and several religious directions, had no interest in adopting a Huntingtonian 'Clash of Civilisations' understanding of its enlargement programme (Lindstrom 2008).

In short, it is central to acknowledge that European enlargement, although assumed as a 'moral imperative' by central scholars, has a power-political component as well. The union does not expand mainly to benefit the new member states, and despite the inherent discourse in the conditionality programme, membership is not a prize for states doing well economically and in incorporating rule of law principles. The EU expands for its own benefit, to ensure its security and strengthen its hard, economic, and soft power. The inclusion of new states expands the economy, and increases relative hard power capabilities, successful transition, growth and reconciliation in SAP candidate states under the influence of European conditionality policies, increases normative power legitimacy and institutional soft power.

In the following chapter, the theoretical background for these conclusions will be explained in further detail along with a presentation of the process of politicisation and how it affects the future of the Balkans in Europe.

### **Soft power in high and low politics**

Alston and Weiler called in 1999 for a charter of human rights to be added to the Treaty of the EU, because, as they noted, it is difficult to export values when you have not yet imported them in a predictable and institutionalised manner (Alston & Weiler 1999). For Europe, human rights were always a high policy matter, a foreign and security policy goal. It is a central claim for this article that European enlargement is likewise high politics, a foreign security policy goal – not just for the potential member states where this is obvious, but also for the union itself. The belonging of a concept



within the field of foreign or security policy does not mean that the union does not adhere to it itself or promote it internally as a double-standard Europe narrative may suggest (Molbæk-Steensig 2015), but it does mean that it has the status of 'high politics'.

While Keohane and Nye(1977) and later Barnett(1990), have argued, quite convincingly, that the realist strict division of politics in high and low politics is increasingly artificial because foreign policy goals and actions very much influence low politics in terms of funding, votes, and narrative, and because domestic policies influence foreign policy legitimacy and thereby soft power, I will argue, that a status hierarchy remains. In a Bourdieuan understanding, the fields of foreign and domestic policy may be overlapping, but there remains a barrier to entry between low and high politics, where foreign policy takes place in specific ministries and through specific rules for legislation and executive power in the parliaments. Moreover, we see repeatedly, in the 1990s and 2000 in Bulgaria, Romania, Croatia, Macedonia et cetera, that through changing governments, economic and political crisis, the foreign policy goal of EU membership remained. Similarly, during the Cold War, the Scandinavian states kept their foreign orientation towards the West even though they in several cases had leftist coalition governments with one or more parties advocating socialist policies. Thus I hypothesise that foreign policy or 'high politics' will absolutely be discussed domestically, but the rate of radical changes in its goals and methods will be slower and less party political than within low politics.

European enlargement is security policy because of the union's reliance on soft power and normative power in its foreign policy. In Cooper's application of Nye's theory on soft power, EU soft power relies on four elements, the recipe for success, the safety in numbers, the seat at the table, and the concept of united in diversity (Cooper 2004). The concept of 'united in diversity' is a powerful narrative to attract potential new member states, it allows for integration specifically without threatening the national narratives while the safety in numbers element is the closest thing Europe comes wielding hard power. Enlargement engages the recipe for success and the seat at the table. The prospect of membership for close neighbours of the EU allows the EU to wield conditionality policies and keeps neighbouring countries oriented towards Europe, whether their pending membership is close – such as in the Balkans or in the further future – such as Ukraine. The recipe for success is the idea that European economic success and long lasting peace depends upon specific institutional solutions, which can

be exported. These include free trade and the rule of law, but also the institution of the Ombudsperson, parliamentarism and supranational human rights protection. The continued power of the recipe for success relies on successful enlargement and integration. Democratic failures and constitutional crises such as those occurring in in Hungary and Poland damage the EU soft power relying on the recipe for success. The Brexit, depending on its outcome and the political conceptualisation of it may also damage this part of EU soft power.

Thus far, European enlargement has been a stable part of European normative power and thereby of its security policy. When Alston and Weiler describes it as a moral imperative it is not a nominal judgement based in moral philosophy, but rather an expression that enlargement is a key component in the supra-concept of what European cooperation is and why it takes place. In a Bourdieuan terminology, the concept of enlargement has been doxa. In a conceptual history view, enlargement has been a hegemonic concept which was not discussed politically (Schulz-Forberg 2014) the question was how to enlarge, not whether. This changes with a politicisation of the concept.

### **Politicisation**

In Bourdieuan terminology, a politicisation can be understood both as a concept's movement from the status of doxa to a lesser universally accepted norm, and as a topic's movement from one field, for example the legal field, to the political field. In a conceptual history understanding, a politicisation is a way for a concept to move from one area or field through appropriation, often morphing and changing through this move. Hagen Schulz-Forberg exemplifies this with the Wilsonian concept of self-determination after World War I that lost its conditionality on institutional maturity when it was imported by the former colonies (Schulz-Forberg 2014). Similarly, human rights, which are conceptualised in the UN as universal, interdependent and indivisible (Kofi Annan 1997), but in their appropriation by national law scholars they in some cases lost their indivisibility (Christoffersen 2014), and in their appropriation by the political right, they lost their universality as well (Messerschmidt 2016). The appropriation is not always destructive, in the case of the African Union, the concept of human rights was developed to encompass collective rights as well as individual rights,

and rights of particular importance in Africa, such as the right to development (African Charter on Human and People's Rights 1981).

The concept of enlargement has done exactly this, moved from the status of *doxa*, a key element in the purpose and *raison d'être* for the EU, to a politicised object that can be discussed. Such a politicisation could mean movement from high politics to low politics. This is seemingly in opposition to the high-low politics discussion earlier, but in the politicisation, the concept of enlargement has *morphed* (Schulz-Forberg 2014). Enlargement is no longer a simple political decision following a unanimous agreement by the current member states, it is a lengthy process of harmonisation to the *acquis* - Europeanisation. Specifically of Europeanising constitutions to rely on a monist understanding of legal plurality accepting EU law primacy, of harmonising institutions into the European parliamentary tradition, tradition for judiciary independence and checks by the Ombudsperson. The 'recipe for success' narrative that is part of European soft power is more prevalent than before 1990, and the accession process is a transformation of a candidate state into an institutionally speaking Western European state. The narrative of 'united in diversity' is of course still in place, but is applied mostly to cultural and linguistic elements, along with a general principle of subsidiarity.

### **Balkan enlargement – a conclusion**

In relation to the Balkans, and in a foreign security policy view, very little has changed. Both the EU and the Balkan states have an interest in enlargement. For the EU, however, this is only true, if the new member states are not going to be problem states, within political values such as Poland, Hungary or Great Britain, or through reluctance such as Denmark, Sweden or Great Britain – again, or through economic and institutional unreadyiness, such as Greece. In order to assure this, new candidate states go through a more thorough harmonisation process ahead of accession.

The narratives of absorption capacity or enlargement fatigue, and the increasing number of political turns towards protectionism and nationalism in old and new member states influence intra-EU policies and the in depth integration as well as strategies in the accession process, but the goal of enlargement remains the same. Unlike in the 1960s where France vetoed British membership, there is all but no risk

that membership of the Balkan candidate and potential candidate states will be vetoed. As such, amidst Eurosceptic discourse, and protectionist and nationalist discourse in both old and new member states, enlargement into the Balkans, remains a foreign policy goal for the EU. Accession of Turkey is another matter as it has been politicised from the beginning with the shelving in 1987 and overwhelming popular opinion against Turkey joining (Eurobarometer 2006). This is despite the fact that Turkey has been a member of the Council of Europe since 1949 and a member of the Western European Union since 1992 and the customs union since 1995. We may see EU soft power based in the 'seat at the table' element suffer from the prolonged non-delivery on the promise of membership to Turkey. Especially following the 2017 Turkish amendments to its constitution that go directly against EU conditionality, and could therefore indicate a geopolitical turn of Turkey towards the south and east rather than towards Europe.

To reiterate, politicisation of European enlargement has resulted in a morphing of the concept from a traditional international relations' alliance where the only barrier to entry was permission by all member states, to a process of harmonisation. This means, that European enlargement into the Balkans remains an implicit imperative, a key proponent of the conceptualisation of the European Union. Since the summit in Copenhagen 1993 and the start of the SAP in 1999, all Balkan countries are included in this implicit imperative. The morphing of European enlargement through the constitutional crisis of 2005, financial crisis in 2008 and Lisbon treaty with increased supranational cooperation in 2009, has transformed the enlargement process into a lengthy harmonisation process with a higher demand for institutional Europeanisation. In another light, the European soft power both relies on and to a higher extent wields the 'recipe for success' part of its soft power, and to a lesser extent the 'seat at the table' element.

For the Balkan euroenthusiasts, this is both good and bad news. It means that unlike the UK in the 1960s and Turkey in the 1980s until today, the Balkan states will not be rejected on cultural or power political grounds – for both the UK and Turkey, opponents of their membership have argued that they were too big and would upset the power dynamic in the union. On the other hand, complex harmonisation prior to accession is a fact of contemporary accession to the union, and the process is longer and more demanding than it was before. While the SAAs give access to some EU funds, specific trade agreements and institutional support, full benefit of membership for

regular citizens will not be achieved without the freedom of movement for people, goods, and services that follows full membership.

In order to achieve the fastest and smoothest enlargements process, the Balkan states, institutions, politicians, civil society groups and anyone else interested in enlargement, should remember that EU enlargement is not something the EU does to be nice to the Balkan countries, it is a mutually beneficial activity within high politics. The union expands to ensure its security and soft power. This means that formally fulfilling EU requirements while also catering to Russian interests, as long as Russia maintains its illiberal internal and external policies, will likely not result in speedy EU membership. The EU is an alliance of security as well as an economic union and a community of values.

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## GENERAL CONCEPT OF SYSTEMICALLY CORRUPTED FOREIGN POLICY - SECURITY ISSUES, ESPECIALLY REGARDING THE REPUBLIC OF MACEDONIA

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### Abstract

General concept of systemically corrupted foreign policy means long term accomplishing geo-strategic and geo-economic interests in the function of the biggest global capital in the world (Labovic, 2016). This highest and the most sophisticated type of unconventional political corruption has strong impact on the international economic and political relations, international and regional security. Systemically corrupted foreign policy is performed through the most perfidious methods, on the level of continued foreign policies. When the political, diplomatic and economic measures can not give results, as an ultima ratio - the military intervention is used in countries that are tens of thousands kilometers away from the country aggressor. Due to the above mentioned reasons, there has not been individual criminal responsibility for the killed civilians. This type of interventions eliminates the subjective criminal-law responsibility, because these activities, foreseen as criminal offences against the humanity and the international law are not treated as international criminal offences, but as a legitimate manner of conducting politics.

In that context, also, special, hybrid war is used by the great powers for breaking the resistance of disobedient governments in smaller countries, which have themselves fallen into a condition where rule of law is absent, corruption is rampant and lack of respect for human rights and freedom is present. Of course, all this is done in those smaller countries with a lot less resources and not always by using extreme and/or militant means.



In the context of the most immanent functions of the science, such as discovery, explanation and prognosis, in the paper have been explained thesis about the concrete interests of the great powers in the Western Balkans and especially in the Republic of Macedonia, as well as forecasts about its realization in further phases.

**Key words:** systemically corrupted foreign policy, security

## **Introduction**

From a theoretical standpoint, the general concept of systemically corrupt foreign policy, actually represents a very old practice, according to which the foreign policy of great powers has been being implemented continually, regardless of the fact which ideologically-political and/or party provenance personifies the institution of president of a country or government (depending on the type of the political system). That's so, because if we take a closer look at the foreign policies of the different governments of today's only superpower, we will notice that there are no fundamental differences between them, that is to say the differences are minimal. Relatively bigger differences are noticeable between the governments of different ideologically-political provenances about their internal policies, for example ones relating to taxes, healthcare, social policies, education and others.

Actually, when it is spoken about the general concept of systemically corrupt foreign policy, it is referred to on the level of the political system, which systemically and systematically generates such a national strategy in foreign policy, whose realization of priority national interests and strategic goals is attained, among other means, through conventionally disallowed and unacceptable moral and humanist means. Moreover, the military interventions are called "air campaigns" like democratic campaigns for "export of democracy". These campaigns have been hidden under utterance for prevention of alleged or intentionally fictions humanitarian disaster, protection of human rights, establishing democracy and rule of law etc. The substance of the general concept of a systemically corrupted foreign policy, systemically and systematically generates the political and economic system of the capitalist expansionism and the extraterritorial imperialistic neo-colonialism. The general concept of systemically corrupt foreign policy is hidden crime. Seeing from an extra institutional,

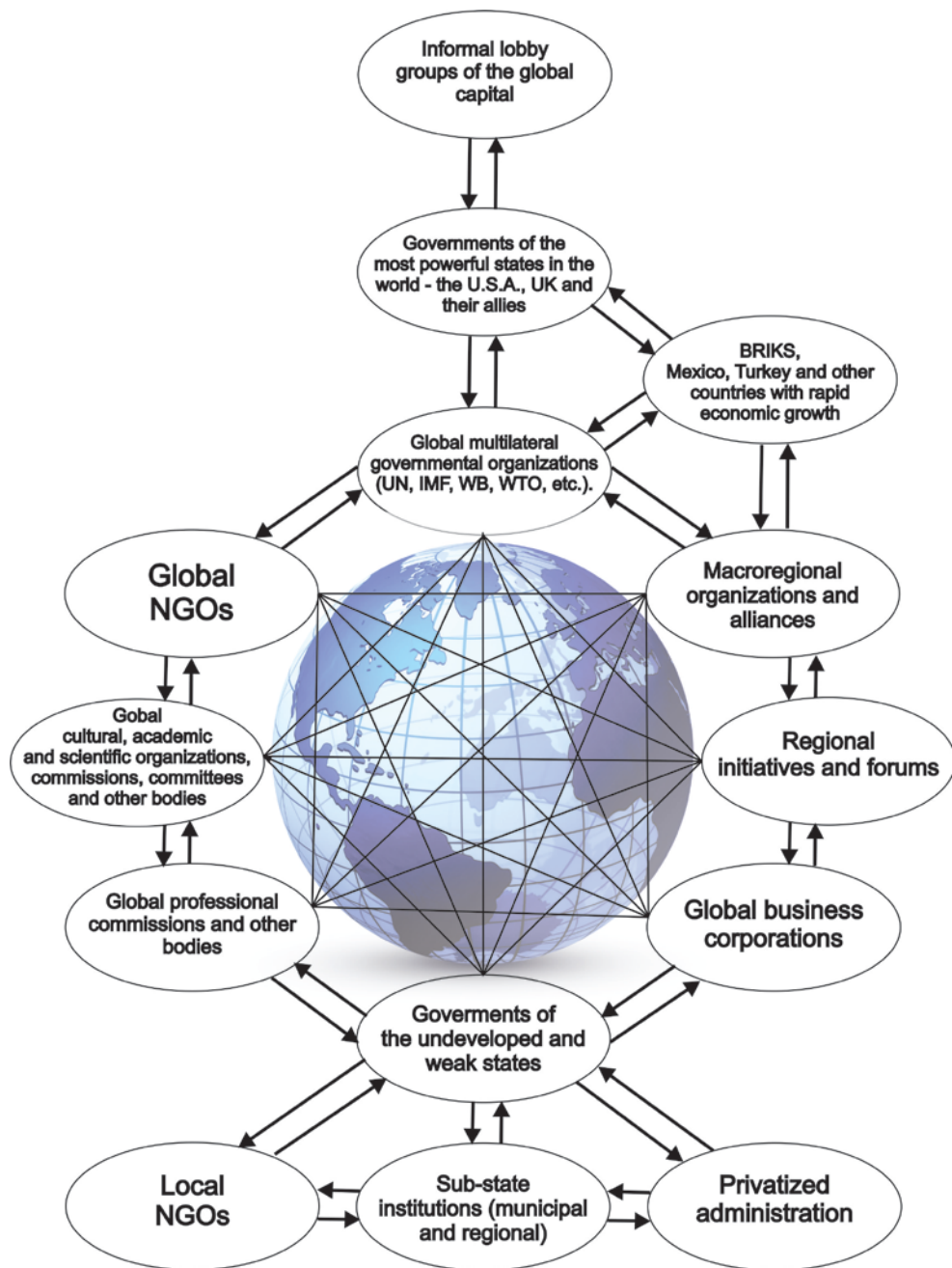
sociological approach, it means de facto and not de jure, a crime protected beyond the law ( Labovic, 2016).

In that sense, (Michael D. Lyman and Gary W. Potter, 2009) claim that “Crime is a great producer of the capitalist oil. Those who wish to have an effect upon the results created by the machine understand that the money that crime creates are an effective means that allows them to get to where they want, just as much as money which has been acquired in another way. Those who make money control the machine. Crime isn’t a byproduct of an otherwise effective political economy. It is the main product of the political economy. Crime is, actually, the basis on which are built the political and economic relations in the democratic capitalist societies.”

On the subject of the general concept of systemically corrupt foreign policy, it isn’t matter about the realization of direct and personal criminal profit or any sort of realization of personal interests of the highest representatives of such policies (or in the least, personal interests are not the primary interest). The most perfidious type of unconventional “white” corruption surpasses all conventional corrupt transactions (Labović, 2016). Even among the highest political and business elites on a global level, because here it is about such a concept of a systemically corrupt foreign policy which is generated systemically and systematically by the political and economic system of the capitalist exterritorial imperialistic neocolonialism, within the function of realizing long term geo-strategic and geo-economics interests of the biggest global capital in the world. (See figure No.1. Labovic, 2013)

dialogues  
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## Methods

Regarding the methods which are used in the paper, it would be significantly to say that following methods have been used: crossover application of logical method and empirical method. It means in the context of rationalistic epistemology, use of logical principles for argumentation, based on undeniable empirical facts. Some of these empirical fact are notorious, some of them are gathered by certain official statistics. Also, in the paper has been used deductive, inductive and reductive method, historical and comparative method, analysis of various contents of relevant literature, media texts or some other relevant documents.

Crossover application of logical and empirical method understand that there are not separated chapters titled as "theoretical foundations" and results obtained by surveys from public opinion or some other quantitative methods, which could provide us with relevant empirical data, but, they have very limited scope of use, taking into consideration inductive illusion (see explanation of the mentioned sintagma in the one of the following chapters). Namely, quantitative methods could be only used for scientific functions and aims, such as: description, critic and interpretation of empirical data. Author of this paper prefers much more qualitative methods, such as the most immanent scientific method - logical method based on and connected with undeniable and relevant empirical facts for the respective topic of this concrete research. There are many reasons why only logical method, based on and connected with undeniable empirical fact, can penetrate much deeper into most significant, the most abstract and the most complex determinative structures of the causes for the most perfidious, sophisticated phenomena, which become themselves causes for other consequences, relations among them and ongoing, actual, but long-standing processes. Only by this method and real scientific approach it could be possible to achieve the most immanent scientific functions and aims, such as: scientific discovery, scientific explanation, scientific prognosis (forecast), normatively-prescriptive and inextricably linked with it - practically-applicable function and aim of the science.

## **The use of sophisticated methods and special (hybrid) war in the context of general concept of systemically corrupt foreign policy**

The general concept of systemically corrupt foreign policy is nothing new. It's just a newly meaningful theoretical concept. As a fact of life, it is present in the history of international relations, especially among great powers. Today, indications for it can be found especially in the way of the excellently coordinated functioning of the international financial, security and political multilateral organizations, of the so called international community towards the governments of disobedient leaders. We are actually, witnessing the notorious empirical facts, widely known in the contemporary international reality, as it pertains to the application of the method of double "standards" for same or similar situations, during internal or international conflicts; also of forceful interferences in the internal affairs of sovereign states, which represent a flagrant breaking of one of the basic principles of the international public order, even a complete suspension of the international public law, when military power is used against sovereign states without a decision by the UN Security Council. All this is done under the pretense of preventing humanitarian catastrophes or protecting the national interests of the leading countries of NATO, which are tens of thousands of kilometers away from the country that is the target of the attack. Also, as an excuse for the violent "export of democracy", allegedly for prevention humanitarian disaster or protection of human rights and freedom in sovereign states, actually, in order to cover up the enormous importance which those countries hold for the spheres of influence of the great powers.

The goals of the general concept of systemically corrupt foreign policy, are achieved by the great powers through instrumentalized amalgams on the level of multilateral political-security and financial institutions, and even the international courts. Although, in such a way, with the accomplishments of these interests isn't always guaranteed in all parts of the world. When those interests of the highest importance can't be realized successfully by diplomatic, political and economic measures and tools, onto the scene are brought out the instrumentalized amalgams of the second level. That's the level of executing secret politics, which is carried out "down" on the ground by intelligence services, which prepare the playing field for the recruitment, instructions, organizing and any other kind of support needed for carrying out a special (hybrid) war, which as a distinct phase, allows for the prediction of

terrorist attacks aimed at different targets on different levels, in different parts of the world (Lyman & Potter, 2009; Chambliss, 1986).

The intelligence services through secret channels of collaborationist networks realize the agitation, organization and allocation of complete financial and other kinds of logistics in the carrying out of **special or hybrid wars**. In phase one, under the guise of developing democracy, media and NGOs are supported, which should serve to incite and organize protests, and in subsequent phases extremely criminal and militant groups are encouraged and organized in order to carry out acts of violence and to clash with the police, until the very final scenarios of triggering terrorist attacks. Civil unrest or maybe civil war, coups etc. in countries, whose governments don't converge around the goals of global politics (Шолте, 2008). Terrorist organizations are financed and are given all kinds of logistical support. The powerless states are pressured by different kinds of subtle actions in order to bring about certain changes, sometimes in their constitutions. Through the help of donations different needs are met, regarding the financial grey areas and different lacunae within the budget deficits of developing countries. There are also subtle diplomatic pressures, all the way opened threats and blackmail for the stopping or giving out of financial aid under favorable conditions, which are truly indispensable for those underdeveloped or developing countries.

### **Instrumentalization of science in the context of general concept of systemically corrupt foreign policy**

In order to realize the aforementioned long term geostrategic and geo-economics interests, science has taken a covert, but leading spot. Namely, science today isn't just one of the forms of social awareness. Science, in the real sense of the word, among its other attributes, represents a primary factor of the technical and technological development of the world. In the social sphere, science is the primary factor for social development. From an ontological, epistemological and methodological aspect, science is the most subtle means through which one can realize the most perfidious infiltration of models of research and attainment of knowledge in all spheres, in the most countries of the world. Through such scientific models, which have been imposed on globally, under the guise of the most respectable rational authority – science, scientific theories concepts and models have been being served up in order to

have impact on all other spheres of the social life with the purpose of the unification, harmonization and approximation of economic, legal and political systems of the most countries in the world. The general goal is the same - achieving the long-term geostrategic and geo-economics interests of the biggest global capital in the world.

Namely, it isn't unknown that some of the transitional countries, especial those of the former SFRY, had an educational system which exhibited a certain level of quality, not taking into account the ideological and political dimensions, and some other weaknesses, which could be surpassed. Nonetheless, the weakening of educational systems, is not a goal unto itself. Actually, it is a secondary goal in the realization of other larger and long term geostrategic and geo-economics goals of the great powers, because by weakening the educational systems, especially in the most impactful part about scientific and research oriented endeavors, the perfidiously hidden intention is the obscuring of the value of social sciences and their capacity to dig in the deepest and reach into the crux of phenomena, processes and relations within society, in the most complex of its determinist manifolds of reasons for the most subtle forms, which manifest themselves, which as the consequences by themselves become reasons for even harsher consequences, bursting out onto the surface with all its ferocity. Those consequences at the end is felt by most people in the world. So, through skewed "scientific" and quasi-expert conclusions, by the subtle imposition of the "bare" positivistic empiricism, supported by the inductive illusion of the power of sociometric and statistical methods, the global media networks, the global NGOs and their national branches in the countries around the world, the global textbooks and books published by global publishing houses, which hold the monopoly on publishing the most prestigious international scientific magazines for scientific papers with the so called "impact-factor" - indexed in databases on the "web of science", to the students and citizens around the world have been served a completely erroneous viewpoint for the chain of causes and effects for the most important phenomena, processes and relations in the world (Labovic, 2016).

The unconscious or conscious participation in implementing the global agendas of others, among other things, as a consequence it causes the highest levels of damage for the fragile societies like ours. The aforementioned tendency relates mostly to the area of social sciences, which *eo ipso* and *ipso facto* can never be completely without some degree of ideology. The sciences from the STEM fields, because of the different nature of the subject, are completely another subject.

If that is so, and it is so, not because I claim it to be, but because there are no rational counter-arguments, by which could be confirm opposite, then among other reasons, one reason becomes clearer. Namely, why may be a small part of the domestic scientists of social sciences, which want to really work in the science, cannot really promote, not only publish their scientific works in relevant international scientific journals, but also to be equally promoted as the global textbooks by the global authors from global powers are, in today's world. Meanwhile, it is very important to point out that it isn't matter about any sort of textbooks and other kinds of works, but about scientific works, peer-reviewed by the most referent and competent reviewers in the concrete subject. For example, in one of the mentioned scientific works, some of the basic thesis of the leading global authors, as reviewers of such work, have been refuted by the author of that work.

Of course, the point isn't that these textbooks lack quality and that nothing can be learned from them. On the contrary, but at the same time, if we observe the matter from a scientific heuristic aspect, we have textbooks, with similar or higher quality at our universities. Still, these textbooks can't even cross the borders of their own college. From "x" number of our own domestic reasons, they aren't used as textbooks even on the very same subjects on colleges which are similar within the same university, let alone that they could be used as mandatory textbooks on the most prestigious universities of the western world (reminding that western textbooks are mandatory for our colleges). But why not, if it truly is so - the scientific works are valued exclusively according to the criteria of quality??!

### **International political relations, international and regional security seen through the prism of general concept of systemically corrupt foreign policy**

From the aspect of international political relations, international and regional security, the non-democratic forms of decision-making processes in the highest political instances of the most relevant macro-regional organizations in the world, NATO and the EU, show on the level of notorious empirical facts from the recent history of international relations, for undertaking of military interventions upon sovereign states without the approval of the UN Security Council. These military actions, cynically named "air campaigns" represent a flagrant breaking of the principles of international public



law, regardless of the attempts for rationalizing the legitimacy of the application of military force, in terms of preventing a human disaster, protecting human rights and freedoms, setting democratic systems and rule of law, etc.

The above mentioned thesis is supported also with an undeniable empirical fact that great powers, such as USA, Russia and China are out of jurisdiction of International criminal court. The USA and China have not signed Roma Statute for establishing International criminal court, which has jurisdiction upon military crimes and crimes against humanity. While, Russia has signed it, but has not ratified agreement. So, Russia has never became member of International criminal court. In that way, the great powers avoiding jurisdiction of such very important international institution, they put the other states in the world in very discriminatory position.

The tendency goes so far that is being requested a lawful basis through amending the UN Charter, to allow a possibility for legitimate use of military force for preventive purpose, so called preventive interventions. Taking into account the destructive power and the military and political implications, of such military interventions, they represent the most serious security concerns and risks globally and for a certain regions.

In relation to all that has been previously stated, the views of the author of this paper, fundamentally differs in the aforementioned questions from the views of the authors (Paul R. Viotti/ Mark V. Kauppi, 2009), as some of the most renowned authors of the ten most prestigious universities of the world, whose books are translated from the Macedonian government through the program for translating the 500 best textbooks and books in the world. Namely, the authors of the book "International relations and world politics" Paul R. Viotty and Mark V. Kauppi consider that states don't always intervene to serve their own interests, but they really want to intervene for humanitarian purposes or to reestablish international peace and security. They think that most probably, such is the case with the NATO intervention in Kosovo, which was carried out without the approval of the UN Security Council.

Such stances on the subject are an attempt to mask the reality or it is the authors' inability to see the true reasons for the geo-strategic positioning of the Western allies in the region and their attempts to approach toward realizations of their long term geo-strategic and geo-economics interests in the region and beyond. The thesis of the author of this paper is supported by the insurmountable argument based on the notorious fact that the West very openly and ferociously gave support to the

violent secession of Kosovo from the FRY, despite openly showing the double standards when they reacted very sharply on the attempts by other people, who even with higher level of legitimacy asked for a referendum regarding their right for self-determination and secession, with the purpose of forming their own countries (Palestine, Kurdistan, Republic "Srpska", etc). The example with Kosovo, as with many other examples from the more recent history to which we are all witnesses, contribute for empirical confirmation of the thesis for general concept of systemically corrupt foreign policy which is being led by the great powers for the purposes of realizing long term geo-strategic and geo-economics interests of the biggest global capital.

Author's thesis is directly opposed, among others, to the thesis of Samuel Huntington, in his work "Clash of Civilizations" (Samuel Huntington, 1996), which is one of the most cited authors of the modern global publishing history. The main thesis of Huntington is the claim that clashes between civilizations occur because of great differences in the religious, ideological and cultural collective identities of the larger conglomerates of peoples of certain regions of the planet. With this thesis actually, there is an attempt to mask the true reasons for wars in the world. That's an alibi-thesis for the humane aspect and innocence of the high foreign policy of the west towards the rest of the world, especially those regions of the world, where there is ample opportunity for the exploitation of natural or human resources, or there are potential threats where they could lose certain important geostrategic positions because of which their domination in the international economic and political order could be lost.

It is my deep conviction, that the obvious differences on religious, cultural and even on an ideological and political level, cannot be the basis on which start wars. The plethora of collective identities on a religious and generally on a cultural level can only be a treasure for the expansion of horizons and opening up of new dimensions in understanding the need for the development of the spiritual aspect of human beings and of their mind, and not for taking part in wars. **Opposite to the general thesis of Huntington, I claim that the differences between religious and ethnic collective identities are being instrumentalized for the realization of geo-strategic and geo-economics interests of the great powers, with their abuse to dangerous levels for the purposes of causing internal and external conflicts. After all, wars today are no longer for the purposes of territorial conquest, that is to say, occupying the territorial integrity of other countries, but for allowing multinational and**

transcontinental corporations to exploit the energy and raw resources, cheap labor, the acquisition and expansion of markets and also for creating conditions to install puppet governments, with the purpose of controlling important geo-strategic positions in the world.

Although western democracies attempt to prove that such violent actions for the “exporting” of democracy are in the interests of the majority of the citizens of countries in which for the ostensible protection of human rights and freedom, stopping humanitarian catastrophes or stopping security risks regarding the spilling over of military clashes in a certain region and beyond, securing the peace and stability of countries in the region and so on, still, the notorious empirical facts prove that those countries are actually the subject of their spheres of interest, but first of all the interests of the largest global capital. Such claims correspond to a large extent with the empirical reality of the aftermath of the military interventions in FRY, Afghanistan, Iraq and Libya, when the western multinational corporations quickly positioned themselves. The rationalization that military interventions are led for the purposes of preventing humanitarian catastrophes, protecting human rights and freedom, the establishment of democracy, peace and stability in certain countries and regions, fall before the undeniable facts from the harsh reality of cases, where the collateral damage expressed in thousands of killed civilian victims and extensive material damages, much more surpasses number of killed people and done damages during the civil war (for example) in Libya. And what is most important, regardless of the collateral damages from such military interventions, the declared goal wasn’t achieved for which purpose the military intervention was undertaken (Labovic, 2016). Instead of preventing the chaos, for example in Libya, after six years following the military interventions, there is an even bigger chaos, compared to period before the civil war erupted. Also, we might not forget the case of Ukraine and Syria, where the war is still going on. The consequences from the long standing war in Syria have been still unpredictable: the biggest refugee crisis and migratory waves so far in the recent history.

## **The concrete interests of the General concept of systemically corrupt foreign policy in the Western Balkans and especially the Republic of Macedonia**

It would be naïve to believe that the aforementioned tendencies and goals are focused only on a few countries. Even though, countries like ours are not the main goal, but the secondary or third goal of the mentioned long term geo-strategic interests of the great powers in the region and beyond, still in context of unification, harmonization and approximation of social systems within a global framework, it's important for these long term geo-strategic interests, to fill the "blank spaces" as much as possible. That's so, because in some future time, in another constellation of international and political factors, powers and relations in the different regions of the world, the blank "spaces" can represent small, but important bastions, that is to say might be barriers in the realization of above mentioned interests.

The above mentioned thesis refers in a specific manner to the Western Balkans and especially Macedonia. Macedonia is not area of primary geo-strategic and geo-economic interest of the great powers. So, in the very beginning we must clarify that Macedonia as small and very weak country, with very specific mentality of the Macedonian people, no way to be military attacked by some of the great power. Macedonia might be attacked in some kind of soft, asymmetric threats and unconventional attacks, such as terroristic attacks, triggering civil unrest or maybe low-intensive and high controlled civil war, coups etc. **However, Macedonia has certain geo-strategic importance, in particular because of the significance of "corridor 10"**. So, achieving long-term dominant control on the entire territory of Republic of Macedonia by the Western allies versus possible Russian domination is very logical conclusion. If certain long term intelligence forecasts for some possibilities of newly created constellations of geo-strategic re-positioned political forces and relations in Balkans countries become true in the future (may be for 40-50 years, taking into consideration that strategic analyses of intelligence services are long term planned), it will not be impossible to set some kind of Pan - Orthodox transversal, which will lead toward Russia. In that direction should be understood the efforts of "international community" to set Albanian ethnic entity as constitutive factor in the Macedonian state. Namely, amid when the Macedonian minority in the neighbor countries is almost at all not recognized, Albanian minority in Macedonia tends to become constitutive nation in bi-national state in the next phases, by full support of the Western allies. The

project of "Great Albania" should be understood more metaphorically than territorially (Labovic, 2017).

In that sense, both authors and politicians in Macedonia from different positions **talking about unity**. On the one side, ones claim that unitary character of Macedonia will not be endangered with Albanian language as official language on entire territory of the state, as well as with the other requirements in the "**Albanian Platform**". On the other side, there are those who claim that unity will be endangered. **In my point of view, by contrast all other scholars and politicians, it is not matter about unity (at least it is not about territorial aspect of unity), it is about endangered position of Macedonian ethnic entity as constitutive nation.** There is a lack of valid argumentation about this topic. Nobody have stated the arguments and facts that Albanians have two and a half states in the Balkans, while Macedonians can lose in the future a position of constitutive nation, that they have it now in their only state. Of course, there are not explicit provisions in the contemporary constitutions in the leading EU states, about constitutive nation, for examples of Germans, French, etc. but also there are not such provisions in positive Macedonian constitution. Nevertheless, de facto, the German and French nation are constitutive nation in Germany and France. It means, the German and French language is solely official languages on entire territory of these leading states of EU. Further more, all citizens in Germany and France are German and French, in state - legal sense. Certainly, they have different ethnic and religious origin.

Very recommended cases of Switzerland and Belgium are very often stated as inspirational examples by many scholars and politicians, but they are not adequate examples. For instance, Switzerland is not adequate example in mentioned sense, because of an undeniable fact that this state consists of the ethnic entities as a constitutive cantons of Germans, French and Italians, who have their own indigenous nations and states out of Switzerland. All citizens in Switzerland are Swiss in the state - legal sense. In comparison with the Swiss, the Macedonians as an ethnic entity do not have any other state except Macedonia. In such circumstances, the irrational name issue between Macedonia and Greece additionally is complicated by its internationalization.

Therefore, **distinguishing between very abstract and complex categories**, such as: **civil sovereignty and statehood position of constitutional nation; unity and functional federalization; unity and territorial federalization**, are needed. More

accurately, all citizens in the Macedonia, according to the constitution enjoy all rights, regardless of their ethnic, religious or whatever other difference. That is constitutional provision for civil sovereignty. In the reality, there is still a space for development these constitutional rights. The citizens must enjoy absolutely all rights in the practice. It means, anyone Albanian, Serbian or anyone else from any nationality can really achieve any position in the society, even position of President of the State, Prime minister and so on, solely due to her/him abilities, qualities as an individual, but not only because of her/him belonging to ethnic collectivity. **The endangering of the statehood position of the Macedonian nation as constitutional nation, very likely could have long-term much more damaging consequences than territorial federalization (Labovic, 2017).** This thesis, among many other reasons, should be understood in the context of the fact that there are over 5000 ethnic entity in the world, but only 193 of them have their own states.

**Taking into consideration all above mentioned, the argumentation that unitary character of Macedonian state will be endangered is a wrong and dangerous thesis.** This thesis surely be used by the opposite side, who will point out in future, that unity is not endangered and all statements about it were false, because in Macedonia will not occur **classical, territorial federalization**. In Macedonia may happen **language and functional federalization**, without territorial separation of constitutive federal units, such as the statements of nowadays defenders of "Macedonian causa". In some indirect, theoretical aspect might be said that unity will be endangered. But, *de jure* and *de facto*, in a direct, classical manner the unity, as centralized government in entire Macedonian territory without federal units, will not be endangered. **That will not happens, not because of the lack of such tendency by Albanians, but due to long term geo-strategic interests of the Western allies, which tends to set dominant control on entire territory of Republic of Macedonia.** It would be inexpedient to put under control only one part of Western Macedonia, if expectations for separation a part of Macedonia have been realized.

## CONCLUSION

**I. On the question: how this most perfidious, hidden and unrecognizable type of the most subtle unconventional corrupted policy can be surpassed, my answer is:**

In the world since many centuries ago, all the way up to this very day, within the reality of international political and economic relations, the theory of force still holds sway. The triple factoring of economic, military and political supremacy, will be for a long time the expression of a pernicious application for the domination in the globalized world. But, is there hope?

I see hope in the tendency of gradual and slow changing of the world through the process of establishing a balance of power among the great powers, which is already moving from unipolar towards multipolar, or, most probably – multipolar bipolarism. During that, a big role, among other factors, will play the science. Namely, through the most desirable democratic paradigm of the concept of deliberative democracy (Fishkin, 1991; Mannin, 1987; Mannin, 1994 ), is where I actually see the best possible way, for a gradual, slow but certain change. Through such scientific debates, through the power of arguments and facts, there will be a constant pressure for developing and strengthening the consciousness on an ever larger number of nongovernmental and governmental actors in the global scene for the negative byproducts from the general concept of the systemically corrupt foreign policy, which can have harmful consequences not only for the rest of the world, but also for themselves.

**II. The thesis about general concept of systemically corrupt policy reflects in particular to the Republic of Macedonia in above explained concrete geo-strategic interests. The realization of such interests have been being planned through following goals (steps) in a several tactical phases, when will be provided conditions for constitutional majority:**

1) Under the guise of providing equal sense of belonging and equal status of the Albanian community in Macedonian state a key purpose is to install the Albanian factor in the constitutional system, a lot more stable than it is now. So, the Albanian factor is intended to be more important and long-standing deciding factor in Macedonia for a long-term geo-strategic security interests of the Western Allies in Macedonia in terms of preventing future possible Russian influence.

2) To resolve the irrational name issue quickly and painlessly, in order to entry of Macedonia into NATO, without US and EU exposes unnecessary pressures towards Greece, as one of the most important geo-strategic position in the world;

The propagandist scholars and analysts close to VMRO DPMNE, have been being stressed out primary foreign factors and secondary internal factors, but only those who belong to the Macedonian opposition, with total neglecting of high systemic corruption exactly in the highest ranks of the then actual government. And conversely, propagandist scholars and analysts close to the Macedonian opposition, tried completely to conceal the role of the international factors and the explanation for their very concrete interests in Macedonia. The true is always on the middle of these extreme attitudes.

So, great powers cannot realized their interests in any country if a country is internal strong with high degree of internal cohesiveness. It refers especially for the small and weak countries. Their leaders in particular must pay attention on the way how conduct their leadership. The internal political reasons cannot be avoid. Namely, the announcement of the political "bombs" by the SDSM, when were presented serious indications about systemic corruption linked to the highest politicians in the Macedonian government, was used as serious occasion for realization of the interests of the so called international community.

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## EU BETWEEN OLD AND NEW SECURITY STRATEGIES APPROACH

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### Abstract

In 2003 the European security strategy named A Secure Europe in a Better World was adopted. Since then, the security environment changed radically and the perception of security is different than before. The forces that prompted the changes are a result of the dynamics of contemporary globalization that has managed to reshape space, sovereignty and power. These changes bring with them new and often, unpredictable risks and hazards that increased in intensity and time. The global interconnectedness and interdependence between countries and peoples have contributed to greater mobility of tourists, terrorists, students and refugees.

Over the past decade the European Union has faced numerous crises and turmoil which indirectly/directly affected its stability and prosperity. From conflicts in Africa, security tensions in Asia, economic crisis, climate change, supply of natural resources, partnerships and expansions, the stability of the Western Balkans, refugee crises to terrorist attacks by non-state actors. These complex events led to tensions and divisions within the Union and beyond, the same were a prelude to reforms of the existing security strategy. A moment of rethinking the new content will interact with the current and future political-security and economic-social environment. Through analysis of the old-new strategic documents in the area of security will acknowledge the extent to which the European Union has evolved. The focus is directed towards the questions whether the "old Europe" is prepared for the new security challenges, and whether strategic goals and principles correspond to the real situation in Europe and the world?

**Key words:** European Union, Challenges and Opportunities, Security Strategies, Global Player.

## Introduction

In May 2003 EU High Representative for the Common Foreign and Security Policy (CFSP), *Javier Solana*, presented the draft of the European Security Strategy (ESS). The same year, the European Union adopted its first security strategy entitled as *A Secure Europe in a Better World*. The document was passed when the Global War on Terrorism (GWOT) had already started, as well as the interventions in Afghanistan and Iraq. The European security strategy begins with the sentence "Europe has never been so prosperous, so secure nor so free" (European Security Strategy, 2003). But by 2003 Europe and the world had changed dramatically, and the arguments and attitudes within the strategy do not match the current security environment. It was necessary to devise new content and conceptual approach that will cover the current and future events, whereas the commitments in the document should be operational for effectively addressing current and future security challenges and threats. The strategy should set priorities that are prerequisite to start the next stages and cycles of restructuring. Because of the very complex and variable security content, major adjustments are not eligible, yet possible if there are substantial changes in international relations as well as the part involving challenges, risks and threats (Нацев, 2006: 461- 477).

The main arguments that the European Security Strategy relies on are outdated, been changed foreign policy priorities of the Union, security environment, threats and dangers, interests and objectives of the member states, the transatlantic partnership, the position and role of the EU on the international stage.

Five years after the adoption of the strategic document of the EU, it has been revised, i.e. a Report on the Implementation of the European Security Strategy has been presented, under the title *Providing Security in a Changing World* that aimed at evaluating the ESS. The report outlines how the strategy has worked in practice and in which segments it needs to improve. It also states that, "the EU has made substantial progress over the last five years, and already contributes to a more secure world" (Report on the Implementation of the European Security Strategy, 2008). It has contributed to human security, reducing poverty and inequality, promoting good

governance and human rights, and preventing conflict. It also highlights the experience and capabilities of the Union in the field of common foreign and security policy by participating in 30 civilian and military missions. However, it did not offer new guidelines but rather confirmed the "achievements" and "lessons learned" from past years, stressing that the EU should be "more capable, more coherent and more active" (Report on the Implementation of the European Security Strategy, 2008: 2).

This raises the question whether the EU needs a new security strategy, and which segments of the strategy should be changed? The opinions and answers were different, which may be divided into several categories. The first category includes those representatives of the Member States countries that considered that the strategy is outdated and needs to draft a new document. The second category covers those countries that were concerned with "local policies" and are not interested in broader strategic changes. While as the third category addresses the member states of the Union, whose representatives believed that no need for a new security strategy, because "the strategic gap" is filled with new documents on security.

In this context, former High Representative of the Union for Foreign Affairs & Security Policy/Vice-President of the European Commission, *Catherine Ashton*, pointed out that the adoption of several security documents are "complemented" the European Security Strategy (Drent and Landman, 2012: 4). This involves the implementation of individual sub-strategies in the field of security and beyond that work on certain segments of the ESS. The following sub-strategies are included: The EU Strategy against the Proliferation of Weapons of Mass Destruction (2003), The Strategy for the External dimension of Justice and Home Affairs (2005), Counter Terrorism Strategy (2005), Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (2006), Strategy for a Secure Information Society (2006), Energy 2020-A Strategy for Competitive, Sustainable and Secure Energy (2010), Internal Security Strategy (2010) and Cyber Security Strategy of the European Union (2013). However, the new wave of changes in international relations, contributed to re-actualizing the issue of a new security strategy among European senior officials. In July 2012, the foreign ministers of Italy, Poland, Spain and Sweden suggested ideas for making the European global strategy (Lundin, 2012: 3). While, the High Representative of the European Union for Foreign Affairs and Security Policy, *Federica Mogherini*, pointed out that "The European Union has all the means to be an influential global player in the future - if it acts together. We need a common, comprehensive and consistent EU

global strategy" (Global Strategy to steer EU external action in an increasingly connected, contested and complex world, 2015; Annegret and Kaim, 2015).

### **Why EU needs a new strategic approach**

More than a decade ago, the EU leaders adopted the European security strategy. Since then there are many reasons why Europe needs a new security strategy. First, the causes that result from the changes within the Union need to be identified, and those reasons that originate outside the EU space need to be analyzed.

Internal changes relate to the process of territorial expansion of the EU. The European Union focused on geographical expansion, which allowed it to grow into a competitive force on the global stage. Since 2003 the number of EU member countries has increased from 15 to 28 countries with over 503 million inhabitants, representing 7% of the world population, and realizing a total production of 30 % of the world economy (World Economic Outlook, 2015). However, taking into account the phases of the EU enlargement (2004, 2007, and 2013) concluded that half of the current member states were not involved in the creation of the European security strategy at all. Meanwhile the document emphasized the unification of countries "as a union of 25 states" which have not been official member states, predicted to become a global player (European Security Strategy, 2003: 1). However, an attempt was made to overcome the divisions between "old" and "new" Europe.

But developments outside the European Union contributed to a different approach in the area of security. The EU looked at security in a globalistic sense or as emphasized in the Report on the Implementation of the ESS, "Globalization has brought new opportunities, but globalization has also made threats more complex and interconnected" (Report on the Implementation of the European Security Strategy, 2008). So the new strategy should take into account the security environment, global challenges and key threats, which will affect the achievement of the strategic objectives of the EU. Therefore strategic objectives in the document must be reformulated or supplemented, and they relate to: (a) Addressing the threats; (b) building security area around Europe and (c) strengthening the international order based on effective multilateralism (European Security Strategy, 2003: 6-10; Гоцевски и други, 2007: 127).

*Addressing the threats.* The focus of Europe aims at transnational threats such as terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organized crime. But globalization processes contributed to the internationalization of risks and threats have increased in intensity, space and time. Since 2003, the number of macro terrorist attacks has increased in the world and Europe. The attacks in Madrid, London, Brussels and Paris, indicate that the EU is very vulnerable in its territory. The latest crises and conflicts in the Middle East and North Africa are growing. The number of decaying states gravitating around Europe is increasing.

It is obvious that attitudes in the European Security Strategy were aimed at immediate risks and threats, not towards future threats. Therefore, in addition to the security strategy, the Union has adopted the following strategic documents: EU Strategy against the Proliferation of Weapons of Mass Destruction, The Strategy for the External dimension of Justice and Home Affairs, Counter Terrorism Strategy, Internal Security Strategy and Cyber Security Strategy. These documents complement the concept of security in modern conditions whose focus is on economic, societal, environmental and information security. This means that apart from the usual threats Europe faces new security risks and dangers produced by living standards, the impact of the financial crisis, energy insecurity, climate change and immigration (Dennison and Associates, 2013).

*Building security area around Europe.* The strategy emphasizes that "the first line of defense will often be abroad" (European Security Strategy, 2003: 6). The EU needs to involve earlier, before the crisis emerges. It refers to Eastern Europe and the Mediterranean area countries, but the EU remains to address the problems and developments in the Balkans, South Caucasus, Ukraine and Moldova in the future.

However, with the new geographic expansion, the EU faced a number of difficulties in securing its territory. Many countries border it and this creates additional problems in dealing with new risks and threats. For example, United States borders with only two countries (Canada and Mexico). Hence, the degree of EU security, through the prism of geographical aspects, will depend on developments in the immediate environment such as Eastern Europe, North Africa and Middle East.

In this context, the question arises whether the EU would be able to deal simultaneously with multiple security challenges and threats coming from neighboring countries? Integration processes have increased the level of security in the EU, but also

brought the Union closer to critical areas. Some neighboring countries are valid for weak states that cannot establish control over its territory, nor can cope with security challenges. The problems of these countries, such as political instability, violent conflicts, extremism and terrorism, organized crime, refugees and humanitarian crises affected the European security and stability (Drent and Landman, 2012).

In order to reduce the challenges and threats from the neighbors, it implemented the European Neighborhood Policy (ENP) in 2004. The ENP includes the promotion of democracy, rule of law, strengthening of trade relations and helped in the reform of the eastern and southern neighbors. But, after ten years, the dramatic changes in geography, politics, economics and security, contributed to the review of the European policy towards its neighbours. Today, ENP includes sixteen countries (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia, and Ukraine) from the Middle East, North Africa and Eastern Europe, which gravitate around the Union (Lehne, 2014).

Compared to the past, these regions are far from politics to bring them closer to the Union. They have fragmented and are becoming unstable, and their political and economic transition has been disabled. In the south, the Arab Spring (2011) did not lead to a democratic transformation of the Middle East and North Africa, but to the unrest and clashes on a large scale. Military intervention on Libya (2011) and the civil war in Syria (which is ongoing) destabilized the entire region. Mass migrations of these risky countries to the EU have contributed to disruption of the level of security and stability in Europe. In the East, the crisis in Ukraine (2014), received enormous proportions when Russia annexed Crimea, which contributed to greater tension between the EU and Russia. Also, the countries of the Western Balkans (applies to Kosovo, Bosnia and Macedonia, where the EU had several civilian and military operations) are still politically unstable, and are triggering new security problems.

These events show that the European Union is still far from using its instruments to improve the security environment. Because the new security document should clearly emphasize what are "the zones of stability" and "the zones of crisis and instability". Then, countries and regions, which are a major threat to Europe, should be emphasized, how Europe will deal with them, what instruments it would use in the event of crises and dangers outside its territory.

*Strengthening the International order based on Effective Multilateralism.* The strategy emphasizes the respect for international law and cooperation with

international organizations such as the UN, IMF and World Bank crucial to strengthening the international order. Hence, the EU is ready to share the burden and responsibility for global security and building a better world. It sees solutions through the creation of an international order based on effective multilateralism in which other regional organizations such as ASEAN, MERCOSUR and the African Union will participate (European Security Strategy, 2003: 9).

Geopolitical turbulence led to a change of power in international relations and disrupting the balance between the actors. Besides the states, the world order consists of other non-state actors who have different interests and purposes. Mutual rivalries are expected to increase that will lead to making the world a less cooperative place. Because of this, we believe that the EU should move in another direction. In the past decade, the international system has moved from multilateral engagements to a multi-polar system, in which multilateralism is increasingly marginalized. We consider it necessary to rethink and consider whether *effective multilateralism* is adequate or needs to be reviewed, or if a new concept needs to possibly be developed (Drent and Landman, 2012).

### **The EU's new strategic approach**

In 2016 High Representative *Federica Mogherini* presented the Global Strategy for the European Union's Foreign and Security Policy (EUGS) to the European Council. In the "Global Strategy" are presented ambition for a stronger Europe, fundamental interests, principles and priorities of the EU's engagement in the world. It relies on *peace and security, prosperity, democracy and the rules-based global order* (with multilateralism as its key principle) as **vital interests** for external action. Preservation of peace and security of its citizens and territory are of crucial importance for the Union, and the correlation between internal and external security means "broader interest in preventing conflict, promoting human security, addressing the root causes of instability and working towards a safer world". Despite interests, the European Union will be guided by the **principles** of "realistic assessment of the strategic environment" and "idealistic aspiration". The solution between isolationism and interventionism, the EU will see through the prism of "*principled pragmatism*", as a new approach to foreign



and security policy (A Global Strategy for the European Union's Foreign and Security Policy, 2016).

Union calls for the principles of *unity*, ("In a more complex world, we must stand united"), *engagement* ("In a more connected world, the EU will engage with others"), *responsibility* ("In a more contested world, the EU will be guided by a strong sense of responsibility") and *partnership* ("investing in our partnerships" with states, regional bodies, international organisations, civil society and private sector).

There are dilemmas and obscurities about whether the EU will focus more on pragmatic objectives or to its ideals. While the global actors apply the Machiavellian version in foreign and security policy, Europe will focus on realization of the interests through the prism of "Realpolitics with European characteristics" (Biscop, 2016). In terms of EU unity are emphasized that "there is no clash between national and European interests". This principle does not reflect the real situation in the EU, because only a few days before being adopted the "Global Strategy", the United Kingdom (through a referendum) decided to leave the EU. In addition, it is obvious dominance of a few countries whose national security policies are promoted as strategic objectives of the Union, and still are not exceeded the tensions between the national interests of the member states, as well as between the roles which are the EU has as a regional and global power and transatlantic partner (Dennison and Associates, 2013).

From the past experience, we have seen how certain countries (e.g. The Big Three - France, Germany and the United Kingdom), decided among themselves for following directions of EU's development, holding aside other member states. The Big Three is the one that influenced on the common foreign and security policy, and making it the most represented in decision-making in international institutions and organisations such as the UN, NATO, the World Bank, IMF, G7 and the G20.

In order to promote its interests, and also to hold on to its principles, the European Union will strive towards achieving the following **priorities**: (1) The Security of our Union; (2) State and Societal Resilience to our East and South; (3) An Integrated Approach to Conflicts; (4) Cooperative Regional Orders and (5) Global Governance for the 21st Century.

(1) *The Security of our Union*. In the introduction of the Strategy is said "we need a stronger Europe. We live in times of existential crisis, within and beyond the European Union. Our Union is under threat. Our European project, which has brought unprecedented peace, prosperity and democracy, is being questioned" (A Global

Strategy for the European Union's Foreign and Security Policy, 2016: 13). The Europe suggests necessary of strengthening of the security and defense capabilities and use of combined policies (soft and hard power) and tools for effective action in the field of energy security, migration, climate change, terrorism and hybrid threats. It will try through five lines of action - *Security and Defense, Counter-terrorism, Cyber Security, Energy Security and Strategic Communication* to strengthen its security and to participate in collective security and defense.

But due the refugee crisis, the Union faces the threats of terrorism, a resurgence of nationalism and anti-European views, collapse of the Schengen area and disintegration of the Union. Refugee crisis (which is the largest since World War II), contributed the main focus of the EU to be directed towards countries - transit of migrants and refugees (countries from Western Balkan and Turkey). In 2015 more than a million refugees and migrants arrived in Europe (Munich Security Report, 2016: 40), and as a result of that, the same year the number of victims from terrorist attacks (in the countries of the OECD, which includes 25 European countries), rising by 650 per cent when compared to 2014 (Global Terrorism Index, 2016). Furthermore, radical and eurosceptic parties might be a reason to undermine the unity of the West and could lead to fragmentation of the European Union. The processes of disintegration could eliminate Europe as a competitive actor of the international scene.

(2) *State and Societal Resilience to our East and South*. As well as in past years, the vulnerability of the Union comes from outside its borders. In order to deal with the threats, EU is prepared to invest in strengthening security in the countries and societies of its surrounding regions. Through the policies of enlargement, European Neighborhood Policy (ENP) and Effective Migration Policy would deal easier with the challenges and dangers of migration, terrorism and organized crime.

(3) *An Integrated Approach to Conflicts*. Multi-dimensional approach and the use of different policies and tools will help the Union in conflict prevention. European "comprehensive approach" refers to the participation in all stages of the conflict cycle, and implementation of "multi-lateral approach", which would involve all those players present in conflict. EU plans to respond rapidly, responsibly and decisively in case of crises. Especially in the fight against terrorism, it will rely on its security and defense capabilities (A Global Strategy for the European Union's Foreign and Security Policy, 2016).

But the crises from Greece to Ukraine, the collapse of countries from Libya to Iraq and the war in Syria were the cause of dysfunction of the EU and other international organizations in crisis situations. In particular the Union was not effective in the prevention from terrorism at home.

(4) *Cooperative Regional Orders.* Europe will promote cooperative regional orders, which represents a mix of bilateral, sub-regional, regional and inter-regional relations. In order to preserve European security order and peace will be driven by specific goals in different parts of the world. The European Union will advocate for improving relations with Russia which are still of crucial strategic importance for European security order. The EU will apply multilateral cooperation for a peaceful and prosperous Mediterranean, Middle East and Africa and will continue to strengthening the transatlantic partnership with the United States and Canada through the NATO. In the strategy are emphasizes the direct connection between the European prosperity and Asian security. Trade relationship with China will be a priority for the Union and its relations with other strategic partners and organizations, such as Japan, India, ASEAN and Mercosur.

Analyzed from an economic perspective, these countries are crucial for the European economy, China and India are the Union's largest trading partners, while Japan and Indonesia are on the third and fourth position. Over the past two decades, China has managed to rescue 600 million people out of poverty and by 2030 its gross domestic product is expected to represent 20% of world GDP, exceeding the EU and the USA. Next is India, which by 2030 will reach about 16% of world GDP (The European Union in a changing global environment: A more connected, contested and complex world, 2015: 9).

We can conclude that the priorities of the Union are unchanged and almost identical with the priorities of the Security Strategy from 2003. However, current developments about tension in relationship between the East and West, leaves a scope for establishing new international organizations who may advocated a more equal relationship and involvement of other countries from the world. In this regard the countries of the group BRICS will endeavor to create a parallel security and economic institutions as a possible alternative to the existing western international organizations. In the longer term, the BRICS countries will seek to reduce the impact of the West within the existing global institutions, NATO, the IMF and the World Bank. In this case the EU could be find itself between the "hammer and the anvil" because cooperation

with new partners from the East could bring confrontation with allies from the West (Dennison and Associates, 2013).

(5) *Global Governance for the 21<sup>st</sup> Century*. The European Union will continue to advocate for "a strong UN as the bedrock of the multilateral rules-based order" and involvement of international and regional organizations as well as state and non-state actors in the global order. The EU strives for reforming the Security Council of the UN and international financial institutions, and will strive for a united representation of the euro zone within these institutions.

European representative *Federica Mogherini* points out that "this is no time for global policemen and lone warriors", which means that the EU will promote international system based on multilateralism. The realization of its foreign and security policy will be viewed through the prism of connection with old and new players on the global stage and discovering new formats for cooperation. EU will invest in so-called "win - win" solutions, leaving the illusion that the international politics can be a "zero - sum" game (A Global Strategy for the European Union's Foreign and Security Policy, 2016: 4).

### **The EU as a Global Player - from vision to action**

The EU Global Strategy has a very ambitious approach to external security action. In the current period of transition and reform in the EU, the issues are how much will be able to realize its ambitions spread on several continents and be effective in addressing issues of different political, economic, social, security and defense character?

By promoting the concept of "soft power", The European Union managed to gain international credibility and strengthen its international position. With its developed and widespread economic platform, a trade association and integration it tended to be a strong actor on the global stage. However, strong competition in the world weakened "the European soft power" and contributed to shifting the global strategic epicenter towards Asia. This shows that the Union needs an urgent transformation of its foreign policy if it desires to be a global actor. It will have to change its strategic priorities and to broaden the agenda with new strategic partners who will play an important role on the international scene in the coming years.

"Civilian power" of Europe is not enough for global influence and not operates with reality in this insecure and unstable world. Therefore, it is ready to invest in all areas of foreign policy, especially in the field of hard power - security and defense. Hard power of the EU is crucial for European autonomy for external action, and to climb on a better position on the international security scene. The European Union should be more flexible and to make certain changes in three areas - diplomacy, common foreign and security policy and development.

That is necessary, because Europe is more fragile and less secure than in 2003. The changes in external strategic environment and within the Union, as well as the abandonment of one of the three largest and most important countries of the Union, United Kingdom, will prevent the realization of the European vision and ambition into action. Because, the United Kingdom is an impressive diplomatic power, the fifth most powerful economic and fifth military power in the world. Brexit will reduce the EU's credibility globally, especially in the CSDP. The EU and UK are the largest trade partners, more than 80% of British companies have trade relations with the EU, and also UK is one of the most popular destinations for Chinese investment in Europe (National Security Strategy and Strategic Defence and Security Review of the UK, 2015: 53, 71). While in the European defense budget, United Kingdom participates with even 21.4%. (SIPRI, Military Expenditure Database, 2011). In addition, in the middle between the EU and the UK are the USA, which is strategic partner in security, defence, foreign policy and the economy, and a major actor in NATO. These indicators show that there is a possibility of disturbing the European security compactness and strategic autonomy of the Union in international relations.

In the last part of the Strategy states that from this document should produce several sub strategies which will be in the context with political priorities and goals of the Union. The purpose of individual strategies is to determine the civil-military spectrum, tasks, needs, opportunities, priorities and deadlines for review of existing strategies. The EU Global Strategy will strive for periodically reviewing and consultation with the Council, Commission and European Parliament. Hence, the European Union provides a complement to "strategic gap" and stressing its next steps as a regional and global power. In October 2016, the EU Council adopted the strategic priorities for implementing the EUGS for 2016-2017, focusing on five priority areas for the external action of the EU: (1) Security and Defence; (2) Resilience building and integrated approach to conflict and crises; (3) Strengthening the nexus between internal and

external policies; (4) Updating existing or preparing new regional and thematic strategies and (5) Stepping up public diplomacy efforts (Council conclusions on the global strategy on the EU's foreign and security policy, 2016).

The next step on the EU was in November 2016, when by the High Representative of the Union for Foreign Affairs and Security Policy, was presented *Implementation Plan on Security and Defence*. This Implementation Plan on Security and Defence is calling on the EU to be a credible actor in security and defense spheres. According to the Plan, the European Union will contribute to: (a) responding to external conflicts and crises; (b) building the capacities of partners, and (c) protecting the Union and its citizens (Implementation Plan on Security and Defence, 2016). The Plan is part of a broader package that includes workout of additional documents in this sphere. At the same period, the European Commission adopted the *European Defence Action Plan* (EDAP), which is closely related to the Implementation Plan on Security and Defence and *EU-NATO Joint Declaration*. EDAP is focusing on strengthening the European defense policy and investing in defense capabilities as well as improving European strategic autonomy and strengthening its ability to acting together with partners. For that purpose, was adopted the EU-NATO Joint Declaration in Warsaw (2016) which gives strong impetus to the strategic partnership between NATO and the EU in security and defense spheres.

The cooperation in the defense sector is a strategic priority of the EU. The future plans of Europe are aimed at building a robust defense capabilities with which can be a global player. In European Defence Action Plan underlines that Europe in the area of defense is behind its partners. The European Union from 2005 to 2015 had a decline in defense spending by about 11%, and has an annual budget of 200 billion euros on defense (European Defence Action Plan, 2016:4). According to future projections (up to 2020) the Union Defense is expected to allocate around 147 billion euros (Ballester, 2013). Opposed to the EU, the United States in 2015 invested more than twice in defense, and China has increased its defense budget by 150% in the past decade. In 2015, Russia has invested 5.4% of its GDP in defence (European Defence Action Plan, 2016).

These financial projections of the European Union are not sufficient for it to be a "super power". From the foregoing, it is evident that the European strategic identity will depend on developments in Asia. Therefore, in the European security strategy, which is also the main instrument for the implementation of the common foreign and

security policy should explain how it will engage in relations with new actors and organizations. So far, the position of the Union was like that one of the non-aligned countries, to be among the great powers, a closer partner to one side, and more or less autonomous to other participants (Drent and Landman, 2012: 2). But if it wants to be a competitive force, it is necessary to strengthen (in financial terms), Common Foreign and Security Policy (CFSP), which is a fundamental pillar for achieving the EU as a global player. The EU budget for CFSP increased from 285 million euros in 2008 to 396 million euros in 2013. However, according to future projections, the Union plans to cut down the figure of 354 million euros by 2020 (Yearbook of European Security, 2014: 55, 57, 68).

According to these indicators, the process of demilitarization of Europe is real, and the negative trend in the financing of the common foreign and security policy will continue in the next few years. Doing so will reduce the possibilities of the EU to be the next superpower that will have greater engagement in international affairs.

This steps which provides Global Strategy for Foreign and Security Policy exceeds the flaws that had The European Security Strategy from 2003, which lacked "strategic upgrading". We emphasized that constant revision of security documents is not necessary, but any delay would reflect on the internal and external security policy. Seen through the prism of "strategic updating" of strategic documents, the European Union is in a worse situation than its allies. In comparison to the EU, the United States has revised its National Security Strategy (2002, 2006, 2010 and 2015.) in a relatively short time. The new strategic document of the European Union has clear plans for implementation of the European strategic objectives and priorities. Is needed a small caution and modesty in ambitions related to security and defense issues, which are highly sensitive during crises, instability and polarization in the policies and interests of the EU Member States.

## **Conclusion**

In the past twenty years the European Union's contribution was enormous. Its model of integration and interaction is an example for several regions in the world. But today, Europe is facing a deep crisis that could easily disrupt its cohesion. The dynamic processes of the globalization that have brought new risks and dangers to the "door" of

Europe, question the European security and stability. Rapid changes in the security environment compelled the Union to make a full scan and analysis of the possible consequences for its security.

For this purpose the Union was forced to adopt a global strategy for foreign and security policy. While the intentions in the document is too ambitious, however, correspond with real situation, interests, needs, opportunities and capacities for the implementation of the common foreign and security policy of the European Union. The lessons learned and past experiences are implemented in the Strategy, as well as future steps and plans for external action of the EU.

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## **THE WESTERN BALKANS AND EU ENLARGEMENT – LESSONS LEARNED, WAYS FORWARD, PROSPECTS AHEAD**

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### **Abstract**

This study examines the state of the EU enlargement process in the Western Balkans. A more strategic approach from the side of the EU is needed to engage with the region and its myriad challenges – from security to economic development to the rule of law. The Western Balkans are surrounded by EU member states, yet membership remains a remote prospect, and other players, such as Russia, are ready to step in. It is in the interests of the EU to foster a secure and prosperous region, but it has to persuade the region's elites and public alike that the accession process will bring about sustainable reforms, stability and prosperity. This necessitates an enhanced reform drive and better communication by the governments in the region. The EU should work with governments and civil society to improve the evaluation process of progress made, induce consensus on EU enlargement among competing political parties, and support enhanced regional cooperation mechanisms. The EU needs to overcome 'good neighbourly relations' conditionality by proactively intervening to overcome bilateral disputes, to open accession negotiations with all countries as soon as possible, and ensure that the accession process serves as a powerful motor to drive reforms and institutional transformation.

## **INTRODUCTION**

European Union (EU) enlargement is under threat. There is little enthusiasm among European member states for further enlarging the Union. The slowing down of the EU integration process in the Western Balkans has been accompanied by a slowdown in investment in the region by EU member states. European states face different problems of their own making. Citizens across the continent feel less connected with the European supranational institutions and globalization processes. Economic progress has been stagnating and populist leaders have exploited anti-elitist feelings. In the Balkans leaders imitate and improve populist strategies. New regional powers, such as Turkey, Russia, and China threaten to use the impasse in the EU enlargement process. It is in the interests of the EU to foster a secure and prosperous region, but it has to persuade the region's elites and public alike that the accession process will bring about sustainable reforms, stability and prosperity. This necessitates an enhanced reform drive and better communication by the governments in the region. The EU should work with governments and civil society to improve the evaluation process of progress made, induce consensus on EU enlargement among competing political parties, and support enhanced regional cooperation mechanisms. The EU needs to overcome 'good neighbourly relations' conditionality by proactively intervening to overcome bilateral disputes, to open accession negotiations with all countries as soon as possible, and ensure that the accession process serves as a powerful motor to drive reforms and institutional transformation. This paper analyses the state of affairs and discusses the methods how best to invigorate the enlargement process.

## **STATE OF PLAY IN THE ENLARGEMENT PROCESS**

The Stabilisation and Association Process (SAP) – as a tailor-made, country-by-country, progressive approach and intermediate step on the path towards accession – has, since May 1999, been the centrepiece of EU strategy towards the Western Balkans. On 19 and 20 June 2000, at the Santa Maria de Feira European Council, all Western Balkan countries were considered as potential candidates for EU membership. A few months later, on 24 November 2000, the prospect of possible accession to the EU was confirmed at the Zagreb Summit. At the Thessaloniki European Council in June 2003,

all EU member states declared their 'unequivocal support to the European perspective of the Western Balkan countries' and that 'the future of the Balkans is within the European Union.'

Following Croatia's accession to the European Union (EU) on 1 July 2013, no candidate country is on track for membership before the end of the same decade. Beyond politics, EU investments in the region have also slowed down. Nationalism has remained a strong force in the region, and in some places it has been supplemented by the growth of Islamist radicalisation. Disillusioned Balkan youth have even headed to Syria to join the terrorist fighters of the Islamic State of Iraq and Syria (ISIS). Different regional powers, such as Turkey, Russia, China and the Gulf states, have begun to become more engaged in the region, sensing a business and geopolitical opportunity enhanced by the absence of a momentum towards EU enlargement.

Citizens in the region have grown wary while EU institutions and member states do not envisage further enlargement before 2020. Elites in candidate countries have become increasingly aware that the negotiations will take a long time. For example for the 2004 enlargement negotiations began on 31 March 1998 with the six best-prepared countries (Cyprus, Estonia, Hungary, Poland, the Czech Republic and Slovenia), and on 15 February 2000 with all the other candidate countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia) All except Bulgaria and Romania became members in 2004, which means the negotiations lasted six years. Sofia and Bucarest joined the EU in 2007, negotiating for seven years. Croatia negotiated from 2005 to 2013. It is highly unlikely that any of the Western Balkan countries will be able to join the EU in such periods of time. Moreover, the Greek debt crisis dealt 'a serious blow to the enlargement narrative as one of sustained convergence, EU-driven modernisation, and increasing prosperity'. (O'Brennan, 2013:40) National leaders have tried to manipulate the situation to their own advantage, often disregarding the necessity of democratic consolidation and paying only lip-service to the EU accession process. Organised crime, corruption and immigration, or large-scale unrest, could pose greater threats to Europe-wide security and stability if the prospects of Western Balkan countries' accession fade into the distance. The Western Balkans and the EU need to recharge the EU enlargement process through a reinvigorated accession process and strategy.

## MOVING FORWARD

### Forging a consensus among elites to promote reforms

Politicians in the region must comprehend that the consolidation of democracy depends on elite consensus and cooperation. A critical step for successful democratisation is the transformation of divided elites into consensually unified ones through an elite settlement of basic disputes among elites. An elite pact, settlement or political settlement is a 'relatively rare event in which warring national elite factions suddenly and deliberately reorganise their relations by negotiating compromises on their most basic disagreements'. (Burton and Higley, 1987:295) Alternatively put, formal and informal pacts between contending political actors can move relations from a stage of disruptive confrontation to one of respectful, consensus-based political competition between elite groups. This is needed in the Western Balkans as soon as possible.

The EU should apply pressure on political parties in the Western Balkans to defuse the 'winner takes all' mentality of political elites. Party dialogue and a culture of consensus-building over policy issues and institutions should be further promoted. To safeguard against the appropriation of the EU enlargement progress for the furtherance of party political interests, the EU should formally insist that candidates for key positions leading the respective country's accession process – Chief Negotiator, Minister and Deputy Minister of European Integration, Chair of the Parliamentary Committee for EU Enlargement and similar positions – are elected or appointed by a consensus among the political parties in the respective national parliaments. The more the ruling and opposition parties are formally engaged in the enlargement process, the less they will be inclined to take a confrontational stand against the necessary reforms. Consensual policymaking will decrease inter-party bickering and defuse the tensions that contribute to the 'winner takes all' mentality.

Although it might look as if the EU were trying to interfere in the internal affairs of the countries in the region, this move would signal to the elites and to citizens in the region that political settlement and consensus over EU enlargement is a crucial issue for the democratisation and socio-economic development of the Western Balkans.

Problems related to corruption and party political influence on the independence of public institutions, the media, and electoral processes are prevalent throughout the Western Balkans, a point repeatedly made in the European Commission progress reports. To address these barriers to the EU integration of the region, the EU should use IPA II to further support reforms in the 'enlargement countries'. In particular, under the public administration reform and rule of law components of IPA II, the EU should increase the focus on strengthening the independence and the competencies of following types of public institutions:

- the state/national/supreme Audit Office,
- commissioner on freedom of information
- the Broadcasting Council/media regulatory body,
- the Ombudsman Office,
- anti-monopoly Commission
- special anti-corruption bodies, and
- the Electoral Commission.

Building consensus is a key issue here. The emergence of a system of election/appointment of officials heading these bodies through a consensual vote in national parliaments would increase the likelihood of the confirmation of highly qualified candidates by a strong majority. Among other things, the strengthening of the efficacy and the role of the above-mentioned institutions will in the short run influence the fairness of elections. Free and fair elections, where the results of the voting are not disputed by any party, should be an urgent priority.

### **Engaging public opinion in the EU**

Enlargement without supportive constituencies in both places, among the candidate (and potential candidate) countries and EU member states, and enlargement regarded as a purely technical, elite-driven process that few people understand, will not survive the current erosion of trust. The situation today does not differ much from circumstances and public opinion in the EU five or ten years ago. The risk is that a failure to step up the enlargement process during the tenure of the Juncker Commission would result in weaker, more authoritarian Western Balkan states. However, elucidation of the potential drawbacks of non-EU action regarding



enlargement will not suffice to convince the citizens of EU member states who oppose further expansion. More openness, transparency, clarity, and precise communication and data are needed. If significant progress is made in the reform process in the Western Balkan countries, and a successful *EU communication strategy* is implemented to communicate the evaluation of that progress, then it would become easier to convince the EU public, in particular in the more sceptical EU countries, to support the enlargement process. In other words, the dissemination to ordinary citizens of *more easily accessible and comprehensible analysis* in addition to the resources and materials produced by the European Parliament Information Offices (EPIOs), EC representations/delegations, Europe Direct network will serve in better presenting the results of the Western Balkan reforms to the European public and could become a crucial tool for the European Commission and the European Parliament as well as for the national governments of member states to promote and explain the benefits of further enlargement. In the next section we will discuss how to prepare such kind of an analysis.

### **Transform Commission progress reports into accessible, results-oriented evaluations**

EU progress reports assess the respective countries' progress in complying with the Copenhagen accession criteria and the conditionality of the Stabilisation and Association Process. Progress is measured on the basis of decisions taken, legislation adopted and measures implemented in a yearly time frame, from October in the previous year to September in the current year. The reports are not sufficiently clear, to ordinary citizens at least, in the assessment of the progress made. In the reports on many occasions, the word 'progress' is used in tandem with specific adjectives (some further, further, limited, very limited, patchy, hampered, little, good, slow, very slowly) to indicate the level of improvement in specific chapters. It is far from clear, however, what is the difference between 'limited' and 'very limited', 'slow' and 'very slow', or how 'further' progress being made in certain policy areas has been evaluated.

Moreover, progress in some areas is easily defended by the ruling elites as general progress of the country and a good performance of the government as far as EU accession is concerned. With constrained media spectrum it is easy for government

to ignore the 'limited' or lack of progress in certain other areas. On the other hand, opposition parties can easily focus and warn the public about the policy areas where the country has made little or no progress, blaming the government for not doing enough in the EU accession process. Civil society organizations that specialize in certain problematic area, say environmental protection, will have a completely different view on the progress made of the country, than say, a NGO working in the area of consumer rights, where the Report has found strong progress being made in the adoption and implementation of the relevant *acquis*. Very few think tanks and civil society organizations in the Western Balkans have capacities and analytical skills to assess the overall progress made. Given the polarized political scene in the Western Balkans, where media and civil society organizations are considered closer to the ruling parties or the opposition, the Reports can serve as PR tools to praise or criticize the government work on EU accession in the past year. The reports should be more specific and concrete with easily comprehensible and quantifiable indicators. To make the progress reports mobilising factors for civil society actors, politicians and public administrators across the region, ESI suggests doing for each chapter – and for each country – what the EU did in the visa liberalisation process for the region: produce one document ('roadmap') that clearly sums up what the core requirements are under each policy area (or chapter) that every accession candidate should meet. (European Stability Initiative, 2014). The Reports would then also serve as a tool to compare progress made within a country throughout time, as well as in comparison with the other Western Balkan countries.

This transformation of the EU progress reports would help the discussions in the European Parliament and indirectly assist wider European audiences to better grasp the intricacies of the Western Balkans enlargement process. Clearer indicators would serve MEPs to produce more informative debate and resolutions. The Progress Report should also devote a new concluding section that would assess the communication strategies – both in terms of objectives set initially and the evaluation of the implementation of the strategy– of the EU and Western Balkan governments alike vis-à-vis the benefits and challenges of the EU accession process and the progress made in a given year. Furthermore, at the moment the progress reports relate to improvements made in a single year, not to a continuum of progress. The Progress Reports should be complemented with an annual analytical evaluation of how close to full compliance to

the *acquis* a country is. In the next section we will discuss who and how to prepare such kind of an analysis.

### **Engaging public opinion in the region**

The European Commission and the European Parliament should urge the governments in the region to reshape their communication strategies regarding enlargement with specific and timely delivery of information on the reforms made. Western Balkan governments must be obliged to prepare and implement annual communication strategies on the benefits and challenges of the EU accession process and the progress made in a given year. Within the annual communication strategies, accountability concerning the adoption and implementation of the *acquis* would be increased by the dissemination to the public by Western Balkan ministries of quarterly reports. These communication strategies would be evaluated in the EU Progress Reports, both in terms of the clarity and appropriateness of the objectives set initially and the evaluation of the implementation of the strategies. If evaluated by the Commission, governments in the region will devote necessary resources to improved communication with its citizens on the EU accession process. The annual analytical think tank reports can support this evaluation through providing independent verified updates on the communication strategies of the Western Balkan countries.

More openness and information from a variety of sources, both governmental and non-governmental, would serve to mobilise public opinion in the Western Balkan countries to support further reforms. To enhance the overall process the European Parliament and the European Commission should also insist that governments in the Western Balkan countries provide open, accurate data to local policy research institutes so that they can produce informative reports based on up-to-date data. No good analysis can be produced on the effectiveness of a communication strategy on the progress in the EU accession process of a given Western Balkan country if reliable data is not provided to analysts, for example. In that respect, the EU delegations in the region should closely monitor the implementation of the Access to Information laws which typically aid researchers in situations where data is not easily available. IPA II projects on Western Balkan states achieving Open Government Partnerships should also aid the process.

### **Regional cooperation must improve**

Notwithstanding a number of open bilateral issues, regional cooperation among the Western Balkan states should be further enhanced with the proactive support of the EU and the Regional Cooperation Council (RCC). In particular, the EU should urge an enhanced role for the RCC in stimulating regional cooperation in a variety of fields, including soft ones such as education, science and culture. The RCC should continue to serve as a platform for the region's governments to evaluate the future of regional cooperation, specifically based on careful examination of the actual needs of states in the region. The EU should enhance the implementation of the RCC's SEE 2020 Strategy and monitor the convergence of its goals with those of the EU since SEE 2020 is closely following the vision of the EU strategy Europe 2020. Continuous EU support is necessary as key elements of the Strategy such as "transport, energy, competitiveness and integrated growth have secured support from the Prime Ministers of Western Balkans economies and several EU Member States through the Berlin Process." (RCC press release 2015)

Beyond the RCC, the role of other regional bodies, such as the Regional School of Public Administration (ReSPA), should be strengthened to aid the enlargement process. ReSPA should serve as a hub for supporting leading civil servants engaged in the EU negotiations. EU negotiations by individual countries should be open for monitoring by civil servants of other Western Balkan countries. Apart from discussions and negotiations over strategic issues civil servants from the region should be able to monitor the negotiations and acquire practical knowledge of the process to be replicated in their own countries. This kind of regional cooperation should be enhanced by the EU and ReSPA. Regional initiatives, such as the SEECP, should also be supported by the EU, especially if the region is to focus on cooperation in solving a number of common problems such as corruption and political party influence on the independence of public institutions, the media, and electoral processes.

### **Revisit 'good neighbourly relations' conditionality**

When EU conditionality touches upon identity politics, the transformative power of the EU is weak and ineffective. A problem arises when 'a state's national

identity contradicts the conditions linked to the benefit of an external incentive, the state will not or only inconsistently comply with these conditions independently of the expected costs of adaptation', and that 'national identity plays a crucial role as filter by sorting out whether governmental action is to be based on cost-benefit calculations ("logic of expected consequences") or in accordance with socially constructed and accepted identities, rules, and practices.' (Freyburg and Richter, 2008:14) In other words, if the conditionality criteria pertain to an issue area perceived as problematic for national identity, a different line of reasoning will be triggered than in cases where the criteria are considered unproblematic. National identity 'determines the logic of social action that governments will follow when responding to the Union's conditionality criteria'. (Freyburg and Richter, 2010:266)

The EU condition for the Macedonia to reach a 'negotiated and mutually acceptable solution on the name issue' is effectively hidden under the 'good neighbourly relations' criteria. (European Commission, 2009:6) Failing to achieve good neighbourly relations is in fact, pushing the Macedonia to negotiate on its name and identity. This amounts to posing additional unprecedented criteria for membership of the EU and NATO, a policy that delegitimises the principle of 'conditionality', one of the main instruments of the EU in the enlargement process. The blocking of the Macedonia's EU accession drive removes the major incentive for the country's political elites to work towards membership. Moreover, there is a high risk that Macedonian public opinion will turn against accession. More importantly, the possibilities for further soft mediation of Macedonian-Albanian political disputes will diminish at a time when there is a danger that nationalism and ethnocentrism will rise again.

Serbia has been trying to keep its policy on Kosovo separate from its aspiration to join the EU. However, since the EU has made clear that Serbia's progress towards accession depends on improving its relations with Kosovo, it might lead the country to take another look at the integration process. Despite the change of government in Serbia, the policy and discourse on Kosovo remains the same. It seems that no government in Belgrade in the near future will recognise Kosovo's independence. As it is very unlikely that the EU will have Serbia as a member if it does not establish good neighbourly relations with an independent Kosovo, the danger is that Belgrade will abandon EU enlargement, further complicating Balkan affairs. Serbia should be allowed to tackle this issue at the very end of the negotiations process. It would not be prudent to push Serbia on recognition of Kosovo when five Member states do not recognize

Prishtina. While negotiations last and normalization of relations between Belgrade and Prishtina progresses the status of the Serbian minority in Kosovo must be upheld with a special attention to the Serbian municipalities in the North. If in due time the situation of Serbs in Kosovo is well accepted by the public in Serbia there might be a window of opportunity that Belgrade recognizes the independence of Prishtina at the time when the country would be acceding to the EU. EU conditionality runs the risk that it will not be taken seriously by other governments in the region that have or might have problems in bilateral relations with their neighbours or in regional cooperation. If the upper hand in bilateral disputes within the regional cooperation conditionality lies in the hands of one or more EU member states, laggards in the process of EU enlargement such as Kosovo might worry that they will suffer insurmountable obstacles in the accession process once Serbia joins the EU. If and when Serbia accedes to the EU special controlling mechanism should be put in place in order to secure that Belgrade would not be able to block progress of Kosovo's accession. Although such mechanism would be an unorthodox measure, given the experience with the Cooperation and Verification Mechanism for Bulgaria and Romania, it would not be a completely unorthodox measure. The credibility of the enlargement process 'remains in doubt so long as individual member states continue to make the accession process hostage to bilateral complaints, thereby undermining the element of fairness in the conditionality principle'. (Fouéré, 2014:8)

The view of the European Commission that 'bilateral issues should not hold up the accession process which should be based on established conditionality' (Enlargement Strategy 2014: 17)' should be given more political weight. In principle a way must be found to prevent the postponement of EU enlargement to certain Western Balkan countries as a result of veto-wielding powers by member states around the principle of 'good neighbourly relations' conditionality. A blockade of the enlargement process for Serbia and the Macedonia could have serious implications for regional stability and innovative solutions such those proposed above should be found. The EU should consider devising mechanisms/informal bodies to help solve specific bilateral disputes between member states and candidate countries. At some instances the EU can rely on most active/interested Member States. The German/British initiative in Bosnia is an example of individual member states pushing for resolution of problematic issues when the EU as a whole does not. While not all bilateral disputes merit such an effort, it is necessary in some, particularly difficult cases that revolve around the

questions of statehood or national identity. The experience of the resolution of the Slovenia-Croatia sea border dispute should be considered, and an enhanced role and powers for the European Commission and/or the European Parliament in this process might be an option.

## CONCLUSIONS AND RECOMMENDATIONS

In recent decades, the EU has invested so much in the Western Balkan region that the region is now strongly integrated economically with the EU, which accounts for more than two-thirds of the region's total trade. Therefore, an exit strategy should not be under consideration. On the contrary, closer integration should be moving further ahead. A deceleration of the accession process would seriously undermine the credibility of the EU and its self-proclaimed 'soft power', leaving the door open for the stronger influence of rising regional powers such as Russia. The increasingly indifferent feelings towards the EU from the side of elites in the Western Balkans have begun to usher in a return to authoritarian tendencies. Nationalism could easily rise in the region. New conflicts could develop, especially in the Macedonia, Kosovo or Bosnia and Herzegovina. The decline of influence by the EU could be exploited by regional powers such as Russia or Turkey. Given the visa-free travel to the EU Schengen countries for the Western Balkan countries (except Kosovo), there is a danger that radicalised Islamic youth from the Balkans would move in and become active in Europe. Organised crime, corruption and immigration could also emerge as potential threats to Europe-wide security and stability if the Western Balkan countries' accession is postponed indefinitely. The Western Balkans and the EU need to recharge the EU enlargement process through a reinvigorated accession process and strategy.

To do so an important target audience should be the EU public. The Western Balkans are not a priority for ordinary EU citizens. The countries do not have a good reputation – following years of negative media reports from the region and stereotyping within the EU resulting from reports of criminality caused by migrants from the Western Balkans. As the EU is undergoing an internal crisis, and its member states are less likely to be supportive of enlargement, the European Commission should take greater initiative by using clear language explaining to citizens of the EU and the Western Balkans the benefits of the accession process and the reforms required to join

the EU. The public in the Western Balkans should also become more aware of the intricacies of the accession process and know better where their respective countries stand, and why some have not progressed further. Hence, better produced EU progress reports and reports by independent think-tanks in the Western Balkans are needed together with more precise and timely communication from the governments in the region.

Transparency and accountability are needed in the reforms, hence more accent should be placed on improving institutions and agencies that monitor and evaluate public policymaking. Elites in the Western Balkans must be induced to drop the prevalent confrontational mentality and move from disunity to unity in working together to further the enlargement process and democratic rule in general. Regional cooperation should be enhanced, and the EU should assist this through the various forms of multilateral institutions currently in place. There is no point in working on EU accession if the region does not improve and does not coordinate better its own activities and projects aiming to help the life of ordinary citizens. Brussels should accept that some of the regional problems, especially those involving bilateral issues and concerning 'good neighbourly' relations, will remain unresolved without the EU's direct involvement. Overall, devoid of EU accession prospects, the Western Balkan countries face the risk of a social-economic implosion and authoritarian consolidation. The Western Balkan countries need more assistance and attention from the EU than the Central European candidates that acceded to the EU in and since 2004. A set of concrete measures were suggested in the paper in order to revitalise the enlargement process.

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## ENERGY SECURITY OF THE EU AND WESTERN BALKANS

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### Abstract

This paper deals with the external dimension of the EU energy policy in the scope of which we can also define the common perception of energy environment of the EU. The EU is particularly interested in the states of the Western Balkans which are in different phases of integration process towards the full EU membership, integral energy security of the EU and, finally, the EU's Energy Union. In the context of energy policies, these states are significant as an area of potential transport routes important for the diversification of EU energy supply, particularly gas. Simultaneously, this region is where the EU is facing conflicting interests beyond regional subjects, primarily Russia, which are to a great extent realized using the energy (gas) dependence of the states in the region. Consequently, the EU is strongly affirming the issue of energy security and helps the states - candidates for EU membership define and coordinate their energy policies as the basis for energy security. The EU puts emphasis on security and not on economic aspect of this policy. Subsequently, with security in general, energy security is a significant prerequisite to the process of joining the EU. Also, there is a strong interdependence of these two aspects of security in this region, where the general security of the Western Balkans influences the energy security of the EU. Thus, the

paper will elaborate on the impact of security in the Western Balkans on energy security from the EU perspective. In particular, one part of the paper is dedicated to analyzing energy interests of the EU member states which share borders with this area and which should actively participate in stabilizing this region. This paper establishes the hypothesis that in the future, energy security of the EU will increasingly depend on the supply routes stretching across the Western Balkans and the neighbouring states, which places great importance on the active improvement of the stability of this area and its inclusion in the EU. The importance of the Western Balkans for the energy security of the EU and its efforts to stabilize the Western Balkans for energy security will be analyzed.

**Keywords:** Energy security, security, EU, the Western Balkans

## Introduction

Numerous issues are connected to the concept of energy security, and many of them suggest that the "ensuring of secure energy supply which includes not only ensuring of energy sources under favourable conditions, but also ensuring of transport routes for energy supply" (Tatalović 2008:7) is essential. This paper uses one of the possible definitions, adopted by the EU, of energy security as "the uninterrupted access to energy sources at an affordable price" (European Commission, 2014: 3). Threats to EU energy security lead to an increased engagement of the EU on the Western Balkans within the framework of the Energy Community (ECom)<sup>100</sup> and the High Level Group for Central and South-Eastern European Gas Connectivity (CESEC).

The Western Balkans (WB) neologism is used in a political, not in a geographical sense. At first it referred to the candidate states for the EU accession situated in the area that includes the states of "former Yugoslavia, minus Slovenia, plus Albania". Croatia is no longer a part of it, since by joining the EU it dropped out of the

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<sup>100</sup> The Energy Community does not refer only to gas but also to electricity, renewables, oil, energy efficiency, environment and competitiveness, but in this paper the emphasis will be on gas.

"outsider club"<sup>101</sup>. The common contextualisation of the states in this area is being derived from the concept of regionalism on which the EU and its enlargement policy are based. The regional contextualisation was enabled through some common features of these states - these are the post-conflict states with inherited instability, not only as a consequence of the recent wars and ethnic conflicts, but also of an unfinished political, economic and social transition. A non-transparent market, the new elites for its control, legal dysfunction, delays in the democratisation process, economic stagnation and security destabilisation make these states insecure, which increases the potential for external actors' activity.

The subject of this paper is neither the organisational structure nor the organisational issues of the ECom, nor is it the environmental or social impact of energy policies. The energy issues are not reduced to a technical aspect, to one of the sectors of the economy, but are a matter of interest within a wider strategic frame, since the solutions to certain energy issues are not important only for their economic impact, but have also a broader, strategic importance. The European energy policy has three dimensions: economic, environmental and the one that is the subject of this paper, and that is security-related. The main goal of this paper is to show how energy in/security, among other reasons, motivates the EU for taking measures on the WB. These measures are aimed at secure gas supply, and at the same time, they support the EU efforts for securing peace, stability and prosperity in this area. The reason is twofold: the enlargement policy, since the states of the WB aspire to EU membership, and the energy security, because these states can contribute to diversification, not of the gas sources, but of the gas supply routes to the EU.

We have based the explanation of the link between energy sources and security on the expanded concept of security of The Copenhagen School, on the contemporary understandings of the notion of power, and on the discipline of geopolitics. We will show that the establishing of the Energy Community first, and then of the CESEC, the institutions connecting the EU and the Western Balkans countries/WBC (and the Southeast Europe in a broader sense) in a joint effort to enhance the energy security,

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<sup>101</sup> This political term was created at the first EU summit held outside the EU area, in Zagreb in 2000, while defining the strategy of the EU enlargement. Montenegro (since 2010) and Serbia (since 2012) have been engaged in accession negotiations, Albania has received the status of a candidate country; Macedonia has had it since 2005. Only BaH and Kosovo are just potential candidates due to the unresolved issue of sovereignty.

represents a operationalization of several concepts on which the EU bases its activity. We synthesised various concepts, elaborated by different authors, and brought them into connection with energy security. These are EU external governance by way of externalisation of the European energy policy or external Europeanization (with a special emphasis on security dimension), wider regional community concept and the concept of security community. In the paper, there are also traces of neo-functional approach, but this time we will not pay much attention to it. The paper is based on an analysis of the EU documents, newspaper reports and statistics.

### **Conceptualisation and definition**

The study of security in the global community is one of the most challenging issues in political science in a broader sense, and in a more strict sense, in international relations. The growing importance of security phenomena for contemporary societies has motivated an increasing number of scientists to start dealing with security-related issues (Tatalović and Malnar, 2016: 54). Within this frame, the notion of energy security which is difficult to conceptualise, is being examined as well. Energy activities vary depending on the type of energy source (coal, oil, and gas), field of activity (extraction, transport, distribution) or actors (manufacturer, buyer, and distributor). The definition of energy security depends also on the point of view, and is hence differently defined by the importing countries, exporting countries, developed countries, developing countries.<sup>102</sup> In this paper we will define the energy security from the importers point of view, since the subject of our research is the externalisation of the EU energy policy to the Western Balkans, and both the EU and the WBC are major importers of energy sources. From the point of view of energy importers, energy security refers to a secure source of sufficient quantities of energy at affordable prices or a "predictable access to desired types of energy sources (in this case gas) in desired quantities in order to assure the supply security as well as transparent and affordable prices" (Nosko, 2010).

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<sup>102</sup> For more details, see D. Yergin, *Ensuring Energy Security*, Foreign Affairs, Volume 85, No.2, March/April 2006, p. 69-82.

From the energy security defined in that way it follows that the main threats are the supply insecurity and the price uncertainty<sup>103</sup>. These two threats are interdependent, and the emphasis in this paper will be on the energy supply in/security. The energy supply security is a matter of (national) security of the importing countries ever since World War I when the First Lord of the British Admiralty Winston Churchill decided to make the British Navy faster by using oil which had to be imported from the then Persia, instead of coal which Britain had in sufficient quantities. The focus then was on oil, and the conventional wars (the "oil wars") have been fought over the control of oil sources, and this so as to enhance the military security. Today, the focus is on gas and on conflict (unconventional warfare) over the control of gas transport routes and this with a view to enhance the freedom of foreign-policy decision-making.

Due to empirical reality, the chosen definition of energy security puts an emphasis on the gas supply security. Unlike oil which is mostly being traded on liberal, market-based principles, whereas gas due to capital-intensive and fixed gas pipelines is predominantly being traded on the basis of long-term, predefined agreements. Besides, both the EU and the Balkans' states import large quantities of gas from Russia via gas pipelines under its control. The focus is shifted from oil to gas and from the control over sources to the control over transport routes and the required infrastructure. Therefore, the subject of interest is not the technical or physical security of the critical gas infrastructure, often being targeted in war, but the impact of peacetime control over that infrastructure on the energy, and, in a broader sense, on economic security, and, first and foremost, on freedom of political decision-making. Structural over-dependence of the EU and the WBC on Russia as the gas exporter and on the transport routes under its control is used by Russia for exerting pressure and intimidation – by cutting off the supply or changing the prices according to its political preferences and

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<sup>103</sup> Fossil fuels, oil and gas are still predominantly being used and their price has not always been a market category. Although the oil is being largely traded on a global level based on the market principles, its price depends on the stock exchange speculations (the "paper-oil bubble"), geopolitical events (wars that disrupt supply, etc.) or psychological reactions based on the expectation of worsening of geopolitical conditions. Due to limited possibilities and expensive transport infrastructure, the price of the gas is being even less of a market category – it is being traded based on long-term agreements, and its price often depends on the current political preferences, so it is being used to exert influence with the aim of changing those preferences.

regardless of market conditions.<sup>104</sup> To which extent the EU has become energy (gas) insecure, became clear after the first gas-dispute between Russia and Ukraine in 2006, when the gas supply to Europe was disrupted due to political differences between Russia and Ukraine<sup>105</sup>. Therefore, the focus of this paper is on strategic, political threats to gas supply security, and strategic approach moves the subject away from economic policies and closer to foreign and security policy.

It is difficult to measure the energy security objectively, but dependence on a single source can change the perception of interdependence beneficial to both sides into a negative, unequal and threatening dependence. The Westphal's definition, which perceives the energy security also from the importers perspective, includes at the same time the solutions according to which the energy security relies on geographical diversification of energy supplies, diversification of energy sources, and predictable, stable and low energy prices (Westphal, 2006: 60). The EU seeks to increase its energy security precisely by diversifying sources and transport routes, and by connecting through interconnections with neighbouring states. Interconnections enable the diversification of transport routes, possibly also the diversification of gas sources in the future, and solidarity between the neighbouring states in the event of the gas supply disruption that would decrease its negative effects. Such a solution strongly directs the EU to addressing the energy security issues in collaboration with its immediate neighbourhood. The sense of interdependence with its neighbourhood leads the EU to seek out the solutions in external action, which constitutes the very basis of the establishing of the Energy Community in the first place.

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<sup>104</sup> Beside the Russian geopolitical factor, the gas supply security can also be influenced by an increase in demand as a result of the emergence of new economic forces, the growing use of natural gas as a "clean" energy source and the long-distance cross-border transport which is strongly influenced by the geopolitical events in areas it transits through.

<sup>105</sup> Russia and Ukraine failed to reach the agreement on the price of the Russian gas, which led Russia to cut off its gas supply to Ukraine, an important transit country through which no less than 80% of the Russian gas was transported to Europe at that time.

## **Geopolitical importance of energy sources and broadened concepts of security and power**

The classical geopolitics refers to an analysis of the impact of geographical features on power relations in the international relations. In the analysis of energy security of the EU and the WB, geography is important for two reasons – it influences the energy self in/sufficiency and security-related interactions conditioned by geographical proximity. Robert D. Kaplan describes geopolitics as the battle for space and power played out in a geographical setting and differentiates between military, diplomatic, economic and energy geopolitics (Kaplan, 2014), which connects politics to geography and geology. Geographical position conditions non/possessing of energy sources, distance from energy sources and infrastructural connecting, and even an energy power(lessness). Geographically uneven distribution of energy resources in the world brought about a division between the energy exporting countries and energy importing countries, and when the energy sources are being transported by predefined land route, transit countries also get involved. The importing country, transit country and exporting country, being the key actors in the gas trading, are in a position of significant interdependence that can be influenced by geopolitical changes.

Russia bases its power in international relations on geographically conditioned energy sources abandonment and uses it so as to maximise its political power. With the same goal, it seeks to control gas transport routes towards the importing states. Russian president Putin decided that Russia's "vast energy and mineral resources (would) serve as a basis to develop its economy; as an instrument to implement domestic and foreign policy" because "the role of the country on international energy markets determines, in many ways, its geopolitical influence" (Kupchinsky, 2009)<sup>106</sup>. Gas and the infrastructure necessary for its transport are not a driving force nor the only reason, but are an important factor and a part of a wider security political engagement, and even of conflicts of external actors in the area of the WB, because the "energy sources are the only credible thing that Russia can offer" to the states of this area.<sup>107</sup>

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<sup>106</sup> Cited according to Ebel, R. E. (2009) "The Geopolitics of Russian Energy - Looking Back, Looking Forward". CSIS, Washington, July 2009, p. 9.

([http://csis.org/files/publication/090708\\_Ebel\\_RussianEnergy\\_Web.pdf](http://csis.org/files/publication/090708_Ebel_RussianEnergy_Web.pdf) 22 January 2016

<sup>107</sup> See Mappes-Niediek, N. (2017), "Sve podsjeća na 1914. godinu, Balkan je fitilj koji može zapaliti Europu", 18 February 2017., Index.hr.



Energy relations in the WB area are legitimately perceived in terms of geopolitics also because the energy-related conflicts are "forging new military alliances as geopolitical rivalries combine with mercantilism to create zero-sum games" (Mohan, 2015).

Geography is considered important also by representatives of some contemporary theories of international relations. Authors of the Regional security complex theory maintain that it is "a theory of security in which geographical variables are central" (Buzan, Weaver, 2003:70), because the very "simple physical adjacency tends to generate more security interaction among neighbours than among states located in different areas" (Buzan and Waever, 2003: 45). The states of the WB are not important for the EU gas security as a source of gas (some do not have their own sources and are totally dependent on the Russian infrastructure), but because of their geographical position in the immediate neighbourhood of the EU and at the crossroads between the gas sources more to the South and East and gas importers more to the North and West. These geographical variables generate a possible impact on the EU energy security, since these are potential gas transit states to the EU.

The connection between the energy sources and the security or power was strengthened way back during the World War I, but the neologism energy security started to appear more often in the discourse as yet another type of security in the post-Cold War era. The Copenhagen School of security studies and its representatives Buzan and Waever dismiss the traditional reducing of security to a single sector and horizontally broaden the notion of security by including the non-military threats, maintaining that security is a special type of policy applicable to the whole range of issues. Buzan emphasises the distinctive character and dynamics of security in five sectors: military, political, economic, environmental, and societal (Buzan et al., 1998: vii). Energy issues are connected to each of these sectors, therefore they are transsectorial, and each of these sectors can be negatively affected by the energy insecurity.

In the post-Cold War international relations, military power is no longer dominant. Non-military forms of power are becoming ever more important, and the energy power is one of them. The energy power influences other forms of power: the military power, because the energy supply disruption decreases the state defence capabilities; the economic power, since energy sources are a rare, geographically

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<http://www.index.hr/vijesti/clanak/sve-podsjeca-na-1914-godinu-balkan-je-fitilj-koji-moze-zapaliti-europu/951405.aspx> - 19 February 2017.

conditioned and thus lucrative commodity and an indispensable factor in economic development and competitiveness; but also the foreign-policy power, because the monopoly on energy sources and transport routes is being misused as a strategic instrument of influencing other states. Hence energy issues need to be considered in a holistic manner (Keay and Buchan, 2015), and although Buzan and Weaver (2003:45) object that geopolitical theory in the study of only particular policies loses its theoreticalness, it is however appropriate to define the energy power in terms of geopolitics or geoeconomy.<sup>108</sup>

### **EU energy policy and the impact on the Western Balkans**

The EU energy policy has three pillars – the economic one, in which the emphasis is on competitiveness; the ecological, in which the emphasis is on sustainability; and the third, security-related, in which the emphasis is on the supply security, and it is the subject of this paper. The energy policy of the EU has two dimensions. The inner dimension implies insisting on liberalised and integrated energy market. Such market moderates the influence of geopolitical changes on the EU energy security, but it is not a sufficient guarantee, hence the secure gas supply becomes a strategic goal that goes beyond the arguments of market efficiency. External dimension of the European energy policy is important, because the EU secures a significant part of its needs for gas outside its borders, and it constitutes an integral part of two EU foreign policies: the foreign-trade and the common foreign and security policy. Already in 2006, after the first Russian-Ukrainian crisis, the EU perceived the energy security as a challenge to foreign policy, and hence concluded that it was necessary to "permit a better integration of energy objectives into broader relations with third countries and

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<sup>108</sup> Often used syntagma "politics of gas pipelines", and Tomas Maltby refers to many other authors who wrote on this issue. Maltby, T. (2015), *Between Amity, Enmity and Europeanisation: EU Energy Security Policy and the Example of Bulgaria's Russian Energy Dependence*, *Europe-Asia Studies*, 67:5, 809-830. <http://dx.doi.org/10.1080/09668136.2015.1046817> - 19.1.2017 (accessed 1 January 2017)

the policies which support them"<sup>109</sup>, because in a "world of increasing interdependence, energy security will depend much on how countries manage their relations with one another, whether bilaterally or within multilateral frameworks" (Yergin, 2006:82). Therefore, the aim of the energy policy of the EU is "to build up a wide network of countries around the EU, acting on the basis of shared rules or principles derived from the EU energy policy" (European Commission, 2007).

Both the internal and external dimension of the EU energy policy are crucial to the energy security and necessary for the EU as "the importing nation" to ensure the secure gas supply, especially when the external suppliers are state-centric and monopolistic. An over-dependence on a single exporter constitutes the main supply security threat, and a large number of competitive importers and states through which the gas transits towards the EU, enlarged after the dissolution of the USSR, being an additional threat. The EU is very concerned about its gas supply vulnerability, thus the security pillar of the EU energy policy led in 2015 to a European Commission (EC) proposal for the establishing of the Energy Union. The EC has given priority precisely to "energy security, solidarity and trust" and has connected this pillar with other pillars – "internal energy market" because it increases resilience to supply disruptions, "energy efficiency" because it helps to reduce energy demands and "decarbonising of the economy" and "research, innovation and competitiveness" because they reduce the need for the fossil fuels import and minimise the consequences of supply disruptions.<sup>110</sup> The original Donald Tusk's proposal (the then Polish Prime Minister, today the President of the European Council) for establishing of the Energy Union<sup>111</sup> a year earlier was aimed at, first and foremost, strengthening the security pillar of the European energy policy.

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<sup>109</sup>GREEN PAPER A European Strategy for Sustainable, Competitive and Secure Energy {SEC(2006) 317} Brussels, 8 March 2006 COM(2006) 105 final, p. 16 [http://europa.eu/documents/comm/green\\_papers/pdf/com2006\\_105\\_en.pdf](http://europa.eu/documents/comm/green_papers/pdf/com2006_105_en.pdf) - 9 February 2017.

<sup>110</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank; A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy, COM/2015/080 final;

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:80:FIN>

<sup>111</sup> Tusk, Donald, "A united Europe can end Russia's energy stranglehold – European energy union could break Moscow's monopoly and restore competition", Financial Times, April 21, 2014; <https://next.ft.com/content/91508464-c661-11e3-ba0e-00144feabdc0>

In spite of the fact that extensive European projects in other areas were running into a deadlock, Keay and Buchan believe that the time may well have seemed ripe for the proposal to establish an Energy Union, since, in relation to energy, European countries had common goals – decarbonisation and facing common security challenges. The reason being the outbreak of Ukrainian crisis in 2014 which brought a serious new threat of the Russian gas supply disruption through Ukraine, and it was via this route that majority (about 80%) of the Russian gas was coming to Europe (Keay and Buchan, 2015:2).

The WBC are the EU's closest neighbourhood and are even more vulnerable to energy security threats: the secure energy supply is adversely affected by partially destroyed energy infrastructure and by over-dependence on the Russian gas imports, and this exclusively through Ukraine, which enables Russia to exert foreign-policy influence in these countries. The area of the WB is not institutionalised in a political sense, and the strongest link among the countries in this area is the integration into the EU. These aspirants to EU membership are, in terms of energy, interesting to the EU because they are situated on a potential (non-Russian and/or Russian) gas transport route. It is for this reason that they are a place of confrontation of external actors over the control of the (future) gas infrastructure. One of the actors is Russia, which seeks to preserve its monopolistic position in the energy sector and make use of it as an instrument of political influence. The other is the EU, which seeks to protect the area from the Russian influence and, being a major energy importer, to at least gain control over the energy transport routes and, at the same time, to increase its energy security.

An example of a conflict over the gas infrastructure control are the South Stream and the Southern Gas Corridor (SGC) pipeline projects, which are in direct competition with each other due to the same planned route. The EC strongly supports, both politically and financially, the non-Russian project SGC for the supply of Azerbaijani gas to Europe. Although of small capacity, it would contribute to diversification of, not only the transport routes, but also the sources of gas. On the other hand, the EC has successfully put pressure on the Russian South Stream project, persistently insisting on harmonising the project with the EU legislation, primarily with

the Third Energy Package<sup>112</sup>. Russia suspended the plans for the construction of the South Stream at the end of 2014, but has not given up on plans to construct a new route for the export of much larger quantities of its gas, a route which bypasses Ukraine, but has the same direction as the Southern Gas Corridor. The construction of the Turkish Stream to Turkey is under way, but it is not yet defined through which route the gas will be transported further to Europe. When Bulgaria, under pressure from the EU member states, gave up on participating in the project of the South Stream, Russia has put forward plans for the Tesla Pipeline, which would connect the Turkish Stream with the EU through Macedonia, a WB state.

On the other hand, the EU could potentially benefit from the WB to enhance its gas supply security, for example, by constructing a new gas network that would connect the EU to the new gas sources. The prospects for that are reduced due to instability inherent in this area – the corruption and legal insecurity reduce the willingness of investors to invest into local energy markets and to finance a new infrastructure, and a protectionist, state-governed approach is contrary to liberal rules of the EU and presents an obstacle to the regional energy policy. Therefore, the EU decided to govern the energy policies of the WBC, to create a "'common regulatory space' around Europe ... a predictable and transparent market ... as well as security of supply, for the EU and its neighbours"<sup>113</sup>. The EU seeks to enhance both its own and the energy security of the WBC, because, as it was in 2006 recognised by the European Parliament<sup>114</sup>, the energy security has a profound influence on the overall security.

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<sup>112</sup> Since 1996, three energy packages have been issued. The 2009 Third Energy Package was a new package of laws, directives and regulations of the EU, which further increased the regulatory power of the EC.

<sup>113</sup> GREEN PAPER COM (2006) 105 final, p. 16.

<sup>114</sup> European Parliament resolution on a European strategy for sustainable, competitive and secure energy. Green Paper 2006/2113(INI)

<http://www.europarl.europa.eu/oeil/popups/printficheglobal.pdf?id=534172&l=en>

## **Energy Community as the implementation of the concept of wider regional community through external governance of the EU**

The European Commission holds a view that the coherent and coordinated energy policies of the EU MSs and of the neighbouring, potential future members and potential transit states, are an important prerequisite for achieving an acceptable level of secure energy supply of the EU. Therefore, it advocates the enhancement of the energy security of both the EU and the area in its immediate neighbourhood, so it was the main actor in the creation of broader regional energy initiatives and is being their strong promoter. Because of the energy security threats, the EU has incorporated the area of the WB into a "wider regional community" within the framework of energy regional formats - The Energy Community (ECom) and The High Level Group for Central and South-Eastern European Gas Connectivity (CESEC), the latter being particularly important for the enhancement of the gas supply security through the construction and connection of the gas infrastructure. In this connection, the "regional cooperation is the tool with which to achieve .... goal", and the goal remains "the creation of ... Internal Energy Market" (Dimitrova and Associates, 2016:1), but also a higher level of gas supply security.

The integration of the WBC, the majority of them has the status of an EU candidate, into the ECom and CESEC, represents the implementation of the EU concept of "wider Europe" from 2003 that did not include the candidate states<sup>115</sup>, but envisaged the expansion of the regional cooperation to the EU neighbouring states through the creation of a wider regional community. The goal is to enable the convergence of markets and policies through cooperation and coordination, and ultimately to ensure an overall political-strategic orientation as well, regardless of the heterogeneity of a "wider Europe". The regional format in addressing the issue of energy security is an added value not only due to the transnational nature of energy security, but also because it reduces divergences that arise from the national approach to the issue of energy security. Countries have always been prone to this because of the asymmetric level of

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<sup>115</sup>"Wider Europe" refers to the neighbouring countries without the prospect of EU membership - South Mediterranean countries and eastern neighbours. Communication from the Commission to the Council and the European Parliament, Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, COM(2003) 104 final, Brussels, 11 March 2003 [https://eeas.europa.eu/enp/pdf/pdf/com03\\_104\\_en.pdf](https://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf) -23 January 2017.

energy security, so, for example, unlike the EU, the WBC are almost 100 percent dependent on the Russian gas and on its supply route through Ukraine.

The EU concept of "wider regional community" is being implemented by way of an "external governance", i.e. through the expansion of the "'legal boundary' of the Union with only limited openings of its 'institutional boundary'" (Lavenex, 2004: 680). The EU is a system whose essential feature is "an ability to formulate and implement public policy programmes governing the operation of society"<sup>116</sup>, and by way of external governance, i.e. through "the ability ... to influence the rules that govern social entities beyond its borders" (Renner, 2009:4), the EU creates a "common regulatory space"<sup>117</sup> with its neighbourhood. The governance is "less than 'government', 'governance' is more than 'co-operation', as it implies a system of rules which exceeds the voluntarism implicit in the term co-operation" (Lavenex, 2004: 682). Solioza and Stubbs (2009: 10) consider that the EU has started to focus in a new way on what happens beyond its borders, and through external governance, it governs in fact the issue of new dependencies in a changed geopolitical environment. The expansion of the EU *acquis communautaire*<sup>118</sup> beyond the circle of its members to its immediate neighbourhood is a form of external governance, in which internal and foreign policy goals become one; therefore it is actually a matter of an external projection of internal solutions, of an extra-territorialisation or externalisation of the European policies. The ECom and CESEC represent the externalisation of the European energy policy, "the adaptation of the European Union in Southeast Europe" (Renner, 2009:13), and thus, the EU, in the context of enlargement policy, also determines its future borders.

The concept of the Energy Community is based on an earlier idea of a pan-European energy community<sup>119</sup>. Already at the European Council in 1990, the legally non-binding European Energy Charter on energy cooperation of the East and West was proposed. After three years of negotiations, it was presented as a legally binding Energy Charter Treaty, which would be the first economic agreement and international regime of multilateral cooperation in the energy sector that would bring together the former

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<sup>116</sup> The EU as defined by David Easton. See: European Union: power and policy-making , ed. Richardson J., Mazey, S., Fourth edition, Routledge, new York, Part I, p. 3-32.

<sup>117</sup> GREEN PAPER COM(2006) 105 final, p. 16.

<sup>118</sup> According to Grabbe, *acquis communautaire* refers to all real and potential rights and obligations of the EU system and its institutional framework. (Grabbe, 2002: 3)

<sup>119</sup> See GREEN PAPER , COM(2006) 105 final, p. 16.

members of the Soviet Union, Central and Eastern European countries, Japan, Australia, Norway, Turkey and Switzerland. Because of the associated Transit Protocol, which was binding its signatories to implement the principle of free transit indiscriminately of origin, destination or ownership, and the principles of a non-discriminatory pricing<sup>120</sup>, Russia has refused its ratification. For Russia, the ratification would mean the loss of strategic position as the main supplier and monopolist controlling the transport towards Europe, what are important factors on which Russia bases its strength in international relations<sup>121</sup>.

The initiative to establish an international organization under the name of Energy Community (launched in 2004, and carried out in 2006) was less ambitious in both geographical and political sense. It brought together the EU states and the EU candidate states from the Black Sea region and Southeast Europe, including those of the Western Balkans<sup>122</sup>. The timing of entering into force of the Treaty establishing the ECom points to the importance of certain issues on the EU agenda with respect to the candidate states. Earlier that year, the first Russian-Ukrainian gas dispute broke out with significant consequences for the supply security to the EU, in particular, of the "new" (former Eastern European) member states as well as the candidate states, which were cut off from the gas. The ECom represents a broader regional coordination of preferences in searching for the optimal infrastructure solutions, it encourages solidarity and joint projects, but also the creation of an alliance with strategic implications. Its tasks are the following: to "create a stable regulatory and market framework capable of attracting investment in gas networks", "transmission and distribution networks, so that all Parties have access to the stable and continuous energy supply that is essential for economic development and social stability" and "enhance the supply security of the single regulatory space by providing a stable

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<sup>120</sup> The main goal was the introduction of common standards of the market economy to the energy sector, laying of the foundations for contractual and trade relations and the rule of law.

<sup>121</sup> A monopolistic position of Russia is also favoured by the fact that all energy-rich Central Asian countries, former members of the Soviet Union, are dependent on the Russian gas infrastructure when exporting energy sources.

<sup>122</sup> Albania, BiH, Montenegro, Macedonia, Moldova, Serbia, Kosovo, Ukraine.



investment climate in which connections to Caspian, North African and Middle East gas reserves can be developed"<sup>123</sup>.

### **Externalisation of the EU energy policy**

The externalisation of the EU energy policy<sup>124</sup> as a part of the concept of "wider regional community" has two dimensions: economic (harmonisation with the rules of the internal energy market) and security-related (limiting of the Russian influence). Both dimensions represent an effective strategy for the protection and enhancement of the gas supply security to the EU, because they imply energy policies in the countries of the WB consistent with two EU priorities: the creation of a single energy market and the diversification of gas sources and transport routes. Due to its geographical position, the states of the WB are surrounded by EU members, thus they are necessary for the integrity, liquidity and resilience of the internal energy market of the EU. The objective of the economic dimension is their integration into a single regional gas market, and then its integration into mostly liberalised energy market of the EU. The implementation of the energy *acquis communautaire* (the rules of the Third Energy Package, which establish a separation of the gas supply and the ownership over gas infrastructure, provision of access to third parties and transparent tariffs) is being insisted on in order to transform the markets of the candidate states. From a functionalistic perspective, the externalisation of the EU energy policy increases efficiency and the capacity for solving of the issues of internal EU policies.

The states of the WB potentially are also countries important for the gas transport towards the EU. Thus, the EU seeks to "reorientate their strategies, and their consideration of the policies and objectives" (Maltby, 2015: 813) in advance and, regarding the secure energy supply, to include them into the network of mutual

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<sup>123</sup> The preamble of the Treaty establishing the Energy Community. [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/ENERGY\\_COMMUNITY/Legal/Treaty#Title1](https://www.energy-community.org/portal/page/portal/ENC_HOME/ENERGY_COMMUNITY/Legal/Treaty#Title1)

<sup>124</sup>It is based on the Communication from the Commission to the Council and the European Parliament on the Development of Energy Policy for the enlarged European Union, its Neighbours and Partner Countries, COM(2003) 262 final/2 [http://ec.europa.eu/dgs/energy\\_transport/international/doc/2003\\_communication\\_en.pdf](http://ec.europa.eu/dgs/energy_transport/international/doc/2003_communication_en.pdf) - 27 January 2017.

responsibilities. The reason is that for the efficient functioning "of the wider European gas market" it is not sufficient to apply the common rules and standards, but it is necessary to also have an appropriate infrastructure that will connect the countries of this area to each other, but also to the EU as a whole, and the EU is ready to support this financially. Through the externalisation of its energy policy, the EU seeks to hinder Russian infrastructure expansion – for example, the construction of the Tesla Pipeline for the export of Russian gas to Central European markets, from the Turkish-Greek border, where the Turkish Stream should have ended, through Macedonia and Serbia further on to Hungary. In addition, the EU seeks to implement alternative transport routes possibly from the alternative sources – for example through the Adriatic-Ionian gas pipeline as an integral part of the Southern Gas Corridor or through the planned LNG terminals. At the same time, the EU also seeks access to the markets of these potentially gas transit states, in order to prevent that their gas insecurity (exclusive dependence on the Russian gas) facilitates Russian entering into the ownership structure of the energy sectors and the energy infrastructure, and winning over the political decision-makers to gain support for the Russian foreign-policy goals. This goal of minimisation of the Russian influence represents a security-related dimension of the externalisation of the EU energy policy.

In the basis of the concept of "wider regional community" lies the regionalism as a "policy or project of cooperation and coordination" (Solioza and Stubbs, 2009: 2). In the case of the ECom, the regionalism has a double function: a) the already described inclusion of the neighbouring states into the expanded regional cooperation in the sense of the external action of the EU, that is, the Europeanisation of the neighbourhood; and b) the exporting of the model of regional cooperation in the sense of preparation for the EU integration. The external action of the EU at the same time represents an external dimension of Europeanisation which we consider in the context of the EU enlargement (hence, we also call it pre-accession or enlargement Europeanization (Borzel, 2011: 8), in contrast to the internal dimension of Europeanisation, membership Europeanisation (Borzel, 2011: 8) that refers to how the EU influences national political systems of its member states. According to Maltby, during the process of Europeanisation, the EU exerts pressures to redefine interests, preferences, policies and strategies (Maltby, 2015:813), as well as to converge policies. The establishment of the Energy Community is one of the objectives agreed at the

European Council meeting held in 2003 in Thessaloniki<sup>125</sup>, when it was officially confirmed that the states of the WB area would become members of the EU after the fulfilment of the criteria, so the ECom has to be considered in the context of the EU enlargement. The ECom includes EU member states and the neighbouring candidate states and, in a geographical sense also, it represents the EU enlarged to include the future members.

The European Council Conclusion on Energy Union from March 2015<sup>126</sup> explicitly refers to regional cooperation in energy policies, which also involves cooperation regarding the cross-border gas transport. This new concept was made operational in 2015 by signing of the MoU between the MSs of the High Level Group for Central and South-Eastern European Gas Connectivity (CESEC)<sup>127</sup> with a view to address the urgent issue of the gas supply security<sup>128</sup> through establishing interconnections that enhance the resilience of the system and diversify the supply, and serve to accelerate the creation of an integrated gas market, and this co-funded with EU resources. The European Commission previously carried out so-called stress test of gas supply security, which also included member states of the ECom, and showed that precisely the WB states would be affected the most. CESEC Action Plan<sup>129</sup> developed afterwards therefore calls for the acceleration of the construction of interconnections, so as to avoid repeated "blackouts" and to enable each of the states to have at least three different sources of gas at its disposal. The first meeting of the CESEC was held as a sign of support and assistance to the WB states after Russia abandoned the South Stream project. CESEC also represents the creation of a wider regional community, a

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<sup>125</sup> See [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/gena/76201.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf)

<sup>126</sup> European Council Conclusions on the Energy Union (19 March 2015) <http://www.consilium.europa.eu/en/press/press-releases/2015/03/conclusions-energy-european-council-march-2015/>- 3 January 2017.

<sup>127</sup> Signatory states of the initiative led by the European Commission are Austria, Bulgaria, Greece, Croatia, Italy, Hungary, Romania, Slovakia and Slovenia, and later they were joined by the 6 agreement parties of the Energy Community: Albania, BiH, Macedonia, Moldova, Serbia and Ukraine.

<sup>128</sup> CESEC Memorandum of understanding allows for the extension of the initiative to the eclectic energy and the sector of heating and cooling.

<sup>129</sup> The Action Plan defines seven key projects that contribute the most to the field of enhancing of gas supply security of the CESEC countries, including two Croatian projects.

regional approach beyond the borders of the EU. Thus, the WB states have somehow become members of the future Energy Union<sup>130</sup>, a deepened European integration in the energy sector, even before actually becoming members of the EU.

### **EU as an exporter of regional security**

Regional cooperation, alongside Copenhagen and Madrid criteria (relative to political, economic and administrative transition and adoption of the *acquis communautaire*), was introduced as one of the additional criteria for the WBC within the Stabilisation and Association Process. Thereby the EU has altered the previous way of conducting the enlargement policy, which was mainly "a bilateral affair between the EU and the applicant country" (Renner, 2009). The concept of regional cooperation is the key concept for the EU, which originally connects the EU to the concept of the security community<sup>131</sup>. When the today's EU was created in the post-war era, memories of the interwar nationalism were still present, so the focus was not only on the preferential trading arrangements, but also on the security alliances. "The European Union is set up with the aim of ending the frequent and bloody wars between neighbours, which culminated in the Second World War"<sup>132</sup>. The history of the European integration is being used by the EU as a model, so the concept of regional cooperation is being applied also to its future members within the framework of its enlargement policy, which is the most successful example of the EU foreign policy because it provides security, stability and progress. The EU proceeds from the position that "regional cooperation is a prerequisite for successful integration into the EU for many reasons" and one of them being that it is "the key factor to achieve political stability, security and economic development in the region" (Samardžija, 2007).

All EU pre-accession initiatives in the Western Balkans based on cooperation aim also, among other things, at regional reconciliation, at preparing these states for the future security community, in which war as means of conflict between the states is

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<sup>130</sup> See European Council, Conclusions on the Energy Union (2015).

<sup>131</sup> In accordance with the theoretical interpretation of the pluralistic security community of Karl Deutsch (K. Deutsch et al., *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*, Princeton, Princeton University Press, 1957).

<sup>132</sup> The history of the EU - [https://europa.eu/european-union/about-eu/history\\_en](https://europa.eu/european-union/about-eu/history_en) - 2 July 2016.

dismissed and the states are resolving mutual differences by agreement or by any other peaceful means. Within the framework of the policy of enlargement to post-socialist states (and those in the area of the WB), the EU is not mentioning the security criterion, however, as it seeks to avoid introducing new divisions and conflicts, it always takes into account this criterion as well.<sup>133</sup> The Energy Community has an ambition to develop into a framework for universal regional cooperation in the WB area, and as a form of "wider Europe" it aims to "promote stability and prosperity within and beyond the new borders of the Union" and "to develop a zone of prosperity and friendly neighbourhood – a 'ring of friends' – with whom the EU enjoys close, peaceful and co-operative relations"<sup>134</sup>, because the stability and security of neighbourhood enhance the EU security (even the energy-related one). Solioza and Stubbs are talking about a new wave of regional cooperation that is imposed from the outside, as a kind of "peace-building project" because it is being established through promoting cross-border activities such as transport (for example, gas transport), trade and tourism, but also guarantees security and stability, and possibly leads to political integration (Solioza and Stubbs, 2009:5).

For the operationalization of the regional cooperation in the WB the energy sector was chosen, and the Treaty establishing the Energy Community was the first legally binding agreement between the states of the WB since the end of the 1990s wars. Regional cooperation is inherent in the transnational aspect of the energy security, which can rarely be a national category (except in the case of energy self-sufficiency, which is rare), but is almost always transnational. For this reason, the regional energy infrastructure projects have a priority over the national ones, and the choice of the energy policy of one state has an impact on the other.

The goals of the ECom are a diversification of gas supply in order to enhance the energy security, but also to achieve and maintain peace and stability<sup>135</sup>. They are

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<sup>133</sup> For more details, see Vukadinović R., Čehulić Vukadinović L., „Evropska ideja od Karla Velikog do Evropske unije“, chapter IV.2 Politika proširenja EU, Crnogorska akademija nauka i umjetnosti, Podgorica, 2016.

<sup>134</sup> COM(2003) 104 final, p. 4.

<sup>135</sup> Along with enhanced and sustainable economic development in the Southeast Europe, according to the Energy Community Treaty. [https://www.energy-community.org/portal/page/portal/ENC\\_HOME/DOCS/2178178/0633975AD2077B9CE053C92FA8C06338.PDF](https://www.energy-community.org/portal/page/portal/ENC_HOME/DOCS/2178178/0633975AD2077B9CE053C92FA8C06338.PDF) -

comparable to the goals of the European Coal and Steel Community, the embryo of the today's EU. "The common interest of protecting these two industries (coal and steel) created enough trust among the founding countries to expand their cooperation into many other political fields. And the prosperity it brought to its citizens inspired additional European countries to join over the years, bringing the Community from six countries back then to today's 28 Member States of the European Union."<sup>136</sup> Likewise, the ECom institutionalises a cooperation regarding the energy policies of the WB states expecting that, in accordance with neo-functional approach, it will have a spill-over effect to other areas, too. It is expected that the cooperation in the energy sector through strengthening of interdependence and creation of trust and partnership between the states, may result in development of a "new political community" (Haas, 2004: 16) on the WB, an area that has an inherent political fragility and tensions.

The EU seeks to turn its neighbourhood into a security community also because of its own vulnerability to developments in the immediate neighbourhood. "Interdependence – political and economic – with the Union's neighbourhood is already a reality", and "closer geographical proximity means the enlarged EU and the new neighbourhood will have an equal stake in furthering efforts to promote trans-national flows" (in the original source, trade and investment are being mentioned, but this can also refer to gas) and "shared interests in working together to tackle transboundary threats"<sup>137</sup>. The energy security of the importing countries, in particular the importers of gas, depends on secure energy supplies and a secure route for their transport, so the political stability of the exporting country and the countries through which they transit is also of great importance. Due to perception of interdependence, by way of externalisation of its energy policy through multilateral initiatives such as the Energy Community, the EU is trying to govern its neighbourhood, and this EU external governance should contribute to creating a security community in the neighbourhood. According to T. Borzel, EU has "the transformative power" and "seeks to transform the domestic structures of the WBC in order to foster peace, stability and prosperity in the region ridden by war and ethnic conflict" (Borzel, 2011).<sup>138</sup>

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<sup>136</sup> Maroš Šefčović's blog, The "road" to the Western Balkans integration. [https://ec.europa.eu/commission/2014-2019/sefcovic/blog/road-western-balkans-integration\\_en](https://ec.europa.eu/commission/2014-2019/sefcovic/blog/road-western-balkans-integration_en) - 31 January 2017.

<sup>137</sup> COM (2003) 104 final, p. 3.

<sup>138</sup> The transformative effect of the EU is also mentioned by Samardžija, V. (2007: 199-213).

The main identity of the EU as a "security community" was strengthened in an altered geopolitical environment. The EU has therefore turned to external governance in the area where it seeks to enhance its security against the threats that come from the outside, from the "others". The choice of energy field as a content of external governance is not random since the EU "will try to expand its sphere of governance in particular in areas which have become securitized inside (and) where vulnerability is attributed to developments in the third country in question" (Lavanex, 2004: 686). The choice of the area of the Western Balkans as an object of external governance is consistent with the expectation that the EU will opt for the external governance "in those issues identified as 'threats to mutual security'" and this in a way so that it will expand its legal boundaries in "a more strategic attempt to gain control over policy developments" (Lavanex, 2004: 685-688).

The creation of a security community on the WB is not only a prerequisite for the integration of these states into the EU, but also to make use of this space for diversification of the gas supply routes to the EU, since the geopolitical stability and security is a prerequisite for the investments in expensive infrastructure projects in any area. As energy issues are being used as an area of strategic competition both by Russia and the EU, the decisions concerning the gas supply that include the WB, due to specific geopolitical constellation of that region, may have a significant impact on energy-related and other types of security of the EU. Therefore, the conversion of the WB into some form of a non-institutionalised security community will contribute not only to enhanced energy security, but to the overall security of the EU. Thus, also through the externalisation of its policies, the EU this time seeks to actively contribute to avoid repeating of military conflicts from the early 90s in its immediate neighbourhood, among other things, because of the spill-over effect, if not of a conflict, then of the consequences.

## **Conclusion**

The aim of this paper was to examine the interdependence of the EU MSs and the WB states related to energy security, as well as how the EU is trying to govern this interdependence. EU does this through external governance of a wider regional community ("wider Europe"), that is, by way of externalisation of its energy policy or by

external Europeanisation whereby it proves its transformative power. The external strategies of the EU have an economic but also a significant security dimension, which is related to the regional dimension and the project of creating a security community.

The best example is the establishing of the Energy Community with the aim of creating coherent and coordinated energy policies of the EU MSs and the neighbouring WB states. This is a prerequisite so as to achieve an acceptable level of the gas supply security for both the EU and these states, since the gas supply security is always transnational, but also an issue closely related to geography. The coherence is necessary not only because of the envisaged integration of these states into the EU, but also because of their potential transit role in the gas supply to Central and Western Europe. Their non-integration decreases their potential to contribute to the EU energy security, and could also be a destabilising factor and a new threat to the security of the EU member states, since "(none) organised European sub-region can be a means of (de)stabilisation of Europe" (Nakić, 2013). Due to its geographical position and the EU membership, the Republic of Croatia is interested in the accession of its WB neighbours to the EU, not only, but also because of the enhancing of the energy security.

This paper tackles only the concepts promoted by the Energy Community and CESEC, therefore many issues remain for further investigation: for example, the level of implementation of the EU legislation in the WBC, to what extent has the establishing of the Energy Community influenced the governments of the WBC to project their energy preferences onto the EU level, etc. Finally, it remains to explore the key question – given the small geographical size of the Western Balkans, whether energy controversies in this area are less a matter of competing for control over the gas infrastructure, and more a matter of broader foreign policy interests.

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## **GEPOLITICAL VIEWS ON THE RELATIONSHIP OF OIL AND CLIMATE CHANGE**

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### **Abstract**

Today, in the modern and dynamic development of humanity almost all activities are related to dependence on energy, especially oil dependence, starting from the economy as well as activities in the society and international politics. Since the development of air and road traffic, especially after World War II, the transfer of wealth from some countries (producing countries) to other countries (consumer countries) is already an everyday major activity. Climate change is expected to pose a safety hazard if the planet warms by 1.3 degrees by 2040, is expected to occur "enlarged internal and cross-border tensions caused by the large number of migrations, conflicts due to lack of resources, increased spread of diseases coming to possible new geopolitical change". Geopolitical approach of oil is in fact a key resource that is used in transport and is located in few countries (which then in 2000 moved to the resource nationalism that could use oil as a weapon and where people may face civil strife) that must be transported over long (and increasingly) risky maritime routes (including passage

through straits), can lead to wars on access to oil resources or control over oil transport routes.

**Key words:** Geopolitics , Geo strategy, Oil, Climate change.

## **Introduction**

The complexity of questions due to the challenges that are imposed by the climate changes, leaves a deep reflection on the theoretical problems associated with these questions. The suggestions for practical solutions for the ongoing transformation of the structure of modern societies are becoming more and more urgent. The climate change is a complex global question, whose impact is expected to result in serious security implications for the humanity. The long term impact of climate change will be expressed through negative changes in temperature, precipitation, frequency of extreme events (droughts, heat waves, forest fires) and the anticipated negative effects on agricultural production, forestry, water resources, food security and biodiversity is a present issue which will gain more and more importance in the following years. The effective reaction to climate change must cover two crucial elements: global reduction in emissions of gases that cause the greenhouse effect (GHG) and adjustment on regional, national and local level to deal with the climate change.

Today, we are witnessing the emergence and the vulnerability of countries from climate change, the vulnerability of certain segments and prominence to the importance of certain regions in Africa and Asia, in which is expected to start decreasing and instead to increase the importance of Russian and Arctic regions, which are rich with oil and natural gas.

## **The relationship between oil and climate changes**

Today, in the modern and dynamic development of humanity almost all activities are related to dependence on energy, especially oil dependence, starting from the economy as well as activities in the society and international politics. Since the development of air and road traffic, especially after World War II, the transfer of wealth

from some countries (producing countries) to other countries (consumer countries) is already an everyday major activity. Moreover, the way of consumption-usage of the oil had a negative impact on the environment and the human well being. The oil used in energy, and especially its application in the transport, makes it a resource with strategic character. In the literatures that cover international relationships and economy, the oil is mentioned in almost every segment and every book, and it became an integral segment of the world politics. In the last decades of world politics, an issue appeared that attract the worlds public opinion and the political agenda- the climate changes. The best reference in this context is the first report for the Club of Rome (Limits to Growth, 1972), which highlights the unacceptable way of how the society functions. Considering this alarming signal, it is necessary to highlight the negative effects on the environment from oil usage. It is required reduction of classical and traditional use of this fuel, taking into account the indicator of growing demand for this fuel as result of developing globalizing processes and increased global population. In future other types of independent economic societies are required, which are not based on oil dependency but instead focus on renewable sources.

This situation creates difficulties for the countries that import oil, for example many Western societies are vitally dependent and associated with oil. North Africa plays a major role in supplying the European markets, the exportation of oil and natural gas has regional influence in stabilizing the political and economic developments in Europe. The export of oil in North Africa in 2010 amounted to 3,9 MMBD (Million Barrels Per Day). According to the projections of the EIA (Energy Information Administration) the export of North African oil will decrease and will be around 4% in 2020, compared with the period of 90s of the previous century when the export was 6%. North Africa is still an important „player“ in the world market, which is extremely important for Europe. The destabilizing processes that occurred in the so-called Arab Spring, which aimed to change the regimes of the authorities, become a real challenge for energy security and the security of distribution of oil and gas to Europe. The transport sector fall about a third in consumption of oil, creating enormous CO<sub>2</sub> emissions into the atmosphere, contributing to the creation of greenhouse gases that are directly related to climate change. The people and the environment are mutually tightly connected, the environment affects human activity, but at the same time, the human activity could damage the environment. The society become dominant due to the developmental skills in production and use of energy. The activates which harm the environment are directly



associated with energy. The production of energy causes irreparable damage to the environment. The increased concentrative level of carbon and other gases in the atmosphere, creates the greenhouse as a result of bumming fossil fuels it affects the persistence of global temperature and the increase for more than two degrees Celsius can cause serious global problem, including the extinction of many plant and animal species, and collapse of entire ecosystems. (Bales and Associates, 2008) The climate change would also pose safety risks if the planet warms by 1,3 degrees by 2040, it is expected to occur "increased internal and cross border tensions cause by the large number of migrations, conflicts cause by lack of resources, increased spread of diseases, coming to possible new geopolitical changes." (Bales and Associates, 2008)

### **Variability in demand for oil and geopolitical processes in the world**

Today, the oil issue is more and more politicized, the oil and the safe access to it are aspects that are present on top of all state agendas. The oil issue is becoming more popular, and the reason lies in the volatility in oil prices as result of world political impacts. As of early 2000, it was observed a steady increase in oil prices until the summer of 2014, till then the oil market was characterized with price incensement, this can be a big problem because it may affect the achievement of state interests (it could have an impact on the balance payments for the countries importers through increased consumption of oil importing). (David and Yueh, 2010) Starting from the middle years of the last century, climate changes occur as a problem that attract the public attention. Till then the visibility of climate change was negligible on the need for attention. However, we can say that we are witnesses of two world processes in the global energy system. (David and Yueh, 2010) On one hand, the dependence and increased consumption of energy, especially of oil from the new world economies as China and India are more and more accurate, and on the other hand the negative environmental effects from oil usage, especially the emissions of carbon dioxide.

Unfortunately, people and society always pay attention to the current problems, leaving other unsolved, believing that they will never make enough to impose solid solutions. The oil is one of the most urgent problems of state agendas, and for some countries, the oil politics almost corresponds with external politics (whether they are countries which are importing or exporting oil). Although climate changes are

evident and we are already feeling them, the oil problem is more meaningful in the world global politics. This is due to the fact that the current condition of modern society, the oil is a key element, that relies on current patterns of development, and oil is an important energy source because it is an essential element in today's transport system, relying on people's and wealth's movement, and important ingredient in many products that dominate the modern way of living: 90% of products in warehouse imply the use of oil on one way or another, while we feel the vulnerability and loss from climate change spontaneously. (Anthony, 2009)

For this reason, it is very important to persist to minimize the transport sector only in the countries where the organization for economic collaboration and development (OECD countries) is established. In the year 2014, the oil consumption in the transport sector was 1252 million tons, while in the year 2030 is expected to be 1289 million tons of oil consumed in the transport sector. (World Energy Outlook, 2014) India's growth is expected to be from 37 (from year 2006) to 156 million tons of oil (by the year 2030), while in China will range between 127 to 440 million tons. Globally speaking, the level of emission of carbon dioxide due to transport (millions of tons) is expected to grow from 6444 in year 2006, to 8013 in year 2020, or to 8921 in the year 2030. (World Energy Outlook, 2014)

While some studies speak for the oil treasure of Middle East, the biggest part of the reserves are focused on the Bay. Middle East might have more 65% of the world oil reserves and 40% of gas reserves, but 90% of them, are placed in the Bay. The US Energy Department calculated that the Bay earned an average of 14,5 millions from the export by the end of year 2000, which is equal to 41% of the total world exports. The Energy Department also predicts that the Bay by the year 2020 will reach average earnings of 37,2 millions from export, which is equal to 56% of the world total export. In the Bay there are also the main natural gas reserves, around 33% from world gas reserves. Second country that owns the biggest natural gas reserves is Iran with 16%, while all other countries from this region own less than 3% from world reserves. (National Security Strategy, 2010)

As presented in these examples, the current world is characterized by the big oil dependency, but minimizing the oil dependency should be one of the most important politics which every country should strive for. Minimizing the oil dependency is not only stopping the climate changes, but the oil capacity which influences and decides the

destiny of the world politics is decreasing at the same time. (World Energy Outlook, 2014)

### **Global triangle – oil, geopolitics and climate changes**

The geopolitical approach towards oil is the fact that it is a key resource which is used in transport and it is located in few countries (which after year 2000 crossed to resource nationalism, and can use the oil as weapon and where people can come across civil strife), and must transport through long (and even more) sea risked routes (including crossing between sea straits), it can bring wars to access oil resources or controlling oil transport routes. The newly found economies are oil dependent, using oil in industry, energy production and transport not only will create bigger pressure for remaining oil resources, but it is expected to come to strife or wars. This trend may cause global chaos to entire humanity, through climate changes prism which will influence the rich and especially the poor countries. These processes happen in a condition where from year 1901 to 2000 the world oil production has grown 180 times more. (Mircea, 2009) Not considering the measures and steps which are taken to the field of energetic efficiency, aiming towards pure energy and the alternative fuels for transport, energy and industry, the oil will continue to be the most important fuel for stability of world economy, as well as for the regional and international safety. (Morse, 2009)

The countries' international role which produces small amount of oil reserves will decrease significantly, while the role of Russia towards Arabian countries in world politics is expected to change in their geopolitical influence. (Friedman, 2008) With the rise of oil prices, the countries who own big number of oil sites will aim towards more autocratic mode of operation, creating tendencies toward connecting the price of oil and the internal politics of the country. (Giddens, 2009) From this point of view "oil" can be considered as an "enemy" of democracy.

Every resource which enhances the power of the country who uses the same exact resource can be called strategic resource. In that case, every resource which promotes economic and military power, or promotes the growth of the mobility can be considered as strategic resource. The specifics of geopolitics through oil prism are due to the fact that it is about a strategic resource, resource that the whole world depends

on, especially the transport sector. At the same time, the problem becomes more complex because the oil resources are centered in couple of countries. The coal exists in almost every country but the oil exists in the Middle East, Russia and some of the more conflict countries in Africa and Latin America. Looking through the prism of oil price and the role (the power) of the state who owns the oil reserves, it can be said that they have important influence in creating the world geopolitics, using the oil as a powerful tool, such as Venezuela (which uses the income of the oil export taking over the anti-American activities in Latin America), or Iran (who uses their income to promote their interests in the countries of the Middle East, Iraq, Lebanon, Palestine, Saudi Arabia).(Morse, 2009)

When it comes to Russia, the low oil price has direct and big influence on their internal and external politics. When the oil price is high, Moscow can easily play the role of blackmail force with pipelines to supply oil system, using the gas delivers as political weapon, complementing the needs and incomes of this fuel minimizing the capacity, the power for delivering the gas as political weapon. Other country that has a clear politics and that can create a problem of regional level, with global consequences is Iran. Iran owns 9% of the total oil reserves in the world. The most of the Iranian oil reserves are placed in the region of Khuzestan near the borders with Iraq. The average production of oil is about 5 MMBD (Million Barrels Per Day), Iraq according the distribution capacities is closer to Iran, or daily from Iraq are being exported 5.5 - 6 MMBD (Million Barrels Per Day).

On a short term period, the tensions reinforcement between the biggest oil consumers (USA, China and India) will bring to raising their military expenses, reducing them in a way that the available funds aim for creating new and pure energetic base. The possibility for funds reorientation from the military goals to development of alternative energetic capacities and at the same time will minimize the pressure on fossil fuels and discharging of carbon dioxide whoalso comes from their combustion process. Even if there was some sort of conflict conditions with a goal toget access to oil resources, the growth of the oil demand ( which is due to developed economies, the growth of the population on global level, urbanization process and the growth of the income ), will cause rise of the oil prices, hitting both the developed nations and nations in development at the same time, because the bigger part of the income will be redirected for food production, which price will rise with the rise of the oil price. On a long term plan, keeping the same course of oil consuming today, will cause dramatic

and irreversible disturbances of climate changes, with negative effects on the entire human civilization.

The problem with climate changes is energetic problem, and solving the same depends on the human capacity to transform the way of production and the way of using the energy. (Benea and Baci, 2011) Even the countries from the group G-8 are putting the problems with climate changes and high level energy on their agenda almost every year in the last decade. (David and Yueh, 2010) Today's society almost in every segment is oil dependent as a fuel, while the safety of oil reserves is a problem of national security.

The geopolitical aspects of viewing oil as fuel, can be highlighted that by the year 2020 India and China will depend on imported oil transported from the Middle East and Africa, both countries who have more and more interest and are bonding with African treasure. (National Research Council, 2010) In order to protect their economic interests and to promote their politics, the two countries are reinforcing their military presence in this part of the world. China is promoting the "Pearl strategy", while India creates military unions with Eastern Africa based on contracts that India has signed with Mauritius, Seychelles, Madagascar and South Africa.(Adger, 2006) This can simply count as Indian Ocean geopolitics, but considering the fact that these two countries will be giants in world economy in the following years. The bond between them in the Indian Ocean, focused on the oil, will have achievements on a global level and will influence even the most undeveloped Eastern regions.

## **Conclusion**

Climate changes and energy security are key drivers for future energy policy. While energy security has been a pillar of energy policy for about a century, concern about climate change is more recent and is bound to radically change the landscape of energy policy. Therefore, policy makers are now under increasing pressure to address these twin challenges: to develop cost-effective policies that will both ensure the security of energy system as well as to reduce greenhouse gas emissions. Generally, there are two approaches that are commonly used by the policy-makers to assess the energy security implications of resource concentration. The first one focuses on the notion of diversity, while second one focuses on measuring import dependence.

In general, physical impacts of climate change are complex and unpredictable, expressing the large average global temperatures, rising sea levels, the increasing shortage of arable land and lack of water, the progress of the world is particularly sensitive to these influences. Projections of climate change during the 21st century indicate the following: The global average temperature will increase by 0,8 degrees Celsius since the early 20th century, by 2100 will increase by 2-7 degrees Celsius depending on the quantum of future emissions of greenhouse gases and technology development.

The exporters of oil and natural gas could get greater geopolitical importance, while importers of energy will have its geopolitical consequences. All these things could cause internal politics destabilization in the affected countries as well as radicalization. Further escalation of climate change in the most vulnerable areas will lead to the radicalization of politics vehicle especially if it is overloaded with historical ethnic and / or religious intolerance. The best example of a region in which all these factors can bump is South Asia, but the vast region of Southeast Asia, the Middle East and sub-Saharan Africa which in the future may not be immune to this kind of development. The demand of India and China should not be neglected and should be closely followed in the future, which depend on imported oil shipped from the Middle East and Africa, the two countries are increasingly interested and tied with African heritage.

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## IMPROVING WESTERN BALKANS' RESILIENCE TO HAZARDS BY BUILDING CAPACITY IN HIGHER EDUCATION

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### Abstract

In recent years the number and severity of natural and man-made disasters, as well as fires, has significantly increased. The resilience of the Western Balkans societies to hazards has to be improved, and that can be done by introducing new study programmes and lifelong learning courses in educational offer. It will provide a sustainable educational foundation in Disaster Risk Management and Fire Safety field in Western Balkans countries and ensure national highly skilled professional resources and regional capacity for resilient society. Aim is to build regional-based disaster preparedness and a culture of safety and resilience at all levels according to EU Integration Strategies and National relevant strategies. Based on the above ideas, the project proposal Knowledge FOr Resilient society - K-FORCE was successfully prepared and selected for funding under ERASMUS+ programme Capacity Building in Higher Education - EAC/A04/2015. The partners are eleven HEIs: from Denmark (DTU, AAL), Sweden (LU), Slovakia (UNIZA), FYR Macedonia (UKIM), Bosnia and Herzegovina (UBL,

UNTZ), Albania (UT, EPOKA), Serbia (VTSNS) and 5 non-academic partners (Protection and Rescue Directorate of the Republic of Macedonia, National Fire Safety Association of Republic of Serbia, European Youth Parliament Serbia, Ministry of Security of Bosnia and Herzegovina: Protection and Rescue Sector and Sector for International Cooperation and European Integrations and Union of chambers of commerce and industry of Albania). To become resilient society, it is necessary to implement the EU Civil Protection Mechanism at a regional level and intensively cooperate and communicate, for which a new skilled young workforce is required, well prepared to cooperate in multilingual and multicultural environment. The paper presents the results of survey done among the youth in WBC in order to investigate the level of safety culture and mutual level of understanding the risks in their environment.

**Keywords:** resilient society, youth, safety culture, higher education.

## Introduction

In the past decades the number of natural and anthropogenic disasters and fires has shown a significant growth in the Western Balkans (WB). Human losses, extensive damages to the urban areas, negative environmental impact and further weakening of the regional economy are some of indicators of increasing vulnerability. The WBs are highly prone to natural hazards and to the impacts of climate change. Furthermore, within the last 15 years most of the nations in the region newly gained their independence following a regional conflict and have undergone major structural changes. The newly independent nations and their urban areas sustain inadequate institutional capacities and have significant socio-economic and spatial vulnerabilities, increasing their risk to disasters initiated by natural hazards (Gencer 2014). Preliminary surveys, targeted to identify the problem origin, indicated that competences, knowledge and skills of the existing staff in the field of Disaster Risk Management and Fire Safety Engineering (DRM&FSE) are insufficient to solve its growing problems, as they acquire knowledge and skills from other engineering disciplines. Knowledge and skills shortages in this sector are already being identified by great interest shown after 2014 flood in the WB, while the expected climate change and hazard events expansion will only exacerbate the situation. The recent devastating floods in the WBc region, notably in

Serbia and Bosnia and Herzegovina in 2014, confirmed that most countries of this region continue to have difficulties integrating risk reduction into public investment planning, urban development, spatial planning and management and social protection. With the impact of climate change, combined with changes in land-use patterns, risks of disasters will further increase in the coming years. Within the expanding emergency sector labour market, an urgent demand is expected for more educated and trained staff, as well as for continuing education in DRM&FSE field. There is a rising need for multidimensional approach and interdisciplinary engineering competences. Considering before mentioned, in WB region, available education is becoming insufficient and unsustainable without further modernization. In order to improve the resilience of the region to hazards, it is necessary to provide the required number of experts in the field of DRM&FSE. The concept of resiliency should be an integral part of disaster preparedness. Resiliency emphasizes the capacity of human recourses, infrastructure, operations, and even social systems to respond to and recover from extreme events. A special emphasize should be placed on building countries' financial resilience that would, jointly with knowleable humane resources, enchance preparedness to disaster risks. The growing cost and frequency of natural catastrophes and their implications for economic growth and development have led to a concern over the level of public awareness and education relative to large-scale catastrophes and disaster risk reduction measures. Public awareness and education of disaster risk reduction are, in particular, increasingly acknowledged as important components of effective risk management of natural catastrophes (Stocktaking Report on Risk Awareness And Education on Natural Catastrophes, 2008).

## **ENHANCING KNOWLEDGE AND EDUCATION IN DISASTER RISK MANAGEMENT**

In recent years the number and severity of natural and manmade disasters has significantly increased. In addition, future disaster will be extreme and more complex with far-reaching and longer-term consequences as a result. Consequently, Decision No 1313/2013/EU on a Union Civil Protection Mechanism emphasizes an integrated approach to disaster management as increasingly important (Decision of the European parliament and of the council, 2013). To become resilient society, it is necessary to

implement the EU Civil Protection Mechanism at a regional level and intensively cooperate and communicate, for which a new skilled young workforce is required. According to European Parliament Resolution Community approach on the prevention of natural and manmade disasters, prevention has a crucial significance for protection against disasters, requiring a further action. Reaching the prevention objectives and carrying out prevention actions, improving the disaster risk knowledge base and facilitating the sharing of knowledge, best practices and information, were defined as the first ranked action to take. Education and training (ET 2020) lie at the heart of the Europe 2020 strategy (ET 2020) to exit the recession and establish the foundations for future knowledge-based growth and social cohesion. The same goal is promoted in multiple EU documents, e.g.: European and Mediterranean Major Hazards Agreement (EUR-OPA), South East Europe 2020 Strategy – Jobs and Prosperity in the European Perspective (SEE 2020 Strategy) and Supporting growth and jobs – an agenda for the modernization of Europe's higher education systems COM (2011) 567 final.

The above listed are common objectives and goals both for EU and WB region, considering the on-going European integration process in the Balkans. The resilience improvement by developing higher education (HE) is in compliance with WB countries' national HE strategies and action plans, as well as national strategies in the field of fire protection and emergency.

Resilience to natural hazards should be a core element in the design of development programs. We need to better understand how and where we are vulnerable to disasters, and how best to manage the risks we face. Informed, knowledgeable and educated citizens and public authorities, with the human and financial resources to back them up, are the key to successful disaster risk management planning and implementation (Disaster Risk Assessment and Risk Financing: A G20 / OECD methodological framework, 2012).

## **STATE AND DEVELOPMENT PERSPECTIVES OF DRM&FSE HIGHER EDUCATION IN WESTERN BALKANS**

Within civil protection in Western Balkans Region, disaster risk reduction and disaster management need to be treated as a matter of priority, particularly in the light of the severe floods in 2014.

In July 2015 Serbia became the 33rd participating state in the EU Civil Protection Mechanism. Serbia will have to accomplish a countrywide risk assessment and assessment of its risk management capabilities.

The floods in the south of the country in February 2015 showed the need for Albania to further strengthen its capacity in this sector. As regards civil protection, the 2014-2018 national strategy for disaster risk reduction and civil protection has not been adopted yet.

Bosnia and Herzegovina expressed its interest in becoming a member of the EU Civil Protection Mechanism in 2014 and concluded a protocol on cooperation and establishment of a point of contact with the mechanism. Further coordination and cooperation efforts and further preparations for joining the mechanism are needed.

Western Balkans' higher education needs to respond and to educate and train young people for the sector that will significantly grow as these countries need to fulfil Chapter 27 requirements according to EU Enlargement Strategy.

Climate change, fast urbanization and new technologies, in interaction with irresponsible human activities, cause the need for multidisciplinary and interdisciplinary engineering competences, knowledge and skills. Considering these, available HE is insufficient and unsustainable at regional level without modernization and further development. The brief analysis of available bachelor, master and doctoral study programs in the field of Disaster Risk Management was conducted on the regional and European level (Laban et al. 2015). WB countries included in this research were Serbia, Bosnia and Herzegovina, Albania, Macedonia, and Croatia.

The research showed that there is an insufficient number of master degree programs in WB region to ensure sustainable and uniform capacity building in human resources in this area, and academic bachelor studies are implemented only at University of Novi Sad, Faculty of Technical Sciences in Serbia. A similar program does not exist even in neighbouring European countries, and the current situation in HE in this field is not self-sustainable, because there are no doctoral programs to ensure future researching staff. Number of graduates is insufficient for regional or national needs. Consequently, there is a need for experts who are competent to operate in all phases of the catastrophic events and that are able to solve problems in the field. Also, there is a need for education of competitive experts who will be able to create a sustainable financial plan for disaster preparedness and preventive measures, according to regional economy recourses. At this moment, existing HE programs do not meet the

mentioned WB countries' needs for qualified staff. In order to improve regional resilience to hazards and capability for regional cooperation in risk prevention and response, it is necessary to provide the required number of multidisciplinary experts by modernizing and developing HE at the regional HEIs in subject field. Aim is to build regional-based disaster preparedness and a culture of safety and resilience at all levels. The WB HEI needs to assess the level and quality of HEIs capacity (infrastructure, facilities, laboratories, workforces etc.) in this field and to identify the key competences, knowledge and skills necessary for contemporary practice and future needs. A master study programs should be developed to satisfy various criteria, according to regional needs for resilient society, such as the shift from reactive to proactive actions and developing a culture of prevention. Based on the above, the project proposal Knowledge FOr Resilient society – K-FORCE was successfully prepared by University of Novi Sad in cooperation with 11 HEIs from Denmark (DTU, AAL), Sweden (LU), Slovakia (UNIZA), FYR Macedonia (UKIM), Bosnia and Herzegovina (UBL, UNTZ), Albania (UT, EPOKA), Serbia (VTSNS) and 5 non-academic partners (Protection and Rescue Directorate of the Republic of Macedonia, National Fire Safety Association of Republic of Serbia, European Youth Parliament Serbia, Ministry of Security of Bosnia and Herzegovina: Protection and Rescue Sector and Sector for International Cooperation and European Integrations and Union of chambers of commerce and industry of Albania). The K-FORCE project proposal has been selected for funding in ERASMUS+ program Capacity Building in Higher Education – EAC/A04/2015. The three years period of the project realization will start in October 2016. The project goals answering to above-mentioned issues will be achieved through development of innovative master studies implemented in six HEIs in the region and PhD studies implemented at UNS, Faculty of Technical Sciences (FTS) as well as through continual knowledge improvement of staff already working in this field through newly developed LLL courses. It will help harmonization of new programs content with the region's needs. Final goal is to produce capable experts, able to withstand difficult requirements of today and tomorrow.

## FUTURE EDUCATION ASPIRATIONS ASSESSMENT

The Youth Safety Culture survey was conducted as part of the Knowledge for Resilient Society (K-FORCE) project (<http://kforce.uns.ac.rs/>) funded by the European Union under the Erasmus+ scheme to assess future education aspirations of youth.

The primary target group was set as High School and University students from Albania, Bosnia and Herzegovina and Serbia. The survey itself was characterised as a mass survey aiming to have as many subjects (answers) as possible, with the questions being simple and easy to understand for young people from different backgrounds.

Survey was drafted by European Youth Parliament Serbia (EYP Serbia) and contained three sections:

- previous experience in the field of DRM&FSE,
- safety culture and personal stances and
- future education aspirations.

Subject classification was proposed in regards to the subjects' country and city of residence, age, level of current education (High School or University) and field of education. The survey took between 5 and 10 minutes to fill out and was anonymous.

A total of 1462 subjects gave their responses to the survey. Because of missing information, invalid responses or other reasons, 98 responses were deemed invalid and the data analysis was done on 1364 subjects that filled out the survey completely and correctly.

Some of the comprehensive results, regarding youth future education aspirations are given in the tables below. For each question, possible answers are listed and the number of subjects which gave that answer is specified below it, as well as the percentage that this number represents to the total number of subject who answered that question.



Table 1 Sample characteristics

<b>Total subjects:</b>		1364				
<b>By country of residence:</b>						
Albania	Bosnia and Herzegovina	Serbia	Croatia			
486	469	396	13			
35.6%	34.4%	29.1%	0.9%			
<b>By current education:</b>						
University student		High School student		Not enrolled		
978		370		16		
71.7%		27.1%		1.2%		
<b>By area of education:</b>						
Engineering and Technology	Humanities and Social Sciences	General High School studies	Natural Sciences	Arts	Medical Sciences	Not enrolled
664	272	204	183	24	10	7
48.7%	19.9%	15.0%	13.4%	1.8%	0.7%	0.5%

Table 2 Future education aspirations of respondents

<b>I had a chance to learn about disaster risks and fire safety as part of my High School/University curriculum or during a lecture organised at my School/University.</b>		
Yes	No	
562	802	
41.2%	58.8%	
<b>If yes, in what context?</b>		
I had a complete course concerning this.	I had a part of a course concerning this.	I attended one lecture.
75	246	241
13.3%	43.8%	42.9%
<b>I had a chance to learn about disaster risks and fire safety outside of my School/University.</b>		
Yes	No	
839	525	
61.5%	38.5%	

<b>If yes, in what context?</b>				
I am a member of an organization that addresses these issues.	I attended an open lecture.	I heard about it during a conference/seminar.	I read an article.	
38	148	124	675	
4.5%	17.6%	14.8%	80.4%	
<b>I would be interested in studying Disaster Risk Management or Fire Safety at University.</b>				
1	2	3	4	5
404	251	296	212	201
Mean value:	2.67		Median:	3
<b>I would be interested in obtaining a Master's degree in Disaster Risk Management and Fire Safety.</b>				
1	2	3	4	5
579	283	227	143	132
Mean value:	2.24		Median:	2
<b>I would attend an elective course in Disaster Risk Management and Fire Safety (if one existed) at my University.</b>				
1	2	3	4	5
239	238	309	269	309
Mean value:	3.12		Median:	3
<b>I would attend a free course in Disaster Risk Management and Fire Safety.</b>				
1	2	3	4	5
131	135	311	333	454
Mean value:	3.62		Median:	4

Aim of the survey was to acquire preliminary data about the existing interest among youth for future K-FORCE project activities. According to the preliminary data there is a promising number of students that would be interested to attend a course or are interested in studying Disaster Risk Management or Fire Safety at University. The information from the conducted survey will be used to better develop and implement

curricula in the field of DRM&FSE at partner Universities in Albania, Bosnia and Herzegovina and Serbia.

## **A BRIEF INSIGHT INTO NEW STUDY PROGRAMS**

DRM&FSE subject area refers to multidisciplinary and interdisciplinary disciplines. Curricula include subjects from various academic disciplines, with Engineering and engineering trades as the dominant academic discipline, Environmental protection, Architecture and Construction, Civil Protection, Fire Science, Rescue studies, Climatology, Hydrology, Seismology and Economy as well as other disciplines (Health, Sociology).

The implementation of interdisciplinary DRM&FSE study programs in the field of Technical Sciences will enable continuation of the studies for a number of different profiles of engineering undergraduates, as well as continual education of professionals by offering LLL courses. Introduction of a novel interactive ICT platform for staff, student and workers' training will enable preparation of real-life case studies.

These programs support the creation and dissemination of Open Educational Resources in diverse European languages. Study programs, learning material offered by Flexible ICT learning platform, LLL courses, Glossary of DRM&FSE key words and terms, as well as an On-line Library will be available in English and regional languages (Serbian, Albanian and Bosnian).

Educational ICT based laboratories created in WB HEIs with interoperability capabilities and on-line library will provide national, regional and international case studies, integrated risk methodology assessment, hazard, risk and vulnerability regional cross-border mapping and results publications. That will insure continuous common regional problem based approach and compatibility of knowledge and skills, also aligned with contemporary trends in DRM&FSE field. Interdisciplinary, multi-language and ICT based both higher and continuous education approach insures regional and international cooperation will allow the exchange of knowledge and the mobility of students, teachers and workers, and strengthens national and regional capacities in EU integrations. Teaching methods improvement and modern ICT use in the education process will coincide with higher education development in the EU. This is especially

true in knowledge about best available practices, EU legislation, practical laboratory skills and consequent harmonization with EU curricula.

Within implementation process, European HEIs will have crucial role. They will be responsible for knowledge transfer and experience sharing in including scientific research into education, thus securing curriculum quality from the start. They will steer the content of curriculum and syllabi, define student-centered learning and teaching methods, share case studies for capstone-type subjects and advice on best usage of modern ICT in the education process. Compliance of the regional study program with similar programs, developed in the EU countries, strengthens the capacity of individual countries and the region as a whole in the process of European integration. Therefore, the brief analysis of available master and doctoral study programs in HEIs in the field of Disaster Risk Management and Fire Safety Engineering was done on the European level (Gencer 2014).

It was found that the majority of the most advanced engineering study programs in this field are available in Sweden at Lund University, Denmark at Danish Technical University and Aalborg University, Great Britain at University of Edinburgh and in FYR Macedonia at Ss. Cyril and Methodius University in Skopje. All of the studies are established in a close connection to Faculties and Departments of Civil Engineering. There are also fully developed study programs, at all three levels in Slovak Republic, at Faculty of Special Engineering, University of Žilina.

As Risk Management and Fire Safety education are not widely found in WB HEIs' curricula, the transfer of know-how of European HEIs to WB HEIs is special valuable, and response to the need for enhanced staff expertise which can underpin new curriculum modernization or development in a way to meet standards developed in EU.

Cooperation with the European HEIs and their contribution is crucial for new programs quality due to knowledge sharing, experience transfer in the fields of scientific research and education, particularly in developing similar programs and modules and assistance in defining needs for program content and teaching methods improvement and modern ICT and computer technology use in the education process coinciding with higher education development in the EU.

## **EXPECTED IMPACT OF MODERNIZED AND NEWLY DEVELOPED STUDY PROGRAMS**

It is expected that modernized and newly developed study programs will contribute to resilience improvement of societies in several ways.

Firstly, students will be educated within an interdisciplinary and problem-solving framework, through acquiring theoretical, practical and applicable knowledge, skills and competences, according to National qualifications framework and European qualifications framework, WB countries' needs and EU trends, which will be well recognized by the national and regional labor market. Students on other HEIs study programmes will gain basic or improved knowledge of DRM&FSE issues, consequently resulting in raised awareness among student population.

Implemented programs will enable regional and international mobility of students and teachers from WB and their horizon broadening in this specific field.

Teaching staff will have opportunity to upgrade their teaching experience, capacity to pass on the knowledge updated with novel trends in both the field and teaching tools and methodology. Teaching staff in other disciplines will be able to foster their knowledge and capacity to introduce and interconnect DRM&FSE issues into their disciplines. Non-profit NGOs will have opportunity to realize their own visions and missions in building national and regional capacities for safe and prospective WB societies, on the path towards EU. Professionals in DRM&FSE area will expand and upgrade their knowledge and skills through LLL courses. Public bodies and administration in charge for civil protection will improve qualification structure and better act as liaison between the emergency sector and scientific and education institutions as well as liaison between educational institutions and stakeholders from the emergency sector.

Employees in various industrial sectors will have an open access to created On-line Library, ICT portal and LLL courses database, through which they can gain knowledge on various DRM&FSE issues, thus raising their awareness about fires and disasters.

## CONCLUSION

Natural disasters devastate lives and livelihoods across the world and slow down the development progress achieved through many decades of hard work. Consequently, the fiscal and economic pressure of developing countries, such as WB, having to deal with the adverse effects on natural disasters is increasing. Numerous human casualties, significant material damage and negative environmental impact of natural and manmade disasters and fires in the WB are the warning calling for change of approach to these issues. There is a need to raise awareness about disaster risks and their potential financial consequences. Raising public awareness regarding natural catastrophic risk and risk reduction strategies is a key component in the promotion of a culture of safety within a nations' borders and beyond. Increased resilience and sustainable development requires a more proactive approach to tackle risk at its roots.

Resilient societies are based on knowledge and training, as well as preparedness. Building synchronized regional capacities in higher education in Disaster Risk Management and Fire Safety Engineering, according to regional needs and contemporary trends, is a first step towards building resiliency of our region. Acquired knowledge in the field of Disaster Risk Management and Fire Safety Engineering will provide the base for building a resilient society. It is necessary to build countries' own, consistent and compatible capacities in this educational field, which will enable a uniform level of required knowledge and skills.

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**COMPARATIVE ANALYSIS OF THE LEGISLATIVE,  
TECHNOLOGICAL AND OPERATIONAL ASPECTS  
IN THE FIELD OF CIVIL AVIATION SECURITY  
IN THE REGION BETWEEN EAST AND WEST**

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**Abstract**

The events that follow our modern society in terms of endangering the safety of civil aviation have an undoubtedly and direct impact on the development of specific legislative, technological and operational segments in the area of aviation safety, to provide an effective protection against the acts of unlawful interference, without disruption of the safety, regularity and efficiency of the flights.

The rapid rise of the civil aviation requires a fast safety development, in a way the common denominator of all undertaken activities and measures is the creation of perspectives and conditions for the highest possible level of aviation safety. It does require the development of new, modern and sustainable forms of security, which mean a contemporary approach to continuous upgrading and improvement of the theoretical and practical solutions of dealing with the threats, and creating conditions for the applicability of modern technological achievements in the countries of the region.

Primary goal of the paper is to make a comparative analysis of the legislative, technological and operational segments in the field of civil aviation security in the East



and West countries with those in the Balkans; a secondary objective is to consider the conditions and feasibilities for balanced development and joint efforts for an efficient cooperation of the East and West countries with those in the Balkans, as an integral part of the common global security platform. Based on established international standards, recommendations and practices, the necessity should be confirmed of immediate implementation of the advanced safety technologies in the state security systems in the region, as a mutual interest of the entire international community.

Aviation security should be an example for arrangement of the security policies in all other areas where security is still not regulated sufficiently. This is especially referring to so-called "Critical infrastructure", in order to establish the basic framework for defining and regulating a very important and significant segment which is part of the safety system of each country.

**Key words:** aviation, safety, security, critical infrastructure, acts of unlawful interference

### **The importance of the regulation of the civil aviation security**

The civil aviation, observed as a global transport system, in terms of functional structure, may be conditionally divided into three subsystems: aerodromes (airports), airlines (aircrafts) and air traffic control (ATMS – air traffic management system). Each of these subsystems consists of several functional elements: system user, infrastructure, controls, managing structures, technological procedures, technical and human resources, law regulation, international legislation, etc<sup>139</sup>. A potential direct negative impact on the safety of any of these aviation subsystems could result with serious consequences for the airline industry, which has a very significant and important role in the national economy, as well as in the national security of any state. The implementation of modern security systems and procedures, relating to the need for establishing an optimum level of safety, becomes a top priority of civil aviation. The complexity of the issues that treats the civil aviation, seen through the unquestionable

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<sup>139</sup> T. Tuntev – Aerodromes - Faculty of Technical Sciences Bitola 2005

need for an adequate protection, is a very big challenge, to which in the future should be given more attention.

The security in the area of the civil aviation, through the implementation of specific regulations, standards, recommendations, practices, advanced systems and procedures, has a function:

- to protect the safety of passengers, crew, aircraft, ground staff, greeters and meeters or any other person and object, in matters of providing an effective protection against the acts of unlawful interference, and
- to ensure readiness for rapid response against increased security threats<sup>140</sup>.

The civil aviation security (AVSEC) involves a combination of measures, human and material resources, with a main goal to protect people and objects from acts of unlawful interference. The fundamental principles of the AVSEC philosophy are:

- the civil aviation takes place in a safe and secured environment, free from unlawful interference;
- the states develop and implement legislation and procedures, necessary to ensure a safe and secured environment;
- the security measures implemented by the states, in order to protect the civil aviation against acts of unlawful interference, must be in accordance with the standards required and recommended practices contained in Annex 17 of the Convention on International Civil Aviation, also known as the Chicago Convention, of the International Civil Aviation Organization (ICAO); and
- accordance with their national regulation, the states will prosecute any person who will attempt or commit an act of unlawful interference and/or extradite such a person(s) in state(s) that are willing to prosecute such offenders<sup>141</sup>.

Having all that in mind, as well as the need to secure the effective protection of the civil aviation regardless of the level of development of the state, the Balkan states have an obligation to implement and apply the required international standards and recommended practices related to AVSEC. To achieve an unified level of the aviation safety, each state builds their one aviation safety platform through comprehensive policy of applying a relevant legislation, that must be implemented by all entities involved in any AVSEC structure.

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<sup>140</sup> ICAO – Annex 17 International Standards and Recommended practices November 2016

<sup>141</sup> ICAO - aviation security training package instructors - trainee reference book 2012

## Typical acts of unlawful interference in the civil aviation all over the world

The frequent events of the terrorist attacks all over the world, especially those in the area of civil aviation, show that the terrorism doesn't recognize the state borders or social and political systems. Neither the countries of the West nor East nor does the Balkan countries are not spared from such terrorist acts. The recent events and developments have set a new chapter in the security sciences, especially in the segments related to the airline industry, where threats and dangers grow in proportion to the fast development of all civil aviation segments.

Usually, the effects and damages, caused to civil aviation of such events, are devastating, with loss of human lives and enormous material losses. The omissions and deficiencies made by the security services and the readiness of saboteurs to manipulate the security systems at airports, smuggling firearms or explosive devices, increase the risk for terror attacks. The terrorism is actually the biggest danger and the most common cause for endangering the aviation safety, which dates back to the very beginnings of the air transport development.<sup>142</sup> Throughout the history of the civil aviation there are frequent examples of terrorist attacks and threats. They vary according to the desired objectives, as well as to the means and methods used in those attacks.

The unfortunate and tragic events in the area of the civil aviation always attract the attention of many people in public, mostly through the public media. Everybody, as a potential passenger, wants to be well informed and aware of the level and sustainability of the aviation safety and security. The feeling of being safe and secured during the flight or staying at the airports is one of the most important and strongest feelings for every passenger, making the decision to travel.

There are many unfortunate events throughout the history of the modern civil aviation, but below are listed just a few of the most characteristic of them:

- On December 21, 1988, Pan Am Flight 103 exploded 31,000 feet over Lockerbie, Scotland, 38 minutes after takeoff from London. Two hundred fifty-nine people on board the New York-bound Boeing 747 were killed, along with 11 people on the ground. Afterward, United States and British investigators found fragments of a

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<sup>142</sup> Protection for critical infrastructure: Oliver Bakreski, Tanja Milosevska, Gjorgji Alceski – Skopje 2017.

circuit board and a timer, and ruled that a bomb, not mechanical failure, caused the explosion<sup>143</sup>;

- On the morning of 11 September 2001, 19 hijackers took control of four commercial passenger jets flying out of airports on the east coast of the United States. Two of the aircraft were deliberately flown into the main two towers (the Twin Towers) of the World Trade Center in New York, with a third hitting the Pentagon in Virginia. The fourth plane never reached its intended target, crashing in Pennsylvania. It is believed that the passengers and crew overpowered the hijackers and took control of the plane. The total loss of life on 9/11 was nearly 3,000, including the 19 hijackers. It was the worst loss of life due to a terrorist incident on US soil. The days that followed saw a significant effect on world economic markets and international confidence.<sup>144</sup>

- On 24 January 2011, bomb attack at Moscow's Domodedovo airport has killed at least 35 people and injured more than 100 - many of them critically, officials say. Investigators say the explosion, which happened in the arrivals hall, was caused by a suicide bomber<sup>145</sup>. The Russian authorities confirmed that the attack was act of a suicide bomber, wearing a belt with a hidden explosive device under the clothes, which was detonated at the entrance of the baggage claim area in the international flights terminal at the airport;

- July 18 bombing of the bus carrying Israelis at Burgas airport on Bulgaria's Black Sea coast, the deadliest attack on Israelis abroad since 2004, also killed the Bulgarian bus driver and the bomber<sup>146</sup>. About 30 people were wounded. According to the reports from the Bulgarian media, the aim of the bomb attack were 150 Israeli tourists, landed from Tel Aviv just about half an hour before the explosion and entered into 3 buses at the landside, about to leave the airport to the Black Sea coast.

- On 31 October 2015, about 25 minutes after takeoff from the Sharm el Sheikh Airport in Egypt, the plane Airbus A321 of the airline Metrojet exploded as a result of planted homemade explosive device, killing all 224 passengers and crew. The most of the passengers (219) on that flight, from the famous Egyptian tourist resort to St. Petersburg in Russia, were from Russian nationality. The responsibility for the attack

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<sup>143</sup> <http://edition.cnn.com/2013/09/26/world/pan-am-flight-103-fast-facts/>

<sup>144</sup> [http://www.bbc.co.uk/history/events/the\\_september\\_11th\\_terrorist\\_attacks](http://www.bbc.co.uk/history/events/the_september_11th_terrorist_attacks)

<sup>145</sup> <http://www.bbc.com/news/world-europe-12268662>

<sup>146</sup> <http://www.aljazeera.com/news/europe/2013/02/20132515350158754.html>

assumed the terrorist organization Islamic State (ISIS)<sup>147</sup>. According to the Russian officials, the improvised explosive device had a destructive power equivalent to 1kg of TNT. On 18 November 2015 ISIS released photographs of the device for which it claimed was a bomb. Several employees at the airport, who were linked to ISIS, were suspected by the authorities for placing a bomb in the plane.

- On 23 December 2015 a bomb attack occurred at Sabiha Gökçen Airport in Istanbul, Turkey. The blast at Sabiha Gokcen, the city's second airport and located on its Asian side, occurred shortly after 2:00 a.m. (midnight GMT), local budget carrier Pegasus said, fatally wounding a cleaner on one of its planes. There was damage to five airplanes in total due to the impact of shrapnel<sup>148</sup>.

- On 22 March 2016 in Brussels, Belgium, were three coordinated bombings - two of them took place at Zaventem Airport, while third in the Maelbeek metro station in the center of Brussels. Bombing terrorist act at the airport was realized with two bomb explosions in the terminal building; after the search of the airport a third non activated explosive device was found, which was later destroyed. In these three attacks of suicide - bombers there were 32 casualties and more than 300 people were injured<sup>149</sup>. The responsibility for these terrorist attacks in Brussels took the Islamic State of Iraq and the Levant (ISIL).

- On 28 June 2016 at Kemal Ataturk Airport in Istanbul, Turkey, there was organized terrorist attack that resulted in gunfire and bomb attacks in the airport terminal building. Several gunmen, armed with automatic weapons and explosive belts, attacked the passengers and visitors in the international terminal of the airport. 43 people have been killed and 239 injured in three blasts that rocked Istanbul's Ataturk airport, according to Turkish officials<sup>150</sup>.

With a very simple observation and analysis of the terrorist attacks that occurred in the area of civil aviation, whether it comes to airports or aircraft, can undoubtedly be seen the "attractiveness" to engage in unlawful acts on this kind of critical infrastructures. An obvious conclusion is that a number of terrorist strategies are aimed to vital facilities, which are of particular importance for each country. Such

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<sup>147</sup> <http://edition.cnn.com/2015/10/31/middleeast/egypt-plane-crash/>

<sup>148</sup> <http://www.reuters.com/article/us-turkey-airport-blast-idUSKBN0U60DS20151223>

<sup>149</sup> <http://www.bbc.com/news/world-europe-35869985>

<sup>150</sup> <https://www.rt.com/news/348735-explosion-ataturkr-reports-injured/>

facilities usually have the highest level of protection and security, so the main intention of the organizers of such terrorist attacks is to cause a massive sense of fear, uncertainty and insecurity among the people, while causing distrust in the ability and willingness of the national authorities to cope with the dangers and threats. Hence, the goal of such terrorist attacks is to have the largest possible number of victims and to cause a great media effect. Therefore, a mandatory emphasis on safety and security is one of the dominant element in the mosaic of the organization of civil aviation. The events of recent years also have their direct impact on the projection and creation of specific security systems and procedures, that are constantly improve and upgrade to eliminate any possible shortcomings and lacks.

### **Regulation of Civil Aviation Security in Europe**

In light of threats to civil aviation and existence of effective security system v.v. the complexity of the factors which lead to inefficiency of the security, there is a constant need of permanent improvement of the security measures, the conditions, the implementation of advanced systems and procedures. All this in order to build an effective security system through universal international standards in all aspects (organizational, regulatory, structural, substantive, technical, etc.).

The European approach, represented by ECAC (European Civil Aviation Conference), reflect main mission as promoting the continuing development of a safe, efficient and sustainable European air transport system<sup>151</sup>. Established in 1955 by several European countries, with headquarters in Paris, ECAC works through plenary sessions at the level of directors of the civil aviation authorities of the Member States, as well as at the level of Ministers of Transport. The main objectives of ECAC are: respect and care for the interests of the Member States in the field of civil aviation in Europe, finding solutions to solve their mutual problems and misunderstandings, cooperation with the bodies of the EC (European Commission) and ICAO, promotion of a common European AVSEC policy on the European sky, providing mutual cooperation in the development and implementation of common standards and procedures in the field

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<sup>151</sup> <https://www.ecac-ceac.org/about-ecac>

of civil aviation, etc<sup>152</sup>. It is comprised of 44 countries, almost all of Europe<sup>153</sup>. ECAC policy in the field of aviation safety have been developed and implemented in Doc. 30, which is developed in order to ensure equal access of all Member States and all other countries, whose airlines and airports should maintain an acceptable uniform level of safety measures, methods, principles, procedures, specifications, criteria, materials, data, etc. It is expected all Member States of ECAC to continue applying the SARPs (standards and recommended practices) of ICAO Annex 17 and other relevant ICAO annexes, resolutions and manuals.

It should also be stressed that EU (European Union) has a significant role in creating a common European AVSEC policy, for all Member States and States Parties to the ECAA (European Common Aviation Area) Agreement, through the adoption of regulations and the implementation of standards in the field of security. The main objective is to achieve uniform standards in the security of civil aviation. Therefore, EU through regulations, as binding legal acts, sets guidelines regarding the regulation of civil aviation. First, in 2002 EU adopted its first common AVSEC rules, with detailed provisions on: access to sensitive areas of the airports and planes, screening and control of passengers and their baggage, security checks of cargo and mail, AVSEC training, screening and classification of weapons and other items that are prohibited to carry in aircraft, etc. Furthermore, in 2005 EC (European Commission) proposed amendments to the 2002 rules, introducing changes regarding the screening of passengers and baggage, security checks of aircraft, as well as recruitment or selection and training of AVSEC personnel. For the first time there were introduced rules securing the planes in terms of: access to the cockpit, dealing with inappropriate passengers with sky marshals on each flight, new ways to secure the aircraft, and more. The new rules were adopted in EU Regulation 300/2008, which included all ad hoc measures adopted in 2006, in reference with the threat of terrorist attacks in aircraft with liquid explosives.

Beside the EU Regulation 300/2008 as a basic document, below are presented the EU regulations that also treat the area of AVSEC:

- EU Regulation 185/2010: contains detailed measures for the implementation of common basic standards on AVSEC;

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<sup>152</sup> T. Tuntev - Aerodromes - Faculty of Technical Sciences Bitola 2005

<sup>153</sup> [http://www.caa.gov.mk/86/Chlenstvo\\_vo\\_megjunarodni\\_organizacii.html](http://www.caa.gov.mk/86/Chlenstvo_vo_megjunarodni_organizacii.html)

- EU Regulation 720/2011: amending EU Regulation 272/2009 with the common basic standards on AVSEC in relation to the screening of liquids, aerosols and gels at EU states airports;
- EU Regulation 1141/2011: amending EU Regulation 272/2009 with the common basic standards on AVSEC in relation of the use of scanners for security procedures at the airports in EU states;
- EU Regulation 1087/2011: amending EU Regulation 185/2010 with the common basic standards on AVSEC in relation with the systems for a detection of explosives;
- EU Regulation 1147/2011: amending EU Regulation 185/2010 with the common basic standards on AVSEC in relation with the use of security scanners at EU states airports;
- EU Regulation 711/2012: amending EU Regulation 185/2010 with the common basic standards on AVSEC in relations with the methods used for the control of persons at the airports who are not passengers and items they carry with them;
- EU Regulation 104/2013: amending EU Regulation 185/2010 regarding the screening of passengers and non-passengers by the equipment to ETD (explosives traces detection) combined with HMD (handy metal detector);
- EU Regulation 246/2013: amending EU Regulation 185/2010 regarding the screening of liquids, aerosols and gels at EU states airports in EU airports;
- EU Regulation 278/2014: amending EU Regulation 185/2010 regarding the clarification, harmonization and simplification of the procedures for ETD;
- EU Regulation 1998/2015: containing detailed measures for the implementation of common basic standards on AVSEC<sup>154</sup>.

### **Regulation of Civil Aviation Security in USA**

The main specific characteristic in US is the fact that after the tragic events of 11 September 2001, the whole AVSEC system was transformed from decentralized to centralized, under the of ATSA (Aviation and Transport Security Act). As a result of it, the responsibility for AVSEC was transferred directly to the airport units of TSA (Transportation Security Administration) - sector within the US Department of

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<sup>154</sup><https://www.iaa.ie/docs/default-source/publications/aviation-security-legislation/ec-regulation-2015-1998.pdf?sfvrsn=4>



Homeland National Security. TSA has overall responsibility for all transportation modes of security within the US. The basic purpose of TSA is to secure all transportation systems in US, including aviation, to ensure free and safe movement of people and trade. Also, one of the most characteristic changes were adopted was giving the direct responsibility to the airport authorities for AVSEC, especially for the control of passengers, baggage and cargo. Also, some more obligations and powers were given to the airport authorities in several different areas of AVSEC.

After such a change, the US government, represented by the FAA (Federal Aviation Administration) remained with supervising and regulatory role. The FAA, as an agency of the Ministry of Transportation in US, has the authority to regulate and supervise all aspects of the civil aviation safety in US. This government body was formed in 1958, to regulate, develop and encourage research and other activities related to US aviation development in general. Also, TSA at the beginning was an agency within the Department of Transportation, but later was transferred within the US Department of Homeland National Security, that provided a major progress towards the fulfillment of the tasks set by the US Congress. Some specific actions were implemented by TSA in 2002, as: the recruitment and training of screening AVSEC staff, 100% screening of baggage at the airports, structural strengthening and firming the door of the cockpit, the introduction of advanced technology AVSEC equipment and devices, etc.

Besides this, in the US also exists another state body connected with the transportation safety: NTSB - National Transportation Safety Board. NTSB is an independent federal agency for investigations the transportation accidents. Since its creation in 1967, the mission of NTSB is to focus on determining the likely and possible causes of all serious incidents and accidents in area of transportation, and to formulate the recommendations aimed to upgrade the safety in all modes of transportation, including the aviation.

If we compare EU and US in terms of AVSEC measures and procedures, it's obvious that generally all individual acts and activities are adequately regulated and harmonized within the international organizations. In order to present the similarities or differences in implementation, we might mention the security measures related to the airports in the area of access control staff, security checks of the vehicles, access to controlled areas at airports, etc. In Europe, for example, all this is providing with a combination of different subjects: airport authority, police department and private

security companies (outsourcing), while in US these activities remain a key responsibility of the airport authority. Further, the surveillance and supervision of the security activities in Europe are the responsibility of the CAA (Civil Aviation Agency), while in the United States this remains the responsibility of TSA. Referring the securing the aircraft, in EU as well as in US the protection and inspection of aircraft on the ground is usually the responsibility of the airline.

In Europe, the CAA usually are responsible to provide and comply the safety standards within the national legislation, while in US it's carried out by TSA. If we compare the procedures for security control of the passengers and cabin baggage, at the European airports it might be shared responsibility between the airport authority, the police and some private security companies, while in US passengers and baggage screening is solely the responsibility of the TSA. It should be mentioned that there are some differences also in terms of providing the security measures and procedures for cargo, mail, catering or duty free goods at the airports, as well as the security measures and procedures for general aviation, but the most important thing is that all those measures and procedures are strictly regulated and approved by relevant international institutions.

### **Regulation of Civil Aviation Security in Russian Federation**

As well as EU and US, the regulation of civil AVSEC in Russian Federation also is a positive example of consistently compliance with the international SARPs, particular in the areas of appropriate legal framework, technical guidelines, procedures for licensing and certification and continuous supervision. Russian civil aviation is administered generally by five different bodies:

- Ministry of Transportation, which regulates the entire transportation system in the federation, including aviation;
- Federal Services for Supervision in the area of transportation, over observance and monitoring the implementation of the national legislation, including the civil aviation;
- Federal Aviation Agency, with authority on licensing activities related to aviation;

- Aviation Committee, that coordinates all activities related to the use of national airspace and air traffic services and management, certifying the aircraft, airports and equipment, investigates aviation accidents, encourages the unification of different aviation rules, develops a coordinated policy in the field of aviation, coordinates the development and implementation of interstate scientific and technical programs, etc.;
- Aviation Registry, which is responsible for aircraft homologation and certification<sup>155</sup>.

In terms of ACVEC, it's important to mention that the Presidential Decree № 403 from March 2010, for establishing an integrated system of public transport safety, is a big step forward in the development and innovation in the field of the security; a program is developed for public traffic safety by implementing the new technologies and equipment for AVSEC, as well as the need for equipping the airports with modern security systems<sup>156</sup>.

In the AVSEC field, several federal bodies have competences and authority:

- Ministry of Transportation of the Russian Federation – a federal body of the state executive authority in area of transportation, defining the official state policy and normative-legal acts in the field of civil aviation;
- Federal Services for Supervision in the area of transportation – a is a federal body of the state executive authority, carrying out its functions in control oversight legislation of the Russian Federation and international agreements in the field of civil aviation, as a special authorized body in the field of civil aviation;
- Federal Aviation Agency – also a federal body of the state executive authority, which perform its functions in securing the public services in the field of civil aviation<sup>157</sup>.

In the Report of the UN Counter-Terrorism Committee, connected with its visit of the Russian Federation regarding the safety of the civil aviation, it's stated that Russian Federation has established a highly effective aviation safety system and surveillance mechanism, which reflects the priorities set by the government in order to prevent illegal activities and acts of unlawful interference in area of civil aviation. The

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<sup>155</sup> [http://digitool.library.mcgill.ca/webclient/StreamGate?folder\\_id=0&dvs=1490967283946-457](http://digitool.library.mcgill.ca/webclient/StreamGate?folder_id=0&dvs=1490967283946-457)

<sup>156</sup> [http://www.icao.int/Meetings/SIAS/Documents/New%20Presentations/To%20add%20new/Vladimir%20Chertok%20\(1\).pdf](http://www.icao.int/Meetings/SIAS/Documents/New%20Presentations/To%20add%20new/Vladimir%20Chertok%20(1).pdf)

<sup>157</sup> *Ibid* [www.icao.int/Meetings/SIAS/Documents](http://www.icao.int/Meetings/SIAS/Documents)

latest revisions to the ICAO USAP (Universal Security Audit Program) of the Russian Federation have been very positive. This program states that Russian Federation has established an appropriate national legislation and implemented all relevant international programs and policies to support the universal framework of aviation safety. Such a policy continues to impose strict quality controls throughout all areas of aviation security system and act quickly identified deficiencies and lacks to ensure compliance with all relevant national and international requirements<sup>158</sup>.

Generally, in terms of the AVSEC measures and procedures, there are some differences in Russian Federation with those in EU or US, but also there are many similarities; the legislation may be different in terms of structural organization, but it must be pointed that the Russian AVSEC measures and procedures are based on the principles of ICAO and other relevant international organizations and associations, which basically represent the main sources of legislations for security in the field of civil aviation.

### **International Civil Aviation Organization - ICAO**

The international civil aviation organizations and associations include various forms of gathering and joint action of different countries or other legal entities, in order to achieve certain common objectives in the field of civil aviation. Among prominent, related particularly with the AVSEC, are:

- ICAO – International Civil Aviation Organization for Civil Air Transport,
- IATA - International Air Transport Association,
- ACI - Airports Council International,
- ECAC - European Civil Aviation Conference,
- EUROCONTROL - European Organization for Aviation Navigation and Safety,
- EASA - European Aviation Safety Agency, etc.

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<sup>158</sup> [www.icao.int/Meetings/SIAS/Documents/New%20Presentations/To%20add%20new/Vladimir%20Chertok%20\(1\).pdf](http://www.icao.int/Meetings/SIAS/Documents/New%20Presentations/To%20add%20new/Vladimir%20Chertok%20(1).pdf)

This paper generally is referring the ICAO, as the most important international organization in the area of the regulation of the civil aviation all over the world. As a part of UN, ICAO is established by the Convention on International Civil Aviation, signed at Chicago on 7 December 1944 and become effective from 1947.<sup>159</sup> The headquarters of ICAO are in Montreal, Canada. The basic aim of ICAO is to provide the international civil aviation to develop into a reliable, safe, regular and efficient manner in cooperation with all its Member States, based on the principle of uniformity and equality of all involved subjects, as a part of global transportation system. Currently it's comprised of 190 countries.

The main objectives of ICAO are: developing the basic principles and techniques in international aviation and promotion of international air transportation, preventing any kind of discrimination in international civil aviation, improving the aviation safety, encourage the development of airways, providing balanced development of the aviation all over the world, preventing unfair competition between ICAO Member States, adopting standards and recommendations in all areas of civil aviation, encourage the development of airports and aircraft, care for equal opportunities for all Member States in the maintenance of international airways and much more.

ICAO has three basic functions, such as: administrative, legislative and judicial. The most important ICAO bodies are: the Parliament, the Council, the Secretariat and the General Secretary. The required common rules and provisions are issued through regular and periodical publications, in the form of standards or recommendations, contained in annexes and manuals. ICAO Member States bound to implement and apply these provisions through their own national legislation.<sup>160</sup> The most important legislative role of ICAO is the formulation and adoption of the SARPs for the international civil aviation. The SARPs for the international civil AVSEC were first adopted by the ICAO Council in March 1974 and designated as ICAO Annex 17 to the Chicago Convention. ICAO Annex 17 was adopted in six languages - Arabic, Chinese, English, French, Russian and Spanish.<sup>161</sup> ICAO Annex 17 process the international SARPs for AVSEC, regarding the protection of civil aviation against the acts of unlawful interference. Thus, the primary targeting of each contracting state is the safety of the

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<sup>159</sup> <http://www.icao.int/Pages/default.aspx>

<sup>160</sup> T. Tuntev - Aerodromes - Faculty of Technical Sciences Bitola 2005

<sup>161</sup> <http://www.icao.int/Security/SFP/Pages/Annex17.aspx>

passengers, crew, staff and the public, in matters related to the protection of the civil aviation against unlawful acts. Contracting states shall establish and implement the regulations, practices and procedures to protect the civil aviation against all kind of illegal acts, taking into account the safety, regularity and efficiency of flights, and will ensure that such organization, regulations, practices and procedures will protect the safety of passengers, crews, ground staff and the general public, in matters related to the provision of be able to respond quickly to increased security threats.<sup>162</sup>

The Aviation Security Policy (ASP) Section of the ICAO Aviation Security and Facilitation Office is responsible for the development of new and amended Standards and Recommended Practices (SARPs) for the security of international air transport. This is promulgated in the technical annex to the Chicago Convention, specifically Annex 17 - Security.

Among other things, the ASP Section manages its programs by:

- developing and updating Annex 17 to the Convention on International Civil Aviation (also known as the Chicago Convention);
- managing and overseeing the work program of the Aviation Security (AVSEC) Panel as well as its working groups;
- updating and maintaining the ICAO Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference (Doc 8973);
- maintaining the Technical Annex to the Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- providing support to the International Explosives Technical Commission (IETC);
- promoting implementation of security-related SARPs;
- Providing support to various governing entities at ICAO, in particular the Assembly, Council and Committee on Unlawful Interference (UIC).<sup>163</sup>

The ASP Section is also responsible for fostering cooperation on security matters with other United Nations agencies and international bodies. Among the many entities with which the ASP Section coordinates its work are the UN Counter Terrorism Committee (UN CTC), Counter-Terrorism Committee Executive Directorate (CTED),

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<sup>162</sup> ICAO – Annex 17 International Standards and Recommended practices.

<sup>163</sup> <http://www.icao.int/Security/SFP/Pages/default.aspx>

International Air Transport Association (IATA) and Airports Council International (ACI).<sup>164</sup>

ICAO Security Manual (Doc 8973 - Confidential) is a guidance how to apply and implement the SARPs related to the AVSEC. ICAO Annex 17 and ICAO Doc 8973 are constantly reviewed and amended on the basis of new threats and technological developments that have an impact on the efficiency of measures designed to prevent acts of unlawful interference. New and updated guidelines are often published, as a result of the unpredictability of the acts of unlawful interference, different ways of behavior, new landside security aids, new screening and surveillance methods, etc. ICAO Doc 8973 is available on few languages: Arabic, Chinese, English, French, Russian and Spanish.<sup>165</sup>

Reporting and sharing information among ICAO Member States about the acts of unlawful interference have great importance for the establishing an efficient global security policy. That gives to ICAO the necessary data that are crucial for the evaluation and analysis of different security incidents, events and trends. In accordance with ICAO Annex 17, each contracting state must provide relevant information for each incident of unlawful interference, so that by analyzing these events, the experts develop effective measures and procedures for AVSEC.

ICAO is providing an efficient AVSEC strategic goals, through coordinated activities:

- Initiatives to develop policies and SARPs,
- Monitoring of the main trends and indicators in the field of security,
- Analysis of the security,
- Implementing appropriate programs and plans to solve some safety related issues.<sup>166</sup>

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<sup>164</sup> Ibid.

<sup>165</sup> <http://www.icao.int/Security/SFP/Pages/SecurityManual.aspx>

<sup>166</sup> [http://www.icao.int/safety/Documents/ICAO\\_State-of-Global-Safety\\_web\\_RU.pdf](http://www.icao.int/safety/Documents/ICAO_State-of-Global-Safety_web_RU.pdf)

## Civil AVSEC in Macedonia and other Balkan's countries

As a member of UN from 1993, Republic of Macedonia is a member of ICAO from 9 October 1993 and member of ECAC from 3 July 1997. That means Republic of Macedonia is obliged to respect, apply and implement all international SARPs related to the AVSEC into the national legislation.

According to the national Act of law on Aviation, the safety and security issues and structures in the aviation field are organized through:

- Ministry of Transportation and Communications,
- Civil Aviation Agency (CAA),
- Ministry of Interior affairs (Police),
- Airport operators,
- Airlines,
- Macedonian Navigation (M-NAV) ATMS.<sup>167</sup>

An efficient AVSEC system on the national level can be achieved through the development, implementation and maintenance of comprehensive flexible and effective legislation, programs, measures and procedures nationwide. The guidelines for the development of the national AVSEC should always be in line with the relevant international regulations.

The AVSEC organizational structure in all Balkan states is more or less very similar. There are some particular differences about the level of implementation of the international SARPs, as well as the level of technical development, modernity, features and capabilities of the AVSEC equipment and aids. For example, in Serbia there is a big number of adequate and appropriate AVSEC programs and plans for training and quality control; also, there is an efficient inspection system for continuously and detailed monitoring and applying AVSEC measures and procedures, based on international SARPs. The AVSEC national legislation of Croatia, as a member of EU, is fully in accordance with the European legislation and all other relevant international SARPs. The security measures, applied by the subjects involved in the national aviation, are controlled by the national CAA, as a state body in charge in the area of civil AVSEC. In Slovenia the situation is the same as in Croatia.

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<sup>167</sup> Закон за воздухопловство Сл. весник на Р.Македонија бр.63 од 13.05.2013



In Montenegro there is a Security department within the national CAA, responsible for implementing the international SARPs related to the AVSEC, supervision of the efficiency of the involved entities against acts of unlawful interference, adoption of regulations, programs and procedures, coordination with the other relevant authorities, etc.

### **Development and application of an advanced AVSEC equipment**

The new technologies, implemented in highly developed countries in the world, certainly need to be an objective for all other countries to implement them according their possibilities. The efficient and modern AVSEC equipment and devices should be use at all international airports worldwide, including Balkan countries. This need is continuing and sometimes inevitable when it comes as the urgent and unquestionable obligation, regarding the applicability of modern devices, for the detection of explosives, security scan of the whole body of the passengers, etc. In terms of equipment and devices used in the function of the security, it is necessary to meet the needs and requirements about the compatibility of the specifications required in domestic and international regulations.

The modern technology undoubtedly contributes to the development of very sophisticated new models and types of security devices. That means certain illicit substances or dangerous objects, which could disrupt the safety, should be more easily determined and found. As an explicit example for every day development, upgrading and modernization is the X-ray technology, as well as the latest modern devices for detection of explosives, narcotics, weapons and other prohibited items and substances. Such devices, offering a wide range of systems with various dimensions and performances, are very useful and aimed, for instance, to analyze fluid going through and to determine its chemical composition, in order to determine whether it's a threat or not. Furthermore, developing CT (computed tomography) technology allows 3D images and high resolution.<sup>168</sup> These new detectors for passengers scanning allowed seeing the image of the body and even the detection of the smallest objects possessed by the person that could be a threat. At last but not at least, the positive personal

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<sup>168</sup> <http://www.x-rayscreener.co.uk/x-ray/#other-tech>

identification via biometric models allowed to confirm with 100% certainty the identity of the person trying to access to certain restricted areas. The biometrics refers to the parameters associated with the human characteristics.<sup>169</sup>

It's also necessary to mention that the "digital security" is in the top 10 trends in AVSEC equipment development; this new modern technology is used to develop an advanced security concept, such as "walk through security"; it helps to reduce the waiting time and increase the flow of passengers; also it's enabling automated verification, reduction of the security staff and increased level of the security.<sup>170</sup>

The great progress of the new technologies and the training processes of the security staff certainly contribute to improve the physical and psychological effects that every modern security system should achieve. The fast development and modernization of the AVSEC equipment and devices are motive and incentive to all other areas related to the security of any other kind of the "critical infrastructure". Not just the airports and aircraft, but also all other objects of "critical infrastructure" are becoming an objective of new security measures and procedures, such as train stations, bus stations, hydro-powers, thermal powers, nuclear power plants, water supply plants, factories, government facilities, etc. The use of the new security equipment and devices must keep pace with the implementation of the relevant and appropriate legislation that comes primarily from validated universal SARPs. That's should be an imperative for further and continuous development, implementation, coordination, control and improvement of the security, not just in a field of civil aviation, but also in any other area with needs to secure the "critical infrastructure".

## Conclusion

The global aim in the world of civil aviation is achieving the unified level of aviation safety and security all over the different countries and continents. Therefore, each government, through its CAA as state body in charge of national aviation safety and security, adopts a comprehensive state policy, followed by appropriate legislation

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<sup>169</sup> <https://www.google.com/webhp?sourceid=chromeinstant&ion=1&espv=2&ie=UTF8#q=biometric+security+tehnology>.

<sup>170</sup> <https://www.aviation-insider.com/resource/top-10-trends-aviation/>

implemented by all entities involved in any security structure within the national aviation transport system. According SARPs in ICAO, Annex 17 is the main sources and guidelines for establishing an official state policy in the field of each particular national AVSEC system.

The national and international security, including AVSEC as a part, is a complex and extensive system, as an interdependent set of legislations, measures, plans, activities, technologies and programs that must be well coordinated. Therefore, the efficient and appropriate security policy would mean constantly contribution to maintaining and improving the security in all areas, especially in aviation. Hence, the security policy should be directed to the extension of the existing regulations and practices; it should be aimed at identification and defining the feasibilities, possibilities and conditions for applying of advanced practices, procedures and systems and their implementation in the development of each national security system. The practical applicability of certain standards and procedures, arising from the final operationalization of the proposed solutions, should be a priority for every country.

Every day all over the world there are larger and more dangerous threats posed by globalization. That's require a new approach to the security organization and facilities. An efficient security protection must be effective 24 hours a day, with the inclusion of advanced security systems that follow new and modern technological advances. Security systems are in constant development, in order to meet the requirements arising from the practice. The implementation of new and modern security systems and devices depends on several factors, but the most significant thing is that the investing in security equipment and devices should be permanent. No doubt that the equipping of the security services in accordance with modern achievements in this area includes the possibility for smooth and efficient execution of the given tasks, corresponding to the risks and dangers of the modern times.

The civil aviation is one of the most regulated areas on both levels - international and national. That could be a real example for all other areas of activities in the countries, especially for those with great and significant importance for the government and public. That's why there is a need of cooperation, coordination and legislative compliance not just for civil aviation, but also for all other fields that contains objects of "critical infrastructure". The modern security challenges and their impact on the vital state infrastructure - "critical infrastructure", are presented through the vulnerability and fragility of the national security, national economy, national health

system, as well as the efficient functioning of the government institutions and bodies. That's why the proper and adequate implementation of the relevant and approved international security measures and procedures should be a real challenge for establishing a comprehensive national security policy. This must be followed by proper national legislation and implementation of modern security systems and procedures in developing the efficient security of "critical infrastructure". So, the national AVSEC system should be a base, guideline and real example for every country in the future, to provide an efficient and comprehensive "critical infrastructure" security system.

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## TECHNICAL AND TECHNOLOGICAL EMERGENCIES AS A SEGMENT OF SECURITY THREATS – INDUSTRIAL EMERGENCIES

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### Abstract

The main topic of this scientific work are technical and technological emergencies as a segment of security threats with special emphasis on industrial emergencies. During the development of this work mainly methods those are used are explicative, descriptive and statistical analysis, and content analysis. There is described and explained classification of emergencies as well as technical and technological emergencies. Special emphasis is given to industrial emergencies. There were described and explained industrial production aspects. Especially, there were described industrial emergencies – emergencies related to hazardous materials and mining emergencies. Additionally, there are presented some diagrams and map related to technical and technological emergencies and industrial emergencies. The aim of this scientific work is to highlight the risk of industrial emergencies, as an important segment of security threats.

**Key words:** Emergency Management; Security; Emergencies; Technical and Technological Emergencies; Industrial Emergencies.

### INTRODUCTION

States of the modern world are faced with many forms of security threats, including the phenomena that lead to emergencies. Since the beginning of man

emergencies cause starvation and suffering of the population, country and society as a whole, contributing to the social disorder and reducing the economic capacity of the country. Various forms of emergencies have different implications on the state and society, but definitely the greatest consequences remain after wars, among which the most difficult conflict was the Second World War, and after natural disasters, which usually lead to great suffering of the civilian population. The Second World War is the biggest disaster that has befallen humanity, and resulted in a loss of 60 million lives. (Weinberg, 1994, p. 894). Also, Spanish fever was fatal and in the period 1918–1919 it killed about 50 million people (Taubenberger & M, 2006, p. 15). Taiping Rebellion (1850–1864), a conflict of imperial China under the Qin dynasty against supporters of converts to Christianity of Hong Xiuquan, the worst conflict in the history of China, has killed 50 million people (Lone, 2007, p. 24). The First World War had over 8 million victims (Howard, 2002, p. 122) while it is estimated that the Russian civil war had between 7 and 14 million dead (Bullock, 2008, p. 133).

Besides the wars, the highest death toll is related to natural disasters. Only in the last century and the beginning of this century, natural disasters have caused millions of victims: The earthquake in Haiti in January 2010 took the life of 230,000 people; The earthquake and tsunami in the area of Sumatra in December 2004 were murdered in South East Asia over 225 thousand people; During the floods in August 1971, which hit the area of Hanoi, in the former North Vietnam, it has been lost about 100 thousand lives; The eruption of the volcano Nevado del Ruiz in Colombia in November 1985 caused the death of at least 25 thousand people (The world's worst natural disasters: Calamities of the 20th and 21st centuries, 2010).

Apart from wars and natural disasters, many lives were carried away by different accidents of technological character. Fire in the Church of the Society of Jesus in the Chilean city of Santiago, in the middle of the nineteenth century, has killed about 2500 persons (Terrific Tragedy in Chili, 1864). Emergencies with a large number of victims are frequent in traffic: Aviation accident on the Spanish island of Tenerife in 1977 had resulted in 583 dead persons (Correction of the Report on the accident involving aircraft BOEING 747 PH-BUF of KLM and BOEING 747 N 736 PA of PANAM, 1978); Marine accident of the ferry *MV Doña Paz* in the Philippines in 1987 took the life of 4341 persons (Philippine ferry survivor found at sea, 2009); The train accident of the train *Queen of the Sea* in Sri Lanka, in 2004, killed more than 1,700 people (Steele, 2004).

Among the technical and technological emergencies may emphasize individual accidents which belong to the industrial emergencies and often put to death many lives. Thus, in the explosion of ammunition in the Canadian city of Halifax in 1917, died about 1600 persons (Halifax Explosion Remembrance Book; McAlpine's Halifax City Directory, 1918) and in an explosion in the Nigerian city of Lagos in 2002 killed more than 1,000 people (Toll in Blast at Nigerian Armory Exceeds 1,000, 2002). But the biggest disaster occurred in pesticide factory in the Indian city of Bhopal in 1984 where died 10 000 people (Abkowitz, 2008).

Different natural, technical and social disasters, including industrial accidents, are the cause of a number of victims and suffering of people but are also a source of suffering and weakening of the economy of countries' economic potential. A large number of victims is characteristic of poor countries, ie. the countries of so called Third World (Indochina, Insulindia, Indian Subcontinent etc.).

Technical and technological advances will have the dual affect on industrial emergencies' threats. On the one hand, better safety standards will reduce the number of industrial accidents but in poor countries, with old plants, the risk of industrial accidents will grow due to aging machinery and equipment. On the other hand, new technologies will provide new forms of threats and "enrich" the diversity of industrial emergencies.

## DEFINITION OF AN EMERGENCY

Definition of emergency can be viewed from two main aspects – linguistic and scientific. The scientific aspect means defining the notion of emergency, while the linguistic aspect relates to the different terms of an emergency in various languages. Because of the danger which may in certain circumstances to escalate into emergencies with different consequences, it is very difficult to formulate a single, comprehensive and precise definition of an emergency, which would include all its characteristics and specificities (Štrbac, 2008, pp. 15-16).

In Serbian, for an *emergency* it is used a term *emergency situation*. According to Katarina Štrbac emergencies are extraordinary, disturbed, unwanted and harmful society condition which is caused by the activity of the human factor, the natural forces and other large scale harmful events, causing great losses to people, flora and fauna,



environment, enormous material destruction and paralyzing the functioning of constitutional order (Štrbac, 2008, p. 16). In the Serbian *Emergency Act (Zakon o vanrednim situacijama*, Article 8, Paragraph 1) emergency is defined as "a condition in which the risks and threats or the consequences of disasters, emergencies and other dangers for the population, the environment and property are of such scope and intensity that their formation or the consequences can not be prevented or eliminated by regular actions of competent bodies and services, so for its mitigation and removal is necessary to use special measures, forces and resources with the enhanced mode" (*Zakon o vanrednim situacijama*, p. 3).

In Cambridge International Dictionary of English for emergency it is said that this is something dangerous or serious, which happens suddenly or unexpectedly, and needs immediate action, in order to avoid harmful results (Cambridge International Dictionary of English, 1995, p. 450). In Oxford Advanced Learner's Dictionary it is said that emergency is a sudden serious and dangerous event or situation which needs immediate action to deal with it (Hornby, 2005, p. 409). Webster's Revised Unabridged Dictionary says that emergency is sudden or unexpected appearance; an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy (Webster's Revised Unabridged Dictionary, 1913, p. 484).

According to the Canadian *Emergencies Act* emergency is "an urgent and critical situation of a temporary nature that: a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it; or b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada" (*Emergencies Act (1985, c. 22 (4th Supp.))*, 2010, p. 2). The United Kingdom Government defines emergency as: an event or situation which threatens serious damage to human welfare in a place in the UK; an event or situation which threatens serious damage to the environment of a place in the UK; or war, or terrorism, which threatens serious damage to the security of the UK (*Emergency Response and Recovery*, 2009, p. 9). In American *Dictionary of Homeland Security and Defense* emergency is: 1) Any incident, human caused or natural, which requires responsive action to protect life or property; 2) Any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state or local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a disaster or catastrophe in the United States;

3) An event that may be managed locally without the need of added response measures or changes to procedure; 4) A sudden occurrence demanding immediate action (O'Leary, 2005, p. 155).

The notion of emergency is not precisely defined in other languages too. In Russian it is used a term *чрезвычайная ситуация* (*chrezvychaynaya situatsiya*) (Bošković, 2007, pp. 693, 816). According to Rezchikov and Tkachenko, emergency is an event in a particular territory (aquatorium, object), originated as a result of accidents, hazardous natural phenomena, catastrophe, natural or other disasters, which can cause human casualties, damage to human health or the environment, material damage and disruption of daily life (Резчиков & Ткаченко, 2006, p. 254). A similar definition is given by the Russian federal law on protection from emergencies (Федеральный закон от 21.12.1994 N 68-ФЗ (ред. от 30.12.2008) "О защите населения и территорий от чрезвычайных ситуаций природного и техногенного характера" (принят ГД ФС РФ 11.11.1994, с изменениями на 19 мая 2010 года)). In German state of emergency is called *Notstand* (Zečević, 2010, p. 316). A term *Notfall*, with the term *Notfallsituation*, is used to denote an emergency (Schenk, Für den Notfall vorgesorgt, 2009, pp. 4-47). In French emergency is called *situation d'urgence* (Nikolić, Francusko-srpski srpsko-francuski rečnik, 2005, pp. 341, 382) (Guide ORSEC départemental – Méthode générale, 2006, pp. 13-45), and similar case is in other Romance languages. In Italian *stato di emergenza* is a state of emergency. The term for an emergency is *situazioni di emergenza* (Pavlović, 2006, p. 95) (Schenk, Previdanza per le situazioni di emergenza, 2009, pp. 4-47). In Spanish, emergency is denoted by the term *emergencias* (Nikolić, Špansko-srpski srpsko-španski rečnik, 2006, p. 229) (Schenk, Preparados para las emergencias, 2009, pp. 4-47). The situation is similar in other languages.

Thus, we arrive to the definition that *emergency is an event in a certain area, which is a result of natural, social or technical and technological accidents, which has resulted in human casualties, damage to human health, harm to the environment, material damage or disruption of the normal way of life, and that requires a quick response by appropriate or available resources, in accordance with existing standards and procedures* (Ćulibrk, Upravljanje vanrednim situacijama, 2015, str. 30).

## CLASSIFICATION OF EMERGENCIES

When emergencies are defined it is easier to make their classification, although at this point there is no uniformity of views, as a result of a different definition of a risk. There are various aspects on which it would be possible to classify emergencies.

With regard to the possibility of overcoming the resulting consequences, emergencies can happen with: repairable partially repairable and irreparable consequences (Mijalković & Keserović, 2010, pp. 109-110). According to the duration of emergencies we have short-term and long-term emergencies, and by the certainty of occurrence emergencies can be certain emergencies and possible emergencies. According to the distribution, emergencies can be divided into: local emergencies, regional emergencies, state or national emergencies, interstate emergencies and international emergencies.

According to the classification of British author Bridget Byrne and Sally Baden (Byrne & Baden, 1995), emergencies are divided into six basic categories: natural (fast-growing), technological (fast-growing), slowly evolving (eg. drought), complex (political emergencies), ongoing emergencies (eg, poverty) and mass migration. This classification is based on the mode and speed of manifestation of emergencies and partly on the consequences of an economic character. The disadvantage of this classification is that war and contemporary risks are almost not mentioned (Štrbac, 2008, p. 17).

However, the classification of emergencies usually starts with the process of the occurrence of an emergency. One of these classifications was given by Serbian authors Šimon Đarmati and Vladimir Jakovljević. They divided emergencies into: 1) Natural emergencies , 2) Technical and technological emergencies and 3) War emergencies (Đarmati & Jakovljević, 1996, p. 49). Katarina Štrbac makes a similar classification (Štrbac, 2008, pp. 18-21), so to the three kinds of emergencies above added two more – ecological emergencies and complex emergencies. While Đarmati and Jakovljević, among man-made emergencies, mention only the war, Katarina Štrbac, although alleges other emergencies, does not unite them, but expands the classification.

In order to reach optimal classification, it is necessary to link the classification to the sources of threats and security risks and threats. Usually, the sources of threats are the natural system, the technical and technological system and the social system.

Following this typology and in accordance with the aforementioned classifications emergency would be classified as:

- 1) Natural emergencies;
- 2) Tehnical and technological emergencies; and
- 3) Social emergencies.

In addition to these groups, as a fourth group can be singled out combined emergencies, which are essentially a mutual combination of natural emergencies, technical and technological emergencies and social emergencies (Figure 1).

Emergencies			
Natural Emergencies	Technical and Technological Emergencies	Social Emergencies	(Combined Emergencies)

**Figure 1 Emergencies Classification** (Source: Author)

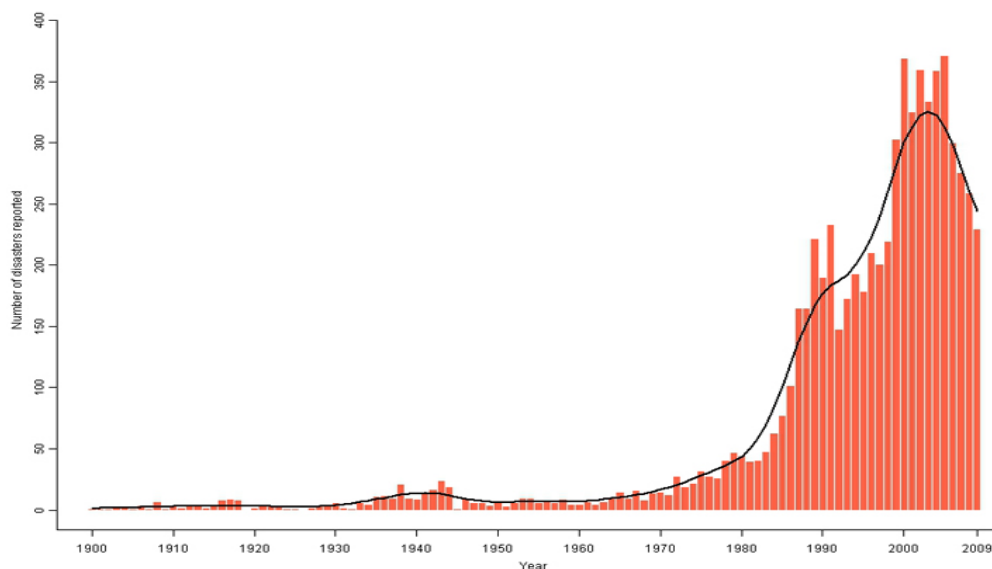
### TECHNICAL AND TECHNOLOGICAL EMERGENCIES

The life of most of modern humanity is almost unthinkable without the technical and technological achievements, which are in the function economic prosperity and quality of life. But for them, as well as fire and water, apply the maxim that they are "good servant, but evil lords" (Mijalković & Keserović, 2010, p. 135). Technological achievements bring both benefits and risks. Construction of a dam on the river can bring benefits such as electricity and water supply, but carries a risk of flooding if the dam is damaged or collapses. The balance between risks and benefits is rarely very clear. When internal combustion engine is presented, no one could have predicted our current dependence on the car or the fact that the number of casualties in road traffic will be about 250 000 people every year (Sinha, 1998, стр. 1).

Technical and technological emergencies are the result of incidents and accidents in industry, mining, transport. They are formed by unintentional human activities or due to disturbances of technical resources, and may be deliberately caused

by sabotage<sup>171</sup> or war actions. They are formed suddenly, but to some extent they are identifiable and can be controlled, whereby the human factor plays a decisive role (Štrbac, 2008, p. 19). The causes, in addition to human mistakes and technology defects, can be natural factors (eg, storms, earthquakes, etc.).

Technical and technological emergencies are the product of technical and technological achievements and their number and diversity is increasing in line with the advancement of technology, and to a large extent threaten lives, property and the environment (Figures 2, 3).<sup>172</sup> These emergencies include accidents from the spills of chemicals to the fires, and accidents from the collapse of the computer system to the traffic accidents. They are most commonly associated with industrial or traffic accidents, or structural collapses.



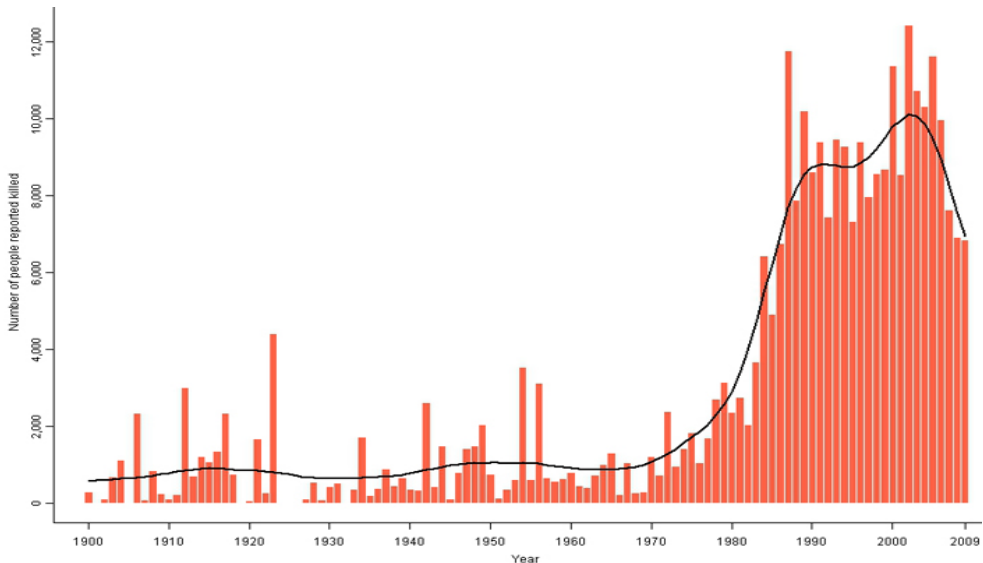
**Figure 2 The Number of Technological Disasters 1900–2009**

(Source: The EM-DAT International Disaster Database)

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<sup>171</sup> Sabotage is deliberately and covertly causing of material damage to the economy and labor organizations, through attacks on economic good by individuals or groups who work on the buildings in which it seems the damage (Mijalković & Keserović, 2010, p. 175).

<sup>172</sup> Since 1980 the number of recorded technical and technological accidents is dizzying increased, and this increase follows the increase in the number of victims of these accidents.



**Figure 3 The Number of People Killed by Technological Disasters 1900–2009**

(Source: The EM-DAT International Disaster Database)

There is no unified position on the classification of technical and technological emergencies. The authors from the University of Eastern Kentucky provide the classification, according to which the most important technological disasters stand out fires in houses, hazardous materials, terrorism and accidents in nuclear power plants (Schneid & Collins, 2001, p. Foreword). The authors of the New Zealand University of Canterbury accidents classified as accidents caused by malfunctions and accidents whose cause is human error (Cowan, Fauchart, Foray, & Gunby, 2000, str. 4-8). According to the Emergency Response Plan of the Rhode island Department of environmental management (Horwitz & Mulhare, 2004) technical and technological emergency situations can be classified as structural collapses (dam/levee, building, bridge, tunnel), fires and explosions (building, industrial, residential, health care, arson, bomb and explosion), energy and utility incidents (fuel shortage , power outage, water shortage, communication problems), transportation incidents, hazardous material (HAZMAT and oil spills, chemical, asbestos), biological accidents, radiological accidents, weapons of mass destruction, terrorism, information collapses.

According to Charles Perrow (Perrow, 1984) we classify technical and technological emergencies according to causes (human error, mechanical failure,

environment, system design, implementation procedures). But this emergencies will be classified on the basis of manifestations, so we classify this emergencies to transportation emergencies, industrial emergencies, infrastructural emergencies and construction emergencies (Figure 4).

Technical and Technological Emergencies			
Transportation Emergencies	Industrial Emergencies	Infrastructural Emergencies	Construction Emergencies

**Figure 4 Technical and Technological Emergencies** (Source: Author)

## INDUSTRIAL EMERGENCIES

Throughout its history, a man has become habituated to natural disasters and their consequences. Along with the technical and technological developments have occurred technical and technological emergencies. As part of this development an important place belongs to industrial development, and along with the industrial development there comes emergence of industrial emergencies, which are emergencies which cause related to industrial production.

Aspects of industrial production that can lead to loss of life and material damage can be considered in two categories (Banerjee, 2003, p. 1). The first category of the fast-developing situation, leading to "acute" problems, mainly in industrial plants. Second category includes "chronic" problems (wastewater spills, exposure to hazardous agents) and significantly influence the occurrence of ecological emergencies. More attention starts to be devoted to industrial emergencies 1970s, after an explosion in Flixborough in 1974.<sup>173</sup> and after the expiration of toxic substances in Seveso in 1976,<sup>174</sup>

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<sup>173</sup> The explosion at the cyclohexane plant in the English countryside Flixborough, on June 1 1974, killed 28 and injured 89 people, and bring an extensive damage (Prevention of industrial disasters, 1992, p. 3).

<sup>174</sup> In the Italian village Seveso, near Milan on 10 July 1976 occurred the defect in the installation of the chemical industry, which has resulted in the spread of dioxins at Seveso and surrounding

and especially after the disasters of 1984 - auto-gas explosion in Mexico and the disaster in Bhopal.

Industrial emergencies can be divided to emergencies related to hazardous materials and mining emergencies. As a special subcategory under these emergencies can be singled out industrial fires and accidents at work. Industrial fires occur in all segments of the industry. The causes of industrial fires can be natural (earthquakes, storms), human (lack of commitment, negligence, diversion, sabotage), or technical (bad installation, defects in an industrial plant, etc.). Manifestations and consequences of industrial fire depends on the type of industrial plant in which it occurs. Accidents at work occur in a variety of industrial plants, at mines, etc. The most common causes are inattention, faulty devices, incorrect installation etc..

On the basis of existing definitions (What Is Hazardous Material?, 2010) (Hazardous Materials, 2010) (De Lisi, 2006, p. 7) (Schnepp, 2009, p. 5), we can give a definition that hazardous substances are solids, liquids and gases of radiological, biological, chemical or physical origin, which, due to the wrong transporting, producing, packaging, storage or handling can harm the life and health of people, to make the damage on property, endanger wildlife and environment. A large part of industrial production is based on the use of hazardous substances. With the loss of control over these substances people, property and the environment are put at risk.

Most emergencies involving hazardous materials occurs during the transport of hazardous materials (tanks in roads, railways and air traffic, and tankers in water transportation - oil spills),<sup>175</sup> while the smaller part relates to industrial plants (chemical industry, nuclear plants - disaster in Chernobyl),<sup>176</sup> civilian and military warehouses, etc. (Figure 5).

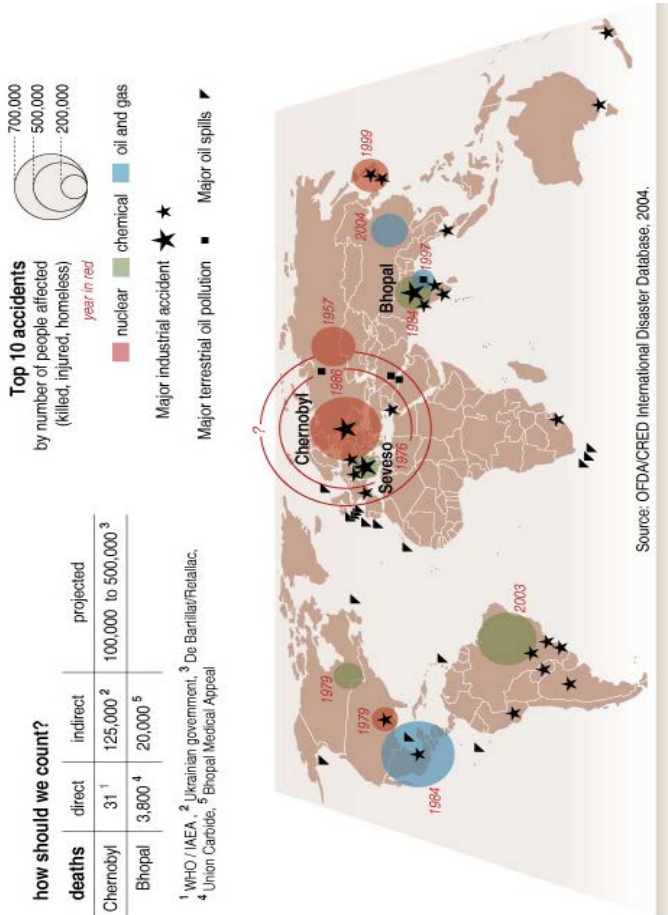
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areas. In this accident there was no dead, but about 250 people succumbed to the effects of chlorine on the skin, while 450 people suffered burns of sodium hydroxide (ie, caustic soda). Infected is about 17 km<sup>2</sup> soil, a 4 km<sup>2</sup> of land has become uninhabitable (Kletz, 2001, p. 103).

<sup>175</sup> Accidents related to the transport of dangerous goods, depending on the scope and intensity, can be labeled as a traffic emergencies or environmental emergencies of acute character, which indicates that there is no simple division of emergencies but they are intertwined.

<sup>176</sup> The Chernobyl disaster (explosion of a nuclear reactor, which led to the release of radioactive material) resulted in a 31 direct victims and 32, 000 indirect victims (Low, 1999, p. 70).





**Figure 5 Industrial Disasters (Source: Coppola, 2007)**

Improper handling of hazardous materials may cause a fire, an explosion or some form of radiation, and it is important that persons who manage or work with hazardous materials take account of the characteristics of each hazardous material (flammability, solubility, toxicity) in order to avoid accidents.

Mining, along with an agriculture, is the oldest and most significant human activity (Sinha, 1998, str. 84). This is confirmed by the names of historic periods – stone age, iron age and bronze age. Mining emergencies are related to accidents in the mining industry, and the most common causes are poisoning with toxic gases, methane explosions, collapse of mines, fires. Emergencies in underground mines are often followed by a massive victims. Mining emergencies carry more lives than the rest of the

industry (Coppola, 2007, p. 95), and more than 80% of accidents in coal mines happen in China (Xiaohui & Xueli, 2004).

## CONCLUSION

We have seen that there are different types of technical and technological emergencies, as well as various types of industrial emergencies. Each of the processed emergencies carries its own risk and should be not neglected any of them. We saw that some parts of the world prone to certain industrial disasters, depending on the development of the industry and the level of safety at work in an area where they are placed.

We have also seen that technological advances accompanied by a great number of different accidents. Further progress of science and the development of new technologies certainly will increase the risk of technological and social emergencies, but will have a big impact on the frequency of natural emergencies, since technological development can often have a negative impact on the environment.

Fully understanding the causes of various emergencies and awareness that there is a risk of their manifesting is the first step in their suppression.

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## **NEW PERSPECTIVES ON PROTECTION AGAINST POSSIBLE USE OF BIOLOGICAL WEAPONS**

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### **Abstract**

Unlike nuclear and chemical weapons, biological weapons are means of mass destruction which is easily accessible. Open use of biological weapons in a military conflict it is very unlikely, but it is more realistic its application as a means of conducting subversive war and terrorism. Protection against the effects of biological weapons comes down primarily to the application of measures that are used in the prevention and treatment of contagious diseases. The authors of this paper neither diminished the role in the prevention of biological attacks of the appropriate security and intelligence services. The contents of this paper highlight issues of: the challenge of recognizing biological attack, the methods of isolation and detection of harmful microorganisms by classical microbiological methods and their weakness, the agents altered resistance to existing antibiotic and (im) possibilities for effective protection. The authors also presents the prevailing scientific conflicting views on the horror of the possible use of genetically modified organisms and opposing soothing views indicating that such opportunities are premature. The analysis of capabilities for vaccination, as a specific defensive measure of protection in case of biological attack, suggests that capacities are fairly limited. The methods of biological decontamination show that this is a delicate procedure.



**Key words:** biological weapons, biological agents, attacks, infectious disease, protection.

## Introduction

Biological weapons is constituted of pathogenic organisms or their toxins which are used in a biological attack. Often referred to as bio-weapons or agents of biological threat or just bio-agents. They are living organisms or replicated entities (such as viruses which generally are not considered alive) that reproduce or replicate in their hosts casualties. Insects in entomologic warfare is also considered a form of biological weapons. The use of biological weapons by terrorist groups or individuals sects is referred to as biological terrorism (bioterrorism) and it is deliberate release and dissemination of biological agents. According to the United States Centers for Disease Control and Prevention, bioterrorism is the deliberate release of viruses, bacteria, toxins or other harmful agents causing disease or death to humans, animals or plants. Also taken into consideration are agents that do not harm people directly, but which disrupt the economy.

Unlike nuclear and chemical weapons, biological weapons are a means of mass destruction which can be obtained even by the poorest nations or certain groups. Biological weapons allows potential of causing the level of destruction and loss of life far more than conventional, chemical or even nuclear weapons, compared with its mass and cost of production and storage. Biological agents can be developed, procured, stored and implemented by states or non-state actors. In the latter case, or when the state uses it secretly can also be considered as bioterrorist Act. (Wheeries Mark et al. 2006).

There is question which are who these organisms or their toxins which could be probably used as a biological weapon ?! In case of bacteria first of all it would be all bacteria causing anthrax, plague and tularaemia and in case of viruses it is all of them causing smallpox, venezuelan equine encephalitis, Ebola, Lassa and Marburg fever. Rikecijata- Coxiella burneti, causing Q- fever can also be used as a biological weapon as well as botulin toxin, staphylococcal enterotoxin B and ricin toxint. Toxins are often referred to as midspektar agents that differ from others bioweapon by not reproducing in their hosts and by a shorter incubation period. Here, we should also mention the

entomological warfare (EW), a type of biological warfare that uses insects to attack the enemy. This concept has existed for centuries and researching and development has continued to the modern era. Entomological warfare uses insect for direct attack or as vector to transfer biological agent such is plague. Basically, EW exists in three variants. The first type of EW involves infecting insects with a certain pathogen insects and distributing them over the target areas. Then insects act as vector, infecting each human or animal that would bite. Another type of EW is a direct attack of insects against crops; where the insect may not be infected with a pathogen, but serves as direct threat to agriculture. The last way uses uninfected insects, such as bees, wasps, etc., as a direct attack to enemy. (Lockwood 2008, 9-26)

The goal of action of biological agents can be humans, animals and agricultural products. Under the former program of the US biological warfare, the anti-human bio-agents are divided into *Deadly agents* (like anthrax, French tularemia, botulinum, etc.), and disabling agents (such as brucellosis Suisse, Kohili, Venezuelan equine encephalitis virus, staphylococcus enterotoxin B, etc.). Biological warfare as specific goal can have plants in order of devastating harvest or defoliating the vegetation leaves. The attack on animals is another area of biological warfare intended to eliminate animal resources used for transportation and food.

## **1. Use of biological weapons**

Biological weapon can be used in different ways in order to gain strategic or tactical advantage over the enemy, or as threat of use or as actual use. As some part of the chemical weapons also biological weapons can be used as a weapon for enemy deflection. Hence, biological agents may be useful as a strategic deterrent in addition to their usefulness as offensive weapons on the battlefield. The agents can be fatal or nonfatal and can aim at an individual, group of people or an entire population. As tactical weapons in military use, a significant problem with biological weapons (BW) used in the attack is that you have to spend days to become effective and by that it may be impossible to quickly stop the opponent's force. Some biological agents (such as smallpox or pneumonic plague) have ability to transfer from one person to another through respiratory aerosol particles.

Today is unlikely that a State would have decided openly to use the biological weapons in a military conflict, bearing in mind the uncertainty of achieving desired effects and the real possibility of losing control over them. This is undesirable feature, because with this technique, agents can be transmitted to unintended population, including neutral and own forces. In that sense, BW is less concern that might come from certain criminal or terrorist organizations than the serious concern of the military and civilian population of any nation. Hence, more realistic is its application as a means of conducting subversive war, and to encourage and controlling political crises. Because certain types of biological weapons can be produced even in the simplest microbiological laboratories, the biological weapons is quite

Historically, biological warfare has been applied since the ancient times. In the 6th century BC Assyrians had contaminated enemy wells with a fungus which caused delirium at their opponents. In the new era in 1346, the Mongols, has catapulted the bodies of their comrades who died from the plague inside siege walls during conquering the Crimea. Historians also debate that the army of Britain has used smallpox against Native Americans. With advances in bacteriology since 1900 was provided a higher level of sophisticated techniques for possible use of bio-agents in the war. Sabotage in the form of anthrax was applied by Imperial Germany during World War I, but with insignificant results. During World War II, the Great Britain established Porton Down BW program and develop its BW by introducing the industrial manufacture of a variety of deadly pathogens, although offensive has never used that weapons. In this period, other nations like the US, France and Japan has also started a BW program (Garrett, 2003, 341). The most notorious program in that time was led by Unit 731 of the Imperial Japanese army located in Manchuria. This unit was conducting a fatal human experiments with prisoners and produced BW for combat use. Although the Japanese lacked the technological sophistication of the programs of their opponents, however, they exceeded them with the widespread use of BW and with indiscriminate brutality. US and Britain during World War II discovered plant growth regulators (ie herbicides) and started warlike herbicide program that will be used later in counterinsurgency operations in Malaysia and Vietnam.

Simulated attacks with biological weapons have shown that even the developed countries are quite vulnerable and that biological weapons can easily be used, for

example, through the ventilation systems in underground railways.<sup>177</sup> The effectiveness of biological products such as biological weapons illustrates the fact that some biological toxins (such botulinum toxin, shiga toxin and ricin toxin) are more deadly than chemical toxins that are anticipated to be chemical weapons (such as Soman, Sarin, VX).

Protection from use of biological weapons primarily comprises applying of measures that are used in the prevention and eradication of infectious diseases. Also, it should not be denied any significant role in the prevention of biological attacks that have appropriate security and intelligence services, which are involved in data collection about intentions of potential adversaries, possible locations and time of use of biological weapons, and the type of biological agent. In reality, their actions in practice is rarely successful, so most used measures of this protection would be implemented after exposure to biological weapons occur. Foremost such measures are: a) identifying the biological attack, b) detection and identification of biological agents, c) taking care of exposure persons, d) biological decontamination.

## **2. Recognition of biological attack**

The main problem here is determining whether a possible situation is a matter of natural occurred disease or of biological attack. This can sometimes be a great challenge, because the one who uses biological agents as weapons might use all epidemiological and environmental circumstances of a particular territory to impede or prevent the recognition of a biological attack. Even in a situation where those circumstances are not used to cover up the eventual attack, the element of deliberate use is hardly recognizable.

A robust surveillance system which includes medical doctors and veterinarians could detect biological attack early in the epidemic, allowing prophylaxis of the disease in the majority of people (and / or animals) that are exposed but are not yet ill. If there

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<sup>177</sup> In March 1995 the Aum Shinrikyo sect used chemical poison sarin, during there were 11 deaths and at least 5500 infected people. Later, in the premises of this sect was also found biological weapons. It is estimated that the death toll would have been much larger if this sect in Tokyo subway attack instead sarin would used botulinum toxin and anthrax.

is doubt that it is an issue of biological attack, it is necessary to conduct field epidemiological investigation in order of relevant data collection, which will be in function of acceptance or rejection of earlier doubt. To possible biological attack indicate certain specificities as (Treadwell, 2003, 93-94):

- Sudden and unexpected occurrence of frequent illness and / or death which is not related to previous epidemiological situation,
- Simultaneous infection of patients with two or more causers;
- Unusual geographic occurrence of infectious diseases (such as mass disease in cities with Q -fever, tularemia, or anthrax, and occurrence of rare or exotic diseases - Lassa, Ebola or Marburg haemorrhagic fever in our geographic area);
- An outbreak of seasonal diseases at time when usually are not register;
- Unique reason for a disease caused by an unusual agent, with lack of epidemiological explanation;
- Frequent illness and deaths of animals in relation to patients with similar symptoms;
- Existing evidence of contamination of air, water, food (through the remains of bombs, equipment and means of water and food contamination, report data, etc.);
- The uncommon, rare, genetically modified strain of the agent;
- Unregistered disease in people who are not exposed to common ventilation system when the disease is observed in individuals who have a common ventilation system;
- A rare disease that is uncommon to a particular age group or population where occurs;
- Increased number of applicants for medical treatment at the same time and abundance of cases of unexplained illness and death.

When suspected biological attack it is necessary as soon as possible to determine the way that has led to emergence of the disease in order of establishing effective measures of suppression. For easier and quicker orientation, based on the leading clinical symptoms and signs of disease, should set clinical-epidemiological syndrome diagnosis and registered disease be classified as any of following syndromes: respiratory syndrome tract- where the likely route of transmission of infection is air; syndrome of gastrointestinal tract - where transmission route is water or food; syndrome of central nervous system - where the transmission paths is air and vectors

(which traditionally in medicine organisms which do not cause disease themselves, but the ones who spread infection conveying pathogens from one host to another)<sup>178</sup>; Syndrome of change of the skin and visible mucous membranes - with the possible route of transmission as: air, vectors, contact, and Hemorrhagic syndrome-with possible transmission by air and vectors.

### **3. Detection and identification of biological agents**

The armies of some countries have developed systems and instruments for the detection of the biological weapons immediately after its use, such as the US Army with "LIDAR" system for detection of infectious aerosols in the air. These systems have proved useless because have detected all the particles present in the air, without differentiating infectious from not infectious one, usually leading to a number of false alarms (Čobeljić M. 2001: 206). The growing threat of biological warfare agents and bioterrorism has also led to the development of special field instruments for analysis and identification on the site of the suspicious material which is found. One such technology that has been developed by researchers (at Lawrence Livermore national laboratory-LLNL), uses the method of "sandwich immunoassay" in which fluorescent labeled antibodies aimed at specific pathogens are attached to silver or gold nanowires. Researchers at Ben-Gurion University in Israel have developed a different device called a BioPen, which can detect known biological agents in less than 20 minutes by using an adaptation of ELISA- the similar widely used immunological technique, which in this case includes an optical fiber. In the Netherlands, the company TNO has designed the equipment for identifying specific particles in aerosols (BiosparQ).

(Richmond and McKinney 1999). Collection of material for laboratory testing is necessary to be done by staffs that are trained to take samples, to transport those samples and to protect themselves. In assessing the capacity of microbiological laboratories working on detection and identification of biological agents, in addition to diagnostic capability, the decisive influence has the existence of appropriate conditions for protection of personnel and environment, i.e. appropriate level of biological protection -BSL which ranges from BSL1 to BSL4. (Richmond and McKinney 1999).

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<sup>178</sup> For example, the species of mosquito, who serves as vectors for a deadly disease Malaria.

The materials in which can be detected biological agents related the risk of occurrence and spread of infectious diseases can be sorted into three categories: low contaminating and uncontaminating materials; moderately contaminating materials; and highly contaminating materials. The first category (low or uncontaminating materials) encompasses the biological material (samples of tissue, blood, urine, feces, etc.) of those suffering from some infectious diseases transmitted by biological vectors (as typhus, malaria, yellow fever, Lyme disease, tick-borne meningoencephalitis) or those poisoned with toxins from microorganisms such as botulinum toxin ricin toxin, aflatoxin. In these cases there is no transmitting interhuman disease. Moderate contaminating material is water, food or biological material where can be found samples of typhoid, bacillary dysentery, tularemia, brucellosis, glanders, anthrax; where there is possibility for interpersonal transmission. Highly contaminating material is one of the easy-to-create aerosols, such as dust or spray in witch can be found causers of anthrax or plague, as well as biological materials of those suffering from smallpox or hemorrhagic fever (Marburg, Ebola, Lassa). This material commonly, is suitable to interpersonal spread of the disease. Depending on the category of contaminating material, the adequate level of biological protection it is required.

For the isolation and detection of microorganisms the most reliable are classic microbiological methods, but their main weakness is the long time period required to obtain the final results: 2-4 days for bacteria, 3-10 days for viruses, and several weeks for lichens. Because is essential as soon as possible to detect which agent concerned, rapid methods of detection and identification are used, as (immuno) luminous microscopy detection of antigens of microorganisms with immunoenzyme tests (ELISA), and methods of molecular genetics that multiplies and detect genetic material of microorganisms (PCR and DNA hybridization).

In theory, the new approaches in biotechnology, such as synthetic biology can be used to design new types of warfare agents. Particular attention should be paid to future experiments because of concern: of a demonstration that vaccines can become inefficient; that will contribute to resistance to therapeutic antibiotics or useful antiviral agents; of possible strengthening of the virulence of the pathogen or generating a non-pathogenic contamination; of possible increased transmissibility of the pathogen; of modification of range of the pathogen host; of enabling avoidance of diagnosis tools; and possibility of biological agent or toxin to be used as a weapon (Kelle 2009).

New opportunities for the development of biological weapons such as recombinant DNA technology are the greatest horror for those working on developing methods to detect and to combat the consequences of the use of biological weapons. The danger stems from the fact that by genetic manipulations can be obtained microorganisms that are more virulent than their natural relatives. The fear that such a development of biological weapons could happen is more justified because a decoding of the complete genome of certain pathogens have become common approach in research and because the techniques of manipulation of the genes are being more and more developed. Many companies have conducted research in terms of *targeted molecular evolution*, a term that implies accelerated evolution aimed at wanted direction, so that in some microorganisms are introduced genetic variation and then artificial selection is applied. These methods are currently too complicated to be applied by bioterrorists but not unreachable for institutions in countries that want to develop biological weapons. A terrifying case suggests that in this way an Escherichia coli kind was obtained with gene of a resistance that is transferred from staphylococcus so that new species become 32000 times more resistant to third generation cephalosporin antibiotic than the wild species. Due to a diligence of possible abuse this kind bacterium was immediately destroyed (Dennis 2001).

Biological weapons experts say there is still no possibility for preparation of new agents, but it is quite certain that the current ones can be made more virulent, resistant to a greater number of antibiotics or altered to such an extent that they cannot be detected by conventional diagnostic procedures. The simplest way to get the improved biological weapons is making the existing agent more resistant to existing antibiotics. The genes for antibiotic resistance are found in the genome of the microorganism, usually as part of the extra chromosomal genetic elements - plasmids that have the ability to transfer and replicate independent, and often contain other virulence genes. Laboratories dealing with molecular biology have no problem transferring selected genes from one bacterium to another<sup>179</sup>. Recently appeared the system CRISPR / CAS as a promising technique for correcting genes. While other

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<sup>179</sup> According to Alastair Hay, an expert on biological weapons of Leeds (UK), in the institutions of Biopreparat (Russia and Kazakhstan) which concerned the development of biological weapons, was developed Yersinia pestis, which is resistant to 16 different antibiotics.



methods require months or years for the sequencing of genes, CRISPR reduces that time up to weeks (Basulto. 2015).

Although most experts in the field of biological weapons, thinks that its premature fear of germs which are created by genetic manipulation and that is greater need to think of conventional biological agents, the government agencies in the United States are already engaged in developing methods for detecting diseases caused by a genetically modified microorganisms.

The basic principle of detection methods is based on knowledge of what should be looked for. Thus, RSVP (Rapid Syndrome Validation Project) is an electronic system that is connected to the Internet, which puts the probable diagnosis of the syndrome based on previously entered data on uncommon disease or unusual epidemic. Also, developed is a system which can detect the presence of unknown causer solely based to the presence of molecules or biological toxins in the investigated material. DARPA Agency (US Defense Advanced Research Projects Agency) has developed a sophisticated system of biosensors based on living tissues that respond to a wide range of known and unknown pathogens. The biosensors are three-dimensional matrices containing neurons, muscle cells, cells of the immune system and skin cells and epithelial cells surrounding the digestive system and the nasal mucosa (Dennis 2001).

#### **4. Protection and care for exposed diseased and healthy individuals**

Against biological warfare agents protection measures can be applied. Those measures are need to start on time (if sufficient warning is received), but definitely as soon is suspected that biological agent it used. The basic protection is done by means of personal protection, such as masks and protective clothing. Currently available military protective mask masks or HEPA is highly efficient filter mask for airborne particles used in exposure with tuberculosis- it filter out most particles of biological warfare present in the air.<sup>180</sup> Most biological agents in the air can not penetrate the undamaged skin, and is little organisms stucked to the skin or clothing. After the attack with aerosols, the most common removal of clothes eliminates the majority of surface

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<sup>180</sup> For the mask tight, it must be adjusted / stick to the face of the user.

contamination. Thorough shower with soap and water removes 99.99% of those little organisms that may remain on the skin of the victim.

The following procedure that is to be applied is medical care. The care of patients, in general is conducted in the area of biological attack (healing on spot), in the health facilities where are existing conditions for adequate assistance and adequate level of biological protection. Because on the onset of the biological attack is not known what agent is run, it is needed by the medical personnel and others involved in care, to apply all available measures of medical and technical protection. The medical professionals who treat victims of biological warfare may not need to use special protective suits, but should use rubber gloves and apply additional precautions like wearing gowns and eye protection masks. If there are indications that it is highly contaminating causer, are being applied measures of strict isolation of patients, suspected of disease suffering and the staff who care for them, from the rest of the population. For isolation if there are capacities, separate rooms to be used for each patient or patients to be grouped based on the clinical syndrome, separate from other patients in different rooms. If this is not possible due to a number of cases and / or an insufficient number of hospital facilities so that patients regardless of the reason for the hospitalization must be placed in common areas, it is necessary to provide at least minimal spatial separation of each other. In the event of mass illness also is possible establishing cohorts of patients in these rooms (Judith et al., 1999, 6).

Transport and movement of patients is maximally restricted, and if their movement is still necessary, is needed to take all precautions to prevent further spread of infection<sup>181</sup>. If the available quantities of medical equipment and resources permit, it should be used for each patient individually, or possibly a group of patients with the same clinical syndrome. If for any reason that is not feasible, the potentially contaminated equipment should not be used in the care of other patients until is properly disinfected or preferably sterilized.

At beginning treatment is implemented on the basis of the established clinical-epidemiological syndrome diagnosis. If there is suspicion of a bacterial infection, antibiotics are given, with different antibiotics are given to various small groups of patients, so that as soon as possible based on "ex juvantibus" outcome to get to discovery which antibiotic is most effective. Such therapy may impede the use of

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<sup>181</sup> Such as placing a mask of the patient to prevent spread of airborne infection.

multiresistant bacteria as a biological weapon. When the final results of laboratory analysis (identification of the agent and antibiogram) are got, therapy can be corrected if needed. The victims of biological warfare may be given antibiotics orally or intravenously, even before the specified agent to be identified. As previously mentioned, the bacterial pathogens in a possible biological attack would probably be used those that causes anthrax, tularemia and plague. These agents are therefore grouped in the so-called Category A biological agents in accordance with US authors and there are some recommendations<sup>182</sup> which antibiotics will be selected for treatment, prevention and postexposure prophylaxis of infections caused by these pathogens (Navas, 2002). For the treatment of those suffering from anthrax as first choice drugs are recommended *doxycycline* or quinolones for 60 days. In the treatment of tularemia, the drug of choice is *streptomycin* or *gentamicin* for 7 to 14 days. *Tetracycline* and *chloramphenicol* have bacteriostatic activity and are effective if given at least 14 days, with more frequent relapses than when giving streptomycin. *Streptomycin* was the first drug of choice in the treatment of plague, but if it will be used gentamicin and tetracycline, chloramphenicol and quinolones are an alternative choice. They are effective if used at the time (within 24 hours of onset of pulmonary plague).

Specific measure of counter-biological protection in healthy persons is a prophylaxis, which due to the urgency of its application is called *emergency prophylaxis* and is presented in two types: pre-exposure prophylaxis and postexposure prophylaxis. It covers the use of vaccines, specific immunoglobulins (immunoprophylaxis) of antimicrobial agents, eg. antibiotics (in chemoprophylaxis) and antitoxins. The application of antibiotics in postexposure prophylaxis, as well as in the case of treatment of patients, should start as soon as possible, and this treatment should last long enough.

As a specific measure also can be used vaccination, primarily for pre-exposure prophylaxis, although it can be also applied post exposure, which depends on the length of the incubation period. Currently, protective vaccines given as injections are available for anthrax, Q-fever, yellow fever and smallpox. Widespread immunization of non-military personnel is not being recommended by any government agency. Immunoprotection against toxins of ricin and staphylococcus might be available in the near future.

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<sup>182</sup> Working Group on Civilian Biodefense.

It should be noted that capacities for vaccination, as a specific defensive measure of protection in case of biological attack, are rather limited. Effective protection of the armed forces (not mentioning protection of the entire population) against the full range of biological agents that a potential attacker could use is impossible, because such prophylaxis is specific, so protection can only be achieved against a certain type of pathogen. Unfortunately, inducing a protective response to vaccination may last longer than the time from exposure to onset of illness. Moreover, many vaccines require multiple doses in achieving a protective immune response, which limits their usefulness in emergency vaccination programs in providing prophylaxis in case of quick attack. In fact, not all recipients of the vaccine showed protective reaction, even after receipt of the recommended vaccination stack. People with impaired immunity are often unable achieving an effective response to vaccination and certain vaccines may be contraindicated for them. For example, a vaccine against hepatitis B does not cause antibody response in approximately 10% of the vaccinees, where percentage of those not-reacting is even larger at immuno-impaired persons. (Pirofski and Casadevall 1998). Given the large number of micro-organisms and their toxins that can be used as a biological weapon, of great importance are reporting data for biological agents that are available to potential enemy in protecting its own population. But even when such data are available, however, the effective mass vaccination is a major problem. First, there should be an effective vaccine, then it should be sufficient supplies of it and as a last problem is the needed time achieving a satisfactory level of immunity after vaccination (Geissler 1986)<sup>183</sup>. Therefore, vaccines cannot be considered as first line of defense against bioterrorism for the general population, as with case with relatively small military population.

Vaccines are mainly useful for an attacker, because if has an effective vaccine, he is able to adequately protect its own armed forces and population. Thus, the attacker eliminates one of the distinguishing features of biological weapons, which limits its use

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<sup>183</sup> In the US it was estimated that in case of biological attack with Eastern encephalitis virus, only half of Division (about 8,000 people) could be immunized with the vaccine reserves stored in the US Army. It would take three months to produce enough vaccine to protect the rest of the division, and even about a year to immunize an independent corps of five divisions (i.e. about 190,000 people). In addition, it would take several weeks or months, vaccinated people to achieve an adequate level of immunity.

of military aspect, -it is the danger that use of biological weapons cause losses in their own ranks.

Vaccines are an essential component of defense strategies by its application in uniformed military personnel. There are licensed vaccines against anthrax, smallpox and plague. Moreover, new products like drugs in experimental stage are being applied in the Medical research centre on infectious diseases of the US military (USAMRID) for staff protection in risky laboratories against tularemia, Q fever, Venezuelan equine encephalitis (VEE) and botulinum, and against diseases such as Eastern and Western equine encephalitis, Rift Valley fever and others. Ministry of Defense of US recently began a campaign for immunization against anthrax in the armed forces and is quite likely that other vaccines against bio-warfare will eventually be used in protection of the armed forces. Currently, vaccines against other biological agents and improved vaccines for agents listed above, are already in various stages of research and development. As problematic remains the use of these vaccines in the civilian context because that there nature of the threat is less defined. However, some vaccines like those against anthrax and smallpox may have applicability to post-exposure prophylaxis and handling exposed civilian populations. (Cieslak et all, 2000, 849).

### **5. Defensive strategy based on passive antibodies**

As a new feature in protection against biological agents is a newly proposed defense strategy based on antibodies. The introduction of antibodies taken from immune donors in non-immune individuals is known as passive immunization. These "borrowed" bodies offer short-term protection from certain diseases. The application of this strategy, today can be supported by modern technology. Therapies based on antibodies were first used at the end of the 19th century, and so far in this area there is more than 100 years of experience with the development of therapeutic antibodies. In the past, therapies based on antibodies were dependent of immune serum which was limited in availability and taunted significant side effects when serum was obtained from animals.

Storage of reagents based on antibodies that could quickly be given the exposed population would greatly reduce the threat of many biological agents by providing a way of granting immediate immunity of susceptible persons. In cases of

existing dangers where vaccines are available, this measure would provide additional time for immunization and would reduce risk. The development of therapies based on antibodies may reduce the attractiveness of biological warfare as a means of terror by providing antidotes that would help neutralizing of the threat. The eventual aggressor could try to defeat the passive defense based on antibodies by discovering an agent which could express the antigenic changes, the proteases or antibody binding protein. However, in this race of armaments, the advantage may be in favor of defender because it is technologically easier to create effective new antibody against the modified agent than to produce pathogen or agent for enhancing the virulence. Antigenic changes by default create epitopes<sup>184</sup>. It is also possible creating antibodies that resist proteolysis by changing the sequence of amino acids to eliminate the proteolysis' location. In fact, a means of neutralizing antibodies could be created much faster than it can be developed a new biological agent. An example of the speed by which can be developed therapeutic antibodies comes from the 1905 epidemic of *meningococcal meningitis* in New York when Simon Flexner created effective horse antiserum in several months and used it to treat patients before the epidemic can be naturally reduced. Although this example is not applicable today, given the regulations for the development of therapies, however, it shows a dramatic example of a concept where therapies can be developed quickly. The same does not goes for new antimicrobial chemotherapy or vaccines, which often require a significantly longer time to develop.

Candidates for this potential use of passive immunization are botulinum toxin, tularemia, anthrax and plague. For most of these goals, has been conducted only animal studies, so the use of passive immunization in the possible event of applied bioweapon is still in the experimental stage. Because companies cannot ethically expose people to deadly agents, they can never be completely sure that the drug / vaccine acts against a specific danger. Experiments with people are conducted generally only for security purposes. Additionally, it is also problematic combining the results from studies with animals and the results of trials in favor of human security, implying only a high degree of probability that these vaccines will affect people. Most animal models are not as good at predicting how a man would react to certain agents and to drugs intended for agent countering.

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<sup>184</sup> Epitope by definition is part of the antigen molecule to which antibodies attach themselves.

## 6. Biological Decontamination

For biological agents, contamination is defined as the introduction of microorganisms in tissues or sterile materials, while decontamination is defined as disinfection or sterilization of contaminated parts to make them suitable for use (by reducing microorganisms to a certain level). Biological decontamination includes measures and procedures of remove or neutralizes pathogens to the extent of eliminating the risk of infection occurrence. It can be categorized as partial biological decontamination and complete biological decontamination.

Partial decontamination is conducted immediately after exposure to the biological agent. Is implemented by an individual or group (self-decontamination, mutual decontamination) and includes the following actions: shaking, brushing and cleaning of clothing and footwear, washing the opening parts of the body with soap and water and rubbing the skin with disinfectants. These procedures should not be applied uncritically. In the case of the dispersion of biological agents in the air, which is most effective and thus the most likely way of usage of biological weapons, shaking and brushing clothes will lead to a re-creation of aerosols, which will increase the risk of infection, rather than reduce it. The use of disinfectants for the decontamination of the skin can also in some cases be counterproductive, or it can speed up creation of infection (as with the skin form of anthrax). In such cases the most effectually decontamination is to limit the washing of the discovered body parts with soap and seep water, than to leave the endangered area (if feasible) and then as soon as possible to conduct a full decontamination.

Full (complete) decontamination is performed outside the zone of biological weapons action. Decontamination of people is implemented in the form of bathing and showering, a thorough washing of hairy parts of the body and nails. Clothing should be carefully previously striped down, avoiding creation of the aerosols, and then packed in plastic bags or other packaging that can be hermetically closed. The packaging should be visibly marked. Next, the items and equipment are subjected to the action of physical and chemical agents, and is most effective when it is possible to be exposed to high temperatures (such as incineration, autoclaving, dry sterilization, boiling).

Depending on the methods used, the decontamination can be conducted by chemical and physical methods.

Chemical decontamination make biological warfare agents to be safe through the use of disinfectants. In the use of chemicals as a means for biological decontamination, it should be approached carefully. There is not existing chemical that could be applied in practice and to be safe for human health and the environment, and to be an effective tool for biological decontamination. It is recommended that contaminated parts be washed with 0.5% sodium hypochlorite if available, in contact time of 10 to 15 minutes. The solution can be applied with a cloth or swab or can be sprayed. Just as with hypochlorite in chemical decontamination, this solution should not be put in the eye, in the abdominal cavity or nerve tissue. It will neutralize or do almost harmful all biological agents in approximately 5 minutes. For decontamination of fabric clothing or equipment, it should be used a solution of 5% hypochlorite. For decontamination of equipment in normal cleaning should be to 30 minutes in time of contact. The use of the hypochlorite solution in this way is corrosive to most metals and damaging to most fabrics, so they should be washed well and metal surfaces to oiled finishing. It is important to remember that washing with soap and water after washing with hypochlorite for decontamination of biological agents should follow the decontamination of chemical agents, if that kind of decontamination is necessary.<sup>185</sup> This solution evaporates very quickly at high temperatures, so, if prepared in advance, it should be kept in closed containers. The hypochlorite solution should be placed in clearly marked containers, because it's quite difficult to visually distinguish the solution of 0.5% than 5%.

Physical methods are concerned with making biological agents harmless by physical means such as heating and radiation. To make agents completely safe, it requires dry heat treatment of 2 hours at 160 ° C. If used steam at 121 ° C and 1 atmosphere of pressure (15 psi), the time can be reduced to 20 minutes, depending on the quantity<sup>186</sup>. The part of the sun's ultraviolet radiation that comes to the surface possesses a disinfectant effect, often combined with drying. Ultraviolet radiation is effective but is difficult to standardize the practice for disinfection or decontamination purposes.

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<sup>185</sup> For mixing hypochlorite solution, vials of calcium hypochlorite granules can be found in the kit for chemical decontamination of some armies (like the US Army M291). 0.5% solution can be made by placing a package of 170 g of hypochlorite granules in 18.9 liters of water. The solution of 5% can be made by placing 8 such packages of 170gr in 18.9 liters (5 gallons) of water.

<sup>186</sup> The method is known as autoclaving.



The term effective decontamination almost be equated with the concept of sterilization, which is mostly made with natural methods (exposure to high temperatures) or, rarely, with some chemicals (such as ethylene oxide) which requires equipment and means of protection, because that are extremely toxic compounds. The available means for chemical decontamination in most cases destroy the vegetative form of some bacteria, while their effectiveness against spores, various types of bacteria, fungi, protozoa, viruses and microbial toxins that can be used as a biological weapon is variable and incomplete. Therefore, it is always a chance of residual of more or less the amount (dose) of biologically active material, which can cause disease in humans and animals. The use of "effective" chemical substances to neutralize the biological agents, on the other hand, it could create a false impression in the public about the safety of people in certain area. Therefore, the advantage is of previously mentioned acts of a partial or complete physical decontamination (Birtašević 1989). Water and food in the zone of action of biological agents should not be used, regardless of the implemented decontamination, except in case of lack of other sources of supply.

## 7. Conclusion

Biological factors as causes of human suffering and agony, mass disease and death, have followed human civilization since its beginning until today. Biological agents have supported the war for long time and often have decisive influenced the outcome.

*It is claimed that reasonable state actors would never used offensive biological weapons. The arguments are that biological weapons cannot be controlled: Weapons can recover and injure the army in offensive with possible greater effect than the one achieved at the target. Agents such as the smallpox (variola) or other air-transmitted viruses likely to be dispersed and would also infect the surrounding states. However, these views are not always related to bacteria. For example, anthrax can be easily controlled and easily created by a very low cost with available laboratory equipment. Also, using microbiological methods, the bacterium can favorably be amended to be effective only in a limited environment such as the range of the target which is clearly distinguishable from the army in offensive. Moreover, such weapons could be used to*

*jam advancing army which would make it being vulnerable to counterattack of the defense forces.*

*Besides the possibility of using in warfare hostilities, lately is very frequent use of biological agents by terrorist organizations, sects or individuals, defined as biological terrorism. Due to the characteristics of these means that make them suitable for achieving certain objectives (such as cost and ease of manufacture, ease of application, the possibility of combining with other agents ...), many microbes and their toxins are used or studied as a biological weapon. Besides the aerosols, agents can be applied through contaminated food and water or directly on the skin and mucous membranes. In recent times by changing the genetic composition with the methods of molecular genetics, it is possible to create organisms with new features that makes those means being more lethal. Since terrorists today search for new and more destructive and easily accessible, it is increased the danger of eventual use of biological weapons first in period of post Cold War and second time now, in an era of reshaping the world order. It indicates actually how much threats from bioterrorism attack is realistic to a greater extent than in past.*

*The medical community and the public should be acquainted with the epidemiology and control measures needed to increase the likelihood of a peaceful and reasonable behavior if it comes to outbreaks of disease. In fact, the principles that help physicians to develop strategies against diseases are significant when the medical community address the problem of proliferation of biological weapons. For the medical community is necessary further education in order of quickly identification of threats.*

*The prevention primarily relies on establishing a global norm against the development of such weapons and second, the good security intelligence. Secondary prevention implies timely detection and rapid treatment of the disease. The medical community plays an important role in secondary prevention by participating in monitoring the disease and by reporting and the first indication of the use of biological weapons. As a supplement, continuous research in improvement of surveillance and search after improved diagnostic capabilities, therapeutic agents and effective response plans will further reinforce secondary preventive measures. Lastly, we should not forget the role of tertiary prevention, which limits the disablement caused by the disease. Due to the imperfection of instruments of primary and secondary prevention, the focus of capabilities of countering the biological weapons is on helping those nations who are*

targets for the use of biological weapons. Here, the medical community must be prepared to face the consequences if the "unthinkable" happened.

From a military perspective, a significant component of the protective pre-exposure preparedness is immunization. In addition, some vaccines are also affordable opportunity for post exposure prophylaxis against potential threats from biological agents. Such vaccines could be used in respond to terrorist attacks against civilians. Drugs and vaccines are equally important to national security as much as combat platforms!

Because of the real danger of bioterrorism, it is more likely that the problems related to it, will have to be faced and resolve by all, sooner or later. It remains the general lesson that it is better to solve it before!

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## COMPUTER CRIME AS A FORM OF THREAT CAUSED BY THE PROGRESS IN INFORMATION TECHNOLOGY

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### Abstract

In the history of mankind there is no other technological invention with a wider range of application or of greater influence on changing human lives as it is the invention of computers and the corresponding development of computer systems and networks. The benefits of the rapid development of the information technology, which are pretty obvious, can be viewed in the area of collecting, storing, processing and presenting of information, making the information a strategic resource which, in a post-industrial era, can be proved as valuable and influential to a extent that is considered as capital in the industrial era. Thanks to this, the contemporary information and communication system, if used in a proper manner, can increase the efficiency of a large variety of activities.<sup>187</sup> The increase of efficiency and improved communication are actually the greatest benefits of the information technology, both in the business sector and in communication and exchange of information among state authorities and bodies, by means of which large amounts of information are exchanged within a very short period of time with the furthestmost parts of the globe. The revolution is in the fact that computer systems and networks enabled fast and efficient exchange of information – data at disposal on the most widely used network, the Internet, which is used by all age groups on the Planet. Beside all the advantages and benefits, the computer and the computer networks and systems, become a means and an object of attacking with elements of abuse by unprincipled individuals, groups or even criminal organizations. The unlawful, illegal use, or better, misuse of computer technology is more and more of

an incriminated character and the criminals are more and more directed towards execution of computer crimes and involve minimal knowledge and resources for achieving higher crime proceeds, at the same time causing enormous damage, deriving from a variety of motives. Fighting the crime imposes the need for permanent following and analyzing the cases involving the computer, the networks and the systems as a means or as an object of crime attack by individuals and organized groups. Based on this is the incrimination of certain computer-related crimes in the national legislation upon which builds on the prosecution of perpetrators and, further on, the international cooperation in this field as the computer crime is, naturally, not performed only within the borders of a single state. It is usually a crime of international character and fighting it requires a wider, international reaction involving application of modern methods and instruments, collaboration and coordination among the corresponding institutions worldwide. This paper is aiming at analysis of the conditions related to the evident shapes and forms of computer crime as they are incriminated in the Macedonian national legislation, as well as the situation related to discovering, revealing, evidencing and preventing this type of crime in the Republic of Macedonia.

**Key words:** information technology, computer systems and networks, computer crime, incrimination, prevention.

## INTRODUCTION

The progress in technology and innovations is the key to the development in society and every period in the past is marked by corresponding technological benefits achieved on the basis of scientific and technical research and whose application improves and modernizes the production, the transport, the trade and the communications. Yet, the largest benefit produced through the technical research is the discovery and the application of information technology. The development of IT has largely contributed to the improvement and modernization of society and humanity and particularly great advancement has been achieved with fast data processing and fast and efficient communication. Thus, on the other hand, an uninterrupted communication among people is conditioned, involving visual getting in touch and exchange of contents involving photographs, instead of simple audio communication that was only made

possible by applying telephone. The development of the communication information technology has largely improved the world, on one hand, but has also on the other, laid the grounds for criminal behaviors unknown from before, but damaging the citizens, their property, identity, renome, even endangering the security on every social layer. Based on what has been going on and the tendencies, there are no suspicions about the information technology influencing every aspect of our lives, both now and in the future. Having the individuals, groups and nations faced with the challenge of adapting, innovating and reacting to circumstances and possibilities made available via the IT, the necessary transformation is made known as information revolution, from industrial into information society, announcing a new digital period with ones and zeros representing knowledge and skills, tools and weapons, currency and goods, science and art, fun and sport. Such a courageous ascertainment has been deduced on the basis of facts that can be described in the following manner: everything that functions is in automation; everything that's worthy is digitalized. Furthermore, in almost every single undertaking, the application of a computer is to be included and there will be transformations of various social values, either small or big, into the so-called cyber-goods. This is all going on in a huge newly-created virtual space, bearing the prefix cyber, leading to the English word cybernetics (or the science of communications and automatic control systems) and tending to point at the technological complexity, interdependence and problematic, that are present in this new, but yet not defined informatics ambience different from the common, physical world of matter and energy which is governed by knowledge, electronic impulses and digital numbers. This new parallel world becomes gradually an arena where various activities and processes, including criminal ones with warning and worrying potential, permanently creates and develops them affected by the tumultuous progress and the ever-growing application of information technology facing its rapid revolution and expansion (Ачкоски J. : 2012).

The advantages of information systems and computer networks in the overall human living do not remain out of the area of misuse by organized groups or individuals, who make use of their informatics knowledge for illegitimate criminal purposes, regardless whether they produce illicit crime proceeds or endanger in other ways the rights and freedoms of citizens or their property, further widened to jeopardize the overall security involving national, religious, social and economic rights of citizens all over the globe. Criminals in the world seldom choose ways for criminal acting and the computer is a perfect tool for reaching certain criminal goals with



minimum possibility for being revealed as the cause might be located at one point of the globe and the consequences can be felt at a number of locations, in various parts of the world. Even the participants in the criminal network may be unknown to each other – they are simply connected by the skills and the power they share through their knowledge of computer technology and of course, by the criminal goal. The computer is growingly becoming the tool for performing various forms of illicit, unlawful and socially dangerous activities. Computer crime becomes a synonym of all forms of criminal behaviors and plays an important role in the criminal behavior itself, regardless whether it is about misuse of computers as means of executing criminal activities or simply being the object of criminal attack.

**The computers** and the Internet, undoubtedly opened up the possibilities for increasing the social benefits, so numbers of individuals and groups, even whole countries have become completely dependent on the services that the cyber space provides. The Internet communication has provided distance education and scientific research, electronic trading, online entertainment, publicity of state matters, whereas the email has turned into a medium for doing business and for personal communicating, giving an opportunity for its users to get in touch, to send texts, pictures, musical files to individuals or groups, to buy and/or sell a product or service, in a quick and affordable way. At the same time, the access to scientific-research data bases, that were previously available only to those who had the time, the money and the energy for physical access, has now become available to all citizens. The Internet, just like many other new technologies, represents an instrument of neutral value. Just as it can be useful in gaining social benefits, it can also be used in socially deviant behaviors, in as much as creating new forms of socially harmful behaviors and facilitating the execution of traditional forms of crime (Тупанчевски Н. и Кипријановска Д.: 2008).

The connection between crime and Internet has produced two types of computer crime: network attacks and using the network as a means and location for execution of other forms of crime. The international cooperation of criminals, thanks to the Internet, has been made very easy. Expanding its boundaries and introducing new forms, the computer crime today sets new challenges that threaten the citizens, the collective security, as well as the economic stability of many countries (Urošević and Uljanov, 2010: 13).

The computer crime has been listed among the most significant groups of crimes which stands out from classical economic crimes with reference to its characteristics, such as tools used (*instrumentum operandi*), the manner (*modus operandi*), the time of the crime (*tempus operandi*), the space span of the crime (*radius operandi*), the location of the crime (*locus operandi*), the object of criminal attack and the personality of the perpetrator. The rapid growth and expansion of the forms of computer crime are provided by the extended possibilities the computer offers in terms of storage and processing of data, in combination with transfer of the data, on the grounds of information communicating and networking via computer systems and networks (Николоска С. : 2013).

Computer crime represents a realistic phenomenon that security and persecution authorities are facing in the course of their common legal purpose of finding means, methods and techniques for discovering, unveiling, proving and preventing in the process of criminal investigation and providing the judicial authorities to lead a successful criminal procedure and adopting corresponding convictions and verdicts.

Computer crime has also an international character which imposes the need for harmonization of national legislation and penal law for the purpose of providing unimpeded international cooperation in the exchange of data and information, extradition of perpetrators and taking up joint actions for criminal investigations and conviction of perpetrators, confiscating of unlawfully accumulated criminal proceeds. Analyzing the most frequently perpetrated computer crimes, indicators of whether and to what extent are these crimes performed for the purpose of gaining illicit property or performing other acts of crime driven by various motives. A period of five years (2011-2015 inclusive) has been analyzed involving the Macedonian criminalist practice related to characteristic criminal events with elements of organized computer crime.

## **1. FORMS OF COMPUTER CRIMES**

Computer crime represents a common formulation including various forms of criminal behavior. Namely, it is a crime directed against the safety of computer (information) systems as whole, or to segments of it, involving a number of manners and instruments, for the purpose of gaining illicit proceeds for the involved or for third parties, causing damages of various scales (Јовашевик Д.: 2002).

The defining of computer crime, depending on the forms of criminal behavior, has been the subject of study of Kaiser (Kajžep T.:1996), who differentiates among three major computer abuses, based on the major goods of interest:

1. Computer violating of the personal right, particularly in the civil sphere,
2. Computer delicts against and over individual or social legal goods, and
3. Computer property-related crime.

There are certain notions shared among the criminologists that computer crime represents a part of the economic financial crime, but also ideas that it is about property crime and that computer abuse, in its nature, is the closest kin of property crime (Konstantinović - Vilić S. and Nikolić – Ristanović V.: 2003).

The computer crime is a crime related to information and computer systems and it encompasses every criminal behavior, regardless whether it is about threatening personal human rights and freedoms, about abuse of personal data, violation of morality, but also violation of property rights and interests of legal entities, which is considered an element of importance in categorizing this type of crime as an economic one. Namely, the recent automation of the working process and the overall functioning of the legal entities, applying computer technology, create possibilities for financial and accountancy abuses and computer frauds, producing at the same huge criminal proceeds for the perpetrators in position and possessing the knowledge for executing the act of crime. Based on the analysis of statistical data about the computer crime in the world, the financial consequences are pretty serious which leads to the conclusion that the aim and the motives of the perpetrators to gain financial proceeds at the expense of natural and legal entities that keep their money in financial institutions – banks. The crime that makes vulnerable the financial institutions involve payment card frauds congregating perpetrators from around the globe, even not knowing each other, just using the facilities of electronic communication for criminal activity and making use of financial data downloaded from databases of financial institutions and put for sale electronically, too. Also, other criminal forms have their positive financial implications on perpetrators, involving violations of rights, freedoms and morality of victims. For example: the child pornography via computers means financial gain through online selling of child pornographic materials, causing serious violation of the abused children's feelings, causing psychological pain and great deal of insecurity. "The acts

qualified as computer crime are, by their nature and objective essence, close to the acts of damaging other people objects and fraud, also related by the identical intention to unlawfully gaining property or causing damage to others” (Камбовски, 2003: 117).

The computer is increasingly considered as an instrument of execution of crime activities and this crime is more and more involving the application of computer systems and networks, as well thus leading to possibilities for tangible computer crimes resulting in illicit crime proceeds or causing property, financial or any other kind of damage, or even damaging the computer systems and the data stored in them. Thus, computer crime covers several various forms of criminal activities mentioned in a number of definitions of the term computer crime, in line with the following related terms: computer abuse, computer fraud, computer crime, information or technical crime. (Николоска С. : 2013).

The computer becomes an object of criminal attack when the computer or the computer systems and networks, as well as the data they contain, are the actual and final target of the criminal attack, or the aim of the perpetrators. The purpose of the crime attack is to destroy the computer system or the computer network or partially or completely damaging the data stored at a specific computer system. Besides, the criminal attack can be directed towards obtaining information from a given computer system due to a variety of motives, like, economic, political or intelligence, or for the purpose of planning and executing computer terrorist act. However, there are certain situations when the target of the criminal attack are actually the data and information related to bank accounts of natural and legal entities for the purpose of revealing them and using them in producing specific software for withdrawal of money from these accounts and transferring them to another, created just for the purpose of criminal gain. The target of a criminal attack may be also the process of collecting data and information and the computer system of strategic state bodies and institutions, like security bodies collecting data on criminal structures, aiming at abusing and “selling” these data to foreign intelligence services or using them for planning and performing terrorist attacks (Бановић Б.: 2001). The computer becomes an object of criminal attack after certain preparations have been completed ahead of time, again involving the computer as an instrument for conducting the criminal act. In order to create and apply a computer virus, first and foremost, one needs a computer to “produce” that virus. Then, the virus is to be directed towards its target system or network, by using

that same or some other computer, for the purpose of destroying computer data, partially or completely, and making them unavailable to the users.

Computer crime involves a great deal of intellectual engagement on the part of the perpetrator, that it acquires the attributes of a "perfect crime" (Цуклески Г.: 2000).

The computer crime does not represent a "rounded phenomenological category" and due to this, it is impossible to offer full and uniquely acceptable definition of the term. It is basically a common form of crime manifested through the various forms it acquires, which are to be granted a character of predominance in the majority of crimes, particularly the ones in the area of economy. The development of computer crime ranks from the very first abuses of computer technology in financial institutions, via some forms known as white collar crimes, to the contemporary forms of electronic piracy, hacking, violating of privacy and sabotaging including creation and sending of computer viruses and worms, but very often computer crime combines elements of child abuse in terms of production and distribution of child pornography and alluring children into contacts and sexual exploitation of minors under the age of 14. The computer crime is further spread to endangering the integrity and security of states involving computer espionage, computer sabotage, cyber terrorism, as forms of crime involving creation and using of hate speech.

## **2. HARMONIZATION OF MACEDONIAN PENAL LEGISLATION**

The international community encounters the computer crime as early as the 1980s when the mass computerization of almost of areas of social living throughout the globe. The miracle of the 20<sup>th</sup> century, the instigator of the third revolution of information technology and the privilege of the ingenious minds, becomes, beside its immeasurable values for the overall human progress, a potential danger threatening the overall security in the modern world. The ingenious minds of information technology are also a potential threat misusing the knowledge and skills they possess in manipulating the exchange of data for the purpose of accumulating unlawful property gains, spreading racial and religious intolerance, as well as a sort of competition among skilled computer users in the role of criminal perpetrators involved in crimes that are difficult to be revealed. In the direction of improving the national legislations and provision of penal legal protection, the international community adopts a series of

international acts regulating the issues of increasing security against computer abuses and improving the safety of information systems and databases of both legal and natural entities.

The most important document in the domain of fighting computer crime is of course the Convention on computer crime adopted by the Council of Europe, in Budapest, on November 23, 2001 and whose main purpose is joint policy directed towards protecting the society against computer crime, among other things, by adopting corresponding legislature and fostering international cooperation in this area among the states signees of this document. The need for this Document stems from the thorough changes introduced through digitalization, convergence and continuous globalization of computer networks, but also from the risk that computer networks and electronic information could be used for criminal activity and that evidence relating to this type of crime could be saved and transferred via these networks. The Convention is expected to contribute to the more efficient fight against computer crime and to protect the legitimate interests for using and further developing of information technologies. Also, it is considered significant tool for re-directing from acts against secrecy, integrity and availability of computer systems and networks and computer data, as well as against their abuse through criminalization of acts described in this Conventions and introducing authorizations needed for efficient fight against such crimes that would facilitate the process of discovery, trial and conviction on national and international levels on the basis of secure international cooperation.

The cited Convention provides recommendations for redefining the national material legislations for the purpose of incriminating behaviors that underline the abuse of information technologies with criminal aims, as well as recommendations for redefining the process procedure and foreseeing appropriate measure and activities for securing and saving computer data and their adjusting to a form of proof acceptable for the judiciary. Also, the recommendations are partly directed towards improving the international cooperation as it is indispensable because of the very nature, the spreading and the international relations of perpetrators of this kind of crime. The international cooperation is also required for provision of proofs of the crimes conducted, identification of perpetrators and following the illicit proceeds gained through such criminal activity.

The Republic of Macedonia has implemented the recommendations of the Convention through redefining the criminal acts in the Penal Code in 2004, 2008 and

2009 with reference to typical computer crimes that can be performed by simply using the computer and the information technology and to classical and economic crimes, making provisions related to the grounds for their realization by means of using the computer as an instrument or the information systems as targets of the criminal attack.

The Convention foresees 4 groups of computer crimes that are to be incorporated within the national legislations (Penal Code of the Republic of Macedonia, 2008, 2009) as follows:

1. **Acts against the secrecy, integrity and availability of computer systems and data.**
2. **Acts, for the realization of which is linked to using computers (computer frauds, computer forgeries etc.).**
3. **Acts related to child pornography.**
4. **Acts related to violation of copywriters' and other similar acts.**

**The Convention gives recommendations with regards to criminal liability of legal entities** in cases when the act is done to their benefit, by a natural entity, regardless whether taken by an individual or a member of a collective body of the legal entity, a person heading a unit of the legal entity and entrusted the authority to represent the legal entity, to take decisions and to perform controlling on behalf of the legal entity. The Convention foresees confiscating measures regarding the criminally gained proceeds through computer crime, as well.

### **3. COMPUTER CRIMES IN THE MACEDONIAN PENAL LEGISLATION**

Computer crime in the Republic of Macedonia has been for the first time designated as crime in the Penal Code of 1996 and the list of computer crime types is permanently enlarged based on the acceptance of recommendations and international legal acts that incriminate such activities involving forms of criminal abuse of computers and other machines for automatic data processing and crimes involving computer systems and networks as objects of attacks. However, there is no single chapter in the Macedonian Code that systematizes all computer crime forms, but there are several chapters dealing with forms of crime that include the term *computer* as a

determinant in their titles, referring even to classical economic crimes and criminal behaviors with information systems and networks as objects of criminal attacks and the computer as an instrument of the crime performed. The Penal Code of the Republic of Macedonia takes into consideration the following crimes in several of its chapters:

Chapter XV – Crimes against human and civil rights and freedoms

Chapter XVIII – Crimes against personal dignity and integrity

Chapter XIX – Crimes against sexual freedom and morality

Chapter XXIII – Crimes against property

Chapter XXV – Crimes against public finances, payment system and economy

Chapter XXXII – Crimes against legal traffic and

Chapter XXXIII – Crimes against public order.

The Macedonian criminal and legal-penal practice in the studied period between 2011 and 2015 notifies the execution of only a part of incriminated computer crimes for which there are reported, indicted and convicted perpetrators, based on relevant proofs, determined by the court. The process of providing electronic proof is a complex procedure of selecting, collecting and storing of electronic evidence and the forensics of computer crime is an area that permanently develops and improves, just like the information technology and the possibilities it offers.

This paper analyzes the incriminated computer crimes in accordance with the chapters of the Penal Code of the Republic of Macedonia. For crimes that have been identified, revealed and for which there are evidence and trial has been conducted, here follows the presentation of the number of reported, indicted and convicted perpetrators per given acts of crime.

### **3.1 Crimes against human and civil rights and freedoms**

Respecting human and civil rights and freedoms is constitutionally guaranteed right of citizens, that, supported by the information technology, are becoming more and more the object of abuse of perpetrators, who by applying their knowledge in information technologies for criminal purposes, abuse the rights and freedoms of other people in different ways. Macedonian legislation, by incriminating a set of criminal behaviors involving computer systems and networks, has laid the foundations of the



basic penal-legal protection against this kind of abuse. The following ones are defined as crimes: Safety threats – Art. 144 p.4; Violation of secrecy of mail and shipments – Art. 147; Personal data abuse – Art. 149; Denial of access to public information system – Art. 149-a; Unauthorized wiretapping and recording – Art. 151; Unauthorized videotaping – Art. 152; Violation of copyrights and similar rights – Art. 157; Violation of distributor right to technically protected satellite signal – Art. 157-a; Piracy of audio-visual works – Art. 157-b and Phonograph piracy – Art. 157-c.

The practice in the Republic of Macedonia has notified crimes against human and civil rights and freedoms, as either individual crime deeds or as an organized way of perpetrating criminal deeds, and in particular, crime deeds that provide the perpetrators high crime proceeds, but also, those violating the victims' privacy.

Table 1: Reported, indicted and convicted perpetrators of computer crimes against human and civil rights and freedoms in the Republic of Macedonia in the period between 2011 and 2015

Year	Art. 149			Art. 157			Art. 157 – a			Art. 157 – b			Art. 157 – c			Total		
	R	I	C	R	I	C	R	I	C	R	I	C	R	I	C	R	I	C
2011	/	/	/	/	/	/	2	4	4	12	15	15	/	1	1	14	20	19
2012	/	/	/	/	/	/	5	4	1	1	14	13	/	2	2	6	20	16
2013	/	/	/	/	1	1	12	4	4	1	3	3	/	/	/	13	8	8
2014	23	9	7	8	6	6	/	8	7	/	1	1	/	/	/	31	24	21
2015	/	/	/	9	12	9	3	3	3	/	1	1	/	/	/	12	16	13
Total	23	9	7	17	19	16	22	23	19	14	34	33	/	3	3	76	88	77

Based on the above data it can be stated that perpetrators in the Republic of Macedonia have used their knowledge and the capacity of information technology for criminal purposes and abused personal data of other people, but also the copyrights for piracy of audio-visual works. The analysis of figures of reported, confirms continuous perpetration in the period of interest and the crime varies in structure for each year, whereas from the aspect of re-qualification of deeds based on the available evidence, it can be deduced that the re-qualification in the process of trial is in the direction from reported classical crime to computer crime. This can be viewed in the light of the ratio

of convicted to reported perpetrators, but also due to the development of procedure upon filing criminal report during the trial based on evidence provided. When it comes to the figures of convicted, the percentage of conviction is rather high – 87.5% and implies high quality of performance and respecting the procedures of providing, storing and presenting the official electronic evidence.

### **3.2 Computer crimes against sexual freedoms and morality**

Crimes against sexual freedoms and morality cover the criminal behaviors related to sexual delicts (*delicta carnis*), and the legislation protects the individual, his/her freedom to sexual intercourse, but on the other hand, regulates and protects the morality, the ethical views and understanding of acceptable and unacceptable in the realm of sexual interacting. Sexual delicts are also an aspect of the group of violent crime, as this is about criminal behaviors involving violation of sexual freedoms of the victims and their choices, orientation, decisions etc. Based on the object of protection or the victims of sexual crimes, from the aspect of computer crime, we can speak only about a few criminal instances of protecting the minors against the dangers deriving from using computer technology and computer systems.

Child pornography, as a safety issue is not only confined to national, but it is becoming a huge international problem that attracts growing attention due to the frequently occurring cases of international trafficking of minors for the criminal purpose of selling organs and accumulating high criminal proceeds and human trafficking of minors for the criminal purposes of sexual exploitation. Beside physical sexual exploitation of minors, with the emergence of high-tech cameras, this form involves taking pictures and video-recording of children with sexual connotation (naked photos, sexual acts etc.) and these recordings are further multiplied and distributed on the pornography market. However, the international community makes great efforts and takes actions in the direction of getting on the way of this issue and protecting the young population in the “twisted world of adults”, who, are becoming more and more ruthless in their constant race for profit, and do not care about the methods and ways involved in enticing children and their abuse and exploitation via taking photographs and recordings that are sold on the pornography market, which, based data obtained from relevant institutions, is rather profitable.

The introduction of computers and computer networks and the expansion of Internet particularly, provided grounds for rapid development of computer pornography on global level. This encouraged the scientific and professional public to take up defining this kind of safety issue and to initiate methods for prevention. The Council of Europe defines the child pornography as incorporating "all audio-visual materials involving children in sexual connotation" (Council of Europe, Recommendation R(91)11 and Report of the European Committee on Crime Problems: 1993).

Child pornography is displayed through photographs and filmed materials containing sexually explicit activities involving children (minors under the age of 14). Child abuse includes forcing and enticing children in order to perform certain sexual activities that are going to be photographed or filmed and they are also considered child pornography. These contents are made easily accessible by the perpetrators and even for certain money compensation if used via certain web-sites. According to the sociologists, this is a pervert abuse of minors and it is about sexual exploitation that provides high profits for the perpetrators. Or, to put it in other words, child pornography is not produced for the purpose of satisfying low instincts, but it is produced and distributed for lucrative purposes. Computer child pornography is among the most profitable criminal businesses conducted by means of computer networks and according to some researches and data published on the Internet, it is about achieving over 25 mln dollar income per year ([http://www.popcenter.org/problems/child\\_pornography](http://www.popcenter.org/problems/child_pornography)).

Computer child pornography represents a criminal activity manifested mainly in three ways, such as: enticing children and their abuse in pornography footage, then, downloading of porn contents from Internet or reaching certain hidden or limited access contents by hacking and porn contents with children as actors. According to the findings of research carried out in the European continent, a categorization of criminal activities containing the term computer child pornography has been made. Namely, taking into account the statistics from the Missing Children Europe from the text titled EU more severely against child pornography, published in October, 2008, (<http://it.com.mk/IT-EU-Protiv-detska-pornografija-mono/>):

- 39% of pornographic pictures involve children between the age of 3 and 5, 19% - children under the age of 3
- In 2003, the pedophilia contents doubled online
- In 2007 there 16% more pornography pictures online

- Telefono Azzurro (Italy) worked on 192 cases, 45% of which involving children between 0 and 5 years of age
- Child Focus (Belgium) notified 2562 cases in 2007.

The penal – legal definition of child pornography in the Penal Code of the Republic of Macedonia (2008) states that: “Child pornography involves pornographic material that visually shows conspicuous sex acts with minors, or obvious sex activities with a person that seems as under age, or realistic pictures of conspicuous sex activities with minors”.

Computer child pornography involves enticing and abusing of minors under 14 for the purpose of photographing and/or filming sexual contents – sex positions, intercourses, advertizing of products for producing pleasurable sex/erotic stimulation, multiplying them and electronically distributing them.

Child pornography is becoming a burning, acute security issue that has been dealt with in the Convention of Child Rights, with a particular emphasis in this era of global communication via the Internet, when possibilities for abuses of minors are really enormous. The world has been shocked in the last several years by the cases of huge, organized pedophilic networks in several Western European countries, but also the organized one functioning in Australia. What is even more scandalous is the involvement of Catholic priests in the pedophilic networks. Large number of states in the world has amended their criminal codes in order to further protect the sexual freedom and morality of children, and children understands minors under 14, according to the Penal Code of our country. 94 out of the total number of 187 Interpol member states have already adopted corresponding legal provisions for protecting against computer child pornography and some of them have criminalized the possession of child pornography, regardless of their purpose.

The globalization and criminalization of computer child pornography are aiming at taking up broad action for preventing child abuse and sexual and financial exploitation of children, as, with the installation and functioning of computer networks globally, a corresponding global prevention action is needed in order to stop this evil. Child pornography has existed very long before the computerization era, but its mass circulation is made possible through the computerization and the Internet communication.

The material criminal legislation in the Republic of Macedonia incriminates the following: Showing child pornography materials – Art. 193; Production and distribution of child pornography – Art. 193-a and Enticing and seducing a minor under 14 to sexual activity – Art. 193-b.

Table 2: Reported, indicted and convicted perpetrators of computer crimes against sexual freedoms and morality in the Republic of Macedonia in the period between 2011 and 2015

Year	Art. 193			Art. 193 - a			Total		
	R	I	C	R	I	C	R	I	C
2011	2	/	/	1	1	1	3	1	1
2012	6	1	1	2	/	/	8	1	1
2013	3	1	1	/	/	/	3	1	1
2014	/	/	1	/	/	/	/	/	1
2015	/	/	/	/	/	/	/	/	/
Total	11	2	3	3	1	1	14	3	4

Computer child pornography as a crime has been noted in the Macedonian legal penal practice over the investigated period, with reported 14 offenders, 4 of which were convicted, which implies difficulties in providing appropriate evidence, required for taking up an indictment process and reaching court verdict. For cases with provided evidence in the trial stage involving expert evidencing as well and charges, the courts have managed to adopt corresponding verdicts for all indicted.

### 3.3 Computer crimes against property

In the sphere of computer crime, beside the forms of endangering human rights and freedoms, increases the threat of using computers and computer systems for the purpose of gaining material goods or causing damages of direct or indirect nature. Thus, the former case can involve gains or damages caused by means of using the data and information or their deleting from the system and/or destroying, whereas in the latter case, the system is used for entering or changing data that provide further harmful managing the property of third parties (for instance, increasing the deposit of

the perpetrators bank account!). In its nature and its objective essence, the deeds qualified as computer crime are close to damaging other people's possessions and to fraud, to which they are also related by the identical purpose of illicitly gaining property or causing damage (Камбовски В. : 2003). The computer crime, just as any other forms of crime, understands tangible crime deeds that are contained in the criminal and any other special laws, and which are manifested in that exact form, regardless of the fact that they are performed by means of a computer as an instrument, or as an object of the criminal attack, so they display certain specific characteristics in relation to the instrument and the manner of executing the criminal attack.

Computer crime offenders could not be matched with those of classical forms of crime, because of a series of specifics that makes them different. They have to possess certain knowledge and skills in the area of computer technology and criminalist informatics. It is mainly about people involved in technical intelligence and whose criminal activity could not be easily made visible, and according to that, even more difficult to be proved. Computer technology provides grounds for criminal activity at large distances; the perpetrator does not necessarily need to be in the same location with the consequence of the performed crime. This type of crime shows certain specifics and based on them, the legislation tries to classify several incriminations contained in the Penal Code that represent the grounds for taking up criminal-legal charges against perpetrators of computer crimes.

Computer crimes against property involve: Damaging and unauthorized entering a computer system – Art. 251; Computer viruses – Art. 251-a and Computer frauds – Art. 251-b.

Table 3: Reported, indicted and convicted perpetrators of computer crimes against property in the Republic of Macedonia in the period between 2011 and 2015

Year	Art. 251			Art. 251 - b			Total		
	R	I	C	R	I	C	R	I	C
2011	45	9	9	/	/	/	45	9	9
2012	23	25	21	/	/	/	23	25	21
2013	41	33	27	5	3	3	46	36	30
2014	30	14	14	/	/	/	30	14	14
2015	50	20	20	2	/	/	52	20	20
Total	189	101	91	7	3	3	196	104	94

In the Republic of Macedonia, the most frequently executed crime, with the largest number of indicted, is Damaging and unauthorized entering a computer system, regulated in Art. 251, with a number of 189 indicted out of the total number of 196 reported computer crime perpetrators against property. Out of the total number of reported 104 are indicted and 94 convicted. The percentage of conviction is 47.6% in relation to reporting and 90.4 in relation to indictment which refers to application of computer forensics in expert evidencing of electronic evidence and indictment only on the basis of provided unbeatable evidence.

### 3.4 Computer crimes against public finance, payment system and economy

Electronic payments by means of electronic money represent an exchange of material means via telecommunicating infrastructure, such as the Intranet banking systems or the Internet. Basically, it is about virtual (electronic) money that exists in the numerical system of the computer memory and as such knows no geographical boundaries. They can be easily transferred at great distances instantly. The most frequently used term is "electronic money" although "digital money" is a terminologically more accurate one, as the former can also be used in analogous communications. Electronic money provides purchasing products and services by means of computer in the frames of commercial computer networks, like Internet for instance, or via banking networks such as SWIFT. In a practical manner, the electronic money today replaces cash and payment checks. On the other hand, business entities are given

direct opportunity for working by using computer networks. This way of payment is also very subject to various abuses, both inside and outside the system, by persons who obtain the information of interest in a process of misuse of their position and authorities, of applying various technical means or simply intersecting the communication channels and later on using them in re-directing them to their bank accounts, or accounts of their accomplices, helpers etc.

All over the world, the criminals dealing with abuse of payment cards in the frames of organized criminal groups perform their deeds via Internet, most often hoping to achieve significant property gains in an illicit manner. In order to easily get in touch with "collaborators" for their crimes, these people join Internet services that have already formed groups with similar interests or create new forums for attracting others interested in similar topics to join with others and communicate. Beside the economic, cultural or technical reasons, there are lots of other motives that these people might have in common for joining such virtual groups.

In addition to the really large number of unemployed individuals that possess skills and competences for using the computer, are the corruption and the bad economic conditions that influence the increase of criminal deeds in the area of high-tech crime. Some of the traditional, already existing criminal groups begin to attract individuals with such skills, having in mind that a large number of computer viruses have originally, and among other reasons, been created for the purpose of stealing financial and other data contained in the payment cards and further abuses. At that time a number of Internet forums have been created in servers on the Russian territory, but also in other countries of what was once known as the Eastern Bloc. These forums used to offer a variety of data, among the best selling ones being the malicious softwares intended for stealing computer data (computer viruses), as well as data related to payment cards, user names and passwords for various servers. Such servers are known as carder services as within their frames, the perpetrators of criminal deeds offer, sell and/or exchange data from payment cards, and find their accomplices.

In the course of the 1990s, while numerous highly educated people were trying to get employed, some of the programmers, who wanted to do something, and not for little money, started making programs known as computer viruses. The term "virus factories" is used to describe the job of these intellectuals, but having no employers to offer them legal jobs, they did not receive any payment in this period. Most often, they created these viruses to express their dissatisfaction. In March 2001, the Russian



hacker, Igor Kovaliev stated in an interview: "Hacking is an excellent job, one of the few that are left". This criminal way has provided many experts with a way out of poverty and increased the chances for mobility of experts on the Russian market. The skilled engineers capable of developing new technologies, were very much interested about Internet, particularly in the area of economic works. Even today programmers in Russia are willing to work for criminal organizations, of course for good money. In this country, which is even now overburdened with violent crimes, certain organizations dealing with high-tech crime are perceived as the major force and potential of this country in the digital era. The criminals in this area are viewed as modern "Robin Hood" figures that can adequately support the organization members and their families by stealing money from the rich people from the West, who, "possess large sums of money on their accounts and cards, without any justification". In China for instance, according to a study carried out in 2005 by the Academy of Social Sciences in Shanghai, it is clear that hackers and rock stars enjoy the most of respect and glorification, whereas 43% of the primary school students stated they appreciate the hackers (Urošević V. and Uljanov S.).

The wide spread usage of payment cards, the coverage and availability of information technologies, have all contributed to making them very attractive to a large number of individual or groups of criminals throughout the world. Particularly vulnerable are the markets that have introduced the cards into the payment system, but lack experience in electronic finances and there is no system for preventing abuses of this kind, as well as in countries with high living standard and developed system of online trade and banking. Today the cards can be used for cash withdrawal from ATM, from the banks, for payment of goods and services, for purchases at points equipped with POS terminals, for payments in the electronic trading system and for payments related to ordered via phone or mail. The cards are used for payments on the Internet, avoiding going to the bank or to the store, from your home, both in our country and abroad. And it is the Internet that creates the largest danger related to the possibility of abuse of credit card data while making transactions via the Internet. The most frequent Internet frauds are the frauds related to selling the payment card data by organized criminal groups that obtain previously agreed sums of money as compensations on special bank accounts opened exclusively for this purpose. Also, the fast money transfer systems like Western Union etc. are used for this purpose.

The Penal Code of the Republic of Macedonia incriminates the following computer crime against public finance, payment system and economy: Production,

purchasing or alienating instruments for forging – Art. 271, p. 2 and p. 3; Preparation and using of fraudulent credit cards – Art. 274-b and Violating the rights to published or protected patent and topography of integrated circuits – Art. 286.

Table 4: Reported, indicted and convicted perpetrators of computer crimes against public finance, payment system and economy in the Republic of Macedonia in the period between 2011 and 2015

Year	Art. 274 - b			Total		
	R	I	C	R	I	C
2011	8	7	3	8	7	3
2012	11	5	1	11	5	1
2013	16	8	4	16	8	4
2014	/	/	/	/	/	/
2015	13	26	26	13	26	26
Total	48	46	34	48	46	34

The fraudulent payment card manufacturing as a crime is present in the Republic of Macedonia, but it also has an organized and international character as well. With regards to the analysis of reporting, all through to the conviction, by means of providing firm and relevant evidence, the conviction participates with 70.8% in relation to reporting, and 73.9% in relation to indictment of perpetrators.

## CONCLUSIONS

The Republic of Macedonia has accepted the recommendations of the international community that refer to the incriminating of computer crime deeds and incorporated this in the Penal Code of the Republic of Macedonia. The Code foresees the incrimination of several typical computer crimes, and part of them involve the possibility for executing the crime by application of information technology and of the computer as an instrument of execution, as well as the computer systems and networks as objects of the criminal attack. This means that the criminals make use of the information technology for criminal purposes and driven by criminal motives, including

elements of abuse of personal data that causes damage to the victims, then, taking the opportunity for producing computer child pornography thus seriously damaging the morality of the minors as victims. Accumulating property and financial gains is the most frequent motive of the perpetrators which can be deduced from the deeds of crime against property executed and their number outgrows that of other forms of financial crimes.

The prosecution authorities keep pace with the contemporary trends in the forms of computer crimes and are permanently trained in the area of discovering and disclosing of these crimes and providing relevant electronic evidence, which is of key importance for the judiciary.

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## MOTIVATION THEORIES FOR PREPARING POPULATION TO CRISIS SITUATIONS

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### Abstract

Crisis situation, as indeed is clear from the very concept of a "crisis" mostly very hard predictable phenomenon, something unusual, differing from the events regularly and predictably repeating and if there is, will threaten a large number of people, property and the environment. Motivation theory to prepare population to crisis situations are extensive and this issue is addressed by several experts as well as laymen. The actual motivation is divided into two groups, both psychological and sociological scientific discipline. Motivation of population is a very complex process, as there are activated internal assumptions guiding the action of a person to fulfill a certain goal, or of trying to meet certain targets. The motivation of citizens and their approach to crisis phenomena is possible to use several theories and methods to increase interest population preparedness in case of crisis. It is important that the society was motivated by the fact that individuals respond properly and deal with the consequences of crisis events. People are aware of the risks to their life, health or property only when participating directly in accidents or natural disasters. Although individuals can not reverse the course of events of crisis phenomena, can conduct an appropriate choice to significantly reduce its effects in your area by using the theories that are useful for practice.

**Keywords:** motivation, theory, method, crisis situation, analysis.

## **Introduction**

There are several theories seeking principles, patterns, methods and tools on how to effectively motivate people and how to direct itself to prepare for crisis situations. The basic principle is an explanation of motivational theories, their analysis and subsequent application to practice. Consequently, if this necessary to look back into history, what was the motivating people a good starting point and vice versa, which is to motivate misleading, almost unusable in the future. Generally it is possible to understand the readiness of the population to the crisis situation in three areas such as education, prevention and motivation in theoretical or practical level, important for theoretical reflection area, from which it leads to the practice.

### **Analysis of the present practical solutions and motivation citizens on crisis preparedness**

Preparedness in case of emergency and crisis phenomena is the responsibility which must involve State or public authorities, other legal entities and individual citizens. Preparedness in case of danger can best be achieved if the targets are well known teaching people the contents of education, forms, methods and means of education, motivational techniques and instruments and the expected results of the action plan for crisis events. Following consultations with expert's civil protection education and training of experts and citizens on crisis phenomena carried out today under three basic premises:

What is important to learn?

Everyone should think about the dangers and risks to the public. It should have an overview of the protection plans that have been developed for the purpose of prevention and management of crisis events, and mitigate their impact on human lives and material values

Who should learn it?

Elected officials - in order to obtain their support for the plan of protection in the event of crisis phenomena

The rescue organizations - to emphasize collaborative search and rescue operations.

Ordinary citizens - to know what to do and how to behave in the event of a crisis phenomenon.

How to learn it?

The method of education of residents in emergency preparedness, i.e. in the field of civil protection should be carried out mainly in three forms, education, training and exercises.

Education:

To tackle the issue of readiness of the population to crisis phenomena is essential to continuing education. This can be ensured through different courses, lectures and seminars. Finally, we also cannot forget the power of the media and also the internet.

Training:

As far as the application of theoretical knowledge into practical design, thus training it can be concluded that this constitutes a significant part of future success. It is therefore in the first place in terms of emergency situations and without this element is almost impossible these situations satisfactorily.

Exercises:

The exercises are a necessary step in the preparation for crisis phenomenon. The aim of the exercises to cope with the crisis phenomenon is improving preparedness in the event of a crisis phenomenon, increase operational readiness and ability to respond. Exercise consists of the performance of duties, tasks or operations manner very similar to those that could be implemented in case of a real crisis phenomenon.

Public exercises:

Exercises to the public to attract and keep the interest of people to participate actively to avert the consequences of crisis events or crisis situations that stimulate the enthusiasm and practical knowledge and skills practice, reviewed, evaluation and improvement plans and operational capabilities by revealing weaknesses in the planning and resources and test equipment and operating instructions. Appropriate means of education in the context of preparedness for crisis events are the mass media such as print, radio, television, internet and cinema advertising - billboards.

The main forms of preparing the population for self-protection and mutual assistance are:



a) Information and advisory services provided by the education centers, public institutions humanities mission, District Office, autonomous region, municipality, other legal entity or natural person - entrepreneur,

b) Programs broadcast on radio and television and prepared bodies that manage and organize, organize and execute the preparation of civil protection or that their business activities may endanger life, health or property of its employees and the persons taken care of,

c) Publishing activity carried out by issuing professional publications, brochures, puzzles, posters, leaflets, articles in newspapers and magazines on the theme of civil defense and by entities that manage and organize, organize and execute the preparation of civil protection or that their business activities may threaten life, health or property of its employees and the persons taken to care,

d) Preventive educational and promotional activities carried out by the events on the topic of civil protection, in particular, exercises, competitions, exhibitions and excursions, theoretical training and practical training managed and organized by district administrations, regional governments or provided by the municipality in cooperation with public institutions humanities mission,

e) Publication of information in electronic form entities that manage and carry out the preparation of the population for self-protection and mutual assistance, or that their business activities may endanger life, health and property of its employees or other persons.

Based on the above it is clear that currently show a reduced interest of the people to prepare for crisis events. Internal or external motivation is low. This fact is closely related to the informatisation of our society and so. "Congestion" population information to various content and quality. Nevertheless, this fact also contributes to easier access to the necessary information related to the crisis and preparing for them. Decline in motivation to preparedness for the crisis phenomena I see that a large part of the population is quite clearly not feel threatened, which also reflects that we live in a relatively safe society and the prevention and control crisis situations is not neglected, respectively. Has been sidelined in the past, from which we benefit today. The specific sense that the citizens and the population as a whole is important for assessing motivation, because motivation is itself an internal impulse of the individual. If the "mood" of the poor and the population feel they may be at risk to their life, health, property, sufficiently motivated and is preparing to crisis events. At present,

they there are not taken all forms of training residents to crisis phenomena in the previous subchapter. These forms of training citizens to ensure that the population is sufficiently informed, preventive prepared and consequently motivated to prepare for the crisis phenomena. It can be stated that the motivation theories currently in the Slovak Republic are hardly applicable in educating and training residents to crisis events. It is the result of relatively complex procedures for the possible application of these phenomena into practice, especially in already cited reasons - lack of interest of the inhabitants of the preparation, respectively, prevention to crisis situations. In Slovakia there is not a comprehensive system of training and motivation of citizens to crisis events. How already mentioned in previous chapters, there are many laws and lower-ranking legal rules that government matters. The motivation and training of citizens on a subject is poorly prepared and there are a number of shortcomings. Changes could be realized in the law and in the use of new tools for improved training people. The main forms of training citizens for self-protection and mutual assistance in terms of MV SR Decree. 303/1996 Coll. to ensure the preparation of the CO, as amended, as a very sophisticated and beneficial to society, but after examining the problem it can be stated that these are only "written instructions" to prepare the population to the crisis phenomena. It cannot be said that these forms are used in regular and mandatory recurring intervals. For large positive on the issue of preparedness of the population to incidents in Slovakia and the Czech Republic are public institutions with a humanitarian mission, such as: Slovak Red Cross, Blue Angel, Voluntary fire protection units, ambulances, mountain rescue, and water rescue service. The whole system of education and training of the population to cope with crisis phenomena can be considered as a kind of secondary interest within the public sector. It is necessary to constantly improve the system, to a new and imaginative means of motivation. Within the motivational theories that are mentioned in the previous chapters can be any one of them used to motivate residents. It is up to those in power, they use knowledge disciplines to motivate people. In general terms it can be stated that the problem is the poor state of readiness and training of residents in case of crisis phenomena and their effective motivation. In Slovakia there are many ways to properly prepare residents to cross event. These are not sufficiently utilized, and it is precisely in this area a big problem. In addition to a lack of education and training of citizens on crisis phenomena seen as highly negative the indifference of citizens to prepare to deal with crisis events. If the State took a number of ways and means of motivation population, it would be their

readiness undoubtedly in better shape than it is at the present time. The problem is that the representatives of the state cannot find a suitable way that the occupant has given a speech on the issue of greater concern. For another problem, ultimately, the lack of interest of the people and this issue. Residents do not appear interested in preparing for crisis phenomena, again related to lack of motivation. They should find appropriate means to motivate residents approached by residents on this matter considerably more active. The problem I see is that it is not enacted a provision that would clearly and precisely determine the procedure for the preparation and motivation of the population to the crisis situation. In general, it can be said that the population has in the Slovak Republic to become well prepared to handle the crisis phenomenon. However, a disadvantage is that it should also show more interest. Do not give him enough attention to the preparation of self-protection and mutual assistance. As a negative can also be considered lack of leaflets, newsletters and sessions with the issue of preparation for crisis events. Another minus is the lack of training and practical exercises on their own people. Regarding the training of children in schools, it is important that this should be better regulated, as it is focused more on theory than on practice in the training of children to civil protection and crisis management. Teachers themselves are sufficiently motivated to be interested in the issue greater. As well as in schools and kindergartens in the system of training young children to crisis phenomena and under-period extra teachers themselves nor do they have a good education about the present subject matter. All courses Civil Protection are actually optional, depending on the population, therefore, how to deal with the preparation for crisis events. Also in kindergartens, teachers do not pay enough attention to preparing children to crisis events. Children are only marginally confronted with this issue. Preparing the population in retirement and sick population has a number of drawbacks, since for these is very difficult to access information. The entire system of training citizens to crisis events operate in the territory of the Slovak Republic as it was only "on paper" and practical use is minimal.

### **Motivation theories for preparing population to crisis situations**

If we want to examine human behavior in a crisis situation, it is necessary to address the issue of what is causing that one to do so and not otherwise, and forcing a

person to act as the right to act. Another important point for the evaluation of the behavior of these phenomena is their subsequent analysis and analyzed on the basis of knowledge is exploring theories that could help to make people behave according to the rules of conduct in crisis situations. Crisis situation, as indeed is clear from the very concept of a "crisis" mostly very unpredictable situation, something unusual, usually hazardous to health, life and property of man. It is important that the company was clearly motivated by the fact that individuals respond properly and deal with the consequences of crisis situations and have them ready in as much as possible. People are aware of the risks to their life, health or property only when participating directly in crisis situations. The consequences of bad theories preparing population for crisis situations shows that ignorance of a suitable response to this situation, or its underestimation with panic multiply the loss of life and show that the given theory motivating the population has not been selected properly or is completely unusable for the situation. Motivation as a psychological and sociological scientific discipline deals with a number of theories to properly motivate residents to be prepared for crisis situations, which does not mean that all the theories are correct. Motivation of population is a very complex process, as they are activated internal assumptions guiding the action of a person to fulfill a certain goal, or of trying to meet certain targets. To the motivation of population and their approach to crisis situations can be used several theories and methods to increase interest population preparedness in case of crisis. (Pommfyová, 2003). The theme is the inner motive that gives and keeps human activities and direct it in a certain direction to a destination, for example. It determines the direction and intensity of behavior and action, as well as the course of the operation. Theme is the core of motivation. Its effect lasts as long as the goal is achieved and until the target satisfy us. Subjective motivation is self-motivation a person to certain proceedings both at work and outside the working environment, while objective motivation is the ability to motivate people to perform certain one-time or recurring activities. Motivation can also be divided into positive motivation and negative motivation. The term is understood to motivate positive motivation through positive incentives such as self-realization, moral valuation, and tangible benefit. It follows that negative motivation is based on a form of punishment or fear, for example, fear of losing work. There are several theories seeking principles, patterns, methods and tools on how to effectively motivate people how to direct their efforts and effectively lead to the achievement of the goals. Motivation theories on the basis are divided into content

theory and process theory. Content theories address the question of what really motivates people, explaining their motivation in terms of needs, specifying the various needs and clarify some dynamic changes in needs. Process theory explains how arise motivation at work, explaining their motivation in terms of perceptions, expectations prerequisite for achieving the satisfaction of needs.

The first of the most important motivational theories is Adams' theory of justice. Adams's theory of justice is among the theories dealing with motivated people. It was published by John Stacey Adams in 1965. It is based on two levels. Remuneration in respect of some great performance is right according to comparable data and reward is right and example to other colleagues at work, that is fair. When people feel a sense of justice that motivates them to higher performance and sense of injustice performs the opposite effect, that their performance will be weak, which means mainly to prepare population for crisis situation disinterest in the subject.

John Stacey Adams theory refers to as material and non-material needs, rewards. Another theory dealt with the American psychologist Abraham H. Maslow. He came to the view that every human behavior is driven effort to meet their basic needs. These needs, according to him can be arranged in a pyramid with the base physiological needs, the needs of safety and security, needs and requirements of love, and the need to recognize the most important motivation for the theory of self-actualization needs. Explanation of the pyramid is as follows. A person first needs to satisfy their basic physiological needs such as breathing, drinking, eating. When a person feels the need of safety and security as well as requirements and love shifts to the need for recognition and self-realization, which is in connection with motivation population to crisis preparedness that should be given space residents to be realized also for this preparation.

As a further theory in turn it is Alderfer motivational needs theory by Paul Clayton Alderfer. This theory is based on three motivational factors:

- The existence of job security,
- Relations, e.g. friendship, recognition of the social network,
- Self-realization, for example, possibility of professional growth.

The use of this theory in practice is the satisfaction of subsistence needs, and then satisfy relational needs, which will ultimately lead to meet the needs of self-realization.

The following theory is Herzberg's theory of two factors. Two-factor motivational theory was formulated by Frederick Herzberg in 1959 and named in this theory are two basic factors that are the source of population satisfaction and motivation. The first factor is non-satisfiers, including those which cause the working dissatisfaction. The second factor is satisfiers (motivators), including those that help energize motivation and satisfaction. In practice, this means that the non-fulfillment of hygiene factors cause dissatisfaction, while working, but their fulfillment does not because a feeling of satisfaction, it takes them for granted and their effect wears off quickly filling. In contrast, the fulfillment of motivational factors is a prerequisite to motivation to higher job performance and their effects on motivation was long and their non-fulfillment does not necessarily mean dissatisfaction.

A fifth theory is Taylor's theory of motivation formed by F. W. Taylor as the father of scientific management, which took the view that with the scientific approach it is possible to improve the performance of workers. He focused on the examination of a person, especially as building management. Its aim was to maximize the outcome of their work while minimizing its consumption. Important nature of the material motivation of workers and of man understood as an economic entity, which means in practice in order to encourage citizen preparedness for crisis situations, that if he was financially motivated to undertake training and exercises in an emergency situation would be less loss of life, health and property.

The next is Mayo's motivation theory, founded by E. Mayo. He examined the impact of psychological factors on the results of human labor. The need to respect the staff to the social conditions of their activities opposed the concept of scientific management. The basis of his work is that they all work, process conditions, and physical needs of people tend to have less impact on the work, but social and psychological factors. He stresses the importance of social relationships for work motivation. To use this theory to motivate citizen to crisis preparedness can be said that the people should participate in exercises and training in crisis situations if their completed with residents with whom they share common interests and direct social relations.

Another theory is McGregor's Theory X and Theory Y. Under certain circumstances, leading people through the right incentives are most effective form of this process. Theory X is the implementation of the central leadership principles set of guidelines, the command and control of personnel management, which is the realization

of authoritarian forms of governance. Theory Y management represents the style which is based on the integration of the interests of members of the organization by working towards their own initiative and choice of funds under specified conditions, in order to achieve the objectives. Theory X is authoritative, pessimistic, static and rigid. Theory Y, by contrast, dynamic, optimistic, resilient. It is recommended not to use only the style of X. The possibility of using this theory to motivate citizen to crisis preparedness is that residents should be encouraged to be interested in preparing for emergencies, so as to meet their psychological needs of the interests of the very motivation. The last two theories are equity theory and the theory of expectations. Theory equity (fairness) deals with human perception as it is with individuals treated. This theory assumes that people will be more motivated if they would be treated fairly and demotivated when they will be treated unfairly. In this theory they are embedded two forms of justice and it is distributive and procedural. Distributive justice is concerned with how people feel that they are remunerated according to their value compared with others. Procedural justice has to do with how employees perceive fairness of the procedures used in the organization in areas such as staff evaluation, promotion and disciplinary matters.

The last theory is the theory of expectations. It's best known, most successful theory and complex models of motivation theory as equity. It has multiple versions and different name. It is a model based on the conscious thinking about the situation. According to this theory, motivation depends on two factors ranging from how many in that we want to achieve something and the probability with which we expect to do this. Model theory of expectations was developed by Victor Vroom. He defined motivation as the process of guiding the choice of alternative forms of volunteering. The motivation to act depends on their expectations of what the results will be for activities to follow. The basic model of motivational theory expectations include the following procedures:

- motivation leads to efforts,
- effort, combined with the ability and the environmental factors results in performance,
- Power leads to different results when each of them is associated with values.

Utilization of theory of expectation into practice is based on the recognition that each person adapts its work effort according to their subjective beliefs about the reachability and the attractiveness of the target, so that as you answer the following questions:

- Is the aim for me attractive?
- Is it likely that I fulfill a task?
- Is it likely that the role to be fulfilled obtain a remuneration corresponding to my expectations?

The use of this theory to motivate citizen preparedness for crisis situations is that the citizen is indirectly motivated.

All the theories mentioned in this article are applicable, to a certain extent to motivate citizen to participate in training, exercises and general preparation and how to manage a crisis with as little loss.

The greatest rates of utilization of motivational methods have equity theory because this theory is to motivate residents can contribute just as much to the people will be more motivated if they would be treated fairly and demotivated when they will be treated unfairly. It should be treated with residents really fair, accessed by the crisis preparedness responsibly. But the biggest motivation for residents at this time is likely to be material needs, which means that if the people receive such financial reward for their participation in training, exercises and training residents to crisis situations. Also, it can be said that the residents will feel preparedness for crisis situations, they will feel safer and more confident, which is very interested in self-motivation to prepare for emergencies.

## **Conclusion**

Each of the above motivational theories could be used in relation to motivating residents to prepare for crisis situations. However, if residents do not engender confidence among the heads of state, it is difficult to motivate them to approached the issue responsibly and prepare for the crisis phenomena. Except from equity theory there is a scope for application of the theory of expectations and not least in the classical theories of Taylor, who claimed that people can be motivated mainly by financial rewards. It can be said that in general readiness of the population to crisis situation is not sufficient and the internal and external motivation for crisis preparedness is not given almost no attention. This primarily relates to the responsibility of the competent government authorities, municipalities and other



interested organizations and schools for the population's state of preparedness for crisis situations.

For example, in the system of legislative adjustments SR essentially no comprehensive legislation that would comprehensively determine all the necessary documents for cross training of citizens and not the actual theory. Based on the theoretical background of the preparation of the population for crisis situations are clearly the issues that bind to motivate population to emergency preparedness.

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## **SOCIAL TRUST AND FEELING OF SECURITY IN ETHNIC MACEDONIANS AND ETHNIC ALBANIANS IN THE REPUBLIC OF MACEDONIA**

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### **Abstract**

In societies where different ethnic communities experience protracted ethnic or religious tension, high levels of social mistrust and feeling of insecurity are serious psychological barriers to promoting interethnic integration. The purpose of this research is to provide insight into the complex relationships between two empirically extracted dimensions of social trust (perceived collective respect for diversity and perceived collective willingness for cooperation) and personal feeling of security on one hand, with the ethnic background and minority/majority status on a local level on the other.

The convenient sample used in this study consists of 764 participants, 48,3% ethnic Macedonians and 51,7% ethnic Albanians (52,2% females), from 19 towns in the country that differ in the minority/majority status of the two ethnic communities, depending on their ethnic composition. The respondents voluntarily and anonymously

provided information on their perceptions of the two dimensions of social trust by answering on a six-item subscale from De Rivera's Emotional climate scale (2007) and their personal feeling of security in the country by assessing it on a 7-point Likert scale.

It was hypothesized that both independent factors (ethnicity and minority/majority status) will produce differences along all measured variables. The two-way ANOVA results showed that the two ethnic communities differ in respect to both dimensions of social trust and the personal feeling of security. In addition, there is a difference in the feeling of security that stems from minority/majority status on a local level, whereas this variable interacts with the ethnic background only in regard to the perceived collective willingness for cooperation. The results were interpreted within the frame of the existing inter-ethnic relations in the country and discussed from the perspective of their consequences in improving the overall emotional climate in the society.

**Key words:** social trust, feeling of security ethnicity

## **Introduction**

Recent scholarly research and discussions have become attentive in assessing the effects of ethnic diversity on social trust and social participation. Particularly interesting questions are whether the ethnic diversification leads to erosion of trust and increase in the overall feeling of social cohesion and security.

The existing historical, social, religious, and language differences between the two major ethnic communities in the Republic of Macedonia - Albanians and Macedonians - have contributed to parallel coexistence and lack of interaction. The violent conflict between these two communities that started more than fifteen years ago ended with the Ohrid Framework Agreement that introduced measures to improve the status of the ethnic Albanian community. This agreement is still predominantly perceived as inefficient in resolving the issues of mutual mistrust and relatively high interethnic distance (Pecijarevski, 2011) despite the relative cooperation at governmental and institutional levels (eg. Rosůlek, 2011). The lack of social cohesion is the underlying cause for instability in inter-ethnic relations. One of the few empirical analysis carried out in the country, suggests that the social capital of Macedonian

society is very weak, leading to poor social cohesion and political stability and distrustful and distant inter-ethnic relations (Maleska, 2010).

*The role of social trust and a perceived personal security in providing social cohesion*

In explaining the concept called culture of peace, de Rivera points out that it can be defined as a multifaceted variable encompassing several wide measurable areas such as social norms, gender equality, democratic participation, open communication, respect for human rights, sustainable development and social cohesion and tolerance (de Rivera, 2007, 2009a; de Rivera & Paez, 2007). When the society applies appropriate mechanisms to address and obtain promotion of these eight core dimensions, these measures effectuate in relevant behavior of the majority of people. In such countries, people report having less fear of speaking, less anger at the government and less insecurity, and experience more social trust and care for the others out of the immediate family (de Rivera, 2009b). Further, it is also expected that they would be more able to accept differences without emotionally negative responding to them and respect each person's uniqueness and identity. It is proposed that under such overall psychological conditions, it is more likely that communities will take into account the plurality of people's values and interests and support resolution of conflicts without violence (Bar-Tal, Halperin & de Rivera, 2007).

In de Rivera's view, the objective measures for any of these areas can be related to subjective self-reported measures of a nation's emotional climate (de Rivera, 1992). Therefore, the aspect of overall culture of peace labeled as *social trust* and tolerance could be operationalized as *the extent to which understanding, tolerance, solidarity, and mutual obligation form the basis of the society and its role as a societal feature is of crucial importance in context of crisis or conflict*<sup>188</sup>. Simmel (1950, p. 326) describes it as "one of the most important synthetic forces within society" while Fukuyama (1995) defines trust as the expectation that arises in a community on behalf of its members on the basis of shared norms and a belief that the others will behave in mutually supportive ways. Defining social trust in this way actually means accepting the two seemingly opposed approaches in conceptualizing it – the one that understands it as a quality of society rather than of individuals and vice versa. At the individual level, social trust is associated with pro-social behavior (Sønderskov, 2011), while at the state

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level, those societies where high-trusting people dominate are also those with better democratic governance and higher tolerance for diversity (Knack, 2002). Although not much research has been done to support the idea of mutuality of the individual and societal level of social trust, there is some evidence showing that countries with high trust scores have more trustworthy and honest citizens (Knack and Keefer 1997; Basabe & Valencia, 2007). Building on this notion, social trust could be meaningfully measured by using attitudinal survey questions although the approach that would include behavioral measures as well would be more valid (Glaeser, Laibson, Scheinkman & Soutter, 2000).

Collective emotions that shape individual and societal reactions in crisis and conflict are always accompanied with an overall *feeling of security* which might refer to personal and collective security separately (Bar-Tal, Jacobson, & Freund, 1995). This feeling of security is considered to be based mainly on cognitive assessments, although the affective component is always present as well. It is defined as a general evaluation of the ration between perceived threat or danger versus available defenses and the ability to cope with the perceived threat or danger (Bar-Tal, Halperin & deRivera, 2007). In addition to demonstrating the meaningfulness of measuring the experience of security, research has shown that the national emotional climate accounts more to feelings of being secure or insecure than the socioeconomic status does (Mahoney & Pinedo, 2007). Thus, this concept can at the same time be treated as part of the emotional climate and as its consequence.

Taking into account the important role of the discussed concepts in developing a context for non-violent resolution of conflict and their not yet well examined role in forming political attitudes in multiethnic societies with protracted interethnic conflicts (Canetti-Nisim, Ariely & Halperin, 2008), as well as the need to obtain data on these relevant constructs from the region (Fritzhand & Petricevic, 2014), we have conducted this study in order to enrich the body of research with data on the extent of social trust and perceived personal security of the two largest ethnic groups in the Republic of Macedonia as well as to examine the relationships between the group status (minority or majority) on a national level and local level on one hand and the perceived trust and security on the other.

## Relevant research

It has been demonstrated that the higher the level of ethnic diversity within a community, the lower the level of trust (Rice and Steele, 2001). Research suggests that ethnicity can be related negatively to social trust only in communities that belong to ethnic minorities (e.g. Alesina & La Ferrara, 2002; Post, 2011; Smith, 1997). The reason that social trust is lower among ethnic minorities is ascribed to their frequent experiences with negative stereotyping, discrimination and lower socio-economic status (Smith, 2010).

In answering the question about whether ethnic diversity has negative effect on trust, Dinesen & Sønderskov (2015) empirically demonstrate that ethnic diversity in the micro-context affects social trust negatively, but that the effect vanishes in a larger context. The authors propose that their findings suggest that interethnic exposure (not contact) underlies the negative relationship between social trust and ethnic diversity (in residential contexts)<sup>189</sup>. It might be expected that heterogeneity produces even less social trust in contexts where different ethnic groups have history of conflicts and tensions and where multiculturalism is not fostered systematically through education (Bahry, Mikhail, Kozyreva, & Wilson, 2005; Håkansson & Sjöholm, 2007).

Recent studies mostly suggest that ethnic diversity challenges cooperation. In a European context, a negative link between ethnic diversity and cooperation has been confirmed both at attitudinal and behavioral measures of cooperation. Further, it has been confirmed that the willingness for cooperation varies in accordance to several relevant variables such as the diversity composition of the region, the composition of social networks and the quality of the inter-ethnic contacts (Sturgis, Brunton-Smith, Kuha & Jackson, 2014; Ulsaner, 2012; Veit, 2015). The decline of social cohesion and cooperativeness in multi-ethnic societies is explained in several ways and one of the most plausible seems to be that it is mediated by the anxieties of the unknown (e.g. Islam & Hewstone, 1993). On the other hand, in a meta-analysis of several existing studies, Schaeffer (2014) claims that the debate of the associations between ethnic diversity and social cooperation is yet rather inconclusive.

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<sup>189</sup> These results relate to the multiethnic composition of immigrant residence areas in Denmark and most closely resemble the conclusions from a study conducted in New Zealand (Sibley et al. 2013).

In line with these findings, it was hypothesized that ethnic Albanians (minority) have lower social trust and personal feeling of security than ethnic Macedonians (majority). In addition to the effect of the status of minority vs. majority at the national level, we will examine the effect of this status on a local level, with the expectation that it also reflects on the social trust and personal feeling of security in the same direction. However, our expectation is that the two status levels have different effects on the examined dimensions of social trust. As per perceived willingness for cooperation ( $H_1$ ), it was hypothesized that the main effect of minority/majority status will appear only at the national level (with ethnic majority scoring lower). The reason of proposing that being majority on a national level is associated with decrease in perceived willingness for cooperation is the well documented 'fear of otherness' which is more typical for groups that are majorities. On a local level, the status will not produce significant difference, but following the same line of reasoning, the lowest average is expected in ethnic Macedonians who live in cities where they are majority.

In regards to respect for diversity ( $H_2$ ), it was expected that the first main effects will be significant (status on a national level) and that ethnic Albanians who are minority on a local level demonstrate the lowest scores because the outcome will be fortified due to the "double" minority status. A similar reasoning applies for perceived personal security ( $H_3$ ) It is expected that both main effects will make difference in lowering the means of minorities and in addition, that ethnic Macedonians will have lowest feeling of being secure (interactive effect).

## **Method**

### *Participants*

The convenient sample used in this study consists of 764 participants, 48.3% ethnic Macedonians and 51.7% ethnic Albanians (52.2% females) from 19 towns in the country that differ in the minority/majority status of the two ethnic communities, depending on their ethnic composition<sup>190</sup>. Their minimal education level was 12 years of schooling and the age range was 18-58 ( $M=34$ ;  $SD=10.3$ ).

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<sup>190</sup> For instance, according to the proportion of inhabitants, Skopje is a place of living where ethnic Macedonians are majority, whereas in Debar they are minority.

They participated voluntarily in the study and were recruited on the basis of fitting into the following required criteria: ethnic background, age group, place of living and gender. They were answering the questions anonymously in a presence of previously trained questioners.

### *Measurements*

De Rivera (2007) constructed a 24-item scale aimed to measure the collective feelings related to security, insecurity, confidence, depression, anger, love, fear, and trust. The construct has 5 facets organized in respective subscales. In this research, only the social trust subscale has been taken into account. This questionnaire consists of 6 items that are responded on a 7-point Likert type scale. For this particular group of respondents it has a reasonable internal consistency of Cronbach alpha  $r=0.60$ . Further analysis of the items performed by factor analysis (principal components with Varimax rotation) has shown that five of them fit into a two-factor model that explains 52% of the variance. In this study these two factors were treated as separate dimensions of social trust: *perceived collective respect for diversity* (3 items) and *perceived collective willingness for cooperation* (2 items<sup>191</sup>). For simplicity, in the further text they will be referred to as "respect for diversity" and "willingness for cooperation".

In order to measure the *personal feeling of security*, the study employed a simple approach of asking participants how secure they feel in the country and having them assess it on a seven-point scale ranging from 1=not at all to 7=fully, with 4 being a neutral position (neither secure not insecure). All included questions were translated by the forward-backward method from Macedonian in Albanian by two bilingual persons. Thus, each participant could respond in their mother language.

## **Results**

Variables included in the study are described in terms of mean averages, standard deviations and their correlations with gender and age (Table 1). Table 2 contains information on the mean averages and standard deviations for each of the relevant subgroups that are included in the further analysis. The averages for the two

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<sup>191</sup> Taking into account that one item has equal loadings on the two factors, it has been removed from the further analysis.



dimensions of social trust are around or below the neutral point. In other words, on average, participants feel *neither safe nor unsafe* ( $M=3.76$ ), and perceive that there is a *little respect for diversity* ( $M=10.15/3=3.38$ ) and *willingness for cooperation* ( $M=5.88/2=2.94$ ). These three variables, as it could be expected, correlate significantly. Whereas gender does not appear to be associated with any of the examined variables, age is positively connected to willingness for cooperation ( $r=0.11$ ;  $p<0.01$ ) and security ( $r=0.36$ ;  $p<0.01$ ).

Table1. Descriptive statistics and Pearson correlations for the variables

	M	SD	X <sub>min</sub>	X <sub>max</sub>	1	2	3	4	5
1. <i>Collective respect for diversity</i>	10.15	3.36	3	21	-	.			
2. <i>Collective willingness for cooperation</i>	5.88	2.15	2	14	.88**	-			
3. <i>Personal feeling of security</i>	3.76	1.96	1	7	.44**	.13**	-		
4. <i>Gender (1=male;2=female)</i>	1.52	0.50	-	-	-.03	-.40	.03	-	
5. <i>Age</i>	34.1	10.20	18	58	.03	.11**	.36**	.02	-

\*\* $p<.01$ ; \* $p<.05$

Table2. Descriptive statistics for the included variables for the subgroups

	Local level Majority			Minority			Total		
	N	M	SD	N	M	SD	N	M	SD
Collective respect for diversity									
<i>Ethnic Macedonians</i>	341	<b>11.02</b>	3.40	28	<b>10.85</b>	3.63	369	<b>11.00</b>	3.42
<i>Ethnic Albanians</i>	230	<b>9.58</b>	3.29	160	<b>8.98</b>	3.56	341	<b>9.33</b>	3.90
<b>Total</b>	<b>571</b>	<b>10.43</b>	3.43	<b>188</b>	<b>9.25</b>	3.62	<b>351</b>	<b>10.10</b>	759
	Local level Majority			Minority			Total		
	N	M	SD	N	M	SD	N	M	SD
Collective willingness for cooperation									
<i>Ethnic Macedonians</i>	341	<b>5.61</b>	2.44	28	<b>5.43</b>	2.21	369	<b>5.59</b>	2.33
<i>Ethnic Albanians</i>	231	<b>6.17</b>	2.31	163	<b>6.34</b>	2.55	394	<b>6.23</b>	2.48
<b>Total</b>	<b>572</b>	<b>5.83</b>	2.35	<b>191</b>	<b>6.20</b>	2.61	<b>763</b>	<b>5.92</b>	2.43
	Local level Majority			Minority			Total		
	N	M	SD	N	M	SD	N	M	SD
Personal feeling of security									
<i>Ethnic Macedonians</i>	341	<b>4.53</b>	1.87	28	<b>3.89</b>	2.80	369	<b>4.49</b>	1.85
<i>Ethnic Albanians</i>	231	<b>3.22</b>	1.82	164	<b>2.91</b>	1.70	395	<b>3.09</b>	1.81
<b>Total</b>	<b>572</b>	<b>4.00</b>	1.95	<b>192</b>	<b>3.05</b>	1.79	<b>764</b>	<b>3.76</b>	1.96

For testing the hypotheses, two-way ANOVA was performed<sup>192</sup>, with minority/majority on national level, i.e. ethnicity (MIN/MAJ-NAT) and minority/majority on local level (MIN/MAJ-LOC) treated as independent variables. The results are presented in Tables 3-5.

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<sup>192</sup> All performed Levine tests for homogeneity of variances allowed the further comparisons.

Table 3. Analysis of variance for *Willingness for cooperation*

Source	Type III Sum of Squares	df	Mean Square	F	p
Corrected Model	81.56	3	27.18	4.66	.003
Intercept	11290.70	1	11290.70	1936.81	.000
MIN/MAJ-NAT	43.68	1	43.68	7.49	<b>.006</b>
MIN/MAJ-LOC	.005	1	.005	.00	.977
LOC * NAT	2.56	1	2.53	.43	.510
Error	4424.61	759	5.83		
Total	31330.000	763			

The hypothesis that the status of minority on national level is associated with lower perceived willingness for cooperation is supported by the findings. The significant main effect ( $F_{nat}(1) = 7.49$ ;  $p < .01$ ) of ethnicity means that the minority status on a national level is accompanied with higher social trust that stems from perceived willingness for cooperation on a societal level, which is confirmatory finding for the first part of the proposed hypothesis. The expected absence of significant differences on a local level is also confirmed. The post-hoc test conducted to examine whether ethnic Macedonians who live in cities where they are minority have lowest average on this variable, did not fully support the expectation. The only significant difference ( $p < 0.05$ ) has been found between them and the ethnic Albanians who are minority at both levels. Thus,  $H_1$  is mostly, but not fully confirmed.

Table 4. Analysis of variance for *Diversity respect*

Source	Type III Sum of Squares	df	Mean Square	F	p
Corrected Model	566.74	3	188.92	16.18	.000
Intercept	33189.85	1	33189.85	2843.24	.000
MIN/MAJ-NAT	224.03	1	224.03	19.19	<b>.000</b>
MIN/MAJ-LOC	11.84	1	11.84	1.02	.314
LOC * NAT	3.98	1	3.98	0.34	.559
Error	8813.31	755	11.67		
Total	87496.00	759			

The hypothesis  $H_2$  that the status of minority on both national and local level is associated with lower social trust from perspective of perceived respect for diversity on a societal level was only partially accepted. Results presented in Table 4 show that there is a significant difference ( $F_{nat}(1)= 19.19$ ;  $p<.01$ ) only between ethnic Albanians and Macedonians (main effect1) and that the status on a local level does not contribute to the dependent variable ( $F_{loc}(1)= 1.02$ ;  $p>.05$ ) . Considering that ethnic Albanians perceive less respect for diversity than ethnic Macedonians, but minorities do not differ from majorities in general (absence of main effect 2),  $H_2$  is partially confirmed.

Table 5. Analysis of variance for Perception of security

Source	Type III Sum of				
	Squares	df	Mean Square	F	p
Corrected Model	392.87	3	130.96	39.31	.000
Intercept	4312.36	1.00	4312.36	1294.50	.000
MIN/MAJ-NAT	108.35	1.00	108.35	32.53	<b>.000</b>
MIN/MAJ-LOC	18.18	1.00	18.18	5.46	<b>.020</b>
LOC * NAT	2.32	1.00	2.32	0.70	.404
Error	2531.78	760.00	3.33		
Total	392.87	3.00	130.96	39.31	

The analysis has shown that both main effects are significant ( $F_{nat}(1)= 32.53$ ;  $p<.01$ ;  $F_{loc}(1)= 5.46$ ;  $p<.05$ ) and they are not accompanied with an interactive effect. Being minority both at national and local level is associated with feelings of being less secure, but there is no effect of interaction as it has been hypothesized. Thus,  $H_3$  is partially confirmed as well.

## Disussion

Taking into account that all tested hypotheses were partially confirmed, it is very hard to make general conclusions, especially because the issue of social trust is largely underexplored in this particular region. The only indication that appears to be quite clear is connected with the absence of significant interaction effects across all tested variables More precisely, it seems that the impact of being minority or majority

generally is the strongest one and that the experiences on a local level do not contribute much towards the cohesion, especially not in a way that it changes the direction of the effect. These findings are not in full congruence with the other studies where it is claimed that mere exposure to others decreases social trust (Aizlewood, & Pendakur, 2005; Dinesen & Sønderskov, 2015; Schaeffer, 2014; Veit, 2015). However, it has to be stressed that the comparison cannot be made without special caution regarding the context. Vast majority of studies were conducted in countries or regions where ethnic minorities are immigrants with no significant involvement in the political realm of the state.

Generally, results suggest that being majority on national level is linked to perceiving that the society respects diversity less and to feeling less secure. In most studies these links are explained with experienced or anticipated discrimination, as well as to lower socio-economic status and lower education which often overlaps with the ethnic categorization (Achbari, 2016). This might be a case in the Republic of Macedonia, but that does not mean that there are no alternative explanations. Another plausible interpretation might be that the group identity of minority collectives is built upon the narrative of being less powerful and under threat of oppression (Merino & Tileaga, 2010; van Dijk, 1993).

Last but not least, it should be stressed that this study has serious limitations that should not be ignored. Firstly, although planned in a way that resembles quota sampling, the sample is convenient. Along with that, very important factors that proved to be salient (Sturgis, Brunton-Smith, Kuha & Jackson, 2014) were not controlled: the extent of possibilities for contact that provides cooperation and whether some inter-ethnic social networks were established or not<sup>193</sup>. In addition, the instruments that were used are very limited in the number of items and the measurements are very robust and even not easily comparable with other similar studies. Another important methodological reminder is that the results are sensitive to the way in which social trust is operationalized and measured<sup>194</sup>.

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<sup>193</sup> Therefore, although our findings are in line with the conflict theory (Blalock 1967) which claims that social environments induce a feeling of threat in minority and majority groups, that does not necessarily mean that they oppose the competing contact theory.

<sup>194</sup> In this particular case, ethnic Macedonians and ethnic Albanians demonstrate differences in opposite directions when the variable is decomposed into two dimensions. Having been measured otherwise, these differences might have been blurred. In this context, it made sense

There are several general approaches proposed in relevant literature on how to increase the level of trust in social relationships and the feeling of security. Bar-Tall (2009) proposes reconciliation among groups which have experienced tensions, mistrust and conflict that might begin by institutionalizing values, beliefs, attitudes and practices of culture of peace mainly through education. Another way of building trust in inter-ethnic context is by investing into providing personal contact among individuals from different ethnic backgrounds based on the need for mutual cooperation (Lemmer & Wagner, 2015) as well as by addressing all kinds of structural inequalities (Portes & Vickstrom, 2011). This analysis however, once again points to the need of in-depth research of ethnic diversity and its effects on social cohesion that takes a more into account the nuances of the context as well as the perspectives of different groups. Having this in mind, it should be considered as an initiation of further relevant research (preferably both qualitative and quantitative) and debate on this important issue in the region rather than as a conclusive study.

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## **Security Culture as a Precondition for Multiculturalism (in the Balkans)**

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### **Abstract**

Security culture, as a relatively new and still insufficiently developed concept within security studies, has a wide range of meanings and interpretations, allowing us to view the application of this concept in different socio-political and security contexts. Multiculturalism is another phenomenon that does not have a long history, although it is very important in the contemporary world and manifests itself in various fields such as politics, culture, economy, education and, of course, security. The cultural diversity of every modern society is multidimensional and includes not only biological/sex differences, culturally translated into gender differences, but also generational differences as well as the socially conditioned ones which concern national, religious and regional affiliation and membership in a language community.

One of the many interpretations and explanations of the concept of multiculturalism at the beginning of the 21<sup>st</sup> century, particularly bearing in mind social practices, is that it poses a threat to security. Such a perspective on multiculturalism involves applying the concept of security culture in order to identify different forms of cultural pluralism, each of which can present a challenge with its specific characteristics, manifestations, and forms of (non-)acceptance by the wider social community.

Although societies and countries of the Balkans can be shown to be extremely multicultural, multiculturalism as a politico-ideological concept has not been given its rightful place in these very societies and countries. For that reason, in this paper we will try to show that development of security culture within different social subjects and institutions, such as educational, is a precondition for a better understanding of the contradictions and developmental prospects of multicultural societies (in the Balkans).

**Keywords:** security culture, multiculturalism, cultural pluralism, Balkans.

### **Multiculturalism**

Multiculturalism is emerging as a possible response to the problem of multicultural reality of modern societies. This concept involves various forms of cultural pluralism, each of which can present some kind of challenge. The issues and challenges of multiculturalism and cultural diversity are increasingly becoming major talking points at global political forums and within academic circles. As a policy, philosophy or social and intellectual movement, multiculturalism refers to the acceptance of different cultures in a society and entails active support for these cultural differences by various groups. While multiculturalism is increasingly recommended as effective intervention at a social level, above all at a local level, it is a debatable and emotionally fraught term (Verkuyten, 2004). The problems and dilemmas surrounding multiculturalism are addressed, among others, by political scientists, (moral) philosophers and sociologists (Taylor 1992, Goldberg 1994, Kymlicka 1995, Favell 1998, Barry 2001, to name a few). Some of them highlight the positive sides of multiculturalism (this concept offers a solution for the management of cultural differences), while others focus on the negatives (it aggravates the causes of conflicts, incites separatism and jeopardises social unity and cohesion).

The most commonly held view is that a state is multicultural if its citizens either belong to different nations (multinational state) or have emigrated from different nations (polyethnic state) and if this fact represents a major aspect of personal identity and political life. Some authors, political officials and civil society representatives use the term "multicultural" in a broader sense, so that it encompasses a wide range of non-ethnic social groups which are, for different reasons, marginalised or excluded from

the dominant social matrix. Others include enclaves, social movements and voluntary associations in the term (Kymlicka, 2004).

This diversity gives rise to a host of questions which can become points of contention in a state and society at a regional, national or local level. Establishment of regional autonomy, exercise of language rights, political representation, immigration policy and national symbols are only some of the issues that lead to conflict between national minorities and national majorities. The biggest challenge facing today's democratic countries, regardless of where they are in the world, is precisely how to resolve these problems in the most acceptable way.

If we were to go back in time and observe different historical periods and epochs, from the Roman Empire to the modern age, we would see that all the populations in these epochs were made up of linguistically, culturologically and religiously heterogeneous groups and that there was always the question of how to manage these different groups and negotiate their everyday practices and the interactions that surround them. The time of mass migrations in the second half of the 19<sup>th</sup> century brought with it some new issues concerning diversity management, but expectations for assimilation, on one hand, and public rejection of social and cultural differences, on the other, were largely responsible for keeping the government in power in certain countries. The second half of the 20<sup>th</sup> century is famous for the emergence of different civil rights movements, which called for, among other things, public measures for reducing discrimination, as well as different challenges facing social, political and public services that arose from the new wave of immigration. The period saw the adoption of policies, structures and programmes designed to tackle the new differences and integrate them into the existing social structure.

In order to respond to multiculturalism adequately different institutional initiatives were launched, opening up numerous possibilities such as group representation in local and national authorities, restructuring of public services, introduction of measures for the promotion of equality, respect and tolerance, especially the dominant population's tolerance of the minorities, and provision of funds to aid continuity of tradition and identity among immigrant groups (as opposed to assimilation). As Steven Vertovec states in his text, in many countries multiculturalism required actions in the following areas:

- public recognition: supporting ethnic minority organisations, facilities and activities and creating public consultative bodies incorporating such organizations;
- education: often addressing dress, gender and other issues sensitive to the values of specific ethnic and religious minorities; creating curricula reflecting the backgrounds of ethnic minority pupils; offering mother tongue teaching and language support and establishing own schools (publicly financed or not);
- culturally sensitive practices, training and information established within social services and among healthcare providers, police and the law courts;
- public materials: providing public material (such as health promotion campaigns) in multiple languages;
- law: recognising cultural exceptions to laws (such as Sikh turbans instead of motorcycle helmets); permitting oaths on sacred books other than the Bible; recognising other marriage, divorce and inheritance traditions;
- protecting cultural practices from discrimination and incitement to hatred – religious accommodation: permitting and supporting the establishment of places of worship, cemeteries and funerary rites; allowing time off work for worship;
- food: allowing ritual slaughter; providing proscribed foods (halal, kosher, vegetarian) in public institutions;
- Broadcasting and media: monitoring group images to ensure non-discrimination or to avoid stereotypes; providing own media facilities for minority groups (Vertovec, 2010:84).

As we have already mentioned, developed, western societies (democracies) approach multiculturalism differently from the rest of the world, which is why this issue has been developed and accepted to varying degrees as a political and ideological concept. A recurrent dilemma in all societies is how to achieve, by means of democratic multiculturalism, a rich pluralist culture that includes society as a whole rather than have a mere assimilation of minority cultures. Balkan countries and societies find this issue/problem even harder to resolve, seeing as they have not even reached the appropriate degree of democracy, that is, of democratic and political culture. Another dilemma that stems from the discussion about multiculturalism and the failure of some ethnic communities to integrate into a majority society is whether that poses a threat

to (national) security and how to strike the right balance between safeguarding cultural diversity and maintaining national cohesion in times of war or a state of emergency. In other words, is it possible to reach a compromise between multiculturalism and security and, furthermore, how can this be achieved in the Balkans?<sup>195</sup>

Namely, the Balkans is a region with an undefined and unstable political identity. Adding to this observation a new one – that one should renounce one's national identity and nationalism in order to embrace liberal, European and Western principles – only causes more frustration for all Balkan peoples. Most Balkan nations see themselves as peoples living at the crossroads where roads between Europe and Asia both converge and diverge. In addition to being the historic birthplace of numerous civilisations, the Balkans is also a zone characterised by ethnic heterogeneity, on one hand, and the meeting place of three major religions, i.e. Western Christianity, Eastern Christianity and Islam, on the other. This ethnic, religious and cultural heterogeneity is often cited as the main cause of conflicts, historical turmoil and interethnic wars, as well as an impediment to the region's complete self-identification and preservation of an established cultural identity. Under the influence of a dynamics determined by ethnic and religious heterogeneity, thus established identity of the entire region or individual peoples inhabiting it is subject to changes and internal transformations (Štrbac, 2007).

Lack of intercultural communication in the Balkans, which is a prerequisite for cultural convergence, is the result of interethnic relationships being burdened with past events, hostility and prejudice. Terms such as European "powder keg" and "balkanisation" were coined in late 19<sup>th</sup> and early 20<sup>th</sup> centuries to denote the events and relations between Balkan countries. Some authors identify culture as the trigger for hatred and wars in the Balkans, which was particularly evident in the 1990s. Today, those who support this view also claim that culture emerged almost intact from these

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<sup>195</sup>This is not an easy question to answer not only in connection with the Balkans but more generally, especially when other categories are factored into the analysis. Namely, it is said that freedom is a key factor in security, and both are significant for multiculturalism. Everything, then, can be considered in terms of how much freedom, what kind of freedom, who should be given freedom, why and how freedom should be restricted, and who should have their freedom restricted, etc. in society and in the states that are rich in various cultural and national identities whose needs for an adequate degree of freedom is often in conflict with each other.



wars and that it is ready, if the need arises, to once again serve the same purpose: to ignite (Stanarević, Dimitrijević, Milenković, 2013).

On the other hand, establishment of a multicultural public sphere in the Balkans seems impossible due to its heavy politicization which prevents minority rights emerging from the obscurity of intimacy and privacy. "Conflicts and war ideologies in the Balkans can only partly be explained by internal contradictions, as they almost always appear in tandem with interested political elites" (Milošević, 2007:13). Even when talking about the concept of public recognition of minority identities, that is, their protection by a special legal status, we can see how difficult it is to consider it outside the political framework.

This is because the state is not neutral about differences, and its institutions could be said to favour "some languages, majority cultural practices or national symbols, at the expense of others" (Pešić, Novaković, 2010:150). This is particularly pronounced in the process of creating a national state on the following principle: one nation, one language, one culture, one territory. The consequence of such a process in the Balkan region is domination of the social majority, that is, assimilation and lack of recognition of minority groups and their cultural identities. There is a huge gap between civil rights and national identity seeing as members of minority groups in the Balkans feel marginalised due to their different social and cultural identity, despite all the common citizenship rights they enjoy. For, as one of the founders of the concept of multiculturalism, Will Kymlicka, points out: "citizenship is not only a legal status, defined by a set of rights and responsibilities. It is also an identity, an expression of one's membership in a political community" (Kymlicka in: Pešić, Novaković, 2010:150).

The liberal model, according to which cultural minorities will be protected if basic civil and political rights are guaranteed to all individuals regardless of their social and cultural affiliation, has proved to be somewhat flawed in multicultural societies in the Balkans. Civil rights cannot be said to be ethically neutral, since cultural affiliation determines the outcome of political decisions and, as a result, the state is not "blind to differences" (Puzić, 2004). What is more, consciously or unconsciously it promotes some languages, cultural practices or national symbols while inevitably ignoring or suppressing others. However, such coexistence is hard to forge in the Balkans and, consequently, instead of finally working towards a "culture of peace", Balkan societies are once again engaging in ideological mobilization of the masses. So here we are, reproducing the discourse of "balkanization" all over again.

## Security culture and multiculturalism

Without wishing to delve deeper into all that multiculturalism is and is not, that is, into all of its manifestations and varieties observed, for example, in the USA, Canada, Australia or Great Britain, we would like to show how better to understand the many contradictions and development potential of multiculturalism and multicultural societies (for instance, in the Balkans). There have been numerous attempts to prevent cultural diversity in a society from becoming a serious threat, which can easily disrupt social relations. The concept of multiculturalism has revealed both its advantages and disadvantages in an attempt to solve the problems that may arise from cultural diversity. By developing different policies and programmes in political, social, educational or other spheres, this concept managed to partially solve some problems while creating new ones. In response to the threats of terrorism and political violence or the big wave of migrations in recent years, security has come into a sharper focus, coinciding with the attack on multiculturalism and the suitability of multiculturalist policy.

For this very reason, we have come increasingly to perceive multiculturalism as a challenge, as an ideological and political response which creates problems, disrupts unity or the form of community achieved in a society. In the wave of migrations sweeping Europe in recent years, there is more and more talk about securitization of migrations and, by extension, of multiculturalism. In a bid to determine whether it is appropriate to securitize migrations and, by extension, multiculturalism, we must look for those concepts and practices that will provide a suitable solution for situations in which it is (il) legitimate to talk about securitization and representation of migrations and multiculturalism as security problems, as well as for the factors that can be necessary prerequisites for a proper understanding of these phenomena. It seems to us that security culture is one of those factors.

From a modern standpoint, security culture refers to the way in which certain ideas about the security system and structure are developed, as well as about what is perceived as a danger to our lives or a threat to our values, and is at the same time our most obvious defence against them. It is a factor in shaping what is invaluable or important and it regulates our moral, security, economic and political priorities (Stanarević, 2012). In addition to defining the possibilities and limitations of what is considered important, valuable or not valuable, security culture determines what does

and does not deserve protection and how to go about providing it. We have already stated that Balkan peoples lack democratic and political cultures or, more precisely, a full manifestation of these cultures, but before these cultural forms are fully developed, it might be more worthwhile to develop a security culture.

Security culture is also manifested in the way we understand the environment in the broadest sense, show an understanding for the dynamic of social relations (both at an individual and general level, between different social groups, different cultures, etc.), perceive the importance of absolute control over one's own goods (the principle of sovereignty) as well as in the way in which we perceive and define dangers and/or threats, determine interests and choose means or instruments of action (Stanarević, 2012).

It is a well-known fact that culture, as a collective heritage, offers guidelines to its members and produces a wealth of ideas and practices, rules and norms which indicate what is right and what is wrong. Also, culture shapes the lives of its members, not only as individuals but also collectively. Like traditional culture, security culture selects values, in this case those which are relevant to survival (of an individual or community) and which should assume a leading role in society, particularly when the values of different groups are in conflict or threaten to provoke conflict (Stanarević, Gačić, 2014).

In that case, there are many possibilities and many values to be chosen, even when they are not necessarily key to survival but are only a token of respect for some human or minority rights. So, for example, if we must choose between freedom and security, or between freedom, security and multiculturalism, we need to introduce some principles that will help us more easily to resolve potential contradictions which arise from favouring one of the aforementioned values. In his text *The Challenges of Multiculturalism*, the author Malory Nye discusses the principle of recognising and acknowledging diversity, the study of differences – a multicultural society is unstable if it is based on the isolation of certain groups and the different groups' unfamiliarity with each other – the principle of tolerance and understanding, as well as the strengthening of general shared identity which goes beyond but at the same encompasses singularities (Nye, 2007). The European Union and the Council of Europe advocate an alternative to multiculturalism – intercultural dialogue – and it is the above principles that these institutions promote in the process of establishing new frameworks of soft

policy measures as support to strategies for opening dialogue between different cultural groups in a society<sup>196</sup>.

The European Union also defines standards with which the legal systems of all new member states must be aligned. Minorities are a major issue as far as organization of political, cultural and economic life is concerned, rather than a lesser phenomenon which can be solved by technical means. Tackling the issue of minorities on legal bases is aimed at integrating minorities into society – into its political, economic, cultural and other forms and institutions. This would help avoid assimilation and ghettoization, and harmonise the relations and cooperation between the majority and all the minorities in keeping with the principles of the rule of law and the democratic social system. Difficulties arise out of the vast differences in the economic position, the infrastructure of the education network and the level of education of some minorities, as well as in their material and human resources. Difficulties are also due to the failure of the national education system to adequately deal with these issues. Even when laws and regulations are in place, their enforcement lacks appropriate activities and results.

Since the modern world is full of contradictions, the inevitable question is how and to what extent education can help avoid conflict and develop awareness of “the other” and of the interdependence, challenges, risks and threats which put a strain on everyday life and which will encourage people to face them and respond appropriately; also, it can help inspire people to cooperate. Level of education, quality of education and academic achievements all have an impact on how a person treats themselves, other people, members of different ethnic groups, mankind (Irvine, 2003). For this reason it is very important how curriculums and syllabuses are designed and developed at all the levels of the national education system, what personnel should be trained to pass on knowledge, and how and under what circumstances knowledge is passed on.

Unified national education programmes must be created so as to promote values which are important for a future shared life and ideas which will bring stability and, above all, security for the entire community; furthermore, they must fulfil conditions that involve traditional values connected with the life of all the groups living

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<sup>196</sup> In 2008, at the Council of Europe Ministers of Foreign Affairs 118<sup>th</sup> Ministerial Session, the White Paper on Intercultural Dialogue was adopted, and it was presented as a model for cultural diversity management aimed at future. The basic idea of this concept is "Living Together as Equals in Dignity". (White Paper, 2008). Dimitrijević, Branko, ed. *Bela knjiga o interkulturnom dijalogu "Živimo jednaki u dostojanstvu"*. Beograd. Ministarstvo kulture Republike Srbije 2009.

in this space, appeal to all social strata, respond to challenges responsibly and appeal to neighbouring countries, with which they primarily cooperate and develop good-neighbourly relations. This further implies that multiculturalism is understood not only as cultural diversity but also as a need to ensure equality as well as other components such as social equality and inclusion (Berry, 2012).

Ideas about *culturally responsive teaching*, *multi-cultural education* and the like are already established in the literature and the education programmes of many countries. As the author Geneva Gay stated back in 1972:

“Education must be specifically designed to perpetuate and enrich the culture of a people and equip them with the tools to become functional participants in society, if they so choose. This education cannot progress smoothly unless it is based upon and proceeds from the cultural perspectives of the group of people for whom it is designed. Since all Americans do not have the same set of beliefs, attitudes, customs, values, and norms, a single system of education seems impossible to serve everyone. . . . [Educators] must accept the existence of cultural pluralism in this country and respect differences without equating them with inferiorities or tolerating them with an air of condescension” (Gay, 1972: 35).

Or expanded on her views in 2010:

“Culturally responsive teaching is the behavioural expressions of knowledge, beliefs, and values that recognize the importance of racial and cultural diversity in learning. It is contingent on . . . seeing cultural differences as assets; creating caring learning communities where culturally different individuals and heritages are valued; using cultural knowledge of ethnically diverse cultures, families, and communities to guide curriculum development, classroom climates, instructional strategies, and relationships with students; challenging racial and cultural stereotypes, prejudices, racism, and other forms of intolerance, injustice, and oppression; being change agents for social justice and academic equity; mediating power imbalances in classrooms based on race, culture, ethnicity, and class; and accepting cultural responsiveness as endemic to educational effectiveness in all areas of learning for students from all ethnic groups” (Gay, 2010:31).

While it may be common knowledge, it bears repeating that education is charged with tasks of a wider social importance – to guide people and instil in them human rights, aesthetic, moral, ethnic, national, cultural and universal humanistic values, and teach them to understand the necessity of international cooperation and preservation of world peace and security as the prerequisites for human existence. In modern society, increasing importance is attached to education not least because of the ever-growing complexity of all forms of life and the introduction of high technologies, which also carry with them certain security risks. In that sense, raising the level of security culture through a national education system is instrumental in saving the human community from (self-) destruction, in which process the power of the human intellect and culture is relied upon the most.

Namely, let us recall a definition given by Ljubomir Stajić, who says that

“security culture is a set of accepted attitudes, knowledge, skills and rules from the field of security, manifesting themselves as behaviour and process, about the necessity, ways and means of protecting personal, social and international values from all sources, forms and agents of threat, regardless of the time or place of their realisation” (Stajić, 2013).

If we lay emphasis on knowledge, considering the context in which Stajić provided his definition, then it refers to theoretical, practical, professional and personal knowledge (learning) that helps to identify correctly and explain the phenomenon of threats as well as the knowledge that serves to remove and suppress or, at the very least, mitigate them. This kind of knowledge is acquired through education in the field of security and other social, technical or natural disciplines.

Security culture as a body of knowledge can be represented and examined through a modern, humanistically conceived curriculum which is meant to offer a possibility of creating a general sociocultural climate conducive to the exercise and respect of basic human rights, non-violent behaviour and development of soft skills and hard skills for the application of these principles in day-to-day life. The concept of security culture looks at the factors which fall within the scope of analysis, contributing to greater security, and at the socio-political and economic relations which are most likely to generate maximum security for individuals, groups, nations-states and the world as a whole. Furthermore, it is necessary to develop the ability to understand and respect the role of culture and its influence on politics, strategy and security, this being a key skill of security thinking. Cultural knowledge involves the capacity to examine

history, values, ideology, politics, religion and cultural and other dimensions, as well as to assess their potential impact on security policy. It is worth pointing out that not only knowledge about security and security phenomena (as stated in some definitions) but also cultural knowledge, if only as a context in which a security phenomenon takes place, are significant for the development of new perspectives on security culture. One of the new perspectives is multiculturalism, that is, multicultural societies and environments which experience some kind of security issue that needs to be understood, explained and resolved taking into account the different cultural practices, cultural patterns, and traditional, religious or ethical systems of the social groups living in that space.

Unlike traditional curriculums, which essentially entailed students learning the content of a syllabus by rote, modern curriculums are aimed not only at developing critical thinking, research skills and problem-solving skills in students, but also at enabling them to make decisions that are important for leading a successful life in a fast-changing society which is going through crisis cycles and in which the acquired knowledge fast becomes obsolete. In other words, what we need is knowledge about constructive human behaviour and skills which can be used to prevent the harmful consequences of fast changes for every individual, social group and society as a whole. These skills derive from knowledge about gender equality and human rights principles and non-violence as well as from the ideas about why and how these principles should be upheld, elaborated and applied in practice. These principles should be discussed with all the actors in the educational process (both the formal and informal dimension) in the context of the characteristics of these actors, their immediate and broader social environment, dominant religion and cultural traditions.

All the above can once again be confirmed by the views expressed by Geneva Gay, who argues that culturally responsive teaching

“simultaneously develops, along with academic achievement, social consciousness and critique; cultural affirmation, competence, and exchange; . . . individual self-worth and abilities; and an ethic of caring. It uses [different] ways of knowing, understanding, and representing various ethnic and cultural groups in teaching academic subjects, processes, and skills. It cultivates cooperation, collaboration, reciprocity, and mutual responsibility for learning among students, and between students and teachers. It incorporates high-status, cultural knowledge about different ethnic groups in all subjects and skills taught. . . . Thus, [it] validates,

facilitates, liberates, and empowers ethnically diverse students by . . . cultivating their cultural integrity, individual abilities, and academic success." (Gay, 2010: 45–46).

In addition to the foregoing, all the experiences, ideas and issues that appear in the meantime should be analysed, directed and encouraged in such a way as to foster the development and dissemination of security culture as a new manifestation of the knowledge that should contribute to survival, development and well-being. This must also entail measures for greater equity in access to education (at all levels) of all social strata, greater education coverage, greater efficiency and access to education, and, of course, curriculums and syllabuses suited to future needs and tailored to the needs of different groups.

The development and application of the concept of security culture based on education involves transmitting and cultivating knowledge, abilities and specialised skills, forming opinions and broadening the horizons of individuality. Like other social institutions, formal institutions in the field of education and upbringing have manifest and latent functions. Manifest functions include, for example: teaching and learning (foreign) languages, mathematics and natural sciences, and knowledge from the fields of economy, geography, history and law. Latent functions include cultural codes, maintenance of social control and social hierarchy, and promotion of social integration, all of which are instrumental in supporting multiculturalism.

As cited in the literature that deals with this problem matter, there is an ongoing historical attempt to construct a new set of educational practices in response to turmoil and violence and, by extension, to security concerns. In this context, the idea of the individual subject, which was the object of much calculation in a material context, was also part of a related series of practical transformations, an attempt to rearticulate both identity and epistemology in the service of new social practices which lead to peace and civil order.

We live in a time of innovations and breakthroughs in the very techniques for conducting culturological research into matters of peace and security. Educational institutions, particularly institutions of higher education, need to be part of a wider surge of interest in cultural research as well as issues of conflict and other security problems. Major advances in the overcoming of cultural barriers concerning the challenges of global governance can be made if a range of changes are implemented, from cultural education to culturological research, as well as in situational drafts and local actions. This must be done with dedication, expertise and creative exploitation of



available resources and demonstrated through modelling, simulation, experiments and various forms of play. In other words – new problems, new parameters, new measures, new models and, finally, new approaches to developing and applying security culture. The acquired knowledge and skills must be applicable and usable in economic and practical life. They represent the wealth of all the members of a community and, as a shared value, serve the interests of the entire community.

### **Conclusion**

Just like in the distant past, the modern state also tries to exert powerful centralising forces in order to achieve cultural homogeneity, which essentially equates unity with homogeneity and equality with uniformity. However, modern multicultural societies are a unique historical phenomenon which opens up new questions and calls for new concepts for a better understanding of its contradictions and development perspectives. The notion of multiculturalism is one of these concepts, and it is often explained as a political and social response to a social situation where there is no longer a consensus on a unified national culture which is meant to integrate a multicultural society.

However, despite people's hopes, multiculturalism has not produced a unified community in which groups with different cultures and traditions live together in harmony. It has been shown to cause segregation and lead to the division of communities with very little solidarity between groups. If not properly governed, it can eventually become a threat to security and stability within states, as well as within the international system. This is why we have tried to point out the importance of security culture as a precondition for a successful multicultural society, i.e. multiculturalism, which is supposed to be a valid political response to the challenges of globalisation, migration and other modern security challenges.

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## COLLECTIVISM AND RIGHT-WING AUTHORITARIANISM AS PREDICTORS OF ETHNOCENTRIC ATTITUDES: THE MODERATING ROLE OF MAJORITY/MINORITY STATUS

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### Abstract

Building on several findings on the relationships among collectivism and orientations toward authoritarianism on one hand and collectivism and ethnocentrism on the other, the authors examine the possibility of predicting ethnocentric attitudes on the base of these variables by taking into account the potential moderating role of membership to the ethnic group that has majority or minority status.

The study was conducted with a sample of 777 participants (49.3% ethnic Macedonians and 50.7% ethnic Albanians) from different urban areas in the Republic of Macedonia (34% from Skopje) at the age range from 18 to 58 ( $M=34.0$ ,  $SD=10.3$ ). All participants responded to self-report questionnaires on ethnocentric attitudes (15-item scale by Neuliep, 2002), right wing authoritarianism (22-item scale by Altemeyer, 2006) and collectivism (10-item scale by Yamaguchi, 1994).

A three-step hierarchical multiple linear regression analysis was performed among ethnic Macedonian (as majority group) and ethnic Albanian study participants (as minority group) separately. In the first block, gender was controlled for; in the second and in the third block authoritarianism and collectivism, respectively, were entered in the model. It was found that gender explained small, but significant part in the variability of ethnocentrism among ethnic Macedonian participants ( $F(1, 355)=5.30$ ;  $p<.05$ ). Authoritarianism accounted for significant 10.6% in the variance of ethnocentric attitudes ( $F(1, 354)=42.79$ ;  $p<.01$ ), while collectivism was not statistically significant predictor of the explored attitudes in this subsample. Analysis conducted among ethnic Albanians revealed that gender was not significant predictor of ethnocentrism, whereas both authoritarianism and collectivism significantly predicted ethnocentric attitudes ( $F(1, 332)=7.26$ ;  $p<.01$  and  $F(1, 331)=8.27$ ;  $p<.01$ , respectively). The results were discussed from the perspective of the finding that these studied associations were moderated by majority/minority status.

**Keywords:** authoritarianism, collectivism, ethnocentrism, majority/minority status

## Introduction

A considerable body of literature shows that there are empirically proved links among ethnocentrism, authoritarianism and inclination towards discrimination, prejudice, and hostility for ethnic or national outgroups (e.g., Altemeyer, 1981; Altemeyer, 2006; Duckitt, 1992; Radkiewitz, 2016). Based on these findings in the sphere of social psychology, numerous authors have initiated rich debates about these links in the realm of public policy and politics (e.g. Biro, Mihic, Milin, & Logar, 2002; Kuzio, 2015; McFarland, 2003).

Knowledge about these links has an immense value in predicting important societal outcomes and creating adequate policies in today's growingly diverse world. There are many indications though, that policy makers need more contextualized data instead of generalized findings. This study is an attempt to provide information on these relevant linkages in a country where the two biggest ethnic groups have a history of relations that could be described as tensed, distrustful and distant (Hislope, 2007;

Maleska, 2010; Petroska-Beshka & Kenig, 2009). In doing so, we are considering the social identity theory (SIT) as being a main theoretical frame (Tajfel, 1978). This theory claims that the maintenance of positive group identity results in in-group/out-group bias. These positive in-group (we/us) perceptions versus negative perceptions of out-groups (they/them), produce an opportunity for strengthening social identity and enhancing the own self-esteem. Ethnocentrism might be seen as an element of the in-group favoritism when the identity group is the ethnic/national one, because it is a net of attitudes expressing the belief that one's own ethnic group is superior to other ethnic groups and that one's cultural standards should be applied universally (Hooghe, 2008).

According to the social identity perspective, when people categorize themselves as members of a group (in our case an ethnic group), their social (ethnic) identity is made salient, they experience depersonalization and perceive themselves as compatible with other ingroup members (Turner, Hogg, Oakes, Reicher, & Wetherell, 1987). In that way, their personal identity generally dissolves and they act as members of the group, not separate individuals. In these circumstances, people discriminate in favor of the ingroup because they see their ethnic group as more important than outgroups and want to achieve a sense of positive group distinctiveness or relative group superiority. Therefore, self-categorization as an ethnic group member, subsequent depersonalization, and needs for relative group superiority are perceived as prerequisites for emerging ethnocentrism.

There are two major lines of defining ethnocentrism. One describes it as a tendency to view other groups or cultures from the perspective of one's own and to evaluate them according to preconceptions originating in the standards and customs of one's own culture. The other view focuses more on the outcomes of such perception and sees ethnocentrism as tendency to believe in the inherent superiority of one's own ethnic group or culture (Berry, Poortinga, Segall, & Dansen, 2002). On the other hand, there is empirical evidence that ethnocentrism has intergroup as well as intragroup expressions (Bizumic, Duckitt, Popadic, Dru, & Krauss, 2009). While intergroup ethnocentrism derives from the belief that the ingroup is more important than outgroups, intragroup ethnocentrism is related to the view that one's own group is more important than its individual members. In whatever way it is conceptualized, ethnocentrism is of great importance for peace scholars because it largely contributes

to direct and/or structural forms of violence (Christie, Tint, Wagner & Winter, 2008; Galtung, 1985).

The constructs described by Hofstede (1980) as dimensions of culture, gain increasing attention not only in the area of cross-cultural psychology, but also in the sphere of organizational sciences, sociology and political science. It is assumed that the cultural differences across a variety of social phenomena, such as political structures, shared preferences and norms and typical behaviors are directly influenced by this dimension (Singelis, Triandis, Bhawuk, & Gelfand, 1995). The most scrutinized dimension, especially in relation to ethnocentrism, is the one identified as individualism-collectivism. Collectivism is defined as preference for a tightly-knit framework in society in which individuals can expect members of a particular in-group to protect them in exchange for unquestioning loyalty (Hofstede, 2011). In his voluminous research, Hofstede proposes a simple way of measuring the extent to which cultures are collectivistic or individualistically oriented. In 2006, ethnic Macedonians and ethnic Albanians in the Republic of Macedonia have been ranked among the cultures that are highly collectivistic (Кениг, 2006).

Triandis (1998) has argued that members of collectivist cultures are expected to display obvious ethnocentric attitudes. Individuals who live in collectivistic societies are expected to endorse higher ethnocentric attitudes simply because in comparison to individualists, they make sharper distinctions between in-groups and out-groups, whereas among individualists, this distinction is typically weaker (Gelfand, Bhawuk, Nishii & Bechtold, 2004). One of the consequences is that collectivists are less prone to establishing contacts with out-group members and are more 'anchored' in the position of the group(s) where they belong (e.g. Toharudin, Johan, Jaak, & Billiet, 2008).

The link between collectivism and authoritarianism has been empirically proved as well. Collectivistic homogenization supports authoritarianism by stressing the interdependence between the self and one's group or community. In addition, collectivistic societies prioritize goals that are based on group norms and articulated by traditional authority figures (Oyserman, Coon, & Kimmelmeier, 2002).

Ethnocentrism is usually defined as a psychological disposition with twofold outcome. On one hand, usually seen as the "positive" consequence, ethnocentrism helps "patriotism and willingness to sacrifice for one's central group" (Neuliep & McCroskey, 1997: 389) and serves as a building block in construing and maintaining one's cultural/ethnic identity. On the other, ethnocentrism largely contributes toward

developing ethnic prejudices and decreases acceptance of out-groups. This is the outcome that provides direct link to authoritarianism.

In his influential theory on authoritarianism, Altemeyer (1981) expressed strong belief that authoritarian individuals, defined as those who adhere firmly to conventional norms and are uncritically submissive to authorities and approve punishing violations of norms, at the same time are "incredibly ethnocentric" (2006: 30). Empirical studies have largely confirmed that authoritarians (high-RWA people) are at the same time highly prejudiced. They accept negative attitudes towards women and LGBT population (e.g., Ekehammar, Akrami & Araya, 2000; Radkiewicz, 2016; Whitley, 1999) and various ethnic groups (e.g., Akrami, Ekehammar, & Araya, 2000; Van Hiel & Mervielde, 2002) and approve penal code violence and wars (Benjamin, 2006).

It is considered that the link between authoritarianism and ethnocentrism is established through the underlying preferences for conservative values. Thus, the attitudes of authoritarians regarding their own nation are loaded with exclusiveness and tendency to preserve the desired homogeneity and purity of the in-group (Radkiewicz, 2016).

Studies have also shown that ethnocentrism may be mediated by different other personal and social variables. For instance, women are less ethnocentric than men (Neuliep, Chaudoir & McCroskey, 2001; Tordjman-Nebe, 2010) and younger tend to be less ethnocentric too. Lin, Rancer & Trimbitas (2005) found that historical events and culture may as well mediate differences in the level of ethnocentrism and Swenson and Visgatis (2012) proved that media attention increases ethnocentric attitudes.

Conventionally, the literature of intergroup relations focuses solely on examining the ethnocentrism of the dominant (majority) group. One reason for that is that the consequences of such attitudes in majority groups are treated as more problematic. However, neither theory nor experience offers solid ground to expect less ethnocentrism from minority groups. This study attempts to examine the possibility of predicting ethnocentric attitudes on the base of collectivism and right-wing authoritarianism by taking into account the potential mediating role of membership to the ethnic group that has majority or minority status.



## Method

### *Participants*

The sample consisted of 777 participants (50.8% ethnic Macedonians and 49.2% ethnic Albanians) from different urban areas in the Republic of Macedonia (34% from Skopje) at the age range from 18 to 58 ( $M=34$  and  $SD=10.3$ ). Half of the respondents were women (52.1%) and all have completed at least secondary education.

The recruitment was on a voluntarily bases. Previously trained psychology students (ethnic Macedonians and ethnic Albanians) were seeking for participants who would accept to participate and were eligible in accordance with the set of criteria regarding age, ethnicity, place of living and education. The paper and pencil questionnaires were responded anonymously in presence of a field worker responsible for gathering the data.

### *Instruments*

All participants responded to self-report questionnaires on ethnocentric attitudes: 15-item Ethnocentrism scale (Neuliep, 2002), 22-item Right-wing authoritarianism scale (Altemeyer, 2006) and 10-item scale on collectivism (Yamaguchi, 1994). All of them were administered as 7-point Likert scales. The higher the score, the higher is the presence of measured variable.

*Neuliep's Ethnocentrism scale* (ETHN) was designed to measure the concept defined as perception that one's own group is superior to others and that it is a central point of reference. The author claims that the items relate to the cultures of different parts of the world and that the expected consistency should be in the range of  $r=.80-.90$ . For the purposes of our study this scale was adapted to refer to relations between "our" culture and the cultures of the "other" ethnic groups living in the country. Cronbach alpha coefficient for the adapted Ethnocentrism scale for our sample was  $\alpha=0.70$ .

Altemeyer has developed several versions of the *Right-Wing Authoritarian scale* (RWA) which were successfully and widely used to measure a concept that he describes as the closest covariate to (1) submission to the established and socially legitimized authority; (2) intentional desire to cause harm to other persons in the name of that authority; and (3) conventionalism and acceptance of law as the basis for

morality (Altemeyer, 1981). The instrument has fairly high internal consistency of  $\alpha=0.68$ , yet beyond the most usually reported values in the literature.

The 10-item Collectivism scale (COL) proposed by Yamagutchi (1994) has been chosen among several well-known instruments that measure the same concept because of its practicality. It is aimed to identify the extent to which individuals endorse collectivistic values, practices and identities. High values in collectivism mean prioritizing group as opposed to individual goals and focusing on things such as fitting into the group, behaving in ways that are line with social norms, group solidarity, and gaining a sense of identity from being part of the group. Considering the number of items, the internal homogeneity of  $\alpha=0.61$  is acceptable.

All instruments were prepared both in Macedonian and in Albanian language. The semantic equivalence of these two versions was checked and confirmed by using forward-backward translation performed by two independent Albanian native speakers. The averages on separate items and the inter-item correlations have not detected substantial dissimilarities in how participants with different ethnic backgrounds included in the study responded, suggesting that the same concepts were measured in both groups.

## Results

A three-step hierarchical multiple linear regression analysis was performed among ethnic Macedonian and ethnic Albanian study participants separately<sup>197</sup> by using the SPSS 17 software. In the first block participants' gender was controlled for; predictor variables authoritarianism and collectivism were entered in the second and in the third model, respectively. The criterion variable was ethnocentric attitudes. The pre-assumptions for performing regression analysis were tested and confirmed as proper for the both research subsamples.

Basic descriptive statistics of ethnocentric attitudes, authoritarianism and collectivism among ethnic Macedonians and ethnic Albanians are presented in Table 1. On average, ethnic Macedonians are less ethnocentric and reported lower level of right-

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<sup>197</sup> The analysis was performed with a total number of 692 cases with valid responses provided for all included items.

wing authoritarianism compared to ethnic Albanian counterparts ( $t(736)=5.64; p<.01$  and  $t(745)=3.46; p<.01$ ). The level of collectivistic orientation is equal in both groups.

Table 1. Descriptive statistics and differences of means of study variables in the two subsamples

	ethnic Macedonians (N=378)				ethnic Albanians (N=377)				t	p
	M	SD	X <sub>min</sub>	X <sub>max</sub>	M	SD	X <sub>min</sub>	X <sub>max</sub>		
Ethnocentric attitudes	48.49	11.70	22	84	53.03	10.81	26	80	5.46	.000
Right-wing authoritarianism	94.09	14.68	54	133	97.30	11.03	57	137	3.46	.001
Collectivism	50.30	5.99	31	65	49.10	8.06	27	68	-1.84	.065

As can be seen from Table 2, hierarchical multiple linear regression analysis revealed that gender explained small (1.5%), but significant part in the variability of ethnocentrism among ethnic Macedonian participants (Model 1;  $F(1, 355)=5.30; p<.05$ ). Females scored lower on ethnocentrism in comparison to males ( $M_f=47.36$  vs.  $M_m=50.04; \beta=-.121, p<.05$ ). Authoritarianism accounted for significant 10.6% in the variance of ethnocentric attitudes (Model 2;  $F(1, 354)=42.79; p<.001$ ) indicating that study participants with Macedonian ethnic background who reported higher tendency for authoritarianism, have stronger ethnocentric attitudes ( $\beta=.325, p<.001$ ). Collectivism was not statistically significant predictor of the explored attitudes in this subsample (Model 3;  $F(1, 353)=.024; p>.05$ ).

Table 2. Hierarchical multiple linear regression analysis performed on the two subsamples

Model		Ethnic Macedonians				Ethnic Albanians			
		$\beta$	t	R	$\Delta R^2$	$\beta$	t	R	$\Delta R^2$
1	Gender	-.121	-2.30*	.121	.015*	-.009	-.17	.009	.000
2	Gender	-.107	-2.14*			-.006	-.11		
	RWA	.326	6.54***	.348	.106***	.146	2.69**	.147	.021
3	Gender	-.107	-2.14*			.000	.01		
	RWA	.325	6.43***			.127	2.34*		
	Collectivism	.008	.16	.348	.000	.156	2.88**	.213	.024

\*  $p<.05$ , \*\*  $p<.01$ , \*\*\*  $p<.001$

Results obtained in the ethnic Albanian subsample (Table 2) showed that gender was not significant predictor of ethnocentrism (Model 1;  $F(1, 333)=.030$ ;  $p>.05$ ). Authoritarianism significantly predicted ethnocentric attitudes accounting for 2.1% in the variation in this variable (Model 2;  $F(1, 332)=7.26$ ;  $p<.01$ ). Additional significant 2.4% of the variability in ethnocentric attitudes was explained by collectivistic orientation (Model 3;  $F(1, 331)=8.27$ ;  $p<.01$ ). These findings demonstrated that both strongly expressed tendency to authoritarianism and higher collectivistic orientation were related to higher level of ethnocentrism among ethnic Albanian respondents ( $\beta=.127$ ,  $p<.05$  and  $\beta=.156$ ,  $p<.01$ , respectively).

## Discussion

The research highlighted the necessity of understanding the social and cultural context of intergroup relations and the importance of differentiating between individual versus cultural level of analysis in related research. First of all, the obtained results provide evidence that the ethnic Albanians (the minority group) are more ethnocentric than the ethnic Macedonians (the majority group). From the social identity perspective, this finding indicates that, compared to ethnic majority group members, the ethnic minority group members tend to discriminate even more in favor of the ingroup because they see their ethnic group as more important than outgroups and want to achieve a sense of positive group distinctiveness or relative group superiority (Turner et al., 1987).

Additionally, this higher ethnocentrism among ethnic minority group members can be explained as a consequence of the existing competition over resources (LeVine and Campbell, 1972) or even less tangible perceived threats, like group rank, prestige, or status (Tajfel, 1982) that, due to the power difference, is more common for minority than for majority ethnic groups. This finding can be related to the research evidence indicating that people who identify more strongly with a group are more likely to display defensive reactions to social identity threats that make their group look better and make outgroups or the source of the threats look worse (Branscombe & Wann, 1994; Hewstone, Rubin, & Willis, 2002). Moreover, this conclusion is supported by results obtained in a previous research carried out by Petroska-Beshka & Kenig (Петроска-Бешка и Кениг, 2005) that has demonstrated that ethnic Albanians evaluate

the ingroup as better, more powerful and more active than the outgroup (ethnic Macedonians), whereas the ethnic Macedonians evaluate the ingroup as better, but less active and equally powerful as the outgroup (ethnic Albanians).

Based on the obtained results, it could be concluded that associations between ethnocentrism and the other variables in the study were moderated by majority/minority status. Thus, even though right-wing authoritarianism can predict ethnocentric attitudes of both ethnic Macedonians and ethnic Albanians, its predictive power is evidently higher within the majority than within the minority group. That is, those who tend to be obedient to authorities, to follow them and to respect/admire social norms and traditions, have stronger belief of superiority of their own ethnic group and this relationship is strengthened by affiliation to the majority group in the society.

Collectivism was weak, but significant predictor of ethnocentrism only among participants belonging to the minority ethnic group. In other words, giving importance to group coherency, group goals, significant others' opinion and stronger group identification leads to stronger ethnocentric attitudes in the minority group members, which is not the case among the ethnic majority members. This finding indicates that the intragroup expressions of ethnocentrism, which involve need for group cohesion and ingroup devotion (Bizumic et al., 2009), are more present in the ethnic minority group than in the ethnic majority group.

On the other hand, gender appears to be weak but significant predictor of ethnocentrism in the majority ethnic group where men are more ethnocentric than women, which corresponds with the existing research findings (Neuliep, Chadoir & McCroskey, 2001; Tordjman-Nebe, 2010). This is not the case in the minority ethnic group where ethnocentric attitudes are equally dispersed among men and women, not because the ethnic Albanian males are less ethnocentric than the ethnic Macedonian males, but because the ethnic Albanian females are more ethnocentric than the ethnic Macedonian females.

The research has revealed different models for predicting ethnocentrism mediated by the minority/majority status, but did not succeed in detecting the most significant predictors of ethnocentric attitudes in the ethnic minority group that fall beyond the social identity perspective. It suggests that there might be a need to test more potential variables that determine the level of ethnocentrism in ethnic minority groups and further investigate the effects of ethnocentrism in the conflict-dynamics.

Having in mind that the minority/majority status is determined not only by the share of the ethnic group in the overall population but by the social status of the ethnic group also, the findings of this study cannot be easily generalized outside of the country context. Even though the Albanian ethnic group can be considered as minority in terms of their representation in the country population (25% according to the last Census of 2002), their social position as determined in the legislation and political reality exceeds the status of the minorities in most of the other countries. Additionally, even in terms of numbers, ethnic Albanians are minority at a national level, but at the same time they are majority in certain regions on local level, as well as on the regional level.

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## Security of the Balkans and 16+1 Initiative

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### Abstract

The New Silk Road initiative represents a very important trade and cultural communication line connecting the two ends of Eurasian continent - PR China and Europe. This initiative concern various aspects - political, economic and cultural as well as the security aspect. Balkans security architecture has been significantly transformed over the last 20 years, but it is still challenging. This paper analyzes a local security challenges and threats in the Balkans that may endanger the New Silk Road. Balkan security identity is complex category and understanding of local security conditions is necessary condition for the functioning of the Silk Road in this part of Europe. Through the Silk Road China gets a new role in the Balkans, which this paper is dedicated to mention. At the same time the New Silk Road could bring a new security threats in the Balkans.

**Key words:** New Silk Road, 16+1 initiative, security of the Balkans, Balkan security identity, security threats

## 1. Introduction

The goal of „One belt, one road“ project is the strengthening of political, economic, monetary and cultural ties between China, Central Asia and Europe. The realization of this project includes political, economic, trade and cultural elements. The integral part of this project is 16+1 initiative that gather states from Central and East Europe, including Balkans countries.

During the realization of 16+1 initiative, China is going to confront to many challenges from different areas. The most important questions of which will depend on the ultimate scope of these initiative will arise in the sphere of security. The initiative goes through many areas burdened by political turmoil, ethnic conflicts, underdevelopment, and events in those areas will directly be reflected on success of the initiative. One of those problematic places is the Balkans, which is marked as a particularly neuralgic area with frequent political turmoil and crisis.

The Balkans is characterized by different phenomena: political fragmentation, economic decline, the proliferation of weak states and the growth of organized crime. Also, the Balkans is an excellent example of the idea that security is indivisible, because instability in one country often cause instability in the whole region. For this reason, the Balkans is considered as one of the most vulnerable points along the Chinese initiative.

The assessment of security challenges, risks and threats which have the potential to jeopardize the "New Silk Road", and 16+1 initiative as its integral part, include: identification of security challenges, risks and threats, analysis of Balkan security identity, as well as the assessment of changes that may occur as a result of implementing the Chinese initiatives.

With a good understanding of the Balkans security identity and the impact on its positive development, we can improve the security of the Balkans, which will be directly reflected on the security China's 16+1 initiative in this part of the world.

## 2. Security identity

For the analysis of the Balkans security constellation, we can use different theoretical approaches. Extending of the security concept has renewed interest for

culture and identity issues in security studies. That is why the analytical concept of security identity is particularly interesting, as it represents a comprehensive approach through which we can explore different aspects of the security of the observed phenomena. The security identity, as part of a collective identity, in focus of scientific research puts not only a "traditional" understanding of security based on material factors that determine the existence of the state, but also the constructivist approach. Constructivists believe in the importance of identity in construction of security. Actors define their interests during the evaluation of the situation. In the constructivist approach, the recognition of the importance of identity for security leads to a more general assumption: that the immaterial and ideational factors are essential to the development and practice of security in global policy (Ćurčić, 2014:11). It is important to explain how, not why, actors educate and modify their identity and how do they understand the world, or in which way they define their interests in the field of security.

Security identity represents an important starting point in the analysis of contemporary reality. Foreign policy is linked to the construction of identity, since identity is always being formed by drawing clear boundaries between 'Us' and 'Other'. Feeling in danger of external threat promotes a shared identity and homogenization of social group.

The concept of security identity implies that identity construction is influenced by certain security settings. It is a kind of collective identity that is based on relevant responses the actors (group, society, state) makes in relations to its internal and external security environment (Vorotnyuk, 2013:109). Vorotnyuk considers that the key notions to determine security identity are 'image', 'role' and 'discourse' - attributes that actors possess and assign to themselves in relations to other actors. Rieker also believes that the core of the concept of security identity is security discourse. According to him, the nation-state security identity can be identified by uncovering the dominant security discourse undertaken by the political leadership in a given nation-state. By dominant discourse Rieker means the general understanding of security shared by the majority of the political elites at a given point in time (Rieker, 2006: 9). This approach is too 'state-centric oriented', because there are other security actors than states. But we can agree that establishing a dominant security discourse contributes to the understanding of security identity, although security identity is not limited to it.

With further operationalization of the term security identity we find that, when we talk about security identity of a community, state, region or other entity, the main

task is to recognize the leading security challenges, risks and threats, as well as the capacity of the analyzed collectives to face with threat, or to avoid them, or find other models to respond to the security challenges. Security identity of each region is composed of specific security problems, which make it different from other regions that have the same or a dissimilar type of security problems. However, the core of security identity doesn't pose a security problems, which in the era of globalization become also global, but the ways in which each community responds to security challenges, risks and threats (Dragišić, 2013:144).

Thus, the security identity of an entity is made by the totality of security challenges, risks and threats that jeopardize the a given entity, on the one hand, and capacities with whom entity can provide a response to perceived security challenges, risks and threats, on the other hand. An essential element of the security identity is the social perception of security. That is a perception of members of social groups on their own security, and the degree of recognition of certain types of endangerment as a real threats. Also, the security identity includes perceptions of members of social groups on the scope and quality of the resources that are necessary to confront to threats and protect them. In this way, by using security identity as an analytical concept, we can understand why is society inclined to some threats see as primary, while others are qualified as less important/dangerous. As part of the collective identity, security identity affects the formation and upgrade the other subgroups of collective identity, such as national, ethnic, cultural, religious identity.

There is an imperative that the concept of security identity should be included in security studies for several reasons:

1. The security identity is not the same as state of security.

The state of security of an entity is defined as a synthetic conclusion on the state and nature of the security phenomena, that evaluates the totality of threats that endanger a given entity in the analyzed period, and assessment of available capacity to provide an adequate response to individual forms of threat. The state of security refers to the presence/absence of a certain threat at given moment. Giving an answer to this threat, whether it is about a social, natural and technical-technological processes, requires appropriate, timely, systematic and continuous guidance of security activities in order to eliminate negative security phenomena. Those activities should be applied from the moment when they are registered (when they are securitized, or when there is a potential for transformation this challenge into a threat, or if increase the frequency

or impact of a risk). Social structure must possess the power of adaptation to the security threat through institutional and organizational changes. The state of security shall be determined by applying the method for risk assessments. Adopting the conclusions of the state of security assessment represents a synthesis of all security problems and the definition of security indicators. The evaluation of the state of security include the assessment of all working parts of the security system (Milosavljević, 2012:148). Security identity of an entity include previous state of security, current state of security and prediction of developments of state of security in the future. However, in addition to the state of security, security identity include the social perception of the security by members of a given entity.

## 2. Security identity is not the same as the security policy.

Security policy, in the narrow sense, is the sum of all measures, activities and procedures intended for the establishment and functioning of the security system (Keković, 2009:127). The aim of security policy is to create mechanisms and means for providing internal and external security of society. One of the basic constituents of the security policy are security interests. Security Strategy, as a form of strategic security assessments, is shaping ways, forms and methods of achieving security. In analysis, the starting point of creating the security strategy is research on the previous security threats and answers that are given to them. The current state of security of analyzed entities is the framework for taking operational security measures, and it is an essential element of strategic planning. Dominantly, strategies are oriented towards the future, they represent a landmark for all security stakeholders in one entity, but they are also a means by which an organization communicates with the environment (Mintzebrg, 2000). The goal of security strategy is to provide the survival of a given entity, through the implementation of internal and external security, and by giving effective answer to security challenges, risks and threats. Security identity, as we have noted, assume the capacity which an entity can use to respond on current challenges, risks and threats. This is predominantly related to the available political, social, economic and security mechanisms which society has for responding to security challenges, risks and threats. In addition, the security identity is defined by the particular political culture and tradition - in the existence of stable and functional community and government institutions and their mechanisms for solving social conflicts (Dragišić, 2013:144). Therefore, an important component of the security identity is the perception which society has on the security of an entity, ie the level of recognition of some threat as a

real danger. For this reason, understanding of the security identity represents the starting point for the development of security strategies. As Rieker noticed, a stable and durable change in security policy, depends on a change in security identity (Rieker, 2006:9). For this reason, it is necessary to influence the positive development of security identity by increasing the capacity for reducing security threats. It is possible to increase capacity through following activities: increasing military, intelligence and security capabilities, creating dissuasive mechanisms, improving methods for peaceful resolving conflicts etc. At the same time, there is necessity for monitoring and analyzing changes in the social perception of security from the members of that entities. In this way the security identity can affect on positive change in the security policy of a given entity.

### **3. The entrance of China into Europe**

China become interested in Balkans during the Cold War, when she started building strategic friendship with comunist countries: first with Albalia, later with Yugoslavia and Romania. After the dramatic political changes in the region that have begun with the replacement of Ceaucescu regime in Romania and culminated with violent breaking up the Yugoslavia, Beijing remained outside of developments in Balkans. The realization of the project "One belt, one road", ie the 16+1 initiative, as an infrastructure connection among Europa and Asia, once again put Balkans in focus of China's interests.

China's President Xi Jinping has made the policy of „New Silk Road by Land and Sea“, which connect China with the West, a key part of China's international relations. On 7 Semptember 2013, President Xi proposed to bild a „Silk Road Economic Belt“ during his speech at the Kazakhstan' Nazarbayev University. On 3 October 2013, he proposed to bild a „21<sup>st</sup> Century Maritime Silk Road“ during his speech at the Indonesian House of Representatives (Nolan, 2016:8). “New Silk Road” will begin in Xi'an in central China before stretching west through Lanzhou (Gansu province), Urumqi (Xinjiang), and Khorgas (Xinjiang), which is near the border with Kazakhstan. The Silk Road then runs southwest from Central Asia to northern Iran before swinging west through Iraq, Syria, and Turkey. From Istanbul, the Silk Road crosses the Bosphorus Strait and heads northwest through Europe, including Bulgaria, Romania, the Czech Republic, and

Germany. Reaching Duisburg in Germany, it swings north to Rotterdam in the Netherlands. From Rotterdam, the path runs south to Venice, Italy-where it meets up with the equally ambitious Maritime Silk Road. The Maritime Silk Road will begin in Quanzhou in Fujian province, and also hit Guangzhou (Guangdong province), Beihai (Guangxi), and Haikou (Hainan) before heading south to the Malacca Strait. From Kuala Lumpur, the Maritime Silk Road heads to Kolkata, India then crosses the rest of the Indian Ocean to Nairobi, Kenya. From Nairobi, it goes north around the Horn of Africa and moves through the Red Sea into the Mediterranean, with a stop in Athens before meeting the land-based Silk Road in Venice (Tiezzi, 2014). In this way, these two roads should include Europe, Asia and Africa, along with all seas nearby.

Through investment in infrastructure and by creating networks of ports, logistics centers, roads and railways, China wants to create a favorable conditions for the diversification of China's freight transport and energy, expanding market, to distribute products and improve trade between East and West. In this way, Beijing accomplishes its basic national interests - increases energy security, opens the market for Chinese construction companies and ensures food security for 1.3 billion Chinese. On the other hand, Balkans states get funds for modernizing their energy systems, infrastructure, shipping and transportation (Arežina, 2015:172). 16+1 initiative reflects China's need to ensure stable partnership with the Central and Eastern Europe countries, through a number of joint projects, in order to achieve two goals: long-term and sustainable presence of China in the European market and investing in the economy of the countries affected by the economic crisis.

China's entry into Europe via the Balkans and Central European countries represent a great historical novelty, because China emerges as a non-European country with a potentially large impact on developments in Europe. Large Chinese investments will affect the economic recovery of this countries, but also it will help in the establishment of China's political influence. The future of 16+1 initiative and the destiny "One belt, one road" will be determined by reaction of the US on the growth of Chinese influence in Europe, but also by an attitude that Germany, France, Great Britain and other European countries will have on this point.

The United States is, convincingly, the most powerful country in economic, political and military terms and successfully project soft power to Europe. China is the second most powerful country in the world with the fastest growing economy. The biggest trade exchange is taking place between the US and China, which indicates a



significant association between the two most powerful country in the modern world. Over the last eight years, Chinese President Xi Jinping (and his predecessor, Hu Jintao) and U.S. President Barack Obama managed to create momentum for bilateral ties that has withstood the impact of the 2008 international financial as well as U.S. domestic politics. The two countries managed to build and maintain "new type major country relations," which has brought tangible results for both sides. The two leaders made a point to meet regularly via bilateral visits as well as regional and international summits. These talks allowed them to make strategic and political decisions on some tough issues. As of January, the two countries have established 94 bilateral dialogue mechanisms, facilitating conditions for both sides to address tough issues through dialogue and negotiations (Youfa, 2017). The future of US-China relation depends on what policy will the Trump administration pursue. The current development of China and the United States relations gives grounds for optimism about the success of the 16+1 initiative, because China shows no interest to confront the existing policies of the countries in the region, nor to impose them her own political views.

Chinese investment of 10 billion dollars, which is provided for the implementation of projects, is going to help the economically weakest region of Europe to strengthen its economy and contribute to the stability of the whole of Europe. At this level, the main security challenge can be fear of a strong China and doubts about the sincerity of China's intentions in Europe (Dragišić, 2017).

„The New Silk Road“ represents infrastructure link between China and European countries, which will provide a shorter time and faster transportation of goods. Also it will allow distribution, market and technological positioning of Chinese companies on the European continent. For this reason, a special group of global security threats that can compromise Chinese projects originate from large multinational companies. Those companies may see the development of projects in the framework of the "New Silk Road" as serious competition and sources of threat to their interests. The power of large corporations shouldn't be underestimated, because they have large capital and a number of legal and illegal means to oppose, and even eliminate, competition. The risk of negative impacts can be increased by possible merger of multinational companies with organized crime groups, terrorist organizations, or with countries which China's projects see as an instrument of its own geopolitical marginalization.

#### 4. 16+1 Initiative and the Balkans

The Balkans, in terms of security, is one of the most sensitive areas along 16+1 initiative. All Balkan countries, except Greece and Turkey, are members of the 16+1 initiative. Greece participated at the Summit in Suzhou as observers, which makes Turkey the only Balkans country that is out of this process. Turkey, although is not a part of this initiative, has significant bilateral relationships with China and many important roads in the framework of "One belt, one road" passes through Turkish territory, or a territory and province of countries in Central Asia which are under strong Turkish influence. It means that each security assessment of the Chinese initiative needs to take into consideration Turkey as an important factor of (in) stability (Dragišić, 2017). China clearly shows desire to improve relations with Balkan states, which have been proven with significant investments and intensification of trade and other relations with countries in the region.

It was necessary to invest capital in completing existing projects and the launch of new highways, railways and related facilities of capital importance in order to Balkan become well integrated and transport efficient area. In addition to investment in transport infrastructure, a lot of China's capital flows into the energy sector, especially in the construction of power plants and the sector of 'green energy'.

When it comes to **Serbia**, three Chinese projects are in progress. Serbian and Chinese officials signed in December 2014 a loan agreement for the second phase of a renovation process at 'Kostolac' thermal power plant complex, which includes the construction of a new 350MW unit and increase of capacity of the adjacent open-pit coal mine 'Drmno'. Chinese companies have already constructed the 'Mihailo Pupin' Bridge over the Danube River, in Belgrade, plus 21 km of access highway. China Shandong International Economic & Technical Cooperation Group Ltd.-SIETC signed with the Serbian government contract to build a section of road on Corridor 11. This is a section from Obrenovac to Ub and from Lajkovac to Ljig and 'Morava Corridor' from Pojate to Preljina. These sections of road are part of the future highway from Belgrade to the Montenegrin border, as well as part of Corridor 11 which will stretch from a Timisoara via Belgrade to the Montenegrin city of Bar on the Adriatic coast. In addition to these projects in Serbia is opened Chinese trade center "Dragon", the first wholesale center in the Western Balkans. In early 2012 JP EPS signed with Canadian-Chinese consortium Lavalin and CNPEC a Memorandum of understanding on the development of

the project reversible hydropower plants "Bistrica" on Lim River. In July 2013 Chinese company Huawei and the Serbian Railways signed an agreement to modernize the entire telecommunications of Serbian Railways. In June 2015 Everrest Production Company opened a factory in Ruma for the production of memory foam mattresses and pillows (Arežina, 2015:176-177).

Zeijanf Chinese provinces has signed an Agreement with **Bulgaria** on the establishment of a joint Bulgarian-Chinese industrial zone in Bozhurishte near Sofia. In October 2009 China's largest metal trader, China Minmetals Corporation, signed the 800 million dollar contract with Aurubis Bulgaria, one of the biggest copper smelter in Europe. At the beginning of 2010, Chinese company Polar Photo-voltaics and Wiscom proposed to build a solar plant in Ihtamanu, near Sofia. Great Wall Motor, a Chinese car manufacturer, signed an agreement with Litex Motors worth 80 million Euros in November 2009 (Szcudlik-Tatar, 2010:358). Production in China's car factory Great Wall Motors-Litex Motors in Bahovici started in February 2013. Lifan Group Group opened a factory for assembling air conditioners, and Huawei and ZTE were given shares in the Bulgarian telecommunications market. China Luoyang Float Glass group started negotiating on the production of glass with Visa Glas. China's National Nuclear Corporation has expressed interest to build a new reactor of 1000MW nuclear power plant at Kozloduy. It has been given priority to Chinese companies in realization of projects for the second nuclear reactor power plant "Belane" (Arežina, 2015:178).

For many years, China is the largest Asian trade partner of **Romania**, with a significant volume of trade in which China invested mostly private capital. There are more than 8 thousand Chinese companies in Romania (Szcudlik-Tatar, 2010:357). In May 2012, China Huadian Engineering Co. was selected to build a 500MW coal-fired plant worth €1 billion at the Rovinari thermal power station. China National Electric Engineering Construction Corporation will conduct a modernization works at Romania's Mintia-Deva thermal power plant, under a contract worth about €250 million, as agreed in September 2014. The winning bidder for expansion of Tarnita-Lapustesti hydropower plants will be a Chinese company. Chian General Nuclear (CGN) is going build two new reactors at the Cernavoda nuclear power plant (Levitin et al., 2016: 11-12). Also, it is notable increasing presence of Chinese multinational companies such as Lenovo, ZTE i Huawei.

There is ongoing implementation of several projects in **Bosnia and Herzegovina**. Autoputevi Republike Srpske (RS), has signed preliminary agreement with

Chinese firm Sinohydro for the construction work for a 93km long section of a 186km long motorway linking the Entity's capital of Banja Luka with Croatia's Adriatic city of Split. In December 2014, government of the Federation of B&H signed a Memorandum of Understanding with a consortium led by China's Gezhouba Group for the construction of the 450MW unit at Tuzla thermal power plant. China Development Bank is financing construction of the Stanari thermal power plant. Also, China is financing construction thermal power plant Banovici, with capacity of 350MW (Levitin et al., 2016:9).

The interest of Chinese investors hasn't bypassed **Macedonia**. In 2010 China started with negotiation with Government of Macedonia about the project in the valley of the river Vardar, which involves the construction of 12 hydroelectric power plants. In 2011, China International Water and Electric Corporation signed a Memorandum of Understanding with the government of Macedonia about this half billion worth project, wherein 85% of the investment is provided by China Development Bank (Filijović i Kilibarda, 2013:52). The Chinese Exim Bank is providing most of the funding for two stretches on the highways linking Kicevo-Ohrid and Miladinovci-Stip (Levitin et al., 2016:11).

**Albanian** government and China's Exim Bank signed in December 2014 a Memorandum of cooperation under which Exim Bank will finance the completion of construction of Albania's Arber motorway towards FYR Macedonia and further to Bulgaria, linking the Albanian Ionian Sea coast and the Bulgarian Black Sea coast. Also, it was announced that Albania has obtained Chinese support for the development of an industrial park in coastal city of Durres (Levitin et al., 2016:11).

Chinese companies have been interested in realization of project thermal power plant Plomin C in **Croatia**, as well as for the construction of a nuclear power plant in Osijek. Beijing has also expressed interest in the port of Ploce and Rijeka, as well as for the development of railway infrastructure (Arežina, 2015:179). In mid-2017 are expected the first Chinese investments in Croatia-invest in the development of tourism in Krapinske Toplice.

In Sept 2014 China Exim Bank approved \$875 million loan to **Montenegro** for the construction of the first priority section (Podgorica - Kolasin) of the major motorway project connecting the country's port of Bar (Adriatic Sea) with its border to Serbia. China is interested in construction of hydropower plants on the rivers Moraca and Komarnica, and building the new unit at Pljevlja thermal power plant. China is also interested in construction The Blue Corridor, a project that will stretch along the entire

eastern shore of Adriatic and Ionian seas, from Trieste in Italy to Greece via Croatia, Montenegro and Albania (Levitin et al., 2016:8).

A review of projects in the Balkans shows that China invests in all Balkan countries regardless of whether with some countries have better political relations (Serbia and Romania) or does not support the politics of the State concerned (Albania regarding the attitude towards Kosovo and Metohija). China is guided by economic interests, and doesn't favor any country, which reduces the possibility of harmful effects of existing political disputes.

### **5. Security and the Balkans security identity**

The Balkans is a region with turbulent history which is marked with a number of crises, war and conflicts. When we look at the twentieth century, we notice that the only period of relative peace in this region, paradoxically, was during the Cold War. The conflicts in the Balkans tended to spill over into the rest of Europe (The First World War began in the Balkans, while in the Second World War one of the bloodiest zone was in this area). In the last decade of the twentieth century in the former Yugoslavia started fratricidal conflicts which resulted with political fragmentation, economic decline, proliferation of weak states and the growth of organized crime. The term "balkanization" is based on the perception of the Balkan security identity, and it is created to denote an endless crisis, chaos, irrationality, without a sustainable solutions for the existing conflicts and mechanisms based on real interest. Precisely, when we talk about the Balkan security identity, this region has been synonymous with crisis situations, wars, barbarism, the absence of stable and functional state, the lack of legal mechanisms and political will for peaceful resolving of conflict. It is noticeable a great influence of foreign powers on the local political leaders and chronic economic underdevelopment (Dragišić, 2013:145). Thus, the Balkans is used to describe the image of defragmentation state, ethnic conflict and rivalry forces which are fighting for control of a territory.

Today, the security of Balkans has been transformed from conflict formation, in which he was during the end of XX century, into security regime. The main security problems can be classified into two groups: classical threats and asymmetric threats. The classical security challenges involve conflicts between states or different entities within the state, so we talk about challenges that are located at the intersection of societal and political sphere, or about the ethno-territorial disputes. As the most important classical challenges stand out problems with the recognition of the status of

Kosovo and Metohija, the constitutional reconstruction of Bosnia and Herzegovina, as well as the situation in Macedonia in the context of the creation of the co-called Greater Albania. The second group of challenges are asymmetric challenges, whose stakeholders are non-state actors in the Balkans. Among the asymmetric challenges, the most important are the organized crime, terrorism and a various types of crime, ethnic and religious extremism as a consequence of bad social and economic conditions and high unemployment.

All Balkan countries except Greece, Romania, and Serbia (which proclamation of the so-called Republic of Kosovo directly threatens the national and state interests) recognized the so-called Kosovo. Old historical aspirations of Albanians to create so-called Greater Albania is the most dangerous political project that threatens the national interests of Serbia, Montenegro, Macedonia and Greece and can directly create instability in the region. On the other hand, having in mind primarily hers national interest, China hasn't recognized the independence of the so-called Kosovo, and as a permanent member of the UN Security Council she opposes on attempt of violent and illegal secession. China doesn't agree with the establishment of a precedent in international law, because it could be reflected on the questions of Taiwan and parts of China such as Tibet or Xinjiang. Also, using that precedent, any of the 56 recognized minorities could go footsteps of unilateral action and self-proclamation. In the perception of Albanians and other ethnic groups who support the secession of Kosovo and Metohija, China can be seen as "pro-Serb oriented", and the entire 16+1 initiative can be recognized as an instrument to strengthen the position of Serbia in the Balkans. But, the fact is that China shows no aspirations to favors any country at the expense of the interests of other members of the initiative, which is proven by active Chinese projects in all Balkans countries. Therefore, we don't expect that such kind of perception of China-Serbia relations can seriously jeopardize the projects within the initiative.

Macedonia is facing with a lot of problems in the field of security: name dispute with Greece regarding the use of the name Macedonia, Bulgaria's territorial claims, but also territorial claims by Albania. Situation in Macedonia is particularly problematic because of the aspirations of Macedonian Albanians to create their own entity within the so-called Greater Albania. Existing tensions have the capacity to grow into ethnic conflict between Macedonians and Albanians, and security experts this situation see as the consequences of bad influence of international community. As a potential scenario they predict transformation of Macedonia into binational state, with the aim of creating

cantons, and at the end the federalization of Macedonia. The consequences of political turmoil can be reflected on the security situation in southern Serbia<sup>198</sup>. If the political situation doesn't consolidate it is possible to happen an escalation of violence which will affect on neighboring countries, and jeopardize the projects within the Chinese initiative.

The Balkans has been burdened by constant crisis in Bosnia and Herzegovina since the end of civil war in 1995. Bosnia and Herzegovina, as the most fragile part of the Balkans, can be misused in order to jeopardize Chinese project. In that country Wahhabi movement is very active, and its members may connect with Uighur separatists from China's Xinjiang province. As the result, Bosnia and Herzegovina can be misused in the context of the Global Jihad in order to obstruct of Chinese projects. Another threat comes from a possible Russian involvement in this area. The Russian politicians believe that the initiative "One belt - one road" is detrimental to Russia's global interests, and Russia seems to be increasingly aggressive in defending its spheres of interest originating from the former Soviet empire (Brauner, 2014). For this reason, the Russian influence in Republika Srpska can be misused in the context of Russian resistance to the Chinese initiative. Also, resolving internal issues of Bosnia and Herzegovina can result with threats to the Chinese initiative. Constitutional reconstruction process moves between the demands of extreme Bosniak political circles for full centralization, and demands from Banja Luka for greater autonomy or even separation of the Republika Srpska. Such a situation could lead to new conflicts, and armed conflict in Bosnia and Herzegovina could jeopardize the 16+1 initiative, because it would draw Serbia and Croatia into conflict (Dragišić, 2017). Great powers could exploit the political disagreements in this country as a means to stop 16+1 initiative and expel China from this part of Europe.

A specific group of security threats are made by asymmetric threats originating from the non-state actor. Among them organized crime stands out in particular. Armed conflicts in the past, the institutional weakness of the countries in the region, transition issues, system corruption caused the emergence and spread of organized crime in the region. Organized crime in the Balkans doesn't recognize neither state nor ethnic boundaries, because those who are involved in the smuggling of narcotics, prostitution

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<sup>198</sup><http://www.politika.rs/scc/clanak/379410/Dragisic-Moguc-etnicki-sukob-u-Makedoniji>

and human trafficking are only interested in profit (Barišić et. Al., 2014:84). Today, organized crime represent permanent security challenge for several reasons: first of all there is a close link between organized criminal groups and groups of extreme nationalists. Also, domestic and international criminal organizations work closely and apply violence to the commission of offenses, and in each other's accounts for market dominance. In addition, at leaders of organized crime activity occurs a political aspirations, other than the pursuit of financial gain and power. Through cooperation with the political elites, organized crime have linked with state structures, improving its strategic position for the future, taking control of some parts of the state apparatus, primarily over the repressive structures (Fatić, 2005:74). Taking the most profitable industries and legalization of illegally acquired capital lead to further devastation of the economic base of the state and to corruption in all spheres of social life: civil society, educational and health institutions, political parties, religious organizations.

16+1 initiative represents a serious threat to the interests of organized crime, because the most lucrative economic activities will be placed under strict control and will be taken over by a large Chinese company in cooperation with local governments. Having in mind the political impact and international character of these groups, we can safely say that they will try, through corrupt activities and blackmail, to impede the implementation of projects under this initiative. The Chinese initiative will contribute to strengthening the institutional capacities of the Balkans countries and improving their ability to resist organized crime. If they fail to undermine this initiative, we can expect that organized criminal groups will try to redefine criminal activity in order to adapt to new circumstances. Organized crime is a social phenomenon that is constantly transforming, so we can expect that organized criminal groups even try to find a way to take benefits from initiative. Therefore, organized criminal activity, associated with the activities of the countries that oppose this initiative and large corporations, may represent a significant security problem in the future. In security assessments a special attention should be given to analysis of organized crime activity, although its capacity can't jeopardize the initiative in general.

Terrorism, as a form of asymmetric threats, is another way of the potential threat to China's initiative in the Balkans. In most of Balkans countries the Wahhabi movement is active, and fighters from this area have been recruited, trained, and some of them went to Syria and Iraq. Individuals and groups from this region may be instrumentalized to take a terrorist act against the Chinese initiatives within global



jihad. Also, a special threat comes from China's internal enemies who can estimate that the Balkans is the weakest link for endangering China's initiative. Some of China's internal enemies who conduct activities around the world are: Uighur separatists (related to the international jihadist network), Falu Gong sect (they tried to organize protests against Chinese President in Belgrade), the Chinese Catholic Church, the so-called Front of National Liberation and groups associated with Taiwan (Trifunović, 2016). These threats must be taken seriously and there is a need for coordinated operation in the monitoring of this phenomenon by states who are members of initiative. Prevention requires the exchange of intelligence between China and states who are members of initiative in the context of this threat, since holders of terrorist attack in the Balkans can be external factors, and there is a possibility of cooperation between internal and external holders

In the analysis of security challenges, risks and threats in the Balkans, challenges that come from political, economic and social spheres have a special place. Balkans countries are trying to consolidate their politics, however they are accompanied by a heavy legacy in building a modern democratic society, especially in the socio-economic sphere. The transition from the socialist to liberal democratic order and market economy, have been followed by an extensive privatization and restructuring of economy, which has led to an unprecedented level of unemployment and systemic impoverishment of whole branches of the economy. High unemployment in the Balkans countries may affect the perceptions of citizens that the initiative will threaten small businesses and bring Chinese workers in this area, which will result in a higher degree of competition in the labor market. Therefore, it is necessary to analyze and evaluate the potential subversion activity that can be undertaken with the aim of jeopardizing the initiative. Quality response to this potential threats is strengthening intelligence and security system of a countries that are members of initiatives, raising their integrity and creating conditions for high-quality and timely exchange of information.

Particular attention should be paid to the so-called situational threats that are a result of natural disasters, technical and technological disasters and accidents, which may seriously jeopardize the initiative. Tracks of new roads, railways and other infrastructure will pass through areas that were often affected by floods, earthquakes, landslides, forest fires and other natural disasters. In order to proactively work with the aim of diminishing the effects of natural disasters, it is necessary to do a risk mapping, high-quality design and construction of large infrastructure projects. In the framework

of 16+1 initiative, a special attention should be given in responding to emergency situations. As a result of sabotage, terrorist and cyber-attacks it can arise a endangering of human health and life, environmental degradation and destruction of critical infrastructure. It is very important to influence on strengthening existing and building new mechanisms for joint action in responding to emergencies between countries that are members of 16+1 Initiative.

The first step in finding ways of achieving security in the Balkans in context of Chinese initiative is identification of potential threats and holders. As a next step it is necessary to form a special working body that will deal with monitoring threats and coordinating action among members of the 16+1 Initiative. That working body should be organized through organizational units that cover specific threat. Some of necessary organizational units should be: units for emergencies, terrorism, organized crime, cyber threats, subversion, social and economic threats (Dragišić, 2017). In that way, this working body will represent an optimal response to Balkans security challenges, risks and threats in the context of the Chinese 16+1 initiative.

## **6. Conclusion**

The Chinese presence in Europe through the project "One belt - one road", ie initiative 16+1, is a historical novelty that will be reflected in a number of areas of social life - political, economic, infrastructural, cultural, and especially in the sphere of security. This initiative could potentially face with many challenges at global and regional levels. From global strategic challenges stand out those that may arise from global and regional powers who may view the initiative 16+1 as infringing on their areas of influence, driving competition rather than cooperation. The second global challenge to 16+1 initiative comes from multinational companies that realization of this project can see as a direct threat to their interests.

Each region has a specific security dynamics which create the overall image of the security in a given area. The Balkans is neuralgic area with frequent political turmoil and crisis and with a number of unresolved issues at the intersection of socio-economic sectors. Such security constellations can be directly reflected on the security of the initiative and to jeopardize its realization.

The concept of Balkan security identity represents a good starting point and high-quality analytical framework for the study of security challenges, risks and threats in the Balkans that might compromise the realization of Chinese projects. Analyzing the Balkans security identity and by understanding of its constituent elements, we can get the picture of the major security challenges, risks and threats in this area, the scope and quality of resources for countering security challenges, as well as the social perception of the security by the citizens of the Balkan states.

Events in Kosovo and Metohija, Bosnia and Herzegovina and Macedonia show that the impact of external factors on the political and security processes in the Balkans is very big. That is a significant determinant of the Balkan security identity, which must be the starting point for any analysis of the security of the region, particularly in the context of the New Silk Road. Regional and global powers can interfere in the policy, security, economy and other area at this region in order to create a conflict with a goal to stop the 16+1 initiative and expel China from this part of Europe.

Positive development of Balkan security identity is imperative because it contributes in improving security situation in the region. As the development of identity can go in both directions, it is important to proactively respond to new threats to the region. The Chinese presence in this area will bring new threats which can affect on change of the Balkans security architecture, as well as on the security identity. State member 16+1 initiative need to be prepared on this new security situation.

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## **The future of NATO's open-door-policy: prospects and challenges**

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### **Abstract**

From its beginning (1949) NATO was an inclusive international organization (Article 10 of The North Atlantic Treaty). In the post-bipolar international relations the enlargement of NATO has been one of the most successful NATO's internal policy. Russia Federation has been strongly opposed to its enlargement but NATO managed to calm down its objections. After the accession of Montenegro, Macedonia, Bosnia and Herzegovina and Georgia are the main aspirants for the full-fledge membership to NATO. But today, in the time of the new resetting United States/West-Russia Federation relations, the leaders of NATO are much more conscious about its open-door-policy. It goes to the NATO's enlargement to the Eastern as well as to the South Eastern Europe. The process of further enlargement of NATO should definitely be slowed down in the near future.

**Key words:** NATO, Russia Federation, NATO enlargement, Western Balkans

### **Introduction**

The NATO Summit in Warsaw represents a cornerstone in adaptation of the Alliance to the new complex security scenario in the international relations. NATO's essential mission is not changed and has stayed the same: to ensure that the Alliance

remains a community of freedom, peace, security and shared values ,including individual liberty, human rights, democracy and the rule of law, with the accent on Europe, keeping the transatlantic ties strong and important for NATO's global role. The Warsaw Summit was also a confirmation of NATO's decision on enhancing military capabilities especially on its eastern border, with Russia being active again. It is important to stress that it was repeatedly stated in Warsaw that the Alliance does not seek any confrontation and poses no threat to Russia, if the safety and security of Europe and North America is not endangered.

By inviting Montenegro to participate in the Warsaw summit, the Alliance confirmed that it is on its way to full-fledge membership. However, NATO said a little about the future of its 'open door' policy. The Summit made a caution nod in the direction of Ukraine's and Georgia's aspirations for membership as well as those of Bosnia and Herzegovina and Macedonia. On the other side, influenced by the so-called *Russian factor*, Sweden and Finland are moving closer and closer to NATO, though without seeking full-fledge membership to the Alliance.

The paper is devoted to the future of NATO's open-door-policy. The author's main thesis is that because of the new crisis in the relations between NATO and Russia Federations, after the accession of Montenegro as 29<sup>th</sup> member of the Alliance, the further enlargement of NATO in near future is not going to be really on the agenda of this organization. Macedonia and Bosnia and Herzegovina, the two counties from the region of the South Eastern Europe, who are willing to join the Alliance, and specially Georgia and Ukraine, despite how much they are performing their internal reforms in order to join the NATO, will not in the near future become a full-fledge members of that Alliance. That is not good for NATO. But what is even more important it is not good for the whole process of post-socialistic transformation and democratization of these aspirant countries. Generally, it is not good for the overall stability and security in Europe.

### **The importance of NATO's open-door policy for the Alliance**

In 1997 at its summit in Madrid NATO has announced that the first three post-socialistic countries: Czech Republic, Hungary and Poland will become a full-fledge members of the Alliance at its next summit in 1999 in Washington D.C. It was not well

accepted in some academic and political circles. Immediately critics of the enlargement of NATO, the most quoted in that time was a famous George F. Kennan, claimed that extending NATO it would be the most fateful error of the American policy in the entire post-cold war era.<sup>199</sup> Despite such scenario the proponents of the enlargement of NATO claimed that the enlargement of NATO will have a beneficial impact on stability and security in Europe. Adams Daniel Rotfeld from SIPRI wrote that it should be seen as natural process and as an adequate response to new needs and challenges in Europe and whole international community (Rotfeld, 2011). In the post-bipolar world NATO become more than just a defence alliance: it is now the centre of gravity in the search for a security order in Europe. So the NATO enlargement decisions are basically expressions of political will of its members. The enlargement of NATO affects the security interests of members and applicants as well as the interests of countries outside the alliance. Enlargement of NATO is seen by both NATO members and aspirants as an extension of the zone of stability. The fundamental role of NATO is the politico-military integration of Europe (Rotfeld, 2011:23).

With the dissolution of the Soviet Union and the Warsaw Pact, NATO chose not to remain an exclusive organization, with a limited membership and tight focus on the security of Europe's western half. The enlargement become the means to extend NATO's democratic security community to the former eastern socialist part of Europe. But geopolitics presents a limit to NATO's east enlargement. Russian intervention to Georgia in 2008 and its annexation of Crimea in 2014 were a Russian way of making Georgia and Ukraine an unattractive candidates for inclusion in the NATO. The process of enlargement is still seen as a vehicle for advancing security and stability across Europe but more and more as a case of unfinished business (Webber, Hallams, Smith, 2014).

Enlargement is a permanent feature of the NATO's summit conclusions. But somehow, NATO's mantra of creating a Europe whole and free often sounds hollow, if not insincere (Dempsey, 2016:25)

NATO's open door policy is not a peripheral issue, it is Alliance's founding principle In *The North Atlantic Treaty* that created NATO in April 1949, enlargement was enshrined as a fundamental element. Article 10 of the Treaty states that by unanimous agreement the alliance may invite to membership "any other European

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<sup>199</sup> Porter, P.(2000) „Hooked on security“, The World Today, The 5th November 2000, p. 13.



State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area."<sup>200</sup>

In the *NATO Strategic Concept* document of 2010 is written that NATO's enlargement has contributed substantially to the security of Allies and the prospect of further enlargement, and the spirit of cooperative security have advanced stability in Europe more broadly. The goal of NATO; Europe whole and free, and sharing common values, would be best served by the eventual integration of all European countries that so desire into Euro-Atlantic structures.<sup>201</sup>

In his *Annual Report 2016* Secretary General of NATO , Jens Stoltenberg stated that NATO's door is open to all European democracies that share the values of the Alliance, and are willing and able to assume the responsibilities and obligations of membership (Stoltenberg, 2016:62).

In the post-bipolar American foreign policy strategy, NATO enlargement, is a bipartisan effort that has spanned the Clinton, Bush and Obama administrations, and has been seen as one of the most successful U.S. foreign policy achievements of the past two decades. As a result of that NATO's policy, more than 100 million Central, Eastern and South Eastern Europeans in 12 nations from Estonia to Albania can freely elect their own governments and pursue national priorities without fear of foreign invasion. Moreover, in Afghanistan and elsewhere, the alliance has benefited from the contributions of the new members, even if few of them are yet spending at least 2 percent of their gross domestic product on defense, the NATO target.<sup>202</sup>

The enlargement of NATO has progressed significantly over a period of the last two decades and has arrived at a point of near complete realization of its principal objectives. The core aim and intent of the enlargement agenda is to incorporate the entire region of post-socialistic Europe into the command and control structure of the military alliance. NATO has strategically encapsulated its core geospatial command

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<sup>200</sup> The North Atlantic Treaty (2001) NATO Handbook, Brussels, NATO Office of Information and Press, p.529.

<sup>201</sup> Active Engagement, Modern Defense.. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, (2010) Brussels, NATO Public Diplomacy Division, p. 25.

<sup>202</sup> Haltzel M. (2014), „Extend NATO's umbrella to Montenegro and Macedonia“, The Washington Post, The 27<sup>th</sup> June 2014th

area, and therefore a successful conclusion of the enlargement process is a matter of the highest priority. (Milinkovich, 2017)

Southeastern Europe and the Balkan Peninsula are an essential component of this framework owing to their geopolitical and geostrategic significance. The entire Balkan Peninsula practically serves as a forward operating platform from which NATO's military force projection capability can be readily launched in the direction of the Middle East, Northern Africa, the Black Sea region, Eastern Europe, as well as Western Europe. This would signify the consolidation of NATO military supremacy in the entire hemisphere surrounding the Mediterranean Sea. For the establishment of NATO military pre-eminence in that region successful completing the enlargement process is a crucial necessity.

NATO is therefore tasked with affirming the position of the Western hemisphere, or North Atlantic axis, within the immediate environment that *comprises the former sphere of influence of the Soviet Union (Milinkovich, 2017:1)*

*Today there are three main groups of countries as a potential candidates for the membership to NATO:*

- the two Nordic countries, Sweden and Finland
- the countries within so-called Russian sphere of influence, Ukraine, Georgia, maybe Moldova
- the countries from the region of the South Eastern Europe/ Western Balkans, Montenegro, Bosnia and Herzegovina, Macedonia, maybe Kosovo.

### **Rapprochement of Sweden and Finland to the NATO**

In the recent years the policy dialogue between NATO and the two Nordic countries, Sweden and Finland has been much more intensive and fruitful than ever before in the history of their relations. In the framework of the format 28 + 2 (28 members of NATO plus Sweden and Finland) representatives of this two countries are seating at the same table with NATO representatives discussing contemporary political and security situation in the international arena.<sup>203</sup> The first meeting in the new format

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<sup>203</sup> The format has been tried before with Central Asian countries but with limited success and little concrete follow up.

28+2 between NATO, Sweden and Finland took place in the deputy ambassador circle in January 2015. Denmark initiated a military assessment of the security situation in the Baltic Sea region. The next meeting was on 22 April 2015. Secretary General Jens Stoltenberg chaired a meeting of the North Atlantic Council with Sweden and Finland. For the first time the Council discussed the security situation in the Baltic Sea region. NATO and two new partners, Sweden and Finland, concluded that Russia has been intensified its activities to secure its access to the Baltic Sea. It was perceived that Russia was testing NATO's determination to stand up for security in that region. Three partners; NATO, Sweden and Finland have agreed that in the following area they are going to intensified their mutual cooperation in the future:

- The exchange of situational awareness in the region
- The exchange of information about hybrid warfare
- Connection with NATO's rapid reaction forces
- Coordination of training and exercises in the region of Baltic Sea (Wieslander, 2016:140)

From year 2016, Swedish and Finnish representatives took part in the meetings of foreign affairs ministers and defense ministers of the members of the Alliance. Naturally, Sweden and Finland, as a non-members of NATO are not engaged into all decision-making processes and do not have the full access to NATO planning structures.

Military cooperation between NATO and Sweden and Finland has constantly been expanded too. The armed forces of this two Nordic countries are relatively small but technically very well equipped and highly developed. Besides that, the level of interoperability of their armed forces with NATO standards in military terminology, military routines and procurement is very high because since 1994 they have worked together with NATO within the framework of its partnership programmes Partnership for peace and Planning and Review Process. Sweden and Finland have joined this two NATO's program to contribute to the building of a common European security architecture (Čehulić, 2002) and to improve conduct of international peace operations. Both countries gave their military contributions to the NATO operations in Kosovo and Afghanistan, Sweden's forces have been deployed in Libya in 2011. In the Baltic Sea

region the Partnership for peace program became a vehicle for transparency and confidence building activities.<sup>204</sup>

At the Wales summit of NATO in 2014 the Enhanced Opportunities Program (EOP) for Sweden and Finland was introduced. In the following it is argued that, due to the high degree of security interdependence in the Baltic Sea region, and the degree of interoperability gained by Sweden and Finland, regional cooperation between NATO, Sweden and Finland should be deepened further, thereby strengthening security and stability in a strategically crucial region for the Alliance (Wieslander, 2016:134).

In the framework of so-called extended cooperative security Sweden and Finland have been intensifying their partnership with the Alliance particularly in the Baltic Sea region since the crisis in Ukraine and the annexation of Crimea by Russia have accounted. From that time, both, the governments in Sweden and Finland and the leaders of NATO are stressing that all of them share a strategic interest in security and stability in the Nordic-Baltic region. Such cooperation includes not only the military dimension, such as common exercises but also a political dimension of cooperation. Both countries have taken part as partner nations in maneuvers BALTOPS in June 2015 and Crisis Management Exercise in March 2016. In the latest, Sweden and Finland were able to participate in a NATO's collective defense scenario for the first time.

On May 2016 the Swedish parliament ratified the Host Nation Support Agreement permitting NATO to use the Swedish territory, air space and waters in the event of a crisis or military attack on Swedish territory. Since 2014 a similar agreement NATO has got with Finland. Finland supports the NATO Centre of Excellence for Cyber Security and Strategic Communication in Tallinn and Riga and Sweden recently decided to join them both. Moreover the cooperation between NATO and Sweden and Finland has been strengthened in military training and in the defense industry.

Full-fledge membership of Sweden and Finland to NATO will have a significant strategic importance for the Alliance and its possibility to defend its northeast members and borders. Nowadays Russian system of anti-access/area denial (A2/AD system) - air defense system and anti-ship missiles in Kaliningrad restrict NATO's access to the strategically important Baltic Sea region, impeding the defense of the

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<sup>204</sup> Such kind of cooperation often included the participation of Russia Federation, including search and rescue exercises open to all NATO partners, as well as scientific research on mine disposal and handling of dangerous chemicals in the sea. (Mackey, 2016)

Lithuania, Latvia and Estonia in the event of an attack to their territory (Kroenig, 2015) As a members of NATO, Finland could provide important information about Russian activities in the wider region, and Swedish airspace could be used automatically. Furthermore , on the southern coast of Sweden (Island of Gotland) NATO could create an air force base. Thus NATO could strengthen its position throughout the Baltic Sea region.

Sweden and Finland are members of the Nordic Defense Cooperation (NORDEFECO). Its goal is to promote defense policy cooperation among its members: Denmark, Finland, Iceland, Norway and Sweden. Since 2014 three Baltic states (Lithuania, Latvia and Estonia) have been able to cooperate in its projects. But, as a members of NATO, they are thinking that their involvement in the NORDEFECO and their cooperation with the non-NATO members is going to, eventually to jeopardize their position within the Alliance. With Sweden and Finland as a full-fledge members of NATO NORDEFECO will lose its importance.

Last, but not less important, is the fact that the accession of Sweden and Finland to NATO should send a political signal to Russia that NATO is still relevant and desirable international organization. It can improve NATO's own image, particularly its soft power, because both, Sweden and Finland, are democratic countries, committed to respect all kind of human rights and supporting worldwide United Nations peace missions. Also they are economically the richest countries in Europe.

Despite all of that, Sweden and Finland are very hesitant concerning their full-fledge membership to NATO. Their governments face public opinion that tends to reject NATO. While NATO remains its open door policy, resistance among Sweden and Finns to join NATO remains high. In the time of the highest crisis in Ukraine the survey showed that only 41 % of Swedish and less than one quarter of the Finnish population were in favor of the accession of their country to NATO (Domisse,2016:5). Both countries are hesitant regarding the delicate topic of NATO nuclear strategy and nuclear program. Finland is strongly against any kind of nuclear materials and weapons on its territory.

Neither Sweden nor Finland is likely to apply for NATO membership any time soon. As a senior NATO official stated "NATO partnerships are a largely unseen, but hugely important part of the Alliance today" (Appathurai, 2014:46). Today Sweden and

Finland have earned the status of gold NATO's partners meaning they had become recognized as contributors to security and as interoperable as most allies.<sup>205</sup>

### **NATO's open-door - policy towards Eastern Europe**

NATO is no longer a crisis manager and an agency of political transformation, as it has been in the past, but an instrument of national and collective defense. This means that for the time being, countries will only be able to join the Alliance if the Alliance is able to defend them. It is therefore unlikely that Ukraine, Georgia and Moldova will become a member of NATO in the foreseeable future ((Kamp, 2016). Because of Russian aggression in Georgia in 2008 and the crisis in Ukraine in 2014, one might think that NATO would unanimously agree on the need for the Alliance to do as much as possible not only to project stability along its eastern borders but also to eventually have Georgia, Ukraine and Moldova become members of NATO. But NATO does not want to inherit border disputes, precisely they are bound to lead to further conflicts with Russia Federation (Dempsey, 2016:26.) Added to that is Russian intimidation of NATO, as former Russia's permanent representative to NATO, Alexander Grushko, made clear. "Any political game concerning NATO expansion into Georgia and Ukraine is filled with the most serious, most profound geopolitical consequences for all of Europe," Grushko told the Life News television channel (Dempsey, 2015:3)

### **The Ukraine Question**

Even though NATO stated in its summit in Bucharest in 2008 that someday Ukraine would be invited to join the alliance, until recently, the Ukrainians made little effort to help make this invitation a reality.

Once an aspiring NATO ally under the leadership of President Viktor Yushchenko (Čehulić Vukadinović, 242-246) Ukraine's previous pro-Russia government under President Viktor Yanukovich blocked membership progress. In 2010, the

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<sup>205</sup> International Defense Cooperation Efficiency, Solidarity, Sovereignty (2016) Stockholm, Report from the Inquiry on Swede's International Defense Cooperation, p. 42.

Ukrainian parliament passed a bill that barred Ukraine from committing to “a non-bloc policy which means non-participation in military-political alliances.” (Pop, .2010).

The crisis in Ukraine in 2014 is forcing NATO to rethink the strategic benefits of its overall further enlargement. For many NATO members the crisis in Ukraine has had the two positive effect. It has return the attention of NATO back to Europe and force some NATO member allies do decrease their defense spending .<sup>206</sup> But the attitude of further enlargement policy of NATO is definitely changing. This issue become very sensitive inside NATO.

Although nowadays leader of Ukraine Petro Poroshenko see the future of Ukraine in the West (not under Russian domination and influence), the country has a long way to go before NATO membership becomes a serious possibility.

NATO defense ministers agreed to work on a comprehensive package of long term measures in support of the Ukrainian armed forces, but this remained within the ambit of existing arrangements geared principally to defense reform and military modernization of Ukraine.<sup>207</sup> Of a piece with this approach , NATO has also refrained from renewing its commitment of membership to Ukraine. NATO's pledge to these states in 2008 now seems mistaken.

## Georgia

Like Ukraine, Georgia was promised eventual membership at the NATO summit in Bucharest in 2008. Since then, not all members of the Alliance have been supportive. This is especially true of France and Germany, which have an uncomfortably close relationship with Russia <sup>208</sup>

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<sup>206</sup> Among others, NATO has established si command centers in Eastern Europe with the aim of supporting its new deployed 6000 forces in the Baltic and some Central European member states to protect that part of Europe from Russia influence. Second all NATO members finally will confront their decline in defense spending (Dempsey, 2015)

<sup>207</sup> NATO Secretary General Anders Fogh Rasmussen, press conference, Bruxelles, NATO Public Diplomacy Division, 3rd June 2014<sup>th</sup>

[http://www.nato.int/cps/en/natodrive/opiniones\\_no618.htm](http://www.nato.int/cps/en/natodrive/opiniones_no618.htm), (visited on 11.06. 2014).

<sup>208</sup> Erlanger S, Myers S. Lee, (2008) „NATO Allies oppose Bush on Ukraine and Georgia“ , New York Times, 3rd January 2008th , p.4.

Georgia has done everything possible to meet the criteria for joining NATO. Apart from reforming its armed forces to a very high standard, the country has been actively engaged in several NATO missions. Yet for all that, NATO as a whole is opposed to admitting this country, which is strategically located between the Black Sea, Russia, Turkey, Armenia, and Azerbaijan.

The reason is that several NATO countries are not convinced that Georgia would add to NATO's security, despite its strategic location. Bluntly, countries such as Germany and France but also Poland fear that Georgia might at one stage invoke Article 5 of the NATO treaty, which obliges the allies to come to the defense of another ally under threat.

Georgia is vulnerable. Russia's occupation in August 2008 of South Ossetia and Abkhazia-together comprising about a fifth of Georgian territory-has made it increasingly difficult for Georgia to persuade NATO to grant it a Membership Action Plan, which would put the country on the road to accession. Even though Georgia has not been given a Membership Action Plan (MAP), it has a relationship with NATO that far exceeds the traditional MAP; such as the Annual National Program, the NATO-Georgia Commission, and the Substantial NATO-Georgia Package .

Some NATO diplomats have argued that the more NATO procrastinates over admitting Georgia , the more Russia will see this as a NATO's weakness and a vindication of its policies of recognition and support for Georgia's breakaway territories of Abkhazia and South Ossetia. Endless procrastination will only embolden Russia further to bully its neighbors and try to restore the Soviet Union de facto , if not de jure (Demspey, 2016:26)

Georgia has transformed its military and has been steadfast with its support for overseas security operations. Georgia has contributed thousands of troops to Iraq, and hundreds of peacekeepers to the Balkans and Africa. Perhaps Georgia's greatest contribution is found in Afghanistan. Georgia currently maintains 860 troops in the country. This is the third-largest contribution after the U.S. and Germany. Moreover, Georgia contributes an infantry company to the NATO Response Force (Coffey, Kochis, 2016:2)



## **Moldova**

On Moldova's sovereign territory in Transnistria, over the last two decades Russia has been able to impose a sort of area denial policy on Moldova's constitutional authorities, propping up a separatist regime and building up a de facto military base less than 40 kilometers from Moldova's capita. Conceived as a way to force Russia to withdraw its troops Moldova's self-imposed "constitutional neutrality" has failed to keep Russia out of its sovereign territory and has fallen short in preventing the transformation of Transnistria into a Russia active military and intelligence outpost (Munteanu, 2016).

Leading voices of the civil society are calling on Moldovan politicians to stop pretending that the countries neutrality is a viable solution and increase efforts in strengthening ties with NATO, expand bilateral form of military-to-military cooperation, while also stressing that this does not conflict with constitutional neutrality.

Relations with NATO started when Moldova joined the North Atlantic Cooperation Council and the Partnership for Peace program. The country's programme of cooperation with NATO is set out in an Individual Partnership Action Plan which is agreed every two years.

Through participation in Partnership for Peace training and exercises, Moldova is developing the ability of the 22nd Peacekeeping Battalion's forces to work together with forces from other countries, especially in crisis management and peacekeeping operations. These units could be made available for NATO peace support operations. In March 2014, over 40 Moldovan troops were deployed in support of the NATO-led peace-support operation in Kosovo, comprising an infantry manoeuvre platoon and an explosive ordnance disposal team.

Defense and security sector reforms are core areas of cooperation in which NATO and individual Allies have considerable expertise that Moldova can draw upon.

At the 2014 NATO Summit in Wales, Moldova was invited to take part in the newly launched Defense and Related Security Capacity Building (DCB) Initiative, which offers expert advice and assistance to interested partners.. Based on the request received from the Moldovan authorities, a tailored package of measures was endorsed by NATO defense ministers in June 2015 to assist in strengthening and modernizing the country's armed forces and reforming its national security structures.

Moldova is also participating in the Building Integrity Program. The defense ministry completed the NATO BI Self-Assessment and Peer Review Process in January 2016. The ministry receives tailor-made assistance and advice for strengthening integrity, accountability, transparency and good governance in the defense and security sector.

But, the more Moldova and NATO cooperate, the more military drills Russia conducts with the forces of the separatist regimes in Transnistria

NATO has no direct role in the conflict resolution process in the region of Transnistria. However, NATO closely follows developments in the region and the Alliance fully expects Russia to abide by its international obligations, including respecting the territorial integrity and political freedom of neighboring countries. But for sure Moldova will not be invited as a full-fledge member of NATO.

### **NATO enlargement to the South Eastern Europe/Western Balkans**

The only de facto direction of NATO enlargement in recent times has been to the South Eastern Europe/Western Balkans. Three post-socialistic countries from that part of Europe have already joined the Alliance: Slovenia in 2004, Albania and Croatia in 2009. Two of them, Croatia and Slovenia were part of former Yugoslavia, and Croatia is the only post-socialist and at the same time post-conflict country which has managed to become the full-fledge member of NATO.

Very soon the process of ratification in all 28 members of NATO of the Accession Protocol of Montenegro to NATO is going to be finished, so Montenegro will be the 29th member country of that organization. But unfortunately Macedonia and Bosnia and Herzegovina will have to wait for their membership to the Alliance. Kosovo is the specific case and Serbia will try in the future to keep its military neutrality (but within NATO's partnership program Partnership for Peace). Serbia is the only Balkan nation to have opposed NATO expansion in the region, because the bombings in Republic Srpska in Bosnia and Herzegovina in the mid 90s of the last century, and in Yugoslavia during the Kosovo conflict in 1999, affected territories inhabited and administered by Serbs.

The United States is in favor of the Balkan states' accession to NATO, although it does not act in pursuit of this goal as intensively as it did in the case of the Central

European countries. From the perspective of the U.S., the situation in the Balkans is stable, and enlargement should be preceded by the resolution of disputes between the neighbors.

On the other side, NATO's expansion to Montenegro and its potential expansion to Bosnia and Herzegovina and Macedonia is seen in Russian Federation as a provocation. Asked about the integration of this three Balkans counties into NATO Russian Foreign Minister Sergei Lavrov, during a news conference on the sidelines of the 69th U.N. General Assembly at U.N. Headquater in New York in 2014 told the Bosnian daily Dnevni Avaz „With regards to the expansion of NATO I see it as a mistake , even a provocation..... this is an irresponsible policy that undermines the determination to build a system of equal and shared security in Europe, equal for everyone regardless of whether a country is a member of this or that bloc.“<sup>209</sup>

## **Montenegro**

Despite widespread support from the NATO members states for enlargement to the South Eastern Europe only Montenegro will join the Alliance. Immediately after the reestablishment of its statehood in 2006 Montenegro has expressed its formal interest in joining the Alliance. The same year Montenegro has joined the NATO's program Partnership for Peace and in 2009 the Membership Action Plan (MAP) was offered to it. On May 19 2016 NATO foreign ministers took the final step toward inviting Montenegro to join the Alliance by signing NATO's formal accession protocol. As stated by NATO "Montenegro will now participate in all NATO meeting as an observer. Once all allies have ratified the Protocol, Montenegro will be invited to accede to the Washington Treaty and become 29<sup>th</sup> member of the Alliance".<sup>210</sup>

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<sup>209</sup> Russian Foreign Minister Sergei Lavrov speaks during a news conference on the sidelines of the 69th U.N. General Assembly at U.N. Headquater in New York, 26<sup>th</sup> September 2014<sup>th</sup>., <http://www.reuters.com/article/us-nato-balkans-russia-idUSKCN0H011W20140929>, (visited on 14.04. 2017).

<sup>210</sup> <https://fas.org/sgp/crs/row/R44550.pdf>, (visited on 17.04l 2017).

Some critics maintain that the Montenegrin government has yet to adequately address long-standing concerns about judiciary and corruption.<sup>211</sup> They also note that a majority of Montenegrins appear to oppose NATO accession. But speaking in May 2016 Montenegrin Defense Minister Mrs Pejanović - Đurišić highlighted Montenegrins readiness to join the Alliance stated that Montenegro has the required capacities, recognized the true values of democracy and has sufficient dedication to be a credible and reliable partner within NATO. She has admitted that requirements for joining the NATO have proven to be critical catalysts for all kind of reforms , particularly reforming the military and strengthening the role of law in Montenegro (Pejanović - Đurišić, 2016).

Montenegro is a small but geopolitically important Balkan nation. Its inclusion to NATO would make the entire northern shore of the Mediterranean NATO territory, from Turkey to Spain. Montenegro is also close to important U.S. bases, including Naval Air Station Sigonella in Italy, which hosts P-8 sub-hunting planes that patrol the Mediterranean, and the U.S. Naval Base at Souda Bay, Greece, which hosts the NATO Missile Firing Installation, the only location in Europe where the alliance can test-fire missiles (Goure, 2016).

Montenegro's military is relatively small, but it has already proven itself a worthy partner for the U.S. Montenegrin troops took part in NATO's International Security Assistance Force mission in Afghanistan from 2010–2014, and its men and women in uniform continue to contribute to the follow-on Operation Resolute Support, helping to advise, train, and assist Afghan security forces. Montenegro has donated 1,600 weapons and 250,000 rounds of ammunition to the Afghan National Army.<sup>212</sup> In November 2016, Montenegro hosted a NATO civil-emergency response exercise, code name CRNA GORA 2016.

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<sup>211</sup> „Key Founding of the 2016 Report on Montenegro“, Bruxelles, fact sheet European Commission, 9th November 2016th, [http://europa.eu/rapid/press-release\\_MEMO-16-3638\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-3638_en.htm) (visited on 10.11.2016).

<sup>212</sup> “Relations with Montenegro,“, Bruxelles, North Atlantic Treaty Organization, 26th May 2016th [http://www.nato.int/cps/en/natohq/topics\\_49736.htm](http://www.nato.int/cps/en/natohq/topics_49736.htm) (visited on 10.01. 2017).

Montenegro's new Prime Minister, Duško Marković, reiterated that Montenegro is committed to joining NATO, telling a session of parliament in November 2016 that the "Cabinet that you will vote for today will take us to NATO."<sup>213</sup>

As to whether Montenegro, a small and not very wealthy country, would enhance NATO's overall security, the added value is questionable. But Montenegro's strategic location in this part of the Balkans, combined with its government's Atlantist outlook and commitment to joining the EU, could serve NATO's interests. Moreover, Montenegro's NATO accession would quash plans by Russia to build a naval base in that republic. Russia, which has a sizable economic influence in Montenegro, coupled of times was warned the government in Podgorica against moving closer to the NATO,<sup>214</sup> advice that Montenegrin Prime Minister Milo Đukanović has brushed aside.

So the accession of Montenegro would be a tangible proof that Article 10 of the North Atlantic Treaty is still alive and it can demonstrate that Moscow does not exercise a hidden veto over NATO membership (Sikharulidze Vasil, Bakhtadze Rati, 2016:48) Also it can encourage other potential aspirants by showing that the door to NATO membership remains open.

### **Bosnia and Herzegovina**

In April 2008, Bosnia and Herzegovina stated its desire to join NATO, and the country was offered its MAP in 2010. Bosnia and Herzegovina has made some progress in defense reform and has even deploy troops to Afghanistan, but the country is still far off from joining the alliance.

First and foremost, Bosnia and Herzegovina must register all immovable defense properties as state property for use by the country's defense ministry. Little

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<sup>213</sup> "Montenegro's Parliament Endorses New Cabinet," Reuters, 28th November 2016th, <http://www.reuters.com/article/us-montenegro-politics-idUSKBN13N10T> (visited on 10.01.2017).

<sup>214</sup> NATO's Planned Balkan Expansion a 'Provocation': Russia's Lavrov," Reuters, 29th September 2014th, <http://www.reuters.com/article/us-nato-balkans-russia-idUSKCN0H011W20140929> (visited on 11.01.2017).

progress on this has been made. In addition, the internal politics of Bosnia and Herzegovina make NATO membership controversial.

Reforms of the security and defense sector have been delayed, modernization of army has been slowed and a common vision of three constitutional peoples (Bosniaks, Croats and Serbs) of the country's membership to NATO is lacking. The main political parties in Bosnia and Herzegovina support NATO membership, and it is officially still one of the main political foreign policy goal of that country but a common vision of three constitutional peoples (Bosniaks, Croats and Serbs) of the country's membership to NATO is lacking. In practice, more than 80% of the support for NATO is coming from the Federation of Bosnia and Herzegovina and less than third of population in Republic of Srpska supports integration to NATO ((Žornaczuk, 2012:3).

The President of Republic of Srpska Mr Milorad Dodig stated that if Bosnia and Herzegovina will be invited to full -fledge membership to NATO, Republic of Srpska will organize a referendum for it. Due to the peculiar constitutional arrangements set up under the Dayton Agreement in 1995 Bosnia and Herzegovina cannot be fully integrated within the Western political and military system without the agreement of the Republic of Srpska. That makes it essential to have in Banja Luka a cooperative regime that would be receptive to the Western strategic objectives and willing to place the resources of the Serb Bosnian entity at their disposal, even to the point of self-extinction (Karganovich, 2017:7)

## **The Republic of Macedonia**

With the dissolution of Yugoslavia in 1991, Macedonia became an independent state under its new constitutional name: Republic of Macedonia. Greece quickly protested on the baseless grounds that the name Macedonia, which is the same as that of Greece's northern province, implied regional territorial claims by the new nation.

In 1993, Macedonia joined the United Nations under the provisional name "the former Yugoslav Republic of Macedonia."Macedonia was one of the first former Yugoslav republic which has joined NATO's program Partnership for Peace in 1995. The same year Macedonia and Greece agreed to a U.N.-brokered interim accord in which Athens agreed not to block Macedonia's integration into international organizations,

such as NATO, so long as it called itself “the former Yugoslav Republic of Macedonia”, until both sides agreed on a mutually acceptable name.

In year 1999 Macedonia has received NATO’s program Membership Action Plan and completed it in 2008—meaning it had met all requirements to join the Alliance. Thus, Macedonia was certified by the Alliance as qualified for membership. But at NATO summit in Bucharest in 2008, when everybody was expected that together with Albania and Croatia (as three members of the Adriatic Charter) Macedonia will be invited to full-fledge membership to NATO in 2009, it has been vetoed by Greece because of a dispute over its constitutional name. Macedonia did not get close to joining NATO despite the favorable verdict of the International Court of Justice in December 2011. The court pointed to the violation of the agreement between Macedonia and Greece (signed in 1995) by Greece because the Greece was obliged not to block Macedonian’s membership to any international organization. Even so, Greece continues to block Macedonia’s membership, not only to the NATO but also to the European Union.

Despite of that, in its intention to join the Alliance, Macedonia still very enthusiastically participates in NATO operations. Relative to the size of population, and its military expenditures which range from 1,2 to 1.9 of its GDP, its contingent was one of the largest in Afghanistan, where its troops acquitted themselves well in combat. Macedonia is still very active member of NATO’s program Membership Action Plan (MAP), the last stage of cooperation between the NATO and applicant country before the full-fledge membership to NATO.

The ethnic conflict in Macedonia in 2001, and the deployment of the NATO contingent afterwards, influenced the perception of the NATO in the country as a guarantor of the stability and integrity of Macedonia.

But faced with the constant political instabilities, ethnic tensions between the two major ethnic groups: Macedonians and Albanians, and very poor economic and social situation, Macedonia is indicated as a country of high level of risk of internal conflict and a potentially subject for spreading instabilities to its neighborhood. In the times when EU and NATO are not willing to involve stronger in Macedonia, the Russia is offering to Macedonia to join its economic and even security arrangements (Bugajski, 2017). So it seems that Macedonia, like was Montenegro, in the near future will be the collateral victim of the new re-setting of relation between the United States/West and Russia Federation.

## **Kosovo**

Kosovo is not currently considered as a future member of the NATO within the nowadays NATO's members countries but the government of Kosovo declares its willingness to join the Alliance in the future. But Kosovo is not recognized as an independent state by some NATO members. At the same time Kosovo is still an object and the subject of international political relations. Because of its internal instability, and the absence of its functional security forces, NATO troops, together with the forces of the EU, are still deployed in Kosovo. Progress in Kosovo's European integration (Stabilization and Association Agreement was offered to Kosovo), and its dialogue with Serbia, could also prove favorable.

## **Conclusion**

NATO has underpinned European and North America's security for almost seven decades. It is not surprise that many countries in the transatlantic region that are not already members wish to join the Alliance. In that contests NATO's open door policy is critical in mobilizing Europe and its allies around the collective transatlantic defense. Besides that, NATO has done more than any other organization, including the European Union, to promote democracy, stability, and security in the Euro-Atlantic region. For all that reasons NATO should keep its open door policy and take measures to help aspirant countries reach their membership (Coffey, Kochis, 2016:1). These two authors very enthusiastic are suggesting to the NATO's leaders, especially to the U.S. policy the following:

### **Keep the door open**

- **Show support for Macedonia.** The U.S. should pressure Greece behind the scenes to allow Macedonia to join NATO under the terms of the 1995 interim accord.
- **Make clear that Russia does not have a veto right.** Russia should never be seen as having a veto over a potential country's membership in NATO. Just because a country was once occupied by the Soviet Union or under the



domination of the Russian Empire does not mean it is blocked from joining the alliance in perpetuity.

- **Ensure that NATO meets with the three aspirant countries (Georgia, Bosnia and Herzegovina, Macedonia) at the heads-of-government level not** to the level of foreign minister, as it is now.
- **Establish realistic expectations for Ukraine.** The U.S. should seek to improve relations between NATO and Ukraine while recognizing that NATO membership is not currently a realistic option.
- **Support Bosnia and Herzegovina.** The U.S. should help NATO keep Bosnia and Herzegovina on track for eventual membership once MAP requirements are completed.
- Ensure that the alliance is clear on Georgia's future membership (Coffey, Kochis, 2016:3)

There are now three official candidate countries to join NATO: the Republic of Macedonia, Bosnia and Herzegovina, and Georgia. Some are making better progress than others.

We can safely assume that the process of enlargement of NATO normatively will continue but besides the open door policy of NATO 'on the papers and documents' we will face more and more the willingness of some NATO's members to slow down the whole process. The only de facto direction of NATO enlargement in recent times has been to the Western Balkans. So the NATO should seek consensus to accept the other countries aspiring to membership, including Macedonia from that region. Further enlargement of NATO to the region of the Western Balkans will not definitely strongly strengthen the capabilities of that organization. All previous rounds of NATO's enlargement has shown that from a security point of view, membership was a huge psychological benefits for the new countries but from the NATO's point of view, the short-terms benefits were questionable until serious defense reforms took hold among the new comers and they can put their weight. But the open door policy of NATO can serve to consolidate the overall security in the Western Balkans, still very turbulent European region.

And it can put additional impact on the process of the European integration. In the times of decreasing concrete American involvement in the region, and Europe in general, and the ineffectiveness of the United Nations representative's missions in resolving the main disputes, European members of NATO in particular should seek

solidarity with regard to enlarge the NATO. In that process the neighboring countries of the region (Slovenia, Croatia, Romania, Bulgaria, even Turkey) have already shown their interests. Poland, a strong member of Visegrad group of countries is also in favor of the enlargement process of NATO , not only to the region of the Western Balkans.

Despite this calls, there are some voices within the so-called old NATO's member countries (especially in Germany and France) strongly opposing the further enlargement of NATO over the next several years.

They are stating that NATO was enlarged too quickly and with all its internal problems connected with the adaptation to the new international reality and security challenges, the NATO's leaders have instead firstly to agree on how to resolve that new challenges, including managing its relations with the Russia Federation. After that NATO can consider a next round of its open door policy.

Today NATO members have to deal with two competing considerations about its further enlargement. One is strategic values of admitting new members. The other is how Russia Federation would react to that NATO's policy. Some members states of NATO are more often raising the questions whether membership of any new country in the NATO can contribute to the overall security and stability of the Alliance in the future. If not, they are suggesting that NATO leaders will have to think twice about admitting it. Ongoing territorial disputes with Moscow in Ukraine and Georgia has shown that the process of further enlargement of NATO should definitely be slowed down in the near future.

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## **CROATIAN POLICY TOWARDS THE NATO ENLARGEMENT IN THE WESTERN BALKANS**

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### **Abstract**

This paper analyzes Croatia's policy towards NATO enlargement in the Western Balkans. After the Cold War, NATO has undergone major changes, which included organizational and strategic adjustments to new conditions in international relations, as well as the expansion to new countries. These processes can be viewed as an effort aimed at positioning NATO as inevitable actor in global security processes on the one hand, and at widening the trans-Atlantic security community on the other. Its actions in the post-Cold war period have not been limited to the territory of the Member States only (collective defence), but have been predominantly carried out in the wider environment in which conflicts occurred (collective security). One such area was the Western Balkans, where NATO had decisive impact on stopping the conflict and the establishment of peace and stability. This was particularly true in the case of Bosnia and Herzegovina and Kosovo. NATO enlargement to the countries of Southeast Europe has significantly affected the improvement of the security situation in the region. NATO

membership of Croatia, Albania and eventually Montenegro serve as the case in point. Croatian position is specific, not only due to its geo-strategic position, but also because of its special interest in stability and Euro-Atlantic perspective of Bosnia and Herzegovina. The paper is based on the hypothesis that the expansion of NATO to the countries of the Western Balkans has had positive impact on the stability and security of the region, which is why Croatia strongly advocates further NATO enlargement to the rest of the countries of the region (to those which declared NATO membership as their foreign and security policy objective). This hypothesis will be elaborated through the analysis of NATO strategic documents and Croatian foreign and security policy, especially those parts that are related to the Western Balkans.

**Key words:** NATO enlargement, Croatia, Western Balkans, security community, security policy

## **Introduction**

The end of the Cold War has led to a significant shift in global security processes, whereby those processes have been partly related to the redefinition of the role of certain actors in international relations. The range of actors on the international political scene in the post-Cold War era has expanded considerably, and today it encompasses a number of subjects that can have either a positive or negative impact on the international security environment. Among the actors that started the process of redefining their character, mission and scope of their tasks in the post-Cold War period were both the EU and NATO. These two regional organizations (whose geneses of development during the Cold War were clearly functionally distinctive) are the main actors of the (pluralistic) security community that encompasses the trans-Atlantic area since the late 1950s (Cottey, 2014: 168). For both organizations the end of the Cold war marked the turning point and the beginning of the new formative period, in which both the EU (EC at that time) and NATO began to build new mechanisms and take on new functions, while at the same time intensively searched for ways of their mutual functional harmonization.

Building up of the EC's security component was almost a complete novelty in the development of the Community, whereby Common Foreign and Security Policy has

been developing only since the Maastricht Treaty (1992) as one of the aspects of deeper integration between the Member States. On the other hand, NATO, which had clearly defined its security role during the Cold war (collective defence), was primarily faced with the need of defining and justifying its further existence in the new strategic environment. Given that the non-integrated part of the European continent sank into negative security processes and conflicts (former Yugoslavia) in the early 1990s, the space for the use and testing of NATO's redefined capacities was opened. The NATO's task of defending the territory of its member states was thus complemented with the increased focus on out-of-area operations and enlargement as the model for improving security conditions. "Enlargement of NATO and the European Union has been the way towards a Europe whole, free and at peace" (NATO, 2017a).

Starting from such orientation, NATO has actively participated in putting an end to the conflicts in the Western Balkans, primarily in resolving conflicts and later in the institutional development of Bosnia and Herzegovina and Kosovo. From the NATO perspective „the Western Balkans is a region of strategic importance “where NATO „...remains fully committed to the stability and security, as well as to supporting the Euro-Atlantic aspirations of countries in the region. Democratic values, rule of law, domestic reforms, and good neighbourly relations are vital for regional cooperation and for the Euro-Atlantic integration process. The Alliance will continue to work closely with the Western Balkans to maintain and promote regional and international peace and security“(NATO, 2016a).

The Western Balkans is a region marked by political and institutional weaknesses and disturbances, undefined interethnic relations, corruption and organized crime. This is also the area of interest for non-regional entities that are often of a destabilizing character and the area of proxy confrontation of the most important actors of international politics, which further destabilizes and makes the area unsafe. Due to these reasons, this area has specific security significance and is of a special interest for NATO. The NATO enlargement process in the Southeast Europe, as well as the membership of Hungary, Romania and Bulgaria, is important from the aspect of establishing territorial connection between Greece and Turkey and the rest of the Alliance. Subsequent membership of Croatia and Albania in the Alliance has turned the



Western Balkans<sup>215</sup> into some kind of security-undefined "island" surrounded by NATO members. However, this is not the final state. The prospects of the Western Balkan states for joining the Alliance are open, as was confirmed by the declaration of „Open door“ policy at the NATO Summit in Warsaw (NATO, 2016a), as well as by the expected membership of Montenegro in the near future. Serbia, which has declared the principle of military neutrality, is also encouraged to strengthen its partnership and cooperation with the Alliance (NATO, 2014).

Such an approach in which Western Balkans, although still burdened with security challenges and destabilization processes of internal and external character, primarily stemming from Bosnia and Herzegovina, Kosovo and Macedonia, is not left aside is particularly important since it enables the parallel development of security and stability processes, additionally promoted by the EU. It is often stated that “the enlargement perspective has played and continues to play a crucial role in the regional stabilisation and pacification processes” (Grimm, 2007).

As a NATO member located near the Western Balkans region, the Republic of Croatia considers this area extremely important and thus is very interested in regional processes. This interest stems from several reasons: apart from the historical ones, the most important are geostrategic, because Croatia, as well as Hungary, simultaneously leans on the territory of the Western Balkans and on the territory of other member states and the depth of the area of the Alliance. Through Bosnia and Herzegovina, the Western Balkans is deeply embedded in the territory of the Alliance and almost divides the northern and southern parts of Croatia. Additionally, Croatia has specific relations with individual countries of this region, particularly Bosnia and Herzegovina, which is extremely important in terms of regional security.

Membership of the Western Balkans countries in NATO and the consequent security integration of this area with other member states, is thus of utmost importance for the Croatian national security. This is also the starting point of Croatia's policy towards NATO's enlargement to the Western Balkans, which will be analyzed in this paper. Authors have set the following hypothesis: The expansion of NATO to the countries of the Western Balkans has had positive impact on the stability and security of the region, which is why Croatia strongly advocates further NATO enlargement to the

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<sup>215</sup> Western Balkans encompasses Albania, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia.

rest of the countries of the region (to those which declared NATO membership as their foreign and security policy objective).

### **Western Balkans countries in the NATO enlargement process**

All Western Balkans countries, except Kosovo, have established institutionalized cooperation with NATO. In addition, all countries in this region, apart from Serbia, consider membership of the Alliance as a desirable framework for improving their own security, but also for the confirmation of their own statehood and independence. The three Western Balkan states are candidates for NATO membership (Montenegro, Bosnia and Herzegovina and Macedonia), and Montenegro is expected to become a full member soon after the ratification process has ended.

Western Balkans countries have established different forms of cooperation or integration with NATO. Albania has been a member state since 2009 and therefore it is not the subject of this analysis, which focuses on Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia - that is, the states surrounded by NATO members and still undefined in terms of their security status. In addition, these countries have numerous individual characteristics that determine and significantly hamper a coherent approach to regional security through the process of integration into NATO membership. These are states that were exposed to military actions of NATO at some point: the 1993 operation "Deny Flight", which had the task of imposing a no-fly zone in Bosnia and Herzegovina, was the first NATO out-of-area operation; or the operation "Allied Force", which was the bombing campaign of the Federal Republic of Yugoslavia, primarily Serbia, during 78 days in 1999, the aim of which to stop the violence of Serbian authorities in Kosovo.

In some countries of the region, NATO was or still is engaged in peacekeeping operations. Signing of the Dayton Accords in 1995 was followed by NATO engagement in Bosnia and Herzegovina through *Implementation Force* (IFOR), which transformed into *Stabilization Force* (SFOR) in 1996 and lasted until 2004. Operation *Allied Force* has led to the separation (and independence) of Kosovo and the deployment of peacekeeping forces *Kosovo Force* (KFOR), which are still operational under the auspices of NATO.

Numerous contradictions and the character of its political system, which are the consequence of the 1990s conflict, have determined the dynamics and the content of activities related to the NATO integration processes in Bosnia and Herzegovina. Namely, political representatives of Serbs in this country, in solidarity with Serbia on the one hand and still calculating the final state organization and possible secession of their entity on the other hand, are obstructing the progress of Bosnia and Herzegovina towards NATO. That is why Bosnia and Herzegovina has not yet made a further step towards the Membership Action Plan after joining the Partnership for Peace in 2006, despite the appeals from NATO<sup>216</sup>.

Unlike Bosnia and Herzegovina, Montenegro, which also joined the Partnership for Peace in 2006, has currently been in the final phase of the process and is expected to enter the Alliance during 2017. It should be emphasized that the Republic of Croatia provides significant support to Montenegrin membership, including through the development of security cooperation and the transfer of experience gained within NATO missions in Afghanistan, ISAF and Resolute Support. Since 2010, members of the Montenegrin contingent have been deployed within the ISAF (currently Resolute Support) together with the Croatian military forces.

Kosovo's independence is largely a result of NATO's action. Since some NATO members have still not recognized Kosovo, it's not possible to start formal integration processes. However, other than those within the KFOR mission, NATO has additional tasks in Kosovo. Since 2008, NATO has been supporting the establishment of the Kosovo Protection Corps and the subsequent transformation of the Kosovo Security Force (KSF) and structures for the civilian oversight of KSF (NATO, 2017b)

Macedonia, which had formalized its path to membership already in 1995 when it joined the Partnership for Peace, is in a specific situation. It was expected that this country would join the Alliance in 2009 together with the Republic of Croatia and Albania. However, this did not happen because at the 2008 NATO summit in Bucharest Greece made its membership conditional on a change of name, and consequently NATO adopted the decision that Macedonia would receive an invitation to the membership

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<sup>216</sup> In 2010 Bosnia and Herzegovina received an invitation to join the Membership Action Plan (MAP). The condition was to transfer the prospective military property owned by one of the entities to the Bosnia and Herzegovina as the state. (NATO, 2017d). See also: Secretary General: NATO is committed to peace and stability in the Western Balkans, 2 Feb. 2017. (NATO, 2017e).

after these two states had reached an agreement on the name (NATO, 2017c). At that point the accession process was completely stopped, while the solution to the dispute over the name of Macedonia is still not certain.

Finally, it is necessary to include Serbia into this analysis, as the country which was a direct object of NATO's activities in 1999. Due to this fact, as well as the subsequent NATO's engagement on Kosovo, which is not recognized as an independent state by Serbia, this country has adopted a resolution that, among other things, declares military neutrality (National Assembly of the Republic of Serbia, 2007) and defines the substance of its relation with the Alliance. NATO certainly does not look with approval the Russian influence in Serbia, although this is not publicly pronounced. Serbia, at least for the time being, does not aspire to membership in NATO and the Alliance accepts this. However, considering that Serbia will not be able to continue this policy of "sitting on two chairs at the same time" in the long run, NATO constantly develops its cooperation with this country. The result of this development was the admittance of Serbia into Partnership for Peace program in 2006, and the cooperation was further deepened in 2015 through the Individual Partnership Action Plan (IPAP) (NATO, 2016b).

### **The Development of the Croatian policy towards the NATO enlargement to the Western Balkans**

There are several events, which represented major turning points in defining regional security in Southeast Europe, such as: termination of the Homeland War and the peaceful reintegration of the Eastern Slavonia and the Danube region in the Republic of Croatia; the end of war in Bosnia and Herzegovina; and the overthrowing of Slobodan Milošević regime in 2000 in Serbia. These changes significantly influenced the shift in the Croatian security paradigm. Therefore, the year of 2000, when the seventh Croatian government came into power,<sup>217</sup> will be taken as the starting point for the analysis of the Croatian policy towards the NATO enlargement to the states of the

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<sup>217</sup> Seventh government under the Prime Minister Ivica Račan took the office on 27 January 2000.

Western Balkans. It is also the moment when the mentioned changes in the security paradigm were initiated.

The explanation of Croatia's policy on this issue in this paper consists of the analysis of the Croatian governments' programs as their fundamental political documents since 2000 as well as the analysis of the still valid National Security Strategy (2002). New security paradigm was based on a shift towards strengthening cooperation in seeking solutions for further stabilization of the region and enhancing national and regional security.

The Kosovo crisis in 1999 prompted the international community to reassess its engagement in this area and to adopt a more comprehensive approach to fostering security and stability in the region. This was reflected in launching the NATO Initiative for South East Europe, as well as the Stability Pact for Southeast Europe. Since then, NATO's contribution to building security and stability in South-East Europe has expanded from peacekeeping operations to promoting security cooperation in the region (NATO, 2006: 245).

It should be borne in mind that the Republic of Croatia defined its approach to NATO enlargement to the region from two essentially different positions: from the position of the aspirant to NATO membership until 2009, and then from the position of the member state since 2009. The basic elements of the first approach can be found in the 2000 Government program, which estimated that "the regional environment of Croatia was still unstable ..." (The Government of the Republic of Croatia, 2000: 30). The section that defines the fundamental objectives states that "strengthening relations with neighbouring countries and joining the European Union and NATO will demonstrate the commitment to Euro-Atlantic policy and the readiness of Croatia to accept the role of the most stable partner in the region" (The Government of the Republic of Croatia, 2000: 5-6).

These statements provide the necessary elements for determining the approach to national security:

1. Joining the membership of the EU and NATO and commitment to their policies
2. Strengthening relations with neighbouring countries
3. Positioning of the Republic of Croatia as the most stable partner in the region.

A clear commitment of the Republic of Croatia to act in its neighbourhood is also confirmed by another statement in the Government program, that "... the government will encourage all the forces of peace and cooperation and encourage good neighbourly relations" (The Government of the Republic of Croatia, 2000: 30), and "improve stability by acting in line with the EU and NATO policies, even before the formal membership".<sup>218</sup> Such approach is complementary to NATO's approach to stabilization of the region. Additionally, an active approach to regional cooperation and strengthening regional security and stability was also encouraged by the EU criteria in the Croatian negotiation process.<sup>219</sup> However, at that point Croatia did not identify stabilization of the Western Balkans with the membership of the states of the region in the NATO. Instead, its policy towards the region was defined at two complementary levels: the national one, and the level of NATO approach.

Such an approach was a prerequisite for the institutionalization of relations with NATO, which started with the accession to the Partnership for Peace program in 2000.<sup>220</sup> Another significant step in joining NATO occurred in May 2002, when Croatia was invited to participate in the Membership Action Plan (MAP). Immediately before that, Croatia adopted its first National Security Strategy. This fundamental national security strategic document has confirmed that the accession to the EU and NATO are among the most important national goals, and that Croatia fully shares and supports the values and goals underlying the EU and NATO (National Security Strategy, 2002: 2). This strategy extensively deals with security threats, which are stemming from unconsolidated transition countries of the Western Balkans. It also emphasizes that Croatian security actions will keep the regional focus, since "security challenges and

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<sup>218</sup> Ever since 1996, the EU acted through the prism of regional approach, which also encompassed the Republic of Croatia. At that period, Croatia was politically defined as part of the „Western Balkans“. (The Government of the Republic of Croatia, 2000: 10

<sup>219</sup> Among other things, EU requirements towards Croatia included promoting regional cooperation, development of good neighbourly relations, fulfilling the obligations under the international law, strengthening security and stability in Europe, and especially in Southeast part of the continent, through cooperation in the areas which are integral parts of the CFSP. (Božinović, 2003: 111

<sup>220</sup> Along with the accession to the Partnership for Peace in 2000, Croatia was also admitted to the Euro-Atlantic Partnership Council and obtained the status of Associate Member of the NATO Parliamentary Assembly.

threats in the region, regardless of their scope, are more important for the national security of the Republic of Croatia than regional challenges and threats in other parts of the world" (National Security Strategy, 2002: 9). Stabilization of the regional environment is perceived through national activities, which should be coordinated with NATO policies and standards and not through the membership of the region in the Alliance, although it states that "...the NATO enlargement would also expand the area of rule of law, democracy, human rights and other shared values."<sup>221</sup> Thus, it can be argued that Croatia defined its national security concept in redefined security environment at the beginning of the 21<sup>st</sup> century by focusing on the NATO (and EU) accession and active engagement in building regional security.

Such orientation was additionally confirmed in the program of the ninth Croatian government,<sup>222</sup> which also expressed that "the government welcomes the EU decision reached at the 2003 Thessaloniki Summit, which opens a clear perspective for all countries in this part of Europe for full membership in the European Union" (Government of the Republic of Croatia, 2003: 36). The permanent stabilization of the region was thus linked to European integration processes.

The program of the successive tenth government kept the same tone. It contained some very indicative statements, which repeatedly confirm that the membership of NATO and the EU stand as the primary foreign policy goals, as well as that Croatia aims to act as the actor of lasting peace, stability and security "in the stable environment of the countries of the region which share identical efforts in their individual paths towards membership (Government of the Republic of Croatia, 2008: 7). Moreover, the program reflects strong belief that only European and trans-Atlantic perspective provide the only framework and stimulus for resolving remaining open issues in the Southeast Europe. Finally, it states that "Croatia will continue to promote

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<sup>221</sup> National Security Strategy of the Republic of Croatia, Official Gazette, No. 32/02, p.10.

<sup>222</sup> "In a changing world that is entering a new era of international relations, Croatia has important place and role. It cannot and will not be left out in creating a new European political, economic and security landscape. Its contribution to shaping lasting peace, stability and development in the Southeast Europe is also indispensable. Permanent regulation of the system of security and stability in this part of Europe is possible only in accordance with the principles of justice, law and equality, with the respect for interests of all the countries and peoples, and with the consensus of the international community. (The Government of the Republic of Croatia, 2003: 1).

policy of good neighbourly relations in Southeast Europe, which stems from the European vision and principles, as well as addressing the remaining open issues in order to secure the Euro-Atlantic perspective for this region" (Government of the Republic of Croatia, 2008: 105).

In this way, the Republic of Croatia created a consistent security concept based on an approach that strengthens national, regional and European security through the integration of Western Balkans into NATO and the EU. This government program was ongoing at the time of the NATO Summit in Bucharest 2008, when the Republic of Croatia received an invitation for NATO membership and became the member of the Alliance on April 1, 2009. Subsequent government programs continued to support the region's inclusion in the Euro-Atlantic political and security framework.<sup>223</sup>

Finally, the policy of the recent fourteenth Croatian government is unambiguous in that it contends that one of its fundamental foreign policy principles is providing support to Bosnia and Herzegovina and other states in Southeast Europe in their efforts to join the membership of the EU and NATO. The Government program emphasizes that Croatia is positioning itself as a key creator and promoter of the European and trans-Atlantic policy in Southeast Europe and that its actions towards non-integrated states of the region "will support their efforts in fulfilling necessary standards for the EU and NATO membership, whereby the European perspective of Bosnia and Herzegovina presents the key foreign policy goal and strategic interest for the Republic of Croatia" (The Government of the Republic of Croatia, 2016: 36).

The foreign policy section of the election program of the current Croatian president states that "Croatian foreign policy has specific tasks and national interests in Southeast Europe", that Croatia "will help international community and the countries of the region, which are currently not members of the Euro-Atlantic integrations, in reaching the necessary standards" and that it will "take over the implementation of the integration policy towards the countries in its neighbourhood".<sup>224</sup> This commitment was confirmed in the President's speech at the Munich Security Conference 2017, when Ms.

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<sup>223</sup> "Croatia has greater and more specific interests than the EU member states in achieving sustainable political and economic stability in Southeast Europe, which is our immediate neighbourhood. The benefits of our membership in the European Union will not be complete until other countries in the region become members of the Union." (The Government of the Republic of Croatia, 2011: 43).

<sup>224</sup> Kolinda Grabar Kitarović, The Election program "For Better Croatia", p. 34-35.



Grabar-Kitarović emphasized the issue of NATO's and EU's interest for the states in Southeast Europe. The loss of interest for Southeast Europe was accompanied by the revival of old nationalist and expansionist visions, strengthening of radical Islamism and the involvement of third countries, especially Russia, whose interference threatens the integration of the countries of the region into the EU and NATO.<sup>225</sup>

There are at least three reasons why Croatia supports the strengthening of cooperation between its neighbouring states and NATO:

1. Strengthening political relations involves the implementation of reforms that are directly related to democratization and transparency of the armed forces systems;
2. Strengthening cooperation involves a wider range of reforms (minority issues, human rights, justice affairs ...), which are also associated with the criteria for the EU membership;
3. Commitment to regional cooperation reduces the risk of regional tensions (Ministry of Foreign Affairs, 2017).

For all of these reasons, and due to NATO's reduced interest for Western Balkans, Croatia needs to continue its active approach in promoting NATO enlargement in this region and to help these countries to fulfil all the membership requirements. As a NATO member state, Croatia actively participates in the implementation of the Alliance's cooperation with the countries of the Western Balkans, which covers five core areas:

1. Security cooperation<sup>226</sup>
2. Defence and security sector reforms, which are the core of cooperation

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<sup>225</sup> Russia's involvement is a threat to EU and NATO enlargement [Miješanje Rusije je prijetnja proširenju EU i NATO-a], 16. 02. 2017. Accessible at: <http://hr.n1info.com/a179968/Vijesti/Grabar-Kitarovic-Mijesanje-Rusije-je-prijetnja-prosirenju-EU-i-NATO-a.html> (23 February 2017).

<sup>226</sup> Security cooperation primarily focuses on developing military forces' capabilities to work/act together with the forces of NATO countries and other partners, particularly in peacekeeping operations and crisis management operations. Participation in joint planning, training and military exercises within the Partnership for Peace program is considered particularly important. One of the obvious obligations of the aspirant states was the obligation to engage in the NATO *International Security Assistance Force* (ISAF) and later *Resolute Support* mission in Afghanistan. All the countries of the region, except Serbia, participated or have been currently participating.

3. Planning for emergency situations
4. Facilitating public access to information on cooperation with NATO
5. Scientific security cooperation.

Croatian Armed Forces have been participating in the KFOR<sup>227</sup> peace support operation in Kosovo since July 2009 and have made a practical contribution to NATO's efforts in maintaining security, as well as in developing Kosovo's security system in line with NATO standards, which is an essential prerequisite for future cooperation and integration of Kosovo into NATO.

Therefore, all of the above mentioned implies that Croatia applies comprehensive approach to NATO enlargement to the Western Balkans. Such an approach is founded upon the previously mentioned three specific interests, whereby the progress of these states towards the membership of NATO is not seen only as the result of the Alliance's unilateral effort or bilateral cooperation. Sustainability of stability and security cooperation in the region requires a wide range of adjustments in order to overcome the obstacles that exist at the national, bilateral and regional levels, and which go beyond the framework of NATO's action. This refers to numerous weaknesses that endanger the stability and security of the region, such as unresolved inter-ethnic relations affecting the stability of individual countries (Bosnia and Herzegovina, Kosovo, Macedonia), open bilateral issues (Kosovo-Serbia, Greece-Macedonia), and the activities of non-regional actors (Russian Federation), which negatively affect the integration processes. In other words, states in the region must develop good-neighbourly relations and establish and maintain functional regional cooperation if they want to become members of NATO and the EU (Čehulić Vukadinović, 2014: 702).

For this reason, it is important to apply complementary approach in which NATO's efforts are complemented with the process of cooperation between these countries and the EU, as well as with regional cooperation, which articulates the specificities of individual states and the region itself. In the consideration of Euro-Atlantic and regional cooperation, it is important to keep in mind bilateral relations between the Western Balkan states. Very often, these bilateral relations and different forms of cooperation were developed under the external pressures, which resulted in an illusion of far better relations than they actually were. Therefore, it seems that the

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<sup>227</sup> According to the decision of the Croatian parliament (15 July 2008).

wider community, such as NATO, can provide a good framework for resolving regional disputes and security threats.

## Conclusion

As a NATO member, but also for the reasons of its own national security, the Republic of Croatia has been continuously pursuing a constructive policy towards the region, especially in the case of providing support to Bosnia and Herzegovina on its way to EU and NATO membership. Furthermore, Croatia develops partnership relations with Montenegro and is one of the key states on the Montenegrin path towards NATO membership. With the membership of Montenegro in the NATO, all the countries surrounding the Adriatic Sea, except Bosnia and Herzegovina, will be members of the Alliance, which is very important from the perspective of national security of the Republic of Croatia.

Considering its geopolitical position, the region of Southeast Europe is where the interests of key international political actors, such as US, the EU, Russian Federation and even China, are colliding. Therefore, it is important to apply appropriate policies as a means of mediation and harmonization of different interests.

In this process, relations between Croatia and Serbia, which are developed especially in the field of economy, have a crucial role, which creates a good prerequisite for the development of political and security cooperation. However, although Serbia declares that the EU membership is its strategic goal, it has to provide a clear response to its complex security paradigm. Namely, although Serbia had declared the policy of military neutrality, it also signed some contracts on military cooperation with Russian Federation,<sup>228</sup> regularly conducts joint military exercises, and there are also some significant donations in Russian military equipment, which raises doubts about Serbian military neutrality. The existing military cooperation between these two states is inconsistent with the EU Common Foreign and Security Policy and can present serious

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<sup>228</sup> Agreement between the Government of the Republic of Serbia and the Government of the Russian Federation on military cooperation (signed in Belgrade on 13 November 2013) and Agreement between the Government of the Republic of Serbia and the Government of the Russian Federation on military-technical cooperation (signed on 14 October 2014).

obstacle to Serbian negotiation process with the EU. In such circumstances, it is important to keep the continuity of compatibility between Croatian security policy and the EU and NATO partners.

Besides NATO which represents the “hard power, the analysis of the security position of the Western Balkans has to include the role of the EU as an entity which possesses significant “soft power” mechanisms. The roles of two actors are complementary, whereby the EU serves as very important actor for the stabilization of the region and in providing response to the influence of other non-regional actors.<sup>229</sup> Besides the EU, NATO, US and the Russian Federation, Chinese policy towards the region, embodied in the 16+1 initiative, has to be taken into account, as well as the increasing interest of Turkey for the regional matters. Turkish actions in the region are increasingly unilateral, based exclusively on Turkish national interests, uncoordinated with NATO partners, and very often quite opposite to EU and NATO policies in the region.<sup>230</sup>

The result of the Western Balkans’ integration into EU and NATO (except Serbia) will depend on the readiness of all the external actors (US, EU, NATO, Russian Federation, China and Turkey) to encourage positive processes (in the area of economy, development of democratic capacities, etc.), whereby Croatia has to continue with the constructive and active contribution.

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<sup>229</sup> The EU aims to promote peace, stability and economic development in the Western Balkans and open up the prospect of EU integration. European Parliament, The Western Balkans, Accessible at:

[http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU\\_6.5.2.html](http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_6.5.2.html)  
(30 March 2017).

<sup>230</sup> Recent statements of the Turkish president Erdogan in which he accuses EU leaders for Nazism, the Crusader Alliance and threatens the security of the people from the West. See more at: <http://www.avaz.ba/clanak/283957/erdogan-u-sukobu-s-jos-jednom-zemljom-iz-eu-na-rubu-su-rata?url=clanak/283957/erdogan-u-sukobu-s-jos-jednom-zemljom-iz-eu-na-rubu-su-rata#sthash.9WL6n0Wa.dpuf> (30 March 2017).

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## **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 security<sup>231</sup> constitute an integral (and even more and more present<sup>232</sup>) 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.

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<sup>231</sup> 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)

<sup>232</sup> 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.<sup>233</sup> 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,

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<sup>233</sup> 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 companies<sup>234</sup>, but realistic assessments suggest 300 viable companies, almost half of them based in Belgrade with an estimated workforce of 40 to 50 thousand employees<sup>235</sup> 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)

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<sup>234</sup> 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

<sup>235</sup> 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 organizations<sup>236</sup> 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).

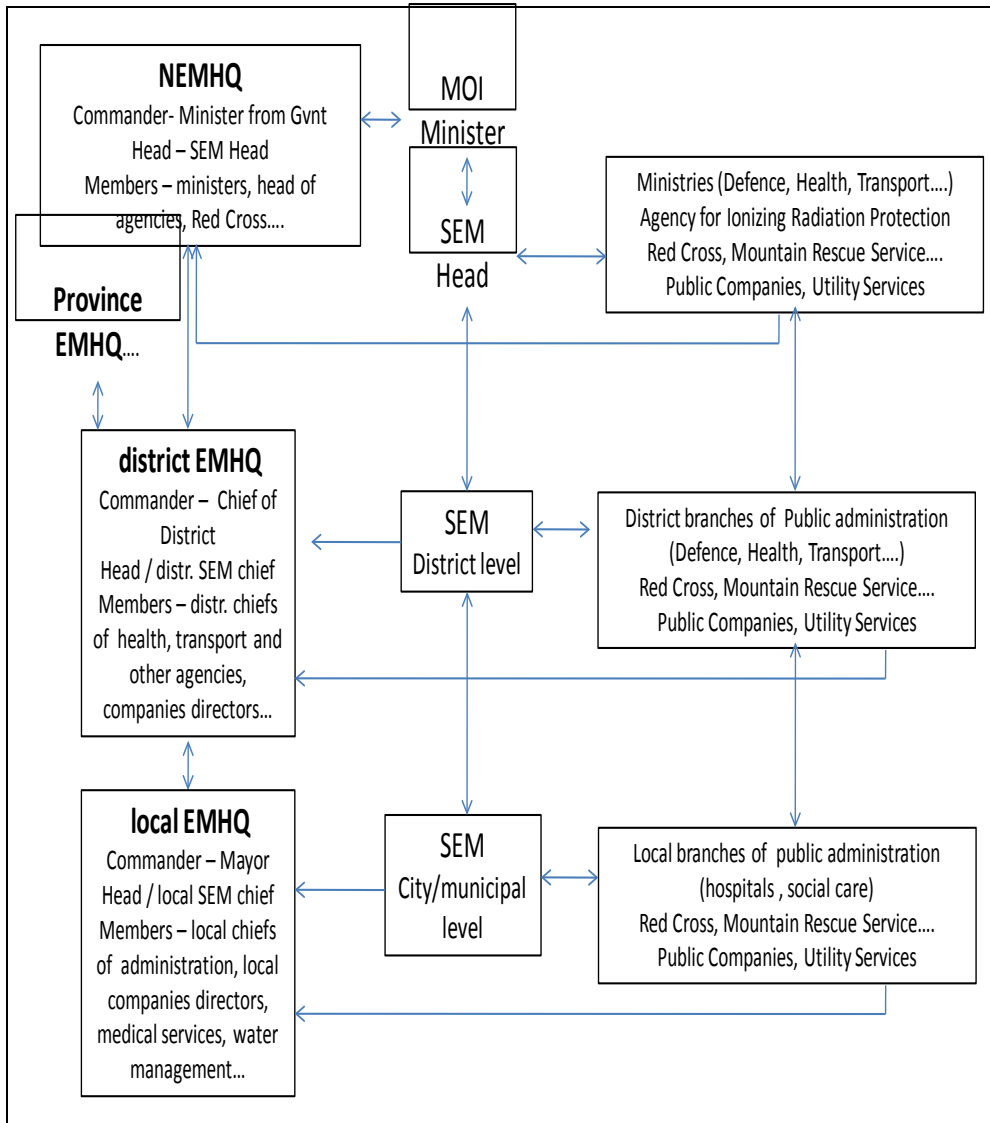
Looking top-down SEM has its organizational units for the territory of a district and city/municipality with a support (service) role in the district/local EMHQ as main operational and expert bodies for coordinating and managing crisis response. They are permanent bodies<sup>237</sup> established for 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.

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

<sup>237</sup> 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 Police<sup>238</sup> 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.<sup>239</sup> This is particularly the case when PSCs are in charge of the security of critical infrastructures/CI (like powerplants, water supply

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<sup>238</sup> Serbian police is national centralized organization within MOI.

<sup>239</sup> 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”<sup>240</sup>. 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,

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<sup>240</sup> 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)

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**PRIVATE SECURITY THROUGH THE PRISM OF  
PRIVATE SECURITY DEVELOPMENT STRATEGY IN  
THE REPUBLIC OF MACEDONIA**

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**Abstract**

The Development strategy for the private security comprises concrete goals and measures of whose operationalization should contribute for the development of the private security activity. The scientific explanation in this effort is based on two approaches. First, the research is founded on the scope of the basic theoretical assumptions about the terminological divergent for the notion strategy and its use, and afterwards follows a perception of the Development strategy for the private security in the Republic of Macedonia through the prism of the strategic goals.

**Key words:** strategy, strategic goals, development, private security, private protection.

**Introduction**

The creation of an appropriate strategy counterpoises a process throughout the efforts for building an internally complied, respectfully, non-contradictory performance by its bearer, which unifies the theoretic, experiential and intuitively based acknowledgements for the problem, on one hand, and regard on the partial interests'



positions and views of the problem on the other (Hilsman, R., 1993, p.36-89). Hence, the term strategy itself implicitly presupposes the existence of the necessary interaction of theory and practice, knowledge and skills, in order to successfully apply the appropriate methods and means on all levels in the accomplishment of the planned goals. That is why the scientific and expert comprehension of the essence itself and the context of the strategy based on which the real plans can be brought has especially crucial significance. This conclusion leads us to the ascertainment that this process is exceptionally difficult and followed by certain specifics and factors which influence its shaping Maslesa R., 2001, p. 146).

So, for an effective strategy it could be discussed if the same is based on scientific findings. They should be the basic substrate in the shaping of its frame, and it should create a relevant basis for an appropriate designation of the sole priorities and goals. Also, the findings should offer adequate means to approach and accomplish the designated goals. Likewise, it could be said that the strategy as a planning document is a framework through which the fundamental priorities are underlined as well as certain goals which are usually presented in an integrated single document. This document, has a present and future role, draws out the key development directions and defines the means for the approach and fulfillment.

## **1. General outlooks**

Entering a debate for the discourse of the private security activity, it could be said that the development of the activity always depends from a well elaborated and clearly formulated strategy. The segment of issues related with the private security activity, are a challenge for the subjects involved in the private security, while various other segments of the issues are a concern for various institutions, respectfully, numerous different institutions in today's conditions designated their own development strategy. Still, regardless the subject, or institution the strategy which is brought carries certain factors which significantly determine their policy for the development of the activity itself.

In that notion, a double provocation for every organization, institution etc. is the respect of the elements with common significance, as well as the elements with national significance, because that process is conditioned with good knowledge for the

general and the special specifics which directly respond to the demands of the contemporary reality.

In the approach of the creation of a certain strategy, the answers of the following questions should be considered: "On which principles is the strategy based?", "What kind of strategy is necessary?", "What goals should be achieved?", "Which is the most optimal method for achieving the goals?", "Which means and how much resources are needed for achieving the goals?" etc.

The answer of these questions is not easy, nor simple, yet it is intricate, complex and multidimensional because it depends from numerous factors, some objective, and some subjective. Hence, by default, the conducting of the goals demands a lot of effort, knowledge, energy, resources, and potentials. That is why it is important to prepare a comprehensive strategy in which all the relevant actors would be included and all the aspects in the development of the activity will be taken into account. Only this approach will give an opportunity to the subject to realize the concrete goals in an integrated and comprehensive way.

It means that the process of guaranteeing an optimal degree of development of the private security activity is a complex process which demands a great amount of knowledge, and the strategic goals quoted in the Strategy for development of the private security as professionalization, providing a quality work force, public- private partnerships, protection of the critical infrastructure and building trust in the community should be based on the strict democratic principles ensuring transparency and accountability in the process.

## **2. Strategic aspects and goals**

The Strategy for development of the private security in the Republic of Macedonia brought in 2016 should be in accordance with the contemporary trends in the regulation and practice in this sphere. It is necessary to emphasize the preventive character of the private security through building an optimal model of development of the private security and consequently, decrease the losses caused by human error,

negligence, criminal activities and natural disasters.<sup>241</sup> Beside this general goal, the Strategy had designated several strategic goals which are expected to bring a concrete contribution in the development of the private security activity. The key strategic goals defined with the Strategy for development of the private security in the Republic of Macedonia are: professionalization, providing a quality work force, public- private partnerships, and protection of the critical infrastructure and building trust with the community.

### **2.1. Professionalization as a strategic goal**

Basically, in none of the contemporary argumentations on security, defense, healthcare, administration, etc. the topic of professionalization is avoided, because it is an omnipresent phenomenon which occurs in every segment of society. The solution to this issue is a major concern not only for the institutions, organs and organizations, the business community, but also for the public safety and the country in general. Hence, it is not all the same what steps are taken in this plan and especially the issue how to achieve better professionalization in the subjects dominated by the security component, as a natural element of the security structure.

From the aspect of achieving security there is no dilemma that the subjects responsible for security have to hold enough power and authority to perform their work, but not in an extent which would jeopardize the wellbeing of the society or the individual.

Therefore, the normal response to this dilemma underlines three aspirations: legitimacy, professionalism and accountability. For this reason, the main goals are directed toward continuous legitimacy, permanent professionalism and constant accountability. All three conditions have to exist and be fulfilled in order to discuss a democratic governance. The professional behavior and accountability corroborates legitimacy, while accountability enables professionalism, and legitimacy enables the necessary degree of professional independency. (Bakreski, O., 2012).

In general, accountability signifies a proactive approach for one self, protection for one self and others, responsibility toward the state, toward the values etc.

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<sup>241</sup> Development strategy for private security in the Republic of Macedonia, Chamber of Republic of Macedonia for private security, Skopje, 2016, p. 20.

Professionalism means also a participatory share and contribution, as well as an idea how to stimulate creativity which basically means innovation, determination and taking action in order to provide changes in a security notion of the term.

Professionalism defines three characteristics, which are: expertise, responsibility and corporacy.<sup>242</sup> In that direction, the Oxford dictionary, when defining the professionalism these aspects are always taken into account: expertise and specialized skills, motivation (with a financial compensation), acquaintance with theoretic knowledge as well as connection with certain working matters (social status).

Altruism, transparency, integrity, service, respect and honor are also a part of the characteristics of professionalism. The concept and the theoretical basis for professionalism during the performance of the work are implemented during the period of education and qualification (Wear, D, Bickel, J., 2000).

It means that professionalism is a categorical feature regarding certain values, skills, orientation and management. The principles of fair behavior, integrity, human rights vigilance, accountability and adequate use of force are the basic elements in every concept of democratic rule. Professionalism must not be involved in discriminatory, corrupt and violent exploitation of its power. Independence (limitation) which the private security sector has is based on the trust of society that this sector will accept part of the values which are determined by the democratic equilibrium of ethical and professional rule (Fluri P., Hadžić M., eds., 2004).

Getting out from the embrace of the professionalism will result with rough, corrupted and incompetent behavior, and in certain cases could even lead to public scandals, which imposes the need for serious regulation of this sector (Born H. Caparini M. and Cole E., 2007).

### **2.1.1. How to achieve better professionalization**

Professionalization is a dynamic category which is conditioned by numerous factors and is in tight correlation with the development of the society. In general, it is achieved on a prolonged period and it is determined by the democratic ambience in the country and by the relations between the subjects themselves in the society, starting from the family, schools, religious communities, security institutions, etc.

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<sup>242</sup> Military Professionalism in Asia: Conceptual and Empirical Perspectives. East West Center. 2001.

So, perceiving the problem of professionalization is solely possible only through detailed acquaintance of the complex, intertwined internal relations, as well as through consideration of the crucial elements which have the central role in the creation of a congruent working ambience starting from the environment, the achieved degree of education, the level of awareness<sup>243</sup>, the dynamics and the complexity of the relations in the sphere of security, social development, multi layer communication forms etc.

Herefrom, the basic issue which is raised is not „Wether a profesionalization is needed?“but the question „How to achieve better profesionalization?“. In order to get to a greater profesionalization several conditions should be fulfilled, which are:

The first condition is the designation of minimum standards which will contribute for the development of the profesionalization in this sector. Professional knowledge is the fundamental pilar which appoints the commencements, the goals and the development of the profesionalization process.

The second condition is the complete division of the work. With profesionalization a complete division of the work is achieved. The strenghtening of the criteria for the internal organization and the systematization of the working positions should not only be considered for the managerial structures but also for the subordinate layers.

The third condition is evaluation of the work and the working process. Everything done must be a subject of evaluation. This element can be administered through strenghtening of the permanent measures for knowledge evaluation.

The fourth condition is especially underlined in the Strategy for development of the private security and it refers to the quality of the service and working. This is actually a continuous battle on how to impose, or „nominally“, how to be sold on the market, but there is no doubt that it could be done only with a good and quality offer and work.

The fifth condition is accountability which goes hand in hand with profesionalization. Accountability pressuposes explanation for a certain behavior and to be responsible toward external crtic. Accountability demands the responsibilities, authorizations and functions of the authorized bodies to be defined so the work of the

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<sup>243</sup> Awareness has a crucial significance for the future of the man, and it contributes to the citizens with their behavior and engagement to give a better support for the respective which has to be experienced from a different aspect, becoming aware of their legitimacy.

subordinated could be successfully audited and evaluated. Accountability as a category is tied with performing the tasks in the anticipated time and in accordance with the prescribed standards. This leads toward a professional organization, which acts preventive with the purpose to preclude committing criminal acts.

Also, accountability signifies that the police will not act solely on its own assumptions for efficient and rational functioning, but it will take into consideration every expectation the community has for it (Bakreski, O. 2010).

The sixth condition is related with professional competences and obtaining them is conditioned by the practical performance of the tasks, and here it comes to the fore the acquired knowledge.

This primarily means the subjects themselves to strive for an adequate personnel planning and to choose the best candidates due to the specification of the activity and the profession, and secondly, this concept has to comprise expert's profiles which will be succumbed of a continuous expert improvement, their appropriate preparation for the comprehension of every day's tasks and work etc.

The seventh condition is the assurance for political neutrality. The employees in the private security, respectfully the Security agencies should be apolitical, which would mean that they are committed to the work and professional conduction of the tasks. Basically, professionalization will enable performance of the tasks on lawful foundation, and on the basis of someone's wishes. It is a sort of guarantee that the employees will professionally perform their duties and that will be completely dedicated on their fulfillment which would mean a high degree of responsibility, which is in fact one of the elements required for their profession.

## **2.2. Enabling a quality work force**

This concrete and undoubtedly priority goal is focused toward drawing a quality work force, due to the actual need of workers for the legal entities which perform the private security activity. It is a common impression that gradually this issue becomes troubling because the indicators speak that on the labor market there are less and less interested to work in the private security business. Here, several questions are raised: "What are the reasons?", "Which factors contribute for this condition?", "How to overcome this situation?", "Which mechanisms should be engaged in order to motivate young people to choose this profession?" The answer is maybe simple, but yet

complicated because it is considered that attracting the interest of young people for engaging in the private security activity should not be tied solely for the financial motive, rather it should be a learning process for the importance of this segment, and it could be achieved in the educational process.

Education is a key factor and along with the training and specialization will contribute for a better professionalization and development of the private security activity. The knowledge obtained in the educational process is a main determinant in development because it is based on comprehending and gaining a complex corpus of competencies, abilities and skills. Knowledge obtained in the educational process means acquiring the necessary expertise, integrity, morality, altruism and skills for promoting the public wellbeing. All of these elements are shaping the grounds for the social agreement among professions and societies, which in return ensures the professional autonomy in the practice and the privilege for self-regulation. Professions are founded on specialized knowledge which is a basis for receiving the necessary quality. (Oxford English Dictionary, 1989 Oxford: Clarendon Press).

It means that it is a vocation which requires a specialized knowledge, a durable and intensive upgrade is often necessary, which involves learning based on scientific, historical or theoretical principles. That specialized knowledge is maintained through the power of the organization or with adjustment with the standpoints for high standards for performance and behavior, as well as with the approval from the members of the profession, continuous research and that kind of activity, which primarily purpose is performing public service (Merriam Webster (ed.), Webster's Third New International Dictionary, Unabridged. 2000 Springfield, MA: Merriam-Webster).

In contemporary conditions of labor market functioning, imposed above all because of the global specialization in the work, primarily for the companies and consequently transferred to the employees themselves, as well as because of the demand for educated, competent and qualified work force, an imperative counterpoises the expert knowledge, which prepares the candidate for a concrete profession, providing the necessary skills and knowledge for active work. In the spirit of such practices and experiences it is necessary to apostrophize that in the private security business there is a specific specialization, determined by the public authorities of the activity itself.<sup>244</sup>

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<sup>244</sup> Development strategy for the private security in the Republic of Macedonia, Chamber of Republic of Macedonia for private security, Skopje, 2016, p. 21-26.

In the context of provision of the necessary competent and qualified work force permanent steps should be made for improvement of the education and continuous attainments. The improvement of the education and the continuous attainment are in the direction toward improvement of the capabilities and obtaining new skills through knowledge absorption which are needed for new forms and modes for providing a balanced process of decision making, but also for other new solutions with which concrete problems related to the work will be resolved. This is especially important for the employees in the private security sector because the continuous education of its personnel creates capable cadre, which could deal with certain difficulties any timer and can find solutions for the concrete security concerns.

So, a key factor for fulfilling this strategic goal is education. One of the solutions which is pointed out in the Strategy itself is consisted in the response for creation of educational- study programs. Of course, this step would mean a great leap and would be a solid basis for providing an adequate cadre which will be the bearing element in the above synthesized analysis.

### **2.3.Public- private partnerships**

The achieved level of development and cooperation between the public and the private sector in a certain social- political system depends on numerous factors, among them: the place they hold in society, the method for deciding for the position and the role of these sectors in the country, their contribution and real significance, the financing mode for these sectors, the nature of the relations between the recipients of security and the providers, the working status of the employees providing services to a certain recipient etc. (Ahić J., 2009, p. 17-37).

This would mean that the frontier between the private and the public sector, instead of getting clearer, it will become more vague, making it more difficult to separate the traditional public police forces from their private colleges. (Johnson Brian, 2005, стр.419-420). Hence, the first crucial question is: "Is the sphere of action of public security equated with the private security?" respectfully "Can a comparison like this be made?" secondly, "For whose interest does this business serve?" and third: "Where is the line between private and public security?" If the answers to the questions is not in favor of the private security nor public security, then these thin lines could be described as "a grey" area which contours the margins themselves between those two subjects. It



signifies that it is the complexity of the private security that makes it so close yet so different from public security which produces additional difficulties in drawing the line.

The following problem in the contouring of the borders of the public and the private security is the fact that there are many employees which perform security functions as part of their general duties, but to which these functions are not their main role and purpose. For example, a receptionist whose main duty is to accept guests and to answer questions, can also have a function in the part of the control of access and maybe even video monitoring. Would anyone consider this person working in the private security? Also, regular personnel such as janitors could be used to search for suspicious items if there is an alert for a bomb installment. Does that mean that if the janitor does that often is a part of the private security sector? Many citizens also do voluntary activities which can be interpreted as security functions, for example, schemes for monitoring the neighborhood, voluntary street patrols. Are these activities interpreted as a part of the private security sector? (Bruce George and Button Mark, 2004, p.14-15).

The comparison between the public and the private security, as well as the explication of the nature of the cooperation between these two sectors expressed through the actual public- private partnerships shows that there is a space for rapprochement of these two segments and that there is a clear need for their cohabitation in the achievement of the common goals although from a historical aspect, the relationship between the public and the private sector was not always the best. Sometimes the police underestimated the private security, which felt that the police has no interest in their domain of action. However, nowadays there is a tendency toward achieving these partnerships, whose main purpose is the progress and development of the public and the private security sector (Dempsey S.John, 2011, p.360).

Basically, the most common activities of the partnerships and cooperation include:

1. Establishing business and personal contacts;
2. Expansion of resources (the police can assist the private securers in the performance of their work, including contracting for certain non-criminal and harmless tasks for which police authority is not necessary, but also private security could come in handy to the police in countering corporate crime);

3. Programs for crime prevention, joint participation in the security field, developing mutual methods for crime prevention and combining forces for achieving the common interests in countering video piracy, graffiti, false alarms and neighborhood watch programs;
4. Sharing resources, respectfully, borrowing the technical and terminological competency;
5. Enabling a legal framework which includes the support and draft laws;
6. Joint action, for example, in investigation of complex financial frauds or computer felonies; bringing mutual security plans for protection from natural disasters, gunfights and school violence as well as violence on the working place, joint operations for violations, such as street theft;
7. Investigation and creation of a guideline for preparation and review for: examination and protocols regarding false alerts, drug- related crimes on the working place, violence on the working place, internal info - television etc (Dempsey S.John, 2011, p.360-362)

## **2.4. Critical infrastructure protection**

The critical infrastructure as a vital, complex and reciprocally structurally connected entirety has an exceptional importance and significance for the uninterrupted function of the country. It is clear dialectics and synergy which connects the industrial sector, communication systems, the energy sector, the education sector, the health sector, telecommunications sector and other sectors, systems and networks of utmost importance for the country because it enables the necessary stability. From hence, the interruption or the disruption of the work of certain sectors/systems could lead to serious consequences which can have a weakening effect on the security of the country, on the national economy, on the economic development and prosperity, on the stabile energy sector, respectfully, the interruption or the disruption of the work of just one from the above mentioned sectors could lead to serious consequences over other critical sectors.

Basically, the segment of issues related with the critical infrastructure demands balance, common efforts and high level of cooperation between the key subjects. And that is way it is generally considered that the issues for critical infrastructure protection are one of the most hardest because they need to establish a

balanced system of relations between the subjects themselves which have to actively participate in this realm: the Ministry of interior, the Security agencies, the Chamber of the Republic of Macedonia for private security, the operators themselves and numerous other actors. All of it demands a serious anticipative approach and building an appropriate coherent policy.

On account of the complexity and difficulty itself of these matters, the critical infrastructure should be perceived in its totality so there won't be any one-sided, partial, segmented and insubstantial solutions, rather, it has to be approached systematically, thoroughly, completely pragmatic and through the prism of offering adequate solutions.

Otherwise, the critical infrastructure of the Republic of Macedonia is relatively new realm which is still not legally regulated, respectfully, there still is not legal framework for defining, identification and protection of the critical infrastructure, and with that, there is no formally designated critical infrastructure register. Yet, it has to be emphasized that the identification of the critical infrastructure will not start from the very beginning because it is founded on some existing acts which recognize this realm.

In particular, attention should be drawn on the Law for private security which singles out a specific Chapter 5 for the arrangement of the topic "Compulsory private security" which in Article 44, Paragraph 1 further delegates the obligation for designating the legal entities by the Government of the Republic of Macedonia.

It should be emphasized that not only in the Law for private security and other legal frameworks this segment is recognized in a sort of way. The issues are occurring only around the compliance and the terminological divergences about the notion and the use of this term.

It remains to be concluded that the critical infrastructure is the pillar of the country. That is how it is connected with the citizens and the country.

For the citizens it is the level of security of the crucial resources and capacities, having, respectfully, not having, food for survival, potable water, communication systems which are a fundamental need, healthcare, education, and other essential needs such as the necessary transportation: aerial, rail or road, widespread trade net, energy system etc.

For the country the critical infrastructure is tied for the national security, for the welfare, the national economic security, the economic development and prosperity,

better health and public safety, better energy sector, better health sector, stable energy sector etc.

From hence, the protection of the critical infrastructure should be particularly apostrophized because it is well known that this is an essential segment, respectfully it is a core part of the national security of every country, so hence its protection is a top goal and priority of every state, especially if it known that every country is exposed to the social deviations (for example thefts, frauds, industrial espionage, sabotage, diversions, malicious damages etc), natural disasters, technological and technical accidents, human errors etc., all of them can cause massive human losses and material damage. If certain specific forms of imperilment are added up to these elements, within the framework of which subsides the use of contemporary weapons and advanced technologies, including nuclear material, chemical and biological weapons and similar, all of this is a clear signal that there is a serious security risk refueled with the possibility such weapon to be used in illegal acts over the critical infrastructure, it imposes the need for the creation of appropriate defense mechanisms for the critical infrastructure.

It emanates from the above mentioned, that the critical infrastructure is an omnipresent phenomenon for which the complete effectuation of a large amount of knowledge, pragmatism and experience is necessary, and most importantly, an appropriate anticipative approach of the subjects engaged in the process in order to unify all of the resources.

This in perspective should mean:

- √ The private security should impose as a serious player in this story because it has a crucial role in the protection and the securing of the critical infrastructure in our country, to that, its experience, position and function must be respected during the preparation of other legal acts in the realm of critical infrastructure protection in the future, and the good practice of the private security has to be a basis of practice in this sphere.
- √ A comprehensive public debate should be opened for all the segments, in order to initiate a legal regulation of the critical infrastructure protection in which the instigators of the activity will have a primary role. It means an existence of a better functional activity and existence of a better structural position in the state- social relations.

- √ The subjects which will be involved in the process should urge for solutions which are in the context in the completion of the necessary framework for adequate protection; a better cooperation and coordination, efficient prevention and protection of the critical infrastructure from different shapes of imperilment.
- √ The specialized training for the critical infrastructure protection has to be a top priority for the instigators of the private security activity in order to create the fundamental assumptions for an adequate approach in the work and providing adequate protection for these objects.

## **2.5. Building community trust**

Nowadays it is considered that a certain society is democratic if it has a space for a broader debate around the issues which have great social significance, and transparency can only be achieved through active participation of the citizens in all the spheres of interest which would mean shared responsibility, but also the ability for creating the policy and its implementation.

The discussion around transparency is a relatively new appearance. It points out the need for an analytical approach which will take into consideration the especially complex relationship between the citizens as the uttermost recipients and users of the services and providers of the services which are directly focused on the provision and the quality of the service.

Regarding the private sector the transparency is a complex concept and it is the only way to initiate a public debate for the issues from the private security. It means that transparency is not a purpose for itself, but it is the only way which enables the existence of a public debate for all the essential issues related with the activities of the Security agencies and how are their designated goals achieved. It is more than necessary in order for the citizens to create the fundamental perception for the work of this sector.

Transparency is tightly connected with accountability. All the matters which are a public interest, including the activities performed by the private security sector have to be displayed for the citizens in the best possible way. It means that this sector has to work in accordance with the legal instructions and for their work they have to impart a complete revision, respectfully, account before the public for what has been

made, how it was done and whether the expected outcomes are achieved. It is anticipated that what is presented before the citizens, if it is exposed completely, articulately etc., that it will contribute for the expectations to gain a broader support and to gain greater trust.

The central issue which is imposed here is the question "How to a greater transparency?" First, the openness of this sector toward the citizens would mean that its work is transparent, and its role demystified.

Basically, the openness of the security sector would mean a kind of a confirmation that what is done is in the interest of the citizens and it is in the interest of protecting the fundamental values.

It means that one of the democratic acquisitions in a certain society is for the citizens to know, respectfully, to be informed for the conditions in the private security sector.

With that they will have the opportunity also to discuss for essentially significant issues which are related with the work of the Security agencies. Second, the social responsibility should mean that the employees in the Security agencies would be completely focused on the execution of the tasks in the objects and that they will enforce laws consistently on the demand on their agency and their profession. It would mean that they have a proactive attitude and high awareness in the performance of the tasks. This element is also connected with the high degree of security culture. Security culture is an important assumption in order to foresee what the general culture in the country is, and also what is the culture of the individuals (security workers) for matters which have a security character. The security culture is conditioned from numerous factors starting from the family, through science institutions, to security institutions etc., and it is not determined by some regulations, rather it has to be a result of the expression and the strive for a more proactive role of the individual – employed in the Security agencies in order to promptly identify the occurrences, the bearers, the causes and the consequences tied with the situation in a security context. It means that only a proactive attitude toward this concern will result with an accumulation of the security cultural capital which will enable to create positive prejudices for the security paradigm.

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## The Specifics of Detective Activity in the Balkan Countries

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### Abstract

Detective activity is recent phenomena in post-authoritarian and post-conflict countries, which particularly applies to the region of the Balkans. Legislation of the Balkan countries faced similar challenges in the process of defining detective activity, and to an extent, in a similar way have addressed this phenomenon, with certain specifics related to the level of technological and cultural development. A significant impact came from the obligations in the process of accession of these countries to the European Union. In the Balkan countries, there is no unified opinion on whether detective activity should be regulated through specific laws or fit into a legislation applicable to private security sector as a whole. In these countries, detectives were given legal opportunity to perform the job independently or within the registered legal entity, with a tendency for similar authorizations. Prevailing opinion is that detective activity is fitted in the zone of responsibility of the ministries of interior, thus, in the zone of responsibility of the police department.

Generally, in the Balkans, government regulations and executive are ahead of «market regulation». There are therefore several licenses, state training programs and other forms of state intervention in detective activity. It is also characteristic that the legislation in these counties differently recognizes required adoption of the Code of

private detective ethics. Detective activity in practice in the Balkan faces numerous concerns regarding the collection and processing of personal data without consent, given that the private detective is a product of the Anglo-Saxon legislation, and on the other hand, there is a universal right to the privacy, which includes a range of rights (right to the protection of personal data, the right to moral and physical integrity, the right to a private and family life – respect for correspondence, etc.). It is certain that the implementation of European standards in this area in the Balkans will not be an easy task, neither will always the regulations produce the expected outcomes.

**Key Words:** detective activity, countries, the Balkans, legislation, practice.

## 1. Introduction

Detective work reduces the police involvement in the cases that are not a priority, particularly in the scope of private and corporate investigations, and on the other hand, it relieves service users which find easier to cooperate with private investigators than with bureaucratic and overly work-loaded police officers. Experience in the practice shows that detectives can often be more successful than the state police, among other things, because they don't hassle with bureaucratic trivialities and because they are willing to pay for useful information.

Although operating locally, private investigators are involved in wider range of security because their engagement often exceeds the state borders and for the purpose of efficiency and timely resolution of the case, a detective agency often takes over surveillance and data collection in their own country (Magerl Krivanek, 2014).

Legal and effective detective job performance requires an appropriate legal framework governing the basics, including but not limited to job requirements, licenses and work permits, organizational forms, detective authority, etc. In addition, there's no doubt that encouraging entrepreneurial initiatives in the field of private security is not realistic without national legislation and implementation of current international standards (van Amstel, 2015).

The necessity of legal regulation of detective activity comes from it, not always, clearly-defined relationship to operative work of the police department. Namely, it is necessary to draw a clear line between the scope of work of private investigators and

the jobs that are in the exclusive jurisdiction of the state police, which in practice may overlap. Here it should be highlighted that there are operational actions and measures applied by the police and which, by the nature of the business, can be applied by detectives in providing services for the service users (Šelih and Završnik, 2012).

In post-authoritarian and post-conflict societies, the role of detective activities should be seen in the context of the dramatic changes in recent decades, i.e. through the prism of the reform of the security sector in these countries, in which weakened government institutions have not been able to preserve the monopoly of the state-power, while the newly established private security entities were able to fill the resulting gaps by taking excess of personnel in the police, intelligence, and the military. Widespread corruption in these countries attracted individuals in the private sector, but also in the public sector to grab the opportunity to charge for provided security services. Security has become such a commodity like any other, regardless of who is offering it (Babikov, 2005).

## **2. Standards and Practices of Contemporary Detective Activity**

The comparison of detective work worldwide shows a number of specific characteristics, starting with terminology, the position and role of private investigators in the security system, to the degree of legal regulations. The differences are particularly present among the Anglo-Saxon legal tradition and European continental states (Batelaan and Bos, 2006).

Legal regulation of detective activity in Europe is also diverse. Most European countries in the last 30 years have passed the laws governing private security, and within that, the private detective activity. Only part of the national legislation contains specific regulation related to detective activity. In some countries, such as Austria and Germany, the entire sector of private security is regulated with the provisions of other laws, mostly in the field of general economic and industrial regulations. Some of the European countries do not regulate this field centrally, but on the cantonal, regional, or local level, such as Switzerland, Italy, and Bosnia and Herzegovina (George and Button, 2000).

Normative regulation of detective activity also remains a new subject for the national legislation of Member States of the European Union. At the EU level, there is

no even a unified standpoint if the field of private investigations in general needs exact legislation or all specifics can fit into the overall legal regime that applies to all other activities. It is though characteristic that the distinct laws on Detective activity was passed mostly by new Member States of the European Union (Button, 2007). It is obviously that this have taken place due to reforms in security sector, i.e. meeting the requirements for obtaining membership in international organizations such as the European Union or NATO (Yusufi, 2004).

One of the most important initiatives in the field of private investigation is considered a "Minimum common standards of the European Union concerning the licensing of investigation in the private sector"; a document presented 2008 at the International Federation of Associations of Private Detectives (IKD). The Association, which operates since 1964 with the objective of establishing the highest standards in this area brings together the detective associations from 22 European and non-EU countries, has offered to the European Union institutions a proposal with analysis of the situation in the EU and suggestions of minimum common standards in the performance of private investigation. By IKD definition, private investigation includes surveillance, interrogation and investigation directed towards a specific person, for the purpose of obtaining information or data from records, relating to particular persons or their activities, as well as the circumstances and ways in which a particular asset or thing may have been damaged or lost. Accordingly, private investigators can provide clients with the following services: investigation of accidents; blackmail investigation; investigations related to accounting, forgery, intellectual property, family and marital relationships, missing persons and things; legal interpretation; litigation assistance; the gathering of evidence; returning a property; situation analysis; supervision; theft investigation and trace expertise (Travers, 2011).

## **2.1 Detective Activity and Protection of Human Rights**

Current detective industry is faced with the question of the legal basis under which private investigators collect and process personal data without persons' consent, taking into account that the private detective is a product of the Anglo-Saxon legal system, where there are private criminal investigations, and in the performance of private investigation, investigators may collect, process and use personal data without the consent and approval of that person (Hakala, 2008).

Contrary, there is a universal right to the privacy, including the right to respect of private and family life, home and correspondence, honor and reputation (Prenzler and King, 2002). In a democratic country, any restriction of human rights must be provisioned by the law, which means that deviation from standards in this area must be legitimate, so that it would not be in significant extent undermined. Restriction of these rights has to be explained with some of the recognized goals, which include the protection of the rights and freedoms of others, public order, moral, prevention of conflicts and crime. This limitation is necessary and proportional, and not arbitrary, unfair, discriminatory or based on irrational perspectives (Trivan, 2014).

For example, in the Republic of Serbia the protection of personal data is stipulated in the Article 42 of The Constitution, which demands that the collection, possession, processing and use of personal data is regulated by the law. Accordingly, it is forbidden and punishable use of the data beyond the purpose for which the data was collected, except for the purpose of conducting criminal proceedings or national security in a manner stipulated by the law. In addition, the right to privacy is constitutionally protected and guaranteed through a protection of human dignity, inviolability of physical and mental integrity, home, and correspondences. An exception to the constitutional protection is stated in the Article 13 of the Law on protection of personal data, by which a government staff can process personal data without consent, if the processing is necessary in order to carry out jobs within its competence determined by the law or other regulation, for the purpose of national security, public order; the country's defense; prevention, exposure, investigation and prosecution of crimes, economic thus, financial interests of the country, protection of public moral and health, protection of rights and freedoms and other public interests, and in other cases with written consent of the person whose data has been collected. In this regards, solutions contained in the Law on Detective Activity of the Republic of Serbia are characterized by restrictive relationship in terms of possibilities for personal data collection and processing, while the legal provisions themselves are quite obscure and incomplete. Namely, the Law on Detective Activity have tied detectives in performing their jobs by the legislation in domain of personal data protection and the free access to information of public importance. Therefore, it is provisioned that the detective who collects the personal data, on that person's request, must show the detective badge and the power of attorney, and thus, the processing of data without consent is permitted in accordance with regulations governing the protection of personal data. It is also

stipulated that the detective will be denied information classified as secret (Petrovic, 2014).

On the other hand, part of the criticism of the provisions of the Law on detective activity about personal data processing in Serbia highlights their flexibility, with indications that the private investigators have gained a realistic opportunity for serious breaks in persons' privacy. Also, per statutory formulation "the justified request" has to be considered on particular merits of the request. Consequently, a question arises concerning criteria by which the "handlers of the records" (approximately 350,000) will grade those merits, risking discrimination among petitioners of "the justified requests" and enabling effortless data access to some of petitioners on corruptive, political, family, friendly, or any other basis (Trivan, 2015).

### **3. The General Status of Detective Activity Legislation in the Balkans**

In the recent decades, all the Balkan countries have enabled legal conduction of private investigation, with certain differences in normative regulations. Detective activity is nationally regulated with specific laws in the Republic of Croatia, Greece, Romania, Montenegro, Serbia, and the Republic of Macedonia. In Bosnia and Herzegovina field of private investigation is not centrally regulated, while the laws have been passed in the Republic of Srpska and Brcko District. In the entity of the Federation of Bosnia and Herzegovina there are some procedural problems (the Bill is blocked in one of the two parliamentary houses). In the Republic of Bulgaria, the Republic of Albania and the self-proclaimed Republic of Kosovo there are only laws that regulate the private security which individual provisions indirectly regulate questions concerning private investigations. On the basis of passed laws in these countries, the activity of private investigators is specifically regulated with bylaws (Bakreski and Associates, 2015).

Almost all the states' laws of the Balkans stipulate a similar scope of competences and powers. If you review the list of jobs of private investigators issued by UK Professional Investigators Network (UKPIN), restrictions in operation of private investigators in the Balkans are notable. In fact, by UKPIN private detective scope of work includes battling corruption, assistance in children adoption and custody, assistance in executions (confiscation of property) and bankruptcies, the search for the

invaders and persons that impose threats and blackmail, companies support in collection of payments, check in criminal cases, assistance in criminal procedures (complaint, appeal, defense), computer crimes, collection of traces for DNA analysis, GPS/GSM commodity tracking etc. (Draz and Associates , 2009).

Comparative analysis of legislation shows that the detective activity is generally defined as the collection of data, their processing and delivery to the service user. Private investigators in the Balkans have been given the legal opportunity to perform their job independently or in joint private investigation office (the Agency, Office, Company). Control and inspection of detective activity is mostly conducted by the ministries of interior and/or by the authorized sections of the police department. Noticeable is also the trend of similar statutory powers in conducting job for a client/service user. Detectives, in general, are permitted to collect data and information from persons who are willing to provide such information, thus, directly from individuals whose information is collected, and from other persons who have awareness of such information (only on a voluntary basis), as well as through means of public information (Trivan, 2014).

### **3.1. Standards and Practices of Detective Work in the Balkan Countries**

Detective activity in the Republic of Croatia is regulated in 2009 with the Law on private detectives. By then, work of private investigators was regulated with specific provisions of the Law on protection of persons and property. The law defines detective activity as collection of data necessary for determination of the facts, use and processing personal data and other information for service user. Hence, a detective can collect information about: missing persons or persons who are hiding from the service user, persons who have written or sent anonymous letters or persons who are slandering, insulting or disclosing something about personal, family, or professional life that can hurt someone's honor or reputation; persons who have caused a harm to a service user; items that are lost or stolen; evidence needed to a service user for fulfilment of the rights or privileges granted by judicial or other government bodies and committees or associations; effectiveness of the work performance; success and/or professionalism of the companies, entrepreneurs, and other legal entities; the facts and circumstances pertaining to the personal state of individuals and status of their property; employment applicants and employees only with their written consent and in



accordance to a special regulation governing employer authorization to collect such information; crimes and their perpetrators (private criminal proceedings), and violations of work duties or work discipline. Within stated above, a private investigator is allowed to perform surveillance, monitoring and photographing in public places (Joksić, 2013).

The law also stipulates preventive role of private investigators, related to the protection of business confidential information, IT systems thus, protection of business and personal data and information. Authorization and work permits are issued by Ministry of Interior that also performs supervision and inspection of private detective activity. The law leaves the space that in Croatia, private investigation can be performed by professionals whom bodies of other Member States of the European Union or states that have signed the Agreement on the European economic area have issued private detective work authorization (Nađ, 2012).

There are 120 licensed detectives, 11 licensed agencies, and 9 entrepreneurs operating in Croatia. 8 of them are members of Private Investigation Group in the Croatian Chamber of Commerce. Private investigation in Croatia is characterized by uneven regional distribution so that, for example, in the region of Slavonia there isn't a single registered detective agency (Radić Ančić and Antolić, 2016).

Private investigation in Romania is regulated by the Law on private detectives No. 328 from 2003. Private detective agencies and detective offices require necessary licenses for work, issued by the General Inspectorate of Romanian police (IGPR). Licenses are issued by the Ministry of Interior and Administration. Detectives in Romania are not allowed to conduct operations in sole jurisdiction of the state police, or apply secret surveillance of communication. Founding and operation is equally granted to domestic and foreign entities (from Member States of the European Union). Private investigation can be performed from detective agency, or an office. Private security companies are not allowed to conduct detective work. Detectives are not allowed, at the same time, to practice law-legal services, and they have to report to the police any awareness about committed crime. Also, private investigators must respect human rights in performing their job. (Prisacariu, 2010).

Romanian detectives are legally authorized to collect data and information, perform investigation and surveillance concerning verification of conduct and moral character of persons, marital and family issues, solvency and reliability of the legal entities and business partners, fidelity of submitted Curriculum Vitae, insurance fraud, counterfeiting of trademarks and brands, missing persons, missing and stolen items,

family origin, and protection of data and information from unauthorized access and business espionage.

In 2012 in Romania there were about 500 domestic and foreign legal entities and entrepreneurs with more than 2000 employed licensed detectives. About 50% of the resources have been located in the wider area of Bucharest. Detectives in Romania are voluntarily united in the Romanian Association of Private Detectives - AODPR (Mironov Banuta, 2012).

In the Republic of Bulgaria there isn't a specific law on detective activity neither are private investigators explicitly mentioned in the Law on private security from 2004, amended 2011 and in 2014, nor in any other legal act (Bulgaria Investment and Business Guide, 2016).

Regardless of the absence of an adequate regulatory framework, in Bulgaria operate branches of EU detective agencies, and a significant number of private security companies for personal and corporate protection actually perform investigation for their clients. In addition, a wide range of detective services in Bulgaria take place in the widespread grey zone, where employees did not receive adequate professional training (Dzekova and Kojouharov, 2016). A number of legal entities and entrepreneurs engaged in private investigations are incorporated in national voluntary association - the Bulgarian Association of private investigators (Българска асоциация на частните детективи - БАЧД), that passed the Statute and Code of ethics and operates through 8 regional subsidiaries.

Before the adoption of a special law No. 3206 in late 2003, the activities of private investigators in the Republic of Greece were covered by certain provisions of the Law on private security from 1997. Term detective is not common in Greece, instead, they use a private investigator term to distinguish professionals in this field from others, which in comparison to the other Balkan countries has a wider scope of activities, with emphasis on private and corporate investigations, secret surveillance and monitoring (Travers, 2011).

Private investigation in Greece, among other things, covers: finding missing persons and persons who are hiding from service user, marital infidelity, domestic theft, children deviant behavior, prevention of drug abuse, detection of sects, employment screening, tax fraud, DNA analysis, location of mobile phones. Private investigators must obtain work authorization issued by regional police directorates.

It is estimated that there are about 120 agencies and independent investigators in Greece, more than 80 of them operate in the area of Athens (Papanicolaou, 2006). Majority of private investigators are former police officers. They must be Greek citizens, or nationals of some of the Member States of the EU and with clean criminal record. Five years before applying for a work permit, they must not be employed by the police or other security service, customs, telecommunications company and/or the stock exchange.

In the Republic of Macedonia legislation in domain of private investigations refers to the Law on detective activity from 1999, amended in 2007 and 2008. The law defines a private investigation as collection of data and information, its use and processing in a lawful manner (Bogunović, 2013). Law, stipulates a license for private detectives issued by Ministry of Interior. Detectives are not allowed to conclude agreements on matters that are exclusively within the jurisdiction of the government authorities, to work for domestic or foreign government bodies or political parties, nor to deal with affairs related to debt collection. Also, detectives are forbidden to use weapons and other means of coercion, as well as to use the means and methods that are prohibited by law or in explicit jurisdiction of government authorities (Bakreski and Associates, 2015).

Detective activity is, in sort of a way, a new profession in Macedonia and we cannot get enough of the relevant data by now about detective agencies performance in practice. Problems faced by private investigators in Macedonia refer to financial interest in performing these activities, beside other, because of the expensive equipment that increases the price of services in a relatively poor society. One of the problems arises from the partially achieved reform of the security sector thus, unresolved questions of communication and information exchange between public and private sectors. Also, the difficulties are related to the facts that the evidence investigators collect, for example in marital infidelity or business espionage, are not valid in court proceedings. Problems also arise when it comes to obtaining the necessary professional competence for conducting private investigation (Slaveski and Bozinovska, 2016).

Supervision over implementation of the Law on detective activity is performed by the Ministry of Interior. In this regard, detective is obliged to enable authorized representatives of the Ministry of Interior to conduct inspection, to provide with requested documents and to give necessary information and data, except about the content of concluded contracts. In the case of non-compliance with the legal provisions,

the Ministry of Interior can order detective to correct the observed deficiencies within a maximum of three months (Trivan, 2014). Hence, in the Republic of Macedonia, currently operate 7 detective agencies.

In Montenegro, the activities of private investigators are regulated by the provisions of the Law on detective activity from 2005, amended in 2008 and 2011. This legal act governs founding and conducting private investigation, rights and responsibilities of detectives, as well as questions about control and supervision. Detectives in Montenegro are not allowed to apply the means of coercion, nor to apply means and methods that are in the exclusive jurisdiction of government authorities. On the basis of collected data, detective can submit a case to applicable government body on behalf of his client. The same can be done without the consent of the client in case of committed offences prosecutable *ex officio* (Rizmal and Vojinovic, 2014).

Supervision and control over implementation of the Law on detective activity is performed by the Ministry of Interior; the Department for supervision of entities dealing with protection of persons and property, and private investigations (Trivan, 2014). There are 2 detective agencies and 8 detectives in Montenegro engaged in business of private investigation.

Bosnia and Herzegovina doesn't have an umbrella law about detective activity, which opens the opportunity for discrepancies and illegal activities in this field (Lakača, 2014). In Federation of Bosnia and Herzegovina there is a Law on agencies and internal sections for protection of people and property from 2008. This law does not cover detective activity at all. A draft law on private detectives of the Federation BiH was adopted by House of Representatives of the Parliamentary Assembly in February 2010, but was never discussed in House of peoples (Ahić, 2015).

The Law on agencies for security of persons and property and private detective activity of the Republic of Srpska from 2002 for the first time in BiH addresses detective activity, detective job performance, rights and responsibilities of private detective agencies and detectives, and supervision of their work. The National Assembly of the Republic of Srpska in 2012 has adopted a new Law on agencies for security of persons and property and private detective activity, by which detective activity involves tasks such are; data and evidence collection and processing performed by professionals authorized to do detective work (Bakreski and Associates, 2015).

Detective activity in BiH, District of Brcko, is regulated by the Law on agencies for security of persons and property and private detective activity from 2004, which

provisions are almost identical to related legislation in the Republic of Srpska. Agencies authorized to conduct private investigation are prohibited to provide service for authorities of District of Brcko and its representatives, as well as for domestic or foreign defense, security, or counterintelligence agencies (Trivan, 2014).

In Bosnia and Herzegovina, the demand for the private detective services is not as noticeable as in other countries in the Balkan region. In the Republic of Srpska there are 2 detective agencies – 1 in Banja Luka and 1 in Milići. In the absence of legislation in the Federation of BiH, in Sarajevo, there is only one business registered as agency for business security.

Detective activity in the Republic of Albania is not legally regulated, and the business of private investigation is indirectly incorporated in the provisions of the Law on private security services from 2014, related to the area of personal and corporate security. In Albania, there are not licensed domestic detective agencies and private detectives, while private investigation services, not too demanded, are often taking place in the grey zone. Some private security companies in Albania offer private investigative services. Also in this area operate the branches of certain foreign companies that provide private investigative service, such as Greves Group or Eagle Eye Group (Dyrmishi, Çami, 2016). Very similar situation is in self-declared Republic of Kosovo, where in 2011, the Law on private security services was passed, which provisions do not include detective activity. This, however, does not mean that in Kosovo do not operate private investigators, but their activities are taking place or in gray zone of business, or within registered company for private security and protection (Blease and Qehaja, 2013).

### **3.2. Detective Activity in the Republic of Serbia**

In November 2013, the Republic of Serbia passed the Law of detective activity that was the first legislation to deal with private investigations. The law regulates business entities, entrepreneurs and individuals that, in the Republic of Serbia perform detective work, licensing requirements, the nature of business operations and supervision over their work. Law stipulates that detectives cannot apply operational and technical means and methods which are exclusively within the jurisdiction of the government authorities. All competencies in regards to control and supervision over

implementation of the Law on detective activity are entrusted to the Ministry of Interior.

Detective activity in Serbia includes collection and processing of data and information about: missing persons or persons who are hiding for the purpose of avoiding criminal prosecution; persons who have caused damage to clients if legal requirements for damage liability have been fulfilled; persons who anonymously and unlawfully act towards clients with a threat of harmful consequences; lost or stolen property; effectiveness of legal entities and entrepreneurs; protection of intellectual and industrial property. Detective is legally obligated to report a crime prosecuted ex officio in a case when he/she obtains an information about such crime while performing detective job (Trivan, 2014).

Some professionals believe that detective data processing is not in accordance with the Law on personal data protection, and that certain provisions of the Law on detective activity authorize detectives to search for missing persons or personas who are hiding, placing them in the position of so-called para-police force. Accordingly, it is noted out that, for example, persons with criminal background could hire a detective to disclose protected witnesses (Petrovic and Milosevic, 2015).

The Ministry of Interior of the Republic of Serbia have passed 4 delayed bylaws to support implementation of the Law on detective activity. Therefore, there was a significant breach of terms for its application and implementation, thus, synchronizing the activities of business entities and entrepreneurs with legal provisions was overdue. This is especially notable in legal provisions regarding professional training and examination in the Ministry of Interior in the process of professional licensing. Else, the requirement for obtaining a license to conduct private investigation are the Act of job systematization and at least two employed detectives for legal/business entity, or at least one employed licensed detective for entrepreneur.

The law stipulates that the license for detective activities shall be issued to an individual that is a citizen of the Republic of Serbia, has at least higher education at studies of the first degree (undergraduate studies and basic vocational studies) and/or studies lasting up to 3 years, has passed corresponding security check, has psychophysical abilities for detective work, has completed training program and passed the exam for a detective before the Commission of the Ministry of Interior (Bakreski and Associates, 2015).

During 2016 Ministry of Interior carried out two training cycles and professional exams for employees in private detective agencies. In this regard, by March 2017, 4 detective agencies and 28 individuals have obtained licenses for conduction private investigations. A disharmony of legislation and practices is notable, considering that the Group for detective activity, at the Serbian Chamber of Commerce, has 16 legal entities members, previously registered for this activity. In addition, it is estimated that in Serbia there are another twenty non-licensed legal entities that perform detective business. Else, according to unofficial estimates, between 3000 to 4000 thousand people utilize private detective services in Serbia.

It is still unknown how many private security companies, business, insurance companies and banks, temporarily or permanently engage persons for providing private investigation services (Petrovic and Milosevic, 2015).

#### **4. Conclusion**

In all the Balkan countries, there is, to the greater or lesser extent, a detective activity, whose operators seek to gain their place in the market for private security services. It is characteristic that in most of these countries, because of decades of communism, for almost 50 years there was a disconnect when it comes to the performance of private investigations.

Comparative practice in the Balkan countries shows that the scope of detective activities is quite similar, meaning that detective activity typically involves the search for missing persons and things, investigation of crime, surveillance and monitoring, preventive activities focused on detection of listening devices and undercover surveillance, polygraph, alarms and video surveillance implementation, corporate investigations, investigation of business partners solvency, security consulting, marital infidelity, employment screenings, preparation of participants in court proceedings for testimony, youth delinquency and drug abuse, ant-diversion protection, protection of property and persons employed abroad, identification of mitigating and aggravating circumstances in criminal proceedings, personal data and private information collection, and education and training of candidates for private detectives.

Supervision and control over the work of private detectives in the Balkan countries are primarily implemented by the relevant police sectors of the ministries of interior, while other forms of inspection are not noticeable in practice.

Legislation in domain of private investigation in the Balkan countries is generally consistent with prevailing international trends in this field. Otherwise, even at the EU level unified standards about private investigation are not common. Also, there are no rounded regulations in all the Member States of EU; visible are different procedures and criteria, there is unequal crime tolerance, and there is no comprehensive model to serve as an example.

On the other hand, EU Member States have started the process of downsizing in the police department, thereby decreasing the budget, while the number of authorizations and activities that can be performed by the private sector increases, providing the opportunity for new staff and for retired police officers who meet the criteria stated in the laws on detective activity. This also affects the social usefulness of the individual, while society gets experienced experts who can continue their activities in battling the crime.

There's no doubt that the legislation of all the Balkan countries had similar issues, dilemmas and problems, and that the filed was addressed similarly, in some cases identically. This especially applies to the conditions for conducting private investigations, the rights and responsibilities of private investigators, that are in all the national laws of these countries almost exactly regulated, with some terminological differences coming from the level of achieved technological and cultural development.

Private investigation practice in the Balkan countries frequently reveals information and evidence not relevant to the job for which they are engaged, but these require further investigation, for which reason the laws on detective activity of each of these countries stipulates an obligation of private investigators to report the crime.

There has been a certain shift in these countries in regards to cooperation among private detectives and police officers in domain of evidence collection, especially in domain of surveillance and monitoring, thereby decreasing the work-load of the police in the field, that can, therefore, allocate its resources towards resolving more prioritative crimes.



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## **Challenges of surveillance of the private security sector in the Balkan countries**

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### **Abstract**

Private security sector on the Balkans has been getting stronger from the beginning of the 1990s, growing into the main carrier and employer in the field of private security services. In the last period of time, activities of private security in these countries, with more or less difficulties, have been developing according to certain legal frameworks and accepted codex of behaviour and management, in order to eliminate praxis that is not conducted by positive regulations and general social normative. On the other hand, there are different problems in the Balkans concerning functions of private security sector, which are often manifested in a very similar way, especially in the countries that did not get far in the process of European integrations. In the near future it will be necessary to completely harmonize legal regulations of the Balkan countries with the standards of international law in this field, which was already done by members of the European Union from this region – Greece, Bulgaria, Romania and Croatia. Actual problems in the private security sector are usually related to informal connections of private security subjects to state security structures, criminal groups and political parties, insufficient financial support and inadequate education of executors, as well as imbalanced development of private security market, especially in

rural and less urbanised areas. The surveillance over the actions of private security sector in all Balkan countries formally exists, but its effectiveness and efficiency is not on the required level. There is no doubt that these questions that are related to the surveillance and the control over the industry of private security are directly connected to the actual condition of reforms of security sector in countries from this area. In praxis, the surveillance over the legitimacy of actions of private security subjects is done by municipal authorities in ministries of internal affairs (less often also by professional associations), while parliamentary surveillance and ombudsman actions are being neglected, which witnesses how the private security in the Balkans is still not considered as a priority to the system of national security.

**Key words:** private security sector, surveillance, Balkans

## 1. Introduction

A privatization of security is primarily related to the need of satisfying the feeling of security, respect of human and citizen laws and freedoms and their more effective protection, while assuring that every individual can decide about his ways of personal protection from various types of endangerment. Process of security privatization is being influenced by specific security, historical, cultural and other conditions that are characteristic for one certain state community.

Development of the market with commercial security services imposes necessity of an adequate normative setup, an appropriate supervision and a control of a private security sector, whose actors are trying to achieve legitimacy within the national security system and ensure their smooth actions (Richards and Smith, 2007).

In the case, when subjects of private security are functioning without an efficient supervision or their activities are inadequately regulated, that can represent a significant problem for democratic states, and for the states in transition along with post-conflict societies, this development could mean harder establishment of peace and stable order, interfere with bracing of democracy and disturb plans of a long-term development (Pavlović, 2011). When the private security sector is not controlled enough, it could lead to deepening of existing social conflicts and discrepancy, especially if

security becomes a good available just for the elite, while the most citizens could not afford them services of private security.

A level of responsibility of the private security sector depends on a right legal frame, efficient supervision mechanisms and ways of control that are performed by certain institutions, while the national regulation is a key to efficient supervision over the private security market.

Private security has been positioned for years on growth path in the whole world, starting from a relative anonymity, global popularity, all the way to a pluralistic model, in which public and private actors contribute to the social security (Manning, 1999). According to this fact, a private security politics has following dimensions: legal legitimacy, related to activities performed according to the accepted legal frames, instrumental legitimacy, which is related to efficiency of actions of private security subjects and normative legitimacy, related to methods of harmonization of private security with present norms of the national security system.

## **2. Types and ways of control and supervision of private security**

Control implies a comparison between real actions of state and non-state subjects and results of those activities, along with actions and results that are expected based on in advance established criteria (Tomić, 2002). Control and surveillance have common elements, related to the influence of organs that are supervising, i.e. controlling the one, who is a subject of the supervision, i.e. control. According to that, control represents a one-time or a long-term process within the process of surveillance. Surveillance without control is possible, but not efficient.

Control makes sense if it is performed before the occurrence of harmful consequences, includes all the relevant actors, not performed contrary to other missions, and if it is performed according to economic and legal principles, with sanctioning any deviation from legal procedures (Milosavljević, 1997).

*It could be discussed about outer and inner formal means of control of private security. Formal assets of control include parliamentary control, government control, control of non-government organizations, court and prosecution control, while informal outer assets include public, media and non-government sector. Inner formal means of*

*private security control include hierarchy control, disciplinary responsibility and intern control organs (Born and Leigh, 2007).*

### ***2.1. Inner means of private security control***

Hierarchy control represents a part of a leadership process in the private security system. It is characterized by wide authorizations of controller towards a controlled subject. Hierarchy control is performed in official way (contacts of higher and lower levels), or on the lower level, after complaints of displeased citizens (Tomić, 2002).

***Disciplinary responsibility, as a way of inner control, is under surveillance of the private security subjects. If it is predicted, it is established by a leader or special disciplinary bodies.***

Possibilities of special intern services for control go beyond the hierarchy ones, when it comes to their conception and reach, and they are present in large and complex subjects of private security. Specificity of this control form is in a narrow specialisation for establishment of illegalities, such as the use of means of coercion and abuse of power, as well as its direct responsibility to management of private security subject.

Inner informal means of private security control include ways of self-control and interpersonal control, as well as control by syndicate and association (Van Steden and Sarre, 2007).

Self-control represents a mechanism of establishment of behaviour norms as a part of conscious reaction in certain situations. Mechanism of self-control is formed by establishment of grading system, development, responsibility and adoption of professional ethics.

Interpersonal control is a mechanism of mutual control in a joint action of more inner work teams within the private security sector, and the relation system of groups with common ideas, which are protected by the work of the mentioned group (Dapčević, Marković, 2010). Characteristics of these ideas are consciousness about the common responsibility, solidarity with consequences that result from the presence of the group and establishment of a special psychology of group behaviour, enabling in that way special programs of group control with principles of solidary responsibility.

In the most of the countries, union and professional associations within the private security sector are usually dealing with issues related to the protection of employee rights, i.e. social and economic position of employees in the private security

sector. Professional control is usually performed by organizations of private security subjects, either within business chambers or independently. Professional surveillance is manifested through issuing of certain certificates to candidates for admission to private security companies, while in the same time, control is possible in the cases of uses of force or subtraction of a company licence (Richards and Smith, 2007).

Inner control assets also include socialization. Namely, contact of private security subjects with citizens influence positively on their complete integration within a social community and their right behaviour. It is considered that close social contacts with the environment make private security subjects more responsible for their actions, because they ensure security culture and make work more transparent. On the other side, there are other opinions that support a limited level of relations between the private security sector with citizens, in order to prevent some certain negative events.

## *2.2. Extern means of control and surveillance of private security*

A parliamentary supervision represents a mixture of politic and legal elements, with the predominance of politic one. Politic element of surveillance actually represents an audit that checks if an activity is performed according to a certain politic decision or a parliament opinion. Legal elements of parliamentary control are related to a validation procedure according to legal principles, aiming to achieve public interest and to correct illegal actions (Dapčević, Marković, 2010). There are two types of the parliamentary supervision of the private security sector. One of them are legal authorizations of parliament, i.e. operations of competent bodies within the parliament. What is more, an important way of control of the private security sector is related to a special independent ombudsman institution, which is chosen by the parliament.

Government influence on the private security sector is achieved by normative authorizations. In that context, government accepts sublegal regulations in order to implement the law that will regulate a certain area (Tomić, 2002). Using ministries, i.e. from central, regional and local government level, government directly controls private security subjects. That control includes issuing of work permits, permits for carrying firearms, inspection surveillance of private security subjects and similar.

Control of the private security sector by ministries of inner affairs is the most common way of the extern control and is present in the most of the countries that have an organized legal regulation in this area. This way of control includes testing if all



conditions, which are needed for private security subjects to start with their activities, are achieved, and what are the reasons for a withdrawal of the approval. The same refers to permits that allow individuals to perform all these activities, legality of the use of authorization and the use of coercion, fulfilment of conditions for acquisition and possession of weapon and munition, and for keeping proper records.

Court control of the private security sector is performed within a usual procedure of competent judicial authorities, related to establishment of illegality in activities and use of authorizations by private security members. That control includes resolving disputes for compensation of damage, a procedure in criminal situations with provision of evidence by private investigators, and a procedure in the cases of criminal and violation responsibility of private security members, related to acts done by performing their normal job activities (Krahmann and Abzhaparova, 2010).

Advisory bodies that are by the rule established on the level of local communities and do not have control authorization, which would possess a mandatory character for private security subjects; but in contrary they act by giving recommendations, proposals and advices in order to achieve public influence on security in communities.

Informal external supervision of the private security sector is performed by public opinion, media and non-government sector. A relation between private security and public is complex because of several reasons: specificity of actions of private security members (use of coercion, limitation of individual freedoms and rights in situations that are legally determined, use of discrete authorizations); the main target of private security subjects cannot be achieved without public support and cooperation; the private sector gets more trust from citizens when it opens itself to public (Lopes, 2014).

Media represents an inevitable way of informing citizens and protection of their rights, and an independent instrument of control of legislative, executive and judicial power. By the time, media is winning more and more social power, which is often misused (tabloids, disguised ownership, control by hidden centres of power, manipulations). Media has a great influence on the general picture of private security, i.e. on building image of private security services (Ignjatović, 2008).

Non-government sector achieves its most important activities in systems that are characterized by freedom of speech and opinion, and where this activity is realized in order to win over the general public. When it comes to domain of activities belonging

to the private security sector, non-government sector has a relatively significant control mechanism that functions through the influence of different interest groups.

### **3. State of control and supervision of the private security sector in the Balkans**

#### **3.1. Actual control of the private security sector in Balkan states that are members of the European Union**

As a part of a process of admission to the European Union, the new Law on Private Security has been approved 2003 in the *Republic of Croatia*. In 2010 it was changed and supplemented. Administrative, i.e. inspection surveillance of the implementation of the Law on Private Security is done by the Ministry of Internal Affairs. Beside that, the MIA is also responsible for approval of jobs that are related to personal and property protection, and for issuing work permits for guards and security operators. Activities of the professional association "Croatian security guards (Hrvatski ceh zaštitara)" have a certain significance, as well. (Page and Associates, 2006).

Changes in the Law from 2010 enabled a possibility that jobs in the Croatian private security sector are also available for companies and businessmen from the European Union and from the states that signed the Contract about European Economic Space. As well, relations between the police and the private security sector have been better organized. With the same law, limitations of certain activities of private security companies were withdrawn. The most important change is related to a possibility to offer an adequate private protection to state institutions and local governments (Nadj, 2012).

Detective activities in the Republic of Croatia are defined by the Law on Private Detectives, dating from 2009. The procedure for approval of detective activities and control in the area according to the Law is performed by competent organs of the Ministry of Inner Affairs.

Furthermore, the Law on Private Detectives offers a possibility that private detectives perform their duties also in the case when they have job offers that are issued from some state in the European Union or from a state that signed the Contract about European Business Area. (Nadj, 2012).

It is estimated that a bit more than 150 licensed legal entities (including 20 detective agencies) perform private security and investigation activities in the Republic of Croatia, with over 13 000 employees (almost 35% less than 2009). Private security in Croatia is characterized by grouping trends, a certain monopolisation of this type business (two largest companies- Sokol Maric and Securitas Hrvatska include 47% of employees and 64% of the overall income) and a lot of cases, where licensed security guards go to work in the states of the European Union (Najman, 2016).

Parliamentary supervision over private security subjects in Croatia does not exist, as problems concerning protection and investigation activities are not being mentioned in the scope of working bodies within the Croatian Parliament.

Functioning of the private security sector in the *Republic of Greece* is regulated by the Law on Private Security from 1997, changed and updated in 2008. Services of private security companies include: general protection, security of airports and diplomatic-consular representative offices, maritime security, transport of values and money, surveillance and long-distance control, design, installation and maintenance of alarm systems, personal protection, convoy escort, security consulting and private investigation activities (CoESS, 2012). Nowadays, private security companies have been offered to protect camps that are used for a temporary accommodation of migrants in border areas (Gebrewoldand Bloom, 2016).

Control and inspection of private security companies in the Republic of Greece are performed by the Government along with its competent organs on the national level. The parliamentary control of private security subjects is neither legally organized, nor present in the practice. Authorized organ for initiation of implementation and change of legal regulations in this area is the Ministry of Public Order and Citizens Protection, while work licences are being issued by the Ministry of Inner Affairs. Special licences for weapon use by private security companies are being issued by the Ministry of Public Order and Citizen Protection, which is also a competent organ for criminal and misdemeanour prosecution, and pronouncement of administrative sanctions to private security subjects (CoESS, 2014).

Employees in private security companies have their representatives in associations and syndicates, such as the Greek Federation of Employees in the Private Security Sector (OIYE), the Association of Security Companies (ENEA) and the Greek Federation of Employees in the Personal Security Sector (OMYPAE).

In the Republic of Greece in 2013 around 1.100 private security subjects were operating, with almost 60.000 licensed security guards. As the economic crisis in the country got deeper, overall incomes and profits of private security industry has been going downwards for years. Even in Greece there is a concentration of power in the private security sector, so that three largest companies earn more than third of overall profit in the sector (CoESS, 2014).

In *Romania*, the position of the private security sector is organized by the Law on Protection of Objects, Goods, Values and People from 2003, changed and updated in 2010, and by the law on Private Detectives from 2003. Legal regulations also allow use of weapons by private security subjects. Private security services include physical protection of certain objects, persons and manifestations, security of water and air traffic, technical supervision, escort of money and goods in transit (CoESS, 2014). According to legal possibilities, even the state security sector is enabled to offer commercial services, which all together leads to conflict of interests and corruption.

Private investigation activities in Romania is regulated by the Law on Private Detectives from 2003. Private detective agencies and detectives have to possess licences, which are issued by the General Inspectorate of the Police. Detectives in this country are not allowed to perform activities that are under the jurisdiction of the state Police, or to perform activities related to secret supervision of communication (Gallagher, 2009).

Establishment and changes in legal regulations that organize the private security industry are under the jurisdiction of the Ministry of Inner Affairs, while control and inspection surveillance of private security subjects is performed by the authorized General Inspectorate of the Police. For all employees in this sector, the Police and Romanian informative service (Serviciul Roman de Informatii – SRI) perform security checks first. Services of the national security that keep these authorizations are considered as a relic of the past (Born and Associates, 2007). In Romania there is no additional control, which would be performed by parliamentary and ombudsman associations (Page and Associates, 2006).

Development of the private security sector in Romania was related to the rapid transition and inefficient activities of the post-authoritative state. The practice lead to the situation, where a part of members of politic-security structures of the former regime, including Securitate, through privatization of security kept the existing privileges and earned a great fortune. Step by step it came to the fragmentation of

security functions, due to the liberal model of services provision in the private security sector and unfair concurrence of public and private actors (Gheciu, 2015).

Private security jobs in Romania 2013 were performed by approximately 1.860 registered subjects with more than 120.000 employees. Three largest private security companies cover 43% of the market (CoESS, 2014).

Conditions for grounding and way of functioning of private security companies in the *Republic of Bulgaria*, as well as the control of their performances, are regulated by the Law on Private Security Services from 2004, changed and updated in 2011 and 2014. According to the Law, private security subjects can offer various types of services to their clients, including physical and technical personal protection, providing security of meetings and properties, transport of values, protection of critical infrastructure, detective services (Bulgaria has no special law on detective activities), installation and maintenance of alarm systems and systems of electronic surveillance. The Law on Private Security Services enables use of weapons for private security subjects (Dzekova and Kojouharov, 2016).

Any additions or changes in the law that regulates the private security industry in Bulgaria are under the jurisdiction of the Ministry of Inner Affairs. According to the law, a subject has to possess a licence in order to perform private security services, and the companies have to be registered in the Police. Control and inspection of private security industry is done by the Ministry of Inner Affairs. Administration sanctions are proposed by the MIA, the National Tax Administration and Work Inspectorate, while criminal sanctions are under the jurisdiction of the competent courts (CoESS, 2014). Police along with the National Inspectorate checks the activities of private security companies with the accent on work permits, permits to carry weapon, security plans, personnel education, vehicle checks and similar (Page and Associates, 2006).

Significant activities in the private security sector are entrusted to the two trade associations: the National Association of Companies for Industrial Security and the National Organization of Individuals and Associations That Provide Private Security Services. The ethic codex has also been introduced to the private security sector, insisting on the respect for the law, cooperation with the police and professional provision of services.

Even though there are legal authorizations of the Parliament and the Office of the National Attorney for supervision of the private security sector, activities on this plan are not yet visible. A state of control and supervision of the private security sector

in Bulgaria is on the low level, accompanied by overall corruption, grey business zone, conflict of interests and coalition of private security subjects with criminal and parapolitic structures (Dzhekova and Rusev, 2015).

According to the data of the MIA from 2014, in Bulgaria there was 2.688 licensed private security companies, while only 500 of them were actually active. The State Institute for Statistics declares that around 67.000 persons were employed in the private security sector (in contrast to 28.000 policemen). However, syndicalist associations from this area claim that number of employees in the sector is impossible to estimate correctly, because including the grey business zone and self-protection activities, this number of employees could also easily be around 200.000 (Dzhekova and Rusev, 2015).

### **3.2. Control of private security in other Balkan countries**

A legal regulation related to private security on the level of *Bosnia and Herzegovina* does not exist, while its entities have unevenly arranged regulations. The private security sector in Bosnia and Herzegovina was formally established in 2002, by implementation of the law in the Federation of Bosnia and Herzegovina and in the Republic of Srpska. In this way, the Federation implemented the Law on Agencies for Protection of Citizens and Properties, while the Law on Private Detectives has not been accepted yet. In the Republic of Srpska, the Law on Agencies for Personal and Property Safeguarding and Private Detective Activities from 2002, changed and updated in 2005 and 2006, regulates the overall sphere of private security. The District of Brčko regulated this area by the Law on Agencies for Personal and Properties Safeguarding and Private Detective Activities in 2004, which was changed and updated in 2005. On the level of both entities later on two new laws in this area were accepted, the Law on Agencies and Inner Services for Personal and Properties Protection in the Federation of BH, dating from 2008, and the Law on Agencies for Personal and Properties Safeguarding and Private Detective Activities in the Republic of Srpska, accepted in 2012.

In entities of BH, a lot of questions in this sphere are legally regulated, such as conditions for establishment and work of private security subjects, rights and obligations of private security subjects, professional educations, inner and extern controls and surveillances over the private security sector, authorizations of employees

in the private security sector, use of force and weapon, relations between the private security sector and the police or other. (Nikač and Associates, 2013).

At the central government level, there are no mechanisms of supervision and control of the private security sector. On the entity level, this function is done by police services of ministries of inner affairs of the Republic of Srpska and the District of Brčko, while in the Federation of BH the police performs supervision at the cantonal level (Pavlović, 2011). The cooperation ways between police services and the private security sector at the entity level are not institutionalized, and the cooperation is achieved from a certain case to other case.

According to some data, in Bosnia and Herzegovina there are 164 private security companies, with around 4.200 licensed members (CoESS, 2014). In the private security sector there are still numerous problems, including the fact that a certain number of the companies and agencies do not harmonize their activities with the valid regulations, while in the same time they also do not bear any sanctions for this kind of behaviour. (Ahić and Associates, 2013).

The actual stage of the private security sector in BH is reflected in a long-term post-conflict division of the country, causing a longer period of time for revitalization and modern standardization of the private security sector (Nikač and Associates, 2013).

Functioning of the non-state security sector in *Montenegro* is regulated by several laws, among which the most important are the Law on Personal and Properties protection from 2014 and the Law on Detective Activities, established in 2005 and changed and updated in 2008. Services of the private security sector in Montenegro include: protection of persons, properties, nature wealth, goods and environment; maintenance of order on public meetings; escort of cash and values; designing, installation and maintenance of alarm, video and other technical systems (Rizmal, Vojinović, 2014).

Issuing of work permits in the private security sector is under the jurisdiction of the Ministry of Inner Affairs. Protection jobs in Montenegro are done by safeguards, protection technicians, bodyguards, employees in escort sector and guards. Each of jobs demands a work permit (Nikač and Associates, 2013).

Detective activities in Montenegro are regulated by the Law on Detective Activities, including conditions and types of detective activities, rights and obligations of private detectives, and supervision of detective work. Detectives are not allowed to

use means of coercion or any other specific operational-technical means (Rizmal and Vojinović, 2014).

Control and inspection supervision of the implementation of the Law on Detective Activities is performed by the Division for Supervision of the Private Security and Private Investigations Sector within the Ministry of Inner Affairs. In this country there is no professional association of private security subjects. The parliamentary supervision of the private security sector does not exist, as the parliamentary Committee for Security and Protection has none of these questions under its jurisdiction (Radević and Kalač, 2012).

75 legal entities in Montenegro owe a permit to work in the private security sector, and over 2.800 individuals possess a permit to work as a personal or property safeguard. Detective activities are performed by two detective agencies.

The private security sector in the *Republic of Macedonia* is regulated by the Law on Private Security from 2012, and the Law on Detective Activities from 1999, changed and updated in 2007. The Chamber of the Republic of Macedonia for Personal and Properties Security was established in Skopje in 2007, having as a target to implement the legal regulations.

The private security sector in Macedonia offers following services: physical and technical protection of properties, persons and manifestations, escort of values, security evaluations and consulting, design of security systems and similar (Nikač and Associates, 2013).

Supervision of the private security sector is done by the Ministry of Inner Affairs of the Republic of Macedonia and the Chamber of the Republic of Macedonia for Personal and Properties Security. Legal entity that performs security jobs is obligated to enable the supervision and to put at the disposal all the needed documentation to the authorized persons, as well as to provide any needed information or notifications (Bakreski and Associates, 2015).

Supervision of the implementation of the Law on Detective Activities is done by the MIA. Detectives are forbidden to perform detective jobs for national and foreign countries or for political parties. During detective activities, they are not allowed to carry weapon or use any other means of coercion, or some other means that are in the exclusive jurisdiction of state institutions. Detective activities in Macedonia are still being developed, and at the time seven detective agencies are in function (Slaveski and Božinovska, 2016).



According to the data of the CoESS and the MIA from 2012, over 4.000 individuals possessed licence for security jobs, while only 2.900 of them were professionally engaged. In the same time, 139 legal entities were actively performing security jobs (CoESS, 2014). However, according to the data of the Chamber for Personal and Properties Security, during 2012 only 57 private security companies were performing their tasks in harmonization to the valid Law. These imbalances show how changeable legal regulations and market conjunctures are, but also highlights the presence of illegal business and weaknesses in the supervision system of the private security sector (Vankovska, 2015).

After the stabilization of the situation in the *Republic of Albania*, which was facing the citizen war and chaos in 1997, conditions for establishment of the private security sector were made. This sector is rapidly developed, so that the number of employees is almost equal as the number of the people working in the police sector (close to 11.000). However, a number of active private security companies (265) is being kept constant over the years (Dyrmishi, Madhi, 2015).

According to the Law on Agencies for Private Security from 2014, private security services in Albania include personal protection (also private detective jobs), physical-technical security, security on various manifestations, protection of critical infrastructure, escort of money and values. Employees in this sector must be Albanian citizens and they should not be convicted or fired from the Police for breaking the law (Bakreski and Associates, 2015).

Work permits in the private security sector are being issued by the Albanian Police. Depending on the scope and type of services that are offered by agencies, they are categorized into three groups: A includes companies that provide security of private and public buildings; B refers to agencies that perform physical security services; and C category include companies that do escort of money and values (Bakreski and Associates, 2015). The Law does not regulate use and storage of weapon or munition, but the same regulations for military and police are being obeyed.

Supervision of the private security sector is done by the General Directorate of the state police within the Ministry of Inner Affairs. Work permits are being checked once a year, and if some irregularities are noticed, permits are not being prolonged. Certain control authorizations over the private security sector are possessed by the Ministry of Inner Affairs and the Ministry of Finances. Parliamentary supervision in this sphere does not exist.

The main problem of the private security sector is referred to a weak and non-efficient supervision over the mentioned sector by institutors of executive and legislative authorities, absence of self-control in the private sector, grey market, corruption and politicization in this sphere (Dyrmishi, Madhi, 2015).

Republic of Serbia was until 2013, when the Law on Private Security and the Law on Detective activities were implemented, the only state on the Balkans that did not have legal regulations referred to private detective activities. The deadline for implementation of the Law was extended until the 1<sup>st</sup> of January 2017, because of the late implementation of sublegal acts and licencing of legal entities and individuals in the sector. Namely, until the November 2016 the Ministry of Inner Affairs issued work licences for only 21 companies and to 3.570 security employees (from estimated 300 companies and 30.000 employees on the day of the law adoption). Beside that, the quality of professional education was rated as weak (Petrović, 2016). Professional education for less number of employees in detective agencies has been performed according to the plans.

The private security sector in Serbia include activities in physical and technical protection, planning, projecting, technical surveillance, montage and maintenance of technical protection systems, money and value escort, monitoring services, self-protection and detective activities (Nikač and Associates, 2013). The process of monopolization is evident, so that the greatest companies in the sphere cover over 70% of the market. What is more, there is a non-transparent connection between the private security management companies and political structures (Trivan and Associates, 2015).

The Association for Private Security within the Commerce Chamber of Serbia has 119 business societies as members (The Association for Physical security has 37, The Association for Technical Security has 36, The Association for Self-Protective Activities has 30, while the Association for Detective Activities has 16 legal entities as members).

The Ministry of Inner Affairs performs inspection and administrative supervision over subjects in the private security sector, but in general the extern control of private security is not satisfying. Parliamentary control of private security does not exist, unless if it is considered that the parliamentary Committee for Protection and Inner Affairs is constantly monitoring the sector, as it is legally monitoring the work of the MIA of the Republic of Serbia.

A cooperation between the subjects of the private security sphere with competent authorities and local government in Serbia is on the very low level, which is the same case with prevention and suppression of criminal (Trivan and Associates, 2015)

A process of professionalization of private security in Serbia is performed slowly, whereby there are structures within the state and the companies that are trying to block it. What is more, demands for these are fewer because of the bad economic situation. All of this leads to lower prices with higher business costs, which questions the survival of the most private security companies (Petrović, 2016).

Private security in the self-proclaimed *Republic of Kosovo* has started to develop rapidly later than other countries from the former SFRY. Only after introduction of international administration in 1999, first agencies providing security services start to operate. There were no greater administrative obstacles for them, and the privatization process and high numbers of foreign investments have increased a demand for these type of services (Qehaja, 2009).

The Law on Private Services from 2011, which exchanged the former Regulation UNMIK from 2000, has created normative conditions for establishment and activities of private security subjects on Kosovo.

According to the data from 2015, there are 90 licensed private security subjects on Kosovo, including some foreign companies. More than a half of the companies have their representative centre in Priština (Emmi, Vrajoli, 2015). The most of the registered agencies are owned by Albanians from Kosovo, with some exceptions where employees from other ethnic communities are employed (Qehaja, 2009).

In 2015 on the area of Kosovo, around 4.900 individuals were licenced in the private security sector, and it is estimated that in general there was over 7.000 workers, who were engaged. It is evident that a certain number of employees is not registered in order to avoid certain obligations that are predicted by the Law on Employment, what witnesses the absence of certain control mechanisms. Beside that, a certain number of persons is engaged in the grey business market for a short period of time or ad hoc, depending on demands for these types of service on the market.

Supervision of the implementation of the Law on Private Security Services is done by the Ministry of Inner Affairs over the Commission for Complaints on the work of private security companies, while licencing and inspection control is under the jurisdiction of the Division for Private Security Companies within the Police of Kosovo (Emini, Vrajolli, 2015)

#### 4. Conclusion

Private security today represents a realistic force, which includes more and more activities, gaining characteristics of power. A level of assigning of traditional business and authorizations, which have been for centuries under state monopoly, to the private sector represents in the same time a level of democracy in a certain society.

The private security sector is differently organized in the Balkan countries. Republic of Croatia, Romania, Montenegro, Republic of Serbia and Republic of Macedonia have two laws related to the area of private security, while Republic of Greece, Republic of Bulgaria, Republic of Albania, Republic of Srpska and District Brcko (Bosnia and Herzegovina) have the unique law that defines the area. The Federation of Bosnia and Herzegovina has only the law about protection of citizens and their property, without organization of detective activities. There is a visible lack of standardized European law related to companies that provide private security services.

The private security sector in the Balkan countries has developed significantly in a professional way over the last few decades. However, problems related to functioning of the sector are present in all countries, even in the European Union members from this area, such as Romania and Bulgaria. In Romania there is a constant conflict of interest between the public and the private security sector, accompanied by a strong corruption. What is more, even though the private security sector in Bulgaria is one of the most developed in the region, there are cases where this sector is connected to organized criminal, illegal private security services, and concurrence between state and non-state sector in this area.

In all Balkan countries there are competent institutions that regulate activities of the private security sector, accompanied by general legal conditions for establishment and action of private security subjects. Control and inspection supervision over the work of private security subjects exist, mostly by ministry of inner affairs, i.e. competent police services. In none of these countries there is no direct parliamentary supervision over the private security sector, but only indirect one (through legal supervision over the work of ministry of inner affairs), while authorizations of ombudsman and their use in practice is not sufficient.

These are the reasons why, along with retaining and strengthening of authorizations of executive institutions when it comes to control and inspection supervision, more interest of public and media, development of mechanism of inner

control within private security subjects, it is necessary to activate more ombudsman and parliamentary committees, which need more precise defined duties. When these private security services achieve the certain professional level, control function should be taken over by professional associations in the private security sector, while the state organizes the certain needed level of supervision.

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## CONTEMPORARY ASPECTS OF SURVEILLANCE AND CONTROL CARRIED OUT BY TECHNICAL SECURITY

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### Abstract

The private security has developed significantly throughout the world in the past few decades. The technical security has also flourished, bringing new technologies of surveillance and control that became the landmarks of our security everyday life. Various systems of video surveillance, alarm systems and access control systems have overwhelmed the private households, commercial objects as well as almost every public building. The security science, sociology and philosophy scholars have already accepted and widely used the new term of banopticon, coined by the French scholar Didier Bigo. In actual fact, this term is intended to explain that contemporary technical private security has become symbol of a new powerful surveillance and control mechanism that functions in a way of keeping the people who have not authorization to enter to a certain secured place out of that place. In some wider scientific context, the term banopticon has been different from the terms panopticon and synopticon, used tremendously by the scientific scholars for some other aspects of surveillance and control. The term banopticon is interesting because it has been widely associated with the growth and development of private security, especially technical private security. Within this paper we'll analyse the meaning and importance of this term in the contemporary private security debates as well as in the contemporary Macedonian private security context. The paper will also point to some human and ethical dilemmas of usage of the technical private security in securing certain persons, objects and places. Considering this, the author of the paper will give some proposals and recommendations as to where and to what extent the use of technical private security



could be useful and where it could be considered controversial and interfere the sphere of ethics, humanism and basic human rights and freedoms.

***Keywords:** private security, technical security, surveillance, control, banopticon*

## **1. Introduction**

The private security is considered to be a phenomenon of contemporary way of living, penetrating our everyday lives with constant awareness about the present security risks around us and the urgent need to fight them on a daily basis. We are literally flooded with security risks everywhere around us since as it is well known and affirmed that we are living in a risk society and with culture of fear (Bek, 2001; Furedi, 1997). The proliferation of risks is caused by the dynamics of society and life, which is not stable at all, but intertwined with liquid relations, in an atmosphere that everything changes and is out of real control (Bauman, 2000: 2; Bauman, 1992). Probably, most stark evidence of the omnipresence of private security in our everyday existence is to be found in the realm of the technical private security and all sophisticated technical systems, devices and networks that comprise it. We are simply overwhelmed with the constant feeling of the imminent danger posed by security risks and the constant efforts of the private security industry to convince us in the inevitability of the private security omnipresence. This omnipresence is not so seen in the presence of the so called physical or manned security, but, more evidently, in the overall presence of technical security. Although the private security industry, its professionals and most of the scholars agree on the fact of inevitability of technical security in carrying out the preventive functions of private security, mostly associated with surveillance and control, at the same time, there are fairly grounded opinions, mostly coming from the scholars and some of private security professionals, who call for much more careful and restrained approach towards this sort of technical security omnipresence.

The first and most important goal of private security is to prevent the security risk from happening, i.e., to insure security environment where all security risks, threats and endangerments could be detected and prevented from happening. The private security could prevent security risks by using its various preventative strategies, measures and activities, which are mainly consisted of physical or technical security or

their combination. Although there can be no ideal substitution for physical (manned) security, in terms of its capabilities to detect, survey and control the security risks, nevertheless, technical security can, in many cases, substitute or complement the physical security. Considering the development of the private security so far, the technical security has proven to be quite helpful in prevention of different sorts of risks, threats and endangerments, especially those related with crime. Thus, the science and practice of private security has introduced numerous and various technical strategies, methods and means, which have affirmed their preventive role, by carrying out different preventive functions, mainly seen in surveillance and control. Also, the technical security has affirmed the so called proving function, which comprises the use of recorded materials in clarifying the crimes. All these positive functions of technical private security, coupled with the fear of crime as one of the reasons for the abrupt growth of technical security, have justified the unprecedented growth and development of the whole private security industry in the last few decades. So, nowadays, it is entirely normal and not unusual at all to be living in a security environment filled with sophisticated, numerous and various technical security systems and devices. Among them, those who perform surveillance and control functions of prevention are dominant, such as technical systems and devices for video surveillance, alarm and access control. The practical need for technical private security has also been theoretically grounded within the theories of so called secondary or situational prevention, mostly associated with secondary crime prevention.

However, we always have to keep in mind that there can be no ideal or absolute security, or, the tendency to attain maximum security always threatens some other human values, such as freedom. This, in some cases, could even lead to heightened feeling of insecurity, sometimes more problematic than real insecurity (Спасески, Аслимоски, Герасимоски С, 2008: 41). Or, as Zygmunt Bauman wisely puts, the more freedom we enjoy the less secure we are and vice versa. It seems that there has to be some kind of balance between them. Sadly, the contemporary way of living is one filled with constant, numerous and latent security risks, which makes us prone to increasing use of different security services, mostly associated with private security, and, within it, with technical security. This situation opens up a lot of dilemmas, predominantly ethical, social and human, since technical security systems, means and devices do not always follow strict legislation concerning the protection of privacy as they should (Даничић и Пилиповић, 2015: 211). Also, we must not forget that too much technology,

in one or another way, makes us more alienated and means fragmentation of our lives (Бауман, 2005: 338). We will try to give an overview of these dilemmas and concerns regarding the surveillance and control of technical private security and to give some answers and solutions on how they could be addressed and resolved. These dilemmas and concerns could be summarized within the following questions:

- How much technical security do we need?
- Is the omnipresence of technical security always indispensable?
- Is the very presence of technical private security proof of insecurity?
- Does the private security create fear of security?
- Does the technical security industry maintain and incite the need for security?
- Is it possible to find balance between freedom and security?
- Where is the usage of technical private security justified?
- Where the usage of technical private security could be reconsidered?

## **2. Surveillance and control between panopticon, synopticon and banopticon**

In order to explain the nature of surveillance and control as crucial preventive functions of private security, we will discuss the three notions which will help us understand them better. All of them came from security and social sciences and were part of some of the most profound ideas that shaped security, sociological and philosophical thought in the last decades of previous and first decades of this century. These three notions are panopticon, synopticon and banopticon.

The term panopticon was originally coined by British philosopher Jeremy Bentham, but was fully developed by the famous French philosopher and sociologist Michel Foucault. The very term panopticon was actually a kind of prison, which was firstly invented and explained by Jeremy Bentham, in which he explained the different technology of imprisonment that this kind of prison offered compared to the previously known prisons. The whole idea was that the punishment was shifted from the realm of physical punishment, to the realm of spiritual and social punishment. And, it was much more than punishment. The very essence of panopticon actually lied in the surveillance, control and power mechanism through which the discipline, control and power were

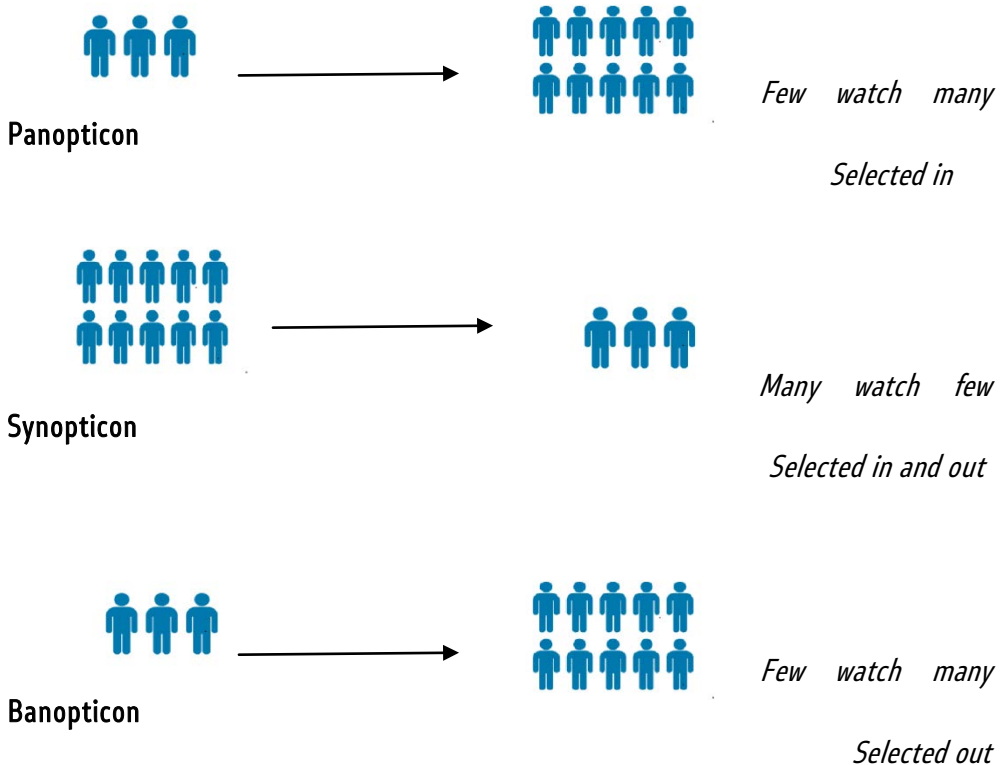
maintained and thus the prison authorities had full assurance that no prisoner would escape them. The whole concept was developed around the technology of watching, based on the idea that the guardians could always see what the prisoners were doing, while they could not be sure at any time where they were being watched and controlled or not. In other words, only watchers (guardians, surveyors) could watch others (prisoners), but, the others (prisoners) could not watch the watchers (guardians). The panopticon worked as a kind of order where to see and to be seen were split apart; the prisoners were fully visible, but they could not see whether they were watched over, and, on a contrary, the guardians could see and watch over the prisoners knowing that the prisoners do not know about them (Фучко, 2004: 208). Later on, Michel Foucault elaborated these ideas and used them to criticise the normalizing, hierarchical and disciplining mechanisms of modern state and society as being oppressive and effective way of getting obedience. Panopticon relied on usage of natural (human) surveillance and control as powerful tools for disciplining the soul instead of disciplining the body.

In the last decade of previous century, Danish political scientist Thomas Mathiesen, closely analysed the idea of panopticon, and subjected this notion to detail reconsideration, mainly within the context of the postmodern society. He developed the notion of synopticon, or also called "the viewer's society" (Mathiesen, 1997: 215-232). Actually, he claimed that the surveillance and control do not work anymore as Bentham and Foucault suggested, but they were changed thanks to the new technical and technological developments in postmodern and globalized societies. He uses the contemporary technical and technological achievements (such as Internet, mobile phones, reality TV shows etc.) and tries to explain in what way they are used as surveillance and control mechanisms. Thus, says Mathiesen, unlike the panopticon who uses the power of threat and punishment and thus insures that the obedience will be attained, in synopticon the obedience is insured on a voluntary basis, simply with the help of forces of temptation and seduction. In other words, the people voluntarily accept to be watched over and controlled, only because they want that. They are driven by the seductive and tempting forces of sophisticated contemporary soft power technologies and technical devices. As Zygmunt Bauman insightfully adds, in panopticon, the few watch the many. In synopticon, the many watch the few. In synopticon the people voluntarily and eagerly participate in their own watching and controlling, without been really aware of that. The reality shows (so called Big Brother) or Facebook, are the most striking examples of synopticon, where we all enjoy watching

over other's lives, but also enjoying our lives being watched over. In synopticon, it seems that there is not a thing in our private lives that remains intimate. Everything is at disposal, offered to the public and everybody enjoys this mutual surveillance and control game. The final result of synopticon is that the separation of private and public life has been wiped out at a large extent (Köse, Han & Bakan, 2010: 525).

Another brilliant social thinker, the French sociologist Didier Bigo, has introduced the notion of banopticon as another concept that should grasp the complex changing nature of surveillance and control (Bigo, 2006: 33-35). He thinks of it as a concept that was directly created by the processes of individualization and privatisation within society. The term and notion of banopticon refer to surveillance and control as ways of insuring that only certain people are allowed to be part of certain secured environment, while the others are denied the access by using the surveillance and control mechanisms of contemporary technology. In actual fact, the banopticon suggests banning something or prohibiting something or somebody from something and is about keeping people outside, instead of panopticon which implies keeping people inside. Here, under this notion, we can recognize the technical private security and all surveillance and control that are being done by using various technical systems and devices, such as video surveillance, alarms and access control. The surge of banopticon can be seen nowadays in the desperate need to feel safer, but, paradoxically enough, that is being happening simply because we are experiencing more and more freedom in our lives. The so called open society has created so much freedom that reached the point where the infinite freedom of choice is felt as uncertainty and insecurity, and that is what throws the people back to reaffirmation of security instead of freedom, but this time, in terms of the negative globalization, as privatised security (Бауман, 2016: 11). Banopticon serves quite a lot purposes, but the major purpose is commercial, such as with privatization of security services, private security and technical private security in specific. It can be seen in establishing the so called gated communities both with natural and technical surveillance and control mechanisms; CCTV (closed circuit television) as complete technical system that constantly supervises and controls the secured areas and is used both as control, as well as proof in case of security events; the alarm systems that prohibit and signal every attempt of unauthorized entry inside the secured areas or places; and, access control systems, that use different technologies of validation of the right of entrance (such as coded locks, magnetic cards and biometrics), thus keeping those people who do not have the right of

entry out of that secured areas and places. The existence of complex and detail technical devices and procedures at airport security is one striking example of how the surveillance, control and proof mechanisms of banopticon function in real life. Detail and in some cases nerve-racking preventive procedures that imply use of metal detectors, X-rays, scanners and multiple controls, are reminders that we are living in an age of banopticon (Даничић и Пилиповић, 2011: 215; Jovanović, 2008: 10). In order to ease understanding of the three concepts of surveillance and control explained above, we are giving a graphical representation of differences between panopticon, synopticon and banopticon in the graph no.1 below:



Graph No. 1. Graphical representation of differences between panopticon, synopticon and banopticon

### 3. Dilemmas about the role of private security in surveillance and control

The private security sector (subsystem) and private security industry have reached a significant level of development and also have made vital contribution towards security within the last few decades. Frankly speaking, the private security has become an all-present phenomenon (Бакрески, Даничиќ, Кешетовиќ, Митевски, 2015: 50). Considering Europe only, it reached total yearly turnover in 2013 of almost €35 billion, which is a staggering fact of the development of a powerful industry (Co ESS, 2013: 251). Considering the main function of private security, the preventive function, we can undoubtedly conclude that private security exerts very positive influence in the overall societal effort of prevention, and due to its status and character, this contribution of the private security can be seen mostly in what is called secondary prevention, or, situational prevention. This secondary prevention is to a great extent carried out through the technical private security, using the technical systems, means and devices of surveillance and control. There are lot of studies and researches done within the couple of decades that confirm the contribution and positive preventive effects of technical private security and its mechanisms of surveillance and control. They can be seen mainly in some valuable contributions towards prevention and security, such as: increased secondary crime prevention, reduction of crime rates, fostering of cooperation between different security entities (such as private security entities and police), increase in crime control, increased usage of technical devices recordings as proof in criminal investigation processes and strengthening of mutual trust and to some extent feeling of security between people where technical security has been installed (Potokar & Androić, 2016: 160; Haggerty, Wilson & Smith, 2011: 231: 237; Wakefield, 2005: 529-545; Hemsley, 2013: 229-238). There are some studies which claim that electronic means used in technical security are also increasingly replacing informal social control (Koskela, 2003: 294). Also, the studies and researches have shown greater success in implementation of technical private security when it was introduced through some projects within public-private security partnerships than when it was done separately (for instance, private security or police on their own).

On a contrary to that, there is considerable body of scholars who view the contribution of private security and especially technical private security with scepticism and point out to some negative aspects of its wide usage and omnipresence. They are especially criticizing the technical means of surveillance and control which can be both

used and abused, which could produce increase in feeling of insecurity instead of the opposite, which could not mean decrease in crime rates in every case of their usage, which can turn out to be used in abuse of power and in breaching of the privacy and the basic human rights and freedoms, particularly the freedom of movement. We can see that some of the critics are being headed towards security issues, while some others are being headed towards certain ethical, humanistic, societal and even philosophical issues. Thus, for instance, the renowned Norwegian theorist Lars Svendsen complains that "the point of the development of private security is that its market logic creates a need for security that goes beyond the actual need through sowing fear of the presence of new and more dangerous security risks. This leads to a constant increase in the resources of the private security industry, which when once absolved one are looking for other risk and fear of it and so it goes indefinitely, as long as it increases the economic benefit from the growth of the industry. Therefore, concludes Svendsen, the world has become preoccupied with ever new and more sophisticated methods, techniques, tools and measures for physical and technical security, whose application, especially in situational crime prevention experienced an unprecedented scale". He stresses the fact in Norway itself, the number of households that installed systems of technical security (video surveillance, access control or alarm systems) is extremely high and reaches over 70% in some parts of the country, but that researches have not confirmed in full the justification of this massive usage of technical security. Svendsen, summarizing this issue ironically concludes that the alleged progress of modern society to create a safer social environment for living is seen in the fact that "the wall (meaning medieval walls erected to protect the medieval towns from threats) which is supposed to protect us from threats 'outside', has moved up to the walls of our homes". In addition, "alarms and security locks in our houses confirm the image of the dangerous world in which we live (Свендсен, 2010: 109)".

The British scholar Stephen Whattam believes that the researches conducted in Great Britain in this field show that in recent decades after applying the situational prevention of crime, especially through private security, in fact, the Great Britain became a place of heightened uncertainty, anxiety and fear of crime. Paradoxically, he says, "the visible signs of security hardware (technical security) made considerable part of the people more frightened, and with a feeling that the higher level of security in certain place or area must indicate a higher security risk". The official statistics shows that between 1992 and 2000 there were 4.2 million security cameras installed in Great



Britain, which means one security camera was installed on every fourteenth British. Again paradoxically, "unprecedented growth of the private security industry cannot take place without, in one way or another, creating a need for security services many times greater than the actual needs. These needs are accompanied by fear of threats, which themselves represent the 'industry of fear'". The studies that were done, admits Whattam, do not dispute the fact that the introduction of techniques and measures of situational crime prevention through technical private security contributed to actual reduction of crime rates, and that they led to crime control, but also undeniably increased the fear of crime and insecurity. Common example frequently stated within this context, is the installing of video surveillance, which, when used as recorded evidence, contributes to the efficient identification, capture, conviction and imprisonment of the perpetrators, but when assessed through the possibility of immediate protection of people from physical assault, then proves useless, even on a contrary, reminds people of an unsafe place with high security risk and makes them feel insecure (Whattam, 2011: 1-52).

The private security in Republic of Macedonia developed both in size and quality of services within the last two decades. Technical private security, together with physical private security, is the most frequently used sort of private security by clients. According to the official statistical data, by the end of 2015 there were 38 private security entities that were registered for providing technical private security out of 112 total registered private security entities (for physical security and private detective agencies), which employed 1134 persons (Комора на Република Македонија за приватно обезбедување, 2016: 13). Moreover, there are almost no clients who do not require technical private security within the contracts with the private security companies (agencies) or within their security services as part of the organizations (proprietary security). The systems, means and devices installed within the technical security are various and can be found in various objects and even in public spaces. The dilemmas that were mentioned could be stated in the case of technical private security in Republic of Macedonia, with some reserve considering the lesser usage of technical private security compared to some Western countries for example. Nevertheless, we will try to point out to some sensitive questions and dilemmas concerning the surveillance and control function of private security in Republic of Macedonia.

In most of the cases where we have private security in Republic of Macedonia, the physical and technical security are used together, but there are cases where only

technical private security has been provided. Sophisticated technical security systems such as video surveillance, alarm systems and access control systems can be found both in economic entities (for instance in shopping malls, factories, hotels and restaurants, banks and savings banks etc.), as well as non-economic entities (for instance in cultural buildings such as museums, galleries, protected religious objects, archeological sites and so on, than in educational institutions, in healthcare institutions, public institutions such as municipality buildings, as well as public spaces such as streets, parks, squares etc.). According to the Macedonian legislation, the usage of technical private security is regulated with provisions in the Law on private security, but considering the video surveillance, protection of personal data and privacy, the provisions from the Law on protection of personal data must also be observed (Бакрески, Герасимоски, Ванковска, Стојановски, Деаноска-Трендафилова, Славески, Кузев, 2014: 114-119; Комора на Република Македонија за приватно обезбедување, 2013: 19). The places or areas must be clearly marked with signs that the areas or places are under video surveillance. But, in reality there are cases when this is not fully and consistently observed. Namely, due to various reasons, sometimes there are no signs; in some cases they are not visible or have been worn, blurred or damaged and are unclear; in some other cases the signs have been put on wrong places and are not identifiable nor visible etc. Also, there are cases where abuse of the data from video surveillance has been noted, which clearly indicate possible breach of privacy of clients or other persons. The question of effectiveness of video recordings have been less questioned, compared with possible surveillance and control abuses that tackle or more seriously, endanger somebody's privacy. This is especially case when video surveillance has been installed in public spaces or on the border of private and public spaces. Some complaints from clients and other people also go to unprofessional installation of technical devices of surveillance and control, thus causing breach of privacy (for instance, the camera of video surveillance partly overlooks neighbors' courtyard besides the courtyard of the client who required camera or video surveillance).

Another important issue referred to surveillance and control functions of technical security could be encompassed within the questions of how much technical security do we need and is there any criteria that could help us determine the optimal level of presence and usage of technical private security? Not an easy questions to answer at all, even an intriguing and challenging ones. But, nonetheless, it seems that we have to be strongly aware of the fact that too much technical private security

around us could bring us a lot more problems and could make our lives uneasy and much more stressful. That is because of the absolute fact that it could create an atmosphere where everyone has to feel as potential offenders of deviance or crime, that could make the places and areas with over-surveillance and control suspicious in terms of security from the very start, it could also penetrate our right to privacy and at last, but not least important, it could mean an unjustified spending of money in an attempt to create an all-supervised society. That is why, we have to consider the so called optimal level of technical private security and with that, the optimal level of surveillance and control that will prevent deviance and crime, and will not produce any undesired side effects, in terms of instigation of deviance and crime or increase in fear of crime, insecurity or any breach of right to privacy. We believe, that the right thing to attain this is through implementation of comprehensive, thorough and science based risk assessment as part of wider risk management process, which has to be done every time prior to risk treatment and installation of any kind of technical private security systems, means and devices in certain areas or places (Фишер, Хелибозек и Грин, 2013: 148-149). Within that, we have to encourage the private security entities mostly, to seriously consider the necessity of implementation of scientifically based methods of risk assessment prior to bringing decisions concerning the need of technical private security, its scope and types of technical security systems, means and devices that have to be put in place. This is a kind of must, both within the Republic of Macedonia and wider, since, especially in Republic of Macedonia, the private security entities rely heavily on personal experience rather than on usage of scientifically based methods of risk assessment prior to installation of technical private security. Among many scientific methods that could be of use in risk assessment of technical private security usage, we could mention the integral method of risk assessment by Zoran Keković and its associates, Kinney method and AUVA method (Gerasimoski, 2016: 327-338; Кековиќ, Бакрески, Стефановски, Павловиќ, 2016: 190-197).

And finally, we come to the issue that also deserves our due attention, and that is the adequacy of usage of technical security surveillance and control functions within different areas, objects and institutions. According to the experiences so far, we can say that the use of surveillance and control through technical private security has proven to be very useful and successful in crime prevention when applied in economic kind of institutions (such as manufacture, trade, tourism, finance and so on). But, the real question is what about the adequacy when applied in non-economic kind of

institutions. The answers here could be much more stratified and we cannot give so much positive answer. In some cases, such as in securing healthcare, cultural and even some political and governing institutions, the technical private security has proved to be useful in crime prevention, reduction and control, so to say indispensable. But when applied in some other institutions, primarily educational, it proved to be not so much adequate, since it contradicts some ethical, human and societal norms, as one recent study in Republic of Macedonia has shown (Ванковска, 2016: 45-46). Namely, the educational institutions are expected to be environments in which primary prevention will be focus and that there'll be no need for secondary and situational crime and risk prevention which is characteristic of private security. The private security deals with potential offenders and no one wants to see and treat the kids and youngsters as potential offenders. If it is so, than it shows the defeat of primary prevention policies and their substitution with secondary prevention policies can never give a desired effects. On a contrary, they can even worse the situations and can develop a society where kids and young people will be treated as criminals from their young age. In these terms, the surveillance and control functions of technical private security can create an inadequate, artificial and potentially detrimental atmosphere for future development and maturation of pupils and students. It could produce fear, unease feelings and wrong understanding of security and could even foster some types of deviant and criminal behavior. In other words, if we are to apply the technical security measures and devices on children and youngsters, we are treating them as potentially deviant and crime suspects at the very beginning, or so to say, we are labeling them. To say the least, all of this is considered as inhuman, unethical and unsocial environment in which the socialization process has to be carried out.

#### **4. Conclusions**

The private security plays active role in carrying out of surveillance and control functions of prevention nowadays. Though we can give a positive assessment of this role in general, there are also much grounded critics addressed mainly to some ethical, humanistic and social dilemmas that emerge due to the all-encompassing and inadequate use of technical systems, measures and devices, such as video surveillance, alarm systems and access control. These dilemmas go louder and are more justified if

analysed within the paradigms of panopticon, synopticon and especially banopticon. The positive effects of surveillance and control functions of technical private security could be seen primarily in so called secondary and situational prevention strategies, measures and activities, which result in: reduction and control of crime rates, increased usage of technical devices' recordings as proof in criminal investigation processes, fostering of cooperation between different security entities, and to some extent in increased feeling of security between people where technical security has been installed or decreased fear of crime, but only in certain cases. On the other hand, criticism and negative attitudes are mainly seen in: breaching of the privacy and the basic human rights and freedoms (particularly the freedom of movement), increase of insecurity and fear of crime when technical security is being massively used without prior appropriate risk assessment, confirmation of the image of the dangerous world in which we live and inadequacy of technical private security when used in securing certain areas, places or institutions, such as in the educational institutions.

In order to overcome the weaknesses of surveillance and control functions of technical private security, we believe that these recommendations could prove to be helpful in strengthening the strong and eliminating or reducing the weak sides of technical security:

- Optimization of surveillance and control functions through installation of technical security only in areas, places and institutions where it is necessary and does not contradict some ethical, human or moral dilemmas;
- Making out of risk assessment analysis based on usage of scientific method of risk analysis and adequate measures and activities of security treatment prior to implementation of technical security;
- Consistent respect and implementation of the rules regarding installation, maintaining and use of technical security systems and devices;
- Avoiding too much technical security in cases and situations when security can be reached using physical security or other primary prevention strategies, policies and measures, related to possible increase of fear of insecurity;
- Balancing freedom and security in order to avoid the banopticon effect, only when this is possible and not at the detriment of minimal security.

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## **CORRUPTION-A CONTINUOUS THREAT TO DEMOCRACY IN WESTERN BALKANS EU CANDIDATES**

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### **Abstract**

This article presents an overview of the progress in implementing anti-corruption framework in four candidate countries in Western Balkan: Albania, Macedonia, Montenegro and Serbia. The objectives of this paper are to determine what are the main obstacles in implementing these reforms.

Despite having made positive steps towards EU accession, these four candidate countries are still plagued by pervasive corruption and captured political systems.

As the future of the EU becomes increasingly uncertain, Balkan leaders are more inclined than ever to push the limits of their authority while still vying for EU acceptance. If the downward trajectory of the past six years continues, this generation of Western Balkans rulers could potentially reverse the region's democratic progress. As Western Balkan leaders take advantage of EU instability to increase their authority, they will continue to weaken democracy while continuing to seek EU membership.

As a result, the region holds a very poor track record for prosecuting corruption, especially among high-level public officials. Even when such cases are investigated, they generally suffer long delays and often end in acquittals or result in light and inconsistent sentences.

**Key words:** corruption, democracy, Western Balkans EU candidates, whistleblowing.



## 1. Introduction

At the 2003 Thessaloniki summit, the European Council declared that the future of the Balkans is within the European Union. However, apart from Croatia that entered the EU in 2013, thirteen years after the Thessaloniki summit, Albania, Macedonia, Montenegro, and Serbia remain excluded with no foreseeable accession date in sight. The political messages coming from Brussels, which have largely been influenced by the perceived enlargement fatigue from inside the Union itself and the growing impact of Member States on the accession process, point to the conclusion that European integration of the Western Balkans is being slowed down rather than accelerated.

In the latest edition of the *Nations in Transit* report presents a record of backsliding and stagnation in all key governance indicators across all the countries of the region (Nations in transit, 2015). While liberal democratic Western Balkan governments seem to identify with the EU, they often remain overshadowed by the high number of domestic formal and informal 'gate keeper' elites that continue to control the state in an effort to preserve their private economic interests and their grip on political power (Kmezic, 2014).

In the Western Balkans the responsibility for investigating and prosecuting corruption is spread out among numerous judicial, law enforcement and anti-corruption bodies. The fragmentation of punitive functions across institutions is not problematic per se, as long as these institutions can operate free from undue political interference and are able to cooperate and coordinate activities effectively. Unfortunately, experience in the region demonstrates that this is not the case, making these bodies more susceptible to manipulation and less able to perform their functions. Key problems include institutional overlap in fighting and preventing corruption (Kosovo, Serbia, Turkey), limited cooperation between the prosecution and police (Kosovo, Macedonia, Montenegro, Serbia) and regular infighting between key judicial and law enforcement actors (Albania, BiH). The region also suffers from widespread political interference in appointments, transfers and removals of judges, prosecutors and police, as well as unwarranted interference in the day to-day operation and decision-making processes of anti-corruption and judicial bodies.

As a result, the region holds a very poor track record for prosecuting corruption, especially among high-level public officials. Even when such cases are

investigated, they generally suffer long delays and often end in acquittals or result in light and inconsistent sentences (Albania, BiH, Montenegro, Serbia). Indictments are often poorly written and inadequately investigated, while complex corruption cases are poorly understood by prosecutors and judges (Albania, Kosovo) (McDevitt, 2016).

## 2. DEFINITION OF CORRUPTION

The origin of 'corruption' comes from the Latin terms *corruptus*, or *corrumpere* which mean spoiled or break into pieces, accordingly. Corruption occurs at all levels of society and at all forms – public, private, locally, nationally and internationally. In an age of globalisation, transactions often transcend national boundaries, which increase the opportunities for corruption. Nonetheless, an international definition of 'corruption' does not exist, as this would raise legal and political complications. Consequently, different interpretations of 'corruption' are given by multiple jurisdictions according to their own cultural conceptions.

OECD explains corruption as "the abuse of a public or private office for personal gain. The active or passive misuse of the powers of Public officials (appointed or elected) for private financial or other benefits" (OECD Glossaries, 2008).

The World Bank defines corruption as "the abuse of public office for private gain" (Bhargava, 2006).

Transparency International (TI) defines it as the "misuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in a position of authority" (Transparency International).

The genealogy of the definition of corruption in the European Union, as Patricia Szarek Mason demonstrated in her book is more complicated (Szarek-Mason, 2010). In 1995, the European Parliament defined corruption as "the behaviour of persons with public or private responsibilities who fail to fulfil their duties because a financial or other advantage has been granted or directly or indirectly offered to them in return for actions or omissions in the course of their duties" (European Parliament, 1995). After, in 1997, the definition was changed to "Any abuse of power or impropriety in the decision making process brought about by some undue inducement or benefit" (Commission of the European Communities, 1997). In 2003, the European Union returned to the most

simple definition: 'abuse of power for private gain' and including thereby both the entire public and private sector" (Commission of the European Communities, 2003).

*Definition in Criminal Law*

The OECD, the Council of Europe and the UN Conventions do not define "corruption". Instead they establish the offences for a range of corrupt behaviour. Hence, the OECD Convention establishes the offence of bribery of foreign public officials, (OECD, 2007) while the Council of Europe Convention establishes offences such as trading in influence, and bribing domestic and foreign public officials. In addition to these types of conduct, the mandatory provisions of the UN Convention also include embezzlement, misappropriation or other diversion of property by a public official and obstruction of justice. The conventions therefore define international standards on the criminalisation of corruption by prescribing specific offences, rather than through a generic definition or offence of corruption.

*Definition for Policy Purposes*

On the other hand, international definitions of corruption for policy purposes are much more common. One frequently-used definition that covers a broad range of corrupt activities is the "abuse of public or private office for personal gain". This definition can be a useful reference for policy development and awareness-raising, as well as for elaborating anti-corruption strategies, action plans and corruption prevention measures. Apart from this general definition, there are as many different definitions of corruption as there are manifestations of the problem itself. These definitions vary according to cultural, legal or other factors. Even within these definitions, there is no consensus about what specific acts should be included or excluded.

For the further specification and definition of the term corruption is the paper are presented three behavior-focused definitions developed by Heidenheimer (2009) and that are standard in the current corruption and political science literature: market-centered, public-interestcentered and public-office-centered definitions. Although, they are not completely clear-cut, they are intended to provide orientation in the field of corruption and allow researchers to identify its patterns from a comparative point of view (e.g. Johnston, 2001).

### *Market-Centered Definitions*

From an economic perspective, market-centered definitions (or functionalistic definitions) focus on markets and view corruption as a non-legal instrument used by individuals or collective actors to influence politics and administration. Following a rational-choice logic, corruptive civil servants understand their positions to obtain maximum profits (Klitgaard, 1988).

### *Public-Interested-Centered Definitions*

In contrast to market-centered definitions, public-interest-centered definitions address both the nature of corruption and its consequences and allow, thus, for broader interpretations (Johnston, 2001). They emphasize the moral aspect of corruption and take into account the harm done to the public by corruption. As a result, corruption is seen as an erosion of public interest.

### *Public-Office-Centered Definitions*

Public-office-centered definitions are based on the bureaucratic ideal types of modern administration of and implies to its concept of public office. They describe corruption in terms of deviations from the norms to which professional office holders are usually bound. Here the standards defining abuse are the law or regulations that have the force of law. Proponents of these definitions suggest that laws in most countries are more precise and stable than public opinion or conceptions of public interest (Johnston, 2005).

## **3. EU anti-corruption framework**

For a long time the European Union did not effectively combat corruption, as there was no legal ground and no rules to enforce. This changed with the launch of the set of anti-corruption criteria, entitled 'The ten principles for improving the fight against corruption in acceding, candidate and other third countries' which the Commission presented to the candidate countries in 2003. Moreover the European Commission developed a so-called anticorruption package, which came into place in July 2006 and which consists of: (European Commission, 2011):

- A Communication on fighting corruption in the EU, which presents the objectives of the EU Anti-Corruption Report and the practical aspects of its functioning. The Communication also explains how the EU should place greater emphasis on corruption in all relevant internal and external policies;

- A Commission Decision establishing this EU anti-corruption reporting mechanism;

- A Report on the implementation of Council Framework Decision 2003/568/JHA on combating corruption in the private sector;

- A Report on the modalities of EU participation in the Council of Europe Group of States against Corruption (GRECO).

The last point of the anti-corruption package is an important one: "Report on the modalities of EU participation in the Council of Europe Group of States against Corruption (GRECO)". The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organization's anti-corruption standards. Currently GRECO comprises 49 member states (48 European states and the US). "GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. It helps to identify deficiencies in national anti-corruption policies prompting the necessary legislative institutional and practical reforms" (Council of Europe). Besides the fact that the candidate countries have to comply with all documents in the anticorruption package, each candidate country has its own specially formalized requirements which it has to comply with. These requirements differ per country, because already existing legislation in place may differ from country to country. These requirements are stated and analyzed in the respective Progress Reports of every country. This is how the current EU framework for fighting corruption looks like.

Table 1: Summary of the Participation of Istanbul Action Plan Countries in Anti-corruption Conventions (as of February 2007) /Other Members of the Anti-Corruption Network

	OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	Council of Europe Criminal Law Convention on Corruption	United Nations Convention Against Corruption	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime	United Nations Convention on Transnational Organized Crime
Albania		Ratified 19 Jul. 2001. Entered into force 1 July 2002	Signed 18 Dec. 2003. Ratified 25 May 2006	Ratified 31 Oct. 2001. Entered into force 1 Feb. 2002.	Signed 12 Dec. 2000. Ratified 21 Aug. 2002.
Macedonia		Ratified 28 Jul. 1999. Entered into force 1 Jul. 2002	Signed 18 Aug. 2005	Ratified 19 May 2000. Entered into force 1 Sep. 2000	Signed 12 Dec. 2000. Ratified 12 Jan. 2005
Montenegro* As Serbia and Montenegro		Ratified 18 Dec. 2002*. Entered into force 6 Jun. 2006.	Signed 11 Dec. 2003. Ratified 20 Dec. 2005*	Ratified 9 Oct. 2003*. Entered into force 6 Jun. 2006.	Signed 12 Dec. 2000. Ratified 6 Sep. 2001*.
Serbia		Ratified 18 Dec. 2002*. Entered into force 1 Apr. 2003.	Signed 11 Dec. 2003. Ratified 20 Dec. 2005*.	Ratified 9 Oct. 2003*. Entered into force 1 Feb. 2004.	Signed 12 Dec. 2000. Ratified 6 Sep. 2001*.

### 3.1. Whistleblowing as effective way to curb corruption

Albania, Macedonia, Montenegro, and Serbia have all made superficial efforts to fight corruption and decrease authoritarianism. In reality, these facades merely improve their leaders' international reputations without helping the lives of everyday citizens. Under present circumstances, these countries must explore alternative ways to meet EU accession criteria. One of the most effective ways to curb corruption and weaken authoritarian regimes is by encouraging whistleblowing. In situations where bribery and corruption are prevalent in private and public sectors, individuals must feel safe to report offenses they may witness.

Successful whistleblowing often requires two main conditions:

1. effective safeguarding legislation and
2. widespread public education (Transparency International).

As Agnes Batory explains, "whistleblower protection can also be considered as a way of influencing the cost-benefit calculus of individuals (whether public officials or ordinary citizens), to report corruption-related crimes[...] Rather than imposing a duty to report and punishing offenders, it tries to remove, or at least ameliorate, the negative consequences that would otherwise likely follow the decision to speak out" (Batory, 2012). For many potential whistleblowers, the choice to report corruption is not just one of morals or conviction. Whistleblowers often risk their careers, reputations, and even lives in order to expose wrongdoings, and it is up to legislators to make sure these individuals are protected.

For EU candidate countries, enacting whistleblower protection laws is a tangible step towards decreasing corruption, thus helping those countries meet EU accession criteria. Chapter 23 of the EU Acquis states, "Member States must fight corruption effectively, as it represents a threat to the stability of democratic institutions and the rule of law. A solid legal framework and reliable institutions are required to underpin a coherent policy of prevention and deterrence of corruption" (European Union Conditions for Membership). The EU recognizes whistleblower protection as a key element of this deterrence. In their yearly assessments of candidate countries, EU officials take note of whether or not the country has passed whistleblower protection laws. Because of this, all four Western Balkan candidates have attempted to improve their whistleblower protection legislation, but these laws alone have yet to

create any meaningful culture change. In situations where whistleblower legislation has been passed, but not enforced, corruption can easily go unchecked.

Table 2: Functions of the primary anti-corruption bodies in the Western Balkans

Function	Policy Coordination	Prevention	Education	Political Finance Oversight	Investigation	Prosecution
Albania: High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI)	No	Yes	Partially	No	No	No
Macedonia: State Commission for the Prevention of Corruption (SCPC)	Yes	Yes	Yes	No	Partially	No
Montenegro: Agency for Prevention of Corruption	Yes	Yes	Yes	Yes	No	No
Serbia: Anti-Corruption Agency	Yes	Yes	Yes	Yes	Partially	No

In the European Commission's 2016 reports on all four Western Balkan candidate countries, they acknowledge progress in the realm of whistleblower



protection. Albania, Macedonia, Montenegro, and Serbia have all passed rudimentary whistleblower protection laws in the last two years. Serbia adopted a Whistleblower Protection Act in November 2014, Macedonia in November 2015, Montenegro in December 2015, and Albania in June 2016. Despite these advancements, the EU is still not happy with the region's progress in decreasing corruption. In Albania, it was noted that "corruption remains prevalent in many areas and continues to be a serious problem" (European Commission, 2016). The Commission is not yet satisfied with Macedonia's legislation, concluding that "substantial legal, institutional, and practical preparations are still needed for effective implementation of the law" (European Commission, Macedonia Report, 2016). In Serbia, they saw "limited results from the implementation of adopted legislation", (European Commission, Serbia Report, 2016) and in Montenegro, not only did the Commission report evidence of corruption, but they uncovered one case in which the Anti-Corruption Agency was criticized publicly for their reactive and contentious interpretation of the law (European Commission, 2016). As these reports illustrate, merely passing whistleblower protection laws is not sufficient. Although the EU reports did not explain whether this shortcoming is specifically the result of a law enforcement failure or lack of public education, it is presumably a combination of the two. Some individuals may argue that laws like this simply need time to create change, but positive change is unlikely to happen on its own considering the political situation in the Western Balkans. Just like the leaders of these countries, the current whistleblower laws may appease EU stakeholders, but they are not doing enough to benefit the lives of citizens domestically.

Given these four countries' current regimes, it is unlikely that their governments will do much to ensure that whistleblower protection laws are effectively enforced. If the EU wants to prioritize candidate countries' progress, then the European Commission should ensure that whistleblowers in the Balkans are adequately protected. Unfortunately, this may be a difficult feat, seeing as whistleblower protection is rarely enforced even within EU member states. There are no consistent whistleblower protection laws across member states, and many countries regulate whistleblowing simply through labor, commercial, or criminal law (Eisanen, Kaisa, 2016). This strategy may make sense for individual countries, but it creates confusion when examined holistically. Additionally, EU institutions themselves lack necessary whistleblowing regulations. The European Parliament adopted their first internal whistleblower protection rules in January 2016, but these laws fail to protect MEP assistants-

individuals who would be best positioned to expose wrongdoings within the European Parliament (Hanot and Associates, 2016). If EU institutions expect candidate countries to protect whistleblowers, they should hold their members to the same standards.

As Western Balkan leaders take advantage of EU instability to increase their authority, they will continue to weaken democracy while continuing to seek EU membership. Whistleblower protection laws are a key way to expose corruption in these regimes, but only if they are actually enforced. In order to ensure optimum EU expansion, EU authorities must hold member states and candidates alike to the highest standards of whistleblower protection.

Albania, Macedonia, Montenegro, and Serbia are facing critical junctures in their political development. These four Western Balkan nations, all current EU candidates, have made efforts to adopt whistleblower protection laws, an important step towards curbing corruption in the region. However, these regulations are rarely enforced and have had little impact. If the EU is committed to keeping Balkan authoritarianism in check, it must ensure that candidate countries adequately implement these laws and make efforts to encourage whistleblowing.

Table 3: Anti-Corruption Institutional Framework

	Corruption Perception Index by <u>Transparency International</u> :	Government Effectiveness (from -2,5 to +2,5), <u>World Governance Indicators by World Bank</u> :	Control of Corruption (from -2,5 to +2,5), <u>World Governance Indicators by World Bank</u> :	Index of Economic Freedom by <u>Heritage Foundation</u> :	Corruption (1=best, 7=worst), <u>Nations in Transit by Freedom House</u> :	Democracy Score (1=best, 7=worst), <u>Nations in Transit by Freedom House</u> :
Albania	36/100 (2015)	0,03 (2015)	-0,44 (2015)	65.9/100 (2016)	5.25 (2016)	4.14 (2016)
Macedonia	42/100 (2015)	+0,13 (2015)	-0,13 (2015)	67.5/100 (2016)	4.50 (2016)	4.29 (2016)
Montenegro	44/100 (2015)	+0,16 (2015)	-0,09 (2015)	64.9/100 (2016)	5.00 (2016)	3.93 (2016)
Serbia	40/100 (2015)	+0,11 (2015)	-0,24 (2015)	62,1/100(2016)	4.25(2016)	3.75 (2016)

#### 4. Albania

In Albania, no type of corruption risk assessment is provided as mandatory or recommended by law, but a risk assessment methodology to be used by institutions was prepared under the PACA project funded by the European Union and implemented by the Council of Europe (Council of Europe, 2010). It includes the risk assessment overview and draft examples of documents, with the emphasis on several sectors with a high risk of corruption.

Recommendations from these assessments have been reviewed by the competent Albanian institutions and are now part of the measures in the Action Plan against Corruption. There is no systematic and nation-wide CRA (Corruption risk assessment) approach in Albania yet, but the efforts can be seen also in this area. International organisations and external experts are of great help to Albania as regards the corruption risk assessment. As a result of their activity, a tailored CRA methodology was developed for Albania and some concrete corruption risk assessments were conducted in different fields or sectors. Therefore, Albania has rather good possibilities for integration of a nation-wide CRA model in the near future and it is encouraged to upgrade existent knowledge and experience.

In Albania, the most important human rights problems were related to corruption in all branches of government, particularly in the judicial and health-care systems, but also in the field of media freedoms.

Widespread corruption, many forms of pressure and intimidation, combined with limited resources sometimes prevented the judiciary from functioning independently and efficiently. Moreover, persons holding high-ranking positions such as politicians, judges, and those with powerful business interests often were able to avoid prosecution (European Western Balkans, State Department, 2017).

According to recent assessments, some of the greatest challenges compromising the country's integrity are the implementation gaps in its anti-corruption legal framework, the lack of judicial impartiality and low professionalism of its law enforcement.

## 5. Montenegro

In Montenegro, integrity plans have been introduced as the main corruption risk assessment tool (Directorate for Anti-Corruption Initiative of Montenegro). As regards the legal basis for the introduction of the integrity plans, Article 68 of the amended Law on Civil Servants and State Employees from July 2011 provides for the obligation of the Montenegrin public administration to adopt an integrity plan, the obligation of the administration authority in charge of the anti-corruption activities to prepare guidelines and the obligation of the entities to determine a civil servant responsible for preparing and implementing the integrity plan.

The Directorate for the Anti-Corruption Initiative (DACI) is a supervisory body for development, adoption and implementation of integrity plans. Its role is consultative and educational as it provides:

- guidance regarding adoption of guidelines for developing integrity plans;
- consulting and assistance in preparation of integrity plans; and
- training and teaching the responsible persons on the creation and implementation of integrity plans.

Integrity plan is seen as an internal and anti-corruption preventive measure as well as an institution's internal anti-corruption document which contains a set of measures of legal and practical nature. It is aimed at preventing and eliminating the possibility of occurrence and development of different forms of corrupt behaviour within the authority as a whole, certain departments and individual positions. It comes as a result of selfassessment of the exposure of an authority to the risks of occurrence and development of corruption, illegal lobbying, conflict of interest and ethically and professionally unacceptable behaviour.

Purpose of the integrity plan is raising awareness of the institution itself on:

- weaknesses of the organization's work processes;
- the necessity to eliminate them;
- means for their elimination.

Furthermore, capacity of the organisation is improved to protect itself from possible impact of corruption on the performance of its primary and secondary activities (Selinšek, 2015).

Montenegro is in the phase of implementation of the system of integrity plans into the practice of Montenegrin public sector institutions. Integrity plans are well developed in theory (and very transparent); however, Montenegro is advised to monitor closely the practical implementation of this CRA model and to make further improvements based on the identified issues.

The main issue considering the state of human rights in the Western Balkans has also prevailed in Montenegro. Corruption was among the country's most significant human rights problems. It was present in health care, education, and other branches of government, including law enforcement agencies and the courts. The process of appointing judges and prosecutors remained somewhat politicised (European Western Balkans, State Department, 2017).

## **6. Serbia**

Serbia adopted the integrity plan as a major corruption risk assessment tool (Agency for Fight against Corruption of the Republic of Serbia). It is understood as a preventive anti-corruption measure. It is a document created as the result of a self-appraisal of the risks the institution may be exposed to in relation to the incidence and development of corruption and the risks of unethical and professionally unacceptable behaviour. It constitutes a group of legal and practical measures planned and undertaken in order to eliminate corruption and to prevent opportunities for it within an organization (work or activity) as a whole, individual organizational units/parts and work places.

Serbia has already managed to identify some important obstacles and the issues in the integrity plans implementation. The Serbian system of integrity plans is well outlined; however, Serbia is encouraged to properly address the identified issues (including the sanctions for noncompliance with the obligation to implement the quality integrity plan) and to strengthen the capacity of its Anti-Corruption Agency given that it is the crucial institution for the success of the selected corruption risk assessment approach.

An inefficient judicial system that caused lengthy and delayed trials as well as long periods of pretrial detention adversely affected citizens' access to justice. The report adds that the courts remained susceptible to corruption and political influence.

Despite the government saying that it is fighting the corruption, it still provides a lack of transparency (European Western Balkans, State Department, 2017).

## **7. Macedonia**

The Republic of Macedonia' became the 38th member state of the Council of Europe on 9 November 1995. The Stabilisation and Association Agreement (SAA) with the EU is signed on 9 April 2001 and entered into force on 1 April 2004. Macedonia become a member of the United Nations on 8 April 1993, member of the OSCE on 12 October 1995, and has gained a status of EU candidate member state in 2005.

During this period, successive governments have committed themselves to fighting corruption and organized crime and as result the country has signed and ratified most of the relevant international and European conventions against organized crime and corruption.

The country is member of the Group of States against Corruption (GRECO) since 2000. Key important instruments in the upgrading of the legislative framework for the fight against corruption are represented by the ratification of two Council of Europe conventions – the Criminal Law Convention against Corruption (1999), the Civil Law Convention against Corruption (2002) and the Additional Protocol of Criminal Law Convention on Corruption (2005) (Nuredionska and Associates, 2014). In 2007 Republic of Macedonia has ratified the UN Convention Against Corruption (UNCAC).

In Republic of Macedonia, State Programme for Prevention and Repression of Corruption and State Programme for Prevention and Reduction of Conflict of Interests with Action Plans for the period 2011 – 2015 recognized the necessity of more efficient and systematized measures for prevention of corruption on the level of public administration institutions. As a response, the proposed draft amendments and addenda to the Law on Prevention of Corruption contain provisions organized in a new chapter – Integrity System, where the integrity system is defined as a sum of all policies, standards and procedures that are established in the institutions which also include corruption risk assessment and strategy for risk elimination.

However, corruption risk assessment is not a stranger to the system of Macedonia given that it is a part of the risk assessment that is carried out in accordance with the Law on Public Internal Financial Control whereby the entities of

central and local governments are obliged to adopt the strategies for risk determination.

Republic of Macedonia has recognized the corruption risk assessment as one of the instruments that is expected to improve corruption prevention in the public sector institutions. It also plans to introduce the concept of the integrity system through the amendments to the Law on Prevention of Corruption. Republic of Macedonia is encouraged to adopt the adequate legal basis for a nation-wide concept of integrity with the corruption risk assessment, taking into account the existing legal and institutional framework already in place (particularly the Law on Public Internal Financial Control). Within its practical implementation, good practices in (corruption) risk assessment already developed in certain public sector institutions should be also considered (Selinšek, 2015).

The corruption is a spread phenomenon in the Republic of Macedonia. Even 77% of the people expect that in their interaction with the public institutions they will face corruption. More than one fourth of the people were asked for some form of bribery and one in five people paid bribery or gave some gift or counter-service.

The citizens of Macedonia show high level of tolerance towards the corruption – 45% of them tolerate this practice in some form. Furthermore, only 27% are not susceptible to corruption if they are in position to take advantage of such situation.

Although these are very general observations we can still come up with recommendations relevant for the stakeholders in the fight against corruption.

## **8. Recommendations as conclusion**

Considering how spread is this phenomenon, it is necessary to continuously monitor and measure the situation in order to assess whether the corruption is raising or declining. This goes for all corruption indices, especially those showing the involvement, pressure and identification of the corruption.

The practical implementation of the existing legal framework is also a challenge. Moreover, all countries from the region, including Macedonia are lacking comprehensive national strategies with little, if any, national specifics in order to reflect national circumstances in the generation and manifestation of corruption.

Extensive corruption and the government's failure to respect completely the rule of law further deteriorated the state of democracy. The judiciary failed to demonstrate independence and impartiality. The outcomes of many judicial actions appeared predetermined, particularly in cases where the defendants held views or took actions in opposition to the government. With judges subject to political influence and corruption, political interference, inefficiency, favouritism toward well-placed persons, corruption in judiciary seems pervasive (Southeast Europe Leadership for Development and Integrity (SELDI), 2014).

Despite having made positive steps towards EU accession, these four candidate countries are still plagued by pervasive corruption and captured political systems. Last year, Freedom House reported that democracy in the Balkans has declined for six years in a row, in contrast to the region's steady increase in democracy scores from 2004 to 2010. The Balkan sub-region's average democracy score is now the exact same as it was in 2004. More specifically, analysts have criticized the leaders of Serbia, Macedonia, and Montenegro for exploiting the EU's volatility, "trusting that its longing for stability will outweigh clear evidence of individual politicians and parties capturing the state to promote their own interests". (Schenkkan, Nate, 2016). If the downward trajectory of the past six years continues, this generation of Western Balkans rulers could potentially reverse the region's democratic progress.

These are tasks not only for the NGO sector which independently monitors the progress in the fight against corruption, but also for the public institutions which should implement these types of surveys and research in order to identify the areas in which they are successful and the areas in which they need to invest resources for improvement. It is therefore necessary to continuously survey the clients of the public institutions in order to monitor the eventual increase of the pressure and the presence/inclusion of the corruption when interacting with the institution. Dealing with high-level corruption cases will initiate reduction of the lower-level corruption and will in the same time demonstrate that the corruptive behavior does not pay off on longer term. It is one of the several ways on how to change the enrooted beliefs of the people which, in fact, determine the high level of tolerance and susceptibility towards corruption. Having this in mind the public institutions in charge of corruption control will have to "identify" their independence and initiate the investigation of highest-level corruption cases. (Slagjan Penev, 2015).



The difficulties to identify corruption are clear signal towards the public institutions for developing information context on the various corruption forms that will be easily accessible (physically or online) in the space where there is interaction between the servants/ officers and the clients.

This should not be understood only as time-bound campaign but as a long-term education of the servants/ officers and the clients.

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## THE PERCEPTIONS OF THE CITIZENS OF REPUBLIC OF MACEDONIA ABOUT THE WORK OF THE POLICE

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### Abstract

In this paper are analyzed the research results of several battery questions for the assessments on the work of the police from 2008 to 2017. It is about field researches, conducted in all mountain regions in the Republic of Macedonia, among 30 and 40 municipalities. The number of the correspondents ranged from 1032 in 2017 to 1440 in 2011. (By years that is: in 2008 1163 correspondents, in 2009 1318 correspondents, in 2010 1309 correspondents, in 2011 1404 correspondents, in 2012 1240 correspondents, in 2013 1138 correspondents, in 2014 1167 correspondents, in 2015 1016 correspondents, in 2016 1044 correspondents and in 2017 1032 correspondents. The sample is structured as multi-staged and it belongs to the group of intentional samples. The paper through longitudinal approach shows the variations of the citizens' perceptions about the police, its relation with the citizens and the realization of the functions they perform in the society. Some of the results indicate that among the citizens' perceptions dominate the thinking that the police are instrumentalized by the governing party. Namely, more than one third or approximately 36,86% of the correspondents had that opinion. Also the proportions of the correspondents with that perception vary from 31,71% in 2013 to 41,09% in 2016. In this indicator framework belong the answers about the attitude of the police in the process of exercising the right to equality. Checked through the answer about selectivity in the police actions. The citizens' perceptions from 2009 to 2017 in average 38,43% had a positive attitude, and 61,57% negative attitude.

The research results offer a certain indicator framework about the image of the police and their actions in the decade development which is a subject of interest of the researches.

**Key categories:** police, public, confidentiality, image of the police, citizens

## Introduction

The police and the police organization are subject of research for many disciplines and sciences. The modern sociological and politico logical approaches toward the police are focused on the fact that it is a distinct entity and it has its own tasks and authorities, organizational structure, staff, means and specifications that on one or another way are its *diferentia specifica*. By its position and functions it has an important role in the society and the exercise of those functions makes it in constant interaction with the society. If we have on mind the fact that the surrounding of the police system, grosso modo, consists of the global society in which the central part belongs to the most organized part of it- the state. More and more louder are the attitudes that "the society shapes the function of the police, or that function in bottom line comes from the needs, the conditions and the relations in a certain society, as well as that once confirmed content of the police function changes along with the changes in the society" (Milosavljević, 1992).

Today is almost impossible to be built a consensus about the term police and about the scope of the use of that term. It is about many approaches, concepts and definitions, or one multi-defining situation. For the analytic needs of the paper the police is defined as :'organizational and functional term, formal and material, strategic and dynamic, the police as a state body and public service' (Milosavljević, 1992).The poitica science observes the police as a political rarity that has a monopoly over the legitimate physical violence realized by the help of the police as an executive body. Formaly speaking the police is based on the authorities, the organizational forms, the authority in the society, it is an organ that by prescribed by law security situations prevents all the behaviours that can lead to unwanted consequences.

Contrary to the formal, the material approach prioritizes the fundamental goal of the police as keeping the internal security; it is about a legitimate function that

serves as a practical operation of the brought regulatory rules in the society. It is considered to be an integral part of the society which by adjusting to the modern and the democratic changes is especially cautious in the treatment of individual conflicting situations with the purpose of construction of optimum interactive relationships and gaining confidence by the citizens. The police also can be determined as a state body, as a public service, which depends on the shaping of the organization of the society. That is why the police is defined as complex, specific and dynamic executive body of the government, which according to the legal powers is in charge for keeping the internal security of the society, through legitimate use of the means for force accompanied by the ethical principles of the duties and the responsibilities (Masleša, 1999), (Masleša, 2008).

The term police in the broadest sense means a system of separate bodies of the internal management which in the realization of its tasks is equipped with institutional pressures. In an objective sense the police has protective function toward the public order and menatality that allows it to realize its protective function. In functional sense mainly it is accepted the dision of administrative and criminal police (Modly, Korajlić, 2002,p. 455) .

The interaction is reciprocal (Bayley, 2006, p. 159). It means that the police system manifests positive (or negative) impulses and initiatives towards the environment. In the first case, the police is the factor that creates a positive environment, creates order and certainty in the environment, i.e. it is the factor that allows and progresses the prosperity of the society. Conversely, in the second case, the police manifests as hindrance of developing social trends. In certain cases, it can occur as a deterrent to the development of society, instrument of the party interests and instrument for the preservation of social relations. For this part of the functioning of the police system in the society there are numerous examples in the history.

Here we will remind that the interaction between the police system and the environment doesn't happen just on a level of the global society but also locally on a level of distinct segment of the society, connected to the execution of the regular police tasks. It's about acting in the environment which structurally and institutionally is a complex whole and has its marks. They can be of different nature, like: nationality, religion, age, gender, economic, political party or other structure. In that context belong the numerous and diverse organizations, institutions and social systems, which in one way or another are in constant interaction (Barsamian & Čomski, 2004), (Habermas



2012) (Milosavljević, 1992). Observed from the angle of the social structure can be concluded that the social environment toward the police reflects in numerous complex shapes, in contradictory requirements and conditions that require complex procedures and actions. Such complex and numerous events, conditions and forms established specific relations between the police system and the individual segments of the social environment. The specific relations of interaction manifest themselves as separate influences followed by different intensity, content and meaning. Given account to intensity, content and meaning of influences as especially important areas of interaction of the police system and the social environment can then be allocated a certain dominant and distinctive form of relationship as the relationship of the police and:

- a) the citizens;
- b) distinct social and ethnic groups;
- c) the media (Milosavljević, 1992).

The history knows numerous experiences about the relations between the police and the citizens. There were periods when the police had, so to say, limitless powers. Then ruled the attitude that everything which is good for the welfare and the safety of its subjects is allowed and that the interest of the state is above everything. Or it was about the uncontrolled use of force and the reigning principle of advisability over the principle of legality. The social changes in the foreground have stressed the requirements for freedom of action and making the state intervention to what is necessary (Гаћиновић, 2012). Then it was developed the concept that the security should not rely on the police, but the citizens are the ones that have to organize their own safety and protection expressed through the emergence of self-help groups, night guards of citizens, the arms of the citizens for the protection of their own security, a broad notion of the right of self-defense and other experiences, which indicate that care is the property and duty of the citizens (Masleša, 2001).

But along with the development of the modern society and the emphasized role and the importance of the state, applied in the forms of the state intervention, affected the undertaking numerous tasks and the police function have transformed in institution that is the most organized and most efficient. In such circumstances has been emphasized the social function, which means that the police in the society has

been organized for preventing disorder and violence in order to be set up control over the conflict between the weaker and the stronger. The strengthening of the state and the police contributes the citizen to be seen as a subject of the relations with the public administration and on that ground to enjoy certain rights. So the general political role of the citizen is getting changed. The citizen is an active subject in the political system, who decides through elections who is going to for a government and who is going to control the administration (Bayley, 1996).

Such social conditions contribute the relations between the police and the citizens to get new shapes and contents. The police, conceptually looking, orient toward the demands and the needs of the citizens, toward respecting of the freedoms and the rights and its readiness to promptly react to those requests (Bayley, 1996). The political function is complex. It basically covers the contents of preventing and managing conflicts, the application of regulations, especially those that one way or another mean restriction of certain individual freedoms and rights of citizens (Grabosky, 2009). Component parts of these contents are also the application of the physical coercion on behalf of the state against the entities that violate the law. Among the citizens there are such who consider themselves "prospects police" or have that been, and the officers for many are "bad co-news" and "visible reminder of the dark and repulsive side of the human behavior" (Milosavljević, 1992).

We should have on mind that the police have always been an epitome of powerful organization and the police officer of person with delegated right for arresting and even use of indirect force against the citizens (Crank, Murray, Irlbeck, & Sundermeier, 2011). Of course, there are some misunderstandings especially when the police officers forget their true goal and the legal dimensions of its authorities. The manifested shape of this kind of behavior is the emphasized reliance on the strength and in practices every citizen to be seen as potential criminal. That creates practices of unequal usage of the law. The public is especially sensitive to the cases of unequal treatment by the police to certain categories of citizens, especially to the vulnerable categories (homeless, LGBT), sexual and other minorities, people with different political belonging etc. Here we come to two contradictions according to which the police organization sometimes more sometimes less successfully endeavors and acts as a closed system, conceal their weaknesses and does not address the courts to the public about its activities, especially those opinions which emphasize inadequate treatment and errors in its work. (Masleša, 1999) It is about the traditional model of police,

according to which it is not trying to establish closer relations with the citizens and the public (Held & McGrew, 2010). This attitude, as you can assume has a negative impact on the relations between the police and the citizens. These relations are generally satisfactory, sometimes solid. The perceived weaknesses of poor relations with the public are presented in the form of mutual mistrust, passive attitude of citizens toward crime events in their environment and failing to provide assistance to the police, then expressed criticism of the police, to manifestations of intolerance, open antagonism or to cases of conflict with the police.

The experiences show that in the whole functioning of the police, especially in its realization of the main tasks, can hardly be achieved more important success or be created efficiency in the acting if the police doesn't have respect, support, collaboration and help from the citizens. We should underline that the success of the police nowadays can't be measured only by the number of solved criminal acts and undertaken actions, but also by how positive are its relations with the citizens. (Maljević, Datzler, Muratbegović, & Budimlić, 2006). That is particularly important to be stressed because in the divided societies, such as the Macedonian, it is crucial for the police to impose itself as a protector of the human rights, not as a government service or service of political and party nomenclature (*Ideološki i politički konflikti (Osvrt na kulturu dijaloga*), 2011).

The area of the relations of the police with the citizens has many mutually conditioned components. The most important are : '(1) the relation to the citizens as users of the services and subject with personal rights and freedoms (*human relations*), (2) the relation to the citizens as subjects of the social control and collaborators of the police in its work and (3) the relation to the citizens as factor of the public opinion (*public relations*)' (Milosavljević, 1992)

The research results that are subject of analysis refer to the attitude of the police toward the citizens as a factor of the public opinion, or how the citizens perceive the work of the police? Indirectly it should be given an answer to the question if and how the police manages to open itself to the citizens, or if the approach and the organization of the police has expected and most usually positive effect? Actually, it is about the contents that include the activities of the police that aim to ensure the public is adequately to accept their action, i.e. to contribute towards the building and maintenance of the desired opinion about the police in public. It means, the police in the public should enjoy the reputation, respect and trust, and its activity enjoys

acceptance and approval. The realization of this goal is directly related to the question of the legitimacy of the police, i.e. with the positive attitude of the majority of the public towards the role and authority of the police. So, it should goal towards that the majority of the citizens to understand the role of the police and accept it as an important prerequisite for the personal and property safety, free life and work in the community and a factor for peace-building and common life in the society (Miroslavljević, 2006).

The main characteristic of the modern police working is the idea that the police and the citizens are working on achieving the common goals - safe and secure community lives. To affirm their successes and to strengthen the trust among the citizens, the police should constantly work on the approving by the public. A prerequisite for obtaining public support is the publicity in policing and fostering the communication and the mutual understanding between the police and the citizens.

### **Methods and instruments**

About what is like the perception of the citizens about the police we will present the results of the survey conducted on the territory of Republic of Macedonia in the period 2008-2017. It is a field research, conducted in all mountain regions in the Republic of Macedonia, among 30 and 40 municipalities. The number of the correspondents ranged from 1032 in 2017 to 1440 in 2011. (By years that is: in 2008 1163 correspondents, in 2009 1318 correspondents, in 2010 1309 correspondents, in 2011 1404 correspondents, in 2012 1240 correspondents, in 2013 1138 correspondents, in 2014 1167 correspondents, in 2015 1016 correspondents, in 2016 1044 correspondents and in 2017 1032 correspondents. The sample is structured as multi-staged and it belongs to the group of intentional samples. (Mojanoski, 2015). It is constructed by choosing municipalities in every mountain region that will later be a subject of the field activity. In every inhabited place was constructed an urban or rural core and was chosen the principle of moving on the right side. Every fifth family was visited in the individual places, or every 20th in the collective buildings. The choice of the interviewee is based on the principle the closest birthday of an adult person living at that address. The instrument according to the method of filling is a structured

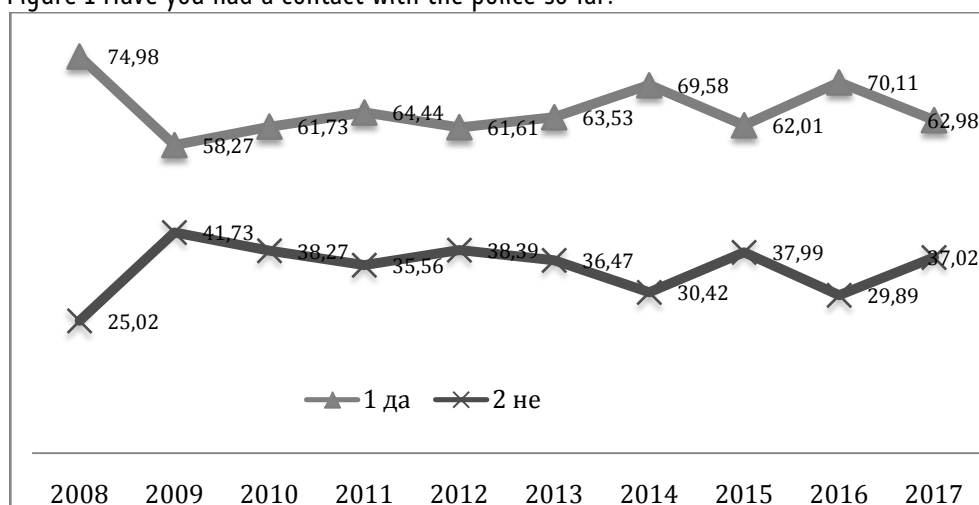
interview. Each researcher is keeping a diary (Mojanoski C. T., 2012). The survey was conducted every year in the period from January 8 to 20.

**The instrument** is constructed in a form of socio-demographic survey with certain sets of battery questions of closed type with answers from the Likerts scale (from I don't agree at all to I fully agree and I cannot estimate), then battery of questions with dichotomy answers, questions with more choices and open questions. Subject of this paper will be the questions regarding the perceptions of the citizens about the work of the police and its attitude toward them.

## Results and discussion

The debate is directed to the actualization of certain dimensions of the research results for the attitude of the police towards the citizens as a stakeholder in the public opinion, i.e. how the citizens perceive the work of the police? In the analysis the previously was defined the question associated with whether the respondents had contact with the police? The answers to this question are the indicator that creates the assumption or may reference the fact that the views expressed by individual questions can be based on the empirical experiences of the respondent or, they more or less are results of the notions of the social reality.

Figure 1 Have you had a contact with the police so far?

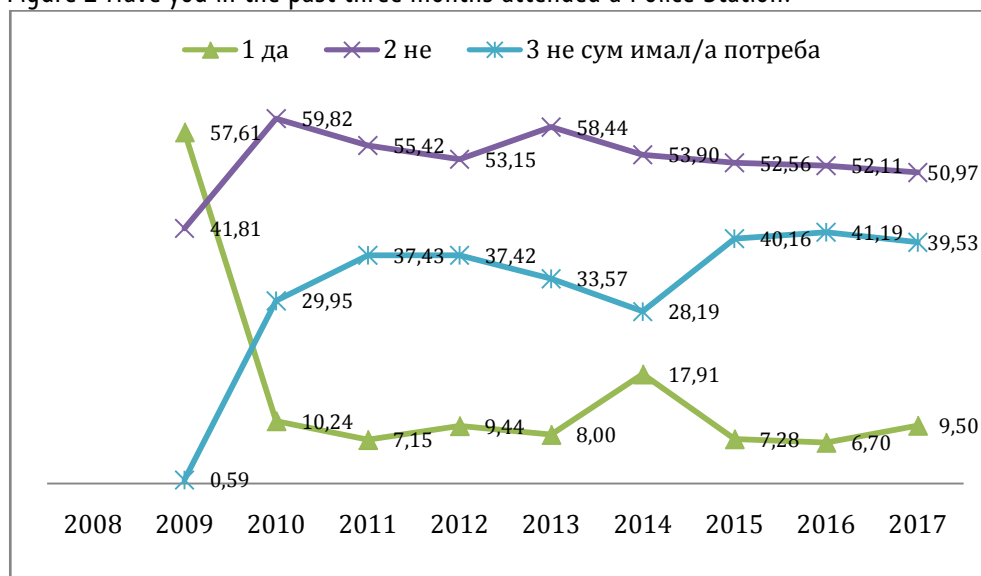


From the graphical view (Figure 1) can be seen that the respondents, or the citizens, that it moves within the framework of four fifths in 2008, to more than a half in 2009. It is specific that 64,93% or almost two thirds of the respondents said that they had a contact with the police. The answer is consequence of the insufficient specifics of the question on one hand, but also that in the services of the police were found a considerable number of services associated with the issuance of personal, traffic and other documents that are necessary for unimpeded traffic of the individual in society.

We should also keep in mind that in this period was carried out a change of the personal documents, especially in 2008 and 2009, when a significant part of the citizens were directed towards the state authorities, in particular to the services, even though they organizationally belonged to other organs of the administration, they, because of the longstanding practice were linked with the bodies of internal affairs, which more or less was perceived as "police".

In the analysis we are not really interested in, whether and how the citizens are directed towards the Police station. The answers to these questions can be treated as indicators of how this form of organization and the police action is perceived as a structure that the citizen believes in and is willing to address to.

Figure 2 Have you in the past three months attended a Police Station?



This question has been included in the research since 2009 when it was done a revision and amendment of the gathering data instrument. From the graphical view it can be concluded that in 2009 a significant number of respondents had confirmative answer. Such a deviation of the answer in 2009 compared to the other can be a result of the need for getting a form of help or information about the way of solving question related to personal and other documents.

About the image of the police among the citizens the analysis will be based on several indicators. But first, please answer the question: whether the contact with the police contributes to change your attitude to the police?

Table 1 „19. Whether the contact with the police contributes to change your attitude to the police?

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
yes	<b>52,39</b>	50,79	35,40	38,50	37,52	45,52	43,26	38,40	34,29	<b>32,56</b>
no	47,61	49,21	64,60	61,50	62,48	54,48	56,74	61,60	65,71	67,44
	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

The affirmative answers to this question show that they are rating from 52,39% in 2008 to 32,56% in 2017 year. On what is based this position? The answer is more complex. In addition, we will mention a number of answers to the questions whose function is to offer indicatory framework for the building of the paragraph or the offering of one of the possible answers. We will observe that through the two options. The first that "the police serves exclusively to the governing party", and the second "The police are unfairly criticized for the closeness with the ruling party".

Table 2 30.12. The police serves exclusively to the governing party

	2009	2010	2011	2012	2013	2014	2015	2016	2017
No	63,46	61,41	63,26	62,45	68,29	63,68	63,68	58,91	63,08
Yes	36,54	38,59	36,74	37,55	<b>31,71</b>	36,32	36,32	<b>41,09</b>	36,92
<b>Total</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

The answer to this question shows dynamic that goes from 31,71% in 2013 to 41,09% in 2016. It is visible that more than one third or approximately 36,86% of the respondents yearly think that the police is instrument of the governing party. Does this

type of attitude can be treated as an indicator of the politicization of the police? The answer will be seek through analysis of a different attitude that has a function of a controller of the previous. Namely, in the same research the citizens were asked to express their degree of agreement with the attitude that "the Police are unfairly criticized for the closeness with the ruling party". The answers of this question (which also are measured from 2009) are given in the following table.

Table 3 30.15.The police is unfairly criticized for its closeness with the governing party

	2009	2010	2011	2012	2013	2014	2015	2016	2017
1 I don't agree at all	9,31	8,49	10,86	8,10	8,47	14,58	8,56	12,45	9,40
2 I don't agree	24,89	24,10	25,12	26,80	26,38	27,19	27,07	27,49	27,91
3 I can't rate	40,46	40,78	37,37	38,62	36,01	27,62	42,42	34,29	39,24
4 I agree	18,93	20,89	19,49	20,24	22,73	20,75	17,03	19,16	17,54
5 I fully agree	6,41	5,74	7,17	6,23	6,42	9,86	4,92	6,61	5,91
<b>Total</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

The distribution of the answers shows that in the past period approximately 26,23% of the respondents have agreed with the attitude that the police is unfairly criticized, 36,35 don't agree and 37,42% have undefined attitude or they say that they can't rate it. The positive answers in Table 2 and the negative answers in Table 3 are almost identical.

To this indicatory framework we will add the answers of the question what is the attitude of the police in the realization of the right to equality. We will illustrate that claim through the answer about the selectivity as a characteristic. From the answers' distribution from 2009 to 2017 we can conclude that 38,43% of the respondents have positive and 61,57% negative attitude.

Table 4 30.13.The police arrests selectively

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
No		59,79	60,61	60,39	61,67	68,09	61,81	61,71	58,24	61,82
Yes		40,21	39,39	39,61	38,33	31,91	38,19	38,29	41,76	38,18
<b>Total</b>		<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>



If we look at the dynamic of the positive answers in 2010 it declines for -2,04% in relation to 2009, in the next year it increases for 0,56%, in 2011 declines for -3,23% and during the next two years it keeps the tendency for 0,26% and 9,06%, and in 2017 that number declines to -8,57% in relation to 2016. The most elementary analysis indicates that in the notions of citizens on the work of the police, the impact have the events and the proceedings of the police, especially for certain events such as is for example the case with the events in the country after the events in the parliament during the adoption of the budget and the work and the removal of deputies from the hall. That event caused a particular media attention and was the subject of a serious and fierce partisan and media calculation, which more or less influenced the shaping of the awareness and attitudes towards the police and police work. Also here you need to have and incident cases of unequal access and speed in solving the problems connected with the events and individuals in the society. In this context, the illustrative are the data presented in the Table 5.

**Table 5 30.14. The police arrests only those who are not close to the governing party**

	2009	2010	2011	2012	2013	2014	2015	2016	2017
No	66,18	65,49	70,40	71,88	74,11	69,45	73,23	68,97	68,70
Yes	33,82	34,51	29,60	28,12	25,89	30,55	26,77	31,03	31,30
<b>Total</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

Namely, approximately 30,18% of the respondents in the past nine years had the attitude that the police arrests only those who are not close to the governing party, which along with the previous attitude that arrests selectively show difference of 8% approximately. The both data refer to the fact that during the police actions there is a certain number of acts and contents that are not sufficiently convincing and do not talk about the professional status and access to the police. Actually it comes to perceptions that more or less are under the pressure of the media presentation of events, but also insufficiently clear and transparent terms of police and law enforcement structures to the public. This is about perceptions that are complex of legal and moral obligations and responsibilities of the police with regard to the proper performance of its duties, respect for human dignity and respect for all citizens and their freedoms and rights.

Also, we need to have on mind that the attitude of the police toward the citizens is in complexed relations of the society and the struggle against the criminal

and corruption, and the lack of more visible results from the citizens' tries to be partners in the care for the community. In that role the citizens can contribute to the security of the community and by that to the whole exercise of the police tasks (Mojanoski, 2011). From the research results can be seen tendencies that there is a lack of willingness of citizens for timely reporting to the police, especially in cases of detecting anything suspicious in their neighborhood, while providing necessary information to the police and willingness to testify in court, and taking measures for personal reliability and security of their property, especially for participation in programs and activities to improve safety, protect the citizens themselves in the youth and children. We should mention that it is the resultant reduction of the concept of community policing media project in which certain institutions, as well as senior managers in police appear in the role of "charity" and teach foreigners or citizens of the dangers of certain activities. In that sense, no lag and various councils and other bodies whose task is to develop relationships and establish partnerships with institutions and individuals tasked with safety concerns and unimpeded life in the community. This means that the activities are directed towards the prevention and suppression of crime on the provision of the public order and peace. Despite the undeniable importance of such achievements and resources, the citizens are the main actors of the prevention of crime, and an important factor in the cognition about committed crimes, and often in their disclosure (Milosavljević, 1992).

## **Conclusion**

The so far analysis shows that in the perceptions of the citizens dominate certain attitudes attitudes which more or less mirror the social relations in the timeframe in which is conducted research. They are only an indicator of the notions and sections of the awareness in civility for the position and the relation of the police towards them. We need to keep in mind that on the formation of the public trust in the police has stakeholders who are not directly onto associated with the degree of integrity of the police towards the citizens. It especially affects the general conditions with corruption, but with the image of how it effectively performs the tasks in its combat, then the characteristics of the social structure, cultural traditions, the relationship of the citizens according to the norms, especially the law and the legal

consciousness and a special capacity of the institutions of government and the manner of the exercise of their functions. All the listed factors influence on the attitude of the citizens towards the police and for their trust towards her.

The research results point to the fact that the police should set more concrete and realistic goals in terms of aspiration to gain the trust of the citizens, to win the favor of the public behind him and to the promotion of common interests: the better security of citizens and their property and fewer problems in the area of maintenance of public order and peace. In such cases, the critics of the public to the police or to the exercise of police functions in the society will be aimed at strengthening relations with the community. Police leadership and police are more oriented towards avoiding actions and behaviors that are typical of any democratic community.

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## **Human Trafficking-Related Corruption as a Security Challenge: A Study of Cases in South-Eastern Europe**

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### **Abstract**

Although corruption is often mentioned as a key factor in human trafficking, so far only a few studies have challenged the lack of data available in this field to dig into the relationship between these interrelated crimes. This paper carries out an analysis of real cases of trafficking-related corruption in Europe, which had been reported in academic sources as well as various institutional documents, in order to offer an overview of the various patterns of this phenomenon. This analysis shows that corruption can reach public officials in different positions, be used in every stage of the trafficking process, and in every kind of exploitation. Subsequently, the paper briefly examines the main legislative and institutional measures for combatting this specific form of criminality at the international and European level. It is important to highlight the role of the Programme against Corruption and Organised Crime in South-eastern Europe (PACO), created by the Council of Europe, which pioneered the elaboration of proposals to address this specific problem. Overall, both the analysis of the patterns of public officials' involvement in human trafficking as well as the response to this crime serve as a basis to consider the convenience of approaching trafficking-related corruption as a challenge to security.

**Keywords:** human trafficking; corruption; national security; human security

## 1. INTRODUCTION

Although the first measures against human trafficking date back to the 19<sup>th</sup> century and the fight against the so-called “white slavery traffic”, it was not until recent years that an internationally accepted definition of this crime was reached. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted on 15 November 2000<sup>245</sup>, defines human trafficking as a process that requires three elements: act, means and purpose. The act can be the recruitment, transportation, transfer, harbouring or receipt of persons. The means are threats, the use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving or receiving payments or benefits to achieve the consent of one person having control over another. The purpose is the exploitation of the person, including, at least, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>246</sup> Since the adoption of the Palermo Protocol, many countries have modified their national legislations to implement this and other supranational anti-trafficking instruments. Human trafficking has also become a matter of growing importance in academic literature. However, the challenge of putting an end to what has been described as “modern slavery” still remains (or perhaps is even growing).

When trying to identify the key factors that contribute to the existence of human trafficking, governmental corruption is often mentioned as a relevant predictor, together with other macro-level conditions such as poverty and the lack of economic opportunities (Bales, 2005; Zhang & Pineda, 2008). So far only a few studies have challenged the lack of data available in this field to dig into the relationship between these interrelated crimes. Most of them have tried to confirm the hypothesis that corruption impedes the correct implementation of anti-trafficking strategies and

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<sup>245</sup> Hereinafter referred to as “Palermo Protocol” and “UNTOC” respectively.

<sup>246</sup> It is necessary to clarify that, although the definition of human trafficking provided by the Palermo Protocol has served as the basis for European and national anti-trafficking instruments, this initial concept has been expanded. For instance, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims adds the exchange or transfer of control over persons among the actions of human trafficking; and the exploitation of criminal activities and begging to the types of exploitation foreseen in the Palermo Protocol.

facilitates trafficking by finding correlations between levels of perceived corruption and the extent to which a country makes efforts to combat trafficking (Liday, 2001; Van Dijk & Van Mierlo, 2011; Cho, Dreher & Neumayer, 2014). These analyses tried to show that those countries that are seen as more corrupt are also those that have lower levels of compliance with international anti-trafficking policies, and vice versa.

This paper illustrates the links between those crimes from a different perspective, by means of reported experiences of trafficking-related corruption in Europe, particularly in South-Eastern countries. It is important to clarify from the beginning that this study is not suggesting by any means that corruption is prevalent or that it exclusively affects this region. Most public officials carry out their tasks following the rule of law. However, even if they are a minority, trafficking-related corruption cases have been reported in many countries within and outside Europe. The analysis and classification of data on these cases helps to offer an overview of their diversity and complexity. After describing the general patterns of public officials' involvement in human trafficking, this paper studies the main legislative and institutional measures on this issue at the international and European level. In this section, the proposals for combatting this specific form of criminality suggested by the Programme against Corruption and Organised Crime in South-eastern Europe (PACO), created by the Council of Europe, are subject to special attention. Finally, this paper addresses the convenience of dealing with trafficking-related corruption as a threat to national and/or human security.

## **2. EXPERIENCES OF TRAFFICKING-RELATED CORRUPTION IN SOUTH-EASTERN EUROPE**

### **2.1. Sources and methodology**

In order to give an overview of the different patterns of trafficking-related corruption in South-Eastern Europe, a wide range of academic literature and institutional reports have been analysed so as to gather together and classify all the data available for this purpose. It is important to note that the collection of data on trafficking-related corruption is very limited all over the world. Most reporting mechanisms "routinely fail to mention the link between public corruption and human



trafficking" (Kendall, 2011, 40), and only a few governments study the problem (Gounev & Bezlov, 2010, 33), despite its importance. For this reason, specific reports on cases going to court and leading to conviction are very rare. However, in spite of these difficulties, it is possible to collect some data through studies on human trafficking that do mention corruption, even if it is only tangentially.

One of the analysed sources is the report released by the so-called "PACO Networking" project, launched in 2001 by the Council of Europe, as an activity under the PACO Programme against Corruption and Organised Crime in South-eastern Europe. Among the various activities organised within the PACO Networking project, a regional seminar was held from 19 to 22 June 2002 in Portoroz, Slovenia, in which the specific problem of corruption in connection with trafficking in human beings was addressed. Representatives of anti-trafficking organisations provided information on corruption related to trafficking on each of the participating countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Moldova, Romania, Slovenia, and Macedonia, The Federal Republic of Yugoslavia (Serbia and Montenegro since 2003).

Another source that expressly addresses trafficking-related corruption is the United States Department of State Annual Report on Human Trafficking (TIP Report), which assesses countries' efforts to combat human trafficking by evaluating the extent to which each country's policies comply with the Trafficking Victims Protection Act (TVPA). The TIP Report places countries into one of three categories: Tier 1 States, which met minimum anti-trafficking standards; Tier 2 States which did not meet such standards, but were taking active steps to do so; and Tier 3 States which neither met such standards, nor were taking active steps to do so. Precisely, official complicity in human trafficking is one of the factors considered to determine if a country is placed in Tier 3.

Cases of trafficking-related corruption in the area of study were also disclosed in other sources such as country reports by the special rapporteur on trafficking in persons, academic literature on corruption and organised crime, and reports by various institutions like the United Nations Office on Drug and Crime, DCAF Brussels and Transparency International, among others.

## 2.2. Results

The analysis of the data contributes to the confirmation of the hypothesis held by previous studies: corruption and human trafficking are closely related. It is necessary to avoid generalisations and assume that all (or even the majority) of public officials are corrupt, but it is also important to identify areas presenting opportunities for corruption. The reported experiences show that corruption can be present in every stage of the trafficking chain: recruitment, transportation and exploitation. Corruption was also reported to be used in trafficking for different types of exploitation: sexual, labour exploitation or “newer” modalities, such as exploitation in begging or in criminal activities. Moreover, the collected data illustrate how opportunities for corruption may arise not only during the commission of the crime, in the trafficking chain, but also in the criminal justice chain, and in the protection and support to victims.

In order to provide a more precise picture of the different modalities of trafficking-related corruption. The collected data has been classified into the following categories:

1. Corruption of migration and border authorities
2. Police corruption
3. Administrative corruption
4. Corruption at embassies
5. Judicial corruption
6. Political corruption

### 2.2.1. Corruption of migration, border and consular authorities.

Perhaps the most obvious example of trafficking-related corruption is that of border guards who are solicited to turn a blind eye to improper documentation or to avoid scrupulous checking of vehicles holding victims. In Europe, the removal of controls over internal borders as a consequence of Schengen and the strengthening of migration policies, has increased the need for corruption to allow human trafficking at the external borders of the EU. Thus, although in some countries the need to bribe migration, border and consular authorities to obtain forged identification documents or visas under false grounds has been reduced, corruption is still an important *modus operandi* for trafficking people from East Europe, Africa and Asia (Rusev, 2013). Transparency international (TI) has reported the existence of several cases involving

high-level officials at embassies found to be issuing numerous visas to organised crime networks in return for payments (TI, 2011). For instance, in 2015, a Bosnian consular official, based in Paris, was charged with sustained abuse of position for issuing travel documents to facilitate the movement of potential labor trafficking victims in exchange for money (TIP, 2016). In Kosovo, several public officials, including in the Ministries of the Interior, Social Affairs and Labour, and Commerce and Industry were investigated for visa fraud rings (TIP, 2015). Moreover, allegations of border guards' involvement in human trafficking were also reported in Moldova (Kara, 2010).

### **2.2.2. Police corruption**

The majority of trafficking-related corruption cases involved police officers (PACO, 2002; Special Rapporteur, 2005; Gounev & Bezlov, 2010; Antonopoulos & Tagarov, 2012; Rusev, 2013; TIP 2015; TIP 2016). Several reports include cases of police officers turning a blind eye to places where exploitation is taking place. The PACO project informed of situations like this in Bosnia and Croatia (2002). In other occasions, authorities may obstruct investigations, for instance, by warning about imminent raids. These experiences were reported in Bosnia (Special Rapporteur, 2005; TIP, 2015), Bulgaria (TIP, 2016), Romania (TIP, 2016) and Croatia (PACO, 2002). A case was reported in Moldova in which a police officer accepted a bribe to convince their colleagues to close the investigation (TIP, 2016). The analysed data suggests that the cooperation with traffickers often occurs in exchange of money or sexual services (PACO, 2002; TIP, 2015). It is also possible that police officers who have a second job at bars or clubs where sexual exploitation occurs might face a conflict of interests that leads to complicity in trafficking (PACO, 2002; Special Rapporteur, 2005). Sometimes corruption is much more subtle than a payment of money in exchange of services that facilitate trafficking, and it has more to do with longstanding relationships of mutual favours, which makes it more difficult to detect (Webb & Burrows, 2009).

Cooperation with traffickers might go beyond failing to act or obstructing investigations. Cases of police officers prosecuted for actively engaging in human trafficking rings themselves have been reported in Bosnia (PACO, 2002; TIP, 2015; TIP, 2016), Bulgaria (Gounev & Bezlov, 2010; TIP, 2015; TIP 2016), Greece (Antonopoulos & Tagarov, 2012), Kosovo (TIP, 2015; TIP, 2016), Macedonia (TIP 2015; TIP, 2016), Moldova (TIP, 2016), Romania (TIP, 2016) and Montenegro (PACO, 2002). For instance, in 2009 four police officers were arrested for their alleged participation in a sex-trafficking ring,

believed to have brought hundreds of women to Greece from Eastern Europe and the Balkans (Antonopoulos & Tagarov, 2012). In January 2015, a police officer was sentenced to seven years of imprisonment for trafficking in Moldova (TIP, 2016). More recently, in March 2016, prosecutors issued an arrest warrant to two police officers accused of forcing a university student to sell drugs and recruit his female classmates to prostitute themselves and sell drugs in Bulgaria (TIP, 2016), which may be a case of human trafficking for the purposes of sexual and criminal exploitation.

When studying the socio-economic background of traffickers, Atanas Rusev points out a particularly interesting situation that occurs in Bulgaria. According to this study, security officials who were fired during the restructuring of the public sector in the early nineties can use their social and professional background to enter corruption networks, employ their former colleagues and active officers, and thus engage in criminal activities like trafficking whilst securing protection from investigations (Rusev, 2013).

Cases of police corruption were reported not only during the commission and prosecution of the crime, but also regarding victims' protection. Although no information about particular cases in the area has been disclosed, anti-trafficking institutions warn that official cooperation with traffickers can perpetuate situations of exploitation and guarantee re-victimisation of any person trying to escape, since corrupt police officers would bring them back to their traffickers or deport them before testifying (PACO, 2002; UNODC, 2011).

### **2.2.3. Judicial corruption.**

Although the judiciary is much less targeted by organised crime than the police, judges and prosecutors might facilitate human trafficking by avoiding investigations, influencing trials, or giving less harsh punishments. For instance, there have been allegations of judges who imposed sentences on convicted traffickers that do not correspond with the severity of the crime, like fines alone, or that have reserved convictions on appeal on weak grounds in Moldova (TIP, 2016).

### **2.2.4. Political corruption.**

Access of traffickers to politicians has been reported to be relatively common in South East Europe and former Soviet republics (Rusev, 2013). Given the large profits from trafficking laundered in the legal economy, it is not uncommon for ring leaders to

become wealthy local businessmen with influence on local political elites or even to obtain political positions themselves (Rusev, 2013). For instance, a sitting member of parliament of Albania had prior convictions for trafficking-related offenses (TIP, 2015); and a former municipal councillor in Bulgaria was charged with leading an organised group involved in human trafficking (TIP, 2016). The most flagrant example is the amendment to the Bulgarian Penal Code provisions related to human trafficking in 2006 introduced by certain MPs who allegedly had relationships with two well-known convicted traffickers, who in turn received minimal punishment (Gounev & Bezlov, 2010).

#### **2.2.5. Administrative corruption.**

This category comprises other reported cases of public officials' involvement in human trafficking, different from those reported above. It includes labour inspectors who are approached to obtain work permits in order to legalise the status of the victims so as to facilitate and perpetuate exploitation (Rusev, 2013), as reported in Kosovo (TIP, 2016) and Macedonia (TIP, 2016). It also refers to municipal officers who are bribed to obtain licences for establishments that facilitate trafficking and exploitation. For instance, in September 2015, Greek authorities arrested three municipal employees who had allegedly accepted bribes in exchange for issuing permits to clubs and bars where trafficking victims were sexually exploited (TIP, 2016). Finally, this category embraces allegations of corruption in governmental institutions specifically created to fight crime and protect trafficking victims, such as the former head of the interior ministry's division to combat organised crime and officers of the Centre for Combating Trafficking in Persons in Moldova (TIP, 2016); the head of a Moldavian human rights agency for forcing children to beg in Russia (TIP, 2015), and workers of state-run orphanages in Ukraine accused of enabling the sex and labour trafficking of children housed there (TIP, 2016).

### **3. INTERNATIONAL AND EUROPEAN RESPONSES TO TRAFFICKING-RELATED CORRUPTION**

Despite the existence of important links between both crimes, a brief analysis of the most relevant European and international legislation shows that corruption has been

generally mostly overlooked or completely ignored in most anti-trafficking policies. The first international treaties for the abolition of the so-called white slavery did not mention public officials' involvement at all. They were mainly focused on protecting the interest of the States in controlling migration and the abolition of prostitution.

It is not until 2000 that we can find the first connection between human trafficking and corruption in international legislation. This connection indirectly appears when both crimes are associated with organised crime. Thus, Article 8 of the United Nations Convention against Transnational Organized Crime criminalises corruption in relation to organised crime and these provisions may apply to human trafficking cases, since according to Article 1 they apply *mutatis mutandis* to the Protocols hereto (the Palermo Protocol being one of them). However, there is no explicit reference to the participation of public officials in trafficking.

The need for an international commitment to recognise the crucial role of corruption in anti-trafficking strategy was consolidated in the 2010 UN Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293, 2010). In this resolution, States Members of the UN manifested their political will to "investigate, prosecute and punish corrupt public officials who engage in or facilitate trafficking in persons and promote a zero-tolerance policy", and to "strengthen or continue to strengthen coordination and cooperation among States in combatting crimes that might be connected with trafficking in persons, including money-laundering, corruption, smuggling of migrants and all forms of organized crime".

At the European level, the most recent anti-trafficking instruments have also begun to explicitly recognise the important role of corruption in human trafficking. The Council of Europe Convention on Action against Trafficking in Human Beings of 2005 (Art. 24.c) and Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims. (Art.4.3) envisage the commission by an agent or public official in the performance of their duties as an aggravating circumstance. This provisions have been implemented by most national legislations.

Precisely, as stated above, the PACO Networking Project, launched by the Council of Europe, constituted a forum of great importance to address the specific problem of corruption in connection with human trafficking in South-Eastern Europe. Within this project, not only the risks were identified, but also several measures to prevent and prosecute these practices were suggested. Officials responsible for mutual legal assistance from ten countries established networks among themselves to offer

specific training for judges, prosecutors and other law enforcement authorities and, above all, to increase the exchange of experience and cooperation between judicial and investigative authorities from different countries.

In particular, in order to prevent trafficking-related corruption, they suggested increasing awareness by means of media reports and campaigns that publicise cases, as well as encouraging research on the issue, with the final objective of mobilising public opinion. The elaboration of codes of conduct and guidelines for public officials, which include initiatives to reduce conflict of interest by regulating the possibility of having a second job, were also recommended. Moreover, the PACO project recognised the need to increase financial support and provide training to provide officials with specific skills to avoid and identify trafficking-related corruption.

Regarding prosecution, enhancing cooperation, both nationally and internationally and between anti-trafficking and anti-corruption units was considered crucial for achieving fruitful investigations. The adoption of multidisciplinary units that also collaborate with non-governmental organisations was highlighted. These multidisciplinary units are supposed to collect and share information on trafficking experiences and the roles played by corrupt officials. Moreover, the PACO project underlined the need to ensure that financial investigations are carried out in parallel to criminal investigations to identify and confiscate the proceeds of crimes.

Several years after this project, the risk still persists. Most countries in the region do not report any investigation, prosecutions or convictions of government officials in human trafficking, despite allegations of existing cases (TIP, 2016). However, it is fair to say that some governments are demonstrating efforts to combat this problem. For instance, the TIP Report highlights the case of Belarus, where the government drafted a 2016-2018 State Program on Countering Crime and Corruption that includes anti-trafficking activities (TIP, 2016).

#### **4. FINAL THOUGHTS: APPROACHING TRAFFICKING-RELATED CORRUPTION AS A SECURITY CHALLENGE?**

After the analysis of some reported trafficking-related corruption experiences, it is possible to conclude that both crimes are strongly related, to the extent that it is even possible to affirm that corruption is one of the multiple elements that make human trafficking possible. Trafficking-related corruption constitutes a threat to several

values that have traditionally been associated with national security, such as the defence of national interests and the constitutional system, because it undermines the public's trust in those who are supposed to protect it. In transnational cases, particularly when consular staff is involved, trafficking-related corruption can also be damaging for foreign relations. Nevertheless, trafficking-related corruption constitutes above all a human security risk, since it affects peoples' freedom to live with dignity, meeting their basic needs and without fear (Tăbușcă, 2015).

Despite the importance of this problem, corruption has been a historically forgotten element in anti-trafficking policies. Only very recently, the links between both crimes are slowly beginning to be recognised, although mainly in terms of prosecution. Traditionally, the legal response to these crimes followed a national security approach. National security solutions to human trafficking prioritised the interests of the State in reducing migration and crime (Lobasz, 2009). This is mainly the perspective followed by the Palermo Protocol. Even if it also includes measures to protect victims' human rights, securitarian issues surrounding trafficking are the true driving force (Gallager, 2002). This approach has had benefits, and has even been embraced by activists, because it increases the attention and resources devoted to that issue (Lobasz, 2009), and allows for the conviction of traffickers and complicit corrupt officials. However, focussing simply on protecting the national interest in controlling borders also has unsatisfactory consequences. National security approaches involve the tightening of migration controls, which, as explained above, increases the need for corruption; and the deportation of victims, which intensifies opportunities for re-trafficking.

For this reason, to reduce trafficking-related corruption it is necessary to move beyond a state-centred to a people-centred notion of security (Kreindenweis & Hudson, 2015). Reframing human trafficking (and related corruption) as an issue of human security shall provide the means to "holistically describe what trafficking is", taking into account elements that were overlooked before, which will improve the identification of factors of victimisation and the establishment of effective anti-trafficking policies (Kreindenweis & Hudson, 2015). Ultimately, if trafficked people were not considered a threat to the State, but victims of human rights violations, counter-trafficking policies would focus more on social policies, which would contribute to the emancipation and empowerment of victims.



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## **CERTAIN SPECIFICS IN THE STRUCTURAL POSITION AND THE MODUS OPERANDI OF THE ORGANIZED CRIMINAL GROUPS IN REPUBLIC OF MACEDONIA**

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### **Abstract**

The organized and serious crime a serious socio-negative phenomenon, which threatens the security of the country, the economy, the rule of law, democracy and endangering the basic and essential human rights and freedoms established by the Constitution as the highest legal act of the state. The organized and serious crime is dynamic, flexible, includes a variety of forms of organized criminal activity and association with legitimate businesses. The organized crime groups are characterized by loose structure, adapting to new requirements and participating in that form of organized crime that is current at the moment and brings the greatest profits. Unlike the organized criminal groups in the wider international community who specialize and perform only one of the forms of organized crime in the country organized criminals easily fluctuate and are involved in various forms of organized crime, subject to availability and needs someone of high-quality forms of organized crime.

**Keywords:** *modus operandi, organized criminal groups, forms of organized crime*

## Introduction

The problem of the organized crime in the Republic of Macedonia in the past 26 years since its independence is a subject of interest of the scientific and professional public. There are several phases in the emergence and the modus operandi of the organized criminal groups. In the last decade of the previous century it was evident the denial and the ignorance by the state organs, through shy and modest appearance of themes referring to the organized crime and the organized criminal groups in the Republic of Macedonia. In the scientific literature can often be seen contents under the title '*Is there an organized crime in Republic of Macedonia?*', with vague standards that directs to the elements of that type of criminal activity. At the end of the previous century the awareness for the dangers of the modus operandi of the organized criminal groups had strengthen. More and more, the organized crime becomes a challenge and a field of interest of many theoreticians that investigate this socio-negative phenomenon. The pointing at the necessity for changes in the legal-normative sphere would make conditions for dealing with the sophisticated ways of committing criminal acts from the area of the organized crime by the organized criminal groups.

The conditions that led to the emergence and development of the organized criminal groups can be located in the radical changes in the area of the political, economic and security system. In the autocratic, totalitarian and undemocratic systems the organized crime cannot be developed in the same manner and to the extent that today we meet in the developed democratic countries. After the independence of the Republic of Macedonia and the changes primarily in the economy system by introducing the market economy, the political pluralism, the parliamentary democracy, but also such radical changes at the same time are an essential condition for the emergence and development of the organized criminal groups, which is particularly evident for the former socialistic countries such as the Republic of Macedonia. The liberalization of the visa regime, the free flow of people and goods, skillfully was used by the members of the organized criminal groups to carry out high profitable forms of crime in several countries in cooperation with the other transnational organized crime groups.

That period of transition is accompanied by expansion of crime, action of organized crime groups, certain forms that first occur in this region. Of course in addition to the action of the organized criminal groups is the unfavorable economic, the political and the security situation in the neighboring countries followed by the acts of

war, the economic sanctions from the International Community to certain countries of our environment, tolerating the actions of some criminal groups of its profits and infiltrate legal financial system which enables the survival of the system in such crises.

One of the ways of the subsistence of the organized criminal groups is through corruption of certain individuals from the political life that have an influence in the functioning of the institutions, how they have been avoiding the investigations against the members of the organized crime groups and their release from criminal prosecution. Members of organized criminal groups who try to corrupt officials at lower levels, how enable its safe environment for a variety of criminal activities, they represent less of a threat in terms of organized crime groups dealing with the impact of the senior executives of the institutions responsible for tackling crime (police, justice officials, politicians and official government representatives).

### **Organized criminal groups**

'The organized criminal' is very important term that has become part of the dictionary of many scientific workers, politicians, and of the general public. It is very often used without a clear referent point and actually it is very unspecific and unclear.

<sup>247</sup> This lack of clarity also influences on the relevant academic debates.

In the world literature can be found hundreds of definitions for the organized crime and the organized criminal groups, from authors <sup>248</sup> <sup>249</sup><sup>250</sup> of various provenance and different areas. However, the emergence of the organized crime doesn't date back so close. Organized criminal groups have existed in the middle Ages (in the 17th century gangs have attacked major cities). The criminal organizations with a broad action

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<sup>247</sup> Michael Woodiwiss and Dick Hobbs, 'Organized evil and the Atlantic Alliance: moral panics and the rhetoric of organized crime policing in America and Britain', *British Journal of Criminology*, Vol. 49, 2009, pp. 106-128

<sup>248</sup> Abadinsky, Howard, *Organized Crime*, Third Edition, Nelson-Hall, Chicago, 1990

<sup>249</sup> Allan Castle, 'Transnational organized crime and international security', Institute of International Relations, University of British Columbia, Working Paper No. 19

<sup>250</sup> Frank E. Hagan, 'Organized Crime' and "organized crime": indeterminate problems of definition', in *Trends in Organized Crime*, Vol. 9, No. 4, 2006,

spread, their transition from local to national and even on international scale, are connected to the monopoly and the financial aristocracy.<sup>251</sup>

The defining of the organized crime, ie the organized criminal groups in the country, is performed by the Law on Police<sup>252</sup> and the Law on Public Prosecution of the Republic Macedonia.<sup>253</sup>

The geostrategic position of the Republic of Macedonia, as well as the social, the political, the security and the economic conditions allow the emergence and activity of organized criminal groups. Macedonia is located in the central part of the Balkan Peninsula, a crossroads of the main east-west and north-south resulting in increased flow and circulation of passengers, which in turn has an impact on transit and transport of illegal goods, mainly to drugs, in recent years, fueling hostilities in the Middle East and an increased number of refugees and migrants transiting through the country.

The different levels of economic development in the neighboring countries and in general in the region, the non-compliance of the fiscal policy, the big differences in the prices of certain goods in the countries in the region, mostly in the neighboring countries, stimulates the smuggling of goods and the activities of organized criminal groups these regions.

The second trait is the kinship, friendly, ethnic, labor and other ties with the Diaspora in the Western European countries facilitate the movement and actions of the members of the organized criminal groups, providing logistical and financial support from the countries of Western Europe as a destination. Such characteristics affect positively the modus operandi of organized criminal groups, facilitates crime and as a means of transport, places of storage, and cause unfair market competition. By avoiding paying taxes to the state, the members of the organized criminal groups lead to unfair competition in relation to goods brought into the country with all taxes paid.

The unfavorable condition in the judicial system is also in favor of the action of the organized criminal groups. The incomplete implementation of the legislation by the judicial authorities especially by not implementing the measure of confiscation of property, when it is evident a disproportion between the current assets and legally revenues for those members of organized criminal groups, thus the members of

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<sup>251</sup> Milutinovic M. (1967). „Criminology,, Beograd, 58

<sup>252</sup> Official Journal Republic of Macedonia No.33/15

<sup>253</sup> Official Journal Republic of Macedonia No.150/12

organized criminal groups and it provides easy to update the links in criminal circles and to continue with criminal activities.

### **Organization, structure and modus operandi of the organized criminal groups in the Republic of Macedonia**

The reasons, the factors and the conditions for the emergence and development of the organized criminal groups in different countries are different, so from that perspective we can talk about specifics and difference in modus operandi of the organized criminal groups in different countries. Specifically for Macedonia, since its establishment as an independent and sovereign state today can be stated the following conditions for the emergence and development activity of organized criminal groups:<sup>254</sup>

- *Non-established ethic elite that is condition sine quanon of the political elite in the democratic and legal state;*
- *Inconsistent principle of separation of powers in the non unique system of the state government in Macedonia, where the absence of a system of legal mechanisms and procedures for mutual control and balance between the institutions responsible for law implementing. The consequences are lack of law governing manifested by halting or selective enforcement laws, failure of the legal institutions, which somehow skillfully used by members of the organized criminal groups to perform highly profitable s criminal acts of organized crime and corruption;*
- *Lack of optimal independent institutions;*
- *Poor legal framework;*
- *Vague and inconsistent systems of the privatization process, public procurement, government concessions, financial management and control of the budget and public funds;*
- *Too many laws and regulations which are inconsistent and contradictory governing administrative and legal matters, allowing too much discretion in deciding civil servants;*

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<sup>254</sup> Labovic M. Nikolovski M „Organized crime and corruption“, Faculty of security –Skopje , 2010, side. 45



- *Low paid civil servants and served unprotected authorized persons responsible for detecting and proving the action of organized criminal groups.*

What characterizes the organized criminal groups in Macedonia is their involvement in several highly profitable forms of organized crime such as drug trafficking, migrant smuggling, violent and serious crime on a national and international level. From analyzes that have been made about the characteristics of organized criminal groups by the Ministry of Interior of the Republic of Macedonia, they are the following features:<sup>255</sup>

- *The organized criminal groups polycriminal and operating in more than one area of crime;*
- *The connections between the members of the organized crime groups are often based on family or friendship relationship;*
- *over 50% of organized criminal groups are of medium size which is comprised of 5-14 members;*
- *the acquired funds from criminal activities are laundered through investments in financial markets, in legitimate businesses, movable and immovable property;*
- *the dominant mode of operation using the corruption in their criminal activity, which is especially pronounced among officials in law enforcement from lower levels and influence in trials of their members to protect against criminal prosecution.*

### **Size of the organized criminal groups**

As for the size or the number of members of the organized criminal groups dominate small groups of 3 to 15-20 members. According to official reports of the Ministry of Internal Affairs, there are 6 groups out of ten with few members (from three to twenty people), while there are three groups consisting of 20 to 50 people and only one group that consists of 50 to 100 people. According to the size of the organized criminal group they are different from other countries especially ones where dominate

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<sup>255</sup> Threat Assessment of activities organized and serious crime, the Ministry of Interior of the Republic of Macedonia, Skopje, 2016

organized criminal groups like mafia organized crime groups, where we talk about groups with greater numbers of members before, and other differences in the way of

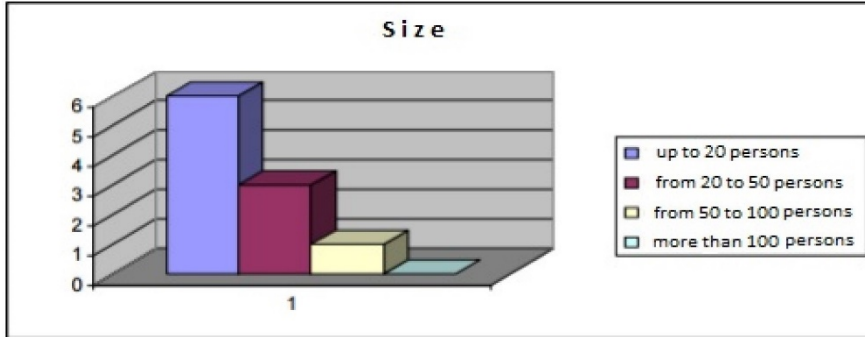


Figure 1: Size of the organized criminal groups

structuring, action and so on. The small organized criminal groups in Macedonia easily adapt to the new conditions primarily political, economic, security and infiltrate the system how through corruption fail to realize their criminal activities and thereby avoid being detected and sanctioned.

### Trans-sanction

The level of cross-border operations, i.e. the trans-nationality of organized crime groups are medium-high, and half of the groups have operations in three or four countries, and the other half of the groups have operations in five or more countries, which means that these groups are quite active in the region and beyond. Given the fact that the criminal activity of members of organized crime groups prefer territory of more than one country, met the criteria for trans-sanction talk about organized crime. The location of the Republic of Macedonia as a central Balkan country where cross busy intersections of activity of organized criminal groups trans-sanction affect connectivity and support the criminal activities of the organized criminal groups from Macedonia and foremost neighboring countries. What is distinctive about the activity of the organized criminal groups in the Republic of Macedonia is the logistical support they receive in Western Europe through their family and friendly ties that live in these countries as a destination of the operation of the organized criminal groups.

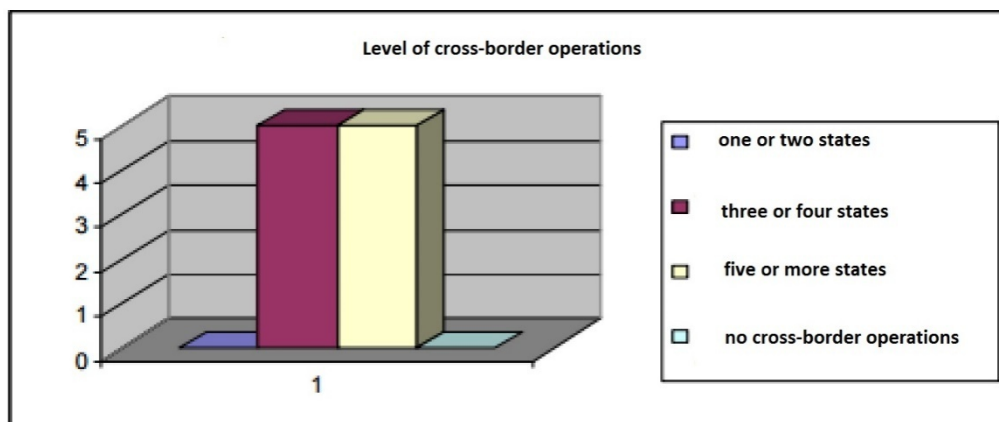


Figure 2: Level of the cross-border operations

The dominant areas of the criminal activities are the illegal drug trade, the violent and serious crime, migrants smuggling (which is very often in the past years along with the intensified military actions in the Middle East especially in Syria). The founders of the organized criminal groups remain active within the groups and rarely are changed. Evident are that kind of organized crime groups that are based solely on short-criminal interests and have no continuity in carrying out criminal activities.

Unlike the strong solidarity integrity of the organized criminal mafia-type who are characteristic in the other countries, the organized criminal groups in the Republic of Macedonia are characterized by loose association of members which is especially characteristic for the economic and financial crimes, the structure is characterized on the basis of family friendly basis and criminal interests, which is especially evident in the top of the structure for organized criminal groups that operate longer period. The criminal interest links the members of the group and provides continuity of the operation for extended periods of the organized criminal group. The most common form of organization are the criminal networks, in which the perpetrators have important individual roles, and they are often associated with a particular function or power.

For the criminal activity of the organized criminal group to run without any particular difficulty, the members of the organized criminal group in its composition include individuals from the state institutions, primarily the police, the prosecution and the court. Such individuals in certain situations are "accomplices" and above "advisors" and help the organization in the way it should act with their authority and power act

and other primarily inspection services for not taking appropriate measures against members of certain organized criminal groups . These organized criminal groups have personal structure and professionalism and depending on the field of criminal act vary according to the number, the material condition, the specifics in the way of action. The organizer or leader of the organized criminal groups to devise and assigns roles responsible for the organization, finding tools and methods (finding connections with law executors).

The identity of the organized criminal group is mainly connected to ethnic grounds or family basis and is organized by people from the same ethnic group. Thus, 6 groups have been organized, while the remaining 4 groups are connected to the social base where people have close social interests and social status.

The family relationship is found among those organized criminal groups involved in trafficking drugs, primarily heroin. The family relationship appears as an aggravating circumstance when it comes to discovering the most profitable form of organized crime. On the one hand it is almost impossible to select a face-member of the organized criminal group and to be convinced to work for the interest of the investigators, on the other hand it is also almost impossible to infiltrate undercover police spies into the composition of that type organized criminal groups.

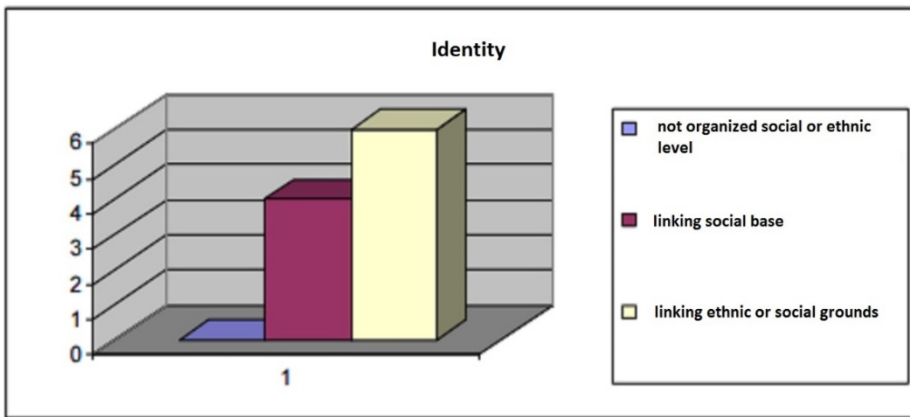


Figure 3: Identity

The ethnic belonging of the members of the organized criminal group provides homogeneity of the group which is especially expressed among those organized

criminal groups that are specialized in executing acts connected to illicit drug trafficking (marihuana, heroin and cocaine).

The level of violence among the organized criminal groups is very low, or eight of the groups do not practice or practice very little violence and there is one group that occasionally uses violence and one group that regularly uses violence in its criminal activities. So, it can be concluded that the organized criminal groups in the Republic of Macedonia are groups that mainly don't want to attract attention and don't use violence publically compared to Bulgaria, where organized criminal groups are also nonviolent according to Europol<sup>256</sup> which means that act upon sophisticated and covert. Nonviolent action of organized criminal groups is particularly characteristic those organized crime groups involved in economic and financial crimes, which are represented in the country in a high percentage compared to other forms of organized crime.,



Figure 4: The level of violence

The entering in the legal economy of the organized criminal groups in the country according to the Ministry of Interior is relatively large. Only three groups have no activities or they are very small, while there are four groups that have made investments in the lawful activities and three groups repeatedly has tangled legal and illegal activities.

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<sup>256</sup> EUROPOL, OCTA 2009, EU Organised crime threat assessment : [www.europol.europa.eu](http://www.europol.europa.eu)

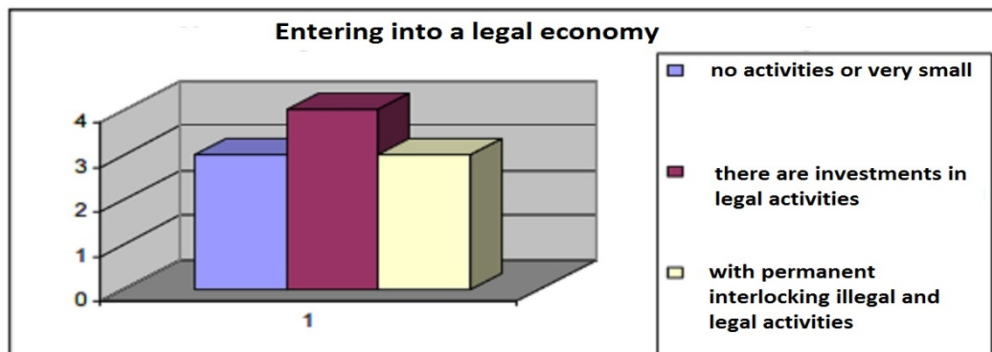
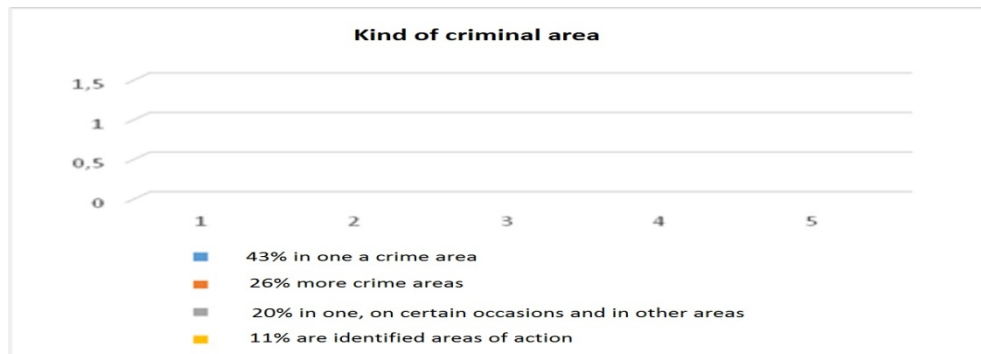


Figure 5: Entering in the legal economy

According to the type of the criminal areas that are involved<sup>257</sup> in 43% of the organized criminal groups are involved in only one criminal area, 26% of the organized criminal groups are poly-criminal and act in more criminal areas, 20% are oriented to one are but in certain circumstances expand its criminal activity to other criminal activities, 11% have no identified areas of their criminal activity.



Graphic display of the type of the criminal area of activity of the organized criminal groups

After achieving greater amount of illegally gained capital that capital then is by laundering infiltrated in the the legal financial system in many ways. In the first phase,

<sup>257</sup> Threat Assessment of activities organized and serious crime, the Ministry of Interior of the Republic of Macedonia, Skopje, 2016, pg.. 15

there is a switch of the huge financial resources to the of-shore regions and then these funds are returned as foreign investment in the country. Through individuals, foreign nationals, mostly from Cyprus (man-firm employee) that money occur as a foreign investment with redemption of dominant shares in the companies and thus become dominant owners. As foreign investment they are subsidized by the government institutions and certain tax breaks and actually work as members of organized criminal groups which money acquired illegally by running high-profitable forms of organized crime, so the dirty capital that previously was put forward in abroad, the same returns as foreign investment and carried its infiltration into legal businesses say in the legal financial flows of institutions.

**The legal business is just one of the ways**, used for increasing of the financial power. Most of the legal businesses opened by the members of the organized criminal groups usually are in the areas of transport, and they are used for smuggling illegal goods. The organizers and the members of the organized criminal groups within the legal subjects act as founders and managers of many legal subjects through which is performed the payment of funds in order to be concealed the true origin and persons who are part of the management team with a dominant role in the decision-making . The goal is overflow of the capital from one to another legal business for acquiring capital. The money they will earn from these kind of activities, especially on international level, allow the members of the organized criminal groups to become financially powerful.

The most famous areas for investment of this money are real estate, investments in the of-shore zones, the establishment of phantom companies and industries. As examples of venture money are listed apartments, hotels, casinos, factories, sports clubs, and restaurants.

However, that property usually does not take the name of the real owner, but some family members or close friends. The members of organized criminal groups get protection from the criminal activities provide direct meetings in concluding criminal acts import and use of methods of providing routes of transport for smuggling goods. What is massive in the modus operandi among the members of the organized criminal groups in this area is the use of dual citizenship or they have citizenship from the mother country Republic of Macedonia and citizenship from Bulgaria, which allows them free movement in the countries of West Europe, where they are registered as as

perpetrators of crimes and have been banned from entering the passport from the Republic of Macedonia.

The control of the area of action is not a characteristic for most organized crime groups, but exceptions are those involved in drug trafficking and abuse of official position and authority. The organized criminal groups involved in drug trafficking as a form of organized crime, have a high control of the drug market, while those which are involved in crimes related to abuse of power and authority are active corruption offenses bribery and receiving rewards for issuing work permits and monopoly in the operation provides through political influence of the leaders.

### **Field of activity of the organized criminal groups**

If we make an analysis of the data for the realized criminal acts from the area of the organized crime in the past few years, we can conclude that since few years ago the dominant form of acting of the organized criminal groups was the illicit drug trade. According to the Yearly report<sup>258</sup> of the Ministry of interior for 2009 in the drug-business the most frequent are the Albanian criminal groups from Macedonia connected to the criminal structures from Turkey from where they supplied heroin and criminal structures of the same ethnicity residing in Western Europe, which is confirmed by statistics, or out of 42 criminal suspects persons - citizens of the Republic of Macedonia, 38 persons were of Albanian ethnic origin. Activities in the area of combating illicit trafficking (HT) drug were aimed at gathering information on criminal groups from Macedonia who act in the area of North-West Macedonia and establish their links with the people of the Republic of Turkey, where the acquires drug heroin as well as their links with criminal structures of Western European countries, ie cutting the Balkan drugs route, which is crossed eight international channels NT heroin.

In the last years a dominant form of acting of the organized criminal groups is the smuggling of migrants. The intensity of the irregular migrations toward the west-Balkan's route in 2015 according to the previous years has changed and evolved according to the origin countries of the migrants, the number of registered migrants,

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<sup>258</sup> Annual report of the Ministry of Interior for 2009 y.. Public Security Bureau, Central Police Services Department for Organized Crime, Department of Criminal Intelligence Analysis, 2010



the structure of the persons transiting, and according the way of transiting countries. During 2015 the number of migrants transiting along the Western Balkan route has rapidly increased by economically migrants and migrants coming from the war areas. Such a state of new supply form of organized crime had its affection in the actions of the organized criminal groups in the region. They cooperated with organized criminal groups in the neighboring countries have frequent changes of members and their roles are formed and ad hoc criminal groups of mixed composition with nationals from countries in the region and members of the countries of origin of migrants and people with criminal background intermediaries and providers of various services. Of more frequent occurrence is registered to a part of the organized criminal groups in R. Macedonia is involved in the trafficking of migrants include nationals mainly from Greece, Bulgaria and Albania.

For individual services the organized criminal groups use the local population in the border area (guides, drivers and other staff who are responsible for providing security and accommodation), engaged when needed and often changed. In the executing of certain activities the members of the organized criminal groups include the migrants who don't have enough financial means to pay the services. The activities of the organized criminal groups are aimed toward organizing transfer and accommodation, providing falsified documents for entering the countries from the European Union. For migrant's transfer from Greece, through Macedonia to Serbia they charge from 300 to 1500 Euros per person according to the way of transport, the quality of the accommodation and other services. The money are usually paid in advance to a person in one of the larger cities in Greece and sometimes directly to the driver or the legal entity which is a vanguard of the vehicle transporting migrants.<sup>259</sup>

The structure of the organized criminal groups is clearly hierarchical. Those are homogenous groups that have strong and long-lasting core of key people surrounded with a circle of very few permanent members. What connects them and makes the collaboration between the members of the organized criminal groups are the ethnic belonging, the friendship and the family ties, the lack of language barriers and most common the common criminal record from the past. One of the common characteristics of the members of the organized criminal groups is their attempt to change the identity and use of forged documents, and the use of the benefits of dual

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<sup>259</sup> Regional threat of severe and organized crime, Skopje, 2015

citizenship as a means by which to facilitate the movement and execution of crimes in other countries.

Typical for the work of the organized criminal groups is the occasional inclusion of people who have no criminal record, mainly for logistical needs, and individuals specialized in specific areas. To secure information exchange, the organized criminal groups use sophisticated means of communication, and more frequent and direct communication and transmission of messages through couriers.

### **Conclusion**

Today we face a serious and organized crime which is constantly developing new forms of manifestation, primarily depending on the global change, the technological progress and the social development. One of the prerequisites for entry of the Republic of Macedonia in the European Union is undertaking complex activities and intensive work, which primarily takes place in the efficient fight against the serious and organized crime.

The organized criminal groups in the country are and in the future will be a serious threat to the citizens' security. The structure of the organized criminal groups will continue to be changed in terms of its heterogeneous composition will include members from different nationalities as special mark thereon. A feature of the organized criminal groups in relation to the criminal matters is their poly-criminality which means they will be involving in areas of criminal activity that currently carries greater profits.

In certain areas of criminal activity, the organized criminal groups strengthen their relationships internationally in order to facilitate criminal activities outside the Republic of Macedonia, especially in the area of drug trafficking and smuggling migrants, forms that dominate as a subject of interest in the past years.

A feature of the organized criminal groups is their structuring and formation of smaller structures which are associated with similar criminal organizations from the region, so that the fight against the serious and organized crime cannot be reduced to national borders. Therefore, the process of gathering evidence needed to prosecute the members of the organized criminal groups who has committed such crimes as well as confiscation of property acquired through crime, is very complex. Certain organized

criminal groups perform their criminal activities exclusively outside of their domicile countries; therefore, it is necessary strengthening of the cooperation between the countries and the agencies of the European Union with the police and other law enforcement agencies in the region, in order to create space security in the whole region, and therefore the European Union.

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## THE ROLE OF POLICE IN PROTECTION OF CRITICAL INFRASTRUCTURE IN THE REPUBLIC OF MACEDONIA

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### Abstract

Police as a state body is responsible for the protection of life, personal safety and property of citizens, maintaining a stable security situation, maintaining public law and order and law enforcement. Police, despite all the duties and powers by law also takes measures for protection of certain persons and facilities.

The constant and rapid changes due to globalization lead to increased security risks and dangers and in that way the global security picture becomes complex. In connection to that critical infrastructure (vital state infrastructure facilities) gets new dimensions and increased importance at national and international level. Because critical infrastructure is an important segment of national security, its protection must be continually developed, and is one of the main security priorities of each country.

Measures and activities for providing protection are taken by the police individually or in conjunction and cooperation with other authorities, organizations, legal entities and individuals, all within its competences and powers defined by the law. The emphasis should be put on the field of cooperation with private security, especially about the continuous exchange of data and information, which largely can improve identification and prevention of possible threats.

The entities responsible for the protection of critical infrastructure need to constantly upgrade their facilities to monitor the situation and assess the level of safety of the facilities and the readiness of personnel protection and rapid response to deal with risks and dangers targeting critical infrastructure. The facilities will be safe if all the necessary measures in the area of prevention and early warning are taken timely.

The successful protection of critical infrastructure is possible only by increasing cooperation and by continuously enhancing the performance of the police and private security.

**Keywords:** police, private security and critical infrastructure protection

## 1. INTRODUCTION

Police is part of the Ministry of Interior in which police affairs are performed by police officers. Police affairs are actions of police officers concerning the protection of life, personal safety and property of citizens.<sup>260</sup>

This duty is contained in the provisions of the Law on Police and in by-laws in which security of persons and facilities are further defined such as a Regulation on the security for persons and the facilities, the types of measures and activities and levels of security.<sup>261</sup>

Security of persons and objects in the sense of this means planning, organization, coordination and execution of operational-preventive and preventive-technical, physical, health and other measures and actions aimed at providing security for:

- The seats of state bodies and the space around them, as well as residential and representative buildings and the surrounding area that belongs to the state authorities of the Republic of Macedonia (Parliament, Government, ministries, residential and others);
- Foreign diplomatic offices in Macedonia and their residences and international missions based in the Republic of Macedonia;
- Facilities and spaces that are of particular importance and interest to the security and defense of the Republic of Macedonia (structures of the Ministry of interior and other buildings such as the State Archive of the Republic of

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<sup>260</sup> „Police Law“, Official Gazette no. 114/06, Art.5

<sup>261</sup> „Regulation on the protection of persons and the facilities, the types of measures and activities and levels of security“, Official Gazette no. 56/14

Macedonia, the Archive of the City of Skopje, the National Bank of Macedonia and other facilities of importance for security and stability of the country).<sup>262</sup>

Measures and activities for providing police protection are undertaken alone or in conjunction and cooperation with other authorities, organizations, legal entities and individuals, all within its competences and powers defined by law. The police need to strengthen cooperation with the private security especially in the exchange of data and information. This multidisciplinary approach is the only way we can meet the challenges that every day we have the opportunity to observe and feel in the immediate and wider environment (terrorist acts and threats of terrorist attacks on soft targets).

Although critical infrastructure in the country is a relatively new field, we can rightly say that the protection of buildings of special significance exists and is legally regulated before the Law on protecting people and property, then in the Law on private security. Namely, these laws provide that the Government determines which legal persons shall have the security of persons and property for their own needs, if the performance of their activity is associated with handling radioactive substances or other dangerous substances for people and the environment, objects and buildings of particular cultural and historical significance, and in other cases when it is in the interest of safety or defense of the Republic of Macedonia.

Because critical infrastructure is an important segment of national security, its protection must continually evolve and improve and should represent a major security priority of each country. This became particularly evident after the terrorist attacks in the United States since September 11, 2001.

The identification of risks and hazards and the timely response is an important factor for enhancing the security of critical infrastructure. A major component in the infrastructure security is the state's ability to detect, investigate and prevent security threats such as terrorism, organized crime, war, environmental, cyber and other types of threats.

The emphasis should be put on the field of cooperation and continuous exchange of data and information that will greatly help to identify and prevent possible threats, especially in the context of the concept of collective security.

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<sup>262</sup> „Regulation on the protection of persons and the facilities, the types of measures and activities and levels of security“, Official Gazette no. 56/14 art.23

The entities responsible for the protection of critical infrastructure need to constantly upgrade their capacities for surveillance and assessment of the level of safety of the facilities and the readiness of personnel protection and rapid response to deal with risks and dangers targeting critical infrastructure.

No facility or object that falls within the critical infrastructure should not be considered immune from attack, because all objects (the ones owned by the state government and those privately owned) represent potential targets.

The facilities will be more secure if all the necessary measures in the area of prevention and early warning are taken in timely manner.

Rapid processes of globalization in the world, despite its main feature - the constant and rapid changes brought negative consequences, such as: increase in safety risks and hazards, among other things, and they can relate to the economy, transport, health, energy, communications systems, information networks or, simply, everything that falls within the so-called critical infrastructure.

The term critical infrastructure usually refers to physical facilities / buildings, networks or organizations whose destruction or failure can cause partial or permanent damage to the social and economic life.

Different authors and relevant authorities related to this issue identify a wide range of economic sectors that fall under this definition, namely: energy, water and food, management of waste/materials, key transport networks (airports, railways, highways), financial institutions, banks and savings banks, health services and public safety organizations.<sup>263</sup>

Here, in Macedonia critical infrastructure is a relatively new concept and one that essentially means *„value or set values and goods that are essential to the economy, state and society, often identified as a complex material and immaterial systems, whose disorder functioning or destruction could cause long-term harmful effects on the fundamental values of the economy, state and society in general.“*<sup>264</sup> This determination corresponds conceptually with more established definitions of modern

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<sup>263</sup> Critical Infrastructure Security and Protection, The Public-Private Opportunity, White Paper and Guidelines by CoESS, December 2010, p.5

<sup>264</sup> „Legal framework for the provision of critical infrastructure, focusing on the provision of critical infrastructure in the country,“ Chamber of Macedonia's private security Stead graphics, Skopje 2016, p.9

states with more experience and expertise in the analyzed area. Thus, critical infrastructure provides:<sup>265</sup>

- In the United States – „essential services which represent support for American society and serve as a backbone or a pillar of the national economy, safety and health“;
- In Canada – „processes, systems, facilities, technologies, networks, goods and services vital to the health, security, safety and economic well-being of citizens and the effective functioning of government“;
- In the UK – „funds, facilities, systems, networks or processes and essential workers who manage and maintain the same, where their loss or disruption in the operation may result in large, harmful impact on the availability, integrity and performance of essential services including the services whose integrity, in case it is damaged, it could result in substantial loss of life, i.e. victims taking into account the significant economic or social impact and/or significant impact on the national security, defense or functioning of the state “;
- In Italy – „facilities, systems, networks and functions - physical or virtual, that are vital to the survival of the state, whose incapacitation or destruction would have a debilitating impact on security, national economic security, public health or safety, or any combination of these phenomena.“

Not just above mentioned, but a number of other countries, members of the European Union and those outside of it, have paid careful attention and developed many programs, policies and manuals, guidelines and procedures for the protection of critical infrastructure. Some of these directives or initiatives that fall within the scope of determining the legal framework for improving the security of critical infrastructure are the following:<sup>266</sup>

- In 2008, the EU Directive on the identification and designation of European Critical Infrastructure and the assessment of the need for improvement of protection (applies to energy and transportation sectors, and provides owners/operators of critical infrastructure to prepare a security plan and appoint licensed security officer).

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<sup>265</sup> Ibid, p.10-12

<sup>266</sup> Ibid, p.24-25



- In 2012, the Confederation of European Security Services (CoESS), prepared a white paper titled „Protection and security of critical infrastructure - public-private opportunities" (analyzed this issue in terms of private and public entities and suggests explicit division the roles and responsibilities).
- In 2013, a document audit of the European Program for Critical Infrastructure Protection (based on the practical implementation of activities such as prevention, preparedness and response).
- In 2013, we designed portal "Network Information Warning Critical Infrastructure (CIWIN)", to raise awareness about the same.

Our neighbor Serbia, has developed Guidelines for the methodology of assessing the threat of plans for protection and rescue of ten sectors of critical infrastructure. The essence of this Guide is based on the sources of danger and consequences which distortion and disruption of the functioning of the infrastructure might have on the economy and the environment.<sup>267</sup>

In Macedonia, however, in the National Concept for Security and Defense, protection of vital infrastructure ranks as one of the vital interests that promote the security and that creates conditions for better life of citizens and the functioning of the state and society.<sup>268</sup> However, it must be noted that public security sector is still in the phase of reforms, despite having already drawn up and having existing legislation in the area of critical infrastructure, further efforts for more comprehensive legal framework regulation of this issue must be taken and there is a need for existence of a clearly defined framework for defining, identifying and protecting it.

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<sup>267</sup> „Legal framework for the provision of critical infrastructure, focusing on the provision of critical infrastructure in the country," Chamber of Macedonia's private security Stead graphics, Skopje 2016, p,35

<sup>268</sup> „National Concept for Security and Defense," Official Gazette of RM no. 40/03, p.3

## 2. THE ROLE OF POLICE IN PROTECTION OF CRITICAL INFRASTRUCTURE

### 2.1 Measures and activities for protection of persons and facilities

Any natural disaster or outbreak, whether derived from nature as a dangerous condition or hazard that is created as a result of an action of the people and that threatens the security and reliability requires attention and appropriate action and reaction. Security issues are normally managed by the government institutions, administrative departments, NGOs and other professional associations, but recognizable and timely accountability of course is still in the hands of authorized officials. Police in this context, in modern democracies still transforms its role in the new environment and searches for the model of its essence. Recent habits for the view of the police expectations significantly affect both the communities and the police concepts, programs, organization and system. Police in our country accept modern standards, while at the same time consolidates and projects internal capacities, resources, programs and strategic priorities for action and more efficient operation, unburdened by political discourses. Since the ultimate goal of the police is to be aimed at all citizens and their protection, and the protection of national security, it shows about the complexity of the role of the police as well as the complexity in the relationship with other stakeholders responsible for national security.

The current environment of globalization and unstoppable process of far-reaching, geo-climate, socio-political, economic, social and other changes, causes concern in large-scale racial, religious, national, cultural, ethnic and other conflicts. They unfortunately, despite all the efforts for their eradication, continuously generate new forms of terrorism, violence and crime in all spheres of our daily living.

Particularly disturbing are frequent and strong mutually logistical, and often operative or action based interconnection between various organized groups or organizations that connect together and provide firearms, explosives, counterfeit identification and accreditation documents and money, operationally relevant information and others. resources and services of skilled counterfeiters, arsonists, chemists, electronics experts, plastic surgeons, smugglers, hackers and others that allow the success of their criminal operations and survival of their organizations.

On the other hand, each individual has a unique need for security and safety. These are objectives that weighs each country take care to protect their citizens and

property, whether it is a private property, or national good. Each state has actively taken measures and actions to prevent all phenomena of above listed modern forms of danger, from regulation of its legislation to act preventively, proactively and repressively towards the perpetrators of such acts. This segment of protection and security policy includes the judiciary, police, military, security, intelligence, customs inspections and the entire private protection sector. Series of measures and activities prescribed in the law are being taken regarding the protection and security of persons and facilities by authorized personnel engaged. They relate to the detection and prevention of illegal actions against persons and facilities provided, but also extend to ensuring the personal security of individuals and facilities, material goods and property is protected.

These measures are taken in case individuals or groups and foreign intelligence services hostile directed against our country plan to endanger the safety of persons, property and material goods to be supplied or, in case such actions to be brought to endanger public safety of our highest government officials, foreign dignitaries, diplomatic and consular missions and international missions.

Authorized officials take security measures and activities in cases of natural disasters (earthquakes, floods, fires and other natural and unpredictable forces) that can affect the damage to buildings and endangering the safety of persons and other persons present in buildings and the spaces provided.

Measures and activities for securing persons and facilities consist of taking:

- Operational and preventive measures and activities for protection of persons, objects and spaces;
- Preventive technical measures and activities for protection covering mechanical, electronic, technical, anti-diversion, chemical-biological-radiation, sanitary and health, fire and other types of protection of persons and facilities;
- Physical and traffic protection of facilities and persons;
- Monitoring of the actions and activities of general measures and activities for providing the state authorities and other entities in the interest of the security and defense of the Republic of Macedonia managed by entities acting as legal entities, each within its jurisdiction and powers defined by law;
- Other necessary measures and activities of interest and importance to protection of persons and facilities.

Of particular importance is the above measures to be taken based on planning and communication, dialogue and mutual trust between the entities responsible for the protection of critical infrastructure.

## **2.2 Measures to strengthen the level of protection of facilities**

In order to strengthen the level of protection of objects it is necessary to continuously strengthen the capacities of entities responsible for their protection and in the area of monitoring and evaluation, planning, coordination and control of the measures taken. Many objects of critical infrastructure have been already covered by various systems of organization of physical and technical protection, but in the future you have to expect even more quality approach, every owner or manager of the facility of critical infrastructure will have among other things to make a safety plan that will be reviewed by the Ministry of interior. That plan would enable quick and appropriate response to any threat. Of course, one has to work on the preparation of training, which will be designed in a way to enable the persons responsible for providing rapid and appropriate response to the threat, (success in dealing with the threat depends on the initial response to the threat) or to demonstrate they have met organizational expectations. Finally, we should not forget the need for increased cooperation and support of all stakeholders involved in the protection of facilities of vital importance. That cooperation primarily relates to exchange and share information and concrete support in taking measures and activities in the provision of facilities.

In the area of exchange of information, the planning of exchange of information is crucial. This will strengthen national and international mechanisms for the exchange of information, planning and operational coordination, which represents support security in the country (eg. aviation and border crossings, protection of the critical infrastructure), risk prevention, risk reduction, strengthening legislation and combined operations.<sup>269</sup>

Mutual cooperation and support - protection of facilities of vital importance during a critical incident is an interagency and multidisciplinary.

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<sup>269</sup> NATO Workshop in Brussels, „*Development plans for inter-institutional exchange of information security in the country*“, 2011-04-09, <http://mail.cuk.gov.mk/index.php?arhiva=1&content=354>, accessed 25.01.2016 year

Measures and activities for protection of the facilities, taken by the responsible persons, on which successful execution depends are:

- Evacuation or shelter in a safe place;
- Protections of the scene;
- Access control of entrances and exits;
- Providing seamless access and exit for vehicles for providing emergency medical assistance, fire fighting vehicles, etc.;
- Coordinated occurrence and management;
- Determination of a sufficient number of security personnel;
- Establish an appropriate system for communication;
- Exchange of information as a key segment in handling incidents.

### **2.3 Jurisdiction of the police in the monitoring and supervision of private entities working in private security sector**

Authorized officials of the Ministry of Interior are responsible for supervising the implementation of the Law on Private Security and the regulations made under this Act.

Minister of interior establishes a committee for supervising of the work of the Chamber and legal entities of private security which is composed of a president, three members and their deputies. The Commission is tasked to issue and revoke licenses for the operation of legal entities registered for performing private security activity and to control and supervise the work of these entities registered for private security in the form of providing services for their own needs. Commission acts upon written notices received from the Sector for internal affairs who concluded irregularities in the activities of legal entities registered for activities of private security in the form of providing services for their own needs<sup>270</sup>.

Regular supervision over the work of the Chamber and legal persons of private security is done at least once per calendar year. Authorized officials of the Ministry

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<sup>270</sup> „Handbook for police officers - the role and responsibilities of the police in the performance of control and supervision of legal entities working in private security in accordance with the Law on Private Security“, Chamber of the Republic of Macedonia for private security, Skopje 2014, p.5

perform the following activities to supervision: 1.determine whether and how to implement this Act and regulations adopted under this Act; 2.check records of contracts under Article 6 (1) of this Act; 3.check business premises, technical facilities and equipment and vehicles used in the pursuit of private security; 4.check the manner of keeping and carrying of firearms, as well as the capability for handling and use of firearms and 5.check the manner of applying the powers of workers for security. If necessary, the authorized officials of the Ministry take other measures and actions for supervision. For activities carried out in legal persons performing private security authorized officials of the Ministry compile a report.

The responsible person in the legal person performing private security or a person authorized by him and the Chamber are obliged to enable the supervision, to make available the relevant documentation and to provide the necessary data and information. If during the supervision determine that the legal person performing private security or the Chamber does not comply with the provisions of this law, the Ministry shall issue a decision to remove the deficiencies within a period not longer than 60 days from the receipt of decision.

Ministry will revoke the license if the legal person performing private security:

1. not anymore eligible for a license according to the provision stipulated in this law and
2. Do not remove the irregularities within the deadline set by the decision. The Ministry informs the Chamber and the Central Registry of the Republic of Macedonia for revocation of the license of legal entity after the finality of the decision.

Ministry will deprive the public authorization of the Chamber established by this law, if not eliminate the deficiencies within the period specified in the decision. In case of depravation of public authorization of the Chamber, public authorization are performed by the Ministry until the removal of shortcomings by the Chamber.

Against the decision to eliminate the shortcomings of the legal entity performing private security that Chamber, the decision to revoke the license for the provision of legal person performing private security and the decision to revoke the public authority of the Chamber, the legal entity or the Chamber are entitled to appeal to the State Commission for administrative procedures and employment in the second instance within 15 days of its submission.

In the event of a violation of legal provisions by legal entities registered for performing activities for securing people and property in the form of provision of services and legal entities registered for performing activities for securing people and

property for their own needs, as well as by individuals performing work on securing people and property, in order to overcome the stated condition, police is required to undertake the following activities:

- Police officers in the organizational units of the criminal police to plan measures for supervising the operation of legal entities registered to perform an activity for protecting people and property, in terms of respecting the requirements for the provision of persons and property, the fulfillment of their duties and keeping the required records under the Law on private security and surveillance in respect of compliance with the provisions of the Law on weapons in view of the importance of licenses for possession and carrying, storing and keeping of weapons and ammunition, etc.
- Police officers in police stations and police departments to plan measures for supervising the work of individuals that perform the security of persons and property within the legal entities, in terms of respecting their obligations under the Law on Private providing (possession of a license, wearing identification card, wearing work clothes, submitting a written report on the use of force, etc.), and supervision with regard to compliance with the provisions of the Law on weapons (The way of carrying weapons, wearing a license to carry weapons, etc.).
- Commission to implement the procedure for issuing work permit to legal entities for the business of protecting people and property, revocation of license of legal entities for the business of protecting people and property, deprivation of powers of the Chamber of Macedonia to secure people and property, supervising the work of legal entities operating in the security of persons and property, can include other relevant institutions in the supervision (IRS, labor inspectors, etc).

### 3. THE ROLE OF PRIVATE SECURITY IN CRITICAL INFRASTRUCTURE PROTECTION

#### 3.1 Origins and development of private security

The first private security agencies in the country date back to 1994. Within two decades the private security sector is increasingly taking so far traditional police activities related to security and protection. The need of the society to protect itself from rising global threats and crises led to the founding and establishment of this sector for private protection that serves as an extended arm of the police activity in cases where it is impossible to provide constant monitoring, observation and monitoring by police officers of a certain place and a certain time. With the spread of the market, private protection and security in certain segments of life took part of police work, such as providing transportation of money, securing public meetings, sports and cultural events, providing facilities, direct protection of persons and so on.

Great interest in rental services by private agencies nowadays stems from the rise in crime and the lack of resources within the capacity of the national level that are needed to meet the growing demands for protection. Of course, not every agency for private security guards have the same success and the same quality of work, which is due primarily to the reputation or professional image of the same, because it is not easy to gain confidence or belief that the selected agency has a staff capabilities and skills key into potential cases of endangering the safety of the client or his property.

The prevailing opinion that the private security industry is a business expansion due to „high turnover of funds circulating in the industry, the large number of employees that exceeds the total number of police officers, the rapid development of technological development in this area and different and a wide range of commercial security services.“<sup>271</sup>

The process of transformation of the state order, the release of the former Yugoslavia, the development of the capitalist economy, the emergence of a growing number of private economic operators and, in particular, emphasized social stratification factors demand additional security services, some of which were (and still

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<sup>271</sup> Vankovska B. „Security private sector in Macedonia: Between needs and public (non) trust“, Skopje, 2016, p.17



are ) of questionable viability and more a kind of presentation of their own prestige or status (specific trend and fad - anyone who can financially withstand that can afford private security guard or bodyguard) .

### 3.2 Analysis of the legal provisions on private security

Provisions for protection of people and property were legally regulated by the Law on protection of people and property passed in 1999. Functioning again, the private legal entities that offer security services (supposed to be) contained in the Law on Private Security (Official. Gazette no. 80/99, 66/07 and 51/11). However, it should not overlook the fact that a period of ten years from the adoption of this law, there was no act that determine the specific legal entities, and in this respect the Government adopted the Decision on determining legal entities are required to have collateral of persons and property for their own needs (Fig. Gazette no. 166/10) under the Act, even in December 2010.

Private security is the protection of persons and property is carried out by legal entities that are licensed for private security. Under the Act, private security is an activity of public interest which aims to prevent and detect harmful phenomena and illegal actions that threaten the physical integrity and dignity of the person and property that is protected.

The law regulates the conditions for performing private security, private security for their own needs, mandatory private security powers of private security workers, work clothes and signs of private security workers.

In this context, private security by legal entity can be performed as<sup>272</sup>:

1. Security for their own needs based on the license for providing for their own needs, and
2. Security using the services of legal persons performing private security in the form of provision of services, by law, on the basis of an agreement.

*Private security for their own needs* are carried as physical security, physical protection and monitoring security. "Private security for their own needs may perform legal entity holding a license for private security for their own needs."<sup>273</sup>

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<sup>272</sup> „Law on private security" Official Gazette no. 166/2012, 164/2013, 148/2015, 193/2015, 55/2016, Art.8-10

*Private security in the form of provision of services* is carried out as physical and technical security. Physical security in turn, performed as: 1.physical protection 2.monitoring, 3.Ensuring transport and transfer of money and other valuable items and 4.Ensuring public gatherings and other events.<sup>274</sup> "Private security in the form of provision of services can perform a legal entity that has registration in the Central Register of the Republic and if has a license for private security in the form of provision of services."<sup>275</sup>

„Private security may be performed by a person who holds a license and identification card issued by the Chamber."<sup>276</sup> Training for physical and technical protection, organized by the Chamber, under the program and performed by the Commission to enable physical security and the Committee on training for technical training is established by the Minister of Interior.

Cooperation between the Ministry of interior and legal entities regarding the provision of expert assistance is of a great importance, so that at the request of the legal person performing private security the Ministry provides expert assistance in organizing private security and conduct training.<sup>277</sup>

Workers employed by private security agencies have the authority to:

1. Perform authentication;
2. Warning of persons to move away from the property that is provided;
3. Not allowing entry of an unauthorized person, and prohibit unauthorized recording or adding equipment for the purpose of the property that provides;
4. Retention and surrender to the police the persons caught committing a criminal offense prosecuted ex officio coming to the police;
5. Inspection of persons, vehicles, and storage, and
6. Use of Force (used if the purpose of treatment cannot be achieved otherwise)<sup>278</sup>.

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<sup>273</sup> Ibid art.10

<sup>274</sup> Ibid, art.8-10

<sup>275</sup> Ibid, art.10

<sup>276</sup> „Law on private security" Official Gazette no. 166/2012, 164/2013, 148/2015, 193/2015, 55/2016, Art. 20

<sup>277</sup> Ibid art.26

<sup>278</sup> Ibid art.45

Legal entities who work on private security activities in the form of provision of services and legal entities that perform private security for their own needs come together in the Chamber of the Republic of Macedonia for private security. They join for the purposes of protection and promotion of expertise, professionalism and dealings and to protect the profession to join the Chamber.<sup>279</sup>

#### 4. CONCLUSION

From the elaboration above it is evident that despite the fact that in our country we are working on improving the protection of critical infrastructure by the police and by the Chamber of private security, there are a number of steps, measures and activities in the process of providing safety to critical capabilities that have yet to be implemented or if they are in progress to be elevated to a higher level.

In order to improve the protection of critical infrastructure the following is of utmost importance:

**First**, to emphasize the importance of measures and activities for providing facilities to be planned and undertaken based on communication, dialogue and mutual trust between the entities responsible for the protection of critical infrastructure.

**Second**, to establish standards for the planning of measures and activities in all stages of the protection of facilities (prevention, management and recovery), and preparing a list of critical infrastructure in the interest of the state.

**Third**, the creation of appropriate national security concept to protect critical infrastructure, which will provide a coordinated approach to all subjects, with explicit division of roles and responsibilities in the provision of critical infrastructure.

**Fourth**, to strengthen the level of protection of objects is necessary to continuously strengthen the capacities of entities responsible for the protection of critical infrastructure, in terms of training, equipment, monitoring and evaluation, exchange of information, planning, coordination and monitoring of measures .

**Fifth**, the continuous strengthening of the capacities of the Ministry of Interior for supervising the work of the Chamber and legal persons registered for private business secured by providing services for their own needs.

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<sup>279</sup> Ibid art.59

**Sixth**, establish and improve legislation in this area and harmonization of laws and regulations with European legislation and regulations.

From the above we can rightly conclude that the protection of critical infrastructure must be based on systematic education, training, optimum use of resources, planning and effective implementation of the necessary measures and activities by the entities responsible for the protection of critical infrastructure.

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## ASPECTS OF SOCIAL SECURITY IN THE CONTEXT OF DEMOCRACY DEVELOPMENT OF THE WESTERN BALKANS

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### **Abstract**

Western Balkan, given its multiethnicity, represent a constant challenge for democratic change in society. Security of society represents one of the indicators and factors of democracy. Safe society is a democratic society. Any form of deviations from the democratic achievements of factors finds roots in the security of society. In the modern societies, security has a safety function of the preferred, and in particular in the society such as are specific for the Western Balkan. Society in the Western Balkans are a striking example of "risk society". Safety achievements of these communities, in the future will have a major impact on the development of democracy. Risk society is basically a challenge to the development of democracy in the societies of the Western Balkans. Managing the security risk in the years to come, there is a possibility of preventing many negative events. Creating prerequisites, event management that can be triggers of negative effects of social events.

**Key words:** social safety, western Balkan, democracy.

## INTRODUCTION

The exercise of basic needs for a man from the beginning has been representing a top priority. Success in that achieving to a number of different factors, which are in different ways and with different consequences prevented the man with the intention of realizing their needs. The result of the operation of different forces is always the same, which means that man suffered. Starting from the natural disasters, which had not understood, by other people who wanted to take over his prey, the environment had becoming more and more dangerous. Breach certain values that the man felt he had to protect them. The value motives are simply justified by the need to protect fundamental values. With this approach, man is defined by his environment and suggested what are his intentions. From defined values man had defined his interests, respectively the way in which he sightings relative to environment. The circumstances in which a man works become more complicated and from an aspect of the number of factors and from the aspect of increasing the number of hazards. Similarity of defined interests among individuals caused the recognition of possibilities of association in order to achieve common goals. Joining the different groups brought certain advantages in the field of joint action against certain dangers, but also brought new conditions of living and the realization of life needs. In social groups there had been developing new relationships, which are run by then by unknown forces, which represented new threats. So, man had no particular problems, those had risen on the social level, and with it has increased the level of complexity of relationships between people. Simply, a need imposed to a man to protect his value, in order to achieve its purposes. To realize this, he had to create an environment in which there is no danger, and safe environment. On creation of such an environment influenced by many factors and forces in nature and community groups.

The effects of various hazards, throughout history, not only had a simple explanation for the simple consequences, although the writers of history have shown. The consequences were local but also much broader character. For all that he could not explain, man was attributed to "higher powers". Informations about the accidents could not be far away to hear, because there was no way to communicate. Today, through the

Internet in a few seconds the information arrives anywhere in the world. It is sometimes sufficient condition to protect people from the impending danger. Regardless of the technological possibilities, today those with power try to sell only information that are important to them, regardless of how much it will have secondary effects on people, property and the environment. Precisely, the destructive capacity of the danger, determine its importance to society, and not the opinion and attitude of those in charge.

The consequences, regardless of whether they are designed or real, implied the suffering for the people. Suffering exerts its effect on society as much as on an individual. However, society is in a position to always implement specific mechanisms for their protection, while an individual does not have that privilege, because in many cases depends on the society. Precisely, because of the necessity of agreement holders, about the attitude that you need to act in a certain situation, individuals are deprived of help, at least for a while. Dangers that have long-term consequences, affecting a part or the whole society, the disruption of the normal functioning of society, cause a special state of society, in other words the crisis. In emergency situations, security is gaining in importance. Security becomes the priority activity. Society becomes more susceptible to the effects of various hazards and wants to protect from them.

## **1. ORIGIN AND SOCIAL PRESUPPOSITIONS OF SAFETY**

Good and evil have always had the attributes of interesting questions for the man in terms of the impact on its safe life and work. These issues, and their impact on humans, represented a kind of philosophical consciousness, which was aimed at determining the cause of evil.

The first data on reflections on the causes of harm to humans date back to ancient times. Culture such as Chinese, Indian, Phoenician develop original ethical considerations about the causes of evil. Basically, the drivers of the evil events found in the man or his egoism. The point is that a person does not submit their personal goals to a society or group. Driver of human behavior characterized by negative event is avoiding pain and create prosperity. In doing all to live in prosperity a man does not choose the means, which causing causing negative events. Such considerations went even so far that good and evil was set as a dialectical unity, the unity of opposites.



However, there were also more advanced thinkings, focused on the structural conditionality collective social evil forms. Rulers and the administrations of the then country kept the people in constant tension, making the bad things that had people ready for war and the realization of their goals. Such methods had been awakening consciousness in an individual or a group, which has led to the organizations of various protection from such behavior. (Kekovic, 2009)

The development of society brought new ideas on security considerations. In ancient times, there is the question of justice. Considering that statesmen must find ways to govern justly, without tyranny with the aspiration to rule, that will allow avoiding negative events. The idea of preventive combating evil, creates a basis to think about the interconnection of people to achieve security.

Medieval thought, with the Roman Empire at the head, promotes the ideas of universality, based on linking the spiritual and secular authorities, and therefore the termination of the reason for the existence of discontent among the people. This idea did not survive, but is separated spiritual and secular authority, and the idea of universality led to the national interests of different countries.

In the new century is developed the universalistic idea of establishing a new and just international order, where ethics were above the power and oppression, and the power of arms replaced the power of public opinion.

Today the idea of universality is a platform for the theory of globalization.

### **1.1 Danger as prerequisite for security**

What is dangerous and how to behave in the formation of risks are the questions which man seeks for a response from its inception. Human history is rich in events, with dramatic and destructive effects, due to which a man suffered by negative consequences. Situations and events that jeopardized the survival of man occurred in different forms, with different intensity and characteristics. In such a situation, in their evolution and socio-cultural development, man has tried in various ways, in his environment, to combat dangers by restricting and hampering the realization of their needs. Various events have acted in different ways, but one thing was in common, a man suffered pain and was obstructed to meet all his needs. The troubles that had afflicted man were unpredictable, multi-dimensional, without time and space limitations, and the effects were devastating. There were various attempts for events

with negative effects to prevent or at least to reduce, resulted in various measures undertaken by the people in order to achieve a certain degree of protection. Although scientific achievements are at a very high level of development, man is still threaten by the same or similar hazards, whose effects are larger in terms of capacity increase due to the danger of technological development and the increasing number of residents per business unit. Events that are potentially hazardous to a man and the surrounding area, with the epithet destructiveness can be classified into:

- events due to normal operation (fire, floods, volcanic eruptions, disease)
- events that cause human error (fires, accidents, chemical accidents) and
- events technical and technological origin (nuclear and radiation accidents, fires and explosions, spills of hazardous substances).

Therefore, all of the above events have the capacity to inflict man and his environment some damage and therefore to pose a risk to humans. Analyzing the causes of the events listed can conclude that a man is the central figure of causality by many dangers.

It remains an open question how to behave when certain risks incur. In the modern world, this question becomes topical because of the destructive effects of increasing the capacity of individual risk. The mere fact that the consequences of modern danger of increased manifold inevitably implies the development of an appropriate protection measures. Increased destructive capacity of modern threats, in addition to consequences for people, property and the environment, causes and consequences of long-term and multidimensional character, which social groups bring into a special state, when there must make decisions about care in terms of lack of time, the deficit of information and resources. The effectiveness of protective measures requires the answers to several problems: (Geneva: UN International strategy for Disaster reduction)

- the earliest detection of the causes of hazards;
- the possibility of preventive planning and operation during negative events;
- the existence of the current power response;
- way of engaging all the capacity of society;
- type and mode of application of the measures upon termination of danger.

Mentioned facts imply the human need for existence in an environment where there is no risk or are so weak that they do not restrict the exercise of basic needs. Environment without the presence of danger is called a safe environment. The safe

state of the environment includes the two most important areas of social existence: the area of physical existence and material well-being.

In addition to the substantive definition of danger it is necessary to take into account also the elements that are in touch of the possibility of protection when it comes to the realization of danger. The resulting need to protect society and its inability, and / or the ability to provide a certain level of protection, shows the security conditions at the given time (Figure 1). The relation between two named conditions is disproportional which indicates the level of security. Namely, if the needs are big and possibilities are small, the security is low and vice versa if the needs are small and possibilities are big, safety is at a solid level. **(Byrne and Baden, 1995)**

Finally, the basic characteristics of the danger, which is also the central figure of the social interests in the struggle for a safe environment, are the consequences. The consequences are the effect of causing a danger to society and its values. Negative consequences are primarily interesting for a society. Total deliberation and action of society is directed to finding measures with which can effectively operate in a risk to rebate or reduce consequences.

## **1.2 Endangering as a social phenomenon**

Various forms of dangers with the portfolio of consequences, besides other factors influencing by human existence, were directed by individuals to association. People quickly realized the benefits and benefits of grouping and association, in terms of providing easier protection. Thus, danger and endangerment was not the thing of an individual, but of a group or a society. The question that arises is why the threat was premature to society. Since the threat represents a series of related phenomena, processes, interactions, and their source of origin, it can be concluded that it has an impact on all flows and processes in society and in all social groups. So, endangering represents a social phenomenon in the form of a particular event or behavior of lasting character which in social life causes a negative consequence. **(Dragisic, 2007)**

For a fuller consideration of the impact of the danger, the threats, the society, it is necessary to determine the nature, character and content endangering.

The central place, in the process endangering society, takes the value of the company that is trying to maintain. The values of society are the very essence of human

struggle for a safe environment, and can be in terms of social life related to moral and social achievements, culture, property, etc.

Social character of threats is represented by the fact that the society is deteriorated due to different threats, for example: of other groups, natural disasters, its own technical and technological progress, and so on. Diversity compromising implies also a diversity of measures which must be undertaken because of protection. An individual does not have the capacity to undertake more global rate, but society has. The development of society has caused the need for a systematic approach to the development of measures to protect the values of society and mechanisms grouped in various specialized areas. (Kekovic, 2009)

Important role in defining threats to society occupies the cause of endangerment. The fact is that the endangerment occurs when conditions are necessary and sufficient which produced the danger or represent a source of hazard. From the above it can be concluded that all processes and events in society and its environment are not by themselves a danger that they do not have primary compromising character. This feature, talk that a variety of causes determines the character of compromising, so, it occurs like a natural, social or psychic phenomena. (Kovacevic, 1996) Endangering caused by natural phenomena refers to natural and other disasters, and social phenomena on different types of wars, terrorist acts and the like. Mental element in the phenomena of compromising consists in the fact that they mainly express consciously of individuals or social groups, in order to achieve a specific goal. Respectively, consciousness of a specific goal, in certain circumstances, can be a cause of contaminating.

A special place in the interpretation of the concept of threat in social phenomena takes up the question of threat. Subject compromising is closely linked with the values of society. The content of the values of society, as a subject of compromising, is determined by the goals and tasks of the society. Depending on the social goals, in defining the scope of protection there are included Institutional forms of society, such as political system, territory, human lives, and the like. In this way, at the same time there are also concretization phenomena of endangering society, because there is no threat to you on the subject of a social value. (Kekovic, 2009).

Development of social relations has implicated also a development of the way of thinking about possibilities of threatening in sociality. Those reflections brought to a

conclusion that is not enough only to protect basic value of society, human life. It is created a need for protection of material goods, social institutions, environment.

Modern society, due to the high degree of technological progress, has reached a high level of development measures and the system of protection of social values from compromising. The phenomena that threaten society today is not uncommon, but their contents are known to some extent. In the majority of the phenomena threatening character as mystery remains during implementation.

### **1.3 Social safety as a presupposition of democracy**

Security concept is designed for a long time relative to military threats. However, the progress and development of technical and technological possibilities of the modern world, in addition to improving military threats have reached a level at which they increased and non-military threats to security. So that, security is no longer representing a primary understanding the nature of the threat, but also understanding in which way is shaped and manifested a security threat. This approach arose from the need to respond to the increasing number of threats in the sphere of security. Due to the great political and economic changes in the late 20<sup>th</sup> century, a growing number of non-military threats to security, the security focus shifted from state-centric focus on the individual and society. (Hajnsmas, 2006) There was a holistic approach in understanding and reflection of the concept of security. It is about the state of the vital interests of the individual, society and state from internal and external threats and risks of different nature and character, both globally and locally.

The variety of social, political and economic factors in the new social context, cast a shadow on the primary character of social security, due to the inevitability of appearance of its technical aspects. This fact indicates a more dimensional perception of security, arising precisely from the need to interpret that security is not only assuming fulfillment of basic function and survival and functioning of an individual or group.

New approaches to observing the security phenomena indicate the existence of a need for security behavior within develop and maintain security attitudes of individuals and groups, with the aim of raising awareness of their necessity.

The long-term reference object of security - the country is slowly moving from the central framework of security and his place is taken by an individual. Changing

considerations referent object of security, there is a change of meaning of many terms related to safety. Among these terms there is a culture of security, which appears in a new light in consideration of security, and points to the behavior in the context of security. However, this phrase had its foundation in the past, but now receives its full meaning by placing the individual at the pedestal of the idea of security. (Nye, 2003) The unstoppable and permanent transformation process safety is reflected in the change in perceptions of the concept of security. Thus, the state is no longer the main subject of interest to study the science of safety. The primary place of the country took the transnational and international organizations, nations, national minorities, professional and marginalized groups as the most numerous safety factors - individuals. (Nye, 2003)

As the number of reference objects of security increases, also and interest in safety culture increases. Also, by extending the list of reference objects of security, sense of the term safety culture is becoming more complex. It is no longer the main issue of safety culture how to educate and bring up a nation in the area of security, but how to do this with each individual separately. Thus, in terms of security, with education and upbringing there should be the beginning from the " bottom ", where the goal is individuals, but also the " top ", where the goal is society at the local level, regional and international levels.

In the way of attempts and intention of defining the content of the concept of security, there were created the phrase challenges, risks and threats. Justification occurrence of those phrases is rooted in the complexity and multidimensionality of security as a phenomenon, but also the state and society as a complex mechanism.

Efforts to be registered and meet all the causes that lead to the appearance of danger to the values of society, led to the creation of security challenges. With good reason, because the causes of hazards are associated with the emergence of threats to the same values which are located in the economic, environmental, politic and other phenomena. The correlation between the challenges and threats to the values of society there exist, but the challenges are more general term, which according to the above applies to all phenomena, regardless of whether they have a threatening character or not. The perception of phenomena that pose challenges to the moment that determines whether a phenomenon to get the title of compromising, depending on factors, causes and possible effects. Challenge as an occurrence represents a value-term, up to the point of establishing a correlation between the occurrence of event, which are subject

to security considerations, the possible adverse context. Value-neutrality of this concept is contained also in ignorance of its probability events.

Since the security challenges directly depend on the type and characteristics of the phenomenon that define them and exhibit, it may be concluded that the characteristics and mode of operation of the original phenomena determines the character and intensity of the challenges of the security of society. On the forms and ways of endangering society affect two groups of factors: the first are those who generate them, enable and develop the other are those who prevent them, limit and prevent. (Kekovic, 2009) The fact is that these groups of factors on the phenomena act divergent, or indicate that the phenomenon can have positive and negative character. Positive character is reflected in the absence of danger, and negative in its presence.

Such status, with elements of uncertainty, talks about the possibility that the outcome of the event is positive or negative in given circumstances. Such a possibility is based on uncertainty, to which we can achieve a certain effect, called a risk. From the above, it is evident that the risk has elements that indicate the course of events aimed at maintaining or increasing safety but also to a lack of security and the existence of compromising. Thus, the risk cannot be used in the celebration of the negative context of security phenomena. In this context, the risk can be defined as a possibility, a certain degree of probability of occurrence of an event with adverse consequences. If the risk has unacceptable character for the projected level of security in relation to the observed phenomena, it represents a characteristic phenomenon which acquired the status of threats to the values of society. So, the threat is the same phenomenon that was a challenge, a value-neutral phenomenon, which now has the capacity and the likelihood to exert negative effects on the values of society, characterized by an unacceptable risk. The threat may be broadly understood as a kind of pressure from a position of strength, which the opposite side is wanted to be intimidated and exhausted, in order to compel certain concessions. (Military lexicon, 1981) The threat is characterized by well-known probability of occurrence. The measure of probability of realization depends on the threat identified and of a determined risk, the present and the defined through an analysis of the legality, and the events and the development of certain phenomena.

The relation between the challenges, risks and threats, has its foundation in the triangle which consists of the conditions which are specific contrary, the intention of the determined risk and the force in order to carry a threat.

The special status, in modern science security, is consideration of the relationship of security and freedom. Specifically, the question is how much freedom a man is willing to give up for security and vice versa. (Kekovic, 2009) Great controversy in the development of future relations in the modern world represents a harmonization of the relationship between security and freedom. Precisely, the freedom of man as the supreme value is the ideal on which is based today's neoliberal conception of development of world society and which has served for the degradation of the communist system, which did not leave room for a maximum emancipation of human freedom. If freedom represents the absence of limitations and life without the ban, it is necessary to identify all forms of freedom that are dangerous and determine ways to protect themselves from them. That is, we come to the crucial moment, as well as how to create enough security to enjoy maximum freedom. The question is whether a democracy and freedom?

## **2. SOCIAL SECURITY THREAT IN THE WESTERN BALKAN**

The Western Balkan is a recent term, and in the security and political terms means space of Albania and the former republics of Yugoslavia, without Slovenia. The geopolitical significance of the Western Balkan, in fact, reflects the essential characteristics of the Balkans as well as the wider region and the "Balkanization" as a process of disintegrating and conflict among the people. The geopolitical situation of the Western Balkan distinguished locations in strategically important area Rimland - the coastal zone between the Mediterranean sea and Hartland - Eurasian continental core. From this position, arise two basic determinants of the Western Balkan: transition and heterogeneity. Both determinants are often the cause of the bloodiest conflicts of the Balkan nations. (Sretenovic, 2010)

### **2.1 Characteristics of social security in the Western Balkan**

Understanding the social security in the Western Balkans is not possible without analysis and understanding of conflicts in communities. Conflicts arise between communities for the exercise of the fundamental basic needs, food, shelter, energy, territory, etc. This fact speaks about the existence and security of a formal association



in state creation. Inevitably there were various reasons that one community has more land or livestock, which was reason enough for the development of inequality and the emergence of conflict. Clashes were directed towards violent seizure of material things but also the territory, followed by a large number of casualties and material destruction. Stronger communities have obeyed the weaker members and turned them into their slaves. (Simic, 2002) The new reality of a combination of generation according to calamitous events, conscious and unconscious gesture and events give rise to the creation of social relations. In order to conclude that social relations created in the function of satisfying social needs. Social relations, now as a process are in the form of connecting people in which they enter into definite relations. Social relations are divided into malleable and situational, by determining whether caused by the will of a human or independent thereof, by the nature of the dynamics of the process and the cooperation of the conflict, according to its effects on the process of creation and destruction. (Fiamengo, 1974) From the above it can be concluded that social processes are multidimensional and complex processes. From such processes occur social formations also, with the same character. Since there is a necessary and unavoidable needs that enabling social environment without risk to the values of society, it can be concluded that the safety is a complex social phenomenon. And based on this fact we are developing various security systems as a social creation.

The Western Balkan has passed several times through various integration processes and disintegration. In addition to all these major processes, today's schedule of state creations, is created by conflicts. This is why they can indicate damage or interference to the consolidation of democracy in the Western Balkan may be in the next period to cause further conflicts. This damage can occur only with the kindling of the conflict by various political currents in the maelstrom of external interests. The sight will also be a state of political normality (law and order). Completely new question arises if enrolled lineup, the scenario according to which a country falls into an even deeper crisis, or if any of them directly close the dissolution or disappearance. (Hadzic, 2009)

Security as a social phenomenon and the process was created as a response to the problem of meeting the needs of society for a safe environment to live and work. Effects and directions of social processes generate phenomena of creation (progress) and the occurrence of destruction (compromising). Constant fluctuations by social relations lead to the formation of both phenomena. Security as a phenomenon, the

administration had a duty to find ways to define social space to restrict or prevent the occurrence of endangering the progress of society.

## **2.2 The Company risk-based social security in the Western Balkan**

The last two centuries represent the time of intensive advancement and progress in technical and technological, economic and demographic terms. Such progress has many theoreticians and practitioners put in doubt and questions whether such progress is positive, what are the effects of it and whether it makes sense. The reason for that is realistic and based on the observation of the fact that along with the progress of developing and increasing the dangers that threaten the destruction of man and the planet. The world is sharply divided in a subject (human) and the object (nature, society, technique). Philosophical postulates of the unity of man and nature are forgotten and lost their meaning. The man reached for the complete mastery and heartless exploitation of nature, the environment and other man, with the intention to do so and with the universe. In addition to other powers, and science itself is partly used as a means of instrumentalization of mind. Special contribution was given ideology excessive spending that has intensified and indifference towards nature and towards other people. Therefore, it is only certain that the future is 'more uncertain than ever before. (Beck, 1992)

This way of development and progress of human society in general and the Balkan region shows that it is increasingly vulnerable. The vulnerability is reflected in the different examples: a growing number of devastating natural phenomena, poverty, the gap between rich and poor, the collapse of national economies, and so on. Thus, social activity contributes to the main driver for the emergence and development of the growing danger to our own existence. Big question mark is standing over the current ways and directions of development of societies in the Balkan, the whole social function of science and technology and enforceable forms of culture.

The highlight progress and development is not only reflected in the technical and technological development, which is the initiator of many other processes, but also in the field of consciousness and culture, then the economy and security. Certain advanced society, the neoliberal orientation, contributed to the creation of a special and unique idea of uniting the world into a global village, and the idea of globalization. Globalization as a process is one of the products of technological progress. Founded on

the capitalist economy, global awareness, global social system and military order of globalization tend to delete national characteristics and their subordination to global interests. (Stojanovic, 2009) Global interests project the interests of the most powerful countries in the world and represent their national interests. Such a performance by the most powerful countries does not lead to the creation and development of world peace, but on the contrary, to deepen differences and create fertile ground for conflict. Contrary to the idea that the multi-polar nature of international relations and more intense connection of communities will reduce the chance for major traditional armed conflicts in the world is dominated by the deepening instability. The modern world is increasingly presents itself as a space of global tumult and turmoil uproar, dominated time of insecurity is more than ever a doubt in peacetime growth prospects of the world. (Stojanovic, 2009) From the standpoint of security, progress is a kind of history of risk and contradictory process between freedom of human choice and objective limits of this choice given that the man is always risky before a final choice between the reality and the infinite possibilities, a safe present and an uncertain future. (Beck, 1992)

This state of security of society is interwoven with a large number of hazards and risks of them in all variations, it does not mean that the community in the Balkan is struggled and surrendered to the evil fate. On the contrary, properly introduced to risk, their presence and destructive capabilities, and reconcile themselves with the fact that they have to live in an environment where risks are immanent phenomena. The fact is that these hazards that exist permanently increase and build up the capacity of which can seriously harm social systems have serious consequences is essentially a problem of social security in the Balkan. It is one of the effects of globalization - the globalization of threats and risks.

Properly introduced above facts, science, by putting the need for progress and preserve peace in the foreground, examines the causes of hazards and take measures to reduce or neutralize their effects. It became clear that only a deeper danger, the circumstances under which they occur, causes and ways of manifesting his power, can effectively respond to the destructive operation.

Contemporary challenges pose a potential threat to the security of society in general, and can, in a negative connotation, gain the attributes of growing risk events and threats, as well as direct and obvious indicators of compromising the existing security situation. Challenges, risks and threats begin where stops confidence and

security and include all phenomena of the modern world that can become a potential threat for the democratic process of the Western Balkan.

Contemporary social relations engendered the new security challenges, risks and threats, internal and external character caused primarily non-military events and phenomena with asymmetrical features. The internal challenges and threats have increased. And they are expressed through the presence of weapons of mass destruction, terrorist acts, acts of various nationalist and separatist movements, bad economics, and so on. Internal challenges have a negative operating direction of the attributes of destructive capacity. The risk of these events is increased by the fact that modern societies have no or poor protection mechanisms. The internal challenges and threats are not limited to the territory of a particular country, but exert negative effects on the environment, but also interact with external challenges and threats.

The external challenges and threats are also a wide array of events and phenomena with destructive capacity, for example: terrorism, energy dependence, migration, hunger, achieving a common feature, especially negative impact on the individual state and society. Together, the internal and external challenges and threats, cause political and economic disruption, with short-term or long-term consequences.

On this factual is known theorist Ulrich Beck, launched the phrase "Risk society", signaling the consequences of progress and technical and technological development that the sum of the dangers and risks of a range which is not easy to predict.

The theory of risk society has at least opened the box knowledge of the risk and the light of day performed its social dimension. It is obvious that the dangers and their consequences do not leave the same impression on all communities of the Western Balkan.

Said condition implies a serious issue, which is the way out of the 'age of uncertainty'- whether in the setting Enlightenment - rationalist understood progress or build a society that is based on a different paradigm, which postulates take into account the need for progress and more comfortable life but also the fact that there are limitations in whose framework progress must move.

### **2.3 The impact of social security on the development of democracy in the countries of the Western Balkan**

After the wars that led to the breakup of SFR Yugoslavia, the question of security problems prevailing in the Western Balkan at the beginning of XXI century. On the internal level, the problem is the nature of each country. Western Balkan countries are still faced with many problems that prevent democratization. One of the primary problems is a lack of consensus on the basic principles, values and priorities of the political and economic systems, as well as the city of the future in Euro-Atlantic integration. Company are, and further, the core is divided, which is an obstacle to democratic consolidation, as well as normal operation of an institution. Religious and ethnic heterogeneity affect the economic development of these countries, especially those with complex religious structure, primarily Bosnia and Herzegovina, Macedonia, Serbia, Montenegro. Civil society is underdeveloped and almost complete monopoly of political parties in political organization and presentation. Media freedom is threatened, both by government and by powerful economic and political groups, which in this way are trying to complete the process of "hijacking" or subjugation of the country. (Hadzic, 2012)

Political, legal and economic institutions are not at the level of modern normality where weight. I do not perform well their basic function and one gets the impression that the public office and state assets which have exploited as a source of power and protection. This supports a number of international security issues such as organized crime and corruption, which, increasingly, are becoming a major obstacle to economic development when the probability of military conflict decreased. These anomalies threaten to nullify all the positive effects of "unfinished peace." Associations of crime and state structures operate regardless of borders, which is why this threat has a regional character. (Sretenovic, 2006) Western Balkan countries are both expensive, and inefficient and weak, or unable to provide the citizens is not the most important public good. One of the most important public good is the rule of law, which is chronically lacking in the Western Balkan. Parliaments are slow in making good laws, governments in their implementation, and the judiciary is still largely unreformed and a far cry from the projected independence from the other branches of government and powerful non-state actors. Different sectors are sources of securitization, or prevalent social, because questions of national identity are becoming the most common

organizational factor of struggle and fear. (Kegljić and Vitkof, 2006) Resurface religion, which represents and sets a line of demarcation (Croat / Serb, three entities in Bosnia and Herzegovina, Kosovo Albanian / Kosovo Serb Orthodox Macedonians / Albanians), but it is not securitized as such, but the most important element in defining the national identity.

In the Western Balkans, political and ethnic ground has not stopped trembling, because, in contrast to other parts of Europe, believes that the processes are not completed construction of nation states run the disintegration of socialist Yugoslavia.

The international community and local actors securitize increasingly transnational nature of criminal phenomena, such as illegal drug trafficking, trafficking (prostitution - often in the form of slave-like and organized illegal migration to the West), weapons and, of course, organized crime in general. These challenges are supported and reinforced by said above conflicts, weak state structures and numerous fissures and conflicts within societies. (Yenigun, 2010)

When the state leadership and the citizens of the long-term face a crisis (as is the case in the Western Balkan), often prevalent belief that it is insoluble or that the proposed solution will bring significantly higher costs and losses than gains, which favors the development of political and other forms of extremism. Extremism, in turn, causes the appearance of the vicious circle of violence being committed through organized crime and terrorism. (Laszlo, 2007) Although violence is primarily an integral part of terrorism, it is also an aid organized crime, which provides financial, political, social and other support to terrorism. Terrorism, on the other hand, provides a wider space for the development of organized crime. In such an interdependent area, everything is possible and anyone can become a victim and a target. Accordingly, in analyzing the activities aimed at combating terrorism and organized crime, it is necessary to recognize their relationship but also causes of connectivity. Special attention deserves and gains upon fanaticized people willing to die for an idea, money or other of them a distinct value. It is important to note that a number of reasons, primarily because of the political and socio-economic situation, most of the Western Balkan countries would be fertile ground for terrorism in the post-socialist period. (Islami, 2007)

According to Sheehan in his doctoral thesis, the factors supporting the preceding paragraph are as follows (Sheehan, 2000):

- The growth of extreme nationalism as a key factor in the conflict in the former Yugoslavia. Although the degree of nationalism in the region culminated in the early nineties of the last century, two decades after the conflict has not been yet completely sidelined from the political discourse. Hate speech is still spreading in some media, the absence of a sizeable step towards reconciliation and the accountability for crimes committed during the wars, with the exception of the Hague tribunal, contributes to the further existence of extreme nationalism in the Western Balkan.
- In the countries formed after the breakup of SFR Yugoslavia immediately arose authoritarian regimes, which were unable to establish full control over state functions, which caused extreme corruption and nepotism and therefore the decrease in the efficiency of state bodies. Weak states have not been able to establish civilian control over the security system or to redirect irregular activities in the economic and political decision-making, the legal and institutional flows. Unstable coalition governments and internal conflicts in many countries still further weaken the effectiveness of the government and the mechanisms of their control. Political elites are deeply divided, and ad hoc coalitions established out of necessity, are composed mainly of various partners whose relationship is based largely on mutual conditionality.
- The rule of law is still in most countries of the Western Balkan has not reached full swing, which is reflected in a significant rate of organized crime and corruption.
- The difficult economic and social situation is a major source of political instability, and thus the opportunities for the development of extremism and the use of violence (terrorism). Decades of descent of the national economy are large part of the population in the region plummeted into poverty, wherein employment is prospected in minimum. The absence of significant investments and low living standard of the population is a source of political instability and social discontent, which could easily spill over into support for radical political options.

## CONCLUSION

Changed security constellation of the world, the disappearance of the bipolar confront not yielded the expected results, i.e., increasing security and creating conditions for undisturbed progress. On the contrary, the idea of social justice, the single market and culture remained positive ideas with positive effects in rich countries, while poor countries expanded range of problems. The increased hiatus lost between the rich and the poor, population growth especially in poor countries, the weakened economies of many countries, dizzying technological development especially in the field of nuclear energy and information technology increases the number of hazards, lack of food and energy resources, an increase in the number of terrorist acts increased the number of natural and other disasters, and so on. These problems are not just a local issue, tied to the nation-state. All the above features are readily evident in the Western Balkan. Spatial and temporal dimensions of modern threats has become negligible, considering that any of these hazards, does not depend on the physical boundaries of a state, but equally threatens both rich and poor countries. Difference creates only the existence of capacity to protect or prevent negative effects. The consequences to people, property and the environment are such that they have long-term effects affecting a larger number of actors, creating fear and panic, disrupt the normal functioning of society.

Security of the state and society is uncertain. Modern universal aspirations to security, designed to globalization, show results, projected through domination and especially monopolistic exploitation of the world's natural resources by mega-corporations. Mechanisms global dominance, powerful states, are realized through the imposition of dependent modernization and neo, by reducing the territorial sovereignties, cultural imperialism, causing internal conflicts and military force in order to achieve their own political interest. For countries that want to preserve their national identity, but also to exist in a fair international community, the current development of globalization is an extension of the range of challenges at national levels. Democratic processes in the countries of the Western Balkan are subject to these changes in terms of security. The development of social consciousness in all areas of social development of the countries of the Western Balkan, not accompanied by the need to react to changes on a global scale. This discrepancy leads to poor development of social security in each country, and in the region, too.



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