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**CONTENT:**

<b>NATIONAL SECURITY OF THE REPUBLIC OF CROATIA.....</b>	<b>7</b>
TATJANA GERGINOVA	
<b>SOFT POWER SKILSS OF THE GOVERNMENT OF MONTENEGRO FOR HARMONISATION OF CHAPTER 27 – ENVIRONMENT AND CLIMATE CHANGE</b>	<b>17</b>
SRNA SUDAR	
<b>POLICE PROCEDURE AND TACTICS IN THE PROCESS OF VERIFYING PERSONAL IDENTITY .....</b>	<b>25</b>
JONCHE IVANOVSKI	
<b>MYSTERY OF THE “HOMEGROWN” ISLAMIC EXTREMISTS.....</b>	<b>35</b>
LARISA VASILESKA	
<b>NATIONAL PLATFORM FOR DISASTER RISK REDUCTION 2009-2019: CONTINUITY OR DISCONTINUITY? .....</b>	<b>45</b>
PANDE LAZAREVSKI NIKOLA GJORGON	
<b>CRIMINAL INVESTIGATION OF HATE SPEECH THROUGH A COMPUTER SYSTEM IN THE REPUBLIC OF NORTH MACEDONIA .....</b>	<b>63</b>
SVETLANA NIKOLOSKA XHEMAIL LIMANI	



## Editorial,

Welcome to the 2019/2 issue of the International Yearbook of Faculty of Security – Skopje. In the second issue of the International Yearbook, we are pleased to publish 6 more papers that deal with topics in the field of security, which according to the content are important for both the scientific and professional public.

The second issue of 2019 begins with the contribution by Tatjana Gerginova, with a paper entitled *National Security of the Republic of Croatia*. In the framework of this paper, the author determines the national security of the Republic of Croatia through the analysis of the Strategy for National Security of the Republic of Croatia from 2002 and 2017. She defines the components of national security such as: national interests, security environment, security threats, risks and challenges for the strategic goals of the Republic of Croatia, and the instruments and mechanisms for their achievement; she also determines the foreign and security policy of Croatia, which is in line with the security policy of the European Union and NATO.

The second paper deals with the problem of soft power skills of the Government of Montenegro for harmonisation of chapter 27 – Environment and Climate Change, by Srna Sudar. The author argues that a set of professional skills and capacities reflecting the “soft power” of the institutions are needed for the negotiation process and have been analysed as part of the online anonymous survey questionnaire, in the period July – September 2020. The analysis of the data shows the need for further strengthening of the professional skills and capacities of the two main institutions in the accession process of Chapter 27, and also for carefully planned and executed new staffing policy.

The third paper by Jonche Ivanovski is entitled *Police Procedure and Tactics in the Process of Verifying Personal Identity*. The author argues that “With the aim of strengthening the capacity for consistent and professional law enforcement, effective communication of the police in the daily contacts with the citizens is an important condition for deepening the mutual cooperation and justifying the social function of the police as a public service to the citizens. In this context, the police must strive to maintain a high degree of responsibility in the performance of their duties, especially in the area of preventive action, where the ability to exercise legal powers without violating the democratic principles of operation is significant. The conduct of the police in the exercise of the police duties requires a clearly defined and established procedure of conduct that is adequate to the prescribed legal, ethical, and safety rules and principles.”

Larisa Vasileska submitted the paper entitled *Mystery of the “Homegrown” Islamic Extremists* and “With the in-depth analysis in this article she aims to define and analyze the main features and patterns, and capture similarities between different cases of homegrown terrorists. Recent studies have shown that “homegrown” terrorists tend to create their own ideologies, combined with their personal frustrations and abhorrence, connected to political or religious beliefs. We will analyze different cases over the time of homegrown terrorists and find the connection between them and try to find the answer to the question: Who becomes a homegrown terrorist and why?”

The fourth paper refers to the *National Platform for Disaster Risk Reduction 2009-2019: Continuity or Discontinuity?* Pande Lazarevski and Nikola Gjorgon analyze the key arguments

that gravitate around the opinion that the institutional framework of the mechanisms for disaster risk reduction has already been sufficiently reinforced with the establishment of the two governmental agencies – the Rescue and Protection Directorate in 2004 and the Crisis Management Center in 2005. The systemic omissions detected during the managing of various hazards such as the disastrous 2007 forest fires point to the opposite direction. The 2009 model was a response to the real deficit of institutional coordination in conditions of limited human, material-technical and financial resources allocated for prevention, preparedness, response and post-disaster recovery. The fourth edition of NPDRR from 2019 is an attempt to overcome the weaknesses of the 2011 third edition.

Svetlana Nikoloska and Xhemail Limani in the paper *Criminal Investigation of Hate Speech Through Computer Systems in the Republic of North Macedonia* focused on the issue that hate speech through computer systems should be understood as a serious problem that can cause connection with other criminal phenomena with elements of violence that will result in serious consequences for the property and lives of citizens and it should be an indicator for any serious society to take preventive measures and raise public awareness of the danger of this problem and take broader actions to actualize the problem and increase the level of prevention. However, this does not mean that attention should not be paid to the education and acquisition of knowledge and skills of police officers on this crime and their commitment to their professional and professional conduct in all cases from the moment of receiving the initial information to the full clarification and provision of relevant evidence.

The Editor-in-chief would like to thank all the contributors to this International Yearbook, and would also like to extend his gratitude to the members of the Editorial Board, reviewers and management of the Faculty of Security in Skopje, who helped this issue to be published.

**Sincerely,**  
**Aleksandar Ivanov, PhD**  
**Editor-in-Chief**

## NATIONAL SECURITY OF THE REPUBLIC OF CROATIA

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### ABSTRACT

In the framework of this paper, the author determines the national security of the Republic of Croatia through the analysis of the Strategy for National Security of the Republic of Croatia from 2002 and 2017. She defines the components of national security such as: national interests, security environment, security threats, risks and challenges for the strategic goals of the Republic of Croatia, and the instruments and mechanisms for their achievement; she also determines the foreign and security policy of Croatia, which is in line with the security policy of the European Union and NATO.

In preparing the content of the paper, the author is using the method for content analysis and the historical method. The content will be based on an analysis of foreign literature and the use of electronic content.

The subject of research in this paper is the national security of the Republic of Croatia in modern global conditions; the purpose of the research is the importance of the national and global security in the scientific literature.

*Keywords: strategy, security concept, strategic goals, foreign and security policy*

### 1. INTRODUCTION

The term strategy (Greek – stratós, stratiia – army and agein, ago - running; strategos – military leaders) is a set of activities which are interrelated in order to achieve certain goals (Mijalkovič, 2011: 259). It consists of practical action based on the general program viewing for the directions of development and the survival of the state through which the highest goods, values, interests and goals are determined. The term strategy analyzes the foreign-state relations and the internal-state relations, the way of building political, economic and military power and the directing of the national resources in those relations (Kovač, 2003: 9).

The strategy is a general and integral programmatic view for the purpose of achieving, preserving, protecting and successfully developing the vital national and state values and interests, by engaging the overall mental, spiritual and material potentials of the state in the achievement of the defined goals in peacetime and extraordinary circumstances. It is a set of statements in the form of rules, principles and norms used in the adoption of long-term management actions in order to develop and protect the state and the community.

According to Kovač, the strategy is a general idea for the real and / or virtual direction of the power of the state in order to achieve protection and maintenance of the highest national and state interests (Kovač, 2003 : 82). It is a comprehensive and relatively permanent program, and its realization should achieve the internal and external security in the country in conditions of peace and war by effectively counteracting security challenges, risks, and threats (Kovač, 2003: 72).

According to Mijalkovic, the Strategy of National Security is a system of complementary norms in the field of state strategies that is directly related to the security system and the realization of specific security functions of the state in the political, economic, legal, technological, educational, information, military, religious field, and other areas of state life (Mijalkovič, 2011: 261). In general, the strategy of national security is assessed by the current state of national security; its development and the possible threats are estimated, and guidelines are created to respond to potential dangers and threats (Mijalkovič, 2018: 307).

The Strategy of National Security is a basic and public document which defines the term security of the state and treats: national interests, security goals, security risks and threats, the possible response of the state to those risks and threats, security policy, as well as the structure of the national security system, but also the views and attitudes regarding defense, crisis management, with special emphasis on optimizing security resources, the organization and the guidelines for increasing opportunities and readiness of the states to respond to the challenges, risks and dangers to the country's security (Mijalkovič & Keserovic, 2010: 259). The strategy also determines the components of national security. There are various didactic-pedagogical and theoretical reasons in the structuring and display of national security as a complex phenomenon composed of several components. National security is considered to be generally compromised when any of its components are compromised. Endangering one component jeopardizes other components of national security. For example, by endangering the economic, the social components of national security are also endangered (Mijalkovič, 2011: 165).

## **2. POLICY FOR NATIONAL SECURITY ACCORDING TO THE STRATEGY FOR NATIONAL SECURITY OF THE REPUBLIC OF CROATIA OF 2002**

There are basically two approaches in the definition of the policy of national security (See: <https://odbranaibezbednost.rs/2020/04/08/politika-i-strategija-nacionalne-bezbednosti/>).

The first approach to national security policy (for example, the Republic of Serbia – Strategy of National Security of the Republic of Serbia of 2009) starts from its general goal and is completed with goals and objectives in complementary policies: foreign, domestic, defense policy, economic policy, towards politics in other areas of social life.

The second approach to the policy of national security is very similar to the approaches of many countries around the world. This approach, starting with national values, determines national interests and activates those interests for the purposes and determines activities, mechanisms and instruments for the realization of those goals (for example, the Strategy of National Security of Republic of Serbia of 2019).

With the Strategy of National Security of 2002, the Republic of Croatia establishes a policy of national security which seeks to build a state of protection of the fundamental values of the society and the institutions based on them, i.e., a state of national security in which they are insured, its freedom, sovereignty and territorial integrity within internationally accepted arrangements, human rights and freedoms of its citizens, political, and social stability of the society, stable economic development in conditions of market freedom and entrepreneurship, functioning of the rule of law, internal order and special security of citizens, as well as healthy and



stable environmental conditions (according to the Strategy for National Security of the Republic of Croatia, 2002).

The policy of achieving national security of the Republic of Croatia is based on principles, (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 44 - 50) which are set as a fundamental conceptual framework for organizing and acting of the national security institutions, but also all other social institutions and entities which, by their activities, directly or indirectly contribute to construction and achievement of national security. The strategy sets out the following principles:

- the principle of complexity and multi-competence of the national security, which is based on the modern approach to determining national security as a result of efforts made in several different areas of social activity (political, economic, diplomatic, defense, scientific and technical-technological, internal-security and ecological);
- the principle of a conceptually and legally regulated area of national security - in a modern democratic society, national security must be a conceptually and legally regulated area of social action;
- the principle of integrated management and supervision over the realization of the function of national security, which includes systematic organization and coordinated implementation of measures and activities in the field of national security, as well as their active supervision of the highest bodies of civilian government;
- the principle of active involvement and mutual participation in international attempts to build a stable security environment;
- the principle of a healthy and equal partnership - is the basis for the approach to regulating relations with other countries. A healthy partnership involves establishing a relationship of cooperation and trust, as well as the loyalty of each participant to the mutually accepted methods and goals.

Regional Direction of Security Action: By generally accepting the global approach and engagement in the international security activities, the Republic of Croatia places emphasis and focus on its engagement within the region in which it is located.

### **3. STRATEGY FOR NATIONAL SECURITY OF THE REPUBLIC OF CROATIA OF 2002**

When defining the term national security strategy, there are basically two approaches. According to the first approach or western model, the term is defined in lexicons and dictionaries and not in the document itself. The second approach is used by former socialist countries (Russia, Croatia, Serbia, Montenegro, etc.) where this term is defined in the document itself. (See: <https://odbranaibezbednost.rs/2020/04/08/politika-i-strategija-nacionalne-bezbednosti/>)

In the introductory part of the Strategy for National Security of the Republic of Croatia of 2002, the strategy is defined as a conceptual document that is in accordance with the Constitution and in which Croatian Parliament, as the highest political and legislative institution, determines and embraces political views on fundamental issues of national security (according to the Strategy of National Security of the Republic of Croatia, 2002, p. 1,2). This document provides the only basis for creating and implementing the constituent institutional solutions, and it measures the activities in terms of responding to general security challenges and specific forms of threat to the Republic of Croatia.

The conceptual solutions set out in this document are primarily an expression of the projection of four fundamental points: (Tatalovič, 2010)

- the current geopolitical position of the Republic of Croatia;
- the situation in the area of security challenges and the risk for the Republic of Croatia;
- the state of the system and the success in the implementation of the national security function;
- available resources.

The first chapter of Croatia's National Security Strategy is entitled "Security Environment and the Challenges for the Republic of Croatia" (according to the Strategy for National Security of the Republic of Croatia, 2002, p. 3,4). It states that two contradictory processes are taking place in the international relations: on the one hand, globalization is a process of integration of diverse governing structures and culture as a whole, which unites the value structures, the legal order and technology, and on the other hand, there is a process of strengthening individual identities of all kinds - national, religious, cultural, religious, etc.

The second chapter of the Strategy is entitled "Values and Interests of the Republic of Croatia" (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 15-22). This chapter defines the national interests of the state, vital interests and important interests for the Republic of Croatia.

The third chapter of the Strategy is entitled "Challenges, Risks and Threats to the Republic of Croatia" (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 23-40). An important segment of the National Security Strategy of the Republic of Croatia is the definition of the concept of security (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 39-40). The concept of security is based on the strategic assumption that national security is an area of activity that ensures the survival and assumptions of the development of society in relation to other international factors. Within this approach, strategic thinking about national security prioritizes components that are inherently oriented toward the international environment. In methodological terms, the security concept is presented by defining the security objectives of the Republic of Croatia and the principles within which the measures and instruments of security policy achieve the activities in the field of national security. The concept defines the general security goal and the specific security objectives (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 43).

The general security goal of the Republic of Croatia is to build assumptions and conditions for free, fair and stable political, economic and social development of Croatian society, in cooperation and mutual consent with other democratic states. This will be achieved by achieving the following specific security goals:

- establishment, development and implementation of effective policies, measures, activities and institutions in the security area - according to the relevant requirements for successful overcoming of modern and future security risks and threats to the Republic of Croatia;
- involvement in the international security integration and cooperation with other democratic countries, as well as joint construction of a favorable international security environment at the regional and global level;
- develop a stable and economically prosperous society that will be able to long-term develop and maintain its own effective security mechanisms and resources, and successfully respond to security challenges, risks and threats.

Furthermore, the Strategy for National Security of the Republic of Croatia determines the principles for achieving national security (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 44-50). The author talked about these principles above in the content of the paper.

The fifth chapter of the Strategy for National Security of the Republic of Croatia is entitled "Security Policy of the Republic of Croatia - Areas and Instruments for NATO Integration" (According to the Strategy for National Security of the Republic of Croatia, 2002, p. 51-54).

The fifth chapter of the Strategy also contains a section on the integration of the Republic of Croatia into the European Union and the European Security and Defense Policy (ESDP) (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 55-57). The Republic of Croatia pursues its foreign and security policy, harmonizing it with the views and actions of the European Union on all important issues of global, European and regional character. The Republic of Croatia offers the European Union all the facilities available to NATO, taking into account the complementarity of the European Security and Defense Policy with the concept of European Security and Defense Identity (ESDI), which has been developed within NATO. The Republic of Croatia has a priority participation in peacekeeping and humanitarian missions under the leadership of NATO and the European Union.

The fifth chapter of the Strategy for National Security contains a section on "relations with neighbors and regional cooperation", then "relations with international organizations", "arms control and measures to build trust and security", "contribution to international peace and humanitarian operations", "development of defense capabilities", "internal security in the Republic of Croatia" (according to the Strategy for National Security of the Republic of Croatia, 2002, pp. 58-97).

In conclusion, the Strategy for National Security of the Republic of Croatia from 2002 stipulates that the Republic of Croatia defines its national interests and security goals in accordance with the nature and values of its democratic social order, according to objective domestic and international circumstances, respecting the interests and goals of other states and peoples (according to the Strategy of National Security of the Republic of Croatia, 2002, pp. 96-97).

#### **4. POLICY FOR NATIONAL SECURITY ACCORDING TO THE STRATEGY FOR NATIONAL SECURITY OF THE REPUBLIC OF CROATIA OF 2017**

The Strategy for National Security of the Republic of Croatia from 2017 defines Croatia as a free, democratic and responsible state that shapes its strategy and policy with the intention to achieve national interests and goals, economic, political and social development, security of the citizens, protection of the national identity, and the fundamental values set out in the Constitution (according to Strategija NB R. Hrvatske, Zagreb, 2017). The first chapter in this strategy is entitled "Introduction, Vision and Concept of Security". With the membership in the Organization of the North Atlantic Treaty Organization (hereinafter NATO) and the European Union, the Republic of Croatia achieves its foreign policy, and security goals and conditions are created; these enable Croatia's economic, political and security development conditions. The strategy identifies the need for continuous development of the policy of national security and the ability to respond to change, as external and internal challenges, risks and threats change continuously and rapidly, are very complex, and often unpredictable. The strategy is defined as a strategic document that sets out the policies and instruments for achieving vision and national interests and achieving security conditions that will enable continuous development of the state and the society. This strategy introduces the human security model, i.e. the safety of the individual - the safety of every citizen

of the Republic of Croatia. The strategy introduces a comprehensive approach to achieving security goals. This approach enables the development of a system that will coordinate the activities of all state bodies, as well as the involvement of citizens and society as a whole in the formulation and implementation of security policies. This approach is a prerequisite for sustainable socio-economic development and strengthening of resistance in all conditions, as well as international action based on solidarity and trust between the partners.

The second chapter in this strategy is entitled "National Interests" - it is determined that Croatia carries out its national interests from the basic values defined by the Constitution (according to Strategija NB R. Hrvatske, Zagreb, 2017).

The third chapter in this strategy is entitled "Security Environment" - Strengthening the power of non-state actors further complicates the security situation in the world. Changes in global power centers will affect a number of regional and local events and processes that could significantly affect the achievement of the objectives set out in this Strategy. The geopolitical struggles of the great powers are affecting the outbreak of interstate and internal conflicts. Further changes in Europe and the Southeast are analyzed. However, despite the emergence of new hybrid, unpredictable security challenges and risks, the strategy stipulates that the area of Southeast Europe is also an opportunity to expand political, economic, security co-operation, transport co-operation, energy and other co-operation and to build policies of trust and dialogue.

The fourth chapter in this strategy is entitled "Security Threats, Risks and Challenges for the Republic of Croatia". It is established that the Republic of Croatia, as a member of the European Union, belongs to the group of countries with developed democracies, with which it shares common European values, but Croatia also shares security challenges with its partner countries. Unresolved issues of demarcation with certain neighboring countries could have negative effects on the effective control of state borders and the control of the state territory of the Republic of Croatia.

The Republic of Croatia, independently or as part of Euro-Atlantic integration, is exposed to forms of hybrid action that contain elements of unconventional, asymmetric and cyber action in order to exploit vulnerabilities, weaken Croatian sovereignty and independence, undermine democratic values and freedoms, to destabilize state institutions and to damage the reputation and influence of the Republic of Croatia.

One of the security threats the Republic of Croatia is facing is the transit of members of terrorist organizations through Croatian territory, for which illegal migration is used. Public sector corruption is one of the most important challenges for the Republic of Croatia, affecting the functioning of the free market, economic growth, independence, efficiency and effectiveness of public and state functions, and creating a loss of confidence in the public institutions. Corruption reduces investment potential in the Republic of Croatia and is reflected in the international reputation and activities of Croatian companies on the international market. The most common forms of corruption relate to public procurement procedures and the issuance of various permits and approvals at state and local levels. Organized crime is a threat to national security because it threatens the institutional system, economic and financial stability, and public security.

The fifth chapter in this strategy is entitled "Strategic Objectives, Instruments and Mechanisms for Achieving They". The strategic goals are to concretize the realization of the national security policy in the area of each national interest, in accordance with the conditions of the strategic environment. The Strategic Objectives of this strategy are: (according to Strategija NB R. Hrvatske, Zagreb, 2017)

- Achieving the highest level of security and protection of the population and critical infrastructure;

- Establishment and development of the homeland security system;
- Development and maintenance of strong and active defense;
- Ecological Croatia and development of a strong and sustainable economy;
- Demographic renewal and revitalization of Croatian society;
- Development of the state administration adapted to the citizens and strategic communication;
- Protection, strengthening and promotion of the highest values of the constitutional order and the Croatian national identity;
- Strengthening the international reputation and influence of the Republic of Croatia.
- Ensuring the survival, protection of identity and political subjectivity of the Croatian people, as a constituent in Bosnia and Herzegovina, protection and support of Croats in other countries and expatriates.

The Strategy of National Security considers the achievement of strategic goals related to the national interest from which each goal arises.

## **5. FOREIGN AND SECURITY POLICY OF THE REPUBLIC OF CROATIA**

Republic of Croatia is committed to the concept of a secure, prosperous, social and strong European Union as a community of equal states that share common civilization values, respect for human rights and freedoms, parliamentary democracy and the rule of law (according to Strategija NB R. Hrvatske, Zagreb, 2017). For the Republic of Croatia, NATO is the guarantor of peace, stability and security. Croatia is now a member of the European Union, and the transatlantic cooperation and alliance with the United States in one of the pillars of the Croatian foreign and security policy. Republic of Croatia, through a series of measures and the creation of public policies seeks to increase and build its international reputation and influence within the European Union.

The Republic of Croatia, using diplomacy, economy, historical and cultural heritage and scientific and academic community, in the international environment, mostly in the immediate vicinity and in Europe and the world, develops its reputation as a country safe for life and business (business). The Republic of Croatia actively provides humanitarian and development assistance to other countries, especially in crisis situations, within the framework of bilateral or multilateral cooperation. By participating in international missions and operations abroad, the Republic of Croatia promotes the reputation and influence of a country that strongly contributes to the international peace and order.

The security and stability of the immediate environment and neighborhood is crucial for the national security of the Republic of Croatia. The Republic of Croatia is using its membership in NATO and the European Union to strengthen its international position and increase its influence on regional and global security opportunities, especially when it comes to its southeastern neighborhood.

For the Republic of Croatia, the area of Southeast Europe is of strategic importance and interest and priority from the aspect of security. The continuation of the trends of instability, uncertainty, tension and external destabilizing influences in this area is reflected in the overall regional stability and security of the wider European area.

The Republic of Croatia emphasizes investments in the stability of the Southeast neighborhood, looking at its Euro-Atlantic integration and implementing reforms as key factors and instruments for achieving stability and security, strengthening and building resilience of

neighboring countries to internal and external challenges and their economic modernization and progress. Therefore, the Republic of Croatia will systematically act to support democratic processes, stabilize and join the countries of Southeast Europe in Euro-Atlantic integration, as well as restore confidence and develop dialogue. The Republic of Croatia remains committed to the Euro-Atlantic perspective and the future of the countries of Southeast Europe and strongly supports the enlargement processes of the European Union and NATO. The Republic of Croatia is determined to provide further support and encouragement to countries in their Euro-Atlantic integration and reform processes in general, using their experience and knowledge of the accession processes to offer these countries, including assistance in building and strengthening of their ability to respond to the security challenges and threats. This country will continue to build regional and global partnership in line with the development of the political and security situation and its own interests.

## **6. CONCLUSION**

The Strategy of National Security of the Republic of Croatia from 2002 considers that the Republic of Croatia defines the national interest and security in accordance with the natural values according to the democratic social approach and its domestic and effective circumstances. The national values, interests, goals and basic ideas for definitions are defined by this document for long-term solutions. Conceptual solutions, in particular the security policy definitions defined in this document, are subject to constant evaluation and review and will change in the event of changes in the security environment or significant changes in internal development and available resources.

The Strategy of National Security of the Republic of Croatia from 2017, sets the strategic goals and brings to the progress and development of the Republic of Croatia as a democratic, secure, prosperous, effective and respectable state with free and safe use and protected national identity.

In order to effectively implement this strategy, the state authorities in Croatia have adopted strategic and other documents through which within their competencies, the specific goals, measures, procedures, procedures and opportunities for achieving protection of national security are determined and implemented.

We can conclude that the policy and security strategy are used in the realization of the national security in Croatia. The security strategy defines the security policy guidelines, and the security policy implements a security strategy.

## 7. REFERENCES

- Mijalkovic, S., (2011). *National Security*, Criminal-Police Academy, Belgrade, Tsar Dusan 196 (Zemun).
- Mijalkovic, S., *National Security*, (2018). Fourth Edited and Supplemented Edition, University of Criminal Investigation and Police Studies 196 Cara Dušana Str, Zemun, Belgrade.
- Mijalković Sasa., Keserovic, Dragomir., (2010) *Basics of security*, Faculty of security and protection, Banja Luka.
- Kovač, M., (2003). *Strategijska i doktrinarna dokumenta nacionalne bezbednosti – Teorijske osnove*, Svet knjige, Beograd.
- Strategy for National Security of the Republic of Croatia, 2002. Strategija NB R. Hrvatske, Zagreb, 2017 - [https://narodne-novine.nn.hr/clanci/sluzbeni/2017\\_07\\_73\\_1772.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_73_1772.html) accessed on 04.12.2020
- Tatalović, S., (2010) Treba li Hrvatskoj nova strategija nacionalne sigurnosti? Zagreb: Politička kultura.  
<https://odbranaibezbednost.rs/2020/04/08/politika-i-strategija-nacionalne-bezbednosti/> accessed on 05.12.2020





## **SOFT POWER SKILLS OF THE GOVERNMENT OF MONTENEGRO FOR HARMONISATION OF CHAPTER 27 – ENVIRONMENT AND CLIMATE CHANGE**

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### **ABSTRACT**

The ability of the "soft power" to shape the inclination of other country's demands and interests is reflected on the foreign policy of a country. The main strategic aim of Montenegrin foreign policy is the accession process into the European Union and the Euro-Atlantic integration. The European Union accession process is bounded by harmonisation and transposition of the EU *acquis*, which is divided into 33 negotiation chapters. Montenegro has opened all chapter, and three have already been closed: Chapter 25 – Science and Research; Chapter 26 – Education and Culture and Chapter 30 – External Relations. Chapter 27 – Environmental and Climate Change was opened on 10<sup>th</sup> December 2018 and the country received the benchmarks required for closing the Chapter and fulfilling the EU standards in these respective topics. The Ministry of Sustainable Development and Tourism of the Government of Montenegro coordinates the harmonisation process of Chapter 27, in close cooperation with the Environmental Protection Agency of Montenegro.

*Key words: accession, harmonisation, Chapter 27, "soft powers", professional skills*

### **1. INTRODUCTION**

Being a part of the democratic values of the European Union is a momentum for Montenegro that will enable Montenegrin society to have better quality regulations, high standards in the area of rule of law, economic and social development and better, more successful and more sustainable protection and use of the natural resources, thus providing healthy environment and quality life for the citizens.

In December 2011, by submitting the application for EU membership, Montenegro expressed its readiness to commit to intensive reform processes that will result in becoming a member of a community where democratic decisions are made through joint efforts and dedication to general well-being, and where challenges are addressed with the aim of achieving quality and safe life of its citizens and future generations. The European Union *acquis* is divided into 33 negotiation chapters, three of which have been provisionally closed: Chapter 25 – Science and Research, Chapter 26 – Education and Culture and Chapter 30 – External Relations, and all chapters are open (Sudar, 2019).

Chapter 27 – Environment and Climate Change (hereinafter referred to as: Chapter 27) was opened on 10<sup>th</sup> December 2018 at the Intergovernmental Conference in Brussels, following the fulfilment of Opening Benchmarks and adopted Negotiation Position. Chapter 27 is observed as most requiring and most complex one from the aspect of human, technical/technological and financial resources. What makes the implementation of requirements set in Chapter 27 most challenging is the sectoral approach to environmental protection and sustainable development, namely the integration of environmental protection into all sectoral policies, with the aim of achieving preventive actions, prevention of damage, common accountability and preservation of biological balance. The Ministry of Sustainable Development and Tourism (MSDT) is the main institution for Chapter 27, which coordinates with the harmonisation and implementation process in close cooperation with the Environmental Protection Agency (EPA Montenegro) and reports accordingly to the Government and the European Commission.

From the Opening Benchmark - the National Strategy with Action Plan for transposition, implementation and enforcement of the EU *acquis* on Environment and Climate Change 2016-2020 (Strategy with the AP) adopted on 28<sup>th</sup> July 2016, and the total of 347 obligations related to transposition and implementation of the EU *acquis* for the period 2016 – 2020 (Government of Montenegro, 2016), to the negotiating position and the Action Plan of the National Strategy for transposition, implementation and enforcement of the EU *acquis* on Environment and Climate Change 2016-2020 (Action Plan 2018-2020) adopted on 21 June 2018 involving 253 obligations (131 of which related to transposition and 122 to implementation) until today, the Government of Montenegro capacities to effectively achieve all obligations and close Chapter 27 is uncertain and subject to analyses (Government of Montenegro, 2018).

To understand the complex political, institutional and administrative needs and challenges related to the EU accession of Chapter 27 and the necessary negotiating and implementing “powers” to meet conditions, reviews of the current capacities and skills were undertaken. Understating the skills of the employees that directly work on different aspects of Chapter 27, harmonisation provides the insight into the soft power of Government of Montenegro for the process of harmonization of legislation and strategic framework with the *acquis Communautaire* in the field of environmental protection and climate change (Chapter 27).

Understanding that the "Soft Power" is the ability to attract someone / something without coercion (hard power) and involves shaping the inclination of other demands and interests / desires, we link "soft power" to culture, political values and foreign policy of a country. The term "soft power" was propagated by Nye Joseph of Harvard University, USA in his book "Bound to Lead: the Changing Nature of the American Power" (Nye, 1990) where he states: "when one country makes other countries want to do what it wants, it can be called attraction or "soft power", as opposed to hard or commanding power (hard power) ordering others to do what they want."

Additionally, in the recent post-Cold War era with the new developmental and political agenda of globalization and the race for resources, the importance of "soft power" is perceived in the light of human, economic and environmental security (Martin, 2015). As Cross, Kenetra, Nation, Vukadinović state in 2015 in Shaping South East Europe's Security Community for the Twenty-First Century: Trust, Partnership, Integration, “Today there is a virtual consensus in both the scholarly and policy communities that the concept of security can no longer be restricted narrowly to military issues. Security concerns are still associated not only with threats to survival or quality of life resulting directly from war or use of force, but are also a consequence of several other nonmilitary factors (energy, environment, etc.)” (Cross, Kenetra, Nation, & Vukadinovic, 2013, p. 26).

Considering that “soft power” shapes politics and foreign policy relations through culture (Joseph Nye, 1990, 2020), the policy of the negotiation process of EU accession of each candidate country is individual, while education, awareness and skills are the key to implementation of the obligation to harmonize and reform all chapters and consequently segments of the economy and society; it represents specific national power of the EU Candidate Country (Montenegro) to present its development and political goals in the manner that reflects its development needs, geographical location, the resources at disposal, as well as the cultural characteristics in order to achieve credibility and strategic imperatives (Lee, 2011).

Reflecting the need to address the “soft power” of the Montenegro key government institutions leading the harmonisation and closing Chapter 27 of the accession process to EU, the survey of civil servants employed in the Ministry of Sustainable Development and Tourism and the Agency for Nature and Environmental Protection was conducted in the period July-September 2020. The survey is conducted through an anonymous questionnaire in online form, in accordance with the COVID-19 pandemic condition, which Montenegro and all countries in the world are facing.

The survey referred to employees in the environmental sector of the Ministry of Sustainable Development and Tourism (38 employees - List of employees, July 2020<sup>1</sup>) and the Agency for Nature and Environmental Protection (a total of 72 employees<sup>2</sup>, of which 20 jobs are not closely related to the topics of Chapter 27, e.g., information system, ionizing and non-ionizing radiation). The return rate of answers was significant – 84 filled questionnaires (72.2% of total or 87.5% if we exclude 20 post which are not part of Chapter 27 topics) of 116 total employees, including posts which are not part of Chapter 27. The sample of 84 respondents includes 25 respondents (29.77%) from MSDT and 59 respondents (71.23%) from EPA Montenegro.

## **2. MONTENEGRIN INSTITUTIONAL SURVEY OF SOFT SKILLS FOR CHAPETR 27**

Negotiations and accession to EU are reflected in the fulfilment of the set conditions-initial criteria (opening benchmarks), which creates the conditions for the opening of individual. The opening of the chapter is a political process, which takes place through the set activities needing skills and capacities to lead the process and implement the commitments. One of the most demanding sectors for negotiating with the EU is CHAPTER 27 - Environmental Protection and Climate Change (Chapter 27) due to the very intensive scope of negotiations of the largest and most expensive chapter, and the fulfilment of final benchmarks set by the EU.

Implementation of the Chapter 27 obligation requires considering the following “soft power” segments:

- existing, institutional human resources;
- existing level of skills and competencies required for the harmonization and implementation of Chapter 27;
- skills analysis for the needs of transposition and implementation of obligations and activities of Montenegro within Chapter 27.

This approach gives a clear picture of the level of competence of Montenegro in the current course of negotiations and implementation of commitments, the possibility of meeting the final benchmarks, and thus the dynamics of the negotiation process and what needs to be done to create an optimal situation.

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<sup>1</sup> <http://www.mrt.gov.me/rubrike/spi/spi-sluzbenici/180131/Spisak-zaposlenih.html>

<sup>2</sup> <http://www.mrt.gov.me/biblioteka/dokument?query=Spisak%20zaposlenih%20EPA&sortDirection=Desc>

### **3. THE SURVEY QUESTIONNAIRE**

To analyse the “soft skills” of the Montenegrin institutions, a questionnaire was prepared for existing employees in state institutions that are the main bearers of negotiations for Chapter 27; namely, the Ministry of Sustainable Development and Tourism (MSDT) and the Agency for Nature Protection and Environment (EPA Montenegro). The questionnaire forms the framework for skills analysis needed for performing a large number of diverse, complicated and complex tasks, using different methods and techniques. The data analysis from filled questionnaires provides an overview of the staff/employees structure and overview of skills and competences for respective areas of Chapter 27, facilitating design of measures that should be taken to bring the existing situation to the necessary and needed level for actual closing of Chapter 27.

The questionnaire was designed to gather relevant data in the logical sequence necessary for obtaining the relevant image of the sample. Namely, questions from the questionnaire were divided into 3 groups:

- demographic and social questions;
- questions about institutional engagement and professional skills;
- knowledge of nature and environmental protection issues.

The focus of this paper are data on professional skills of the employees of MSDT and EPA Montenegro, as part of the “soft power” skills needed for negotiation and harmonisation of Chapter 27.

### **4. PROFESSIONAL SKILLS ANALYSES**

The survey sample includes 84 respondents from MSDT and EPA Montenegro, out of which 55% are women and 45% of men, showing slightly higher representation of women in the state administration in the environmental protection sector. From 84 respondent 59 have higher education, while 29 are currently expanding their knowledge or skills through formal education, trainings, licensed courses or other forms capacity building activities.

The age structure is analysed through age categories, with the 67 years as the high-end age where employees satisfy the requirements for retirement:

- 21 – 25 (3 respondents)
- 26 – 30 (9 respondents)
- 31 – 40 (27 respondents)
- 41 – 50 (24 respondents)
- 51 – 67 (21 respondents)

The survey arranged specific questions that gather information on explicit “soft skills”, congregated through set of professional skills. According to the survey responses, most of the respondents possess general professional skills - 75 respondents (89%), while (8%) respondents answered that they do not possess professional skills and 3 respondents (3%) did not answer. Respondents who do not possess professional skills are close to the end of their professional carrier, and whose interest in professional development and advancement decreased or is even not existing. Examining the level of information literacy as part of the professional skill set of questions, the current state is worrying, as 31 respondents (37%) do not poses information literacy. Namely, when analysing the two institutions that harmonize the legislation with the EU regulations and monitor developments and changes in the field of environment at the global level to be further implemented in Montenegro as the Candidate country, the level of information literacy is expected

to be at a desirable level. Considering education and the length of work experience of the respondents, the question arises whether the institutions sufficiently supported employees in acquiring such important soft skills for the tasks needed for harmonisation of Chapter 27.

Knowledge of a foreign language(s) together with significant knowledge of information technology (computer literacy) is a necessary skill for employees in all state administration institutions. These skills, in addition to professional abilities, should be the rudimentary criteria for admitting new staff to state institutions. The needs of Montenegro in the process of accession to EU and for international cooperation on global scale are increasingly intense, requiring staff who speak at least one foreign language. Within this analysis, foreign languages from the European Union region were taken into account, although global developments require knowledge and proficiency in other global languages.

In MSDT the knowledge of foreign languages is as follows:

- 25 respondents (female and male) stated English as their basic foreign language, with advanced average level of knowledge;
- Female staff is characterized by knowledge of Italian as additional language at the intermediate level and French at the elementary level;
- Male staff is characterized by knowledge of Russian at an advanced level and knowledge of French at a basic level.

Data presented show that MSDT has a relatively high level of knowledge of the English language, and learning of other foreign languages is somewhat an individual deeds resembling the individual affinities of the respondents.

Taking into account the unfavourable age structure with 45 respondents/employees falling into the age categories of 41-67, this level of knowledge will fall off, requiring the influx of new staff and special attention to increasing the proficiency in (at least) foreign languages, with English being the focus, but not the only one.

In the EPA Montenegro, the situation with the knowledge of foreign languages is as follows:

- out of 59 respondents, 53 respondents or 90% speak English as their first foreign language;
- 2 respondents or 4% each speak Russian and French as first foreign languages.
- 1% - one respondent speak Italian and German as their first foreign languages.
- better knowledge of first language is more pronounced in female staff with average knowledge at an advanced level;
- male staff has the average level of knowledge of first language at a middle level;
- male staff possess better knowledge of other and it is at an advanced level.

Due to more dynamic activities, data gathering and analyses and participation in many projects, might be factors for more pronounced knowledge of the English language EPA Montenegro.

The progression of negotiation process for Chapter 27 as well as the global integration processes shall consequently increase better knowledge of foreign languages, especially English as the most commonly spoken language in diplomacy.

The question of possessing communication skills has been the logical sequence in this questionnaire, which in fact represents a personal advancement of the respondents. The level of communication skills is conditioned in addition to their professional abilities, by the levels of general education and culture, information, following technological and information development and all other segments that increase the level of communication skills.

The data and analyses show that an advanced level of communication skills is a common denominator for both institutions. The middle level is in addition well represented in the EPA Montenegro, with potential for more progress. In MSDT this distribution will change and decrease rapidly due to the unfavourable age structure, which is another indicator for the needed skills of the new staff. The international relations and negotiation process in the core institutions leading the harmonisation of Chapter 27 require staff with advanced level of communication skills, which should be mainstreamed in the future staffing policy of the institution. Furthermore, the current staff should be supported with trainings for building and strengthening communication skills as it optimise the current capacities in a faster and more efficient way, enabling staff to perform otherwise difficult tasks in the Chapter 27 negotiation process.

## 5. CONCLUSIONS

The process of harmonisation and closing of Chapter 27 for Montenegro is significantly depending on several factors, out of which mobilising available EU and other funds intended for environmental protection and climate change as well as human resources in order to effectively operate functioning and implementing obligations resulting from closing benchmarks as well as development needs of the Country (Žarić, Sudar, Barjaktarović, Šarančić, & Četković, 2020). Taking into account the estimation of necessary financial investments of 1.429 billion EUR from Montenegro Chapter 27 opening benchmark to achieve closing of the harmonisation process of the Chapter 27, adjoined with the complexity of Chapter 27, the Country is facing with the serious challenge of shortage of resources required for this political process.

Montenegro, in line with the Action Plan of the National Strategy for Transposition, Implementation and Enforcement of the EU Acquis on Environment and Climate Change for the period 2018-2020 (Action Plan 2018-2020) adopted on June 21, 2018 reflects the eight final criteria for closing Chapter 27 from the EU Common Position paper (European Commission, 2018). Several closing criteria as closing benchmarks display the need for Montenegro to significantly enhance the capacity of the administrative bodies at all levels, further improves coordination of work and demonstrates that all appropriate administrative structures and adequate training will be in place before accession with the goal of enabling implementation and enforcement of the acquis in all sectors of this chapter.

Analyses of the “soft power” skills of the two main state institutions ensuing the progress of the Montenegro’s Chapter 27 accession process, namely the Ministry of Sustainable Development and Tourism (MSDT) and the Agency for Nature and Environmental Protection (EPA Montenegro) considers specific professional skills and capacities needed for the political and operational process of the harmonisation and accession to the EU.

The survey questionnaire titled “Analyses of necessary skills and competences for harmonization and implementation of Chapter 27 of the employees of the Ministry of Sustainable Development and Tourism of Montenegro and the Agency for Nature Protection and Environment (responsible institutions for the topics of Chapter 27) was distributed in online and anonymous format to all employees of the two named institutions in the period July-September 2020. Intention of the online format of the survey has been to respect the COVID-19 pandemic measures that the Country enacted as well as provide anonymous environment to employees relieving them from the “pressure” of providing the realistic and actual answers.

Out of total of 116 employees of MSDT and EPA Montenegro, 84 or 72% respondents filled the questionnaire, 55% were women and 45% men. The data analyses of the respondents’ professional competences, computer literacy and knowledge of a foreign language, which are the

core “soft skills” for efficient communication and negotiation with the relevant EU structures of the accession process in comparison to the age structure, length of work experience and the level of education, indicate that gaps exist requiring mitigation measures and strengthening personnel/staff competences for future mobilisation of needed funding and foreign expertise to support the harmonisation process of Chapter 27.

According to the survey, responses and analyses, in the following part we state the measures that should be enforced to mitigate gaps and future negative trends due to the age structure:

- planned and structured continuous trainings of the current staff for a higher level of information literacy as part due to the fact that 31 respondents (37%) do not possess information literacy;
- planned and structured continuous trainings of the current staff for higher level/proficiency of English, as a common diplomacy language;
- planned and structured continuous trainings of the current staff for higher level/proficiency of business English, as common diplomacy language;
- planned and structured continuous trainings of the current staff for higher level/proficiency of a second EU diplomatic/foreign language;
- planned and structured continuous trainings of the current staff for higher level/proficiency of a second non-EU diplomatic/foreign language;
- planned and structured continuous trainings of the current staff for strengthening of the communication skills;
- staffing criteria for new employees of MSDT and EPA Montenegro to include proficiency in their professional skills, computer literacy, foreign language(s) knowledge and communication skills.

## Bibliography

Cross, S., Kenetra, S., Nation, R. C., & Vukadinovic, R. (2013). *Shaping South East Europe's Security Community for the Twenty-First Century: Trust, Partnership, Integration*. Palgrave Macmillan UK.

European Commission. (2018). *EU Common Position Chapter 27: Environment and Climate Change*. EC.

Government of Montenegro. (2016). *Action Plan for transposition, implementation and enforcement of the EU acquis on Environment and Climate Change 2016-2020*. Ministry of Sustainable Development and Tourism of Montenegro.

Government of Montenegro. (2018). *Action Plan of the National Strategy for transposition, implementation and enforcement of the EU acquis on Environment and Climate Change 2016-2020 (Action Plan 2018-2020)*. Ministry of Sustainable Development and Tourism of Montenegro.

Lee, S. W. (2011). *Public Diplomacy and Soft Power in East Asia*. In S. W. Lee, & J. Melissen, *he Theory and Reality of Soft Power: Practical Approaches in East Asia*. New York: Palgrave Macmillan, New York.

Martin, N. (2015). *Security and the Turkey–EU Accession Process, Norms, Reforms and the Cyprus Issue*. PALGRAVE MACMILLAN.

Nye, J. S. (1990). *Bound to Lead: The Changing Nature of American Power*. *Art of Mentoring Series (reprint ed.)*. Basic Books. .

Sudar, S. (2019). *Steps for the implementation of obligations from the European agenda for CHAPTER 27 for the period 2019-2020*. Podgorica: Ministry of Sustainable Development and Tourism of Montenegro.

Žarić, J., Sudar, S., Barjaktarović, D., Šarančić, M., & Četković, J. (2020). *Analiza ispunjenosti pravnih, institucionalnih, ekonomskih i finansijskih ciljeva definisanih Početnim mjerilom za Poglavlje 27 – Životna sredina i klimatske promjene*. Podgorica: Ministarstvo održivog razvoja i turizma.



## **POLICE PROCEDURE AND TACTICS IN THE PROCESS OF VERIFYING PERSONAL IDENTITY**

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### **ABSTRACT**

With the aim of strengthening the capacity for consistent and professional law enforcement, effective communication of the police in the daily contacts with the citizens is an important condition for deepening the mutual cooperation and justifying the social function of the police as a public service to the citizens. In this context, the police must strive to maintain a high degree of responsibility in the performance of their duties, especially in the area of preventive action, where the ability to exercise legal powers without violating the democratic principles of operation is significant. The conduct of the police in the exercise of the police duties requires a clearly defined and established procedure of conduct that is adequate to the prescribed legal, ethical, and safety rules and principles. As a result, in this paper we are making an attempt to emphasize and single out the most important legal bases that determine police authority when checking and verifying the identity of a person, and also to show detailed description of the tactical security procedures of the police. Taking into consideration these key components, a concrete tactical way of acting among the police officers in conditions of peaceful implementation of the procedure of personal identity verification has been developed and presented, analyzing and describing the most important tactical stages that are to be applied from the moment of preparation and the commencement of this police authorization until the final moment of its completion.

*Keywords: police, verifying personal identity, tactical-security procedure, tactical safety rules*

### **1. INTRODUCTION**

Police officers, when carrying out their daily work activities, are oriented towards the citizens and are constantly in direct communication with them. Those citizens who come in contact with the police expect that the police acts professionally and effectively; therefore all police actions have to be in accordance with the already established legal norms and regulations (Мојаноски, Дујовски, Ѓуровски, 2018: 100-103). Knowing that the police officers are daily involved in contacts with the public, the possibility of inappropriate police behavior and actions must be brought to minimum; this is certainly an important assumption for effective and legal performance of the professional tasks. In that context, the basic role and duty of the police includes consistent application of the legal regulations known as police authorizations (Law on Police, 2006).

Police officers have to understand and consider the limitations of their powers, regardless of the level of police authorizations used to deal with a particular case. Awareness and respect for human rights and freedoms in the exercise of powers is conditioned by the existence of professionally trained police officers who will not abuse or exceed their powers, i.e., will not cause an action that is a serious violation of the order and work discipline. To prevent this, the exercise of police powers must always be legally justified, and proportionate; therefore, police officers are obliged to act humanely, with respect for the dignity, reputation and honor of people and their fundamental freedoms and rights guaranteed by the Constitution, the laws, and the ratified international agreements (Томшиќ, 2010: 32-34).

The powers given to the police by the law are not insignificant at all, so in assuming a power that is necessary in a given situation, the police officer must show professionalism and a high level of integrity during the performance of their official duties (Ivanovski, Nedev, 2018: 23-24). Establishing a procedure that will be followed by all those empowered is a great responsibility, as they are constantly faced with pressure and temptations to take legal action and actions that comply with the already established standards of conduct, and are within the boundaries between acceptable and unacceptable procedures.

## **2. LEGAL BASIS OF APPLICATION OF POLICE PROCEDURES - VERIFICATION OF PERSONAL IDENTITY**

The police procedure of verifying the identity of a person is a very common police procedure ([https://mvr.gov.mk/Upload/Editor\\_Upload//Godisen%20izvestaj%2018.pdf](https://mvr.gov.mk/Upload/Editor_Upload//Godisen%20izvestaj%2018.pdf)). It is usually the first step that precedes the implementation of a number of other official activities. Without an identity check, there is a dilemma whether the person is reasonably suspicious or the correctness of an assessment is questioned; also, without an identity check, a report, a search warrant, an arrest warrant or any other police procedures may not be taken into consideration.

During the performance of their duties, police officers have the legal right to check the citizens in order to obtain data and establish their identity by sending an oral request to show an ID card, driver's license, passport or other valid identification document with a photo, stamp and signature of the competent authority. In addition to these documents, the identity can be verified with the help of a witness, i.e. on the basis of a statement from a person whose identity has been verified or known to the police officers. Furthermore, it is the duty of the police officers to identify themselves at the request of the citizens and in cases when they perform their official duty in uniform and when that duty is performed in civilian wear. This practical solution largely protects the rights of citizens (Rulebook on the manner of performing police work, 2007).

The importance of identity verification embraces the fact that its purpose is limited to the presumption that the means of identification are authentic, that the information contained therein is accurate and that the person using it is its owner. The verification is performed specifically on the content of the means of identification or the public document which is proof of identity. According to the Law on Police (Article 38), identity verification is performed on a person:

- who needs to be deprived of liberty, arrested, detained, referred to or handed to an adequate state body or institution;
- who poses a threat, and a police procedure in stopping them is necessary;
- over which an examination or search is carried out or other measures and activities determined by law are undertaken;

- who is found in someone else's home, building and other facilities or in vehicles which are inspected or searched; if identity verification is required;
- who is found in an area or facility where the freedom of movement and detention is temporarily restricted, if the inspection is necessary;
- who reports a committed crime or misdemeanor or reports the perpetrators of those acts, i.e., communicates information of interest to the work of the Police, unless the person reporting the crime or misdemeanor does not want to be identified;
- who behave in a manner to raise suspicion that they are perpetrators of a crime or misdemeanor or that they intend to commit such acts or correspond to the description of a person wanted;
- who is found at the place of a committed crime or misdemeanor;
- who is located in a place where for security reasons it is necessary to verify the identity of all or most of the people;
- at the justified request of an official from a state body, legal or natural person; and
- in other cases determined by law.

The legal basis does not allow complete freedom in making decisions during the performance of this duty, so without a justifiable reason, indiscriminate detention of persons should be avoided, because such identity check is not operationally useful and can cause a lot of civil inconvenience (Simon, Stenning, 2011: 321-324). In such situations, it is very important that the police officers realistically assess the situation and decide on the manner, i.e. the approach that will not cause unpleasant consequences and comments by the persons on the expertise and professionalism of the police. Regarding the fulfillment and application of the standards, it is expected that every police officer has a high degree of morality, professionalism and humanity towards the citizens. During verification of the identity of persons, legal regulations always require an official and correct attitude of the police officers which would be within the allowed legal authorizations, and the subjective reactions of the persons.

### **3. TACTICAL AND SECURITY PROCEDURE REGARDING PERSONAL IDENTITY VERIFICATION**

#### **3.1. General tactics of proceeding**

In addition to knowing the legal regulations regarding the verification of the identity of a person, for police officers it is also crucial to have the ability for effective tactical action that is in line with the security circumstances. Tactical conduct when checking the identity of a person depends on a number of circumstances, so it is quite difficult to set strict tactical rules for conduct, but most often the procedure itself is conditional and depends on the number police officers who perform the check; the number of people who are checked and the reason for that; whether the check is performed only on strangers or on suspicious persons; whether the persons are armed and what the armament is; whether the inspection is performed in open space, in a populated area, indoors, vehicles, etc.; whether the check is performed at night or during the day, etc. (Якимов, 2012: 302). In order to effectively conduct the procedure, apart from the basic factors, it is necessary to take into account other additional factors such as the mental and emotional state of the persons, the attitude and strength of the police force and persons, possible resistance and the reaction of the persons in the event, etc.

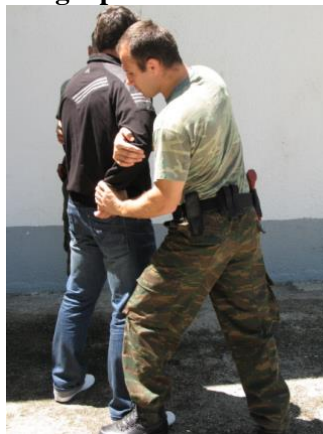
This police authority, regardless of the occasion, requires special attention on the part of the police officers because at all times they should be ready and set to prevent a possible attack or escape, whether or not there are circumstances that indicate it. (Figure 1).

**Figure 1. Tactical set-up and reaction when verifying the identity of a person**



If the identity verification is performed by only one police officer, then he or she must follow the slightest movement of the person addressed, when showing the identification document. It is possible that the person instead of an ID can take out any object suitable for attack, even a firearm and attack the police officer (Стојановски, 1994: 82). This practically means that by issuing specific orders, information is requested from the person about the place where the identification document is located, then with great caution the document is approached and taken personally in order to perform the necessary check (Figure 2). Even in cases of an emergency or deteriorating security situation, the identity verification of a person is carried out more cautiously and by using the available resources appropriate to the security situation (Амиџић, Њибић, 2011: 103).

**Figure 2. Tactical setting when taking a person identification document**



The procedures in a particular case mostly depend on the specific moment and the security assessment, where one should always be extremely careful and professional, while special attention should be paid to the photo and personal description of the person, the data in the ID and by asking questions through conversation and unobtrusively, checking them. During the entire procedure, the attitude, appearance, posture and voice of the police officers must be serious and

professional, and they must always decide on the approach that will enable them to perform their duties most rationally (Vasilica, O., Andreiana, M., & Thiriot, P., 2008: 26-29). There are various reactions from the persons to whom this measure has been applied, depending on their attitude towards the police, i.e. the specific motive according to which they would like to remain anonymous.

### 3.2. Basic tactical safety rules

When initiating the identity verification procedure, police officers must first create conditions for maintaining their personal safety and the safety of the person identified, and the environment. For this purpose, it is necessary that the police officers take into consideration certain tactical safety rules that will be professionally implemented, avoiding any kind of omission during the official procedure. This mostly refers to those situations when the identity is verified of potentially suspicious or dangerous people who can show resistance or try to attack (Figure 3) (Kalem, 2010: 121-122).

**Figure 3. Tactics and procedure when verifying the identity of a dangerous person**



In order to successfully and safely verify the identity of a person, it is necessary to pay attention to the following tactical safety rules:

- **Approaching the person** – always be cautious when approaching the person. The approach should be appropriate and in accordance with the current security environment, which means that the police officer should be able to notice whether the person carries some items in his or her hands or in the wardrobe, or in a bag of luggage they carry with them.
- **Choosing an appropriate location for identity verification** - it is necessary that the police officers choose a place that provides them with the best security conditions possible, but at the same time provides minimal opportunities for resistance and attempts for escape by the person whose identity is verified.
- **Personal safety** - police officers must always take care of their personal safety in any situation and always be ready to intervene.
- **Distance** - police officers must stand at a safe distance, i.e. at a minimum distance of 1.5 to 2 meters, which is also called the "remote safety zone" in which police officers can protect themselves or avoid a possible attack by the person.
- **The angle** – a police officer who is alone should stand and be placed at an angle of 45 degrees from the weaker side of the person, and if there are two police officers, they should

be placed at the same angle to the person and form a so-called "safety triangle", or one of them can be placed behind the person, left or right.

- **Verbal addressing and stating the reasons for the identity verification** - the police officer addresses the person in an official tone with the words "sir, I will ask for your ID card" and always states the reason for the identity check. The hands should be lowered to the side of the body or forward in front of the abdomen, the palms should not be clenched but relaxed, and the feet should be slightly spread hips width apart.
- **Checking the documents and paying attention to the person** - regarding the documents, it is most important to see if they are original or forged, which means to check their identity with the person being identified through the photo, their stamp and the real face of the person. The police officer who has a protective role should carefully follow the procedure and be ready at any moment to react if the person tries to take out a dangerous object or weapon.
- **Validity** - attention should be paid in order to ensure that the documents are valid, i.e. whether they were issued by a competent authority and whether the validity period has expired.
- **Noting the data in a police notebook** - the police officer notes the data in his/her notebook and keeps his/her hand at the height of the body that allows them to monitor any movement by the person.
- **Checking if the person is under search** - the police officer by calling the radio station or telephone or the police station checks the person if he / she is searched in any register for announcements and searches.
- **Release** - this is the last activity before the person's documents are returned, the words "thank you sir, take your ID card, happy journey, thank you, etc." are most commonly used.

### 3.3. Verbal communications and skills

During the process of personal identity verification, the effective application of verbal communications and skills by police officers is of great importance (**Mršić, 2019: 76-78**).

Communication which is conducted can appear in a form of a verbal communication expressed by speech, i.e., words, but there can also be a non-verbal communication that is expressed through the so-called body language, usually through posture (position, position on the limbs, breathing) as well as the use of gestures and facial expressions (raised eyebrow, smile, frown, etc.).

During a dialogue between a police officer and a person, there is always a doubt as to whether the message is sent, understood, and interpreted correctly, so the previous two types of communication should be successfully complemented. In verbal communication, the use of tone, color, and volume of the spoken words is of great importance for establishing successful communication. The color of the tone is usually an indicator of emotions, tension or stress, while loud speech is usually used to emphasize the importance of the words spoken, but also emotions, such as fear, panic, etc. (<https://www.whatdotheyknow.com/request/.../Full%202011%20UDT%20Manual.pdf>).

During verbal communication between the police officers extremely important is the so-called "listening skill", which in its essence involves two aspects of listening, and they are as follows:

- the act of listening, which includes listening to the message, focusing on the words, interpreting their meaning and essence, thinking about asking a question or giving an answer;
- the art of listening, which includes eye contact, nodding, repetition of the above, the presence or absence of facial expressions depending on the specific situation, etc.

When a personal identity is being verified, we can talk about a number of verbal or non-verbal procedures and opportunities of police officers in achieving effective communication, where they must be able at any time to choose the best available means or methods for resolving the given situation.

### 3.4. Tactical attitude and movement

When the tactical procedure of verifying the identity of a person is started, the police officers take a tactically favorable position with their body, i.e., a position for conducting a conversation - interview. When forming this position in space, the body is placed halfway to the left or halfway to the right from the person, the arms are lowered to the side of the body or placed forward in front of the abdomen, the knees are slightly bent with weight evenly distributed between the legs, and the feet are shoulder width apart. In order to ensure basic and safe conditions for communication in this position, the person is kept at a distance of 1.5 to 2 meters. During the whole time that the police officers are in this position, care should be taken that the position of the body does not irritate or provoke the person, but the positioning itself should provide a tactical advantage for controlling the situation (Ивановски, 2019: 32-33). In order to maintain the necessary visual control over the person, it is necessary to impose one's own will by issuing orders - verbal commands, i.e., to persuade the person to cooperate for the entire time during the official conversation (Figure 4). Controlling the situation through communication is crucial for reducing mental and emotional tension of the person, but to achieve the desired effects police officers must react quickly and show the ability to apply appropriate tactical movements in space, in case they need to use some other methods. These movements can be performed in all directions (forward, backward, sideways, circular), but care must be taken not to violate the basic tactical rules for movement in position.

**Figure 4. Procedure for stopping and conducting an official conversation with the person**





Taking into account the entire tactical-security procedure which is carried out when verifying the identity of a person, the following part of the paper elaborates a specific tactical way for police officers to act in conditions when the person cooperates and does not resist the verification of their identity.




#### 4. TACTICAL WAY OF ACTING WHEN VERIFYING PERSONAL IDENTITY - WHEN NO RESISTANCE IS SHOWN

Personal identity verification can be done in various places and under different circumstances. Thus, this police procedure, depending on the location and place, can be implemented on highways, streets, intersections, squares, parks, mountain roads, sports facilities, catering facilities, etc. The appearance and location where the inspection is performed greatly contributes to how the whole action will be planned and implemented, but there are many common elements that indicate how to perform this duty Basically, when conducting the procedure for verifying the identity of a person in peaceful and safe situations, the tactical security procedure includes the following stages (Table 1) (Kalem, 2010: 120):

**Table 1. Tactical stages of personal identity verification – no resistance shown**

Stages of Identity Verification	Pictorial representation of the identity verification stages	Short description of the stages of personal identity verification
<b>First Stage</b>		
<p><b>1. Stopping the person and conducting a preliminary conversation</b></p> <p>At this stage the person whose identity is verified is stopped and greeted, short conversation is initiated and the first visual contact is established by requesting an inspection of the identity document.</p>		<p>The direction of approaching the person is carefully chosen and at a distance of three to five steps, the person is stopped and identity verification procedure is started. An angle of 45 degrees at a distance of 1.5 to 2 meters is the required safe distance for communication and with a convincing and official tone, the police officer announces the reasons for verifying the identity of the person.</p>
<b>Second Stage</b>		
<p><b>2. Validity verification of the identification document.</b></p> <p>In the second stage, if there is no danger of attack or escape, the ID that the person has given to the police is carefully checked and its validity is determined.</p>		<p>By placing and taking a diagonal position with the legs sideways, the arm that is on the opposite side of the weapon is extended in order to take the ID of the person. If this procedure takes place with two, three or more persons, in that case the person closest to the police officer takes the IDs from the other persons and hands them over for inspection.</p>
<b>Third Stage</b>		



<p><b>3. Taking personal data description of the person.</b></p> <p>In the third phase, personal data are taken from the person and the legal, real and physical characteristics are determined.</p>		<p>By guiding the person in the procedure, the necessary data and information are checked and taken. While checking the correctness of the passport, the police officer who has a protective role pays attention to every movement of the person and does not allow any sudden movements and reactions</p>
<p><b>Fourth Stage</b></p>		
<p><b>4. Checking data in the police records</b></p> <p>In the fourth phase, a radio or telephone connection is established with the on-duty police service to carry out additional checks on the person and the criminal behavior.</p>		<p>While checking the police records, one police officer steps aside to check the required information about the person more discreetly, while the other police officer keeps an eye on the person.</p>
<p><b>Fifth Stage</b></p>		
<p><b>5. Acting according to the received information</b></p> <p>In the fifth phase, the documents are returned and the person is released or detained if there is a reasonable suspicion of criminal behavior and liability.</p>		<p>After finishing the operative check, the documents are returned to the person and release is followed in the direction where the movement has already started, or it is directed in another direction to be determined by the police officers.</p>

## 5. CONCLUSION

Personal identity verification, as a police duty, is a very common activity which is applied in the police work. As such, it can sometimes be quite dangerous, especially in cases where the identity of potentially dangerous persons is verified. Moreover, daily routine checks can be dangerous if all the necessary measures and activities are not undertaken, because every situation carries a certain degree of risk; therefore, police officers should always approach with a certain dose of caution and suspicion.

Within the frames of this paper, with the help of a detailed analysis and elaboration of the tactical-security procedure as well as with the specific tactical way of acting in conditions of peaceful implementation of the procedure for verification of a person's identity, an attempt was made to present the official procedures according to which police officers should manage and act from the moment of preparation of this police activity to its final moment. These official procedures clearly emphasize the need to incorporate the idea of legal, ethical and tactical action of police officers, because with their help, the safety and success in achieving the set goal is guaranteed, i.e. they help in achieving the desired effects in the police operation.

In addition to these prerequisites for promoting professional communication with citizens, police officers should always be professionally trained and be able to intervene in any specific

situation, without going beyond the legal and ethical scope of conduct. Such realistic requirements impose the need for strong expertise and specialization of police officers, because the very act of conducting a personal identity check requires the ability to properly assess and analyze the situation and the ability to quickly make a decision, because it mostly determines the final effect and result of the action. This can only be achieved if a continuous system of police education is provided in the area of theoretical and practical application of legal powers.

## 6. REFERENCES

1. Амиџић, Г., Ћибић, Д. (2011). *Полицијска тактика*, Бања Лука: Висока школа унутрашњих послова.
2. *Conflict Management - Defensive tactics manual 2011*. (2020, October). Retrieved from <https://www.whatdotheyknow.com/request/.../Full%202011%20UDT%Manual.pdf>.
3. *Годишен извештај на Министерство за внатрешни работи за 2018 година*. (2020, November). Retrieved from
4. [https://mvr.gov.mk/Upload/Editor\\_Upload//Godisen%20izvestaj%2018.pdf](https://mvr.gov.mk/Upload/Editor_Upload//Godisen%20izvestaj%2018.pdf).
5. Ivanovski, J., & Nedev, A. (2018). Model of tactical police action when using physical force, *Security&Future*, 2, 22-25.
6. Ивановски, Ј. (2019). *Тактика на полициско постапување при употреба на средства за присилба*, Скопје: Факултет за безбедност.
7. Томшиќ, А. (2010). *Механизми за заштита на човековите права во случаи на пречекорување на полициските овластувања - правна анализа за 2010 година*, Скопје: Коалиција на здруженија на граѓани „Сите за правично судење“.
8. Стојановски, Т. (1995). *Полициска тактика*, Скопје: Центар за образование на кадри за безбедност.
9. Kalem, D. (2011). Provera identiteta osoba, *Policija i sigurnost*, 20 (1), 114-124.
10. Јакимов, Ј. (2012). *Специјално физичко образование*, Скопје: Факултет за безбедност.
11. Мојаноски, Ц., Дујовски, Н., Ѓуровски, М. (2018). *Полицијата и јавноста: Анализа на истражувачки резултати 2009 - 2017 година*. Скопје: Факултет за безбедност.
12. **Mršič, Ž. (2019). *Komunikacija u primjeni policijskih ovlasti*, *Policija i sigurnost*, 28 (1), 76-78.**
13. Simon, B., & Stenning, P. (2011). Understanding Discretion in Modern Policing. *Criminal Law Journal*, 35 (6), 319-332.
14. Vasilica, O., Andreiana, M., & Thiriot, P. (2008). *Ghid de intervenție profesională*, București: Editura Ministerului Internelor și Reformei Administrative.
15. Правилник за начинот на вршење на полициските работи, ”Сл.Весник на Република Македонија“, бр.149/07, 2007.
16. Закон за полиција,”Сл. Весник на Република Македонија“, бр.114/06, 2006.

## MYSTERY OF THE “HOMEGROWN” ISLAMIC EXTREMISTS

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### ABSTRACT

The image of terrorist attacks that we ones knew has changed dramatically in the recent years. Attacks by groups with defined chains of command have become rarer, and attacks done by autonomous cells and individuals have increased. In this paper we will investigate these looming trends by focusing on the individual processes associated with the jihadi radicalization of Westerners. Today’s emerging threat is a distinct and more demanding security challenge. Research in this area has shown that most of the perpetrators were citizens and residents born, raised, and educated within the countries they attack and the groups they form or join are usually independently organized, autonomous, self-generated, and their targets are usually non-combatant fellow citizens. This progression has prompted a search for a new vocabulary. The new label that seems to have been decided on is homegrown Islamic extremists or “lone wolves” Islamic extremists.

With the in-depth analysis presented in this article we aim to define and analyze the main features and patterns, and capture similarities between different cases of homegrown terrorists. Recent studies have shown that “homegrown” terrorists tend to create their own ideologies, combined with their personal frustrations and abhorrence, connected to political or religious believes. We will analyze different cases over the time of homegrown terrorists and find the connection between them and try to find the answer to the question: Who becomes a homegrown terrorist and why? Probably the most difficult part in detecting them is that they can be in any size, shape, or ethnicity, and represent any ideology. Research Questions that we will address are: How does a continually investigated extremist commit an act of a “lone wolf” homegrown terrorism without the suspicion of authorities, and how can authorities effectively develop counter-terrorism strategies in order to identify homegrown “lone wolves” prior to an attack? To what extent does the difference in deadliness depend on the country in which the terrorists operate? These questions are puzzling because homegrown terrorism could be the perfect terrorists - difficult to detect and free from decision-making processes.

**Keywords:** *lone wolf terrorism, Islamic extremism, political or religious affiliation of lone wolf, criminal intent*

## 1. INTRODUCTION

*“Know your enemy and know yourself and in a hundred battles you will never be in danger” Sun Tzu*

The intelligence information that we have indicates that it is very difficult to precisely measure the extent of the spread of homegrown terrorism, but it is certain that the problem is increasing. According to the Dutch General Intelligence and Security Service (AIVD), homegrown terrorism and the so-called Jihadist threat began as a form as early as 2002. (Precht, 2007) The Service found that there “were indications that radical Muslims brought up in Europe began to regard Europe as a frontline for Jihad and that they might proceed to perpetrate localized terrorist attacks” (AIVD 2002). Since 2003 the AIVD has observed that “Grass root radicalization, eventually leading to homegrown terrorism, was gaining ground” (AIVD 2006: 17).

Beginning in the late twentieth century, the West became enthralled by the term "lone wolf" and began using it to denote perpetrators of particularly heinous crimes, who act without the assistance of other criminals. (Caschetta, 2016) Lone wolf terrorism is not a new phenomenon; however, incidents are on the rise (Bates, 2012), and this creates a need for innovative and dynamic approaches to combat this type of terrorism. Even in 2006, the US National Intelligence Estimate in one of the declassified federal government documents highlighted the threat especially in Europe from self-generating cells without any direct links to the “famous” Al Qaida: “We assess that the operational threat from self-radicalized cells will grow in importance. The Jihadists regard Europe as an important venue for attacking Western interests. Extremist networks inside the extensive Muslim diasporas in Europe facilitate recruitment and staging for urban attacks, as illustrated by the 2004 Madrid and 2005 London bombings” (NIE 2006). Denmark and Sweden intelligence services also share similar views, indicating namely the possibility of nationals, mostly young men with Muslim back-ground or converts, becoming involved in terrorist activity (PET 2006: 11; SÄPO 2006: 22).

It is difficult to indicate and know the exact timing of when this new phenomenon of homegrown Islamist terrorism became a real problem, because it varies from country to country. When analyzing the case data of homegrown terrorism and radicalization, it appears that this threat in Europe has developed over the period 2001-2005. During this period most other European countries also realized the phenomenon of radicalization among its citizens but the idea of people who were born and brought up in Europe willing to carry out attacks in their home country first became apparent in 2004/2005 with the murder of Theo Van Gogh and the London bombings (Precht, 2007). Mohammed Bouyeri, the murderer of Dutch filmmaker Theo Van Gogh, stated in the court hearings after the murder: “I acted purely in the name of my religion.” (BBC News 12 July 2005).

According to the Dutch Intelligence and Security Service many of the radicalized potential terrorists see themselves as participants “in a mythical, apocalyptic final battle with evil (the Western world) in the context of which, in principle, all exponents of evil (in fact any Western citizen) should be destroyed” (AIVD 2005: 33). This element of myth or misperception is very important in understanding militant Islamism especially in order to counter the radicalization process.

No single factor can be considered “causal” in the radicalization process. There are many pathways to terrorism. A combination of factors is necessary to explain why there is an

emergence of young Muslim individuals (men and women) willing to carry out terrorist attacks killing others and even themselves.

It is difficult to define “lone wolf” terrorism because there is no unified definition of what lone wolf terrorism is. Many scholars have tried to find an appropriate definition. Here are a few representative ones. “The threat or use of violence by a single perpetrator (or small cell), not acting out of purely personal-material reasons, with the aim of influencing a wider audience, and who acts without any direct support in the planning, preparation and execution of the attack, and whose decision to act is not directed by any group or other individuals (although possibly inspired by others)” (Bakker & van Zuijdewijn, 2015) Individuals who fall into this definition are the “classical” terrorists such as jihadists or right-wing extremists.

In an article published by the geopolitical analysis company, Strafor, they define a lone wolf as: “a person who acts on his or her own without orders from – or even connections to – an organization” (Burton & Stewart, 2008). Bakker and de Graaf (2011) are expanding this definition, since lone wolves may have much in common with groups and networks and they then function as inspiration for the individual, they therefore add this aspect into the definition, which makes a lone wolf an individual that is inspired by a certain group, but who is not under their command or any other groups or persons. Others, like Simon (2013, p. 266), argue that lone wolf terrorism is by definition “the use or threat of violence by an individual acting alone or with minimal support from one or two other people.” Spaaij (2012, p. 16) argues that a lone wolf terrorist “(a) operates individually, (b) does not belong to an organized terrorist group or network, and (c) their modus operandi is conceived and directed by the individual without any direct outside command or hierarchy.

“There are three major problems when detecting and identifying lone wolves. The first problem is that they do not need to communicate with others to include others in the planning or execution of their plots. The second problem is that they come from a variety of backgrounds and have a wide range of motivations. Some lone wolves are politically motivated, others are religiously motivated, some are mentally unstable and some are a little bit of everything. A lone wolf terrorist may identify or sympathize with extremist movements, but they are not a part of these movements. The third problem with the lone wolves is that it is difficult to differentiate between those who intend to commit and actual crime and those who simply have radical beliefs but keep within the law.” (Kaati & Svenson, 2011)

Bakker and de Graaf’s study of 2011 shows that almost all lone wolves display a degree of commitment to, and identification with, extremist movements. They also point out that lone wolves inspire copycat behavior and become motivational role models for other alienated youth. Bakker and de Graaf discuss the importance of researching the radicalization process, and focusing on how lone wolves become radicalized and motivated to carry out attacks.

## **2. RADICALIZATION**

Radicalization and extremism are debated terms, as there is contention regarding how and when they happen. One of the definitions that are used by various scholars is that, “radicalization is a process by which an individual or group comes to adopt increasingly extreme political, social, or religious ideals and aspirations that reject or undermine the status quo or undermine contemporary ideas and expressions of freedom of choice”. (Wilner AS, Dubouloz C. 2010)

Let us have a look at the definition of “radical” from Dictionary.com. Here, this word is defined as “deviating by extremes” and synonyms are: anarchistic, complete, entire, excessive,

extremist, fanatical, insurgent, insurrectionary, lawless, leftist, militant, mutinous, nihilistic and similar. Islamic extremism has been defined by the British government as any form of Islam that opposes "democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

### **2.1. Implications for home grown terrorism**

Homegrown terrorists in Europe are driven and inspired by the ideological elements of the radical Islamic groups like Al-Takfir wa al-Hijrah, and a proscribed militant Salafi jihadist, Al Muhajiroun. Al-Takfir wa al-Hijrah, (meaning "Excommunication and Holy Flight") is a radical Islamic group which is calling itself the Society of Muslims, which is a network, movement, group, where its members are portrayed monolithically as ultra-secretive, highly skilled militants who can easily blend into Western societies and specialize in "quality" operations against Western targets. According to the Takfiri ideology, the group's belief is that jihad is not possible in today's world, and thus members must isolate themselves physically and emotionally from society. According to this ideology the whole world is designated as a legitimate target until the Muslim Umma (أمة is an Arabic word meaning "community") is restored under the leadership of the Caliph and Sharia law. Those who follow to another faith, both non-Muslims and Muslims and are not "practicing the proper form" of Islam, are to be fought and put to death. By this ideology it is seen as acceptable to kill Muslims who are not "pure" enough.

"Takfiri ideology allows believers to disobey rules and practices of Islam in order to blend in and avoid detection while plotting attacks. Followers are allowed to shave their beards, drink alcohol and live according to Western values in order to blend in with Western society. According to the Takfiri-ideology, the fighters will be martyrs in Paradise after death." (Precht, 2006)

### **2.2. What Does 'Radical Islam' or "Islamic extremism" mean?**

Islam is a religion of peace (Islam comes from the Arabic word Salaam which means peace, and Muslims always greet each other with the phrase "As Salam Alaikum meaning May Peace be Upon You") and hence there is no room for radicalism.

First let us examine the definition of "radical." At dictionary.com this word is defined as fundamental, basic. The synonyms listed are: basal, bottom, cardinal, constitutional, essential, fundamental and several more. Simply stated, this means that the behavior of Muslims is basic to and inherent in their religion.

With the recent spate of horrific attacks from Nice, Paris, Vienna, London, and outbreak of political and media rhetoric around Muslims and Islam, it is becoming increasingly important to define words "Islamism", "Salafism" and "Jihadism".

"Islamism as a phenomenon incorporates a wide spectrum of behavior and belief. In the broadest sense, Islamist groups believe Islamic law or Islamic values should play a central role in public life. They feel Islam has things to say about how politics should be conducted, how the law should be applied, and how other people—not just themselves—should conduct themselves morally." (Hamid & Dar, 2016).

The term "Salafism" comes from the Arabic word salaf, or the first generations of Muslims. A Salafi, in a broad sense, is anyone who believes that the earliest generations of Muslims embody Islam in its purest form. (Williams, 2017) Another definition that describes the term Salafism is by Shadi Hamid and Rashid Dar, they explain that Salafism "is the idea that the most authentic and true Islam is found in the lived example of the early, righteous generations

of Muslims, known as the *Salaf*, who were closest in both time and proximity to the Prophet Muhammad. Salafis are often described as “ultraconservatives”—believe not just in the “spirit” but in the “letter” of the law, which is what sets them apart from their mainstream counterparts.

The Salafi-jihad is a religious ideology because it invokes religion in many ways. First, it describes itself and its enemies in religious terms. Salafi-jihadists label themselves using such religious names as the “Army of Muhammad,” the “Lions of Islam,” and of course “jihadist.” At the same time, they describe their enemies in religious terms as well, referring to them as Crusaders, heretics, or infidels.

Europol defines Jihadism as “a violent ideology exploiting traditional Islamic concepts. Jihadists legitimize the use of violence with a reference to the classical Islamic doctrine on jihad, a term which literally means ‘striving’ or ‘exertion’, but in the Islamic law it is treated as religiously sanctioned warfare”. (europol.europa.eu) “Jihadism is driven by the idea that jihad (religiously-sanctioned warfare) is an individual obligation (*fard ‘ayn*) incumbent upon all Muslims, rather than a collective obligation carried out by legitimate representatives of the Muslim community (*fard kifaya*), as it was traditionally understood in the pre-modern era.” (Hamid & Dar, 2016)

Individuals can be radicalized in a variety of methods and are susceptible to be radicalized for a variety of reasons. The NYPD Intelligence Unit Report from 2007 concluded that there were four distinct phases in the radicalization process: pre-radicalization, self-radicalization, indoctrination, and jihadization. So, let us go step by step in defining these phases. According to this report: “Pre-radicalization is an individual’s life before they are exposed to and start adopting Jihadi-Salafi Islam as their belief system. Most of the people prior to radicalizing had led normal, ordinary, unremarkable lives and also had committed little if any criminal acts. In the self-radicalization phase the individuals are influenced by internal or external factors, start to explore the Salafi ideology, and gradually start to move away from their own previous ideology and one step closer to jihadization. The reason for this self-exploration is usually a type of crisis, which weakens one’s previous beliefs and opens them up to new ways to view the world. Next is the indoctrination phase where the individual gradually intensifies their beliefs, accepts jihadi-Salafi ideology, and comes to the realization that action is required to persist with the cause of jihadi-Salafi Islam, and that action is militant jihad. The final phase in the radicalization process is jihadization. In this phase the individual will see himself or herself as a holy warrior and will begin planning an attempt to commit a terrorist act.”

In 2006, European Commission's Directorate General for Justice, Freedom and Security commissioned Professors Peter Neumann and Brooke Rogers of King's College, London to study recruitment and mobilization for the militant Islamist movement in Europe. Their ten-month research included literature review and field work, interviews with law enforcement and intelligence officials, community leaders, and radicals / former radicals residing in three EU countries (France, Spain, and the United Kingdom). They did reach some conclusions on current European trends in Islamist recruitment and mobilization. Some of the findings were that the influence of radical imams is used “as a mobilizer or an “engine” of the Islamist militant recruitment. Activists tend to exploit conflicts of role and identity among young Muslims to align them with extremist subgroups and against the West. Linguistic and identity issues, however, are less salient among Muslims in Southern Europe (as opposed, for example, to the U.K. and France), where Muslim immigration is more recent.”

Neumann and Rogers also express concern about “gateway organizations” of Islamist activism, which may facilitate exposure and connection to militant ideas and the social influence of people who endorse them, increasing concern about what happens in “places of vulnerability,”

such as prisons or other social institutions in which marginalized individuals are likely to feel lost or experience tensions. The Internet also plays an important role in recruitment and mobilization, particularly appealing to "seekers" and facilitating "homegrown" self-starter groups. (Neumann & Rodgers, 2007)

“What mainly draws young people in Western countries to jihadi violence is search for something difficult to define: they look for identity, for meaning, for belongingness, for respect. The real starting point for the making of a home-grown jihadist is not radicalization but this kind of social disconnection, a sense of estrangement from, resentment of, society. It is because they have already rejected mainstream culture, ideas, and norms that some Muslims search for an alternative vision of the world” (Malik, 2015). Issues of identity have long been recognized as central to radicalization and are not unique to Muslims.

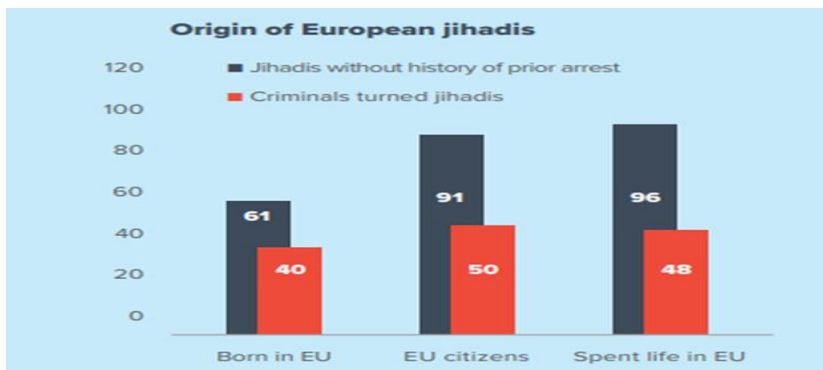


Figure 1: Origin of European jihadis, Source: GLOBSEC Report, 2018

By looking at the recent terrorist cases in the UK, Austria, and France, it can be seen that young second and third generation Muslim immigrants / descendants comprise a large proportion of homegrown Islamist terrorists.

Starting from the recent one in Austria,” on 2<sup>nd</sup> November 2020, the day before Vienna was due to go back into lockdown to control the spread of COVID-19, the city was struck by a jihadist-motivated attack in which four persons were killed and twenty-three wounded. Lone gunman opened fire with a rifle in the city center. Four civilians were killed in the attack and 23 others were injured, seven critically, including a police officer. The perpetrator was identified as 20-year-old Kujtim Fejzullai. Born in Mödling, a town south of Vienna, in 2000, where he grew up, and lived in the town of Sankt Pölten, 53 km west of Vienna. He was a dual citizen of Austria and Macedonia of Albanian ethnic origin. He had been sentenced to imprisonment of 22 months in April 2019, after he tried to cross the Turkish border into Syria to join ISIL; however, he was paroled in December 2019, eight months into the sentence. He was one of around 90 Austrian Islamists who have tried to reach Syria. An Austrian official said that investigators believed that he had worshipped at a mosque that Austrian intelligence services suspected of promulgating extremism. Fejzullai had previously taken part in a deradicalization programme run by the DERAD association. Hours before the attack, Fejzullai had pledged allegiance to ISIL in Arabic in an Instagram post, using the name Abu Dujana al-Albani.” (Wikipedia.com)

“On 29<sup>th</sup> November 2019, five people were stabbed, two fatally, in Central London. The attacker, Briton Usman Khan, had been released from prison in 2018 after serving a sentence for terrorist offences. Khan was born on 10<sup>th</sup> March 1991 in Stoke-on-Trent, United Kingdom, to Pakistani immigrant parents. He attended Haywood High School. Khan spent some part of his



teenage years in Pakistan. According to the British Parliament's Independent Reviewer of Terrorism Legislation 2013 report, Khan travelled to the Federally Administered Tribal Areas in Pakistan before his arrest in December 2010. Khan dropped out of school and preached for al-Muhajiroun.” (Wikipedia.com)

“On 22<sup>nd</sup> May 2017, an Islamist extremist suicide bomber detonated a shrapnel-laden homemade bomb as people were leaving the Manchester Arena following a concert by the American singer Ariana Grande. The bomber, Salman Ramadan Abedi, was a 22-year-old British Muslim of Libyan ancestry. He was born in Manchester to a Salafi family of Libyan-born refugees. He grew up in the Whalley Range area and lived in Fallowfield. Neighbours described the Abedi family as very traditional and "super religious". Abedi attended Wellacre Technology College, Burnage Academy for Boys and The Manchester College. According to The Times, Abedi had been among a group of students at his high school who had accused a teacher of Islamophobia for asking them what they thought of suicide bombers. He also reportedly said to his friends that being a suicide bomber "was ok" and fellow college students raised concerns about his behavior. “(Wikipedia.com)

“The 7<sup>th</sup> July 2005 London bombings, often referred to as 7/7, were a series of coordinated Islamist suicide attacks in London, England, that targeted commuters travelling on the city's public transport system during the morning rush hour. Three of the four London bombers, Mohammad Sidique Khan, Shehzad Tanweer, and Hasib Hussain were all British-born Muslims (Jermaine Lindsay was a convert). The three were between 18-30 years old and all grew up in the same neighborhood in Leeds. Khan (1974), who was married, studied business at Leeds University and employed as a learning mentor at a local school. Tanweer (1982) studied sport science at university (he left before completing his BSc). He came from a wealthy family. Hussain was not a high achiever academically, but attended college to study business.” (Precht,2007)

“On September 4<sup>th</sup> 2007, two men who were planning a terror attack were arrested along several others by Danish police officers and Security Intelligence Service agents in several coordinated actions throughout the Greater Copenhagen area. In 2007 eight persons of foreign origin were arrested at locations around Copenhagen. The main suspects in this case were militant Islamists with international connections involving direct relations with Al-Qaeda. The suspects were arrested on charges of planning a terrorist attack and accused of storing unstable explosives, possibly TATP. The persons arrested were all men of foreign origin aged from 19 to 29 years. Six of the suspects were Danish nationals and two were foreign nationals holding residence permits in Denmark. Two 21-year-olds were imprisoned. Both have roots in Afghanistan and Pakistan” (Precht,2007)

The Hofstad Network was an Islamist terror group composed mostly of Dutch citizens. On November 2<sup>nd</sup> 2004 the Dutch filmmaker Theo van Gogh was killed on his way to work in Amsterdam. Mohammed Bouyeri was sentenced to life imprisonment for murdering Dutch film director Theo van Gogh. Mohammed was born in Amsterdam in 1978 to parents who had immigrated from Morocco. He attended a local polytechnic but did not obtain a degree. He started to radicalize shortly after his mother died and his father re-married in 2003. (Precht,2007)

At least since 2004 Europe has been gripped in the debate on the origins of jihadi terrorism threatening the wellbeing of its citizens. It has now become commonly held wisdom that the majority of European terrorists are homegrown, i.e., perpetrated within the borders of a given country by a national of that country and targeting his/her co-citizens. (GLOBSEC Report, 2018)

### 3. CONCLUSION

*'I am doing this for my religion. You kill Muslims and you want to take our religion away from us, but you will not succeed. Allah is great.'* Brenton Harrison Tarrant attacker at Christchurch (New Zealand), 2019

Peaceful nations around the world have been thrown into a lion's den of ideological extremists. Plans to defeat or neutralize an ideology, however, require different strategies, aims, and tactics than are used in a traditional war. From all of the data reviewed and analyzed in the paper it is clear that if we want to find a solution to the problem of homegrown Islamic extremism, we have to research how serious local European Jihad truly is and strengthen Europe's counter-terrorism response and staying ahead of the curve. We need long-term strategic planning to counter homegrown Islamic terrorism as well as a clearer understanding of emerging militant jihadism among young people in Europe and the tactics radicals use to mobilize them to take violent action. Some of the actions that we must take are: tightening Europe's border controls; removing "terror content" and propaganda from the internet; monitoring jihadi fighters who have returned to Europe. The National Plan for Reintegration, Resocialization and Rehabilitation of Returned Foreign Fighters and their families is a very bold step, which yet has to be proven as effective (such is the case of Fejzullai for instance).

Cases have shown that terrorists and violent extremists increasingly make use of the internet to disseminate their extremist ideologies, including by live streaming and glorifying terrorist attacks. The response must come from all actors, national authorities, civil society and at all levels (national, European and international).

Byman (2017) writes that "terrorist who act without external guidance pose a different threat, and call for a different policy response than those who are directed by an extremist group".

Reports from law-enforcement agencies involved in the fight against homegrown Islamic extremism embrace ways of how to counter radicalization, where countries must prevent young people from entering the radicalization process in the first place. We can definitely agree that some Muslim immigrants in Europe are not integrating well in Christian-Heritage societies. Europe is creating a class of under-employed immigrants who feel little or no connection with their new home country and with that they face a crisis of identity. This creates a "lost generation" or "generation in transition". Governments should engage with Muslims as equal citizens, not only through their religion, in order to create a sense of being part of a society with shared values. Buddha said that "your greatest weapon is in your enemy's mind" so the most important phase in eradicating homegrown Islamic extremism is that the culture of hatred and the ideology of "killing in God's name" need to be reversed at all levels of society.

### 4. REFERENCES:

1. AIVD 2006: Violent Jihad in the Netherlands – current trends in the Islamist terrorist threat, General Intelligence and Security Service in the Netherlands (AIVD), Hague 2006.
2. Allen, Charles E.: "The Threat of Islamic Radicalization to the Homeland". Testimony before the U.S. Senate Committee on Homeland Security and Governmental Affairs, 14 March 2007.

3. Amanpour, Christiane: CNN chief international correspondent, Editor's note on "The War Within", [www.cnn.com](http://www.cnn.com), 22 January 2007.
4. Bakker Edwin and Jeanine de Roy van Zuijdewijn, (2015). "Lone-Actor Terrorism. Definitional Workshop", *Countering Lone-Actor Terrorism Series No. 2*, Royal United Services Institute for Defence and Security Studies
5. Bakker Edwin and Beatrice de Graaf, (2011) "Preventing Lone Wolf Terrorism: Some CT Approaches Addressed," *Perspectives on Terrorism* 5, no. 5-6: 43-50
6. Bakker Edwin. (2006). "Jihadi terrorists in Europe, their characteristics and the circumstances in which they joined the jihad: An exploratory study," *Clingendael Security and Conflict Programme: The Hague, Clingendael Institute*
7. Bates, Rodger. (2012). "Dancing with Wolves: Today's Lone Wolf Terrorists." *The Journal of Public and Professional Sociology* 4, no. 1: 1-14.
8. Borum, Randy. (2003) "Understanding the Terrorist Mindset," *FBI Law Enforcement Bulletin*: 7-10.
9. Borum, Randy. (2012). "Radicalization into Violent Extremism II: A Review of Conceptual Models and Empirical Research." *Journal of Strategic Security* 4, no. 4: 37-62.
10. Burke, Jason. "The Myth of the 'Lone Wolf' Terrorist." *The Guardian*, 30 March 2017. <https://www.theguardian.com/news/2017/mar/30/myth-lone-wolf-terrorist>
11. Byman, Daniel. (2017). "How to Hunt a Lone Wolf: Countering Terrorists Who Act on Their Own." *Foreign Affairs*, March/April 2017. <https://www.foreignaffairs.com/articles/2017-02-13/how-hunt-lone-wolf>
12. Caschetta A.J., (2016). *Flaws in the 'Lone Wolf' Analysis*, *New English Review*
13. de Roy van Zuijdewijn, J., & Bakker, E. (2016). *Lone-Actor terrorism: Policy paper 1: Personal characteristics of Lone-Actor terrorists (Countering Lone Actor Terrorism, Vol. 5)*. The Hague, The Netherlands: International Centre for Counter-Terrorism.
14. Hamm, Mark. (2012). "Ramon Spaaij. Understanding Lone Wolf Terrorism: Global Patterns, Motivations and Prevention." *Review of Understanding Lone Wolf Terrorism: Global Patterns, Motivations and Prevention*, by Ramon Spaaij. *Perspectives on Terrorism* 6, no. 3. <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/hamm-understanding-lone-wolf-terrorism>.
15. Kaati Lisa and Pontus Svenson. (2011). "Analysis of Competing Hypothesis for Investigating Lone Wolf Terrorists" *Conference Paper- European Intelligence and Security Informatics Conference*
16. Malik, Kenan (2015), "Europe's Dangerous Multiculturalism", *Foreign Affairs* (8 December).
17. Neumann Peter and Brooke Rodgers, (2007) "Recruitment and Mobilisation for the Islamist Militant Movement in Europe," *International Centre for the Study of Radicalisation and Political Violence*
18. NIE. (2006). *National Intelligence Estimate: Declassified Key Judgments of the National Intelligence Estimate. "Trends in Global Terrorism: Implications for the United States"*, April 2006. ([www.dni.gov](http://www.dni.gov)).
19. NYPD. (2007). *Radicalization in the West: The Homegrown Threat*. Prepared by: Mitchell D. Silber and Arvin Bhatt, Senior Intelligence Analysts, NYPD (The New York City Police Department) Intelligence Division.
20. PET (2006). *Annual report 2004-2005, PET, Politiets Efterretningstjeneste, Danish Security and Intelligence Service, 2006 (English version)*.

21. Precht Tomas, (2007) "Home grown terrorism and Islamist radicalization in Europe: From conversion to terrorism," Danish Ministry of Defense
22. Roy, Oliver. (2004). "Globalised Islam – The search for a new Ummah" (Columbia University Press.
23. Roy, Oliver. (2005). "The Ideology of Terror", *New York Times*, 23 July 2005
- Schmid, Alex and Jungman, Albert. (1998) *Political terrorism: A new guide to Actors, Authors, Concepts, Data Bases, Theories and Literature*, Oxford: North Holland
24. SÄPO: Säkerhetspolisens verksamhet under 2006, SÄPO, March 2006.
25. Hamid, S., & Dar, R. (2016). *Islamism, Salafism, and jihadism: A primer*. Retrieved 6.4.2020, from Brookings: <https://www.brookings.edu/blog/markaz/2016/07/15/islamism-salafism-andjihadism-a-primer/>
26. Simon, J.D. (2013). *Lone Wolf Terrorism: Understanding the Growing Threat*. Amherst: Prometheus Books.
27. Spaaij, R. (2010) The Enigma of Lone Wolf Terrorism: An Assessment. *Studies in Conflict and Terrorism*, 33 (9): 854-870.
28. Spaaij, R. (2012). *Understanding Lone Wolf Terrorism – Global Patterns, Motivations and Prevention*. Dordrecht, Heidelberg, London, New York: Springer.
29. Toevs, Adeline W. (2020) "Analyzing Threat: Organized Extremist Groups vs. Lone Wolf Terrorists in the Context of Islamist Extremism," *The Commons: Puget Sound Journal of Politics*: Vol. 1: Iss. 1, Article 1.
30. Wilner Alex S. & Claire-Jehanne Dubouloz (2010) Homegrown terrorism and transformative learning: an interdisciplinary approach to understanding radicalization, *Global Change, Peace & Security*, 22:1, 33-51,
31. Williams, Rob J., (2017). "Salafism, Wahhabism, and the Definition of Sunni Islam". Honors Program: Student Scholarship & Creative Works.

## NATIONAL PLATFORM FOR DISASTER RISK REDUCTION 2009-2019: CONTINUITY OR DISCONTINUITY?

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*Nikola Gjorgon, Ph.D.*

### ABSTRACT

In 2009 the Macedonian model of National Platform for Disaster Risk Reduction (NPDRR) was established as a multi-stakeholder national mechanism that would provide coordination and give political guidelines in the area of Disaster Risk Reduction (DRR). NPDRR was based on (1) constitutive elements (doctrine, strategies, policies, legislation, methodologies, assessments, scenarios, plans and SOPs), (2) contextual stakeholders (human, financial and material-technical resources) and (3) functional links (on a political, administrative and expert level). The model was supposed to provide integrated, efficient and effective approach to prevention, early warning, response to and recovery from natural and man-made hazards and disasters, while at the same time assure functional unity of the central and the local government, NGOs, and the academic and business communities. In order to be improved, the NPDRR was designed as a dynamic system that would undergo continuous monitoring, evaluation, and revision. However, the 2011 revision essentially receded from the initial systemic approach and re-introduced the old solutions.

In this paper we will analyze the key arguments that gravitate around the opinion that the institutional framework of the mechanisms for disaster risk reduction has already been sufficiently reinforced with the establishment of the two governmental agencies – the Rescue and Protection Directorate in 2004 and the Crisis Management Center in 2005. The systemic omissions detected during the managing of various hazards such as the disastrous 2007 forest fires point to the opposite direction. The 2009 model was a response to the real deficit of institutional coordination in conditions of limited human, material-technical and financial resources allocated for prevention, preparedness, response and post-disaster recovery. The fourth edition of NPDRR from 2019 is an attempt to overcome the weaknesses of the 2011 third edition.

**Keywords:** *Disaster Risk Reduction (DRR); National Platform for Disaster Risk Reduction (NPDRR); Hyogo Framework for Action; Sendai Framework for Disaster Risk Reduction; systemic approach; Crisis Management System (CMS); Crisis Management Center (CMC);*

## 1. INTRODUCTION: CONSTRUCTING THE NATIONAL PLATFORM FOR DISASTER RISK REDUCTION

Following the global and regional European experiences, as well as the key conceptual frameworks for Disaster Risk Reduction (DRR) such as the Hyogo Framework for Action, the Macedonian model of a National Platform for Disaster Risk Reduction (NPDRR) was established in the period 2007-2009. As a multi-stakeholder national mechanism that would provide coordination and give political guidelines in the domain of DRR, the NPDRR was supposed to ensure integrated, efficient and effective approach to prevention, early warning, response to and recovery from natural and man-made hazards and disasters, while at the same time assure a functional unity of central and local government, NGO, and the academic and business communities. To this end, memorandums of understanding (MoUs) were signed with ministries and state administration bodies (35 MoUs), inspectorates and inspection services (21), the local self-government, public enterprises and public services, NGOs (42) humanitarian organizations (9), business community, five religious communities, as well as with the academic institutions, including with seven universities, 77 institutes and research centers, two observatories, (seismological and geomagnetic), 173 laboratories within academic and state institutions<sup>3</sup>. However, in order to fulfill the goals, the 2009 NPDRR model rested upon three crucial elements:

1. **Constitutive elements** (doctrine, strategies, policies, legislation, methodologies, assessments, scenarios, plans and SOPs.)
2. **Contextual stakeholders** that determine the real dimension of the model (that is, human, financial and material-technical resources), and,
3. **Functional links** that connect the model (on a political, administrative and expert level).

Apart from the bilingual Macedonian-English publication (Lazarevski, Gjorgon and Taleski. (2010). *National Platform of the Republic of Macedonia for Disaster Risk Reduction*. Crisis Management Center.), the model was theoretically explained in: Ѓоргон, Н. (2011). *Намалување на ризици од катастрофи: Европски искуства – македонски модел / Disaster Risk Reduction: European experiences – Macedonian model*. In this paper we would like to briefly look into the contours of the NPDRR and provide a retrospective of the process of its modeling and revisions.

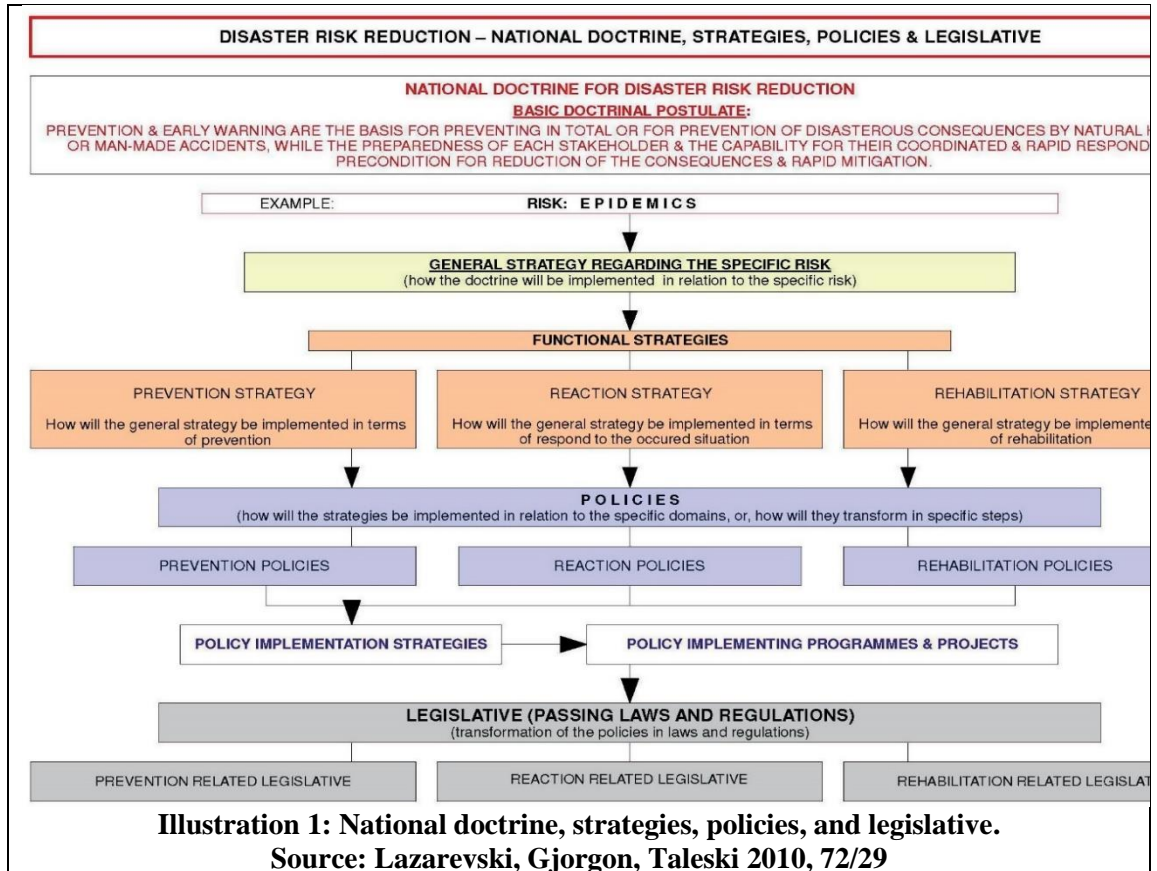
### 1.1. Constitutive elements

In order to adequately address disaster risks, the model begins with a unified doctrinary position that would calibrate specific strategies, policies, laws and plans. In 2009 the Steering Committee of the NPDRR accepted the following formulation as a **basic DRR doctrinary position**: “Prevention and early warning are the basis for preventing in total or in part of the disastrous consequences of natural hazards or man-made accidents, while the preparedness of each stakeholder and their capability for coordinated and rapid response are preconditions for reducing the consequences and rapid mitigation of such accidents.” (Lazarevski, Gjorgon, Taleski 2010, 27/29)

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<sup>3</sup> The purpose of the National Laboratory Network and the National Expert Network were to functionally unify the national capacities and make them available for medical, technical-technological and construction engineering forensics, environmental forensics, and TCI forensics. Also, it aimed to achieve synergy and functionality of the available capacities for more complex researches, coordination of activities in the domain of expertise and laboratory research for the purpose of prevention of disaster risks.

The doctrinary position consists of six interdependent elements: (1) prevention, (2) early warning, (3) preparedness, (4) rapid response, (5) recovery, (6) mitigation. Reducing disaster risks depends on closing the circle of the abovementioned activities (Ѓорґон 2011, 66-68).<sup>4</sup> The doctrinary position is a basic logical truth in the system. From this axiom all other elements, such as the general and functional strategies, the policies and the laws, should be deduced.



The next step was to develop **general strategies** for each specific type of risk. The implementation of the general strategies would be further specified through **functional strategies** focusing on:

- Prevention;
- Response;
- Recovery.

<sup>4</sup> In accord with the DRR paradigm, the process logically begins with *prevention*, which implies constant *monitoring* of potential risks. Systemic monitoring is basis for *early warning*. Gathered data strengthens *preparedness*, which, in turn, presupposes that *response* capacities and resources are in place. The purpose of the response phase is, through services, to save lives, reduce damage, alleviate suffering, secure public safety and provide for the essential needs of people. Once a hazard or disaster occurred, the logical steps are *recovery* and *normalization* of communities that were impacted. (Ѓорґон 2011, 68-69). If the risk is prevented, then the functional circle that begins with prevention ends with preparedness. However, should the risk materialize as a disaster, then the circle ends with recovery and normalization.

These strategies are the basis for appropriate **policies** focused on prevention, response and recovery. Policies are the bridge between functional strategies and concrete actions, having in mind the:

- nature of the risk;
- characteristics and availability of human, institutional, financial and material-technical resources;
- general attitude of citizens, their perception of their own civic responsibility and the institutional responsibility, and, in this context, their expectations and preparedness for engagement in the process.

These policies are operationalized through **operational strategies**<sup>5</sup> and **programs and projects**<sup>6</sup>. Implementing specific policies (and the related programs and projects) depends on appropriate laws.

DRR policies require developing **methodologies** (in line with Article 45 of the Law on Crisis Management). There are three types of methodologies:

1. Risk assessment methodologies;
2. Risk mapping methodologies (Where? How? How much?);
3. Risk monitoring methodologies.

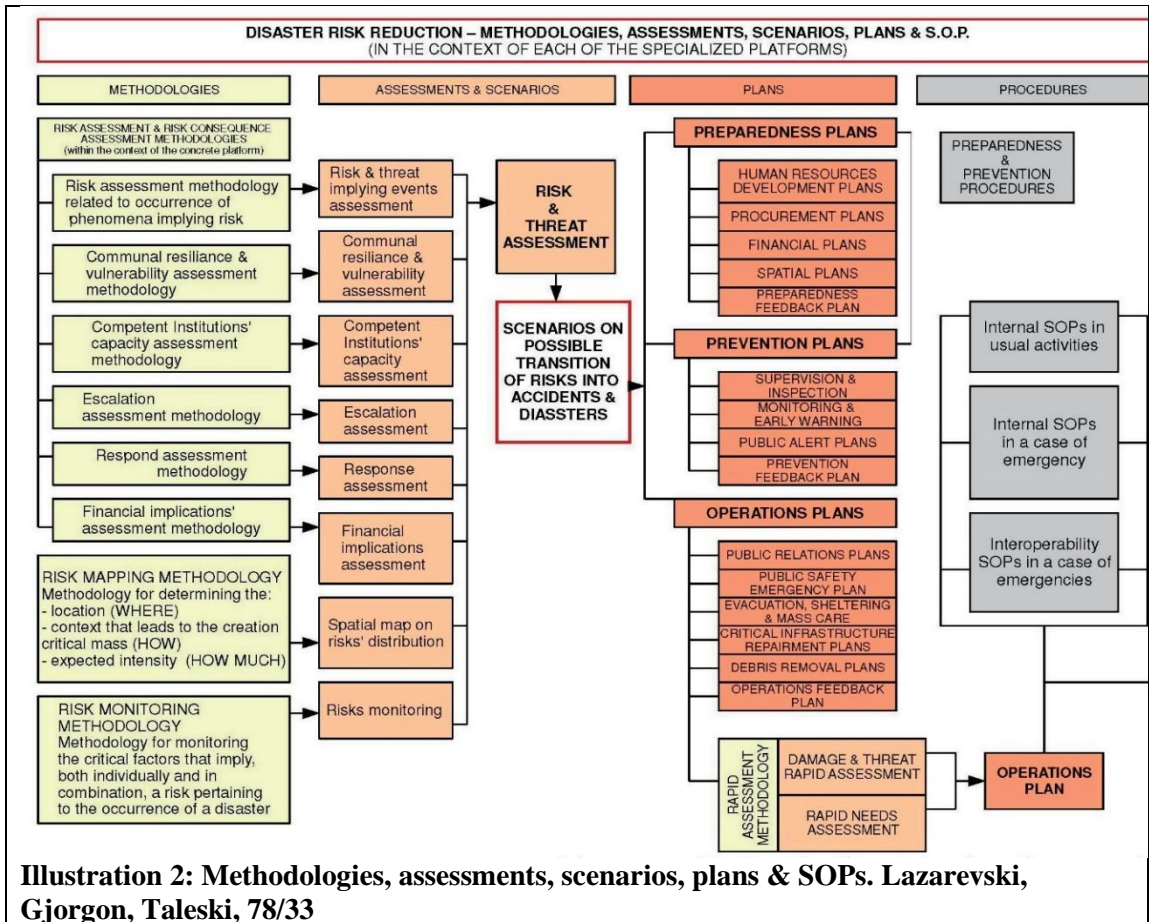
Methodologies are a basis for developing assessments and scenarios, which, in turn, are necessary for plans (for preparedness, prevention and operations). Plans are further operationalized through Standard operational procedures (SOPs). Therefore, by harmonizing the basic documents with the basic doctrinary position, the circle of responsibility can be logically and effectively closed, and disaster risk can be thoroughly reduced.

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<sup>5</sup> The operational strategies prepare the way for operational plans, which determine the timeline and specific actions that stakeholders need to take, while using the previously allocated financial and material-technical resources.

<sup>6</sup> For example, a program for strengthening individual and collective responsibility and proactivity of citizens regarding a specific risk (for example, an earthquake), would be then further developed through more specific projects aiming at raising the awareness of different target groups (minors, people with disabilities, elderly...) how they should respond and how others should treat them. Projects are implemented through project activities that need to be in line with the operational plans.





## 1.2. Contextual stakeholders

In addition to the constitutive elements, the NPDRR depends on its contextual stakeholders, that is, the availability of human, financial and material-technical **resources**. Whether resources will be available and appropriately allocated for DRR purposes depends on the political, administrative and security **culture** (in general) and the institutional and civic responsibility (specifically). Culture influences politics, its stakeholders, and the policy-making process. **Inspection** is a systemic tool that verifies the implementation of laws and, as such, is a prerequisite for supervision of individual, collective, and institutional responsibility.<sup>7</sup> Finally, if everything else is in place, the role of **insurance** is to compensate any negative effects caused by disasters.

## 1.3. Functional links

The functional links of the 2009 NPDRR model consisted of institutional mechanisms for political, administrative, and expert coordination of the relevant stakeholders, on both state and local levels.

<sup>7</sup> Inspection is important for a forensic investigation of any hazards or disasters.

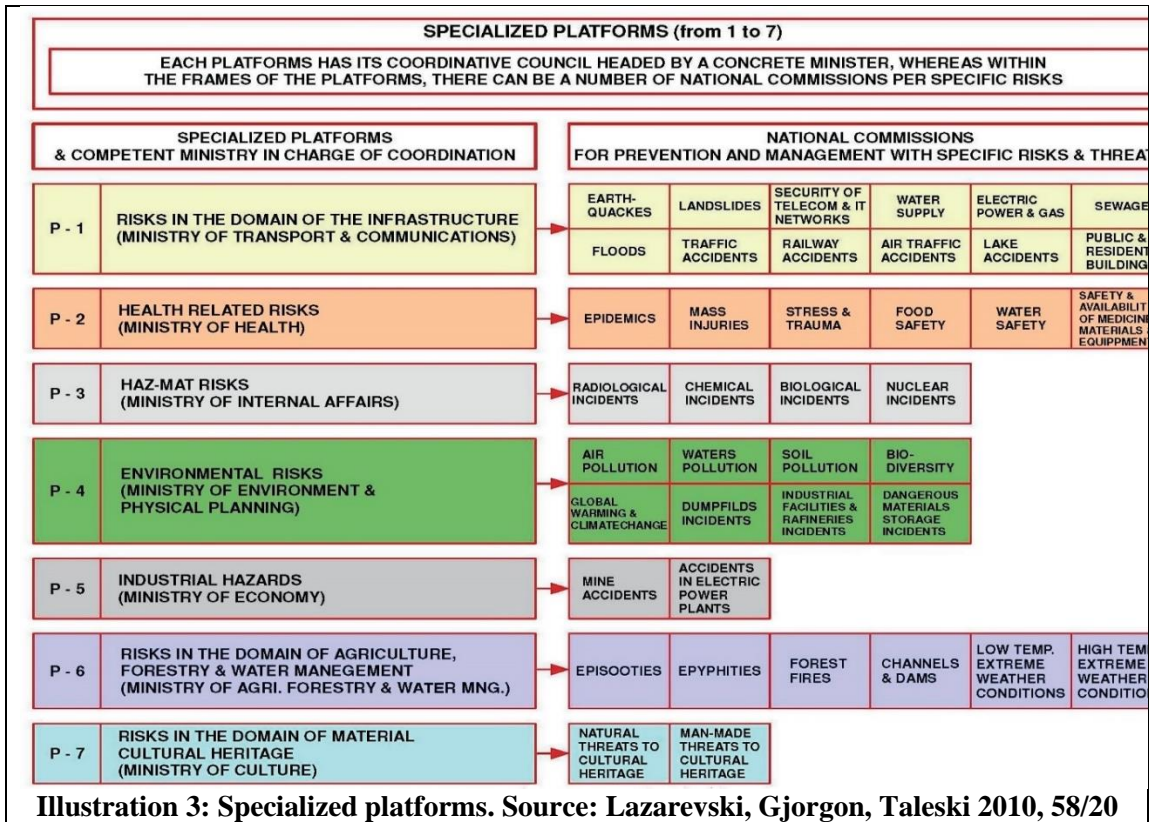
Coordination among the three levels is essential because the system cannot properly function without the participation of all stakeholders. On the political level, the task of policy and decision makers is to steer the process, adopt decisions, facilitate high-level communication and coordination, give guidelines and, verify the end results of the process. In order to reduce the risk of adopting expensive decisions based on inaccurate data and arbitrary views of policy makers, clearly defined procedures should be in place in order to ensure that decisions are based on scientific data. Adopted on a political level, scientifically-based decisions should be implemented by competent institutions on administrative and operational level. The functional links enable a closed circle of responsibility on a political, administrative and expert level.

### **1.3.1. Political level**

The 2009 NPDRR model brought together decision makers from state, local, and regional levels. **The Steering Committee of the NPDRR**, led by a government appointed minister, was supposed to give guidelines for developing the NPDRR, verify the results, as well as to refer to certain operational solutions that affect the system.<sup>8</sup> Risks were grouped in **specialized platforms**, each led by a specific ministry, depending on its competences. Following the first revision of the NPDRR in 2009, seven specialized platforms were designed:

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<sup>8</sup> The Steering Committee was led by a Government-appointed minister. It brought together ministers, representative of the Security and Defense Commission of the Assembly, National Security Advisor of the President, the president of Community of Local-Self Government, as well as the directors of CMC and RPD. The Council of state secretaries and the Inspection council reported to the Steering Committee.



The specialized platforms had a political and administrative level. Each platform had its own coordinative council as an administrative body presided by a minister (representing the political level). The coordinative councils were designed to enable coordination among state authorities that adopt and implement decisions and state bodies responsible for controlling the implementation process. Each coordinative council was supposed to draft strategies, methodologies, scenarios, plans and SOPs.<sup>9</sup> **Local NPDRR councils** were established on municipal level, tasked with local risk assessment, coordination of resources and activities, and organizing the citizens. If the risk situation exceeds the municipal borders, then eight **regional NPDRR councils** would be activated (in accord with the regionalization of CMC and Ministry of Interior - MoI).

### 1.3.2. Administrative level

The purpose of administrative level coordination is to implement decisions and legal obligations in a regular and consistent manner. The **Council of state secretaries** was presided by the Secretary-General of the Government, and it brought together state secretaries from ministries and the directors of state agencies. The role of the Council and its working groups was to overcome any problems and map solutions of administrative-professional nature. On its 77<sup>th</sup> session held on June 9<sup>th</sup> 2009, the Government passed a conclusion obliging the inspection bodies to intensify the

<sup>9</sup> In order to ensure efficient functioning of the NPDRR while abiding to normative-legal framework, CMC signed MoUs and agreements for cooperation with all ministries, independent state institutions, municipalities, NOGs, academic and expert institutions and the religious communities.

cooperation in order to implement a coordinated inspectoral supervision and thus close the circle of responsibility. The **Inspectoral council** was established to boost inspectoral supervision within the NPDRR.<sup>10</sup>

### 1.3.3. Expert level

The expert coordination was designed to support the decision-making process as well as to provide synergy with the operational implementation of policies and legal competences. The **legal, economic-social and academic-expert consultative councils** were designed to support the NPDRR.<sup>11</sup>

In the introduction to the printed edition of the NPDRR from 2010, Academician Prof. Georgi Efremov, Ph.D. emphasizes that: Noteworthy is the systematic approach taken in the development of the National Platform through the integration of national and international practices as well as the theoretical and methodological consistency and practical usability of system solutions. Based on the integrated system approach paradigm and the well-known transmissions and complex approaches with simple institutional design, the National Platform is actually an exceptional integrating tool which guarantees synergy among all stakeholders. In this regard, it is understandable that it was internationally recognized as a referent model for consistent approach towards prevention, early warning and response to a wide spectrum of risks and possible accidents and disasters. (Lazarevski, Gjorgon, Taleski 2010, 5/3).

Having in mind that we are dealing with one of the most complex steering-executive interventions on a public managerial level in recent Macedonian history, Ivanov notes that it would be more “consistently and semantically accurate to name it: National system for Disaster Risk Reduction”. (ИВАНОВ 2013, 242-243). In 2009 the model was officially adopted by the Government and the United Nations were informed. The 2009 Macedonian model of NPDRR was conceptually and institutionally much more developed than many other national platforms in Europe (UNISDR 2011).

However, not all stakeholders recognized the need for a systemic and holistic approach. In the following section we will address the process that led to the deconstruction of the NPDRR.

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<sup>10</sup> Example for closing the circle of responsibility: blocking the canals with garbage can lead to flooding in conditions of heavy rainfall. Damage caused by the flood should be paid by the legal person or individual who blocked the canal, or who allowed the canal to be blocked. In this hypothetical example we are talking about a problem whose different aspects are in the competence of different inspection bodies, the need for their mutual coordination becomes clear.

<sup>11</sup> The role of the councils was to provide: networking of the existing expert capacities and their activation for the purpose of the NPDRR; bridging the gap between the state authority and the top representatives of the academic and business community and the non-governmental sector, thus ensuring decision-making related to reducing the risks of accidents and disasters based on science; give advice for issues related to DRR in their respective areas of expertise; participate in the drafting of strategies, policies, plans and laws, and give opinions on proposed strategies, policies, plans and laws.

## 2. (DE)CONSTRUCTION OF THE NATIONAL PLATFORM

### 2.1. The Platform as a dynamic system

As a dynamic system, the NPDRR was designed to undergo continuous monitoring, evaluation, and periodical revision and improvement of its structure (based on a pre-determined schedule).<sup>12</sup> Although planned for January 2010, the first revision of the NPDRR was completed two months earlier, on November 19<sup>th</sup> 2009. The first revision included a rationalization of the initial 23 specialized platforms (for each type of risk) and their merging into seven specialized platforms, each led by a competent ministry, in accord with its jurisdiction.<sup>13</sup>

However, the second revision (hereafter referred as the third NPDRR edition from May 2011) significantly receded from the initial systemic and holistic approach. According to the authors of the third edition, the NPDRR is a “nationally designed model that reflects the current conditions and perspectives in the domain of disaster risk reduction” (NPDRR 2011, 8). Referring to the principle for developing NPDRR according to which “National Platforms for DRR should utilize a participatory process to facilitate various sectors engagement with their diverse perspectives and actions, and build on existing systems and mechanisms”, the authors of the third NPDRR edition point out that their model: “builds on the established system for crisis management and rescue and protection in the R. of Macedonia and is an additional mechanism for strengthening the inter-institutional coordination and communication” (NPDRR 2011, 8).

The declared ambition of the third edition was for NPDRR to: “provide integrated, efficient and effective approach to prevention, early warning, response to and recovery from natural and man-made hazards and disasters, while securing the functional unity of the state authorities, local self-government, the academic and business communities. This implies developing an adequate system, structure (network of institutions) and functional links that will guarantee timely, systemic and coordinated reaction of all stakeholders that take part in the National Platform.” (NPDRR 2011, 8)

In order to achieve the abovementioned goal, it presupposed the “integration of the existing systems for crisis management and rescue and protection as well as the two governmental bodies – the Steering Committee and the Assessment Group.” As “key stakeholders and carriers of the steering component of the NPDRR”, the basic function of the Steering Committee and the Assessment Group consists of “holding consultations, decision-making at the highest state level, coordination, timely and efficient response and appropriate use of available skills and resources, timely, quality and realistic threat assessment [...] from all risks, and for the purpose of their reduction and avoiding major disasters” (NPDRR 2011, 10). According to this model, the Steering Committee manages the NPDRR while the CMC and the RPD are carriers of the implementation process. CMC is in charge of “securing the continuity of the inter-departmental and international cooperation, consultations and coordination of the crisis management, [...] as well as for preparation and updating of the unique assessment of the risks and dangers for the Republic.” CMC is also “in charge of the entire support (expert, organizational, administrative and other) of the Steering Committee and the Assessment Group.” The RPD, on the other hand, is in charge of “planning, organizing and implementing the measures for rescue and protection of people, the

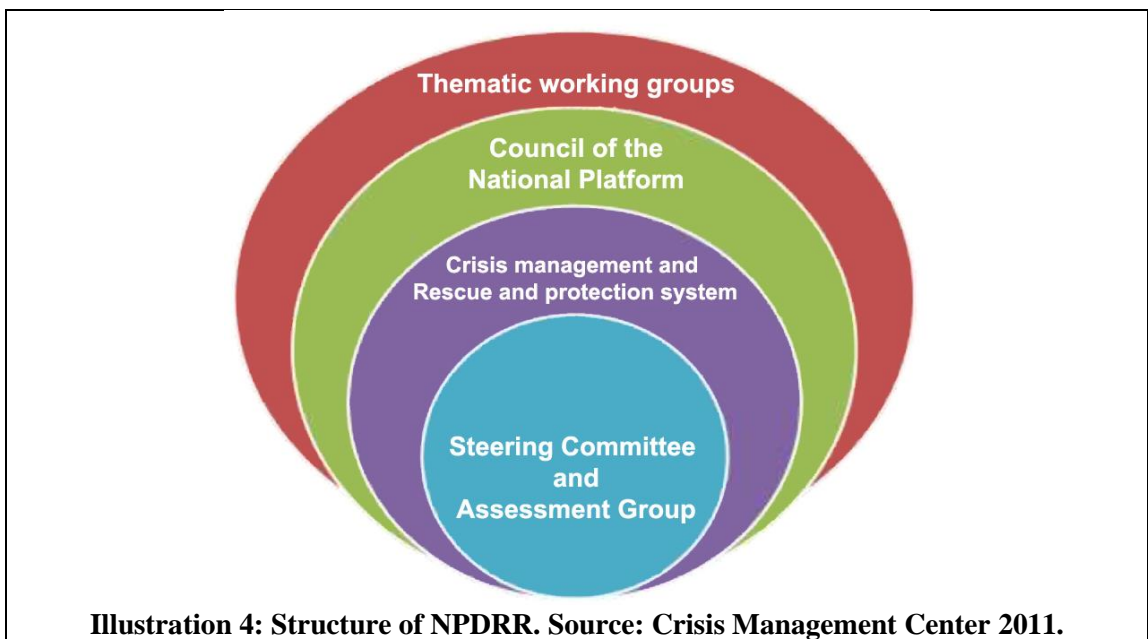
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<sup>12</sup> Such mechanisms for continuous revision are embedded in the key international documents such as the Hyogo Framework for Action 2005-2015 and the Sendai Framework for DRR 2015-2030.

<sup>13</sup> Having in mind that CMC initiated the unification of CMC and RPD, several options were considered (including the option of their integration with the MoI). Hence, some risks (radiological, biological, chemical and nuclear incidents), which should logically be in the domain of RPD, were placed under the jurisdiction of MoI.

environment, material goods, natural treasures, wildlife and flora and cultural treasures from natural hazards, epidemics, epizootics, epiphytotic and other accidents.” (NPDRR 2011, 10-11).

This concept makes a distinction between the “existing systems” for crisis management and rescue and protection and the two governmental bodies – the Steering Committee and the Assessment Group. Contrary to this approach, the initial 2009 model of the NPDRR placed them all as part of the same system. Furthermore, the 2011 revision derogates the role and real value of the constitutive stakeholders and reduces them to mere participants in the work of the Council of the National Platform as its advisory body or forum, supported by the thematic working groups<sup>14</sup>. This is qualified as “a step forward to integrating all relevant stakeholders in the domain of disaster risk reduction.” (NPDRR 2011, 12)



With these changes, the 2009 NPDRR was systemically dismantled. Deprived of its constitutive elements, the NPDRR was *de facto* reduced to the systems for crisis management and rescue and protection, and was partially extended with the Council of the NPDRR as an advisory body that “provides exchange of ideas, knowledge and experiences in the area od DRR” (NPDRR 2011, 11-12). One of the main activities of the Council was to organize annual conferences, forums, seminars, roundtables and similar activities. The third revised edition of the NPDRR significantly reduces the essential elements and emphasizes the role of the Steering Committee and the Assessment Group (Иванов 2013, 243).

<sup>14</sup> “The Council of the NPDRR enables: participation of all representatives in the NPDRR; exchange of opinions, knowledge and experiences in the domain of risk and disaster management; review of existing strategies, plans and programs relevant to disaster risk reduction; strengthening the mechanisms for cooperation, coordination and consultations not only among participants from the country, but also exchange of views and experiences with NPDRRs from other countries.” (НП 2011, 12).

According to the authors of the third edition, their concept of the NPDRR “will overcome all existing (previously recorded) shortcomings and, at the same time, it will establish a functional mechanism for reducing disaster risks.” (NPDRR 2011, 3). In the next section we will address some of the key claims in favor of this revision.

## **2.2. Duplication or refinement?**

The first claim is that the 2009 model of the NPDRR introduced a steering and managerial structure and working bodies that “duplicated and overlapped with the existing ones within the crisis management system and other systems of regular functioning of the state and local government bodies” (NPDRR 2011, 9).

However, Article 13 of the Law on crisis management (LCM) prescribes the establishment of the Steering Committee as a Governmental body, determines its composition and functions and puts it in charge of coordination and managing of the crisis management system (CMS). Article 16 of the LCM determines the obligation of state bodies, the municipalities and the City of Skopje as well as other participants in the CMS, to implement the recommendations and other measures and activities adopted by the Steering Committee, within the framework of their legal competences.

Furthermore, the Steering Committee could also manage the NPDRR because Article 13 of the LCM gives an opportunity, if necessary, to expand the Steering Committee with heads of other state institutions. For this purpose, the Steering Committee was expanded with heads of the Ministry of Finance, Ministry of Agriculture, Forestry and Water Economy, Ministry of Environment and Spatial Planning, Ministry of Local Self-Government, Ministry of Education and Science, Ministry of Labor and Social Policy, Ministry of Economy, Ministry of Culture, CMC and RPD. As such, the Steering Committee of Article 13 of LCM was supposed to serve as a Steering Committee of the NPDRR. If needed, representatives of other NPDRR stakeholders would be invited to join the Committee. Therefore, the 2009 solution did not result with duplication, but rather a functional integration and interoperability of all stakeholders relevant for DRR.

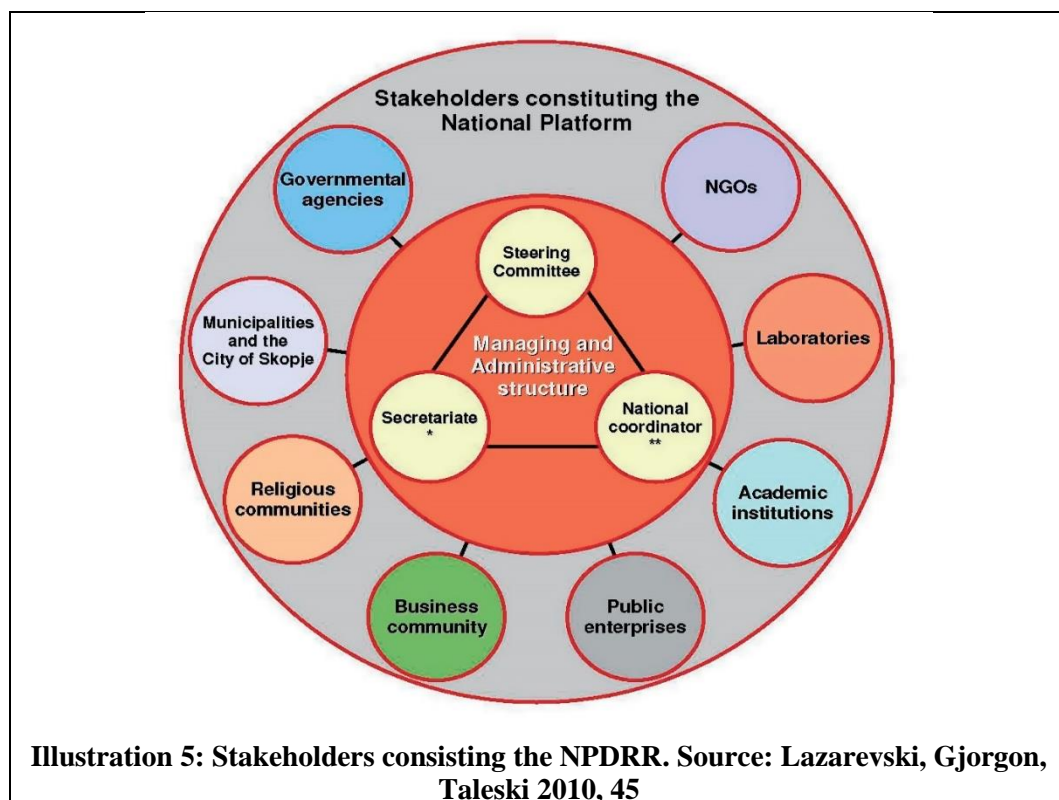
## **2.3. Parallelism or integration?**

The second claim is that the 2009 NPDRR established a “parallel system for interdepartmental and intersectoral coordination, apart from the ones legally established within the framework of the systems for crisis management and rescue and protection”. (NPDRR 2011, 9)

However, a careful reading of the 2009 NPDRR model shows that it actually integrates and connects the existing systems and sub-systems for the purpose of reducing disaster risks. A good example is the working group for normative-legal harmonization. Its purpose was to provide harmonization of normative and legal solutions on one hand, and policies of specific state institutions on the other hand, with the general strategic approach of the institution and with the basic doctrinary position. The Council of state secretaries was designed to provide administrative and system support and consistency of the constitutive elements of the model (doctrine, strategies, policies and legislation), which is a precondition for a holistic, systemic and thorough approach to reducing disaster risk, which is the primary purpose of the NPDRR.

## 2.4. (Un)necessary National Coordinator?

The third critique at the expense of the 2009 NPDRR model was that it established “an additional institution “National Coordinator” for implementation of the NPDRR that does not have defined functions and tasks and that intrudes in the competences of the institutions.” (NPDRR 2011, 9)



The printed edition of the 2009 NPDRR does indeed point out that the need “to introduce the function of a national coordination for the implementation of the National Platform is being considered” in addition to the Crisis Management Center being an independent governmental agency entrusted by the Government to provide administrative-expert support to the National Platform process in general (Lazarevski, Gjorgon, Taleski 2010, 49/13). The need of a National Coordinator stems from the complexity of coordination on political, administrative, expert and operational levels. For this purpose, on April 21<sup>st</sup> 2010 the Government appointed a “National Coordinator for implementation of the NPDRR” but without giving specific and clear competences. In his Report from August 25<sup>th</sup> 2010, the National Coordinator asks the Government to define his competences (and provides a proposal) or, simply abolish the function altogether. (Извештај на Националниот координатор 25.08.2010).<sup>15</sup> The very need for a National

<sup>15</sup> The Report from 25.08.2010 proposes two alternative conclusions: 1. The National Coordinator for implementation of the NPDRR will be given the needed competences. 2. Alternatively, (in case the Government determines that there



Coordinator was put into question because of the deconstruction of the NPDRR with the third edition.

## 2.5. Voluminosity as criteria?

Additionally, some authors mention the voluminosity of the document as an argument in favor of the 2011 revision of the NPDRR (Кешетовиќ, Корајлиќ, Тотх, Ѓуровски 2017, 186). However, it is not clear whether by “document” they imply only the text and illustrations of the constitutive elements of the NPDRR (chapters I-VIII), or, the publication itself which includes many relevant appendixes.<sup>16</sup> It is interesting that the Fourth revised edition of the NPDRR from September 2019 includes some of the elements that were avoided in the third edition.

## 2.6. (Re)active system

The main argument on which the previous claims rest is the opinion that “the institutional framework of the mechanisms for disaster risk reduction has already been sufficiently reinforced with the establishment of the two governmental agencies – the Rescue and Protection Directorate in 2004 and the Crisis Management Center in 2005” (Кешетовиќ, Корајлиќ, Тотх, Ѓуровски 2017, 186).

However, this explanation is contradictory. Namely, if the systemic positioning of CMC and RPD was quite sufficient for disaster risk reduction, then, why did the Government establish the NPDRR in the first place? Why did the Government accept the proposal of the Steering Committee and revised the NPDRR in line with the pre-determined schedule for periodic evaluation and revision? The systemic inconsistencies detected during several natural and man-made hazards point in a different direction.

One of the key factors for the ineffective management of the 2007 disastrous forest fires was the lack of communication and coordination among the competent institutions on a national, local, and international level in terms of the engaged capacities and resources and aid sent. The entire system was reduced to personal engagement of individuals. Additionally, there were no sound methodologies for risk assessment and response capacities. The system lacked a holistic approach to prevention of hazards and disasters. The circle of responsibilities, with a clear mandate who does what, why, when and how in the context of preparedness, prevention, response and recovery was not closed. In such circumstances, the responsibilities and competences of institutions were determined arbitrary and spontaneous.

The root of these shortcomings can be traced back to the reactive paradigm that is focused on managing the crisis and disasters. The involvement of the expert community is an exception that proves the rule.<sup>17</sup> This clearly speaks of the need of the country for an integrated, holistic, and systemic approach that would be based on a preventive paradigm.

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is no real need for a National Coordinator) to abolish the function, and determine who will be in charge for the implementation of the NPDRR.

<sup>16</sup> In the bilingual, Macedonian-English publication from 2010, apart from the text and illustrations of the NPDRR, the following appendixes were included: conceptual solution for E-112 (in accord with the feasibility study by the Austrian firm Buhler GmbH–Mobilfunk–Telekommunikation–Informationstechnik); Overview of stakeholders; Speeches and letters (related to the establishment and promotion of the NPDRR); DRR Terminology; References; Guidelines for development of methodologies for assessment of risks & hazards & their implications. Prepared by Prof. Zoran Milutinovic, Ph.D. and Prof. Mihail Garevski, Ph.D. European Center on Vulnerability of Industrial and Lifeline Systems, ECILS-Skopje; English version of the NPDRR; Three relevant United Nations General Assembly resolutions; Reprint of the Hyogo Framework for Action 2005-2015;

<sup>17</sup> Even Articles 14 и 18 of the Law on Crisis Management state that depending on the crisis situation, in the work of the Steering Committee and the Assessment Group experts might be invited if necessary.

The disaster risk reduction paradigm aims at removing altogether, or at least reducing the factors that can cause a disaster. According to this paradigm, a disaster is “a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.” (UNISDR 2009, 9)<sup>18</sup>

Therefore, disaster risk reduction is “the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.” (UNISDR 2009, 10-11).

Risk reduction depends on developing coping capacities of communities and countries to prevent and manage risks in such a way that will ensure the safety of communities and enable higher quality of life for people. As a holistic approach, DRR includes every aspect of society, state institutions and the professional, academic and business sector. Unlike disaster management which by its very nature is reactive, disaster risk management is proactive. This approach focuses on developing policies, procedures and monitoring and evaluation mechanisms that will reduce existing and prevent the occurrence of new risks, thus strengthening resilience.

The 2007 forest fires triggered the modeling of a new, holistic solution that resonated with the Hyogo guidelines. The 2009 NPDRR model offered such proactive and systemic approach. The NPDRR put strong emphasis on the need to understand disaster risks and, for this purpose, to develop a set of risk assessment, mapping and monitoring methodologies that would serve decision makers in the process of drafting strategies, policies and laws. (It is an interesting curiosity that the functionality of the NPDRR was elaborated by using the risk of epidemics as a case study, which is especially relevant today as we cope with the COVID-19 pandemic.) This model was meant to fill the institutional coordination gap when the country faced limited human, material-technical and financial resources allocated for disaster prevention, preparedness, response and recovery (Ћopron 2011, 133).

In fact, the dysfunctionality of the third (minimalistic) version of the 2011 NPDRR was demonstrated during the 2016 floods in the vicinity of Skopje (Gjurovski and Mocanoski 2019, 72-74). We do not agree with the position that during the 2016 floods the NPDRR was already in a phase of “maturity” (Gjurovski and Mocanoski 2019, 64, 70). The NPDRR never reached “maturity” since in March 2011 (less than two years after its establishment), it was substantially altered and disabled even before it was put into practice. Its constitutive elements and functional links necessary for a systemic and integrative approach and its operability were removed. It represents a discontinuity and inconsistency with the initial 2009 approach. Therefore, the shortcomings of the minimalist NPDRR of 2011 cannot be attributed to the original concept of 2009.

What are the reasons for these weaknesses? In essence, the minimalistic 2011 NPDRR is a continuation of the very solutions that failed in 2007. Instead of continuing with the systemic approach for understanding and reducing risk factors introduced in 2009, the minimalistic NPDRR of 2011 goes back to the familiar and comfortable terrain of inherited policies and procedures that derive from the old paradigm. Some authors point out that the *status quo* in terms of the rivalry between CMC and RPD „may lead to collapse of the system, “which for a long time is „in the

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<sup>18</sup> In this sense, disaster risk is a function of threat, exposure, vulnerability and coping capacities (Milutinovic and Garevski 2009, 3-2).

phase of incubation stage and is "forcefully" preserved by higher political authorities. "(Ivanov, Malis Sazdovska and Mileski 2014).

Even the fourth revised edition of the NPDRR from September 2019 recognizes that "this asynchronization [between CMC and RPD] directly affects the operation and efficiency of the crisis management system", and, for this reason, it anticipates reforms that „include the adoption of a new legal solution that would unite the entire system and cover all aspects of the crisis, protection and rescue system" (NPDRR 2019, 148). This means that one of the key arguments in favor for the 2011 revision does not match the facts.

### 3. CONCLUSION

Based on the holistic DRR paradigm, in the period from 2007 until 2009 the first Macedonian model of a NPDRR was developed. As a multi-stakeholder national mechanism that would provide coordination and give political guidelines, the NPDRR was supposed to provide integrated, efficient and effective approach to prevention, early warning, response to and recovery from natural and man-made hazards and disasters, while at the same time assure a functional unity of central and local government, NGO, and the academic and business communities. In order to fulfill these goals, the 2009 model was based on three crucial elements (1) constitutive elements (doctrine, strategies, policies, legislation, methodologies, assessments, scenarios, plans and SOPs), (2) contextual stakeholders (human, financial and material-technical resources) and (3) functional links (on a political, administrative and expert level).

The 2011 revision essentially receded from the initial systemic approach and re-introduced the old solutions. In this paper we analyzed the of key arguments that gravitate around the opinion that the institutional framework of the mechanisms for disaster risk reduction has already been sufficiently reinforced with the establishment of the two governmental agencies – the Rescue and Protection Directorate in 2004 and the Crisis Management Center in 2005. The systemic omissions detected during the managing of various hazards such as the disastrous 2007 forest fires point in the opposite direction. The 2009 model was a response to the real deficit of institutional coordination in conditions of limited human, material-technical and financial resources allocated for prevention, preparedness, response and post-disaster recovery. The fourth edition of NPDRR from 2019 is an attempt to overcome the weaknesses of the 2011 third edition.

However, not all stakeholders recognized the need for a systemic and holistic approach. The second revision (hereafter referred as the third NPDRR edition from May 2011) significantly receded from the initial systemic and holistic approach. Deprived of its constitutive elements, the NPDRR is *de facto* reduced to the systems for crisis management and rescue and protection, and partially extended with the Council of the NPDRR as an advisory body that "provides for exchange of ideas, knowledge and experiences in the area od DRR" (NPDRR 2011, 11-12). In essence, the minimalistic 2011 NPDRR is a continuation of the very solutions that failed in 2007. Instead of continuing with the systemic approach for understanding and reducing risk factors introduced in 2009, the minimalistic NPDRR of 2011 goes back to the familiar and comfortable terrain of inherited policies and procedures that derive from the old (reactive) paradigm.

The revision is justified based on the claims that the 2009 model duplicated and overlapped the steering and managerial structure and the working bodies of the crisis management system, as well as that a parallel system of interdepartmental and intersectoral coordination was established. These key arguments gravitate around the opinion that the institutional framework of the mechanisms for disaster risk reduction has already been sufficiently reinforced with the

establishment of the two governmental agencies – the Rescue and Protection Directorate in 2004 and the Crisis Management Center in 2005.

However, this explanation is contradictory. Namely, if the systemic positioning of CMC and RPD was quite sufficient for disaster risk reduction, then, why did the Government establish the NPDRR in the first place? Why did the Government accept the proposal of the Steering Committee and revised the NPDRR in line with the pre-determined schedule for periodic evaluation and revision? The systemic inconsistencies detected during several natural and man-made hazards point in a different direction.

One of the key factors for the ineffective management of the 2007 disastrous forest fires was the lack of communication and coordination among the competent institutions on a national, local, and international level in terms of the engaged capacities and resources and aid sent. The entire system was reduced to personal engagement of individuals. Additionally, there were no sound methodologies for risk assessment and response capacities. The system lacked a holistic approach to prevention of hazards and disasters. The circle of responsibilities, with a clear mandate who does what, why, when and how in the context of preparedness, prevention, response and recovery was not closed. In such circumstances, the responsibilities and competences of institutions were determined arbitrary and spontaneous. The root of these shortcomings is the reactive paradigm that is focused on managing the crisis and disasters.

This 2009 model was meant to fill the institutional coordination gap when the country faced limited human, material-technical and financial resources allocated for disaster prevention, preparedness, response and recovery. Additionally, a careful reading of the 2009 NPDRR shows that the model does not lead to duplication, but rather to functional integration and interoperability of all relevant stakeholders relevant, and that it connects the existing systems and sub-systems for the purpose of reducing disaster risks.

Even the fourth revised edition of the NPDRR from September 2019 recognizes that the asynchronization between CMC and RPD “directly affects the operation and efficiency of the crisis management system”, and, for this reason, it anticipates reforms that “include the adoption of a new legal solution that would unite the entire system and cover all aspects of the crisis, protection and rescue system” (NPDRR 2019, 148). The fourth edition of NPDRR from 2019 is an attempt to overcome the weaknesses and shortcomings of the 2011 third edition.

#### 4. BIBLIOGRAPHY

1. Влада на Република Северна Македонија. (2019). *Национална платформа за намалување на ризици од катастрофи*. Четврто ревидирано издание. / Government of the Republic of North Macedonia (2019). *National Platform for Disaster Risk Reduction*. Fourth revised edition.
2. Ѓоргон, Н. (2011). *Намалување на ризици од катастрофи: Европски искуства – македонски модел*. Скопје: ИАА.
3. Gjurovski, M.; Mocanoski, M. (2019). *Disaster Risk Reduction: Implementation Module in the Republic of North Macedonia*. Conference Proceedings 12th International Scientific and Professional Conference "CRISIS Management Days 2019".
4. Иванов, Александар. (2013). *Заштитата на животната средина во остварување на безбедноста во Република Македонија (теоретски, нормативни и*

- институционални аспекти*) докторска дисертација. УКЛЮ. Факултет за безбедност – Скопје.
5. Ivanov, Aleksandar; Malis Sazdovska, Marina; Mileski, Toni. (May 2014). *Critical Analysis of the Systems for Crisis Management and Protection and Rescue in Republic Macedonia*. Conference Proceedings from 7th International Scientific and Professional conference “Crisis management days”. University of Applied Sciences Velika Gorica.
  6. Кешетовиќ, Желимир; Корајлиќ, Неџат; Тотх, Иван; Ѓуровски, Марјан. (2017). *Управувањето со кризи меѓу теоријата и практиката*. Универзитет „Св. Климент Охридски“ – Битола. Факултет за безбедност – Скопје.
  7. Лазаревски, П., Ѓоргон, Н., Талески, М. (2010). *Национална платформа на Република Македонија за намалување на ризици од несреќи и од катастрофи*. Скопје: Центар за управување со кризи. / Lazarevski, P., Gjorgon, N., Taleski, M. (2010). *National Platform of the Republic of Macedonia for Disaster Risk Reduction*. Skopje: Crisis Management Center.
  8. Milutinovic, Z., Garevski, M. (2009). *Guidelines for Development of Methodologies for Assessment of Risks and Hazards and their Implications*. ECILS-Skopje. Skopje.
  9. Центар за управување со кризи. (2011). *Национална платформа на Република Македонија за намалување на ризици од катастрофи*. Трето ревидирано издание.
  10. *Закон за управување со кризи*. Службен весник на Република Македонија бр.29/2005.
  11. Извештај за работењето на Националниот координатор за имплементација на Националната платформа на Република Македонија за намалување на ризици од 25.08.2010 година.
  12. UN. (2005). *Huogo Framework for Action 2005-2015: Building the Resilience for Nations and Communities to Disasters*.
  13. UN: *Sendai Framework for Disaster Risk Reduction 2015–2030*, A/CONF.224/CRP.1, 18 March 2015, 2015b.
  14. UNISDR. (30 September 2011). *Overview of National Platforms in Europe: Officially nominated in UNISDR Europe Region*.
  15. UNISDR. (2009). *UNISDR Terminology on Disaster Risk Reduction*. Geneva
  16. UNISDR. (March 2007). *Guidelines – National Platforms for Disaster Risk Reduction*. Geneva. URL: <[https://www.unisdr.org/files/601\\_engguidelinesnprdr.pdf](https://www.unisdr.org/files/601_engguidelinesnprdr.pdf)>.



## CRIMINAL INVESTIGATION OF HATE SPEECH THROUGH A COMPUTER SYSTEM IN THE REPUBLIC OF NORTH MACEDONIA

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### ABSTRACT

Hate speech is a serious security problem which threatens all societies, even the most modern democracies. Throughout history, hate speech has existed and changed its manifest forms; it has often been the language of public gatherings, protests, pamphlets, slogans, etc. The emergence and rapid development of information technology and the mass use of computer networks, systems, and electronic devices for communication through social networks on the Internet created an opportunity for rapid spread of hate speech and caused other problems with elements of impatience, intolerance, xenophobia, but also with acts of violence that end with consequences on the property and life of the citizens. The Council of Europe, following the adoption of the Budapest Convention on Cybercrime in 2001 which was ratified in the Republic of North Macedonia in 2004 and has been in force since the beginning of 2005, adopted the Additional Protocol to the Convention on Cybercrime against Racism and xenophobia on January 28, 2003 in Strasbourg. This protocol refers to the provision of laws for punishing acts of racism and xenophobia committed through a computer system in order to emphasize and improve the freedoms of citizens, regardless of their nationality, religion, affiliation etc. Based on the Recommendations of the Convention and the Additional Protocol in the Republic of North Macedonia, amendments were made to the Criminal Code by criminalizing a new criminal offense "Dissemination of racist and xenophobic material through a computer system", as well as certain amendments to other criminal offenses with criminal acts of hate speech through a computer system. For criminal investigation, in addition to the existing criminal acts, appropriate measures and actions are necessary to act and provide relevant evidence. In that regard, with the Law on Criminal Procedure from 2010, electronic evidence is provided as evidence in criminal proceedings; for its provision, appropriate measures and actions in addition to the traditional were provided for successful criminal investigation and collecting of relevant evidence for initiating criminal procedure and prosecution and sanctioning of the perpetrators of these criminal acts.

**Keywords:** *criminal investigation, hate speech, computer system, electronic evidence, xenophobia.*

## 1. INTRODUCTION

Hate speech through a computer system, but also hatred and hate speech in general are serious security phenomena that have a criminal character and as such are incriminated as criminal activities in several crimes of the Criminal Code of the Republic of Macedonia. Since several amendments have been made to the Criminal Code of the Republic of Macedonia since its adoption in 1996 (Official Gazette of RM no. 37/96) until today, it is important for the criminal investigation to analyze the amendments and additions in order to act and provide evidence of a criminal activity which as a criminal offense was provided for at the time of the commission as provided in Article 1 of the Criminal Code that no one may be sanctioned for an offense which was not provided for by law before it was committed or by an international agreement as a criminal offense. (Official Gazette of the Republic of Macedonia No. 114/09.)

The criminal investigation of hate speech through a computer system, but also other criminal acts that have elements of hate speech and other elements of hatred are under the jurisdiction of the Ministry of Interior - Criminal Police and the Public Prosecutor's Office. In the organizational structure of the Ministry of Interior there is a Sector for Computer Crime and Digital Forensics, which consists of a Unit for Investigation of Computer Crime and a Unit for Digital Forensics that act in cases when hate speech is performed through a computer system, but also the Sectors for internal affairs in the external offices for criminal investigation, the operative workers act on cases from their area with the help and support of the said Sector and in cooperation and coordination with the competent public prosecutors according to the place of commission of the crime, and if it has an organized character and in coordination of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption.

Criminal investigation is a complex procedure in which through appropriate steps in the acting from the moment of receiving the general information, the operative criminal officers work on discovering elements and facts to obtain grounds for suspicion that are necessary to take specific measures and activities provided by the Law on criminal procedure, and when it comes to hate speech through a computer system in order to provide relevant evidence is the provision of electronic evidence on the basis of which the prosecution can base the indictment and initiate criminal proceedings to prosecute the perpetrators. This criminal phenomenon in practice is not isolated as a separate crime, criminal situations are with other criminal behaviors with elements of violence against the property of the State, citizens, but also acts of violence that endanger the safety and life of citizens. The Macedonian practice also records a murder caused by hate speech developed by the fan groups of sports teams, and that is the murder of Nikola Sazdov in 2018.

The purpose of this paper is a normative analysis of the provisions of the Criminal Code of criminal acts that contain criminal behavior with elements of hate speech through a computer system, but also with other elements of hate speech because criminal situations should be comprehensively clarified and investigate electronic communication and all ways of inciting and spreading hate speech, but also other criminal behaviors caused by the previous ones. Criminal investigation is related to criminal situations that should be investigated in a planned manner and with the application of all available measures and activities, and when necessary with the application of special investigative measures in order to provide all the evidence that will shed light on the criminal situation on the basis of legally provided evidence that indicates specific crimes and connection with specific perpetrators, all in the interest of successful criminal proceedings and sanctioning of perpetrators.



## **2. THE CONCEPT OF HATE SPEECH AND HATE SPEECH THROUGH A COMPUTER SYSTEM**

Freedom of expression enables the exchange of pluralism of ideas, views, expression of thought, physical and media communication, free expression in order to realize democracy, advocacy of political ideas and views, etc. Freedom of expression is a guaranteed right with several international documents, and as a basic document is the Universal Declaration of Human Rights where Article 19 stipulates that everyone has the right to freedom of thought and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. (Universal Declaration of Human Rights)

Freedom of expression in its sense enables the exchange and pluralism of ideas in order to realize the richness of thought and through communication to realize democracy and political discourse. Freedom of expression is a freedom that can be restricted in all cases when the expression contains elements of discrimination, intolerance, anti-Semitism towards other communities, minorities, but also towards persons who have the status of migrants, i.e., whenever there are elements of speech of hatred.

Hate speech is a term used to describe speech (verbalism) with the intention of degrading, intolerance, impatience, xenophobia, racism directed at other persons or communities based on their racial, religious, national, ethnic, social, political, gender and other affiliation. It is any form of expression (manifestation) through speech, image, text that promotes or spreads hatred towards other people because of their personal characteristics or belonging to a particular group or community.

In the broadest sense, the term hate speech can be defined as "any statement that calls for violence, hatred and discrimination against individuals or groups, often on the basis of their racial, religious or sexual affiliation". (Beham: 2004)

"Hate speech includes statements that intimidate, insult or harass individuals or groups or such statements that call for violence, hatred or discrimination against individuals or groups." "The reasons for hatred or discrimination are mainly: race, religion, gender or sexual orientation." (Brugger: 2003)

There is no universal definition of hate speech, so in the United States this term is firmly tied to the right to freedom of speech, which is enshrined in the First Amendment to the United States Constitution. In Europe, the distinction between the terms freedom of speech and hate speech is much clearer, so that the most relevant definition is the one adopted by the Council of Ministers of the Council of Europe in 1997 in its Recommendation R (97) 20, where under speech hatred means: "all forms of expression that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism and other forms of hatred based on intolerance, including intolerance expressed in aggressive nationalism, hostility or hostility ", immigrants or people of immigrant origin". The European Court of Human Rights in Strasbourg defines the term as "any form of expression that spreads, incites, promotes or justifies hatred based on intolerance, including religious intolerance". (Zivanovski: 2017)

Hate speech is a phenomenon that can be manifested in many ways, through speeches at public gatherings, demonstrations, through a computer system is the dissemination of materials via the Internet on social networks that promote or incite hatred, discrimination or violence against any person. or a group, on any discriminatory grounds.

Hate speech is a phenomenon in the communication processes that has been present in the Republic of North Macedonia since its independence, with different intensity of its public manifestation. A more marked escalation of the problem of hate speech was registered during the military conflict in 2001, with pronounced antagonism in inter-ethnic relations. Fortunately, the short duration of the conflict meant a brief presence of aggressive hate speech in public discourse. A second pronounced manifestation of hate speech has been observed more intensively since 2009, and it has its impact to this day. It is characteristic of this kind of hate speech that it is heterogeneous, with a wide range of reflection on social groups and communities: from inter and intra-ethnic conflict in public discourse, to hatred towards groups differentiated by religious (non) beliefs, political affiliation, gender diversity. or sexual orientation. (Zivanovski: 2017)

Public hate speech through a computer system is characterized by public exposure of ridicule with offensive statements, offensive photographs, recordings, texts in order to disparage individuals or groups of another ethnic, national, religious, political or other affiliation. In order for hate speech to exist, the elements of hate speech must be cumulatively fulfilled through any form (text, message, image, recording) and its manifestation must be transmitted through computer systems, usually through social networks on the Internet, electronic and telephonic communication through the special applications of Viber and WhatsApp and that there is a cause-and-effect relationship of public exposure to ridicule, intolerance, but also incitement to violence against a certain group, which is thus discriminated.

Hate speech through a computer system is a criminal phenomenon that is quite common, but the number of prosecuted cases is small and the number of perpetrators who were criminally responsible for criminal activities with elements of some of the crimes with elements of hate speech manifested through computer systems. Data on reported cases and processed cases are presented in the Annual Reports of the Ministry of Interior and in the Reports of non-governmental organizations, and the Helsinki Committee for Human Rights in the Republic of Macedonia has a special commitment to this issue. In their reports, in addition to the data on reported hate speech acts, there is information on the consequences that follow the acts caused by hate speech, but also the specific motivation as to whether the acts are motivated by different ethnic, political or national affiliation.

### **3. CRIMINAL - LEGAL ASPECTS OF HATE SPEECH THROUGH A COMPUTER SYSTEM**

In the general part of the Criminal Code, Article 122, which contains most definitions of significant terms, defines the term hate crime, as follows: "A hate crime explicitly provided by the provisions of this Code, is considered a crime against physical or legal person and related persons or property committed in whole or in part because of a real or presumed (imagined, conceived) characteristic or connection of a person relating to race, color, nationality, ethnic origin, religion or belief, mental or physical disability, gender, gender identity, sexual orientation and political belief." (Official Gazette of RM no. 248/18)

With the amendments to the Criminal Code of 2014 (Official Gazette of RM no. 27/14) in Article 39 paragraph 5 has been changed and reads: "When sentencing the court will especially take into account whether the crime was committed against person or group of people or property, directly or indirectly, because of their belonging to a particular sex, race, skin color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other types of beliefs, education, political affiliation, personal or social status, mental or physical

disability, age, marital or marital status, property status, health status, or on any other basis provided by law or ratified international agreement. "

With the amendments from 2018 (Official Gazette of RM no. 248/18) in several criminal acts a qualifying subjective element of the basic crime is inserted if it is motivated by the hatred of the perpetrators towards the victims.

Hate crimes are a very complex social and criminal phenomenon, which has a number of specifics in relation to other forms of crime. First, they differ from others in the perpetrator's motive, as a subjective element that gives them a transcendental, transferable character: any crime can, but does not have to, appear as an act of hatred, depending on whether hatred, bias or discrimination of the victim as a member of a certain social group, precisely in its capacity. (Kambovski and Lazarova: 2012)

The range of hate crimes is wider than that of hate speech through a computer system. The Criminal Code in 2009 criminalized a new criminal offense "Dissemination of racist and xenophobic material through a computer system" in Article 394-c (Official Gazette of RM no. 114/09), but it was changed in its basic form by paragraph (1) in 2014 (Official Gazette of RM no. 27/14)

The criminal act "Spreading racist and xenophobic material through a computer system" exists when:

(1). a person who, through a computer system, disseminates racist and xenophobic written material, an image or other representation of an idea or theory that aids, promotes or incites hatred, discrimination or violence against any person or group, on the basis of sex, race, color or skin, gender, marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other types of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, marital or marital status; property status, health status, or on any other grounds provided by law or a ratified international agreement, shall be punished by imprisonment of one to five years.

(2). the punishment referred to in paragraph (1) shall also apply to the person who commits the crime through other means of public information.

(3). person who commits the crime referred to in paragraphs (1) and (2) by abusing his position or authority or if due to those acts there was disorder and violence against people or large-scale property damage, shall be punished by imprisonment of one to ten years.

The crime covers criminal acts committed by perpetrators using a computer system to:

- Dissemination of racist and xenophobic material in the form of images, recordings or other content published or posted as information on computer networks and is available to the public, and in particular to the public who accept and join groups that promote racial and religious discrimination.
- The purpose of publishing materials with racist and xenophobic content is to promote violence, discrimination against a group, race, national or ethnic population or to intimidate other groups, communities that live geographically in the same area.
- The abuse of the position of persons exercising their official powers and the position to propagate xenophobia and racism and acts of intolerance and violence is a special qualifying form of the crime, primarily due to the fact that a certain category of officials instead of working to prevent these crimes, they encourage and cause greater consequences than not taking measures to suppress. (Nikoloska: 2013)

With the amendments to the Criminal Code (Official Gazette of RM no. 142/12), the incriminations with elements of defamation and insult were deleted, and in 2014 amendments were

made to the criminal act "Causing hatred, discord or intolerance on national, racial, religious and other discriminatory grounds" in Article 319 (Official Gazette of RM no. 27/14)

The criminal offense "Incitement to hatred, discord or intolerance on national, racial, religious and other discriminatory grounds" under Article 319 exists when:

(1). a person who by coercion, harassment, endangering security, exposing ridicule of national, ethnic, religious and other symbols, by burning, destroying or otherwise damaging the flag of the Republic of Macedonia or flags of other countries, damaging other people's objects, desecration of monuments, graves or other discriminatory means, directly or indirectly, will cause or incite hatred, discord or intolerance based on sex, race, skin color, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other types of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, marital or marital status, property status, health status, or on any other basis provided by law or ratified international agreement, shall be punished by imprisonment of one to five years.

(2). A person who commits the crime referred to in paragraph (1) of this Article by abusing his position or authority or if due to those acts there was disorder and violence against people or large-scale property damage, shall be punished with imprisonment of one to ten years.

A criminal offense with elements of hate speech through a computer system with the amendments to the Criminal Code of 2014 is the criminal offense "endangering security" under Article 144 where paragraph (4) provides that "He who through an information system will threatened to commit a crime punishable by up to five years in prison or a more severe sentence against a person because of their gender, race, skin color, gender, marginalized group, ethnicity, language, citizenship, social origin, religion or belief, other types of beliefs, education, political affiliation, personal or social status, mental or physical disability, age, marital or marital status, property status, health status, or on any other grounds provided by law or ratified international agreement, shall be punished by imprisonment of one to five years." (Official Gazette of RM no. 27/14)

The essence of the injustice of this act consists in expelling the person from a state of mental peace and feeling of peace, instilling in him fear, substituting the mentioned feelings with opposite feelings of insecurity, which leads to a real limitation of the scope of using personal freedoms. (Tupancevski and Kiprijanovska: 2008) On the other hand, this work is by its nature a "crime - an obstacle" in relation to other, more serious intrusions into basic human rights. Enforcement action is a threat aimed at endangering the security of another. Unlike the notion of serious threat used there, here it is specified by determining the evil that is put in the appearance of another person - that he will attack life or body (his, his face; his property, honor, dignity or other goods). (Kambovski: 2015) As a qualifying element is if the crime was committed through an information system.

Knowledge of the provisions of the Criminal Code and the analysis of amendments are important for criminal investigation primarily in terms of taking measures and actions for certain behaviors for which the time of execution should be specifically determined as a criminal feature, but time is important from aspect whether the specific conduct is incriminated as a crime prosecuted ex officio.

## 4. CRIMINAL INVESTIGATION

Hate speech through a computer system is a computer crime, where the computer and computer systems are a means of committing a crime, and that is a special criminal feature.

The criminal investigation of computer crime according to its criminal characteristics is specific in terms of the process and steps of action and the research team where there should be an expert - operational worker who has forensic and information knowledge and skills in order to contribute to the extraction process with providing and storing electronic evidence that is necessary in the process of elucidating and proving computer crimes, and hate speech is an emerging form of cybercrime.

The Sector for Computer Crime and Digital Forensics at the Ministry of Interior of the Republic of North Macedonia is responsible for criminal investigation of cybercrime with elements of hate speech through cybercrime. In their actions, they apply measures and actions provided by the Law on Criminal Procedure (Official Gazette of RM no. 114/10).

A criminal investigation starts from the first moment of receiving any information that a computer crime has been committed, or the information is directed at a perpetrator or a group of perpetrators who are known to commit computer incidents. Through operational checks that are planned and undertaken for a short period of time, the general suspicions should be at the level of grounds for suspicions to take more serious steps or take measures and activities to determine the nature of the computer incident, and then plan and provide digital evidence. and finding and apprehending perpetrators. These are measures that are performed in the pre-investigation procedure, this is the phase where the emphasis is on criminal investigation, because without a well-conducted criminal procedure, there is no good criminal procedure, then the perpetrators are "a step forward or in the lead." (Nikoloska: 2013) All missed actions or measures in the pre-investigation procedure, make "holes or gaps in evidence" that are difficult to fill in the criminal procedure phase, and hardly any court would impose a sanction without good and relevant evidence.

In addition to using the traditional criminal-operational tactical ways, actions, methods and means, the Law on Criminal Procedure provides for investigative actions that are applied to detect and shed light on computer crimes, but also provides electronic evidence as a special type of evidence in addition to material and ideal evidence, but special investigative measures are legally provided. (Sessions, 2001).

### *4. 1. Measures and actions applied in the criminal investigation of computer crimes*

Research of computer system and computer data is a measure from Article 184 (Criminal Procedure, 2010) which is undertaken by order of a court, and upon the proposal of the public prosecutor. The executor of the order, the criminal police requests from whom he uses the computer or has access to it or to another device or data carrier to provide access to them and to give the necessary notifications for the smooth achievement of the purpose of the search. The person who uses the computer or has access to it or to another device or data carrier is also instructed to immediately take measures to prevent the destruction or alteration of the data, otherwise the person will be punished for non-compliance with the court order and is fined from 200 to 1,200 euros in denar counter value.

Temporary confiscation of computer data is a measure provided in Article 198 (Criminal Procedure, 2010) which is applied on the basis of an order for temporary confiscation of cases issued by the court upon the proposal of the judicial police or the public prosecutor for the purposes

shall be confiscated or which may serve as evidence in criminal proceedings shall be temporarily confiscated and handed over to the public prosecutor or a body designated by a special law or otherwise their custody shall be ensured. Seizure actions refer to data stored in a computer and similar devices for automatic or electronic data processing, devices used for data collection and transmission, data carriers and subscriber information available to the service provider. Upon a written request of the public prosecutor, this information must be submitted to the public prosecutor within the deadline set by him. The judge of the preliminary procedure, upon the proposal of the public prosecutor, may with a decision determine the protection and storage of the computer data found by conducting a search while it is necessary, and for a maximum of six months.

As actions that provide evidence are:

- Expertise that is determined when in order to establish or evaluate an important fact, a finding and opinion should be obtained from a person who has the necessary professional knowledge. The expertise is usually performed by experts registered in the register of experts in accordance with Articles 236 - 243. (Criminal Procedure, 2010) Experts should have a license for experts.
- The Macedonian legislator envisages the electronic evidence as relevant evidence in the criminal procedure which is legally provided by the application of the search actions and temporary seizure of objects.

#### **4.2. *Special investigative measures***

In the process of criminal investigation, special investigative measures are applied when it is likely that data and evidence necessary for the successful conduct of criminal proceedings will be provided, which otherwise cannot be collected. Out of a total of 12 special investigative measures for criminal investigation of computer crime, the following are applied: monitoring and recording of telephone and other electronic communications in a procedure determined by a special law; 2) monitoring and recording in a home, enclosed or enclosed space belonging to that home or business premises marked as private or in a vehicle and entry into those premises in order to create conditions for interception of communications; 3) secret surveillance and recording of persons and objects with technical means outside the home or business premises marked as private; 4) secret inspection and search in a computer system; 5) automatic, or otherwise, search and comparison of personal data; 6) inspection of realized telephone and other electronic communications, 7) simulated purchase of items; 8) simulated giving and receiving bribes; 9) controlled delivery and transport of persons and objects; 10) use of persons with concealed identities for monitoring and collecting information or data; 11) opening a simulated bank account and 12) simulated registration of legal entities or use of existing legal entities for data collection.

Special investigative measures are applied in accordance with the legal provisions provided in Articles 252-271 (Criminal Procedure, 2010). They are applied with a special order which may include the following persons: a person who has committed a crime, 2) a person who undertakes an action to commit a crime or 3) a person who prepares to commit a crime when the preparation is punishable under the provisions of the Criminal Code. The order may also apply to a person who receives or forwards shipments from the suspect or the suspect uses his means of communication.

The criminal police operatives coordinate with the public prosecutor in detecting and investigating cybercrime, and based on the needs, an investigation team is formed, led by the

public prosecutor or an investigator authorized by him, but the team also includes a digital forensics expert. in order to professionally deal with electronic evidence.

Criminal investigation is a process in which by applying legal measures and actions in coordination with the competent public prosecutor, the criminal situation is clarified and evidence is provided that is necessary for initiating criminal proceedings and sanctioning the perpetrators. The success of the criminal procedure also depends on the success of the criminal investigation. However, criminal proceedings for hate speech through a computer system are also specific in that operatives also cooperate with ISPs in the process of shedding light on and providing relevant data and information. (Stoilkovski and Stojanovski: 2017)

The criminal investigation is focused on providing data from Internet providers, which are the following types of data: (Stoilkovski and Stojanovski: 2017)

- *"Subscriber data" - information to identify the user of a particular Internet Protocol (IP address) or IP addresses used by a particular person. These data are also part of the data that can be obtained from the registrars of domain registrants.*
- *"Internet traffic data" - are log files where the activities of the operating system of a particular computer system or other software or communications between computers, especially the source and destination of messages are recorded.*
- *"Content data" - This type includes messages, pictures, movies, music, documents or other data. There is a difference between content that is stored or data that is already available on a computer system and content that should be stored in the future, and which is not yet available and will have to be obtained in real time.*

### **4.3. Electronic evidence**

When it comes to digital evidence, technology has enabled the creation of copies that are true to the original in every sense. In this case, the presentation of copies is generally acceptable, even though originals are available. In practice, it is even preferable to present copies to remove any doubts about the possibility of altering the original. Even the printed form of a digital document is considered valid, unless it can display all the information necessary for the process.

There are three categories of digital evidence in computer incidents:

- Transient data or information that is lost after shutting down your computer, such as open working memory connections, resident memory programs, etc. This data can also be lost when the computer is shut down. It is also important that the acquisition procedure is precisely implemented by the end. Prior to shutting down the computer, sensitive and encrypted data should be immediately examined, located and extracted, since it may be impossible to access them after shutdown.
- Sensitive or hard disk data (CDs) that can be easily modified, such as recent log file access times, and so on.
- Temporary access data or data stored on a hard disk CD that can only be accessed at a specific time (encrypted data).

Digital evidence management is a complex task that requires the need to develop specific procedures for dealing with and managing digital evidence that also imply a certain responsibility for the authorities involved in the extraction and management of digital evidence, if the procedures are not followed.

Digital evidence analysis is the most subtle part of the pre-trial or criminal investigation process, because without a good analysis of each evidence individually and analysis of its relevance to other evidence and evidence, there is no case-file with full clarification of all facts

and circumstances that contributed to the commission of the crime, the manner of the criminal act, the organization, the time period of the criminal act, and of course the determination of the type and amount of the crime committed. Damage or extent of damage caused or damage to the honor, reputation, morals and so on. the victim as non-pecuniary damage. The analysis of digital evidence follows their acquisition and formulation in which it can be compared to other evidence, which may be material (objects, images, text) or ideal evidence (testimonies, statement of a suspect, etc.).

The overall analysis is in fact an explanation of the causal links in the criminal situation itself and the answer to the golden criminal questions.

By taking the necessary legal measures and actions and the provided evidence, as well as the data provided by the Internet providers, the criminal officers in coordination and cooperation with the public prosecutor make the analysis of the entire evidence and based on the analyzed criminal characteristics (means, manner, time, space of the perpetrator, the motives of the perpetrators and the consequences and the victims) make a classification of a specific crime and then an indictment is filed with the competent court represented by the public prosecutor.

## **5. ANALYSIS OF THE SITUATION FOR CRIME WITH ELEMENTS OF HATE SPEECH THROUGH A COMPUTER SYSTEM IN THE REPUBLIC OF NORTH MACEDONIA**

Hate speech through a computer system is a real phenomenon for which cases have been reported to the competent authorities, who conducted a criminal investigation and based on the evidence provided, criminal charges were filed. However, according to the data, especially from the Annual Reports of the Ministry of Interior, the number of processed cases is small.

Data analysis was made for the period 2017-2019 for reported perpetrators and detected crimes. During the investigated period, the Ministry of Interior in its actions discovered a total of 87 crimes with elements of hate speech for which 106 perpetrators were reported. The fact that more perpetrators of detected crimes were reported indicates that crimes were committed by several persons, and according to the analysis of individual cases, 2, 3 or more persons participated in the perpetration. In some of the cases, 3 or more persons were criminally involved in "Spreading racist and xenophobic material through a computer system" according to Art. 394 - g. This is to be expected because it is a computer crime where the perpetrators react quickly and join the already released materials with elements of hate speech and become perpetrators by spreading the materials on social networks on the Internet.

**Table No. 1 Detected crimes and reported perpetrators of crimes with elements of hate speech according to the Annual Reports of the Ministry of Interior of the Republic of Macedonia**

Year	Art. 137 p. 1		Art. 144 p. 4		Art. 319		Art. 386 p. 1		Art. 394 – g		Art. 417		Total	
	KA	P.	KA	P.	KA	P.	KA	P.	KA	P.	KA	P.	KA	P.
2017	/	/	/	/	/	/	/	/	3	5	/	/	3	5
2018	1	1	21	30	4	8	1	1	5	9	1	1	33	50



2019	/	/	21	21	3	3	2	2	25	25	/	/	51	51
Total	1	1	42	51	7	11	3	3	33	39	1	1	87	106

For the period 2017 - 2019, when criminal cases with hate speech were noticed, it can be noticed that in 2017, 3 criminal acts were detected, for which 5 perpetrators were reported, for a crime with elements of hate speech, i.e., Spreading of racist and xenophobic material by means of a computer system under Art. 394 - g. But the most committed crime in the committed period is Endangering the security, through an information system as provided in Article 144 paragraph 5 of the Criminal Code of the Republic of Macedonia and a total of 42 criminal acts were detected for which 51 perpetrators were reported. While hate speech was also manifested through the dissemination of racist and xenophobic material through a computer system under Art. 394 - 39 perpetrators were reported for the detected 33 criminal acts. 7 criminal acts were revealed: Inciting hatred, discord or intolerance on national, racial, religious and other discriminatory grounds according to Art. 319 for which 11 perpetrators were reported, 3 criminal acts with elements of violence and hate speech were detected and 3 perpetrators were reported and one criminal act each was Violation of the equality of citizens according to Art. 137 p. 1 and Racial and other discrimination under Article 417, one perpetrator was reported each.

In 2017, 3 criminal acts "Dissemination of racist and xenophobic material through a computer system" were discovered under Art. 394 - d for which 5 perpetrators were reported.

In 2018, that number has increased significantly with the discovery of 33 crimes for which 50 perpetrators have been reported. Most of the criminal acts were "Endangering the security through the information system" - 21 criminal acts under Art. 144; "Dissemination of racist and xenophobic material through a computer system" - 4 crimes, and the rest are with elements of racial and other discrimination and violence.

According to the Annual Report of the Ministry of Interior published on their website for 2019 in the area of hate crime, there was an increase of incriminations by 54.5% compared to 2018, where in 2019 a total of 51 crimes were registered, for which 45 criminal charges were filed against 51 perpetrators. According to the type, the most numerous crimes are "Dissemination of racist and xenophobic material through a computer system" - 25 crimes, then "Endangering security through an information system" - 21 crimes, three crimes "Incitement to hatred, discord or intolerance on the basis of national, racial, religious and other discriminatory grounds" and "Violence" - two criminal offenses. In 90% of the cases, the criminal acts were committed through an information system, by sending threats to the life and body, the criminal charges were submitted to the Public Prosecutor's Office for further action.

Hate speech, but also other criminal acts with elements of hatred are contained in several criminal acts of the Criminal Code of the Republic of Macedonia, but according to police-criminal practice as acts of hate speech are usually classified as hate speech through social networks on the Internet, are most often with elements of "Spreading racist and xenophobic material through a computer system", or "Endangering security through an information system", where as a qualifying element is the threat of threats expressed using information technology.

## 6. CONCLUSIONS AND RECOMMENDATIONS

Hate speech through a computer system is a real security phenomenon that has elements of several crimes that are incriminated by several amendments to the Criminal Code of the Republic of Macedonia. Hate speech through a computer system is envisaged as criminal conduct in the criminal offenses "Endangering the security of the information system" in Article 144 paragraph 4, "Incitement to hatred, discord or intolerance on national, racial, religious and other discriminatory grounds" in Article 319 and "Dissemination of racist and xenophobic material through a computer system" in Article 394 - d.

In the research period 2017 - 2019, there was an increase in crime with elements of hate speech through a computer system, but the number of fully completed cases with final verdicts is small. But this is a situation that is expected from the aspect that these are specific crimes for which a complex process of criminal investigation is conducted in which several types of evidence are provided, where the electronic evidence is specific, but the data from the ISPs are also important. on the basis of which the criminal situation can be fully clarified. However, it should be borne in mind that the conduct of criminal proceedings is complex and it is still a crime that is more recent and for which there is no previous experience, but the proceedings themselves are conducted for a longer period of time.

Hate speech through a computer system should be understood as a serious problem that can cause and connection with other criminal phenomena with elements of violence that will cause serious consequences for the property and lives of citizens and it should be an indicator for any serious society. for taking preventive measures and raising public awareness of the danger of this problem and taking broader actions to actualize the problem and increase the level of prevention. However, this does not mean that attention should not be paid to the education and acquisition of knowledge and skills of police officers on this crime and their commitment to their professional and professional conduct in all cases from the moment of receiving the initial information to the full clarification and provision of relevant evidence.

## 7. REFERENCES

1. Zivanovski N., (2017), *The Law in the Shadow of Political Tolerance of Hate Speech*, Macedonian Media Institute, Skopje.
2. Brugger W., (2003), *Verbot oder Schutz von Hassrede?*, Rechtsvergleichende Beobachtungen zum deutschen und amerikanischen Recht“, Archiv des öffentlichen Rechts, vol. 128.
3. Beham M., (2004), *Govor mržnje u politici i medijima*’, objaveno, Vacic, Z. (ur.), *Etika javne riječi u medijima i politici*, Centar za liberalno demokratske studije, Beograd.
4. Criminal Procedure, Official Gazette of RM No. 114/10.
5. Kambovski V. and Lazarova Trajkovska M. , (2012) Legal analysis of the concept of hate crime and hate speech, OSCE Edition in the Republic of Macedonia, Skopje.
6. Kamovski V., (2015), Comment on the Criminal Code of the Republic of Macedonia, Second Edition, Matica, Skopje.
7. Criminal Code of the Republic of Macedonia, Official Gazette of RM no. 80/99, no. 04/02, 43/03, 19/04, 81/05, 60/06, 73/06, 07/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142 / 12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14 and 248/18.
8. Nikoloska S., (2013), *Methodology of Computer Crime Investigation*, Faculty of Security - Skopje, Skopje.

9. Sessions, S.W. (1991). *Kompjuterski kriminal-trend koji eskalira*, Zagreb: Priručnik, 3
10. Stoilkovski M. and Stojanovski J., (2017), *Provision of Evidence in Electronic Form by International and Domestic Internet Service Provider*, OSCE, Skopje, 2017.
11. Universal Declaration of Human Rights