МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА

МАКЕДОНИЈА И БАЛКАНОТ 100 ГОДИНИ ОД ПРВАТА СВЕТСКА ВОЈНА – БЕЗБЕДНОСТ И ЕВРОАТЛАНСКИ ИНТЕГРАЦИИ

INTERNATIONAL SCIENTIFIC CONFERENCE

MACEDONIA AND THE BALKANS, A HUNDRED YEARS AFTER THE WORLD WAR I – SECURITY AND EURO-ATLANTIC INTEGRATIONS

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CONTENTS

GEOPOLITICS IN THE 21ST CENTURY AND THE APPEARANCE OF NEW SOCIO-CRIMINOLOGICAL TYPES OF CRIME

Dear,

The International Scientific Conference Ohrid 2014 through scientific articles should contribute to the 100th anniversary from the World War I, through a debate to offer answers to the questions that were current a century ago and to make the intersection of what and how changes are made in this part of Europe. Therefore the Faculty of Security-Skopje determined to organize an International Scientific Conference from the 3rd of June till 5th of June 2014 in Ohrid by the theme Macedonia and the Balkans 100 years from the World War I – Safety and Euro-Atlantic integrations. Thuscontinuing the orientation with organizing international conferences in the field of security so it can contribute to the development of scientific thought and for the decision makers of the regional, national and local level helps using the knowledge and research results for faster, simpler and timely overcome the practical problems that they are facing.This scientific meeting will be attended by over 100 scientific and educational workers from Albania, Bulgaria, Slovenia, Croatia, Serbia, Republika Srpska and the Federation of Bosnia and Herzegovina, Montenegro and the Republic of Macedonia.

The conference will present papers on the following topics:

1. The Balkans and Macedonia in the geostrategic concepts of the European countries and interests:

- The Balkans through its historical perspective - is the "candlewick" still existent?
- What are the consequences of the military and police conflicts after the World War I and what are their contemporary consequences?
- What is different in the geostrategic position of Macedonia and the Balkans after the World War I?
- Is the resolving of the "Macedonian issue" achieved or is it an open process?
- What are the reasons of the prolonged integrations of Macedonia into the European Union and the Euro-Atlantic structures? What is the position of the Balkan countries in relation to the Euro-Atlantic countries?
- Is the Western Balkan the "appendix" of Europe?
- The Balkans - intersection of cultures and traditions – security implications;
- The cultural and religious differences on the Balkans - security challenges;
- The contemporary position of the Balkans - European or Western;

- Are there any concepts and strategies of the influential subjects in the international relations of the position of the Balkans, i.e. towards the Balkan countries – the Balkans as a strategic interest of the influential countries and subjects?
- The Ohrid Framework Agreement - a model for resolving of ethnical conflicts
- The Balkans and Republic of Macedonia in the Geostrategic concepts of European countries and interests

2. The Balkans, the National Countries and European Integrations:

- The concept of the national countries and hegemonic concepts and ideologies on the Balkans;
- The reestablishment of the nationalism and nationalistic absoluteness - accelerator of the Balkan conflicts;
- Is the era of Balkan collisions and conflicts terminated?
- Europeanization of the Balkans and Balkanization of Europe;
- Security issues related to the national borders;
- The consequences of the visa liberalization over the Balkan countries and the member states of EU

3. The Police and the inter-police collaboration on the Balkans

- The legal position of the Police and the other law enforcement organizations on the Balkans;
- Forms of collaboration among the Police and the other law enforcement organizations;
- Structure of the inter-police collaboration;
- Contents of the inter-police collaboration;
- Forms of ad hoc institutionalization of the inter-police collaboration;
- The educational systems and the profile of the police profession in the Balkan countries;
- Forms of bilateral and multilateral collaboration on the Balkans in the area of crime management, human traffic, narcotics and psychotropic substances;
- Institutionalization of the regional collaboration in the management of crises and other security issues.
- Is the formation of joined Balkan police forces possible?
- Is the formation of a Balkan net of criminalists as well as a net of individuals in certain expert fields possible?
- Western Balkan outside the European Union?

- Police and crime - public opinion, public confidence

4. Economic and Commercial exchange on the Balkans:

- Contemporary forms of trade, law regulations and relations among the countries;
- Collaboration among the economic subjects between the legal reliability and the security threats and risks;
- Regional collaboration and regional economic policy

5. Democracy, legal state and human rights; their promotion and forms of protection:

- International standards for protection of the human freedoms and rights and the policy of the Balkan countries;
- Forms of protection of the freedoms and rights - experiences and perspectives;
- Strengthening of the rule of law and the responsibleness of the institutions;
- The role of the international organizations in promotion and implementation of the international benchmarks for protection of the human rights of the people on the Balkans;
- Democracy, stabilization, integration;
- The interstate and inter-institutional collaboration in protection of the human freedoms and rights;

6. Criminal Justice, Criminal Policy and Victimization

- Contemporary forms of computer crime (electronic: frauds, procuring, threats, stealing of personal data and other forms of electronic frauds and crime);
- Forms of crime related to the internet and cyber services and modes for their detection;
- Criminal experiences, achievements, methods, means and modes of suppression of the contemporary forms of criminality
- War and crime;
- War and victims of crime;
- War crimes;
- War v.v. reconciliation;
- International aspects of crime and punishment;
- Risk and criminal justice;
- Modernization of Criminal Justice;

- Contemporary challenges of criminology;
- Reform of the criminal and procedural law;

7. Geopolitics in the 21st century and the appearance of new socio-criminological types of crime

- Extra-institutional approach to new forms and types of crime
- The foreign policy of great powers and factors that cause forms of terrorism and organized crime in the 21st century

Country	Macedonia	Serbia	Croatia	Bulgaria	Republic of	Slovenia	Albania
Original scientific paper	9	2					
Review-scientific paper	29	6	2	2	1	1	1
Professional paper	20	5	2		1		
Negative reviews	5						
Total work papers	58	13	4	2	2	1	1
Total work papers 86							

Organization committee of the
International Scientific Conference
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GEOPOLITICS IN THE 21ST CENTURY AND THE APPEARANCE OF NEW SOCIO-CRIMINOLOGICAL TYPES OF CRIME

MODELLING OF NEGOTIATING COMMUNICATION REGARDING ABDUCTION

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Abstract

The subject of this work is the model of police negotiation during abductions. The model is formulated by analyzing nine key issues of police negotiation during abductions, such as: making the initial contact of the negotiator and the abductor, conducting the negotiation, active listening skills, negotiating depending on the number of abductors, negotiating tactics, the mediator in negotiation, particular difficulties during the negotiation, mistakes during negotiation and progress indicators during the negotiation. Each chapter of this paper is dedicated to every issue.

Key words: *negotiation, negotiator, abductions, communication, abductor*

INTRODUCTION

Communication of the negotiator with the abductors is among other things based on negotiating guidelines. A particularly important part of the guidelines in that sense are the negotiating principles. Various negotiation technologies (procedures) are formulated as their consequence. For instance, according to Fisher, the stages of principled negotiation[1] are: (1) separate the people from the problem (2) focus on interests rather than positions, (3) find options for mutual gain, and (4) insist on using objective criteria[2]. On the other hand Greenstone in his "A guide for effective crisis communication" recommends the following stages of negotiation: (1) target

[1] Principled negotiation according to Tudor represent the systematic strategy of negotiation which does not belong to so called "reduced" strategies, whereas it represents the strategy which is tended to for further information see: Tudor. G:"Complete Negotiator" MEP, Zagreb, 1992, p. 36.

[2] For further information see: Fisher R, Ury W. (With Patton B, Editor): "Getting to Yes", Penguin Books, London, 1987.

listening, (2) descriptive responding, (3) expressing personal feelings, (4) meeting the needs, (5) occasional reacting.[1] Concerning the fact that there are as many stages as the people handling them, it is necessary to choose the most appropriate approach for specific situation.

No matter which approach is chosen, we can claim, at the highest level of generality, that each of them is realized in four stages: prior to accepting the task, after the accepting the task, during the negotiation and after the negotiation. The subject of this paper is, as it has already been indicated, the process of negotiating, so that, concerning the previously stated structure of the negotiating process, it is related to the type of negotiator's works "during the negotiation". The indicated negotiating process has certain contents which are, conditionally speaking, "less variable" than others; therefore the special attention to them will be paid further in this announcement.

MAKING THE INITIAL CONTACT OF THE NEGOTIATOR WITH THE ABDUCTOR

Concerning the previous statements, above all, we point out to the fact that the police and other security services upon the arrival at the location where abductors with hostages are located, right after taking the position in cover and reporting to the superior, they start the negotiation. Namely, it is about the initial contact, for which all the security officers should be qualified with the status of authorized official. The initial contact lasts until the arrival of the negotiating team at the scene.

Hostage negotiation tactics require from the negotiator to be aware of the fact that the offenders are watching them. Therefore it is necessary to appear at the place for the negotiating team, in the way that negotiators are noticed neither during the arrival nor during the process. Camouflaging the place should be done without using police signs, by restrictive movements, approvals of police officials, etc.

Hence, during the negotiating preparations, the team communicates internally, creating the conditions for external communication. When it starts externally, internal communication is continued, provided that: the better communication is - the better coordination within the team and the coordination of the team with the surroundings is. Along with that, disagreement within the team must be concerned, so as they would contribute to better work quality and not to the destruction of the team.

[1] For further information: Greenstone L.J: "Communicating Effectively for Successful Hostage Negotiations and Crisis Intervention", Journal of Police Crisis Negotiations, Vol. 4(2) 2004, http://www.haworthpress.com/web/JPCN, 10.01.2005.

As a rule, members of the security forces make contact with the abductors by phone. That is why a great concern should be made on quality of the telephone installations which are used for the conversation. If the abductors contact by telephone it is necessary to identify their telephone number with special technical devices, and after that if it is possible, to identify the location or the area where they are located. Along with this, using megaphones and loudspeakers should be avoided since they contribute to the anxiety and confusion.

CONDUCTING THE NEGOTIATIONS

Upon making the contact, conducting the negotiation starts; this is done by the first or the second negotiator (so called "talker"). His task is above all to "freeze" the situation and "calm down" the perpetrator. By constant listening to the abductor during the negotiation, his anxiety is decreased, whereas the imagined pendulum which oscillates on the relation emotions-rationality notes the movement towards the rationality. Moreover, the point is to maintain the contact continually. In that way the attention of the abductor is focused on contact maintaining which makes the abductor exhausted, tired, their concentration decreases, which distracts or delays their intentions.

The negotiations often start by listening to the abductors' demands. In the most cases, the demands are connected to threats and ultimatums, that is, deadlines for accomplishing the threats, unless they are satisfied. Therefore it is very important to be aware what can and what cannot be negotiated. To answer this question there is the following table.

NEGOTIATION	
IS ALLOWED ABOUT:	IS NOT ALLOWED ABOUT:
Food	Guns
Drink	Ammunition

Money	Escape[1]
NEGOTIATION	
IS ALLOWED ABOUT:	IS NOT ALLOWED ABOUT:
Medical supplies	Narcotics
Addressing the media	Replacing of hostages with people who are not members of the security services
Contact with family	Creating conditions for suicide
Etc.	Etc.

Firstly, the negotiator must narrow the expectations of the abductor. It is accomplished by explaining the difficulties concerning responding to the demands. For instance, it will be explained to them that their demands are already known to the whole world, and that they are fulfilled as much as possible, and that they would not accomplish anything by killing the hostages, because, through history, it has been proven as ineffective, counterproductive relating to the abductors. Besides this, the negotiators can suggest the abductors the difficulties about acquiring large sums of money which should be paid as ransom for the hostages or the impossibility to deliver the money in such a short period of time, etc. Moreover, it is necessary to avoid the word "no" and to be persuasive concerning the willingness for the agreement, and understanding the needs of the abductors.

The negotiator must be ready for the abductor's threats. In that sense, it is necessary to prepare scenarios for reacting on particular state developments during hostage situations. The most important is for the negotiator to preserve his self-control at the moment of threats, for if he is not able to control himself (his own emotions); he is even less able to control the situation. This is best expressed in the way that they should not react emotionally to the threats. It is also necessary for the authorities to connect exceptions that should be taken with the benefits the hostages would get. For instance, in such cases, the sentence as follows is desirable: "If you hurt Mr. Marko, you can hardly get the things you require!"

[1] Escape must not be mixed with the abductor's position change and the change of some hostages, when abductors under duress change their position from "stationary" to "mobile". Namely it is about the fact that escape should be differentiated from providing the opportunity to the abductors to move from the object to a vehicle with hostages, which they often do for the escape (whether the escape will be successful is a minor problem, since the priority is the release of hostages). That can be allowed only if it is assessed that it can make release of other hostages easier (it is assumed that they cannot take all the hostages, so they have to release some of them, which is one of the basic reasons why they are allowed to change position).

A very difficult situation for all the participants in solving hostage situations is the one in which the demands and threats are integrated into ultimatums, i.e. deadlines for their realization. That is achieved by using sentences like this: "No one will benefit from the delaying the problem solving…"

Ultimatums are a very serious aspect in the negotiating process, and that is why it is necessary to be very careful when it comes to them. In such conditions, the negotiator must not with his recklessness set the ultimatums to himself, e.g. by making promises. The thing which the negotiator must do with the ultimatums is to document them and take them very seriously, to discuss about them, but not to fulfill them, since it encourages the abductor.

One of the principles of hostage negotiation is that the negotiator does everything to prolong the negotiations.[1] With this, the time to identify the phone number is made if the abductor contacts on the telephone. The other reason for conducting this rule is the one that during time the demand become almost symbolical.

With that the abductors tend to maintain their reputation, and those requirements are not the difficulty for the authorities. By maintaining their reputation, and the authorities released the hostages with the minimum damage, can create the impression for the abductor that they partly succeeded in accomplishing their goal for which they conducted the abduction at first. The negotiator must be able to feel that and suggest the decision makers, and the responsible for releasing the hostage to make the decision with minimum exceptions.

Prolonging the contact with the abductors can be done in several ways. For instance, it is possible that during calling the abductor he does not answer the call, but the negotiating mediator. After that, when the mediator answers, it is possible to prolong the contact by pausing, for example to go for a pen and paper, to write down the abductors demands, to precise the details, to ask for the instructors from the superiors, etc. In any case, it should not be hurried to fulfill the demands.

Communication on negotiator-abductor relation can be prolonged by attentive listening to the abductor by the negotiator. It is the best way to decrease the anxiety of the abductor, since with his time-consuming speech their tension decreases. The negotiators also contribute to situation stabilization by expressing their will to understand the abductor's motives, by respecting them, paying attention, etc.

[1] Every contact with the abductors should last as long as possible, with the exception for the situation where this rule is not obeyed in cases when some of the hostages is hurt or ill that he needs medical assistance. So, the priority in such cases is to be as much efficient as possible in negotiations during which proves that the hostage is safe and sound are gathered.

Listening to the abductor should not be formal. Namely, every contact must express compassion by the negotiator. That is expressed by using words such as: "I understand why that makes you angry" and "I see why you did that" etc. Along with this, there must not be any mistakes which underestimate the abductor, such as those which would be made by using words: "It is good you killed them, but do not hurt the others"[1] or explaining to the abductors what the conditions in the prison are like![2]

While expressing sympathy, it is essential that it is followed by appropriate miming and tone. Of course, miming is present only in cases of negotiation "face to face". The significance of specific segments of negotiator's work is that 7% is of what he says, 38% of tone of his voice, and 55% miming and gesticulation.[3]

Communication of the negotiator with the abductors represents jagged, and also the most elaborated issue in this work. That can be documented by suggesting the elaborated issues which are: active listening skill, negotiation dependant on number of confronting people, negotiating tactics, negotiating mediators, particular difficulties during the negotiations, mistakes during the negotiations and progress in negotiations. The essence of communication of the negotiators with the abductors represents the active listening skill.

ACTIVE LISTENING SKILLS

Negotiations can have two courses, linear and parallel. Linear course of negotiations means the type of communication of the negotiators with the abductors during which the abductor is stimulated to talk as much as possible. After that measures for solving the hostage situations are taken. On the other hand, parallel course of negotiation means the type of communication of the negotiator with the abductor during which the abductor is stimulated to talk as much as possible, so that during the negotiations measures for solving the hostage situations are taken.

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[1] The mistake in this example is in overly understanding of the hardest criminal offense of the abductor, which in conditions of the current distrust can just make the greater anger between the negotiators and the abductors. The same thing can be said in the right way with these words: "It is not good you killed those people, but I understand what has brought you into that situation.

[2] The explanation to the abductor what is it like in prisons, in the cases they probably already know that (directly or indirectly), while the negotiators do not know that, is one of the greatest breaking of negotiating rules, by which underestimation of the abductors is expressed, which can cause serious problems in communication and highly undesirable outcomes of hostage situations.

[3] French negotiators rang the significance of particular segments of their work in this way. For further information see: Mojsilovic Z: "Negotiation during counter terrorist hostage release operations", professional paper, FCO, Belgrade, 2005, pp 32.

The point of active listening skill is creating the conditions for influencing the abductor. That influence has the aim to transform him so as to stop his illegal activities. With this the abductor is made to talk for a long time, which causes the decrease of his anxiety. With this the emotional dimension is decreased, and the rational dimension of his behavior is increased.

Active listening skill involves more individual skills. They are: emotions labeling, paraphrasing, mirror / reflection, summary, open ended questions, minimal encouragements, effective pauses and "I" messages. For understanding these particular skills, it is necessary to analyze them briefly.[1]

Emotions labeling involves identification of abductor's emotions and their labeling. Thereby, emotions which are the subject of labeling are referred to their segment of which the abductor is not aware. These emotions are very significant, because they help making the good relationship between the negotiator and the abductor.

Paraphrasing is repeating the last words of the abductor by the negotiator, during which their meaning is decreased comparing to the original version. By those the abductor creates a picture of their importance and the importance of himself (because they are repeated), which should be flattering. This skill is applied occasionally, when needed.[2]

Mirror / reflection is the skill which refers to short remarks, which are expressed by repeating the last few words identically as the abductor pronounced them. This skill is used for making contact and its stabilization. Intonation should be such that encourages the abductor to continue the conversation.[3]

Summary is occasional summarizing abductor's key thoughts. It is done by retelling briefly the thing the abductor said in his own words, whereby they are connected with personal impression of his feelings. This skill is particularly useful when changing the negotiator, for better understanding of the situation by current negotiator.[4]

Open-ended questions represent questions which cannot be answered with "yes" or "no". So, it is necessary to make them by using words 'what", "how", "when", etc. They are important for encouraging the abductor to talk as long as possible.[5]

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[1] *Ibid*, pp. 31, 32

[2] For further information see: Greenstone L.J: "Communicating Effectively for Successful Hostage Negotiations and Crisis Intervention", Journal of Police Crisis Negotiations, Vol. 4(2) 2004, http://www.haworthpress.com/web/JPCN, 10.01.2005.

[3] *Ibid.*

[4] *Ibid*

[5] *Ibid*

Minimal encouragements are short commentaries, by which the abductor is encouraged to continue his presentation. Namely, during long monologues of the abductors, the impression should be made that it is actually about a dialogue, i.e. that the negotiator is highly interested in every detail of the thing he hears. In order to hear more, the negotiator encourages the abductor to long-lasting conversation.

Effective pauses represent interruptions of negotiator's speech, which is manifested by silence. They are used for increasing the abductor's attention, in the middle of something important the negotiator wants to say. It can be a part of the negotiator's reaction on the abductor's anger.[1]

"I" messages are the statements of the negotiator in first person singular. With them the abductor is contradicted, in the way that it does not look as if the negotiator confronts him. They can be interpreted as: "I feel that…" etc.

In order to achieve progress in negotiations, as well as in order to last longer, it is necessary to interrupt the abductor's stream of thought, in the way that he is not irritated. It can be done by praising for earlier behavior towards the negotiators and the victim. In those conditions, the following sentence would be desirable: "You are really full of understanding and my boss really appreciates that" or "We are grateful for the concern towards Mr. Ranko" etc.

Along with the negotiations other activities concerning the hostage release are done, among them is the abductor and hostage identification. Upon the identification, the abductors are called by their own names, whereas the communication is made more personal. The hostages are also called by their own names, so that it is never asked: "How are the hostages?" (Which is really "cold" and "bureaucratic"), but for example: "How is Mr. Mile?", "How is his wife (Mrs. Branka)? - which is more human; It is expected that as a consequence of that abductors and hostages become closer, which decreases the possibility of hurting the hostages. However, it should be done cautiously, in the way that there is no emphasizing of the hostage importance (so that the abductor's demands are not increased).

Drawing together the abductors and the hostages is the result of the time spent in hostage situation, the size of the room, fulfilling the demands which authorities approved, etc. namely, the longer time is spent in those conditions - the less it is likely to hurt the hostages. It must be added that during the hostage situation, abducted persons and authorities must not provoke the abductors, because otherwise specified accuracy does not need to be valid. Secondly, the smaller the room is in which the abductors and hostages are, during time, the closeness among them is greater. Finally,

[1] *Ibid.*

fulfilling the abductor's demands must be realized in a special way, which also affects their drawing together with the hostages, For instance, if the abductors demand food, one piece of food can be given (bread, pizza, etc), but not split or cut, which leads them to the situation to share what they got with the hostages, which also leads to their getting closer to each other.

During the negotiations it is very important to determine if the abducted person is safe and sound. It is the opportunity for the abductor to ask for something in return, but also the challenge for the negotiator to solve that problem in an optimal way. Namely, if the negotiator must give something in return for the proof that the hostage is safe and sound, then he should ask for as many proofs for that as possible, among others, to ask to see the hostage and to be able to talk to him. The optimal outcome of this situation should be that with small number of compromises, find out much about the hostage, as well as to put the abductor into the position to be the active participant in solving the problem about releasing the hostages, by the fact that he will be asked to enable contact of the victim with close people.

However, the requirement to verify whether the victim is alive and well, the abductor can respond negatively. In that case, the new demand on the part of the abductor should be waited for and he can be asked again to verify the victim's health condition. In order to talk to the hostage it is necessary to ask questions which only the victim can answer.

For instance, the abductor can be asked: "Why does Mr. Nenad have stomach problems?" If the abductor even then does not want to answer or no enable contact of the negotiator with the hostage, it is necessary to try to arrange the time when the answers to those questions can be given.

Every abductor's demand can be related to victim's benefits. It is actually about "step by step" or "something for something" tactics. So every authority's compromise should result with the compromise of the abductor.

No matter if the contacts of the abductor and the negotiator are rare or often it is necessary to inform the negotiating team chief about each one. With this, the operations of the negotiating team between two contacts start. That work is very important, because with it the state of the negotiations is analyzed; based on it their continuance is assessed. Depending on that, roles and tasks within the team for the next contact are assigned.

The whole negotiating team must be ready for the following scenarios of the negotiations development. That involves anticipation of tactics and dishonesty of the abductor, potential responds to various questions and the ways of keeping contact in the circumstances. For this to be possible, in addition to a valid anticipation, it is necessary to visualize the most important data, for high-quality information to team members.

During the phone negotiations it is necessary to provide initiative of the negotiator against the abductor. It is accomplished by the fact that the

negotiator should call the abductor and start conversation topics, and to reduce the adverse situations to the minimum. In that way, the principles of the surprises and security from the surprises are respected in the proper way.

Questions which negotiators ask should be short, and they should demand long answers. In this way, a lot more is learned about the factors of hostage situations, especially about the mental and physical condition of the abductor, with respect to the situations in which this recommendation is not accepted. It is also important to be focused and not to allow you long comments, because with that we do not learn anything, and the abductor is not relieved of his emotional tension.

NEGOTIATION DEPENDING ON NUMBER OF ABDUCTORS

The number of abductors with whom it is negotiated is also a very important factor of the course and the outcome of the negotiations. The number of abductors can vary from one to several dozen (Dobrovka-41 abductor or Beslan-31) of abductors, but it is also possible to talk theoretically about hundreds of them. However, the most significant abductors concerning the negotiations are their leader and his deputy. That is why, from this aspect the most important situations are those in which it is negotiated with one or two abductors. In both cases, there are certain appropriate specificities which hostage negotiators must be aware of.

When it is negotiated with one abductor, the conversation begins by listening to their demands. The longer the abductor talks-the better, because it leads to relaxing of his anxiety. During the abductor's speech his statements are occasionally repeated, and the words he said are also repeated, because of the checking and unambiguous determination of the abductor's intentions. During the conversation every detail which can help reaching the agreement with the abductor is particularly emphasized. All the time it is necessary to pay attention not to argue with the abductor, since that would take the negotiator away from reaching trust with him. Over time, all the above can lead to breaking his self-confidence and excess in his demands. In short, by long-term, persistent negotiations it is possible to make the abductors withdraw to fulfill his demands and thus end the hostage situation with the most favorable outcome, which is manifested with the release of hostages.

If it is negotiated with two abductors, it is necessary to determine which one of them is the "leader". His all demands should be denied, while to the other some minor concessions should be given occasionally. With this their mutual plan to accomplish the aim of the abduction is ruined. As a consequence of that, there are different views of the problem and their solutions, and on the other hand argument between them is possible. This

development favors the negotiators and other members of security forces, in terms of folk saying: “Divide and rule”!

NEGOTIATING TACTICS

While negotiating it is possible to use various tactics. The most famous negotiating tactics are: “face to face”, persuasion, deceitfulness, threat, promises, concessions and superior targets tactics. Among negotiating tactics, the special place takes the one which is called “face to face”.

Negotiation „face to face“ represents the most dangerous way of negotiator’s wor. It is the consequence of the fact that this way of negotiating does not give you a possibility to physicaly protect from the abductor, and that is way it is also known as „unprotected negotiation“. There are numerous rules how to realize negotiations „face to face“, the most important ones will be mentioned in this work.

The first negotiating rule of “face to face” negotiation during hostage situation is the thing that this kind of negotiation must not be done too early. In fact, it takes some time to determine that in this type of negotiation there is high level of certainty for accomplishing the desired results. This is very important, concerning the fact that threat to the security of the negotiator is extremely high. Finally, the “face to face” negotiations are approved by the head of staff of interim police force that is hired to solve the concrete hostage situation very restrictively.

The “face to face” negotiations should not be conducted without warranties for personal safety of the negotiator, which should be given by the abductor. The basic conditions which are favorable for conducting the negotiations are related to the fact that the abductor does not point his weapon into the negotiator and that there are no explosives in the premises where the negotiations are conducted. Before entering the negotiations it is necessary that the negotiator wears protective clothes (e.g. bullet proof vest, etc) and that the way of his protection in case he is attacked is carefully planned.

In these cases the issue of courage of the negotiator is very important. In fact, these situations must not be used for testing personal any other person’s courage, i.e. for proving to oneself or to any other person. In order to enter the “face to face” negotiations it is necessary to be aware of one’s own fears and use them as “extra” will to do this assignment.

Since the abductor and the negotiator often do not know each other, it is necessary prior to entering “face to face” negotiations it is necessary to agree on personal description or means of mutual recognition. During the negotiations, the negotiator must take care of keeping distance between him and the abductor. The negotiator also must not turn his back on the abductor,

nor to disregard the abductor's eyes or hand position, whereas of special importance is body position, tone, miming, etc. in fact, if the abductor is standing, with spread arms and legs, with weapons pointed into the negotiator, if he is nervous, grumpy, etc, it is easy to conclude that the possibility of unwanted consequences to life and health of the negotiator in these situations is very high. On the other hand, if the abductor is sitting, leaning with both shoulders on the back of the piece of furniture on which he is located, if his arms and legs are crossed, demonstrating calmness with his tone and miming, it is easy to conclude that there is little likelihood that there would be some unwanted consequences on the part of the negotiator. Of course, between these two extreme manifestations of mental and physical condition of the abductor, there are a number of others, which can be modeled by combining the elements.

Besides the mentioned indicators of the abductor's condition, the negotiator must be oriented by his position, but also by thoughts, towards the covers around himself, so that he is ready to use them at all times. Thus their self protection and the protection by individual elements of the tactical layout of the security forces are present. Self protection is manifested by protective means in the protected position, but carrying personal weapon eventually. In order to protect the negotiator, there is also the need to harmonize every activity of the negotiator with the members of the deployed anti-terrorist unit, starting with the approaching the abductor and contact with him, to negotiations and their termination.

Indicators of the rapprochement between the abductor and the negotiator during the "face to face" negotiations are analog to the indicators of mental and physical condition of the abductor, which can be identified by his body language, miming, tone, etc. In fact, the negotiator can identify the indicators better by his miming and gesticulation, than by his words and tone, which during telephone negotiations is not possible. The indicators of the progress while "face to face" negotiating are: abductor's sitting during the negotiations, his leaning, his arms and legs crossed, approaching of his body especially his head to the negotiator, etc.

If it is possible to exploit the rapprochement between the hostages and the abductors and thus release the hostages without using force, there is no need to continue the forced action. On the contrary, if the negotiations are not successful, there are other ways of releasing the hostages. Then the negotiations go to the next stage of some other (combined) way of performing the task. This is confirmed in the actual example of releasing the hostages from the Japanese Embassy in Peru, during 1997. In fact, by planning and performing the action it is confirmed that only after unsuccessful negotiations duress is used.

"Persuasion" tactic[1] means using different methods, means and ways to win the opponent and to win more favorable position during negotiations. This tactic has in this work been elaborated most, so that there is no need for detailed elaboration any further. However, this is the opportunity to indicate to inconsistency of the systematization in the theory of negotiation by which the persuasion is classified as technique (the way of using the instruments, which is in case of negotiation a psychological message of certain content) and as tactic (functional and organizational consideration , which varies in depending on the surrounding) of the negotiation. Relating to this, we can conclude that persuasion should be treated as technique, because that activity in negotiating refers to what involves the use of instruments.

"Deceitfulness" tactic is the way of solving conflict situations by presentation of false data and arguments. The success of this tactic depends on the fact how well the negotiators know their opponent. During its realization one should be careful, so as not to cause counterproductive effects. They can occur above all, as a result of unconvincing arguments of the negotiators and of underestimation of the abductor. "Threat" or "duress" tactic is based on intimidation of the abductor by the negotiator. The negotiator performs from the authoritative position of security forces, police, army, authorities in general, etc.

Accordingly, the negotiator performs from the position of the force which he represents, identifying with it. In this way, the abductors are shown the consequences which will occur unless he accepts the solutions of the problem which is offered to him.

"Promising" tactic is also related to the position of the negotiator and the power of the institutions he represents. Its purpose is in the fact that the negotiating party (the one who makes promises) has the authority, which is so big to convince the opposing party, that the promises will be fulfilled.

"Concessions" tactic is considered the most important negotiating tactic. The main point of this tactic is in making concessions, whereby it is maneuvered with the scope and dynamics of their giving. With this tactic atmosphere of good will and readiness to solve the problem in mutual satisfaction is made. It is assumed that there is a great possibility that" with one side giving in, the other side will give in also".

"Superior target" tactic is the type of negotiating tactic in which all confronted parties should find mutual target which is in one way different, and on the other side above their individual interests, for which they came into conflict. By defining the superior target, the confronted parties accept

[1] The part of this work which deals with negotiating tactics, especially from "persuasion" tactic to "superior target" tactic is made based on: Mojsilovic Z.: "Negotiation during anti-terrorist hostage release operation", professional work, FCO, Belgrade, 2005, p 16.

the change in behavior which leads to the fact that one form of the interaction (competition) transforms into another form of interaction (cooperation).[1]

MEDIATORS IN NEGOTIATIONS

While negotiating it is possible to employ mediators. In fact, if operational staff estimates it as useful, as a suggestion of negotiating team leader, the staff can include mediators into the negotiations, such as relatives, friends, psychologists, priests, doctors, in one word, people who are trustful to the abductors. Therefore, officials hired as mediators must wear professional uniforms during negotiations.

As it is indicated in the previous paragraph, hostages should not be negotiators, more precise-negotiating mediators. Referring to this, the principle of hostage negotiation by which it is required to avoid hostage mediators in negotiations is formulated. There are usually three main reasons for not being good for the hostages to mediate in professional literature. First, the hostage is willing to suggest almost everything, in order to be released. Second, the hostage can be in close emotional relationship with the abductor.[2] Finally the third reason is partiality of the hostage in realizing the alternatives for his release.[3]

For a person to become the negotiating mediator it is necessary above all to apply voluntarily. After that, it is necessary to check his health condition, which should be very good. If the mediator is healthy, it is necessary to determine the level of their specific skills related to emotional

[1] For further information see: Ferrara R.E: "Using Goal – Directed Behavior Modification in Conflict Resolution", Journal of Police Crisis Negotiations, Vol. 4(2) 2004, http://www.haworthpress.com/web/JPCN, 10.01.2005.

[2] In professional literature, this phenomenon is called "Stockholm syndrome". In fact, during a hostage situation since 30 years ago in Stockholm, there was a love relationship between the abductor and one of the hostages. It continued afterwards, so that the person who was the hostages visited the abductor in prison during his serving the sentence. During the negotiations, the mentioned hostage was the negotiating mediator, and it is because of its failure why it is taken as a school example of unsuitability of taking the hostage for the activity.

[3] Opposite the "Stockholm syndrome" is co called "London syndrome". This phenomenon is the example of "partiality of the hostage in realizing the alternatives for his own release" and in the way that they underestimate the danger of the abductor. This is manifested by the fact that hostages refuse the abductor's orders, just because the aforementioned underestimation of the danger. "London syndrome" is the name of the phenomenon for the city where it occurred for the first time, during the abduction in Iranian Embassy in Great Britain, where for refusing the terrorist's orders, one officer of the aforementioned embassy was killed.

stability, communication skills, flexibility, willingness to learn and follow instructions, as well as a good understanding of people.

Preparations of the mediator involve their immediate phase. It includes teaching the mediator by the negotiator about the anticipated development of hostage or other conflict situations, conversation topics, goals and ways of their managing, providing reminders for negotiating, etc. Finally, certain provisions of aforementioned instructions should be the subject of practicing, which depends on the time available.

By proper selection of a mediator in the negotiations, the management of anti-terrorist unit, which is responsible for the liberation of the hostages by force, does not have to fear that the abductors will be promised something that the authorities are not ready to accept, what would eventually require immediate engagement of these forces; This is provided by a multistage, hierarchical relationships of temporary units of the security services, which are formed to solve the most complex security problems. The negotiations are performed by a negotiating team; problem solving by force is entrusted to the anti-terrorist unit. Both units are subordinate to the operational headquarters, which makes decisions on the basis of proposals that come from these and other units engaged.

SPECIFIC DIFFICULTIES DURING THE NEGOTIATIONS

Part of the situations during the negotiations is very difficult to solve. First, they refer to cases in which the abductors do not answer negotiator’s questions, thus making it difficult to negotiate. This may be due to: not understanding the questions, the abductor is deaf or mute, has mental or physical problems, is under the influence of drugs or alcohol, sick, has injuries or wounds, or can be mentally and physically handicapped. Awareness of the above causes of the difficulty in negotiating allows proper placement of the negotiators with respect to such issues.

The so-called "other" cases of lack of communication between the negotiator and the abductor, which are caused by abductor’s non-participation in it, are caused by tactical considerations. The lack of communication of the abductors and negotiators may be driven by the fact that the abductor: died, escaped, and was not even on the spot!

In addition to these, there are situations during negotiations that are considered to be impossible to solve. These situations include those related to negotiating with abductors who are prone to committ suicide, and those who do not realize what they are doing. The other aforementioned case can be identified by the words of the abductors after that they are shown the facts about the current situation:" ... Why are you telling me that, I have not done anything ..."!

Resolving cases of lack of communication between the abductor and the negotiator requires lengthy, calm and cautious negotiator's monologue. The solution of these problems has the starting point in the statement:" If the abductor does not answer – it does not mean he is not listening"! Thereby negotiator should arouse interest with abductors to solve these situations, by provoking his participation in the conversation (growing monologue to dialogue). At the same time, the abductors should be made calm, without threats.

Part of the problems can be overcome by pauses in the negotiations. The reasons for pauses in negotiations may be different, but each of them must be the result of an agreement between the negotiator, anti-terrorist management and operational staff. Each pause in the negotiations must be used in the painstaking, creative way, so that with their extension far higher levels of quality in communications between the negotiators and abductors can be made.

MISTAKES DURING NEGOTIATIONS

During the negotiations some mistakes on the part of the negotiators have been evidenced. The most important part of them refers to the uttering of those words that provoke emotional reactions of interlocutor, i.e. the abductor. These words, among others, include: *negotiator, hostage, task, cancel, stop, arrest, jail, kill, shoot, offense, criminal offense, conviction, judgment, dead, wounded, special units,* etc.

The second type of error refers to a failed attempt at forced solutions hostage situation, which also caused the interruption of the negotiations. This leads to the violation of trust between the abductors and the negotiators, which is then very difficult to restore. Although it is very difficult to continue negotiations in these conditions, it is still possible and it should be done.

The third type of error arises from situations in which the role of negotiator is taken over by the head of the operational headquarters. In these cases, instead of being " above" the situation and to control all aspects of its solution, he narrows the focus of his own attention to the narrower problem than that for which he is authorized, so there is a mistake in structuring responsibilities. This error is known as a" disproportionate responsibility".

The following type of errors is associated with the previous one, and is referred to cases in which negotiators manage the release of hostages. Since the managers do not negotiate, the negotiators should not manage the release of hostages. This detail also represents one of the basic principles of negotiation, which is expressed in a simple maxim: " *The negotiators do not manage, managers do not negotiate* " ! Failure to follow this maxim is a

serious error of the management and of negotiators in the police, because individuals do not deal with things for what they in charge, with that their areas of operation remain uncovered and their involvement in other areas of work leads to the so-called "overlap of responsibility".

There are principles of negotiation concerning the limits of authority of negotiators and avoiding mediation of hostages. The point of them is to avoid previous models of the same mistakes during the negotiation. First of all, the negotiator must not have large authorities. This includes the absence of the right to make decisions. This is the way in which the conditions that the kidnapper does not develop distrust towards the negotiator, as a person with a prejudice is made. On the other hand, principally, the hostages should not be negotiators, because they usually tend to offer things the the authorities are not prepared to accept for their own release.

A significant mistake during negotiations is the privatization of the problem by the negotiators. Specifically, it reduces their objectivity and makes their subjectivity stronger. This mistake is expressed in a narrow considering the issue in relation to the" width" that is required, since the negotiator has to look at the whole problem, as much as it is possible as a person "aside".

A big mistake is made by negotiators who because of their excessive dedication do not want to rest. The reason for this may be that, as in the case of failure of the negotiations they would feel guilty for such an outcome, and excessive work serves as a cover for eventual failure. This is manifested in that that they do not want to give way to another speaker, etc.

Part of mistakes arises from excessive courageof the negotiators and other members of the security forces. This courage is manifested with incomplete and unsystematic preparations for hostages release action. An example of this is the poor sheltering of the negotiators and other officers from observation and opening fire of abductors, exposure to danger by insisting on premature and unprepared" face to face" contact with the abductor and so on.

Among the mistakes of negotiators special attention should be paid to the lack of coordination, which entails the large number of negative consequences. Namely, the poorer communication, the worse the coordination is. This means that the reverse is also true, ie. This error in coordination is avoided by more intensive communication of the participants in the hostages release action.

PROGRESS INDICATORS DURING NEGOTIATIONS

Not taking into account the outcome but the way of the negotiations, it is necessary to ensure progress in them. It ranges between: Active listening -

compassion - relationship - impact - change in behavior (respectively). To avoid a delay in negotiations on some of the links in the "chain" it is necessary to listen to the abductors, to confirm his views, regardless of whether you agree with them (without discussing with him), because it is a way to create a common basis for resolving the problem. The basis is a positive atmosphere between the negotiators and the abductors.[1]

Indicators of progress in the negotiations are diverse. The first of these relates to the *threats presented in non-threatening tone* (which identifies the sending of so called." double-sided (duplex) message"). Then, a very important indicator refers to the *transmission of personal information about themselves by the perpetrators*, which is regularly followed by the *expression of emotion and rational thinking*. In addition, an important indicator of progress is the *willingness to talk* about topics that have nothing to do with the current hostage situation or other similar problems.

The opportunities to record the progress of the negotiations are the conditions in negotiations in which it can be spoken softly. That forces the kidnappers to increased attention, which is also an expression of progress in negotiations. Slow speech should be added to this, by which the time of communication is extended.

The desire for conversation and a constant willingness to communicate with the abductors is an evident indicator of progress in the negotiations. This is particularly important for the high degree of correlation of verbal communication and non-violent behavior toward hostages. Moreover, during communication great progress in the negotiations can occur, that it leads to the release of hostages, fully or partially.

Good contact between the negotiators and the kidnappers is fully established if they regularly report to each other. The word regularly in this case refers to regular or irregular intervals of mutual reporting, but in a way that those terms are agreed and complied. During interpersonal communication that takes place in this way, an important indicator of progress in negotiations is present if the abductors follow the instructions of the negotiators (e.g., regarding transfer of tangible and intangible assets, entering into mutual contact, joining media, delivery of the abductors, etc.)

However, despite a good atmosphere which towards which the tendency is - in relations between the negotiators and the abductors, it is necessary to take into account the fact that people in the smallest matters do not always say what they think. Therefore, negotiators must not see every

[1] For further information see: Greenstone L.J: "Communicating Effectively for Successful Hostage Negotiations and Crisis Intervention", Journal of Police Crisis Negotiations, Vol. 4(2) 2004, http://www.haworthpress.com/web/JPCN, 10.01.2005.

demand of the abductors as an expression of their malicious exclusion, but as an expression of their needs.

On the other hand, negotiators must not unquestioningly believe the good intentions of the abductors because it may be about their simulations, behind which plans that can be implemented just in terms of frivolity of members of the security services stand.[1]

CONCLUSION

The process of the police negotiating during abduction can be represented as a process that consists of interdependent phases. Oriented to the policies of negotiation, police negotiators communicate with the abductors, creatively applying the skills of active listening and other rules of negotiation, seeking thereby to successfully deal with the specific difficulties during the negotiations and to minimize errors, thus creating the prerequisites of progress in negotiations. So, in the above manner (establishing initial contact between the negotiators and abductors, negotiating by active listening skills, negotiating differently depending on the number of abductors, by appropriate negotiation tactics, engaging mediator, by avoiding specific difficulties during the negotiations, avoiding and correcting mistakes during negotiations and by identification of progress indicators in the negotiations) the process of police negotiating during abductions is modeled.

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[1] *Ibid.*

PROCESS OF RECRUITMENT IN THE POLICE

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Abstract

Human Resource management is a process of crucial meaning for all institutions and companies. Police is one of the most important organizations within the state established with the task of organizing security, protecting citizens, prevention and detection of crime, finding and apprehending the perpetrators of crimes, maintenance of the public order, road traffic safety, etc. Activities taken by the police officers are very closely related to the Human rights and freedoms; this means that anybody who wants to become a police officer must be well trained and prepared for the Police job. The process of recruitment within the Police is of exceptional importance for the everyday working and policing. Recruiting through the established procedures and rules gives possibilities to the management to ensure that the right people will take the right positions.

This paper will address the best practices in recruitment in the Police and will give some new approaches and possibilities of how the process could become more successful and useful.

Key words: Police, Management, Recruitment.

INTRODUCTION

Police is one of the most recognizable organs of the state with clearly defined authorities and empowerments which often covers the most sensitive areas of the human living, democracy, freedoms and rights, and even the overall social and political development of the state. For this reason, the staff potential of the employees of the Police is especially important, i.e. the successfulness of the

application of the process for selection of new quality employees in the Police. But, what is of greatest importance is the structure of the process of promotion in the police career. Recruitment for the needs of the Police of new employees as well as the newly-open positions in the system of hierarchy is probably the primary premise for development of the Police as an essential pillar of the security of the state. The process must be dedicated to quality, and resistant to all kinds of internal or external influences. Above all, we refer to recruitment based on knowledge and skills, as well as acquired experience, and not for assigning in the purpose of other activities which are not related to the police service.

The following elaboration deals with the process of recruitment in the Police which is equally applicable in all other security institutions, i.e. agencies. A special attention is paid to strategic recruitment, as well as the internal and external sources for recruitment for the needs of Police. The example of successfulness of Police in the sectors of internal affairs has the aim to inspire further researches related to recruitment and assigning of the supervising staff for high work positions in the police organization.

RECRUITMENT

Recruitment, as a function of the Human Resource management, is one of the activities with strongest impact on the performances of the organisation.[1] According to Ulrich Dave, recruitment is a process of identifying, attracting and supplying of new qualified staff in a number which provides the employer with the possibility to select from many applicants exactly the ones who meet the requirements and the needs of the service most properly. The needed number of human resources can be provided in two ways[2]: by employment of new people and by development of the potential of the existent employees. Robert Mathis refers to recruitment as a process through which a group of qualified applicants for the work positions in the organization is created. When the number of appropriate candidates matches the number of work positions which are to be covered, real selection is not needed - the choice is already done. Then the organization should choose between leaving some work positions empty or accepting all candidates.[3]

The basic aim of recruitment is to find the qualified applicants for assigning to the open work positions in the organization, i.e. for replacement in the regular process of outflow of the manpower as a consequence of retirement of the employees or their redistribution to other work positions, or for the purposes of growth and development of the service, i.e. to meet the challenges of the contemporary way of working. Security services, while applying the process of recruitment, should pay special attention to:

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[1] http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN021814.pdf, accessed on 5th January 2009;

[2] Ulrich, Dave. "A New Mandate for Human Resources" *Harvard Business Review*, January - February 1998, pp. 124 - 134.

[3] Robert L. Mathis, John H. Jackson. 2010. *Human Resource Management.* New York: Thomson South-Western, p. 194;

- Bear in mind the area of security which is to be covered, as a precondition for successful recruitment of the qualified candidates;
- Build and maintain networks and relations with the sources of potential employees (secondary schools, universities, other security agencies, etc);
- Promote the service as a good working environment in order to make it recognizable by the potential candidates as a real working environment;
- Build measuring instruments which would measure the efficacy of the efforts of recruitment.

Every police organization in its systematization of work positions has a Sector or another organizational unit that deals with human resources. In the Ministry of Interior of the Republic of Macedonia there is a Sector for legal affairs and human resource management. According to the systematization, the other larger organizational units of the Ministry also recognize similar structures in their departments. Thus, in the Bureau for public security (BJB) there is a Sector for mutual affairs and human resource management which is defined in strategic level and whose manager is the Assistant Manager of the Bureau. Those organizational units are functionally separated from the Ministry and they respond directly to the Manager of the BJB, i.e. UBK. The Sector for mutual affairs and human resource management at the BJB pays attention to the management with human resources, and in the same context - to recruitment. Without the special attention on the part of the department for human resources, recruitment can become only a bunch of administrative functions. As John Jackson notices, that would only imply to coordination of the open work positions, management of the data of candidates, preparation of regulatory reports and redistribution of the candidates within the system.[1] Such steps are undoubtedly important for the quality of the process of recruitment, but what is more important is to connect the strategy of recruitment with the strategy for development of the Police.

STRATEGIC RECRUITMENT

Strategic recruitment is a significant segment of the management of every organization, especially in conditions of liberalization of the markets of manpower which become more and more competitive and change constantly. The planning of the human resources helps in their equalization with the goals and the plans of the organization. In all this, it is especially important to view recruitment as part of the strategy of human resources, because the quality of the process of recruitment and the appropriate selection of the candidates is the mechanism which enables the functioning of the plan. For example, the low crime rate is in a direct correlation to the level of expertise of the employees of the Department for fight against organized crime. When the employees possess the required knowledge and skills, as well as practical experience in the fight against the corresponding type of crime, the conducted crimes would be processed with a greater promptness and quality, and the perpetrators discovered and apprehended. If a different access was used while

[1] Ibid;

recruiting the employees precisely for the mentioned department, the percentage of the discovered crimes will also be lower.

Sectors of internal affaires	Total number of crimes			Detected crimes			Crimes conducted by the juveniles		
	2012	2013	%	2012	2103	Coef. of eff.	2012	2013	%
Skopje	15891	16434	3.4	3957	4245	25.8	546	708	29.7
Bitola	2143	2369	11	1523	1658	70.0	137	111	-19.0
Veles	1260	1115	-11.5	945	875	78.5	127	105	-17.3
Kumanovo	2690	2285	-15	1169	1279	56	163	170	4.3
Ohrid	2031	2051	1	1355	1334	65	177	85	-52.5
Strumica	1704	1577	-7	1044	1053	66.8	99	123	24.2
Tetovo	2219	2260	1.8	1018	1011	44.7	84	70	-16.7
Stip	1856	2093	12.8	1228	1329	63.5	248	185	-25.4
CPS	145	181	25	145	166	91.7	1	2	100
Total	29939	30365	1.4	12384	12950	42.6	1582	1558	-1.5

Table 1. Movement of criminality through the Sectors of internal affairs in 2012 and 2013[1]

In Table 1 we have presented data for the movement of crime through the Sectors of internal affairs for 2012 and 2013 for the total number of conducted offences, the number of realized, i.e. discovered offences and offences performed on the part of minor persons. From the table we can conclude that the number of offences discovered by the Sector of internal affairs in Skopje is incomparably bigger than the other sectors, i.e. from the total number of 29939 conducted offences in 2012, even 15891 offences or 53.07% were in Skopje. Data for 2013 are quite similar, which means that from the total number of conducted offences which is 30365, in the Sector of internal affairs in Skopje were registered 16434 offences, i.e. 54.12%. Additional analyses point out that from 15891 offences conducted in 2012, up to 31st March 2014 a total number of 3957 were discovered; this is 24.9% from the total number of conducted offences. For 2013, from the number of 16434 conducted offences, up to that point 4245 or 25.83% were discovered. In these two years, a growth rate of conducted offences on the territory of the Sector of internal affairs of Skopje was also noticed and it is 3.4%. Data point out that the Sector of internal affairs is undoubtedly at the lowest level of the scale of successfulness in relation to discovering of offences. According to these data, the most successful sector in relation to the realization of offences is the Sector of internal affairs Veles, where 78.47% were discovered from the total number of offences conducted in 2013 and 75% in 2012. Then comes the Sector of internal affairs Bitola with 70% in 2013 and 71% in 2012. The second last on the list is the Sector of internal affairs Tetovo, where 44.73% were discovered in 2013 and 45.87% offences in 2012 from the total number of conducted offences.

[1] http://www.mvr.gov.mk/DesktopDefault.aspx?tabindex=0&tabid=614, accessed on 4th April 2014;

The increase or decrease of the crime rate which is strongly connected to the successfulness of the work of the Ministry of Interior is also indicative. Thus, in the Sector of internal affairs Veles, a significant decrease of the number of conducted offences was noticed, i.e. 11.5% in 2013 in relation to 2012. The biggest decrease of the number of conducted offences in 2013 in relation to 2012 was noticed in the Sector of internal affairs Kumanovo, where the percentage is 15%. Additional researches are needed in order to establish the reason for such decrease, especially out of the fact that the number of discovered offences is average, at the rate of 56%. The Sector of internal affairs Skopje noticed growth of the number of conducted offences by 3.4% in 2013 in relation to the previous year. This datum is in correlation with the low rate of discovered offences and with the inability of the Sector of internal affairs Skopje to discover the conducted offences at percentage similar to the successfulness of the Police in the other sectors.

There are many different reasons for increase or decrease of the number of conducted crimes in the Republic of Macedonia. The personnel policy of the Ministry of Interior, the technical equipment, the training programmes, and the system of career are just a few of the possible reasons which independently or joint influence the crime rate. On the other part, the type of criminality (especially the violent criminality) is more expressed in the Sector of internal affairs Skopje. The proximity of the border with Kosovo, the airport Alexander the Great, the big number of economic operators on the territory of the Sector of internal affairs Skopje, the big number of state and public institutions, private enterprises with big capital, private or public ownership which are more attractive than in the other regions in the country, the strong connections among the criminal groups, etc. are just a few of the "advantages" which are in favour of the offender on the territory of the Sector of internal affairs Skopje. But, we should not neglect the fact that the process of recruitment also has a strong impact on the training process, the process of promotion in the career, and the overall process of development of the Ministry. That is why it is especially important to mention the fact that only the best motivated candidates, the ones which are truly prepared to face the modern challenges of criminality, should be granted the possibility of employment in the Police and move upward on the hierarchical scale of this institution.

The strategy of recruitment is a general framework which serves as a guide for acting. The question of whether this framework exists in the Republic of Macedonia in general, and with it in the Ministry of Interior, stays open. Big challenge for the overall process is the aspect of finances which are to be spent in the process of recruitment. It is an expensive process in which it should not be given space for improvisations and partly done activities. The price is undoubtedly important and every employer in the Republic of Macedonia has limited resources, i.e. financial means for conducting of the process of recruitment which are at his or her disposal. But, quality must always be priority and it can be the compromise for the high price of the process of recruitment. The Ministry of Interior does not have a problem with the number of candidates for one work position in general. For example, on the last two competitions for employment of police officers almost 20 candidates applied for one open work position.

The phases of strategic recruitment[1] are meaningful from theoretic aspect and they represent a sustained basis for the practical conduction of recruitment. In theory, the following four phases of recruitment are separated:

1. Planning of the Human Resources:
    - How many employees are needed?
    - When will the employees be needed?
    - What new knowledge, skills and abilities will be needed?
    - What are the goals of the organization to be achieved?
2. Responsibilities of the organization:
    - The employees of the department for human resources and operational supervisors;
3. Strategic decisions for recruitment:
    - Recruitment by the organization versus recruitment by external persons;[2]
    - Presence and image in the recruitment;
    - Regular instead of flexible staff teaming;
    - Taking into consideration regulations for equal possibilities and variety;
    - Selection of the sources of recruitment;
4. Methods of recruitment:
    - Internal;
    - External;
    - Network;
    - Online;

Strategic recruitment should be more than just assigning for the open work positions. It can also focus on finding potential before an employment is needed - taking the benefits of the unexpectedly appropriate candidates in situations when there is abundance of highly qualified candidates, or maybe on creation of strong recruiting abilities on the internet.[3] Generally, strategic decisions for recruitment do not define only the number and the type of candidates, but also how difficult or successful recruitment can be.

The employer is forced to make many decisions related to recruitment on the base of the needs established as part of the planning of the human resources. The initial decision is whether recruitment should be performed on the part of the employer or that should be entrusted to an external factor dealing with the activity of human resources. Police has not applied this type of procedure

[1] More about the phases of strategic recruitment see: Robert L. Mathis, John H. Jackson. 2010. *Human Resource Management.* New York: Thomson South-Western, p. 194;

[2] On managerial work positions in Police recruitment of external persons is not possible. Accordingly the bylaws, recruitment is possible only from the existent employees by an intern competition for assigning for the emptied managerial work positions.

[3] Moscato, Dereck. 2005. *Using Technology to get Employees on Board*. London: HR Magazine, April 2009, p. 371 - 379;

yet, but in the private sector this practice becomes more frequent. The question of recruitment by external or internal sources is of great significance. The next decision which is to be made is the extent to which the internal and external sources and methods will be used. Both the promotion within the organization (internal recruitment) and the employment by external sources (external recruitment) have their advantages and disadvantages.

The decision for accepting new employees is related to the broadening of the work, the outflow of manpower, retiring of the employees, the increased security challenges, etc. The process of recruitment starts with bringing the decision for assigning for one or more open work positions and the perception of the requirements of the service.[1] For years, security services had little reasons for concern about the free labour market and the increase of competitiveness, because they work in a monopolist surrounding.[2] But lately, the influence of the new manners of management forces the security institutions to pay more attention to the quality of the services they deliver, because the final beneficiaries - the citizens, expect a higher level of security and safety for the money they pay for taxes and other charges by the state. The citizens become less tolerant towards the low level of security and towards the unskilful and unqualified staff performing the tasks in the area of security.[3]

The success to deliver a high quality services on the part of the security institutions starts with the process of recruitment.[4] Recruitment can be done by internal sources, i.e. capacities of the organization, or by external sources. There are several reasons for recruitment by the internal sources of the service:[5]

- The skills of the employee are already known, which facilitates the recognising of his or her potential for work at a higher level. For comparison, the estimations in recruiting of external persons are based on less relevant sources as references, conduction of some simple tasks, and very short interviews.
- "The internal persons" already know the organisation, it strengths and weaknesses, culture, and maybe the most important, they know the employees;
- The possibility of promotion in the career raises motivation and enhances the feeling of devotedness to the organisation. Capable and ambitious people are more interested in dedicating to development activities when they believe that such activities will bring to advancement in the service;
- The internal regulation is cheaper and faster than the advertising in the means of public informing and the interviewing of external persons. The time needed for training and socialisation is reduced.

[1] http://www.yorku.ca/hr/documents/Recruitment_Process.pdf, accessed on 5th January 2009;

[2] http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN021814.pdf, accessed on 5th January 2009;

[3] Armstrong, 2006: 87,

[4] Richardson, 2007: 8

[5] Ibid;

Simultaneously, several disadvantages of recruiting by internal sources were noticed:[1]

- Sometimes it is difficult to choose the right person of the organization, and applicants with less than the minimum of the required competences are chosen;
- Because of the increased scope of work, some of the employees can be promoted too early, before they are prepared for the promotion, or before they manage to master all responsibilities of the previous work position;

Sources of recruitment	Advantages	Disadvantages
Internal	• The moral of the promoted person is usually at a high level • The service can better estimate the skills of the candidate • The expenses of recruitment are lower for some work positions • The process is a motivator for good effect • The process causes a sequence of promotions • The service should be engaged only at the basic level	• Bad intersection • Fall of the morality of the non-promoted persons • Employees can enter "political fight" for promotion • There is a need of development of Menagerie
External	• New "blood" brings new perspectives • The training of the new staff is cheaper and faster because of the previous external experience • The new person does not have "political support" • The engaged person can bring a new aspect of the things	• The firm can fail in choosing the appropriate person for certain work position • The process can cause fall of morality within the non-selected internal candidates • The new employee can face problems of adaptation or time of directions

Table 2. Advantages and disadvantages of internal or external sources of recruitment[2]

Most often, employers combine these two methods. Police organization as a stabile service whose spectrum of functions is strictly defined by Acts of laws and bylaws most often decides for internal recruitment and uses the internal promoting

[1] Ibid: 10;

[2] Robert L. Mathis, John H. Jackson. 2010. *Human Resource Management.* New York: Thomson South-Western, p. 204;

as a more convenient variance.[1] As Robert Mathis states, the internal recruitment for the open work positions gives additional motivation to employees to stay in the service and be part of its development, instead of seeking for new possibilities outside the service.[2]

The methods of **internal recruitment** often include:

- A database of the organization;
- Announcement of open work positions;
- Promotions and redistributions;
- Reports on the active employees,
- Reengaging of former employees and candidates;

The database of the employees enables the storage of data and information on the employees and their knowledge, skills, and abilities. When it is needed to recruit a candidate for an open work position, the department of Human Resources can access this database and obtain a list of all the employees meeting the criteria for that work position. The advantage of these bases is that they can be related to other activities of the human resources. The possibilities of career development and promotions are the main reasons why the employees stay in the service or leave it. With the help of this database, the internal possibilities of the employees can be recognized. The profiles of the employees are constantly updated, adding data related to additional trainings, completed education, special projects in which they were engaged, plans and desires for career development noticed during discussions related to the career, estimation of their performances, etc.

The announcement of open work positions is the most frequent way for recruitment of the current employees for another work position in the framework of the organization. In the police, there is a developed system in which the employer announces a competition for an open work position, and the employees reply by applying for the proper work positions. The announcement is done by announcing of an intern competition for recruitment for an open work position which is submitted to all organizational units within the Ministry, and the employees who are provided with an electronic mail by the Ministry of Interior receive such announcements also through the intern site of electronic mail. All previously employed police officers meeting the requirements have equal right to apply to the intern competition. The requirements most frequently refer to the level of education of the candidates, previous work experience, or the number of years of working within the Ministry of Interior, the knowledge of the working responsibilities of the open work position, a proof of knowledge of a foreign language, a proof of competence in the work with computers, etc. In the Ministry of Interior there is a list of seniority which is always used in cases of promotions, which are strictly based on the principle of seniority.

The bylaw which narrowly regulates the matter of recruitment, training, redistribution, promotion, estimation and cancellation of the contract for

[1] Finley, Bruce. 2010. *External or internal recruiting?* Denver, USA. Denver post 4A.

[2] Robert L. Mathis, John H. Jackson. 2010. *Human Resource Management.* New York: Thomson South-Western, p. 205;

employment is the Rulebook for the mode and the procedure for остварување of the system of career of the authorized officers in the Ministry of Interior.[1] In it, it is provided that redistribution of the authorized officers is conducted in a transparent procedure, by announcing of an intern competition.[2] Redistribution is done regardless of the sex, race, skin colour, the national or social origin, political or religious conviction and the property or social standing.

Many organizations decide for filling in the emptied work positions through *promotion or redistribution* of the employees from the existent staff whenever it is possible. Although they are mainly successful, promotions and redistributions have their weaknesses as well. The results achieved by an employee in a certain work position do not necessarily lead to good results for another work position, because of the different type of skills needed for the different position. For example, every good police officer is not necessarily a good manager. For managerial work positions, skills and abilities related to management with the employees, with many characteristic situations, with the material resources, etc. are necessary. But, these skills may not be compulsory for other work positions. Or for example, the manager of the organizational unit in the area of security of the road traffic, do not necessarily have to be a good manager of the organizational unit for public order and peace or for border management.

What is characteristic for recruiting from the internal employees is the needed attention when an employee is transferred or promoted from one to another work position, it is necessary to recruit another person to be assigned for the emptied work position. Planning of such situations has to be defined previously, before the situation occurs, and not afterwards. It is clear that for the employees of organizations with a smaller number of hierarchical levels, chances for promotion occur more seldom.[3]

As to promotions in the Ministry of Interior, the Rulebook provides that every authorized officer who accordingly to the professional qualities and qualifications, work abilities, completed trainings during the working relation and the way of performing of the work responsibilities meets the requirements for promotion to other work position, he or she can be promoted regardless of the above stated aspects which also refer to redistribution.

The procedure for conducting of an intern competition, i.e. promotion to higher work positions begins:

- by submitting incentive, i.e. a requirement on the part of the manager of the organization where the open, i.e. emptied work position is, or
- on the base of the endorsed need for assigning for an emptied work position;

[1] Official Gazette of the Republic of Macedonia number 122 from 7th October 2009;

[2] Article 5 from the Rulebook on the manner and procedure for actualization of the system of career of the authorized officers in the Ministry of Interior;

[3] Robert L. Mathis, John H. Jackson. 2010. *Human Resource Management.* New York: Thomson South-Western, p. 207;

The incentive, i.e. the requirement is submitted to the competent organizational unit for human resource management which starts the procedure for conducting of an intern public competition. The procedure starts by submitting a telegram to all organizational units in the Ministry. The telegram includes the data of: the title of the open i.e. emptied work position; the conditions set by the law and provided by the Act of systematization of work positions for the position which is the aim of the procedure for redistribution, i.e. promotion; the deadline for submitting the applications and the data which is to be included in the applications, as well as appropriate data for the working position for which the procedure for intern competition is conducted. The applications are submitted up to seven days after the day of submission of the telegram. The application includes:

- requirements to be met (type of education, years of work experience, etc.);
- completed trainings;
- data of whether he or she had been in a procedure for violating of the work order and discipline or failing in the performance of the work responsibilities, and in case it had been, a report on its outcome;
- previous awarding and punishing;
- the last promotion;
- obtained estimations, etc.

On the ground of the submitted applications the department of human resources makes a list of candidates who meet the requirements for promotion and forward it to the commission competent for conduction of the selection of the candidates. For the needs of the internal recruitment of the Ministry, the following six commissions are formed:

- for the organizational units of the needs of the Ministry - one commission;
- for the Direction of security and contra intelligence - one commission;
- for the Bureau for public security - four commissions;

  а) two commissions for conduction of procedure for selection and assigning of police officer, of which one is for work positions of first and second category and the other is for work positions of third category;

  б) two commissions for authorized officers for performing of professional tasks or civil affairs of which one is for work positions of first and second category and the other is for work positions of third category;

The commission can conduct interviews with the candidates, carry out checks of the motor abilities, conduct psychological testing of the candidates, other kinds of testing, estimation of their professionalism and similar. The commission can also use professional help of experts of the special areas of the estimations.

After the conducted procedure and performed checks, the commission makes a decision which candidate should be promoted or redistributed on the work position. The decision is submitted to the Minister, i.e. the Head of the Direction or the Bureau, depending where the commission belongs, who го

распоредуваат the chosen candidate to the corresponding work position by formal decision.

The Sector of human resources reports to all applied candidates to the intern competition in eight day from the day of delivery of the decision.

Although in the Ministry they are rarely applied, in the Direction the methods of **external recruitment** of candidates are quite frequently used. According to the latest researches, important elements in the process of successful recruitment of external candidates are the characteristics of the work positions and the organization, and the fact whether the candidate recognizes the work position as a corresponding one.[1]

The methods of recruitment by the "external" sources can be informal and formal. The informal methods of recruitment involve a smaller number of persons, usually familiar from before. They can be retired employees or applicants who had not been previously employed, but their files are still existent in the base of records. The informal methods are relatively cheap and they can be implemented in a short period of time, which gives them a broad application in the employment of persons for the basic level. For example, they can be former students who had participated in different programmes related to the work of the precise service, and hence they can be employed in a faster and simpler way.

The formal methods for employment of external persons lead to a detailed exploration on the labour market in order to find the candidates who had never had anything to do with the organisation. These methods provide a broad campaign for employment through usage of the daily press, television, the employment agencies, etc. Lately, the number of the security institutions which use the internet in order to come to the right candidate for the service has gradually increased.

Announcing of the open work positions through public advertising or through the agencies of employment attracts more attention and a bigger number of candidates, and thus provides the organisation with the possibility to make the right choice. On the other part, this method is more expensive and takes a bigger amount of time because of the expensive marketing campaign, conductions of the interviews and the other phases of selection.

CONCLUSION

Modern methods of recruitment are applied in every security institution in the Republic of Macedonia. Regardless of the types of methods chosen by the managers, the final goal of recruitment is to attract the best, the most qualified, and the most dedicated employees for working in this service. This would guarantee that the security tasks will be thoroughly, timely, and properly performed, which would further provide the basic level of security in the state.

It is evident that law and bylaw decisions which appropriately define the regulation area in the Police exist. The basic idea which is to be constantly

[1] D. S. Chapman. 2005. *Applicant Attraction to Organization and Job Choice. A meta-analytic Review of Recruiting Outcomes.* Journal of Applied Psychology, 90, pp. 928 - 944;

developed is that it has never been done sufficiently on the plan of implementation of such decisions. A large number of other (both internal and external) factors which in different ways influence the quality of the process of recruitment are still existent in the Republic of Macedonia. It is especially evident that the mechanisms and procedures for complete putting aside of the subjective estimations of the manager related to which candidates will most properly meet the requirements of the work position, are yet to be developed.

In the upcoming period a special attention should be paid to the process of evaluation in the recruitment, and this process provides useful information important for the efficacy of the overall process of recruitment. So far, the training of the persons who formally conduct the process of recruitment has not been paid the proper attention. Improvement of this process can be enhanced if we take into consideration the following recommendations:

- Well-trained recruiters who have good communication with the candidates;
- Emphasizing of the good sides of the work position and the Police in a realistic review of the work position;
- Correct and sensitive treatment of the candidates in the process of recruitment;
- Improvement of the perceived well match between the applicant and the police service;

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FIRE SAFETY, PREREQUISITE FOR APPLICATION OF MODERN FORMS OF PROTECTION AND PROMOTION OF CROSS-BORDER COOPERATION IN THE BALKAN COUNTRIES

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Abstract: *The characteristics of major disasters have consequences on human health, living and working environment. Depending on the risk assessment, there is a need of taking measures for protection by meeting the required standards for facilities and open spaces.*

Fires in open space, especially forest fires, cause huge material damage to the flora and wildlife, biocenosis (environmental damage).

There is a need for implementation of certain scientific methods and development of modern forms of security and protection. For this purpose, international, regional and cross-border cooperation in the field of fire protection is required.

The Balkan countries can advance contemporary forms of protection through mutual cooperation at all levels (security services, protection and rescue, etc.) by using the technical and technological achievements, monitoring, the Internet and the rapid exchange of information etc.

Keywords: *security, protection, cooperation*

INTRODUCTION

The dangers of fires and explosions are constantly present in many areas of our life and work. In order to safely prevent their occurrence or successful prevention and their extinguishing, an expert analysis and risk assessment is

necessary to be performed. In practice, there are different methods for assessing the risks of fires and explosions.

Traditional approaches of assessment are based on implementation of the established legal solutions and they change as a result of the analysis of the research performed in various fields, including fires and explosions in buildings as well as in open spaces.

The assessment of fire risks to buildings and open spaces can be designed in terms of many performances. The design of fire safety measures includes measures for fire protection such as: control of the occurrence of fire, its spreading, smoke, successful evacuation of people and rapid and effective intervention of the fire services. All measures for fire protection and explosions that could be predicted cannot guarantee 100% efficiency, security and protection.

The assessment of the risk of fires as a model can be identified through the results of combinations of the systems and subsystems for protection implemented in buildings and it guarantees a certain level of security required, regarding the economical point of view as well.

The paper deals with the general hazards of fire and explosions of buildings and open spaces, fire safety, traditional methods for risk assessment, danger from Unexploded Ordnance, the need for international cooperation in the Balkans and beyond, etc.

FIRE HAZARD

The main purpose of fire protection is reducing the threat of fire occurrence, explosions and their consequences. The implementation of security measures is a legal obligation of the users of the facilities. Technical protection of fires in buildings and open spaces, primarily in their discovery, appearance and extinguishing, aims to provide an adequate level of protection. We know there is no complete protection, and, therefore, dangers with certain backup security will be present. What is important in a case of an emergency is the rapid and safe evacuation using the shortest and the safest route.[1] Smoke, high temperature, demolition of buildings, explosions, etc. are the greatest enemies.

It is very important for buildings to apply the necessary measures for protection in the constructive parts and the inventory during the process of building itself, as well as measures for safe distance between buildings.[2] If it is estimated that there are priceless material values of cultural and natural heritage in the building or in open spaces, then higher level of security and protection (security and safety) is applied.

Protection of the environment is an important segment for the future of present and future generations of one or more neighboring states speaking from various aspects, such as large forest fires, air pollution, rivers and other water surfaces, etc.

[1] Neshkoski Z., *Health and safety in terms of fire and evacuation*, Proceedings of scientific papers, First International Scientific Vocational Conference, Bitola 2013

[2] Neshkoski Z., *Fire protection in urban areas*, Fire Union of Macedonia, Skopje,2012

Fundamental approach to the assessment of the risks of fire

Simple methods for assessing the risks of fire are conducted on the basis of comparing the current situations with the experiences of previous fires. Processed data about fires can be used as well as fires for which assessment has been made by using a checklist or method of risk matrix.The problem of application of previous experiences or utilization of the processed data occurs as prior or current situation. These results do not match the real circumstances, which means they do not have practical applicability as required. The use of a checklist and risk matrix can also cause a problem because they are based on subjective assessment that can but does not have to be correct and verified. One person may judge differently from the rest. The same person does not have to be consistent and come to the same assessment in a similar situation.

The fundamental approach for assessing the risk of fire is a better way to conduct a risk assessment. This type of assessment involves:

- Creating all possible fire scenarios that may develop after initiation of fire;
- Defining every fire scenario in sequential strings of events that follow the course of the current development of the fire;
- Mathematical modeling of the fire in order to predict the fatal results and loss of property.

Different fire scenarios under which fires are expected to happen can occur and cause minor or major consequences than predicted. Sequential order of events in the fire includes the development of fire, spread of smoke, evacuation of people and response of the fire services. The purpose of the fundamental approach is to follow the logical progression of these development stages of the fire.[1]

Qualitative assessment of the risk of fire

Qualitative assessment of the risk of fire is based on the subjective assessment of dangers. The danger of fire generally describes any situation in which a fire can be very dangerous and can have potentially serious consequences.

Qualitative assessment of the risk of fire as a method is practiced for rapid assessment of the potential risks of fire in order to take all necessary precautions for the safety and reduction or elimination of hazards at the end of the duration of the emergency.

Instead, in this case, the final result is calculated by using a simple two-dimensional matrix of risk (Table 1)[2], where one of the axis presents likelihood and the other the severity of the consequences.

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[1] Milanko V., Laban M., *Urban residential block fire safety assessment regarding access roads*, in Proceedings (ed. Milanko V.) 2nd International Scientific Conference on Safety Engineering, Novi Sad, October 21-22, 2010,
SFPE: *Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, 2000,

[2] SFPE: *Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, 2000,

Qualitative assessment of the risk of fire can generally be conducted in two ways:

- a checklist to record the potential fire hazard, to inspect the applied measures for fire protection and conduct subjective risk assessment;
- tree of developments for analysis of potential fire scenarios and measures for fire protection and application of subjective risk assessment.

Table 1. Risk matrix diagram, after

PROBABILITY	Anticipated	Negligible Risk	Moderate Risk	High Risk	High Risk
	Unlikely	Negligible Risk	Low Risk	Moderate Risk	High Risk
	Extremely unlikely	Negligible Risk	Low Risk	Low Risk	Moderate Risk
	Beyond extremely unlikely	Negligible Risk	Negligible Risk	Negligible Risk	Negligible Risk
		Negligible	Low	Moderate	High
	CONSEQUENCE				

Quantitative risk assessment of fire

Quantitative risk assessment of fire includes numerical quantification and likelihood of the occurrence of fire or fire scenarios (the consequences of the analyzed fire or fire scenarios). By multiplying the numerical values of the likelihood and consequences, the numerical value of the risk of fire for each scenario is derived. The cumulative amount of the value of all possible risk scenarios represents the total numerical value of the risk. The estimated risk may be a risk to human life, material and values etc.

Quantitative risk assessment as a method allows numerical comparison of the total value of fire risk for a variety of designed solutions and security solutions for the facilities. This method enables the evaluation of evacuation - compared to the risk of fire of the alternative designed solutions and solutions that address the requirements of the standards, regulations and legal provisions. Different methods for internal use can be developed, improved and applied for this purpose.[1]

Risk of climate changes

The climate on our planet has always been subjected to natural variations, but changes that cause adverse effects on the entire ecosystem have been noticed in the recent few decades. Consumption and emission of substances classified as greenhouse gases shows increase in the industrial

[1] Milanko V., Laban M., *Fire safety of buildings*

era, especially expressed in certain human activities (deforestation, fires outdoors, bombing and military actions, the use of fossil fuels, etc.). Released greenhouse gases form a sort of shield around the earth, trapping the heat and causing additional heating on the surface of the Earth and the atmosphere. Significant representatives of this group are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (NO_2), hydrofluorocarbonate (HFC), perfluorocarbons (PFC), sulphurhexafluoroid (SF). In addition to these groups of compounds causing the greenhouse effect, chlorofluorocarbonate (CFC) and hydro fluorocarbonate (HFC) are also included. These chemicals are strictly controlled and their consumption and trade are limited and reduced by international protocols as substances that deplete the ozone layer.

In spite of possessing the potential for global warming, they are not controlled by the signed agreements, the Framework Convention on Climate Changes in this area such as the WMO (World Meteorological Organization), UNEP (United Nations Environment Programme) and etc.[1]

Danger of Unexploded Ordnance

In many countries forests and other areas are contaminated with various types of industrial chemicals, radioactive radiation and backlog Unexploded Ordnance (UXO) from military conflicts such as bombs, artillery grenades and more. Forest fires spread, causing major material damage or cover space where there are abandoned or forgotten minefields of landmines and other dangerous radioactive substances.

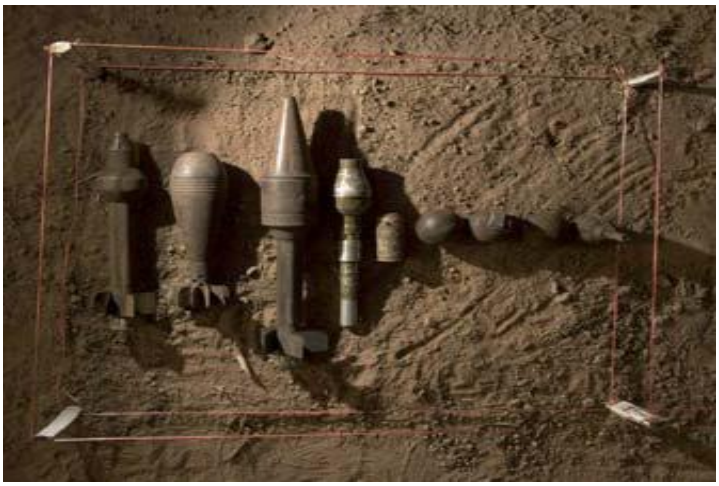
UXO can be found everywhere, they are unpredictable, with serious consequences on the environment and are difficult to be recognized. A little carelessness when in touch with them and movement can lead to an explosion with disastrous consequences for the people in their environment, disability and death. If all this takes place in an environment that is easily combustible, fire is inevitable and, depending on the structure, the asset itself can cause local fire (eg, the ammunition for special purposes: smoke, lit, flashing etc.).[2]

[1] *Global protection of the country, the Republic of Macedonia*, Ministry of Environment and Physical Planning, Office for Protection of the Ozone Layer, Skopje 2005

[2] Smileski R.,Popovski O.,Shosholovski Lj., *Unexploded Ordnance (ammunition) as a cause for explosion-fire*, Proceedings of scientific papers, First International Scientific Vocational Conference, Bitola, 2013

Picture 1. Unexploded Ordnance, forset fire

UXO can be found in many regions of the world, the Balkans and in the Republic of Macedonia. In the Western, Eastern and Southeastern Europe on large areas in forest complexes there are remains of UXO that date back from the two world wars (on the Balkans). These facts are one of the major problems worldwide, especially when there are active fires which are limited for tactical approach by the firefighters to localize and extinguish them because of the consequences of uncontrolled explosions.[1]



Picture 2. Unexploded Ordnance

In Southeastern Europe, on the Balkans, especially because of armed conflicts in the former republics of Yugoslavia, there are still active landmines and hundreds of thousands of acres of forest area that represent a risk which limits the

[1] The Global Fire Monitoring Center, © GFMC - February 2011 (PDF, January 2014)

movement, increases fire hazards and limits the opportunities for intervention for their extinguishment.

As a result of the wars that have been fought on the territory of the Republic of Serbia, there is presence of large amounts of UXO. The problem of their marking and cleaning, removal and destruction on the whole territory is a very complex process because of the different structures, sizes, missiles that originate from different time periods.[1]

FIRE HAZARD IN OPEN SPACE

The dangers of outdoor fires are characteristic for forest complexes, agricultural areas, dry vegetation in times of rising external temperatures, low relative humidity, deliberate ignition etc. Forest complexes, depending on territorial affiliation in conditions of fire, can affect areas of two or more states. Fire knows no boundaries and, depending on weather conditions, vegetation, terrain, etc. it can provide rapid spread of the fire that easily crosses national borders. In case of fire on either side of the border all neighboring states are equally threatened.

Intentionally caused fires (arson) have a specific purpose. In some cases there are suspicions of intentional burning of forests for political reasons or creating instability. These fires can be classified in the category of diversions. A special category are fires that occur during military conflicts. The data on causes of forest fires in the Balkans is presented in Table. 2.

Table 2. Causes for forest fires in the Balkans.[2]

State	Causes for fire %		
	Person	Lightening	Unknown
Albania	63,7	0,8	35,5
Bulgaria	30,4	1,7	67,9
Croatia	75,3	0,8	23,9
Greece	55,5	3,0	41,5
Macedonia	72,5	2,0	25,5
Slovenia	45,9	8,3	45,8
Serbia	66,0	3,0	31,0
Turkey	60,9	6,7	32,4

INTERNATIONAL COOPERATION IN THE FIELD OF FIRE PROTECTION

There are government institutions in the Republic of Macedonia that are responsible for the management, protection and rescue from fire, explosions, hazardous materials, natural disasters and other disasters. A special government

[1] *Strategy for fire protection for the period from 2012 to 2017* "Official gazette RS", No. .21/2012 from 21.3.2012.

[2] Nikolov N., *Protection of forests and other open spaces*, Fire Union of Macedonia, Skopje 2012 (p. 20)

institution is the National Center for integrated border management[1] that has constant activities in the area of international cooperation and has established partnership relations with many international organizations, OSCE[2], FRONTEX[3], IOM[4] and others.

Cooperation with international institutions and the involvement of other state authorities of neighboring states in the system of exchange of information and data can be used in performing the assessment of risks in various areas. Correct assessment is followed by making the appropriate decision to prevent or respond to the occurred danger which can cause harmful effects on a large scale.

This system will improve the relations of the countries from the region and will contribute to the establishment of greater confidence in the system of international cooperation, thus achieving greater control over the flow of people, material values and control and eventual eradication of crises and events dangerous for peoples' life and health, also contributing to greater stability in the region.[5]

In the Republic of Serbia, according to the *Strategy for fire protection for the period 2012-2017*[6], the Ministry of Internal Affairs (Department for emergency situations) participates in initiatives of the regional and international organizations in the field of emergency situations and crisis management. Although it has achieved several collaborations so far, it is necessary to establish extensive cooperation with international entities for constant exchange of experiences and provision of the best practice experiences, different types of education and training courses, developing regional programs etc. This is an open possibility for participation of officers from foreign countries and international organizations on the basis of signed agreements for cooperation.

THE IMPORTANCE OF SECURITY THROUGH MODERN FORMS OF FIRE PROTECTION

International, regional and border cooperation in the protection of all aspects needs to be improved as well as the application of information technologies through institutional networking. The manner of international cooperation, assistance and coordination can be achieved at different levels, depending on the interests and policies of the states (memos or bilateral agreements between "coordinating bodies" of states, exchange of experiences, joint training, exercises,

[1] http://www.igu.gov.mk/files/pdf/koordinativen_centar/3.pdf Organization for Security and Co-operation in Europe (10.02.2014)

[2] Organization for Security and Co-operation in Europe

[3] Frontex promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management

[4] International Organization for Migration

[5] Dzukleski G., *National coordinating center for border management, as a new strategy to control the crime*, 2012

[6] *Strategy for fire protection for the period from 2012 to 2017* "Official gazette RS", No. 21/2012 from 21.3.2012.

mutual aid in human resources, technical equipment and assets for extinguishing fires, analysis etc.).

When hazards are estimated, expected or occur with catastrophic consequences, the reaction of people is not always on the required level, seen from various viewpoints. The importance of requesting and providing assistance to victims should be the priority of every country in the region and the world. Joint ventures can solve the occurred problem in a more simple way.

CONCLUSION

The various hazards in our life and work are certainly challenging procedures for conducting security risk assessment. With the application of fundamental, qualitative and quantitative methods for assessing risks, a higher level of security can be obtained with the expected results of applying the methods of risk assessment and modeling the development and spread of fires, evacuation of people and intervention of the competent institutions. Moreover, with the implementation of methods for risk assessment and fire scenarios, values for material damages can be expected. Using the method of tree of events can give the result of failure of previous assessments that have been conducted and measures that have been taken for protection.

The results of climate change, pollution and deforestation by the fires represent a serious threat to humanity. The presence of various types of unexploded lethal assets in various areas in the Balkans and beyond also increases the risk of outdoor fires (forest fires) and brings danger to the life of people and goods.

International, regional and cross-border cooperation in the Balkans is more than needed. It is accomplished via the competent institutions with the implementation of international, bilateral and other agreements for mutual cooperation and timely information or exchange of information to establish a system with the application of new technical and tehnochoshki information technologies.

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GEOPOLITICS IN THE 21ST CENTURY AND APPEARANCE OF NEW SOCIO-CRIMINOLOGICAL TYPES OF CRIME: PREVENTION OF PERSONAL DATA MISUSE IN COMPUTER SYSTEMS

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Abstract

Personal information is a matter regulated by the Law on Personal Data Protection, and security and confidentiality of personal data occur as an object of protection, guaranteed by Article 18 of the Constitution of the Republic of Macedonia. The protection of personal data represents the base and the other liberties and rights in the modern information era are becoming objects of different, more difficult overcoming restrictions. The collection and processing of personal data in a massive and uncontrolled form and networking possibilities of different databases minimize the chance to protect the integrity of the individual. Personality is increasingly less protected, especially regarding the capabilities of information systems under state control. The possibilities of abuse of personal data and computer vivisection of personality multiply with underdeveloped mechanisms of control in the functioning of these systems on one side, and on the other hand, the tendency of social control over crime and other negative phenomena increasingly relying on electronic methods and techniques for their detection and monitoring.

Today, when we are all users of different services in the global network and when a good deal of the communication, exchange of data and information and all transactions are carried out electronically, the protection of personal data of any kind is strongly required (general information, medical history, passwords, personal and confidential business information). Today's consumers have many tools available through which they can get to the personal data, like electronic surveillance, data mining, use of shared memory resources etc. These tools were unknown a few years ago. Public services for email, social networks, cloud

computing have proved insufficiently reliable to be used for storage and transmission of personal data.

Personal data are targeted by criminals, especially when it comes to computer crime with elements of identity theft. The latest trends of making personal documents via computer system can cause the abuse and exploitation of personal data of an individual for developing a personal document of another person in order to acquire a property or any other benefit.

The subject of this paper is an analysis of the legislation for protection of personal data misuse in computer systems.

Keywords: personal data protection, misuse, computer systems, computer crime.

INTRODUCTION

In the history of mankind no technological invention appeared that had such wide application and greater impact in changing people's lives as computers did. The changes brought about by information technology, which are clearly visible, refer to the manner of collecting, storage, processing and presentation of information, and the information that becomes a strategic resource in the post - industrial era may prove to be valuable and influential to the extent that it represents a capital in the industrial era. Thanks to it, modern information and communication system are used in the right manner to increase the performance of many activities.[1] **The increasing efficiency and rapid communication are the greatest benefits of information technology; the business sector, and the state bodies and institutions in their communication and exchange of information can transmit information and perform data exchange for short period from and to the most remote places worldwide.**

The revolution in computer systems and networks has enabled rapid and efficient exchange of information, and obtaining and using information - data that is available on the most used Internet network, used by all people on Earth from an early age to the end of life. The earlier existing views and opinions were those that the computer can only be used by professionals and skilled people, but these attitudes have increasingly changed today. Computers are used at homes, nurseries, schools, universities, all state authorities and institutions, the private business sector, i.e. there is no segment in the society where the computer is offline. We have the right to talk about the era of information society in which we all grow up and live "with computers" and not to mention that communication via computer

[1]Petrović S. ,*Kompjuterski kriminal*, *drugoizdanje*, Ministarstvo unutrašnjih poslova, Republike Srbije, Beograd, 2001, no. 2. (1)

networks is the most typical in social communication, in business and private arrangements. [1]

Besides all the advantages and benefits, the computer is becoming a means for reckless abuse of individuals, groups and even criminal organizations. The dark side of the introduction of information technology is, in many phenomena, associated with an explicit negative sign, for which modern society becomes increasingly more exposed to numerous risks and it becomes more fragile and "more vulnerable". And there are a number of unintentionally and intentionally caused legal problems in the legal usage of computer technology. Unintentional errors or problems may be ordinary errors that do not cause any harm or danger to citizens, their personal safety or damage to any other business plan and similar. But intentional errors caused by people with previous motives become more dangerous, and they range from inflicting minor damage to causing major damage, as personal safety and integrity of citizens, damages and hazards in their property, and other claims caused by perpetrators that meet "certain personal or group interests, and usually include a property interest". Unauthorized, illegal use or misuse of computer technology is of increasingly criminal nature; criminals are increasingly targeting the execution of computer crimes, use the minimum knowledge and acquisition costs of high criminal profits, and abuse of personal data and other motives.

Many authors have reviewed the problem of propagation and possible misuse of personal data via computer systems. Some of them review the legal aspects of unauthorized publication and presentation of personal data, as well as opportunities for abuse, while some of them explores the technical aspects of publishing, presentation, and acquisition of opportunities for data misuse. Helen Nissenbaum reviews the connection of individual privacy and information released for it. The focus is on personal, private and sensitive data of individuals. Adrienne Felt and David Evans are investigating availability of personals data through social networks as well as the shortcomings of development tools offered by social networks and the ability to obtain large amounts of personal data via them. Latanya Sweeney, in her paper *k-Anonimity: A model for protecting Privacy*, develops a complete model for protection of acquisition and distribution of personal information from structured sources of personal data that researchers can use, but not to have access to sensitive or personal data of individuals".

The misuse of personal data can be performed by natural or legal entities that have committed misdemeanor and criminal behavior, and officers and officials in government agencies and institutions working with

[1] Nikoloska S., *Metodika na istrazuvanje na kompjuterski kriminalitet*, Van Gog, Skopje, 2013, no.15.

personal data of citizens have a special responsibility for the protection of personal data.

PERSONAL DATA - Legal aspects

The Law on Personal Data Protection[1] regulates the protection of personal data as right of citizens and fundamental freedoms, particularly the right to privacy in relation to the processing of personal data. This law defines the notion of personal data, its processing and eligibility to process personal data. Holders or the data entities are the individuals and their data is included in different databases of state bodies and institutions, and financial institutions where citizens have their own accounts. But citizens include personal their data on social network profiles and the Internet, mostly on Facebook, without thinking about the consequences of their use. In order to analyze what constitutes personal data, let us first analyze the definition of important terms in accordance with law.

"Personal data" is any information related to an identified natural entity or a natural entity who can be identified, and a person who can be identified is a person whose identity can be determined directly or indirectly, in particular, based on the personal identification number or based on one or more features specific to his/her physical, mental, economic, cultural or social identity.

"Processing of personal data" means any operation or set of operations performed on personal data, automatically or otherwise, such as a collection, recording, organization, storage, adaptation or alteration, withdrawal, consultation, use, disclosure through transmission, publishing or otherwise making available, aligning, combining, blocking, erasing or destruction.

"Personal data collection" is a structured group of personal data available pursuant to specific criteria, whether it is centralized, decentralized or dispersed on a functional or geographical basis.

"Controller of personal data" means a natural or legal entity, public authority or other body which alone or with others sets goals and means of processing personal data. When the goals and means of processing personal data are established by law or other regulations, the same law or regulation determines the controller or the specific criteria for its determination.

"Processor of the personal data" is a natural or legal entity authorized by a state authority to process personal data on behalf of the controller.

"Third person" is any natural or legal entity, public authority or body that is not an entity of personal data, controller, processor of personal data

[1] Official Gazette of RM, No. 07/05

collection or a person under the direct authority of the controller or processor of personal data collection, authorized to process the data.

"User" is a natural or legal entity, public authority or other body to whom data are disclosed for performing regular duties in accordance with law. Authorities that may have data disclosed under a separate investigation are not considered as users.

"Consent of subject to personal data" is freely and explicitly given statement by the will of the entity of personal data with agreement for processing of his/her personal data for predetermined goals.

"Special categories of personal data" are personal data revealing racial or ethnic origin, political, religious or other beliefs, trade union membership and data concerning health or sex life.

The processing of personal data by competent national authorities was performed manually, but with the emergence and development of information technology, all personal data of citizens are computerized, starting from their date of birth, and even after their deaths. So, the birth of each individual is determined by a personal identification number, which is one of the basic personal data included in numerous records of public authorities (police, registry, health, social security, etc.).

COMPUTER SYSTEMS AND COMPUTER DATA

The development and the growing use of computer systems, networks and computer data, especially criminal attacks on computer systems and networks and misuse of computer data,, impose the need for definition of these terms. The terms are defined in the amendments to Article 122 of the Criminal Code of the Republic of Macedonia from 2008. [1]

Computer system refers to any device or group of interconnected devices, one or more of which perform automatic processing of data, using a particular program.

Computer data refers to presenting of facts, information or concepts in a form suitable for processing via computerized system, including a program suitable for the computer system to put into operation.

Personal data are entered and processed in computer systems of state authorities and become computer data, and computer misuse of personal data is possible in all phases of entering, processing and transmission of computer data. The responsibility for the misuse of personal data is of the employees who manipulate computer data themselves, but also of the legal entity. The basic personal information about citizens is the personal identification number, used to enter entities in computer data bases in several state

[1]Official Gazette of RM, No. 07/08.

agencies and financial institutions. That is, the personal identification number is often abused as personal data for manipulation with some other personal data, on the basis of its handling, causing some damage to the person or property acquisition or other benefit offenders - criminals. The misuse of personal data is basically done by using the computer as a means of committing a crime, but the computer systems and their databases are actually the targets of criminal attacks. Generally, the concept and definition of computer crime is that the computer is just a tool or object of a criminal attack. "Computer crime is any act in which a computer is a tool and target for committing the crime", according to Sulejmanov.[1]

The function of the computer from criminalistics point of view can be expressed in four basic types:

1. The computer as a means of committing the crime, where the perpetrator uses the computer to perform a crime, usually fraud, theft or misappropriation. It is a classic crime related to general crime and economic crime, which are made in a specific way by means of using the computer as a base for their separation from the traditional division of criminality and attack under the term computer crime.

2. Computers as an object of attack, where the computer and the information it contains are the ultimate goal of a criminal attack, whether the computer is an object of damage, disabling or destruction or unauthorized access to reach the information it contains, out of various motives. These criminal attacks can be performed not only by persons who are employed, but also by people outside the building/facility where the computing equipment is located, using appropriate methods to enter the unauthorized computer system of another computer. In situations like this, the perpetrator uses a computer, mostly personal computer with unauthorized and illegal way to get to the information contained in the second computer. At first, the computer appears as a tool to perform certain computer crime, and secondly, the computer is an object of attack in committing a crime.

3. The computer as a tool used for organizing, planning, management and implementation of criminal activity. To that end, the computer is used more in the area of organized crime, particularly in the phase of preparation and planning criminal activities, and in the process of control and supervision of the final implementation, particularly achievement of financial impact.

4. The computer as a tool used by the police for preventing, resolving and proof of crimes, as it allows complete, accurate and fast information,

[1]Sulejmanov Z., *Kriminologija,* Skopje, 2003, no.631.

perceived status, structure movement of crime, as well as providing specific forecasts for the modern police and giving proper edge regarding offenders. [1]

SEARCH AND ACQUISITION OF PERSONAL DATA

The technique of data mining is used to obtain data on released personal data of citizens of the Republic of Macedonia with their address, education level, social security number, and job function or participation in management, supervision committees, and political parties. The data was published by different institutions in the period 2001-2013. According to Article 9, paragraph 3 of the Law on Protection of Personal Data, the institutions making data publicly available for such a long period simply do not comply with the law.

Table 1: Structure of institutions which publicly released personal data of citizens

Published by	Government authorities and agencies	Municipalities and public entities	Companies	Individuals	Public media
Total	6	554	31	3	35

Based on this simple analysis, we have seen revealed personal data of more than 600 citizens of the Republic of Macedonia by several institutions for a relatively short time. It is not the final number of personal data that can be found publicly available, because the search was conducted by using a limited number of keywords, while the data was limited to the most relevant information and data offering a greater number of stem numbers within a document.

The person (or institution) wanting to obtain access to personal data has the ability to use a simple calculation to check the validity of the identification numbers. The system of creating stem numbers was inherited from the former Yugoslavia and is still used in the same way. The first seven numbers represent the date of birth of the person. The next two numbers determine the region of birth. Numbers reserved for the Republic of Macedonia are 41-49 in the following manner:

[1] Boskovic M., *Kriminalisticka metodika II*, drugo izmenjeno I dopunjeno izdanje, Policijska akademija, Beograd, 2000, no. 301 – 303.

Table 2: List of regions for providing personal identification number in Macedonia

41	Bitola
42	Kumanovo
43	Ohrid
44	Prilep
45	Skopje
46	Strumica
47	Tetovo
48	Veles
49	Stip

The next three numbers are the only numbers that determine a person. The males are referred to by numbers 000-499, and 500-999 are female numbers. The last (13th digit) is a control number and it is used to verify the accuracy of the identification number. If the ID number is labeled with indices: $m_1m_2m_3m_4…..m_{13}$, then the last (control number) should match the figure obtained by the following calculation [1]:

$m_{13}=11-((7*(m_1+m_7)+6*(m_2+m_8)+5*(m_3+m_9)+4*(m_4+m_{10})+3*(m_5+m_{11})+2*(m_6+m_{12}))$ mod 11) [1], where mod operation is an operation for obtaining the remainder of the division of two numbers. If the remainder is a number in the range 0-9, then that value gives m_{13}, a reminder and if it is double-digit, then $m_{13} = 0$.

The verification of the identification numbers can be done with a simple computer program or using spreadsheet programs.

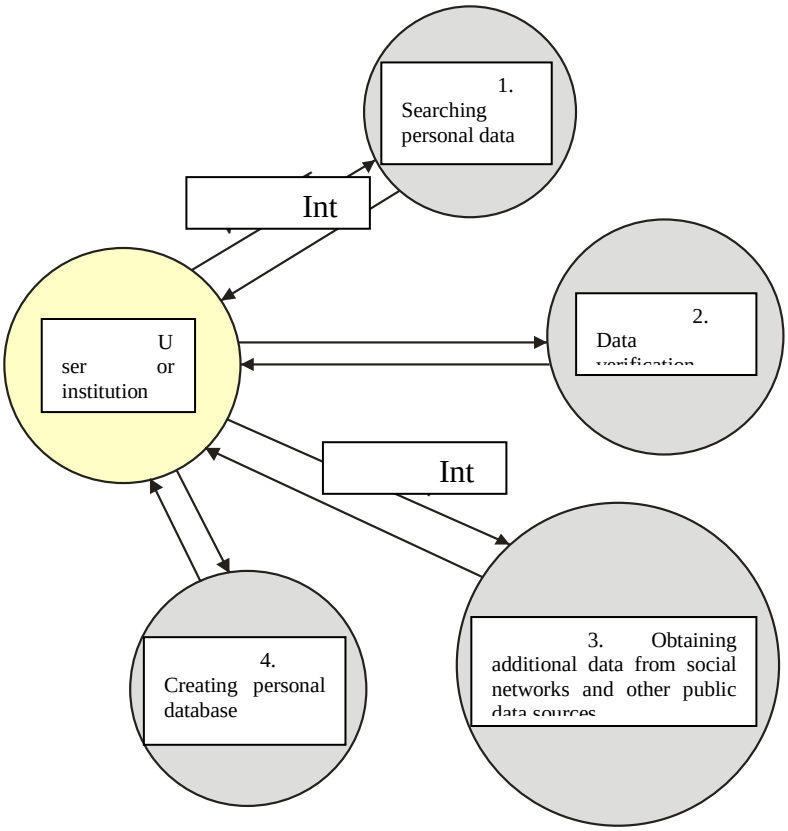

Figure 1: Procedure for search, inspection and storage of the personal data

Once you find the basic (and most important) personal data such as name, surname, ID number, place of residence, searching for a particular person can continue in the search for data on the social networks and other data sources such as corporate websites, web pages of government agencies, public corporations, political parties, associations of citizens etc.. At the end of the whole process of acquisition of personal data, you can create a structured database of the personal information about people of interest, with the possibility that data to be misused in the future.

Once publicly published, personal data is impossible to withdraw it or to make it invisible. There will be no announcement of who took the data until it was released, and whether it was taken and made available to others. Internet portals allowing retrieval of data and performing locally can capture the situation of the parties that are in their database search. It may happen that data or documents have been deleted from the original source page, but they can be found as states stored on the sides of search services.

PERSONAL DATA MISUSE

Thanks to the enormous power of computers in storing and fast processing of a large amount of data, automated information systems are becoming more numerous and almost indispensable part of the overall social life of all entities (individuals and legal entities) at all levels of society. Thus, the computer becomes the unavoidable and inseparable segment of all the spheres of social life of the production, trade and services, to the highest security systems in the countries.[1]

The misuse of personal data is a criminal offense which can have multiple ways of performing, from the moment of entering personal data into computer systems, followed by the change or transfer of personal data. Changes or manipulation are particularly sensitive matters because abuses are made in those changes, particularly dangerous abuses used by persons entering into foreign computer system codes, or use an already active "colleague" and work with the identification of his/her use and abuse of trust. Apparently these behaviors may not seem dangerous, but practice shows that they can have serious consequences on individuals, as well as material or financial consequences.

Computers can occur as the primary tool in performing a specific crime, but they can also serve as a tool for planning, organizing and execution of criminal activity, as well as concealing the traces and evidence of criminal activity committed. This means that crime can occur without the use of computer technology, i.e. without using a computer or computer system, but the same can be used for disguising the fully or partially executed criminal activities of other crimes. In some cases computers and computer systems have assisted in faster and more efficient execution of certain crimes, have provided faster information on such crimes, and no operational information could discover, clarify and demonstrate computer crime.

The possibilities for personal data abuse and computer vivisection of personality on one hand,, multiply, the underdeveloped mechanisms of control over the functioning of these systems and, on the other hand, given the tendency, the social control over crime and other negative phenomena daily relies, at a greater extent, on the new electronic methods for their detection and monitoring. [2]

Personal data are targeted by criminals, especially when it comes to computer crime with elements of identity theft. The latest trends of personal

[1]Nikoloska S., op. cit., no.143.

[2]Tupanceski N & Kiprijanoska D., *Osnovi na makedonskoto informaticko kazneno pravo*, MRKPK no. 2 – 3, Skopje, 2008, no.539.

documents via computer systems are able to abuse and exploit the personal data of a person developing a personal document of another person in order to acquire a property or any other benefit.

Legislators predicted the existence of criminal offense in cases when, contrary to the conditions determined by law, without the consent of the citizen, one collects, processes or uses other person's personal data by entering into the computer systems of personal data with the intention of using it for oneself or for others to accomplish some benefit or the others to inflict some damage. The law provides sanctions if the offense is committed by an official in the performance of duty, and it is a responsibility of legal entities involved in this work and their attempt is punishable. Facility criminal - legal protection of personal data includes data stored or placed in a computer system, whether it is a computer system of a state agency or a private system or data placed on a social network. There can be several ways of performing the action: collection, processing or use of personal data. Collection means coming to knowledge of certain facts and their registration (by entering them into a computer, video equipment, etc.). Processing involves collating, systematization and analysis of collected data, and use is the use for whatever purpose of the personal data that the perpetrator himself collected or it was collected or processed by other person. A special element against legitimacy is not authorized in the action. [1] Should there be delineation of what is authorized and what is unauthorized and against the will of the "victim"? Legislators authorize the processing and use of personal information for government bodies; according to the Law on criminal procedure and the records of offenders, and in accordance with legal regulations, the performance of publicly posting personal data of perpetrators of serious crimes and making them available to the public - information about pedophiles is in accordance with law**.**

Criminal activity is just a personal approach of opening the computer system or its foreign code, but the legislator envisaged liability for legal persons if criminal conduct was committed by a person responsible for the legal person, on behalf of that legal person. The intent of using the data by the perpetrator, for him/her or for others, appears as a subjective element against the legality so as to achieve some benefit or the other to inflict some damage. Moreover, if the offender intends to obtain benefits or serious property damage, there will be another crime related to property and computer crimes that include damage and unauthorized entry into a computer system. [2]

[1] Kambovski V., *Kazneno pravo, poseben del*, Prosvetno delo AD Skopje, 2003, no.129.
[2] Tupanceski N. & Kiprijanoska D., op. cit., no.540.

The misuse of personal data is a criminal offense which can be committed by individuals and legal entities in the scope of their official authority, but the offense can be committed with the abuse of someone else's personal information or by presenting a false identity on social networks and causing damage or injury to a person whose personal information is misused. An increasing number of cases in practice represent identity theft on social networks, where data is misused.

Examples of Macedonian police practice:

"Police reported a case of misuse of personal data with suffered damage to a person working in a public enterprise; without being notified or prompted for her approval, her colleague used her personal data to gain a dispute in a civil litigation. Namely, it all happened as follows: At a time when redundancies were declared in a public company, according to the criteria in the case, the reported person had more points under which the work was abandoned, and its counterpart was declared redundant. The criterion for points was less disruptions of service. This data was used by the workers declared redundant and they used some of their connections in the local branch of the Pension and Disability Insurance Fund and took off the birth certificate, but with certain attention. There was a break of service in the public company for a period of 3 months and she worked at that time in a local radio. There was no received confirmation, and it was issued without signature and stamp outside the legal procedure of personal application for such a certificate. However, although fully forged, it served as evidence in court, and the final court judgment declared the reporter redundant, and her colleague returned to work. After legal action was taken and documentation was inspected, the existence of the crime and criminal charges was established because there was a reasonable suspicion of a crime "abuse of personal data." But the case was complex and certainly had elements of other crimes, including abuse of the official position and authority; it was not possible to exactly prove the availability of information in the computer of the regional unit of the pension and disability insurance fund, where one password was used by ten officials, and the computer was switched during the day among all worked as necessary; it was not possible to locate the responsibility. The criminal charges were just against the using of someone else's personal data."

Example: The Unit of Computer Crime Suppression Center reported an organized and serious crime at the Ministry of Interior and the Public Prosecutor's Office in Skopje filed criminal charges against K. K. (17) from Strumica for the criminal offense of "misuse of personal data" according to Article 149 paragraph 1 of the Criminal Code of the Republic of Macedonia. Namely, according to the Ministry of Interior report from August 2011,

without the knowledge and consent of the injured person, an official Member of Parliament, a minor committed abuse of personal data of the injured person so that he downloaded online published photographs of the damaged from the social network for socializing and forming friendships www.facebook.com, published content in text, gained friendships and had chat conversations with several people, representing himself in the name of the official. Measures and actions by the Computer Crime Unit were taken to detect the person who abused the data after it was determined that there was a registered account with these data; more photos were found as well as related text content posted in the name of the official. With the help of the officials of the social network Facebook, they received data for the IP address the profile was created and maintained from, they obtained logs of the IP addresses for the required profile. After the examination of the computer the person used and the IP address from which the specified profile was created and maintained, the location of the home was determined, and the home of the person was reported to be in Strumica. They conducted a search at the home of the person reported and they found and confiscated a computer cabinet declared to be used for accessing the internet and it was submitted for analysis to the Department of Criminal Technique in MI. The analysis confirmed that the seized computer files and the found data confirming in the computer were used for accessing the created false account on www.facebook.com. They also found the websites online that were used to download the photographs later used in creating the profile, it was written in a statement from the Ministry of Interior. [1]

PROTECTION AGAINST MISUSE OF PERSONAL DATA BY COMPUTER SYSTEMS

The protection of personal data via computer systems occurs at several levels, primarily at national and international level. At the national level, it is realized by enacting laws and their purpose of implementation and the Law on Protection of Personal Data and the criminalization of criminal behavior with elements of abuse of personal data in the Criminal Code of the Republic of Macedonia. At the international level, it is realized with implementation in national legislation of the recommendations of international conventions and agreements ratified in Macedonia's Convention on Cybercrime, which was adopted by the Council of Europe on November 23, 2001 in Budapest in order to make a common policy aimed at protecting society against computer crime An additional Protocol to the Convention on cybercrime prevention concerning the punishment of acts of racism and

[1] http://denesen.mk/web/2012/09/09/koristel-licni-podatoci-od-funkcioner/

xenophobia committed through computer system was adopted in Strasbourg on 28 January 2003, with the aim of highlighting and enhancing freedoms of citizens, regardless of their nationality, religion, nationality etc. Then, it is realized with technical protection of computer systems and computer data of all state agencies, institutions and other legal entities, and technical protection of the holders of social networks. Certainly, personal care is very important and it is a plan that needs attention in informing citizens of the dangers of misuse of their personal data by providing relevant data and information and organizing special trainings.

CONCLUSION

The misuse of personal data is a serious occurrence becoming massive with the introduction of computer technology in all spheres of life, and personal data of citizens are numerous bases of data in state bodies and institutions, which determine the part of the personal data (personal identification number) and other personal data being entered, processed or transmitted. Moreover, citizens put their personal information on social networks, without thinking of all the possible dangers of manipulation with their data by others, thus being possible to be misused for criminal purposes. Misuse of computer data and computer attacks of systems are criminal behavior which has already become our reality, citizens still do not realize the seriousness and danger and recklessly leave data on social networks.

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APPLICATION OF THE THEORY OF IDENTIFYING TRACES OF PAINT

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INTRODUCTION

The aim of this paper is to make some contribution to the development of forensic methods and the issues that have not been given a completely satisfactory answer . Analysis of color is one of those issues . The reason for this is the fact that the paint manufacturers improve their product making it a layered , increasing the number of shades of the same color and bring chemicals (additives) to increase color stability. Layering colors at a glance makes it difficult to identify them , but on the other hand makes it easy. Therefore, the common physical- chemical tests and other methods of paint composition faced with an increasing number of problems in the analysis of the composition of colors . The point is , that recent theoretical study of mechanical oscillations (phonons) in thin layers (films) show that the thin films excite mechanical oscillations required to exceed a certain threshold energy below which phonons can not appear in the film. This theoretical fact entails thermodynamic effects which mainly manifested a very low specific heat and high acoustic insulation of thin films [1-6].

In addition to the aforementioned possibility of direct determination of the composition of colors based on the specific physical properties of thin layers of paint, forensics is the author's opinion, has much more use of probabilistic methods because they provide a wider field to identify colors. The lack of these methods is that they can only indicate the most likely perpetrator of the crime, but also that, in situations where there is likely to be directly determined by the offender, the only possible way of solving crimes.

A concrete example will in this paper be listed refers to a traffic accident that happened in the killing of cyclists by car, after which the perpetrator fled from the place of criminal events . When investigation exempt micro traces in the form of flakes of paint with more than one suspect vehicle, which was found by police operations workers. With them was made take sample color samples for experimental comparisons (forensic expertise) with samples of colors exempted from criminal events. After some time, the method of elimination in the investigation and during laboratory testing and expertise, it was determined that the only possible perpetrators of the acts appearing two vehicles (one of the most important elements of the investigation and selection of these vehicles is the fact that both vehicles were manufactured in factories factory " ZASTAVA " in

Kragujevac and the same brand, type and color). The experimental spectrograms by FT-IR (Fourier Transform Infrared Spectrophotometer) - low-energy domain and SEM / EDS (Scanning Electron Microscopy with Energy Dispersive Spectrometry) - high energy domain, with selected samples of two suspected vehicles were at first glance very similar, so the no further analysis could not bring any closer to a conclusion.
Because, was access to the theoretical research methods. All experimental graphs (FT-IR spectrograms) contained at least three curves corresponding to the irreversible absorption of a curve that fits the reversible absorption. This provided the possibility to apply all the well-known theoretical methods [7], in order to determine the offender to the event.

THE IMPORTANCE OF RESEARCH PAINTS IN FORENSICS

Paints (as a substantial sample, an integral and essential component traces the scene of many accidents and crime) its organic (binders) and inorganic (pigment) constituents, occupy an important place in forensic investigations [8-10].
Traces of color in modern times are almost in the execution of all crimes: the perpetrators or leave a colored trail behind the scene of the crime, or non-ferrous material from the crime scene take with them, inadvertently. With practical examples we have considered, is usually found at the scene of the following criminal events: accidents with unknown perpetrator (between two or more vehicles, cyclists, cars and pedestrians), heavy burglaries (from flats, houses, shops, various facilities, safes ...), the theft, murder, rape, unlawful arrest or generally, in all criminal offenses where the colored object used as a tool or object (object) that is acted, or as a trace of color applied inadvertently during the commission of the offense (layer of color created in the course of resistance or struggle perpetrator and victim).
Traces of paint runaway vehicle from the criminal events can be manifested in the form of flakes of paint, or more or less visible thin layers colors on stationary objects with which the vehicle came into contact. The amount of such evidence is in direct proportion to the degree of damage to the bodywork runaway vehicles. Traces of color in these offenses, fixed primarily by take of samples (if in the form of flakes), if they are in the form of layers of color - fixed to the exclusion of entire cases where there are scratches and a very clean surgical knife . On the basis of traces of paint on the crime scene of the events here can be police treated in looking for a lost vehicle, according to the color hue runaway vehicle and the paint on the spot . Of course it is here preferred flaked paint, compared to traces in the form of thin layer color. Flakes can be tested and used in the process of identifying a runaway vehicle and morphological method (based on morphological characteristics) and physico- chemical methods , and the thin layers coats of paint can examine only the physico- chemical methods. Morphological using flakes of paint from the criminal events can be directly fit in place of damage to the suspect vehicle (Investigation by operational work of policing) or indirectly , based on traces of scratching the surface of the flake.

Application of physical and chemical methods using infrared spectrophotometry - FTIR, mikroelementarne spectrographic analysis, scanning electron microscopy - SEM / EDS, atomic absorption spectrometry - AAS, pyrolysis gas chromatography - PGC) with the comparative analysis of the composition of samples of criminal events and the suspect vehicle [11]. Mentioned instrumental techniques in parallel to examine the organic and inorganic composition of the of paints. If it is determined that the composition of the color samples of the wrong event does not match the color composition of the suspect vehicle, it can be argued that the suspect vehicle was not the culprit offense with which he is charged. However, if it is determined that the composition of a homogeneous color, it does not mean that the samples with the color of the criminal events originate from the suspect vehicle, because the composition of a certain general characteristics. In this case to resort to re-examination of the thermodynamic properties of the layers and / or contaminations of particles in all samples, if present.

By analyzing traces in the form of sediment color on obijačkom tools and / or tool that was used during the commission of the offense larceny or clues in the form of sediment color on broken into objects (frame doors and windows, safes , ...), we can prove the more general characteristics examined samples of colors, such that the intersection of a set of results may help to shed light on such an offense or direct court proceedings. Specifically, in cases arising from a criminal offense larceny, often detected traces in the form of sediment color. It may be traces of paint from the frame house or apartment door (or doors with safe) on obijačkom screwdriver or tool marks or colored tube or metal rods in broken into doors and / or windows . As a rule such a color mixed - mixed already flaked paint with tools and paints with burglarized objects, comparative analysis of these traces results in a more general caracteristics, which, if they are the same type of organic and inorganic composition, the intersection of these sets of results gives a high probability for the elucidation of such relationship to crime offences.

Color of a trace can be found in all crimes, because the presence of colored objects in the environment, in modern times, is extremely high. Materials and on the cars are painted (chassis, seats, dashboard, ...), the interior and exterior of buildings and houses are also made of colored parts (walls, roofs, doors, windows, furniture and rugs, ...), items that surround us are a product of the modern era in every segment, containing colored constituents (computers, mobile phones, firearms and other metal weapons, clothing, footwear, administrative materials, etc..).

Until now, the National forensic Center of the Ministry of Internal Affairs of Serbia conducted forensic expertise colors of hundreds of crimes, the results of which help solve both court proceedings and in the operational work of the police to find suspects for the offense with which they were charged. Performed forensic expertise were mainly from the criminal acts of traffic accidents with unknown perpetrators, serious crimes and theft, while in recent years (after the modern equipment of the laboratory of the Centre in the last ten years), performed the analysis and color of fibers in crimes like murders and analysis color with paintings of famous painters, in order to identify counterfeit them.

The aforementioned forensic investigations colors that have been resolved more offenses accidents with unknown perpetrators, in which, besides the great damage,

unfortunately there were more fatalities participants. Also, the analysis have helped solve many crimes and serious robbery, which is thus made combating the area of crime prevention and action on potential perpetrators.
It is important to emphasize that forensic investigations colors constantly improve and develop the methodology and materials science, particularly nanostructures [12-20] which stemming from the fundamental research in physics as well as research the effects of dimensional quantization and / or thermodynamic properties of interest in behavior of quanta vibration of the crystal lattice as a whole crystals - phonons, especially in ultrathin coatings [21].

APPLICATION OF THE THEORY IDENTIFICATION TRACES OF COLOR

Taking into account the interpretation of the results in the inability of standard methods of forensic analysis, we applied the theoretical research methods. All experimental graphs (FT-IR spectrograms) practices contained at least three curves wich correspond to irreversible absorption (Figure 1) and a curve that corresponds to the reversible absorption. This provided the possibility to apply all the well-known theoretical method to determine the offender to the event.
Diagrams (FT-IR spectrograms in the field of low energy) corresponding to irreversible absorption processed by the method of least squares [22]. With the subscript "0" corresponding mean data from the crime scene and with the index "1" and "2" data from two suspected vehicles.

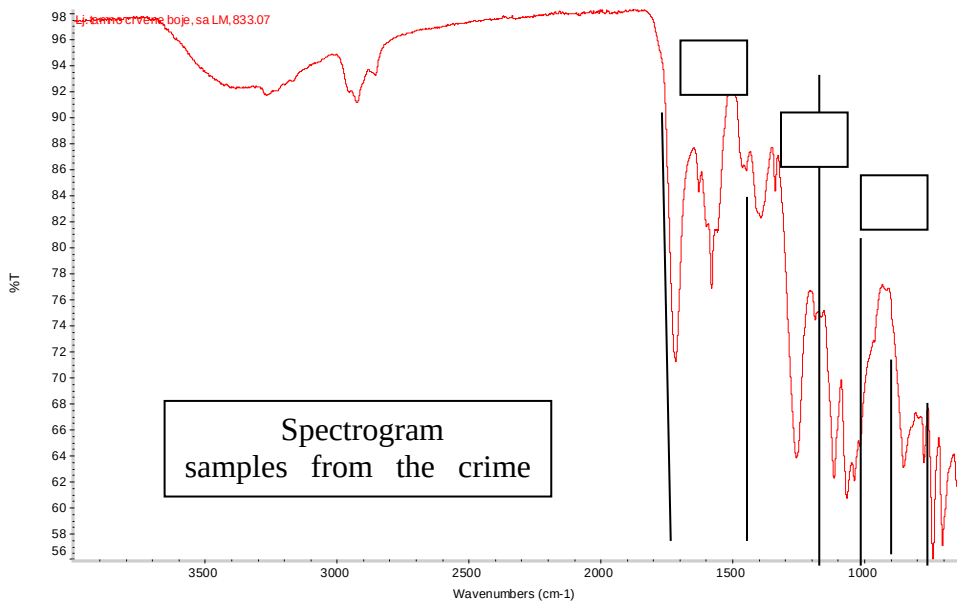

Figure 1. FT-IR spectrogram flakes of dark-red color of the criminal event. Number from 1 - 3, are numbered spectral regions in which the applied theoretical method - /

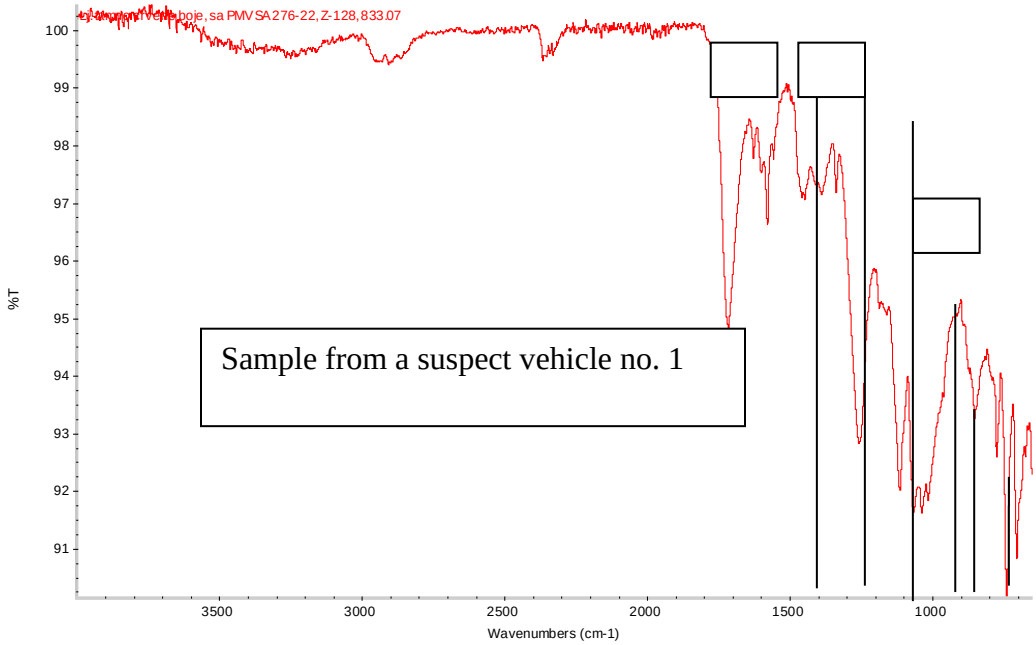

Figure 2. FT-IR spectrogram flakes of dark-red color with a suspicious vehicle no. 1
Number from 1 - 3, are numbered spectral regions to which was applied a theoretical method

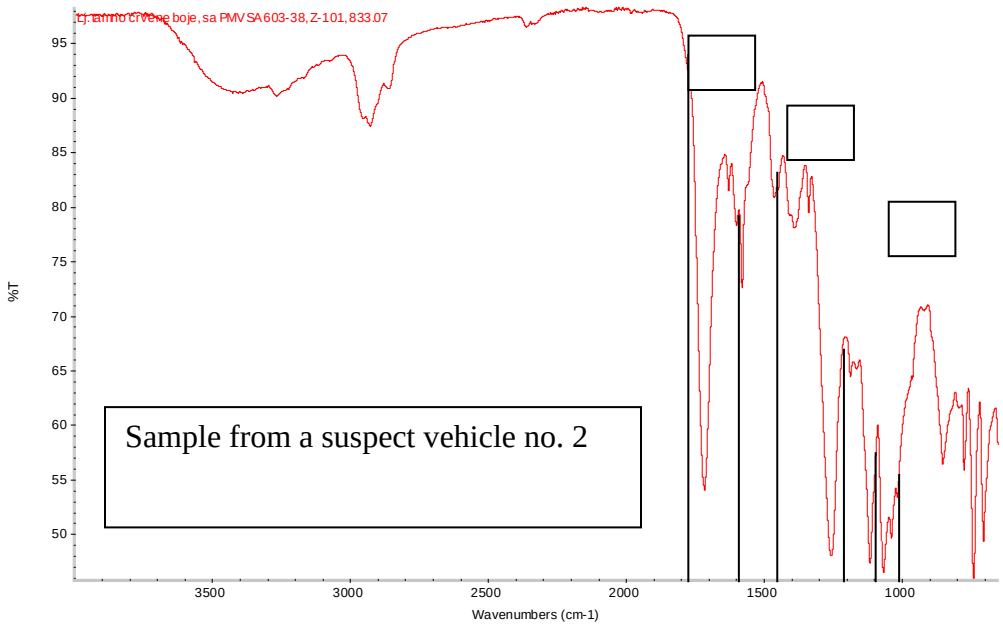

Figure 3. FT-IR spectrogram flakes of dark-red color with a suspicious vehicle no. 2

Number from 1 - 3, are numbered spectral regions to which was applied a theoretical method

From the spectrograms of the least squares method determined absorption coefficients $\theta_{01}, \theta_{02}, \theta_{03}$: $\theta_{01} = 2{,}16497$, $\theta_{02} = 1{,}73978$, $\theta_{03} = 14{,}2039$, by which on the basis of the composition formula was found as the abscissa of the maximum λ_{0M} and abscissa saddle shown with:

$$\lambda_{0M} = 5{,}58378 \text{ m} \quad ; \quad \lambda_{0P} = 9{,}49071 \text{ m} \tag{1}$$

By applying the formula: $$\underset{n \to \infty}{G(\eta)} = \frac{\cos\sqrt{4\Phi\eta}}{\sqrt[4]{4\Phi\eta}} \tag{2}$$

and calculating the mathematical expectation (mean) of wavelength λ, we get the following values:

$$\langle \lambda_0 \rangle = 8{,}31743 \text{m} \tag{3}$$

For a sample of paint from the vehicle 1, obtained by the results with the index "1". From the results obtained by the method of least squares determined absorption coefficients: $\theta_{11}, \theta_{12}, \theta_{13}$: $\theta_{11} = 2{,}16497$, $\theta_{12} = 1{,}73978$, $\theta_{13} = 14{,}2039$, by which on the basis of the composition formula was found as the abscissa of the maximum λ_{0M} and abscissa saddle shown with:

$$\lambda_{1M} = 10{,}5518 \text{ m} \quad ; \quad \lambda_{1P} = 17{,}99 \text{ m} \; . \tag{4}$$

By applying formula (2) and by computing the mathematical expectation (mean value) of wavelength λ, the following value is obtained:

$$\langle \lambda_1 \rangle = 15{,}7952 m \tag{5}$$

For a sample of paint from the vehicle 2, obtained by the results with the index "2". From the results obtained by the method of least squares determined absorption coefficients: $\theta_{21}, \theta_{22}, \theta_{23}$: $\theta_{21} = 1{,}55174$, $\theta_{22} = 0{,}50798$, $\theta_{23} = 7{,}09774$, by which on the basis of the composition formula was found as the abscissa of the maximum λ_{0M} and abscissa saddle shown with:

$$\lambda_{2M} = 5{,}09032 \text{ m} \quad ; \quad \lambda_{2P} = 8{,}88347 \text{ m} \tag{6}$$

By applying formula (2) and by computing the mathematical expectation (mean value) of wavelength λ, the following value is obtained:

$$\langle \lambda_2 \rangle = 7{,}91257\,\text{m} \tag{7}$$

Established the absolute value of the difference:

$|\lambda_{0M} - \lambda_{1M}|$, $|\lambda_{0P} - \lambda_{1P}|$, $|\lambda_{0M} - \lambda_{2M}|$, $|\lambda_{0P} - \lambda_{2P}|$.

These differences are as follows:

$$|\lambda_{0M} - \lambda_{1M}| = 4{,}96802\text{m} \quad ; \quad |\lambda_{0P} - \lambda_{1P}| = 8{,}49929\text{m}$$
$$|\lambda_{0M} - \lambda_{2M}| = 0{,}49346\text{m} \quad ; \quad |\lambda_{0P} - \lambda_{2P}| = 0{,}60724\text{m} \tag{8}$$

From the formula it can be seen that $|\lambda_{0M} - \lambda_{2M}|$ less than $|\lambda_{0M} - \lambda_{1M}|$ respectively $|\lambda_{0P} - \lambda_{2P}|$ less than $|\lambda_{0P} - \lambda_{1P}|$, and on the basis of this test could be concluded that the vehicle is "2" probable cause of the accident is described. In order to test the veracity of this conclusion, we examined the results of reversible absorption criterion, ie. We have determined the reversible absorption coefficient Φ by the formula:

$$\Phi = \frac{x_1 \cdot x_2}{4\sqrt{\eta_1 \cdot \eta_2}}.$$

On the diagram has been found experimentally by one which corresponds to the reversible absorption (see Figure 4)

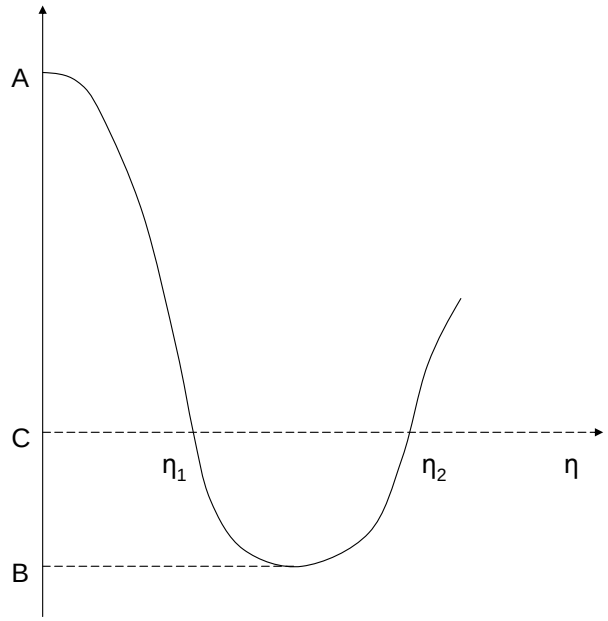

Figure 4 Approximate looks expensive experimental points for which it could be concluded that the consequences of the reversible absorption

On the basis of these values are defined:

$$\eta_{01} = 500 \text{ m}, \quad \eta_{02} = 1.000 \text{ m}, \quad \Phi_0 = 4{,}69 \cdot 10^{-3} \text{ m}^{-1}$$
$$\eta_{11} = 600 \text{ m}, \quad \eta_{12} = 1.050 \text{ m}, \quad \Phi_1 = 4{,}18 \cdot 10^{-3} \text{ m}^{-1}$$
$$\eta_{21} = 550 \text{ m}, \quad \eta_{22} = 1.050 \text{ m}, \quad \Phi_2 = 4{,}34 \cdot 10^{-3} \text{ m}^{-1} \qquad (9)$$

Form the absolute value of the difference $|\Phi_0 - \Phi_1|$, $|\Phi_0 - \Phi_2|$.

$$|\Phi_0 - \Phi_1| = 0{,}51 \text{m}^{-1} \quad ; \quad |\Phi_0 - \Phi_2| = 0{,}35 \text{m}^{-1} \qquad (10)$$

Since $|\Phi_0 - \Phi_2|$ less than $|\Phi_0 - \Phi_1|$ and by this criterion it can be concluded that the likely perpetrator of vehicle "2". With diagrams obtained in the field of high energy (experiment using SEM / EDS), selected by the three curves correspond to irreversible absorption.

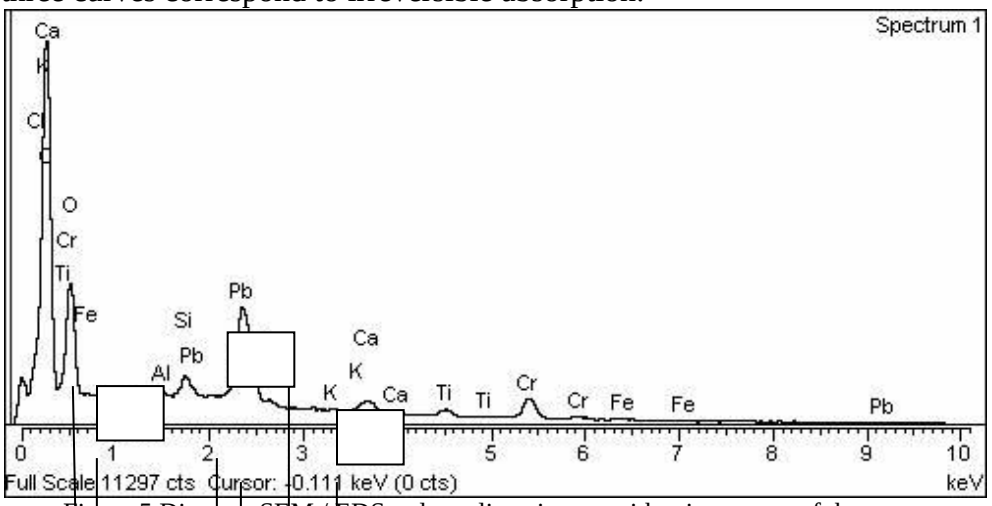

Figure 5 Diagram SEM / EDS red acrylic paint car with crime scene of the event. No. 1 - 3 is the regions marked test

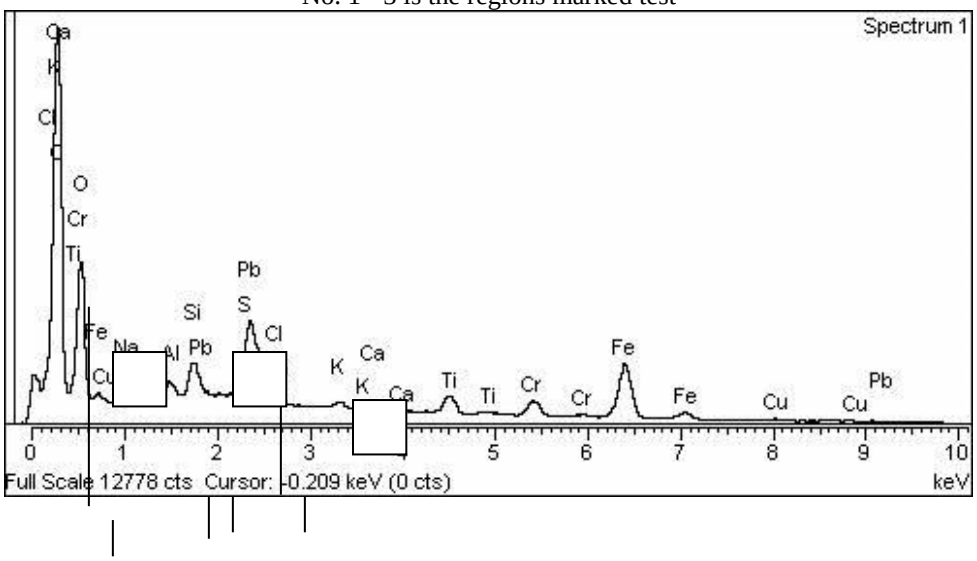

Figure 6 Diagram SEM / EDS red acrylic auto paint from the suspect vehicle 1
No. 1 - 3 are the regions marked tests

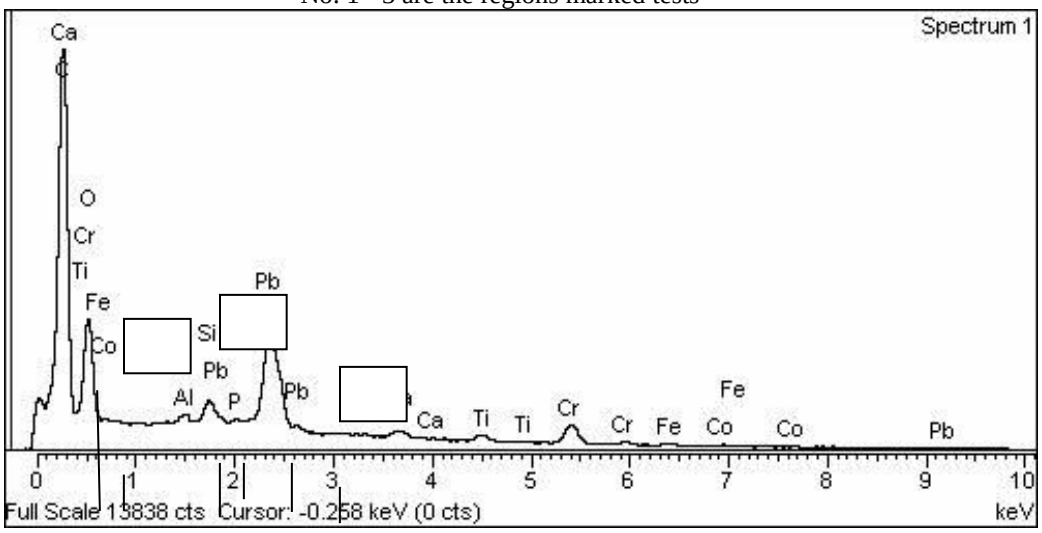

Figure 7 Diagram SEM / EDS red acrylic auto paint from the suspect vehicle 2
No. 1 - 3 are the regions marked tests

Readings with the index "0" are "given" the following:

$$\theta_{01} = 3{,}882\text{m}; \quad \theta_{02} = 1{,}0519\text{m}; \quad \theta_{03} = 2{,}9065\text{m}$$

.

The composition was formed on the basis of these data has the following value:

$$K_{0M} = 0.86891\,\text{m}^{-1}, K_{0P} = 1.50025\,\text{m}^{-1} \tag{11}$$

$$\left.\begin{array}{l} \theta_{11} = 1.88889\,\text{m}; \quad \theta_{12} = 0.73939\,\text{m}; \quad \theta_{13} = 1.97475\,\text{m} \\ K_{1M} = 1.41639\,\text{m}^{-1}, \quad K_{1P} = 2.43423\,\text{m}^{-1} \end{array}\right\} \tag{12}$$

$$\left.\begin{array}{l} \theta_{21} = 5.27349\text{m}; \quad \theta_{22} = 1.78628\,\text{m}; \quad \theta_{23} = 2.4124\,\text{m} \\ K_{2M} = 0.71214\,\text{m}^{-1}, \quad K_{2P} = 1.23543\,\text{m}^{-1} \end{array}\right\} \tag{13}$$

Form the absolute value of the difference: $|K_{0M} - K_{1M}|, |K_{0P} - K_{1P}|, |K_{0M} - K_{2M}|, |K_{0P} - K_{2P}|$:

$$\left|K_{0M}-K_{1M}\right|=0.54748\,\mathrm{m}^{-1} \quad ; \quad \left|K_{0P}-K_{1P}\right|=0.93398\,\mathrm{m}^{-1}$$
$$\left|K_{0M}-K_{2M}\right|=0.156806\,\mathrm{m}^{-1} \quad ; \quad \left|K_{0P}-K_{2P}\right|=0.26482\,\mathrm{m}^{-1} \tag{14}$$

Since $\left|K_{0M}-K_{2M}\right|$ less than $\left|K_{0M}-K_{1M}\right|$ respectively $\left|K_{0P}-K_{2P}\right|$ less than $\left|K_{0P}-K_{1P}\right|$, it can be concluded that the vehicle is "2" likely culprit of the accident.

Finally, we will conclude the last test, and through a process of reversible absorption at high energies.

On experimental graphs was found by a curve that fits the reversible absorption and on their basis the following values were determined:

$$\begin{aligned} &\eta_{01}=100\ \mathrm{m}, \quad \eta_{02}=600\ \mathrm{m}, \quad \Phi_0=1.3548\cdot10^{-2}\ \mathrm{m}^{-1} \\ &\eta_{11}=150\ \mathrm{m}, \quad \eta_{12}=600\ \mathrm{m}, \quad \Phi_1=1.106\cdot10^{-2}\ \mathrm{m}^{-1} \\ &\eta_{21}=100\ \mathrm{m}, \quad \eta_{22}=550\ \mathrm{m}, \quad \Phi_2=1.415\cdot10^{-2}\ \mathrm{m}^{-1} \end{aligned} \tag{15}$$

Form the absolute value of the difference: $\left|\Phi_0-\Phi_1\right|$, $\left|\Phi_0-\Phi_2\right|$:

$$\left|\Phi_0-\Phi_1\right|=0.2488\mathrm{m}^{-1} \quad ; \quad \left|\Phi_0-\Phi_2\right|=0.06\mathrm{m}^{-1} \tag{16}$$

Since $\left|\Phi_0-\Phi_2\right|$ less than $\left|\Phi_0-\Phi_1\right|$ and by this criterion it can be concluded that the likely perpetrator of vehicle “2”.

Looking at the mathematical expectation (mean velue) wavelength:

$\langle\lambda_0\rangle=8{,}31743\,\mathrm{m}$; $\langle\lambda_1\rangle=15{,}7952\,\mathrm{m}$; $\langle\lambda_2\rangle=7{,}91257\,\mathrm{m}$, as one of the additional criteria, also shows that the most likely culprit assault vehicle marked with the number "2". That is, when forming the absolute value of the difference: $\left|\langle\lambda_0\rangle-\langle\lambda_1\rangle\right|$; $\left|\langle\lambda_0\rangle-\langle\lambda_2\rangle\right|$, we see that:

$$\left|\langle\lambda_0\rangle-\langle\lambda_1\rangle\right|=7{,}4777 \quad \mathrm{m}; \quad \left|\langle\lambda_0\rangle-\langle\lambda_2\rangle\right|=0{,}40486\mathrm{m}\,. \tag{17}$$

CONCLUSION

As colors can not receive energy from an external measuring instrument irreversible (no recombination effects), and a reversible (to effect recombination), the choice of the curve diagram of the experimental "fell", which is the exponentially declining curve, which means that belong to the irreversible absorption of the curve type and Besell-functions that are the result of reversible absorption.

As for the irreversible absorption curves, their histograms are the least squares method to translate analytic functions. In practice, it receives a series of exponential curves, but with different parameters, so that the mean value of the relevant characteristics can be determined by one of the analytical curve obtained, but the composition of the registered curve which is in fact a collection of the resulting distribution of exponential distribution with different parameters.

Procedure described above was solved a practical case of murder in car crash with the bike. For a sample of the color of a criminal offense had been determined x_M , x_P i $\langle x \rangle$, and this is also done for two cars deep-red color, which have been estimated as the most probable cause of the event. For one of these two cars, the parameters x_M , x_P i $\langle x \rangle$, were very close to the corresponding parameters of the specified color with a criminal offense, and on this basis, it was concluded that the most likely cause of car crime offense. For curves with the experimental diagram whose histograms correspond behavior Bessel function with index zero, is determined by the parameter reversible absorption and it turned out that the car that the previous criterion was suspected as the most likely perpetrator, reversible absorption parameter was closest to the corresponding parameters of the sample color with of the said offense.

Summarizing the results of theoretical analysis of obtained experimental results, we can conclude with high probability that the perpetrator (the culprit) accidents, the vehicle marked with the index "2", because the four criteria independently who was the most likely perpetrator.

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CRIMINALISTIC ASPECTS OF BANKRUPTCY CRIME IN THE REPUBLIC OF MACEDONIA OVER EMPIRICAL INVESTIGATION OF POLICE OFFICERS WHO ELABORATED THIS ISSUE

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Abstract

Selecting a theme has emerged as a research challenge to police officers who cultivated bankruptcy issues, social phenomenon with a negative sign since the independence of the Republic of Macedonia to the present, with which creditors and employees in companies are being played with and fooled in direct manner by the governing authorities in bankruptcy and authorities of the bankruptcy proceedings in the bankruptcy process, and indirectly, the state, its budget and economic system, in terms of disturbance its stability and function.

Simultaneously, another reason has emerged from personal observations of scientific - research plan; in the criminal Macedonian literature there is no study or an attempt for empirical research on this form of economic - financial crime, important from a social point of view in terms of "melting" of the middle layer of the population, establishing a new category of so-called, "redundant workers" that become a problem and a burden on the state until their retirement, and because of its lack of transparency, complexity, diffusion of responsibility, diffusion of victimization, difficult detection, difficult processing, lenient penalties, legal ambiguities and inconsistencies and ambiguities about delinquent status.

Due to the foregoing, the emphasis in this paper will be on the pioneering attempt to draw conclusions from empirical research and a survey of 32 police officers who cultivated the said issue from six cities: Skopje, Veles, Bitola, Strumica, Kavardaraci and Negotino, aimed at determining the problems encountered in their professional criminal activity, in detecting, resolving, and documenting suppression of bankruptcy crime, whose consequences are high on the Macedonian economy and population.

The general conclusion of this empirical research will focus on creating and fostering future research on the socially negative phenomenon to be integrally penetrated in its essential part, in order to allow building and establishment of appropriate strategy and methodology in full suppression and prevention of crime

and bankruptcy, through the practical application of modern operational - tactical and technical means and methods by the police officers responsible for its detection and eradication.

***Keywords**: bankruptcy, bankruptcy crime, criminal operating activities.*

INTRODUCTION

The new conditions of the market economy and free market and entrepreneurship are preceded by the inevitable emergence of the so-called new forms of criminality. In the process of privatization, withdrawal of the state from the economy, and especially for the psychology of the race for profits and wealth, a new pathology is developing: opening, phantom "firms", opening and closing accounts, not keeping documentation, making falsified balance sheets, invoices and other documents, excessive borrowing without the option of paying obligations etc.. The peak of such fraud is the misuse of the bankruptcy procedure to extinguish the legal entity together with all claims, meanwhile transferring the personal benefit of the offender.[1]

Bankruptcy criminality as a separate group of economic - financial crime was known in the former system of Yugoslavia, where, due to reckless operation, bankruptcy was caused and several commercial facilities collapsed. The most prominent criminal behavior were various forms of personal appropriation by the officials - principals or fictitious borrowing or stealing through fictitious invoices issued by the private sector, and, of course, in agreement with the responsible person. But these were rare cases. This crime took hold in the transition years as a serious danger that inflicted massive damage to many workers and to the state budget because of arrears in the form of taxes, and, of course, the many creditors who were stopped exactly through bankruptcy proceedings to collect debts from debtors. Bankruptcy criminality is associated with bankruptcy as a way of solving the financial situation of the debtor when he has reached the obligations that he cannot pay on time. Skilled borrowers on a number of private entities in the process of opening and closing the bankruptcy proceedings avoided the obligation to creditors and employees, and its activities continued with the re-registration of a new company.

According to Nikoloska,[2] Bankruptcy criminality is a form of economic - financial crime that is nonviolent conduct of an organized criminal group structured on the basis of special status (official, responsible**,**

[1] Камбовски, В., „Казнено право“ посебен дел, - четврто дополнето издание , Просветно дело АД, Скопје, 2003, стр. 336.

[2] Николоска С., Методика на истражување на економско – финансиски криминалитет, Ван Гог, Скопје, 2013, стр. 294.

legal, and contractual foreign officials and foreign entities, etc..) and properties of the perpetrators (experts and professionals) with great psychological impact of violence on workers and creditors through infringement or circumvention of the legislation to commit crimes aimed at bringing the situation to fulfill the legal requirements for opening of bankruptcy and crimes in the bankruptcy procedure in order to gain illegal profit by not paying the claims to state workers and creditors**.** The specifics of the bankruptcy crime are:

- Criminal behavior associated with legal entities over which bankruptcy procedure can be managed.
- Legally defined status of the perpetrators of crimes related to the bankruptcy proceedings.
- Counterfeiting and destruction of business documents as primary criminal behavior associated with abuse of power and authority.
- The perpetrators of criminal association with its specific criminal role.
- Criminal realization by judicial abuses.
- Involvement of a special category of persons working for the public interest - authorized assessors.
- Physical nonviolent crime, but with great psychological impact in the form of violence against employees and creditors (existence is one of the basic factors of safety).
- Crime, so visible but not conspicuous".

Bankruptcy criminality in the country researched the criminal aspect, resulting in insights for its lack of transparency and identifying, complexity, diffusion of responsibility, diffusion of victimization, difficult detection, difficult processing, lenient penalties, legal ambiguities and inconsistencies and ambiguities about delinquent status due to outlined distinction drawn around incrimination and crimes performed with bankruptcy crime, with emphasis on the abuse of power and authority, counterfeiting, especially of business documentation and its destruction, tax evasion, fraudulent bankruptcy, bankruptcy with reckless operation, damage or favoring creditors, abuse of the bankruptcy proceeding and the criminal responsibility of the legal and responsible person .

Bankruptcy crime develops from crime to crime in bankruptcy proceedings, therefore, its research is a complex process, in which one has to discover and highlight all the criminal behavior of offenders involved and determine their properties in all stages of the criminal situation by comparing and analyzing submitted incomplete documentation of the application for bankruptcy, the financial report for the feasibility of initiating bankruptcy proceedings and any judicial decisions on selling part of the property or the entire property .

The wide range of criminal activities related to bankruptcy and receivership actions requires great professionalism, competence and motivation of the authorities responsible for its detection and eradication, especially in the evidence processing procedure, considering the fact of the connection of the bankruptcy crime by breaking and avoidance of legal regulations and the time factor to amend provisions of a legal regulation in certain illegal activities decriminalized in legal activities.

Therefore, detection and suppression of crime, bankruptcy must undergo fundamental changes, and thus changes in organization and methods for detection of competent authorities, particularly in increasing their international cooperation.

Application and improvement of operational – tactical measures, assets, methods and activities of the Ministry of Interior and other security structures in criminal activity is a "fundamental lever" in detection, clarifying baseline of bankruptcy crime and application of criminal sanctions against its employees, thus reducing his "dark figure".

FEATURES OF BANKRUPTSY CRIMINALITY

Characteristics of the criminal offenses "are the abstract scientific concept and its effect appearing in criminal science"[1], thus setting the specifics of the scientific - theoretical and practical plan against crime, or "directions and basic theoretical postulates, and criminal means, ways and methods of each particular crime detection methodology, evidence, clarifying and preventing any types of crimes"[2] with the same or similar criminal - relevant features.

Criminal features include "information about specific features of certain criminal offenses, allowing penetration and evaluating their essentially criminal, while applying best optimal methods of research".[3]

Bankruptcy crime, also called "white collar crime" in world forensic sciences, is simultaneously followed by changes in criminal attacks directed toward deceiving the creditors and their claims against the debtor, especially with incrimination which causes deliberate and fraudulent bankruptcy and incrimination in running the bankruptcy proceedings that liquidate the company because of illegal acquisition of property and financial assets.

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[1] Белкин Р.С., Криминалистика: проблеми, тенденции, перспективи. От теории - к практике, стр.181, прилагодено според Ангелески Методија: Криминалистика, криминалистичка тактика II, „Грал“- Скопје, 2002, стр.128.

[2] Ибид.

[3] Јаблоков Н.П., Криминалистика, 3 - е издание, преработанное и дополненное, Московскиј государствениј университет имени МБ.Ломоносова, Јурист, 2005, стр.77, извор: http://www.libgen.info/view.php?id=159882.

Bankruptcy incrimination of institutional type includes the common execution of the collaboration of senior leaders - politicians with owners, directors of companies and others, aided by accountants, financial auditors, financial officers and tax inspectors, appearing in the role of instruments in its execution, while enjoying "the protection of the law".

The perpetrators of bankruptcy crime, their criminal attacks and observe behaviors such as business, the illegal actions of other creditors, can not rely on the legal framework and criminal justice, because each draws attention to their reaction to law enforcement, thus creating conditions and opportunities for disclosure, documentation and enrollment of legal sanctions.

Tactics and techniques of the perpetrators of crime bankruptcy, and the specific area of their criminal acts and attacks against property, are fundamental for distinction and differentiation of each bankruptcy crime group, as well as criminal database, which further provides directions and guidelines of criminal - operational action plan of discovery, clarification, proof, prevention and eradication of this social evil.

The manner of execution of crimes emerges as one of the basic crime categories, whose knowledge and learning is a stone for building methodology for crime detection, evidence, clarifying and preventing various types of criminal offenses.[1]

Emphasis is placed on the further elaboration of: Modus operandi, Instrumentum operandi, Locus i Radius operandi, and Tempus operandi of committing the crime bankruptcy.

The manner of execution of Bankruptcy Crime - Modus operandi

The manner of execution of bankruptcy crimes is one of the most important elements of the system of criminal setting characteristics of the criminal versions of decisive importance for the criminal methodology in detecting, resolving, documenting and preventing crime, bankruptcy, or in "the organized and harmonious implementation of specific procedures in performing the defined tasks ".[2]

Modus operandi of bankruptcy and crime is usually hidden by default from "the focus of the public", converting its personal interest in the illegal acquisition of property and financial benefit, cheating directly to the creditors of the company, and indirectly the state and its citizens, or legal institutions and regulations.

[1] Џуклески Гоце, Николоска Светлана: Економска криминалистика, второ дополнето издание, График Мак Принт, Скопје, 2008, стр.27.

[2] Костиќ Станко: криминалистичка оператива, оперативно обавештање, Виша школа унутрашних послова – Београд, 1984, стр.7.

The most common "modus operandi" in bankruptcy crime are: violation of regulations, corruption of senior government officials, judges, lawyers, shifting undeserved commissions and proceeds to secret accounts in foreign banks and others.

Bankruptcy crimes before the opening of bankruptcy proceedings are performed by responsible parties in the legal entity, usually in combination with other members of the management body, which can be single or two-tier system of management, and, bankruptcy proceedings bodies occur as executors in bankruptcy proceedings (board of trustees, its members, a trustee, a bankruptcy judge, etc.), and recent legislative changes envisaged liability for legal entities in bankruptcy.

The main way of doing bankruptcy crime is directed to disregard the bankruptcy law, creating opportunities for permanent performing of bankruptcy offenses, fundamental dominant order, creating enormous profits and illegal material wealth.

This kind of crime is composed of bankruptcy incrimination (act or omission), which directly affects the property of creditors and indirect economic relations and economic system of the Republic of Macedonia.

Means of Enforcement of the Bankruptcy Crime - Instrumentum operandi

Instrumentum operandi, or the means of committing the crime before the opening of the bankruptcy proceedings and the conduct of bankruptcy proceedings related to its modus operandi, or method of execution that determines the means by which bankruptcy crime is accomplished, with documents prepared in the manner of execution of crimes, emerges as one of the basic crime categories, whose knowledge and learning is a stone – stone to management bodies of the company, as well as the bodies of bankruptcy proceedings against the legislation, to input data and documents with false content, which deceived and damaged employees and creditors.

The computer appears as a means of committing the bankruptcy crime by those in the legal entity that have the power to enter data and documentation in electronic form, possessing great technical intelligence, carrying out criminal behavior difficult to detect and show.

Workplace or business in the position of the bankruptcy delinquent - the criminal practice in the economic performance of the company is a specific instrumentum operandi, which allows long-term planning and execution of a criminal attack illegally acquired, with great material wealth.

The conclusion is that workplace - business position in the company, is "just like weapon or other means of committing the crime used by professional classical delinquent".[1]

Place and space in pursuit of the Bankruptcy Crime - Locus and Radius operandi

Place of performance - Locus operandi of every criminal - legal event implies apriori knowledge of the criminal situation inherent to each species or group of crimes which "declines the space that is relevant to the crime and who will collect (and for who) operational information and evidence for further analysis and comparison of performance with thoughtful and logical reconstruction of the criminal event on its occurrence".[2]

In this particular case, the place of execution of the bankruptcy crime, usually the seat of the legal entity in bankruptcy or the competent court of the bankruptcy proceedings of the legal entity, consists of a bankruptcy judge who makes a decision to open bankruptcy proceedings and the legal person appointed as trustee.

Radius operandi - the area of enforcement of certain criminal – is the legal event as relevant to criminal crime category theory and police practice, a "radius of execution, and thus spatial achievements of the delinquent in his criminal activity".[3]

The area of enforcement of bankruptcy offenses (radius operandi), mostly in national terms, is always associated with the workplace and its bankruptcy delinquent properties in the legal entity responsible for the bankruptcy court proceedings, or his skills and decision-making authority, supported by adequate legal solution.

During the execution of the Bankruptcy Crime - Tempus operandi

Tempus operandi of these economic - financial incrimination is the criminal significant feature, because the objective and subjective elements that meet the legal essence of bankruptcy crimes are related to the time factor, in which offenders perform reduction or impairment of the debtor's assets - the company, which leads to damage of the creditors, all the creditors or putting them in a favorable position compared to others.

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[1] Ангелески Методија: Проучување на личноста на економскиот деликвент, Македонска ревија за казнено право и криминологија, бр.1, НИП Нова Македонија, Скопје, 1997, стр.101.

[2] Ангелески Методија: Криминалистика, криминалистичка тактика II, „Грал“ - Скопје, 2002, стр.161 - 162.

[3] Ибид, стр.166.

"They fall in the category of offenders and criminals while in their office and with the actions associated with abuse of power, position and authority".[1]

The timing of the bankruptcy offenses leads to causing the bankruptcy of the debtor, the conditions set out in bankruptcy law, abuse of the forced settlement and bankruptcy proceedings, the exercise of rights that do not belong and damage the privileges of any of the creditors of the debtor.

Significant element in resolving bankruptcy offenses is providing legal act by which delinquent bankruptcy is appointed, employed or contractually engaged at any given time in the company that caused the bankruptcy or bankruptcy proceedings and comparing with tempus operandi, or the time of execution of the bankruptcy crime, starting in criminal - operational activity of its preparatory activities and execution provision of quality evidence, which depends on the efficiency of the criminal proceedings and pimping offenders under criminal sanctions.

EMPIRICAL RESEARCH POLICE OFFICERS WHO ELABORATED THIS ISSUE

In a survey of police officers from Veles, Kavadarci, Negotino, Bitola, Strumica and Skopje, in a representative sample of 32 operational workers, 30 men and 2 women were included, the majority of respondents in the group over 40 years of age, a total of 24, and the remaining 8 are in the range of 30 to 40 years of age, all with higher education, 29 Macedonians, 2 Serbs, 1 Turk, with a total work experience of 7 to 38 years, or an average of about 24 years, with work experience in organized crime of 1 to 35 years, with an average of about 12 years of service.

The first group - common issues for police officers, the following results were obtained:

1. Do you perform clarification of cases in bankruptcy crime? 78 % of the police officers perform clarification of cases in bankruptcy crime, versus 22 % of respondents who do not perform clarification of cases in bankruptcy crime and insolvency proceedings.

Table 1

Answers	to	not	Total
Police officers	25	7	32
Percentage	78 %	22 %	100 %

[1] Николоска Светлана: Методика на истражување на економско – финансиски криминалитет, Факултет за безбедност - Скопје, 2013, стр.181.

1.1. If yes, how many cases of bankruptcy crime have you disclosed? On this question, 44 % of police officers said they have disclosed 3 to 10 bankruptcy cases of crime, 31 % responded that they have disclosed 1 to 3 cases of crime in bankruptcy and bankruptcy procedures, 12.5 % of respondents have more than 10 cases, and the remaining 12.5 % said they have no casesof resolving a bankruptcy crime.

Table 2

Number of cases elucidated in the field of suppression of bankruptcy crime	1 to 3	3 to 10	above 10	No way	Total
Police officers	10	14	4	4	32
Percentage	31 %	44 %	12,5 %	12,5 %	100 %

2. List the criminal acts of bankruptcy crime that are most prevalent in your work sector? From the analysis, it was determined that the offense ranked as first in the field of bankruptcy crime was the abuse of official position and powers (63 % of the total number of respondents), second ranked offense with a 13 % was false bankruptcy, followed by 6 % of offenses in causing bankruptcy with reckless operation, damage or privileging creditors, tax evasion and the last ranked with 3 % were crimes of reporting bankruptcy and forgery.

Table 3

The most common crimes in the area of bankruptcy crime	False bankruptcy	Causing bankruptcy with reckless operation	Report of bankruptcy	Damage or privileging creditors	Misuse of official position and counterfeiting	Counterfeiting	Tax evasion	Other crimes	Total
Police officers	4	2	1	2	20	1	2	0	32
Percentage	13%	6%	3%	6%	63%	3%	6%	0%	100%

ng out

3. How do you usually find out of the existence of bankruptcy crime? 69 % of respondents said that police officers usually find out with the application of shareholders, 13 % answered with information from other inspection bodies and they also answered of finding out by anonymous report and in other ways.

Table 4

Ways of finding out about the existence of bankruptcy	Anonymous crime alert	Application of shareholders	Findings from other inspection bodies	Other ways	Total
Police officers	3	22	4	3	32
Percentage	9 %	69 %	13 %	9 %	100 %

4. At what level is your cooperation with officials from the Public prosecutor's office (the Public prosecution) in criminal processing? 53 % of respondents said that police officers are in collaboration with officials in PPO, 31 % said it was at a high level and 16 % said that cooperation is at a low level, which indicates the coordinated treatment in pre-trial proceedings.

4.1. The answers for middle and high level of cooperation are given by police officers based on regular cooperation, consultation and coordination with the Public prosecutor's office, in taking measures, and the inclusion of PPO at the request of the Ministry in specific cases, as well as their involvement in all incrimination serious of character and so on. The other 16 % of respondents gave the answer of a low level of cooperation between the Interior Ministry and Prosecutor's Office, which is due to uptake based on PPO substantive issues in bankruptcy and its ignorance because of personal interest and involvement of individuals in PPO in criminal events and their connection with political officials, and the lack of specialized officers PPO for bankruptcy crime.

4.2. In the section of proposals to raise the level of cooperation with the Ministry of interior PPO, the interviewed police officers pointed out the existence of the statutory prerequisites for greater involvement of PPO in the preliminary investigation that the new CPC formalized, requiring the public prosecution as the main carrier of preliminary investigation; they further proposed joint seminars, training, meetings and forming specialized groups of officials from the Ministry of Interior and Prosecutor's Office for suppression of bankruptcy crime, which would allow greater professionalism and awareness of expertise, while emphasizing the MOI and PPO, PPO is fully focused on the collection of evidence in pre-trial proceedings and has the obligation to prove criminal - legal events associated with bankruptcy, organizing joint workshops, which will analyze the current specific items in order to find flaws in the procedure, technical support and more directly, PPO engaging in the operation of MI due to disabling the inclusion of different interpretation of legal matters, to establish electronic correspondence regarding official materials, selection of personnel in the Ministry of interior and the Prosecutor's office after expert and professional criteria, approximation of the economic power of the two institutions, implementation of the new criminal Procedure Code etc.

Table 5

The level of cooperation between the Ministry of Interior and the Prosecutor's Office in crime processing	high	medium	low	Total
Police officers	10	17	5	32
Percentage	31 %	53 %	16 %	100 %

5. In your opinion, which are the most common causes for bankruptcy crime? 37 % of the interviewed police officers, according to frequency, rank criminality behavior management structure as the main cause of bankruptcy crime, 22 % of respondents believe that the main reason are the inconsistencies in the legislation, 19 % think that it is criminal privatization, 16 % say that the main reason is the failure of the institutions in the system, 3 % consider bankruptcy crime as discretionary greed and enrichment, and the other reasons are not listed individually, they are considered as secondary, often emphasizing the familiarity with the bankruptcy trustee powers, bankruptcy judges and so on.

Table 6

Ranking of the frequency of causes for bankruptcy crime	Ambiguities in legislation	Criminal privatization	Criminality behavior management structure	Discretionary powers	Failure of state institutions	Greed enrichment	Other reasons	Total
Police officers	7	6	12	1	5	1	0	32
Percentage	22 %	19 %	37 %	3 %	16 %	3 %	0 %	100 %

In the second group of special issues associated with bankruptcy crime, for police officers, gave their answers and the following results were obtained:

1. Whether in criminal activity based on initial indications of a bankruptcy crime, crime control are implemented in the company? 66 % of police officers surveyed said that based on initial indications of a bankruptcy crime, crime control implemented in the company, versus 34 % of those surveyed who had failed to control crime in the exercise of criminal activity.

Table 7

Answers	to	not	Total
Police officers	21	11	32
Percentage	66 %	34 %	100 %

2. Have you fought criminal processing for bankruptcy crime? 56 % of respondents conducted criminal processing, versus 44 % who did not conduct criminal proceedings.

Table 8

Answers	yes	not	Total
Police officers	18	14	32
Percentage	56 %	44 %	100 %

3. How often have you received information about Bankruptcy Crime? 44 % of respondents said that police officers often have knowledge of bankruptcy crime received in operating time, compared to 56 % of respondents who received information after application..

Table 9

Frequently receiving information about bankruptcy crime	in operating time	after application	otherwise	Total
Police officers	14	18	0	32
Percentage	44 %	56 %	0 %	100 %

4. Is there incriminating behavior between the bankruptcy trustee and bankruptcy judge in bankruptcy crime probed in the company? Regarding this question, 47% responded affirmatively that there is incriminating behavior between the bankruptcy trustee and bankruptcy judge in bankruptcy crime probed in the company, versus 53 % of the interviewed police officers who responded that there was no incriminating behavior between the bankruptcy trustee and bankruptcy judge.

Table 10

Answers	to	not	Total
Police officers	15	17	32
Percentage	47 %	53 %	100 %

4.1. The offending behavior between the bankruptcy trustee and bankruptcy judge in bankruptcy crime probed in the company, according to the interviewed police officers, is perception of their close association and mutual agreements about the sale of the bankruptcy estate, mutual agreement of sale companies accepting the least favorable offer, mutual arrangements for taking inappropriate actions and

measures for appropriate compensation of creditors accepting dividends without notice of the bankruptcy judge, for which it receives money on account, and also make decisions that cover sanctioned conduct of the bankruptcy trustee.

5. Who abuses the bankruptcy process? On this question, 94 % of the interviewed police officers responded that bankruptcy proceeding are often abused by the bankruptcy trustee, 3 % of respondents believe that it is abused by the bankruptcy judge, the same, or 3 %, being ofor respondents who name the officials in joint stock companies.

Table 11

Subjects which abused the bankruptcy proceeding	Bankruptcy trustee	Bankruptcy judge	Other participants	Total
Police officers	30	1	1	32
Percentage	94 %	3 %	3 %	100 %

6. What are the problems that are commonly encountered in criminal activity for obtaining and documenting information about bankruptcy crime?

Table 12

Rates of problems in the criminal activity of obtaining and documenting information about bankruptcy crime	Lack of operating positions	Non-cooperativeness of workers, for fear of reprisals	Corruption of government bodies	Incomplete physical evidence	Others	Total
Police officers	7	11	5	9	0	32
Percentage	22 %	34 %	16 %	28 %	0 %	100 %

On this question, 34 % of interviewed police officers consider the most common problem encountered in criminal activity for obtaining and documenting information about bankruptcy crime is non-cooperativeness of employees for fear of retribution, 28 % listed the incomplete physical evidence problem, 22 % listed lack of operating positions in criminal activity and 16 % corruption in state bodies.

7. In your opinion, which should be the future ongoing activities of the authorities responsible for the prevention and suppression of crime, bankruptcy, in order to achieve greater efficiency and success in acting?

Table 13

Future directions for the activities of the authorities responsible for the prevention and suppression of crime	MIA to detect, document and submit charges to the PPO	PPO in major bankruptcy cases of crime, to take the primary role and directs his conduct in MI and documenting case	PPO always have the primary role	Act together in all phases of pre-trial and investigation and	Total
Police officers	0	16	3	13	32
Percentage	0 %	50 %	9 %	41 %	100 %

50 % of respondents believe that PP (Public Prosecutor), should take the primary role and direct the conduct to MI and documenting the case in major bankruptcy cases of crime, 41 % believe that they should act together in all phases of pre-trial and investigation, 9 % think that PP should always have a primary role, and none of the interviewed police officers responded that the Ministry of Interior should detect, document and submit charges to the PPO.

CONCLUSION

Police officers who professionally deal with bankruptcy issues, despite the responses of "golden criminal matters", must answer the additional questions related to the criminal behavior of their bankruptcy and delinquent manifestations of illegally acquired property, and determine the abuses of the inspectorates responsible for control of business operations of companies, their motives for concealing the factual situation, which suggests certain criminal actions and behaviors before the opening of bankruptcy and bankruptcy procedure running in the company. Therefore, operational police officers working on this issue in the criminal - Intelligence operations must build a new style and apply new operational - tactical means and methods and investigations, which will effectively realize the goals of criminal tactics, or, planned measures and activities to discover, clarify and prove bankruptcy offenses and criminal liability of bankruptcy delinquents, while adhering to the principles of systematic, planned and organized actions in criminal activity.

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THE CURRENT ORGANISED CRIME-TERRORISM THREAT ENVIRONMENT

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Abstract

The aim of the present study is to provide a summarizing qualitative analysis of the linkages between criminal and terrorist groups with explicit reference to the Balkans. The fundamental connection set out in this paper is consistent with a continuing convergence between terrorism and transnational organized crime. A theoretical basis of the relations between organized crime and terrorism is delineated and systematically used to identify how these two phenomena come together in the Balkan theatre. In considering the interaction between criminal and terrorist groups, the available facts indicate that the intensity of collaboration is most often dependent on the nature of the geographic region in which these relations are established. Relations in transitional states are most precisely described as ad hoc because they are mainly based on fulfilling urgent operational needs; and relations which emerge within (post)conflict societies tend to be the ones that are most developed and interactive. Criminal and terrorist networks, which have emerged from a state of lasting conflict and instability, expose the ultimate danger of the crime-terror relation to international security. Nevertheless, after establishing that a nexus does exist, a potentially more considerable question is what form these linkages take, and how different crime-terror 'configurations' impact the security and stability of Balkan states. In order to answer the research question, the paper will examine three forms of convergence: contribution to criminal activities by terrorists, transformation of terrorists groups into hybrid or solely criminal organizations and collaboration between organized criminal organizations and terrorist groups. This is a phenomenon challenging both states and international institutions, producing important implications on politics and policies at national and international level.

Key words: *security environment, terror-crime nexus, Balkans, transformation, interaction, convergence.*

INTRODUCTION

The Balkan's unique history of inter-ethnic and religious conflict has led to an increasingly pervasive sense of desperation that leaves the region susceptible to terrorist ideology. The chaos created by the various wars for independence in the former Yugoslavia brought the rise of more direct terrorist interest in the area and allowed Arab-Afghan fighters refuge in Europe. The foreign mujahedeen took this

opportunity to attempt to gather recruits for their cause as well as establish a base of operations in Europe. Though largely unsuccessful as a major base and recruitment center, the Balkans ties to organized crime and black market dealings have provided terrorists a staging area (Sheila, 2010).

Regions prone to developing terrorists generally share several common factors, most importantly strife and poverty (Woehrel, 2005). One such region with a lengthy history of conflict and poor economic development is the Balkan Peninsula in Eastern Europe. The prolonged instability in the Balkans has created a unique culture of desperation, which has enabled the rise of systemic corruption (pervasive organized crime) and left the region susceptible to terrorist activity and influence.

Despite the systemic corruption, a series of oppressive and inept governments, established influential organized crime syndicates, economic stagnation, and centuries-old prejudices along religious and ethnic lines, the terrorists have not been able to achieve their aims in the Balkans.

The crime-terror nexus is increasingly becoming intensive and requires efficient responses. In this case, it seems that a state cannot judge illegitimate transnational organizations by cover, and thus seek to formulate successful reactions through employing the significant overlapping strategies and policies between counter-terrorist and anti-crime. Counter-terrorism strategy cannot deal with the problems of the 21st century by applying methods, strategies, principles and tactics embedded in the last century. Thereby, it may be argued that having a comprehensive understanding of the crime-terror nexus is the first step towards the problem solving.

Increased international cooperation and support are necessary to eradicate existing terrorist operations in this region and prevent this region from becoming a major player in the global terrorist network.

THE BALKANS - A POTENTIAL LAUNCHING POINT?

The Balkans is an ideal location for terrorism as well as organized crime black market activities. Both of these illegal activities thrive on an ability to find a market (people who are willing to engage buying and selling of goods or ideas) and an ability to evade detection by the law. The presence of organized crime and the established black market in this region can provide terrorists with necessary supplies as well as a place to sell goods to raise funding (Mace, 2007). Organized crime contributes to the inefficiency of government, which also encourages terrorist organizations to take root here.

Further, this area could play a secondary role as a potential launching point, or rest area for terrorists from Asia moving westward (Deliso, 2007). In addition to a transition area it is a potential launching point from where terrorists can raise funds for their respective causes using this region. Attempts were made to use the Balkans as a place to secure funding through money laundering, US intelligence worked with the Albanian government to monitor some of 300 companies in Tirana suspected of money laundering or other terrorist connections (Archick, 2003). The Albanian response to confirmed or reasonable suspicion of terrorist funding link

was to freeze the assets of the company and individuals responsible for providing the monetary aid (Archick, 2003). Even several Islamic charities allegedly collecting funds to supply aid and help rebuild the region were actually fronts for terrorist or militarist organizations (Klidev, 2006).

The terrorist legacy in the Balkans truly begins with the civil war in Bosnia in the early 1990s. As the conflict in Bosnia heated up, the foreign fighters entered with the intention of exploiting the war-torn region for potential recruits as well as a means, carry on jihad. These foreign fighters provided Bosnian Muslims with weaponry, as they were the only group to truly suffer from the international arms embargo (Murphy, 2010).

This is attributable, in part to the more secularized version of Islam that is practiced in this region and that many Muslims in the Balkans have not forgotten the aid and military assistance provided by the United States and the West in the recent wars and their aftermaths (Woehrel, 2005). Therefore, the blind hatred for the United States and the West for historical and religious reasons does not resonant as effectively with the local populace. Nonetheless, the terrorists, particularly Islamic terrorists, have not abandoned their plans for the region, including trying to develop a network of western-looking, non-Arabic looking people who can move about the Western world more easily and with less scrutiny (Kohlmann, 2004). There is every reason to expect the terrorists will continue their efforts to increase their operations and activities in this region. The greatest source of concern regarding terrorism in the Balkans relates to the continued presence of non-native fighters in the region. These individuals are motivated and drive to carry out operations in Europe and beyond (Blair, 2010). They have acquired citizenship and in some cases have made an effort to assimilate to the European lifestyle so as not to draw attention to their presence (Kohlmann, 2004). As recently as summer 2010, they have seen some marginal success with several Bosnian born and bred individuals with links to international terror organizations bombing a police station in Bugojno, Bosnia (Jones, 2010).

Terrorist organizations like Al Qaeda see a benefit to having a stronghold in Europe beyond recruiting purposes.

SALAFI MOVEMENT IN THE BALKANS

The Balkan countries, similarly to other newly emerging democracies, did not stay immune to the dark side of the globalization processes. After the fall of communism and the dissolution of former Yugoslavia in the early 1990s, the term "Western Balkans" became a synonym for organized crime, political corruption, and even terrorism. Ethnic Albanian, Serbian, Croatian, Montenegrin and Bosnian criminal groups have become widely known for their criminal activities. According to the Interpol reports, these groups are active across four continents (Interpol 2009).

Another outcome of globalization and the Yugoslav wars is the dissemination of fundamental Islam in the Balkan region. Salafis disseminate this fundamental ideology which derives from the Arab word "salaf al-salih" which means "the righteous ancestors" (Ayoob, 2008). Salafis, for example, believe that people who

do not practice their form of Islam are heathens and enemies (Sadowski 2006, 215-240). Saudis have managed to use their financial power to disseminate this ideology through sponsoring the construction of Islamic schools, and by establishing different charities and humanitarian organizations to achieve the same goal. The growth of charities and various organizations began in the 1970s when Saudi charities started funding Wahhabi schools (madrassas) and mosques in Asia, United States as well as Europe.

However, the Salafi movement in the Balkans was first associated with the war in Bosnia-Herzegovina (1992-1995). As noted at the beginning of the paper, one of the reactions of the international community to the outbreak of the wars was the embargo of the arms imposed on all six Yugoslav republics in 1992. The UN embargo drove Bosnia into alliances with some of the world most radical states, which provided Bosnia with human resources and money (Mincheva and Gurr 2010, 265-286). The majority of the groups supplying weapons to Bosnian Muslims came from Islamic countries (Wiebes, 2006). One of the most controversial cases, which illustrate how much the Bosnian government depended on outside aid for weapons, is linked to the Sudanese citizen, Elfatih Hassanein. Hassanein founded the Third World Relief Agency (TWRA) in Bosnia in 1987. According to Western officials, the purpose of the organization was the rebirth of Islam in Eastern Europe. In 1995, the bank accounts of the TWRA showed that $350 million flowed from Muslim governments and radical Islamic movements to Bosnia. Iran, Sudan and Saudi Arabia were the largest contributors. Terrorists are also believed to have used the agency to get money to the Bosnian government, including Osama Bin laden. According to investigated cases, TWRA also had ties to Sheik Omar Abdel Rahman – a radical Egyptian convicted of planning terrorist bombings in New York and linked to the group that carried out the World Trade Center bombing in 1993 (Basha and Arsovska 2012, 41-45).

The Bosnian Army also recruited radical Islamists. A UN study (S/1994/674/Add.2) from 1994 identifies 83 paramilitary forces operating in former Yugoslavia during the 1990s. One of the more significant units was the Mujahidin, or holy warriors, who operated in support of the government of Bosnia. Many of them were veterans of the Afghan war. The Mujahedin began arriving in Bosnia in June 1992. In 1993 they formed the El Midzahid battalion composed of 3,000 Islamic fighters, which was to serve under the Bosnian Army. In Bosnia and Herzegovina the extent of radical Islam became evident in 2010 when a 23-year old radical Muslim attacked the USA Embassy in Sarajevo (Sito-Sucic 2011).

Before 1996, Kosovo and Macedonia did not have any inter-religious conflicts, and religion was rarely a topic of discussion. The situation, however, changed in the late 1990s when the Salafi Islam was imported from foreign Muslim countries, such as Saudi Arabia. Many Saudi sponsored charities began operation in Kosovo and Macedonia. The Salafi movement that is currently active in Kosovo has been, according to many experts, the main drive for the implementation of fundamental Islam in Kosovo. It appears that today, as a result, there are frequent conflicts in the region between the moderate Muslim clerics on one hand and the Salafi trained clerics that established themselves in Kosovo after 1999, on the other.

Koha Ditore in 2011 noted that the consequence of fundamental Islam in Western Balkans has been illustrious when recently unknown actors desecrated the Jewish cemetery in the capital of Kosovo. The media reported that Nazi graffiti were sprayed over tombstones in Jewish cemetery and local authorities later reported that "bearded guys" who are believed to belong to the Wahhabi movement are to be blamed for this hate crime.

In addition, Macedonia also had to face with the global pattern of the importation of fundamental Islam. In April 2012, 800 police were involved in a police operation called "Monster," raiding 26 houses around the Macedonian capital of Skopje and seizing weapons, bulletproof vests and Islamic literature.

Despite the lack of resources and intelligence, government authorities in the region are well aware of the expansion of fundamental Islam in the Balkans. Most recently, the Kosovo Minister of Interior Bajram Rexhepi admitted for Deutche Welle in 2011 that authorities in Kosovo have been closely monitoring religious radical movements in his country. There are constant tensions between traditional and Salafi clerics about the influence and the jurisprudence of religious authority in the region. Arguments have been taking place in mosques as well as online, and are beginning to be of major concern to authorities in the Western Balkans. Such fundamental movements threaten to create fractions among various communities.

The temporary release from moral strain and the lack of norms and opportunities in the region enabled many Islamic states to take advantage of the situation. They presented opportunities to confuse poor young individuals to attend Islamic religious schools in various Islamic countries where they are indoctrinated with rigid dogma. Many of them returned in Western Balkans to preach an extreme form of Islam that further incited hatred and created fractions among communities there.

It is difficult to predict how long it will take Balkan Muslims to become more susceptible to the radical Islamist ideology. The main difference between the Balkan Muslims and their co-religionists is the self-identification of the former by nationality, region or area where they live. The Balkan Muslims respect and practice Islam, but retain their national identity. This is the main reason that many Balkan Muslims do not agree with the radical Islamists. However, the main target group for the radical Islamists is more likely to be the young Balkan Muslims who face an uncertain socio-economic future.

The dearth of empirical evidence also complicates the task of determining whether radical Islamists perceive the Western Balkans as a base for the spread of radical Islamist ideology in the region and in Europe as a whole. It is not apparent that the Western Balkans holds any strategic importance for the radical Islamists in their jihad. The potential remains, nonetheless, because the Western Balkan region is still the home of ongoing political processes that can foster corruption, organized crime and ethnic disputes, as well as challenge socio-economic progress. To the extent that these conditions persist, it will represent fertile ground for radical Islamists (Ivanov, 2011).

This threat could take the form of direct violence and terrorist attacks, or attempts to stir inter-ethnic or religious tensions. Weak law enforcement means that

tensions and insecurity could raise and spill across borders if extremist movements and their sympathisers are not countered opening up the possibility of wider destabilisation across the region. It is a threat that, while not immediately explosive when compared to the serious regional problems of organised crime and political instability, could pose a greater risk in the future if the extremist ideologies are allowed to take root and spread.

CURRENT SITUATION: THE BALKAN THEATRE

The most recent EU Terrorism and Trend Report of the Europol (TE-SAT 2012), the Organised Crime Threat Assessment (OCTA), and Annual Risk Analysis of the Western Balkans, all highlight concerns regarding the Balkan security environment and its impact on the EU security. Read together, it is evident that there are a number of issues related to the creation of organized crime-terrorism alliances, which emerge from the Balkans.

These documents illustrate where organized crime and terrorist actors have been known to overlap geographically. Several sources from the intelligence community have noted that the region has recently been used as a hub by British militant Islamists (e.g. Pakistani Wahhabists from Birmingham) to engage in what was referred to as 'serious criminal smuggling operations'.

Operationally, several spots in the Balkans act as major transhipment points of illicit trafficking networks. This is facilitated by high flows of regional road traffic, which enables movements of illicit consignments to be transported undetected. Tied into this, irregular migration flows are increased - a growing number of Afghan and Pakistani citizens were involved in border crossings in the region. This is especially the case along the Greek-Turkish border, the Serbian border with Macedonia, and the Serbian border with Romania. Although this may not, in itself, directly create greater insecurity, there is evidence that militant Islamists use these routes. The key vulnerability here is that, once militants are able to enter the Schengen area from either Croatia or Serbia, they are open to the rest of the EU. Albania has, for example, specifically voiced concerns that terrorists are using the Western Balkan route - via established criminal smuggling networks - to enter the European Union.

Further discussions with law enforcement sources have indicated that militants using the Balkan route primarily come from the Afghanistan and Pakistan arena and more recently, from Syria. In addition to the geographic attraction of the Balkans to organized crime and terrorist groups - thus creating natural synergies for cooperation - the region raises another concern in relation to the crime-terror nexus. This relates to a current trend - more specifically witnessed in Germany, Austria and Switzerland - of 3rd generation Balkan diaspora youth becoming involved in radical Islamism. Given that the previous generations were involved in criminality, law enforcement officers in some European states have expressed their concerns over the potential for natural ties to develop between family or community members with both criminal connections and those who have adopted a militant Islamist agenda. Although there is no hard evidence that this trend is being operationalized as described above, the concern is that the elements exist for a similar relationship

to emerge between Balkan criminal and terrorist elements as emerged between Lebanese organized criminal groups and Hezbollah in the 1980s. This potential development needs to be closely watched.

Furthermore, Albanian criminal networks have maintained strong clan-like relations with diaspora communities, which have allowed the group to tap these resources to increase their criminal presence. According to the World Customs Organisation, Albanians made up 32% of all arrests for heroin trafficking in Italy between 2000 and 2008 (Burghardt 2010).

Albanian criminal networks are also said to have links with the Italian 'Ndrangheta, Camorra, and La Stidda, as well as British, Dutch, Irish, Kurdish, Mexican, Nigerian, Polish, Russian, and Serbian criminal syndicates. These relationships should be of concern to the European authorities, not only in terms of the complex criminal networks that exist within Europe and the outlying regions but also the various connections that these groups have established with terrorist organisations operating in the same areas (terrorist organisations include PKK, FARC, KLA, ETA, IRA and al Qaeda).

The Daily Record reported in 2012 that Scottish authorities identified at least 25 foreign gangs operating in Scotland. Of those reported, Albanian groups posed the greatest threat as an "ultraviolent" organisation. Former Scottish Crime and Drug Enforcement Agency (SCDEA) official Graeme Pearson, now a Labour MSP, said: "The Albanians are a challenge because they have a military background and their criminal elements have a very violent history." (Laing, 2012). Albanian networks are also visible in Greece, Switzerland and many other EU countries. In Hungary, the Albanian mafia is estimated to control 80% of the heroin market (Michaletos, 2012).

The criminal activity and the networks that operate in Albanian organized crime have deep roots in the Balkans and many parts of the European Union. With these criminal syndicates in place, the question is whether this network can act as a venue to fund terrorist activity. If previous trends are any indication, when both organisations occupy the same territory, collaboration may well meet each other's needs. The continuing influence of organized crime in the region may have implications for multiple terrorist organisations.

As these developments unfold and countries like Serbia, Montenegro, and Macedonia move towards greater EU incorporation, the ease with which organized criminal networks can operate in Europe will only increase. As it is evident in this paper, the Albanian mafia plays a fundamental role in organized crime in terms of their influence in the Balkans and through the tightly knit diaspora communities across Europe. However, the potential and historical links to terrorist organisations should not be underestimated. Terrorist groups that coordinate their efforts with criminal syndicates are well aware of the routes available; the removal of these economic and security barriers are likely to increase the flow of traffic through the Balkans. The endemic problem of organized crime in the Balkans does not have a quick fix. However, progress needs to be made or otherwise terrorists have ready business partners and increased coverage for their activities.

Due to the challenges the EU faces from organized crime, terrorism and the nexus that exist between the two, the integrated approach should play a fundamental role in the deterrence of organized crime and terrorism.

DIVERSIFICATION OF CRIMINAL-TERRORIST PATTERNS

The diversification of criminal activities of the Balkan criminal networks, their ability to corrupt public officials and the political ambivalence towards illicit activities are all factors of concern for post-communist Balkan states. The global fundamentalist Islamic movements that are politically charged are trying to establish themselves in a public center stage with an objection to install an Islamic state. They have also gained ground in producing animosity, inciting hatred and fractions between communities in the region.

Table 1 below provides a summary of how organized crime has directly employed terrorism over the past three decades, and how the use of terror tactics has evolved over that period. What is apparent is that the criminal use of terror tactics is most readily employed in unstable environments as a way of acquiring territorial control in order to secure a criminal environment.

Table 1: Criminal use of Terror Tactics (Directorate General for Internal Policies 2012)

	1980's	1990's	2001 to present
Motives	-Eliminate competition -Disrupt anti-crime efforts	-Eviscerate legal / political power -Challenge political elite	Territorial control
Targets	-Government personnel	-State symbols -Citizens / public symbols	Indiscriminate
Methods	-Assassinations, -targeted bombings	-Indiscriminate violence	Insurgent-like operations
Case studies	-Italian mafia	-Italian mafia -Balkan mafia -Chechen mafia	Not notably present in Europe

Alliances and the appropriation of tactics are types of linkages between organized crime and terrorism that are relatively straightforward to identify because they do not require analytical judgements to be made on intangible characteristics such as group motivation and strategic priorities.

Table 2: Terrorist use of Crime (Directorate General for Internal Policies 2012)

	1980's	1990's	2001 to present
Motives	Material and logistical support	Replacement of state sponsorship – financial necessity	Recruit criminal expertise Profit maximisation
Methods	Extortion, petty crime	Add: smuggling, trade in counterfeit goods, illegal trade of commodities	Add: money laundering
Case studies	Not noted in Europe	Al Qaeda, IRA offshoots, ETA Chechen groups	Predominantly militant Islamist groups

It is more difficult to draw decisive conclusions about hybrid entities – i.e. where criminal and political motivations have converged within one group. Either hybrid groups begin as organized criminal groups with appropriate terror tactics and simultaneously seek to secure political aims, or they begin as terrorist groups that appropriate criminal capabilities to the point that they begin to use their political (ideological) rhetoric as a façade for perpetrating organized crime.

Table 3: Hybrid Entities

Entity	Timeframe	Description
Criminal: Russian Mafia	1990's	Sought political and economic control, especially in the Russian Far East
Albanian Mafia	1990's	Sought political control – interchangeable membership with the Kosovo Liberation Army
Terrorist: IRA offshoots	1990's	Rhetorical political stance, focus on criminal activities

Table 3 provides examples of hybrid groups relevant to the EU that were, at one point or another, simultaneously driven by the quest for profit and political change or power.

The evolution of a criminal or terrorist group into a hybrid entity depends on several factors, including: change in leadership structure, shift in membership base (often due to new recruitment techniques), loss of centralised control due to the rise of independent factions or internal fractures, and either no leadership or competition for leadership at the ground level.

CONCLUSION

The world of the twenty-first century is one in which transnational non-state actors such as criminal organizations and terrorist networks pose new threats to security.

This paper focuses not only on analyzing great changes of structure and dynamics of terrorism and organized crime, but also on examining how terrorism and organized crime intersect and converge that now become a security threat for the Balkan states. In particular, this analysis comments on reasons and opportunities that led the transnational terrorists undertaking the organized crime to raise revenue and the financial support.

The understanding that economic and political powers enhance one another implies that more and more groups will become hybrid organizations by nature. This is enhanced by the reality that criminal and terrorist groups emerge to be learning from one another, and adapting to each other's achievements and breakdowns. It is therefore obvious that the nature of organized crime and terrorism, including their convergence, are dictated by the constantly evolving environment in which they are found, and by the connections in which they are engaged. The alliances among criminal and political groups in a combination of ways, both tactical and strategic, would always depend on their specific purposes and the particular changing surroundings.

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ENVIRONMENTAL CRIME AND THE IMPORTANCE OF ITS COMBATING

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INTRODUCTION

Today, the need to preserve nature as human environment becomes more important than ever. We can define human environment as the surrounding or conditions in which a person, animal, or plant lives or operates.[1] Industrialization, advancement in technology, globalization, etc. produce various harmful effects on the environment such as pollution, environmental endangering and devastation as well as a negative effect on the health of people, animals, plants, and on the entire ecosystem. The consequences of air, soil, water pollution, over-exploitation and destruction of natural resources resulted in major changes in the ecosystem. Visible consequences of such harmful influences and the huge damage that has been done in our environment led to increase of our awareness about the need to protect the environment in which we all live.

At national and international level, states are seeking legislative and other implementing ways to ensure adequate protection of the environment, which is the common good of all of us and which, for the preservation of life on Earth and its diversity, must be protected.

In doing so, it should be pointed out that environment should also be protected from various criminal activities, which requires a specific approach and use of criminological methodology. Also, it must be stressed that environmental organized transnational crime is especially harmful for the environment. Combating this type of crime requires cooperation of many bodies that contribute to environment protection mutually and with state law enforcement authorities, as well as it requires an adequate level of international cooperation between states. In this paper special attention will be paid to these aspects.

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[1] http://www.oxforddictionaries.com/definition/english/environment, 22th January 2014
In the Republic of Croatia, the environment is defined as: "any other natural environment and their communities including the man who allows their existence and their further development" (Environmental Protection Act, Art. 4th Paragraph 1, point 30).
Environment is composed from several components - air, sea, water, soil, the earth's crust, energy and material assets and cultural heritage as part of the environment that is created by man, in all its diversity and complexity of their mutual action.

ENVIRONMENTAL CRIMES AND IMPORTANCE OF ITS COMBATING

About Environmental Crimes and its Harmfulness

Environmental crime is a very harmful and widespread phenomenon. It can be defined as illegal action of the perpetrator that makes significant damage to the environment, and achieves high degree of its endangerment and endangerment of human health.

Also, this type of crime is statistically characterized by a very high dark figure, due to the still insufficient awareness and education about the harmful effects of this type of crime and its global proportions. Within this reduced consciousness, a wrong perception that environmental crime is a crime without victims is obtained, but we are all its victims. Scientific discipline called Green Criminology[1], among other aspects, studies the victims of environmental crime and how they suffer from the consequences that it causes.

Especially harmful is the organized transnational environmental crime which is characterized by low risk and high profit and which is in the range of other forms of high - profit organized crime activities such as trafficking in human beings, drugs and weapons. [2] The environmental criminal activities involve good organization and logistic help related to corruption and other various crimes such as theft, fraud, bribery, smuggling, forgery, conspiracy and money laundering, also some other violent crimes that can be related to illegal activities such as assaults, murders, extortions etc. Routes course of these types of criminal activities are the same routes that the criminals use for other types of illegal activities. So, we can conclude that environmental crime is essentially not more different in its social harmfulness than other types of organized criminal activities. According to the United Nations Commission of Crime Prevention and Criminal Justice, transnational environmental crime can be defined in three aspects: "acts and omissions that are against the law; crimes including a cross - border transfer on an

[1]Potter, G., What is Green Criminology?
http:// www.greencriminology.org/monthly/WhatIsGreenCriminology.pdf, 22 January 2014,

[2]About Organized crime more in: Milivojevic, L., Penal Law for Criminalists, International Criminalistics Association, Zagreb, 2013, p.125.

international or global scale, and crimes related to pollution and against wildlife."[1]

Environmental crime in comparison to the last-mentioned division in relation to the parts of the environment to which illegal and harmful impact is made, can be divided into: illegal trade in ozone - depleting substances, illegal emission or discharge of substances into air, water or soil and the illegal shipment or dumping of waste (all mentioned are pollution crimes), the illegal trade in wildlife (world's wild flora and fauna) including illegal, unregulated, or unreported fishing and illegal logging. Also, it must be mentioned that some new types of environmental crime are emerging, such as carbon trading and water management crime.[2]

The dangerous ozone-depleting substances (further ODS) are chlorine, bromine, the well known chlorofluorocarbons (further CFCs) and hydrochloroflourocarbons (HCFCs), especially HFC-23[3] as a one of the HCFCs which is a by-product in the production of the chemical HCFC-22. HFC-23 is industrially used gas which destroys our atmosphere layer and causes greenhouse effect (e.g. used in air-conditioning, refrigeration and other coolers). It is well known that HFC-23 is 14,800 times more harmful for the climate than carbon dioxide (CO_2), but despite the fact, its selling on voluntary markets became a multi – billion dollar business.[4] Very harmful is also halon, a gas that is used in fire extinguishers. Result of increased use of these substances is damaged and thinned ozone layer that passes large quantities of ultraviolet radiation, which increases chance of skin cancer in humans, animals and definitely negatively effects on plants. Globally, the entire ecosystem is threatened by the excessive use of these kinds of substances. Illegal trade with ODS began after the signing of the Montreal protocol on Substances that Deplete the Ozone Layer in 1987[5]. That Protocol

[1] http://www.nmun.org/ny_archives/ny13_downloads/BGG13CCPCJ.pdf , 2013, 23rd January 2014, National Model United Nations Conference, p. 6.

[2] More about these areas on:
http://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime, 22th January 2014,
http://ec.europa.eu/environment/legal/crime/, 22th January 2014,
EIA Reports, http://www.eia-international.org/category/reports, 23rd January 2014
http://www.eia-international.org/environmental-crime-22 Report 0809, 3rd January 2014
UNEP GEAS, http://www.un.org/ en/ecosoc/docs/2011/res%202011.36.pdf , 29th January 2014

[3] http://www.eia-international.org/environmental-crime-2 Eco crime Report 0809, p. 16., 23rd January 2014

[4] http://www.eia-international.org/major-win-for-the-climate-as-door-closes-on-hfc-23, 27th January 2014

[5] http://www.eia-international.org/environmental-crime-2 Eco crime Report 0809, p. 16., 23rd January 2014

established legally binding controls on the national production and consumption of ODS with complete phase-out as the final goal, all for the ozone layer recover. It is assumed that on ODS black market it is illegally traded with 20000 tonnes of CFCs every year, which is equivalent to 20% of all CFCs legal trade.[1] Chlorofluorocarbons (CFCs) are often marked and smuggled as legal replacement chemicals or they are marked as legally recycled substances that are in fact illegally original products. According to the Environmental investigation agency (hereinafter EIA), Chinese companies are major suppliers to the black ODS market. They are supplying markets in the US, EU[2] and also Asia and the Middle East to South America[3].

Along with ODS, air can be contaminated with all sorts of substances, besides gases, with solid particles, liquid droplets (aerosols) that are made as a product or by-product of illegal activities (e.g. such as methane (CH4) that is produced in illegal waste depositions). Air pollutants are harmful to health causing cancer and cardiopulmonary diseases.

Water and soil can also be contaminated in many different ways and by many substances. Environmental crimes in that area are related to illegal industrial and radiation spills, illegal dumping of harmful substances and waste, biological contamination etc. On the international level these sorts of crimes are related to hazardous waste that is illegally disposed in less developed countries, where there is a lack of environmental control and enforcement. It is necessary to point out a sort of harmful waste called e-waste. Discarded electronic waste, besides the fact that it is made of difficultly degradable plastic, contain toxins such as cadmium, mercury, lead and other hazardous substances. Smelting and burning of that kind of waste causes local air pollution and contaminates ground and surface. Also these may cause health problems including cancer, lung disease, lead poisoning etc.[4]

Interpol reports that a volume of 41.8 million tons of e-waste was generated in 2010. The European countries and North America are responsible for approximately 50% of the known e-waste value. In some newly industrialized countries, such as South and Southeast Asia, the percentage of e-waste is growing and it is estimated to have reached 25% in 2010.[5]

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[1] Ibid.
[2] Ibid.
[3] Ibid.
[4] More about e-waste crime: http://www.interpol.int/Crime-areas/Environmental-crime/Resources, 27th January 2014
[5] www.interpol.int/content/download/.../1/.../FactsheetWasteReportv3.pdf, 27th January 2014

Mislabelling containers that are concealing e-waste and mixing e-waste with a legitimate consignment, e.g. end-of-life vehicles, are the two most common methods of illegal export of e-waste. That is a wide spread activity with main routes taking direction from North to East, with main destination South East Asia, and North to South direction, with main destination in South and East Africa. It is also a very profitable activity. E.g. Italian mafia earn about €20 billion a year by turning the south of Italy into a toxic waste dump[1]. All kind of waste, including radioactive waste also ends up in the sea as a waste dump.

Illegal trade in wildlife, the world wild flora and fauna, is also a very profitable activity[2] that creates enormous damage because of the loss of endangered species. It also endangers the potential wildlife tourism of the area in which these species live. As to the fauna, the most endangered are elephants for the ivory, rhinos for their horns and tigers especially for their skin. As to the flora, it can be the trade with wild orchids, cactus and other herbs with medicinal properties. Trafficking of endangered species also includes mammals, birds, reptiles, fish, timber, etc.[3] Purposes of its use are different - they can be consumed like food or used as a medicine, or used for collecting purposes, further processing into different products (cosmetics, lather, fur accessories), etc. Wildlife crime, such as elephant and rhino poaching, is estimated to be worth $10-20 billion dollars annually.[4] Also, it is necessary to bring up the EIA data that wildlife and forest crime is the 4th largest transnational crime in the world, worth an estimated US$ 17 billion annually.[5] Separate, but a very significant problem is the illegal, unregulated,

[1]http://www.independent.co.uk/news/world/europe/mafia-earning-euro20bn-from-dumping-toxic-waste-2294720.html, 27th January 2014

[2]More concrete about profit on: http://www.shipbreakingplatform.org/shipbrea_wp2011/wp-content/uploads/2013/02/Svend-Soeyland-United-Nations-Interregional-Crime-and-Justice-Research-Institute-2000.pdf p. 32, 29th January 2014

[3] More about endangered flora and fauna on: https://www.europol.europa.eu/sites/default/files/publications/4aenvironmental_crime_threatassessment_2013_-_public_version.pdf , p. 12. , 24th January 2014
http://worldwildlife.org/pages/stop-wildlife-crime, 24th January 2014
http://www.onegreenplanet.org/animalsandnature/5-endangered-wildlife-crime-victims-that-need-your-help-today/, 29th January 2014
List of endangered species: CITES on http://www.cites.org/eng/disc/species.php, 29th January 2014

[4]http://www.unmultimedia.org/radio/english/2013/11/environmental-crime-wave-needs-to-be-stopped-unep/, 22nd January 2014

[5]http://www.eia-international.org/wp-content/uploads/CCPCJ-Brief-wildlife-forest-crime-FNL-WWF-EIA-TRAFFIC.pdf Wildlife and forest crime, Report of the Commission on Crime Prevention and Criminal Justice (CCPCJ) 22, 2013, p.1., 22nd January 2014

or unreported fishing and illegal sand mining which is harmful for the coastal areas.[1]

Illegal logging is also one of the serious forms of environmental crime. According to the EIA data, illegal logging costs developing countries up to $15billon a year in lost revenue and taxes[2]. The need for the cheap timber and wood product is very large on the unregulated international market where illegal timber can be easily sold. It is necessary to stress that timber trade gathers as all organized criminal activities all sorts of crimes and also illegal harvesting of forests, illegal acquisition of logging rights, illegal transportation, avoiding to pay the proper taxes, use of false declarations and forged documentation, etc. Result of such illegal activity is the destruction of forests all over the world, from Amazon, West Central Africa to East Asia, which results in changes in the biodiversity (habitats destructions) and climate changes.

Because of the damage, consequences and their proportions caused in the environment which reflect on human health, the negative impact on the sustainable development policy, economy and safety of countries, it is extremely important to combat environmental crimes. There are many ways of that combat, primarily through the international and the state national legislative framework and those operational on both levels. Political will and international cooperation between states in combating that type of crime are extremely important.

Combating Environmental Crime
International Legal Framework

The international legislative framework is very important in combating environmental crimes. It identifies human acts that are harmful to the environment to that extent that it is necessary to criminalize them in the domestic criminal legislation. They provide a starting point in the combat against this type of crime. The general or basic international regulations, which aim to protect the environment, also valid in the Republic of Croatia, are:

- Convention on Environmental Impact Assessment in a Trans boundary Context (Espoo, 1991);
- Protocol on Strategic Environmental Assessment (Kiev, 2003);

[1]https://www.europol.europa.eu/sites/default/files/publications/4aenvironmental_crime_threatassessment_2013_-_public_version.pdf, Threat Assessment 2013 Environmental Crime in the EU, p.16, 24th January 2014

[2] http://www.eia-international.org/environmental-crime-22 Report 0809, p.6., 3rd January 2014

- Convention on the Trans boundary Effects of Industrial Accidents (Helsinki, 1992);
- European Landscape Convention (Florence, 2000);
- Protocol on Pollutant Release and Transfer Registers Pollution (Kiev, 2003);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm, 2001);
- Convention on the Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 1998); and
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam, 1998).

In addition to the previously mentioned general or basic conventions, there are those that are specifically related to:

• **Climate** - United Nations Framework Convention on Climate Change, Rio de Janeiro in 1992, The Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto 1999);

• **Atmosphere** - Protocol to the Convention on the Trans boundary Air Pollution at large distances (1979) about long term Financing Cooperative Programme for Monitoring and Evaluation of Long-range Transmission of Air Pollutants in Europe" (EMEP- Geneva 1984), Protocol to the Convention on the Trans boundary Air at Great Distances on Further Reduction of Sulphur Emissions (Oslo 1994), Protocol on Heavy Metals to the Convention on Long-range Trans boundary Air Pollution (Aarhus 1998), The Stockholm Convention on Persistent Organic Pollutants (Stockholm 2001), Vienna Convention on the Protection of the Ozone Layer (Vienna 1985), The Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal 1987, additions - London in 1990, Copenhagen in 1992, Montreal 1997, Beijing 1999);

• **Sea -** Convention on the Protection of the Mediterranean Sea against Pollution (Barcelona 1976), Modification of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships Substances from Aircraft or Incineration at Sea (Barcelona 1995), Protocol on Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution Mediterranean Sea (Malta 2002);

• **Soil** - United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and / or Desertification, Particularly in Africa (Paris, 1994);

• **Waste** - Convention on the Control of Trans boundary Movements of Hazardous Wastes and their Disposal (Basel 1992). [1]

It should be emphasized that in a combat against organized criminal activities, including environmental organized crime, the United Nations Convention against Transnational Organized Crime (called Palermo Convention, adopted in Palermo, Italy, 2000)[2] is significant. Part of that Convention is also a chapter that refers to the "illegal trafficking of endangered species of wild flora and fauna[3]."

Combating Environmental Crimes through Croatian Legal Perspective

In the Republic of Croatia the environment is protected through a catalogue of crimes against the environment, which are located in Chapter XX of the Croatian Criminal Code (further CC)[4]. These crimes are harmonized with the Directive 2008/99/EZ on the criminal protection of the environment. It should be noted that CC is a dominant eco-centric model of environmental crimes, because for the most of the realised crimes it is sufficient that a deliberate form of abstract endangerment exists. Such crimes are prescribed as crimes by which environment is polluted, endangered, changed, also by destroying the protected natural values, hurting the animal and plant life and illegally exploiting mineral resources. Such are the following crimes:

- Environmental Pollution, Art. 193;
- Discharge of Pollutants from the Vessel, Art. 194;
- Endangering of the Ozone Layer, Art. 195;
- Endangering the Environment with Waste, Art. 196;
- Endangering the Environment with Plant, Art. 197;
- Endangering the Environment with Radioactive Substances, Art. 198;
- Endangering with Noise, Vibration or Non-Ionizing Radiation, Art. 199;
- Destruction of Protected Natural Values, Art. 200;
- Destruction of Habitats, Art. 201;
- Trading Protected Natural Values, Art. 202;
- Illegal Importation of Wild Species or GMOs into the Environment, Art. 203;
- Illegal Hunting and Fishing, Art. 204;

[1] http://www.mzoip.hr/default.aspx?id=3700, 3rd January 2014
[2]Official Gazette, International Contracts, No.14/02
[3]http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf, 3 January 2014
[4] Official Gazette, No. 125/11, 146/12

- Killing or Torturing Animals, Art. 205;
- Transmission of Infectious Animals Diseases and Organisms Harmful to Plants, Art. 206;
- Production and Marketing of Harmful Agents for the Treatment of Animals, Art. 207;
- Veterinary Malpractice, Art. 208;
- Forests Destruction, Art. 209;
- Change of the Water Regime, Art. 210;
- Illegal Exploitation of Mineral Resources, Art. 211;
- Illegal Construction, Art. 212; and
- Serious Crimes against the Environment, Art. 214.[1]

According to the latest available data on reported adult perpetrators from the Croatian Central Bureau of Statistics, the environmental crimes are in total crimes for 2012 represented with a small percentage of 0.91 %. The most common environmental crimes in 2012 were the Illegal Hunting with 31.2 %, the Illegal Construction with 26.9 % and the Illegal Fishing with 25.8 %.[2]

Besides the CC and the proscribed environmental crimes, another fundamental act related to environmental protection is the Environmental Protection Act (hereinafter EPA). It proscribes that environmental protection implies to a set of appropriate actions and measures intended to prevent harm of the environment, prevent damage and / or pollution of the environment, reduction and / or elimination of damages that are caused to the environment, as well as the return of the environment in the state before the damage (Article 3, paragraph 83). Also, by this protection, integral environmental quality preservation, preservation of biological and landscape diversity, rational use of natural resources and energy is provided in a way that is most suitable for the environment. This is a basic requirement for healthy and sustainable development (Article 3, paragraph 1).

Environment and nature is protected by numerous other laws such as the Nature Protection Act, the Forests Act, the Hunting Act, the Water Act, the Freshwater Fisheries Act, and the Marine Fisheries Act. [3] All of them

[1] For these crimes it should be noted that the CC provides that a court may remit the punishment the perpetrator who has committed crimes under Articles 193, 194, 196, 197 and 198, if he had, before the onset of severe consequences, voluntarily eliminated the hazard or condition that he caused. It is the so-called institute of "effective regret".

[2] http://www.dzs.hr/, 29th January 2014, Statistical Report, No.1504 - Adult Criminal Offenders, Registration, Prosecution and Conviction in the 2012, Table 2.1., p. 22.

[3] For other regulations of environmental protection see on: Ministry of Environment and Nature Protection of the Republic of Croatia, http://www.mzoip.hr/default.aspx?id=3707, 1st January 2013

prescribe the human acts or omissions which are harmful to nature and the environment as misdemeanours, for which appropriate sanctions are prescribed. Misdemeanour proceedings and sanctions are prescribed by the Misdemeanour Act.[1]

According to the Ministry of Environment and Nature of the Republic of Croatia, the most common violations that threaten and diminish the value of protected areas in 2012 were the illegal: construction, fishing, poaching, deforestation, taking animals and plants from nature, exploitation, waste disposal, campfires, anchoring and diving, other (such as entry in national nature parks without a ticket etc.).[2]

Along with the above-mentioned regulations, we should also mention the Croatian Regulation of Ecology network that is put into the force when the Republic of Croatia joined the EU and became part of the largest coordinated network of environmental conservation in the world, named Natura 2000.

COMBATING ENVIRONMENTAL CRIMES ON OPERATIVE BASES

Who Deals and How with Environmental Crimes

Police and the Public Prosecutor's office primarily deal with environmental crime, but usually the first contact with this type of crimes is made by the park rangers and the environmental inspectors. That is why they should also have certain knowledge associated with the specifics of such crimes.

It should be noted that at international level, besides all other forms of crime, Interpol and Europol combat environmental crime. Special groups of criminal investigators working on separate areas of environmental crime are formed within Interpol and Europol.

The Interpol investigating groups for environmental crimes are: the Wildlife Crime Working Group, the Pollution Crime Working Group and the Fisheries Crime Working Group. The goals of the Interpol investigating groups for environmental crimes are:

- to dismantle the criminal networks behind environmental crime;
- to gather information and intelligence on a global level, in order to assess trends and patterns in environmental crime;
- to set up multi - disciplinary teams spanning environmental law enforcement agencies, insurance and customs;

[1] Official Gazette, No: 107/07, 39/13

[2] Report on the work of the inspection services of nature preservation in the 2012 - internal data of the Ministry of Environment and Nature of the Republic of Croatia

- to strengthen the capacity of environmental law enforcement nationally, regionally and internationally and increase visibility of the participating agencies;
- to mobilize political support for environmental law enforcement by raising the profile of environmental crimes."[1]

In the framework of Europol, besides other forms of organized crime, its Organized Crime Group also deals with environmental crimes.[2]

In the detection of committed crimes and criminal activities related to environment, at the international level Interpol collaborates with governmental, inter-governmental and non-governmental organizations.[3] The Republic of Croatia also cooperates fully with Europol and Interpol in combating environmental crimes, through effective international police cooperation. Also, combat against environmental crime involves the Federal Bureau of Investigation (FBI) and is assisted by other agencies such as the United States Environmental Protection Agency (US EPA). In combating environmental crime it is necessary to mention some other agencies and organizations such as the United Nations Commission on Crime Prevention and Criminal Justice (UN CCPCJ), Environmental Investigatory agency (EIA)[4], United Nations Office on Drugs and Crime Agency (UNODC) and many other non-governmental organizations such as the International Union for Conservation of Nature (IUCN)[5], the World Wide Fund for Nature (WWF)[6], Greenpeace[7] and many others whose activities are related to the environment and nature protection.

The Importance of a Special Approach in Investigating Environmental Crimes – Criminalistics Approach

Environmental crime is very specific and requires serious and multidisciplinary approach. As previously stated, it is primarily a concern of the police and the public prosecutor's office, but the first contact with this

[1] http://www.interpol.int/Crime-areas/Environmental-crime/Operations, 22nd January 2014

[2] More about activities of that group on: https://www.europol.europa.eu/sites/default/files/publications/socta2013.pdf, 29th January 2014

[3] http://www.interpol.int/Crime-areas/Environmental-crime/Partnerships, 29th January 2014

[4] http://www.eia-international.org/about-eia 3rd January 2014

[5] http://www.iucn.org/ 29th January 2014

[6] http://wwf.panda.org/29th January 2014

[7] http://www.greenpeace.org/international/en/29th January 2014

type of crime is usually made by the park rangers and the environmental inspectors.

Regarding to the crime investigators, for the successful detection and investigation of environmental crime, it is necessary that they are specialized in this issue. Primarily, they should be well acquainted with the regulations related to environmental protection and crimes that can be committed against the environment, as well as other related regulations such as handling hazardous substances and those associated with their analysis and preservation as evidences for purposes of further criminal proceedings.

Besides the application of basic knowledge which should govern any criminal investigator related to the nature of police work (such as logical reasoning and linking facts and events, interviewing, proper exclusion and preservation of evidence collected etc.), special attention must be paid to education about potential health hazards and safety during conducting criminalistics investigation and evidence collection, which can pose danger to their life and health. Handling with such substances can be dangerous because of the possibility of suffocation, poisoning, infections (hazardous and toxic liquids, gases, solids, biological hazard etc.). Also, this type of crime necessarily requires that teams working on a crime scene have a special, personal protective equipment and specialized equipment for gathering of evidences (samples), which will be further examined in a lab. Work on a crime scene in a team requires special preparation and division of activities, and also engagement of experts such as chemists, biologists and other occupations, depending on the case nature, who will collect samples and assist criminal investigators during the investigation. The size of the filed working team depends on the proportions of committed crime. Usually, when pollution occurs, it affects larger area and it can sometimes be hard to determine the source of contamination. In such cases it is desirable to do the shooting of the complete situation from the air. In many ways very helpful could be the use of a three-dimensional laser scanner that is used in criminal investigations for detailed documentation of crime scene conditions and can be extremely useful in the cases of large area investigations (it can also be connected to the aircraft).[1]

To determine air pollution it is necessary to do chemical analyses of the collected air samples to accurately detect which chemical particles caused the concrete pollution and to discover what the potential pollutant is. Properly collected samples for chemical analyses are also needed in cases of

[1] More about a range and positive side of its widespread use read in: Pavliček, J., Use of the Three-dimensional Laser Scanner in the Criminal Investigation and Criminal Proceedings, magazine Police and Security, No. 1/2011, Ministry of the Interior of the Republic of Croatia, p. 93-102.

water and soil pollution (by liquids, hazardous waste disposal etc.), when the investigators are trying to find a perpetrator.

Regarding to crimes related to illegal trafficking in protected flora and fauna, other experts such as biologists, zoologists, botanists, veterinarians, etc. should be operating with crime investigators, as their expert knowledge is irreplaceable during the criminal investigation (e.g. to identify whether the crime was committed on a protected species, to specify which species is that, etc.), to collect evidence in specific cases (e.g. to determine the cause of death of protected animals, etc.). Also, it is important to handle properly with endangered or protected species, plants and animals, which need to be, as soon as possible, moved in adequate living conditions (animal or plant infirmary) in order to save their lives and preserve them as an evidence for the further needs of the criminal procedure being conducted.

Investigating this type of crimes, besides the criminal investigators, it is also necessary that park rangers who are in charge of preservation and control of certain natural areas, as well as the environmental inspectors, have an adequate education about environmental crimes and criminalistics methodology approach. All this must be done according to the type of crime, its identification and the potential dangers that could reflect on it and generally on the human health and safety, and also about the importance of proper collection and preservation of the crime evidences. All of them, together with the criminalistics investigators, should be having previously prepared standard operating procedures in dealing with environmental crime cases, made for all types of environmental crimes specifically.

FINAL REMARKS

The environment is threatened in various ways and among them - through environmental crimes. Generally said, environmental protection implies to realization of the so-called sustainable development policy, as a society development that integrates ecological, economic and socio - cultural sustainability. Sustainability is needed for improving life quality and satisfying the needs of the present and future generations, for long-term preservation of environmental quality, geo-diversity, biodiversity and landscape. This policy protects our future. Harmful influences on the environment, among which those from environmental crime, are on a way of sustainable development policy and thus they present a long-term threat to the environment and our healthy future. That is the main reason why combating environmental crimes, especially those associated with transnational organized criminal activities, is extremely important. The caused consequences are difficult to repair, far-reaching, and bring into question the quality and life, biological diversity and balance of life on Earth.

Among other specifics of environmental crime, the fact that we are all victims of that type of crime is one of the specifics that must be highlighted.

Along with the international and domestic legal frameworks, their constant improvement and implementation on the basis of good political will, it is extremely important to improve global education and raise the awareness about all harmful effects of environmental crime and the range of its effects on the environment. Also, it is necessary to promote active international cooperation among the bodies that are responsible for combating environmental crimes, to improve their education, to develop and improve methodologies for the detection and investigation of environmental crimes at national and international level, all for the purpose of reducing such harmful illegal activities.

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POSITION AND ROLE OF THE EMPLOYEES IN THE PENITENTIARY INSTITUTIONS IN THE REPUBLIC OF MACEDONIA

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Abstract

Working in prisons is an important public service. In this context, the staff employed in prisons should be carefully selected, trained and constantly supervised. The paper deals with issues related to the position and role of the employees in the penitentiary institutions in the Republic of Macedonia, as a special category of employees in the administration. For that purpose, a legal analysis of the legislation shall be performed, particularly concerning their status, method of establishment and termination of employment, their rights and obligations and their responsibilities, taking into consideration the latest legislation in this field.

In this paper, the results of the research project "Position of the inmates in penitentiary institutions in the Republic of Macedonia" will be presented and analysed, conducted by the Faculty of Security - Skopje, University "St. Kliment Ohridski" - Bitola, concerning the status and position of the employees in the penitentiary institutions.

Key words: *penitentiary institutions, jails, employees, administration*

INTRODUCTION

Many international[1] and regional[2] human rights protection instruments that have been adopted among other things contain provisions pertaining to the treatment of persons who have limited movement. Also, there are many international instruments[3] pertaining especially to the inmates and the

[1] For example, the International Pact on Civil and Political Rights and the International Pact on Economic, Social and Cultural Rights

[2] In Europe, they are the Convention for Protection of Human Rights and Fundamental Freedoms (1953), the European Convention for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1989) and the European Prison Rules (1987 revised 2006). The American Convention on Human Rights (1978), the African Charter on Human and Peoples' Rights (1986)

[3] The Standard Minimum Rules for Treatment of Prisoners (1957), The Body of Principles for Protection of All Persons under any form of detention or imprisonment (1988), The

imprisonment conditions and instruments referring especially to the employees in the institutions intended for the persons deprived of their liberty.[1]

It is pointed out that the general operation of the prisons represents a public service[2]. In this sense, the prison authorities should have responsibility towards the adopted legislation and the public should be regularly informed of the situation and objectives in prisons. Thereon, the state should contribute to the clear feeling of the employees in the prisons of the great significance of their contribution in the work and the public should often be informed about the importance of this public service.

Prisons do not choose their prisoners and therefore they have to accept every prisoner sent by the court, but on the other hand, they can choose their staff. This is essential in sense that the prison staff should be carefully chosen, appropriately trained, supervised and supported.[3] The importance is pointed out that personnel should be appointed as full-time officers, with civilian status, salaries adequate to attract and retain suitable men and women, and favourable employment benefits and conditions of service.[4] It is also pointed out that the role of prison staff is to treat prisoners in a manner which is decent, humane and just; to ensure that all prisoners are safe; to make sure that dangerous prisoners do not escape; to make sure that there is proper order and control in prisons; to provide prisoners with the opportunity to use their time in prison positively so that they will be able to resettle into society when they are released.[5] It is especially emphasized that in the

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Basic Principles for Treatment of Prisoners (1990) and The Standard Minimum Rules for the Administration of Juvenile Justice (1985)...

[1] Code of Conduct for Law Enforcement Officials (1979), the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1982) and the Basic Principles on the Use of Force and Firearms (1990)

[2] Public services are activities performed by the state in order to satisfy certain needs of the citizens (education, science, culture, sport, health and social protection, etc.), which are not featured by ordering, and their interruption would cause serious disturbances in the normal functioning of the society. Iskra Acimovska Maletić, *Public Establishments*, Zadužbina Andrejević, Belgrade 2009

[3] International Centre for Prison Studies, A Human Rights Approach to Prison Management, Handbook for Prison Staff, Second Edition, Andrew Coyle, London, United Kingdom, 2009

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performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.[1]

It requires great skill and personal integrity to carry out this work in a professional manner. This means first of all that men and women who are to work in prisons need to be carefully chosen to make sure that they have the appropriate personal qualities and educational background. They then need to be given proper training in the principles which should underlie their work and in the human and technical skills which are required. Throughout their careers they should be given the opportunity to develop and expand these skills and to keep up to date with the latest thinking on prison issues.[2]

The importance of the selection and training of the prison staff as one of the most significant tasks of any prison administration has also been highlighted in the Resolution (66) 26 on the status, recruitment and training of prison staff[3], brought by the Council of Europe. It is recommended that prison staff is recruited, selected and trained in accordance with the principles attached, such as reasonable intelligence and education, integrity and balanced character, to possess the capacity to accept prisoners and to manage with them; furthermore, to neither be less than 21 years of age in general nor in principal exceed 40 (although the option of exceeding these limits is not excluded); then the relevance and type of training, etc.

The legislative framework for implementation of sanctions in the Republic of Macedonia is consisted primarily from the Law on Execution of Sanctions (hereinafter LES), which was amended at the end of 2013[4]. The amendments address several issues, such as the financing of these institutions[5], the entities

[1] Code of Conduct for Law Enforcement Officials, Article 2

[2] International Centre for Prison Studies, A Human Rights Approach to Prison Management, Handbook for Prison Staff, Second Edition, Andrew Coyle, London, United Kingdom, 2009

[3] Council of Europe, Resolution (66) 26, (Adopted by the Ministers' Deputies on 30th April 1966), Status, recruitment and training of prison staff

[4] (Official Gazette of RM no. 2/2006, 57/10, 170/2013)

[5] Namely, according to Article 11 of LES, the means for execution of the sanctions are provided by the Republic of Macedonia. Pursuant to Article 68 of LES, the funds for the work of the Directorate, the institutions and correctional and educational institutions are provided by the Budget of the Republic of Macedonia, their own revenues and other revenues in accordance with the law. The institutions and the correctional and educational institutions as budget beneficiaries are financed through the budget beneficiary - the Directorate. Article 8-a of LIS from 2013 provides that the works related to the execution of sanctions may be performed as public services by a private partner in accordance with the provisions of the Law on Concessions and Public-Private Partnership and the provisions of LIS. In this sense, for the execution of the contract for public-private partnership an establishment of a special purpose company may be foreseen in accordance with the provisions from the Law on Concessions and Public-Private Partnership. The private partners shall apply all laws and bylaws regulating the matters of execution of sanctions, which may

who can take part in the implementation of the sanctions, the financing of this activity which is of public interest, and especially the status of the employees in the penitentiary correctional institutions. In accordance with the amendments in Article 20 of LES, the security service provided for in the institutions of closed and semi-open type is replaced by prison police. Also, prison police may also be organized in the open-type institutions.

In addition to addressing the legislative framework which was in place during the research and of which the results will be elaborated here, considering the fact that it was conducted in accordance with the then current legislation, this paper will also analyse the amendment to the legislation that happened later (at the end of 2013), particularly those pertaining to the status of the employees in the penitentiary institutions.

STATUS AND ROLE OF THE EMLOYEES IN THE PENITENTIARY CORRECTIONAL INSTITUTIONS IN THE REPUBLIC OF MACEDONIA

According to the legislation, the matters of execution of the sanctions fall under the authority of the Directorate for Execution of Sanctions. This Directorate is a body within the Ministry of Justice as a legal entity. What is particularly significant in the aspect of the employees in the penitentiary correctional institutions is that the Directorate provides continuous training and development of the staff. Imprisonment and correctional measure-sending to a correctional and educational institution are executed in the penitentiary-correctional and educational-correctional institutions. The penitentiary institutions according to their security level, the extent of freedoms limitation and the types of the treatment applied upon the convicted persons may be institutions of closed, a semi-open and of open type.

- The institutions of closed type have physical and material security such as security service, banister walls, technical means and other security measures, which are intended to prevent the escape of convicted.
- The institutions of a semi-open type have security service, which shall secure the discipline and control the movement of the convicted persons.
- The institutions of an open type shall not have physical and material security. The organisation of life and work of the convicted persons in those institutions shall be based on self-discipline and personal

be subject to a contract for establishing public-private partnership. The works of the public partner are performed by the Directorate on behalf of the Government of the Republic of Macedonia.

> responsibility, and control over the movement and the work of the convicted persons shall be performed by the educators and instructors. For securing the building within the institutions of an open type a security service may be organized.[1]

In accordance with the Article 27 of LES, and depending on the complexity and the extent of the work for execution of the sanctions, the following sectors are organised within the institutions: Sector for Re-Socialization, Security Sector, Economy – Instructing Sector, Sector for Health Protection and the Executive-Administrative and Financial Sector. If organising of the sectors is not necessary, one or more persons may perform the activities of some or more sectors. The Sector for Re-socialization is organised for implementation of the educational process and for coordination of the activities of education and training of the convicted persons and juveniles. The activities of education are performed by educators and teachers.[2] The security affairs in the institution are performed by the Security Sector, armed and uniquely uniformed and equipped. The Security Sector is a unique formation of the Directorate. This Sector is organised in order to secure the institution, prevent the escapes, maintain the internal order and discipline, and to escort the convicted persons and juveniles. The Security Sector is managed by a commanding officer. The activities in the Security Sector, besides the commanding officer, are also performed by commanders, high, senior and junior supervisors. Each member of the Security Sector while performing an official duty has an authority of a police officer.[3] The Economy-Instructing Sector organises the work and the training of the convicted persons and juveniles. The labour engagement of the convicts is conducted in the economy units established by the institutions or outside the institution in legal entities and other institutions, after a previously given opinion by the Instructional sector, the Sector for re-socialization and the Sector for health protection. The activities of the Economy-instructional Sector are performed by instructors and other experts.[4] The Sector for health protection is organised to perform activities of health protection, to carry out hygienic measures and to control the food and the drinking water for the convicted persons and juveniles in accordance with the general regulations. The activities of the Sector for health protection are performed by doctors and other health workers, who have an adequate degree of education in accordance with the general regulations.[5] The Executive-administrative and financial sector are organised for dealing with the executive,

[1] Law on the Execution of Sanctions, Art. 18, 20
[2] Law on the Execution of Sanctions, Art. 28
[3] Law on the Execution of Sanctions, Art. 29
[4] Law on the Execution of Sanctions, Art. 30
[5] Law on the Execution of Sanctions, Art. 31

administrative, legal and financial affairs of the institution, as well as to provide a legal aid for the convicted persons and juveniles. The activities of the Executive-administrative and financial sector shall be performed by persons who have an adequate degree of education from an appropriate field of specialisation according to the general regulations.[1]

In terms of establishing and terminating work relations in the penitentiary and educational and correctional centres, according to Article 54 of LES, it was provided that the employees in the penitentiary and educational and correctional institutions were civil servants except for the employees of the Economy Units within the institutions, while for the regulation of labour relations of civil servants, the provisions of the Law on Civil Servants would be applied. For establishment and termination of employment and other employment rights of the employees who do not have status of civil servants, it was provided that the general regulations on labour relations and general and specific regulations concerning health, pension and disability insurance would apply, unless otherwise provided by this Law. This provision was revoked with the decision of the Constitutional Court of the Republic of Macedonia[2] following the analysis of LES in view of the duties of the employees in the Security Unit and the employees in the penitentiary and educational-correctional institutions, who are in a daily contact with the convicts in the process of their re-socialization, compared to the duties of the police officers stipulated in the Law on the Police. Therefore, the Constitutional Court established that in this particular case their work is the same or similar as that of the police workers. Consequently, the Constitutional Court estimated that the legislator had not taken into account the specific nature of the tasks of the employees in the penitentiary and educational-correctional institutions when generally determined their status of civil servants. In support to the standpoint of the Constitutional Court on the unprincipled regulation of the employees' rights in the aforementioned institutions, and thus the distortion of the principle of equality, is the fact that the employees of the Security Unit are armed and uniformed persons and when they undertake official activities, they have the power of a police officer and their length of service is calculated with increased duration, the same as for police officers.

In accordance with Article 55, the act on internal organisation determines the organisational units for executing the functions in the penitentiary and educational-correctional institutions, and the act for systematisation of the work posts determines the job descriptions. These acts are brought by the Director of

[1] Law on the Execution of Sanctions, Art. 32

[2] Decision of the Constitutional Court of the Republic of Macedonia U.No.: 179/2011-0-1 from 02 May 2012, which revoked Article 5 of the Law on the Execution of Sanctions at the time (Official Gazette of the Republic of Macedonia no. 57/2010), which amended Article 54 of LES

the Directorate. Also, the titles of the employees in the institution and the activities being performed by them are regulated with LES, as well as with a general act for organisation, work and systematisation of the working posts adopted by the director of the institution with a prior consent by the director of the Directorate. Thus, it is provided that a person who meets the general and special conditions of the Law on Civil Servants and the act for systematisation of the work posts, who is not older than 25 years and is physically and mentally capable of performing the security work in the penitentiary and educational - correctional institutions may be employed in the Security Unit.[1] An expert commission determines the psychophysical capabilities of the person being under the procedure of his employment for performing activities in the security service, on the basis of a physical check-up and a test made according to a special programme. The Commission for determining the psychophysical capabilities is appointed by the director of the Directorate. The Programme for determining the psychophysical capabilities of the person being under the procedure of security service employment is adopted by the Minister of Justice.

Bearing in mind the complexity and the hard conditions of the activities of the employees in the correctional institutions, work post have been envisaged by LES for which the insurance of the length of service is calculated as one of an extended duration. Hence, in accordance with Article 62 of the Law, the public servants performing work assignments in the security Unit have the length of service insurance, according to the Law on Pension and Disability Insurance, calculated as one of an extended duration, that is, each period of 12 months effectual spent on performing those activities shall be considered as a period of 16 months of insurance.

As provided in the international standards and pursuant to Article 67 of LES, the employees are entitled and obliged to initial and continuous training and testing of their knowledge and skills. As referenced above, the training and testing of knowledge and skills is organised by the Directorate. The Programme for initial and continuing training and testing of the knowledge and skills are brought by the Minister of Justice upon the proposal of the Director of the Directorate.

NOVELTIES IN THE STATUS OF THE EMPLOYEES IN THE PENITENTIARY INSTITUTIONS ACCORDING TO THE LAW ON EXECUTING SANCTIONS FROM 2013

The amendments to LES from 2013 provide, among other things, an amendment to the organization of the penitentiary and educational-correction institutions, and instead of the previously mentioned units, it is envisaged that

[1] Law on the Execution of Sanctions, Art. 58

units and departments are organized, bearing in mind the complexity and extent of work in function of executing sanctions. One of the major amendments is in the part of regulating the issues regarding the status of the employees in these institutions, providing in detail their rights, duties, disciplinary and material responsibility, etc. Namely, pursuant to Article 54, the employees of these institutions have a status of:

- *Civil servants* according to the Law on Civil Servants – persons working on re-socialization of convicted persons, executive-administrative, financial and human resource matters in the institution.
- *Prison police* according to the general regulations on labour relations and general and specific regulations concerning health, pension and disability insurance, unless otherwise provided by this Law and the Collective Agreement – authorized officials who work as security in the penitentiary and educational-correctional institutions.
- *Workers* in accordance with the Law on Labour Relations.

Furthermore, the organization and authority of the prison police is regulated in detail, which as a separate organizational unit performs the security matters in the penitentiary and correctional institutions. The prison police perform security of inmates and detainees, external and internal security of the institution and its facilities necessary to maintain security and perform other duties as prescribed by this Law.[1] The activities of the prison police are carried out by a commanding officer, deputy commanding officer, chief commandant, commandant, assistant commandant, associate for internal and external security, junior associate for internal and external security, chief supervisor, senior supervisor, supervisor, and junior supervisor. The prison police are uniquely uniformed, armed and equipped. Its members hold an official identification listing their powers. The powers of the prison police, the way they are armed and the performance of the tasks of the prison police is prescribed by the Minister of Justice.

The calculation of the salaries and compensations of the prison police members has been regulated as one of the basic rights. Namely, the salary of the prison police is consisted of the following components: a *basic component*, consisted of the basic salary[2] and a supplement to the salary for holding a title[3]

[1] Law on the Execution of Sanctions, Art. 54-a

[2] The basic salary provide valuation of the appropriate education level defined in the systematization act of work posts, the work position he or she is assigned to and the work experience

[3] The position supplement provides valuation of each position relative to the nature and scope of the work, complexity and responsibility for carrying out the work. This

and *exceptional component*, consisted of a supplement to the salary for special working conditions[1] and an extraordinary working supplement to the salary (overtime work). Depending on the type of education, working experience, responsibility and complexity of the working assignments, 11 titles have been determined[2] for the prison police.

In accordance with Article 54-g of LES, the prison police member is also entitled to annual vacation time and leave of absence in accordance with the law. The duration of the annual vacation time is determined according to the length of service.

The constitutionally guaranteed right to strike has been further regulated in Article 54-h of LES, according to which the members of the prison police may exercise it without significantly compromising the regular work performance. In this case, the organizer is obligated to announce the strike to the director of the institution, the director of the Directorate and the Minister of Justice; to submit the decision for going into strike and the programme on the manner and extent of executing work assignments of the prison police during the strike, no later than seven days before the beginning of the strike. During an organized strike of the prison police members, the security of the institution may not be endangered, nor should the normal operation of the institution be impeded. During a strike, the prison police member is entitled to 60% of the salary he or she received the previous month. The Law proscribes strike in

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supplement is valued by points (defined by a decision of the Government of RM) relative to each position. Also, the prison police members are entitled to salary supplement for work in special conditions, such as: work at night; work in shifts, or 24-hour work; work during weekends, and work during public holidays as defined by a
law. If the prison police member does the above mentioned work upon a proposal by the commander and upon approval by the director of the institution, he or she is entitled to a salary supplement for special work conditions. The salary supplements are not mutually exclusive.

[1] The work under special conditions should be defined in the systematization act of work posts of each institution. The Director of the Directorate brings Guidelines on the manner of recording realized working hours, work beyond the regular working hours, work at night, work on a Sunday, work on holidays and work in shifts, as well as filling in the monthly lists for recording working hours of the prison police.

[2] Commander with 240 or 300 credits according the ECTS or completed VII/1 level of education and at least five years of experience in the profession, two of which in correctional institutions; deputy commander with 240 or 300 credits according the ECTS or completed VII/1 level of education and at least four years of experience in the profession, one of which in correctional institutions; chief commandant with 240 or 300 credits according the ECTS or completed VII/1 level of education and at least four years of experience in the profession, one of which in correctional institutions; commandant with at least 240 credits according to the ECTS or completed VII/1 level of education and at least three years of experience in the profession; assistant commandant with at least 180 credits according the ECTS or completed VII/1 level of education and at least two years of experience in the profession.

cases of war, emergency situations or crisis. In cases of a complex security situation, violation of the order and discipline in the institution of a larger scale, natural disasters and epidemics or endangering the life and health of people in the institution to a greater extent, it has been provided that not more than 10% of the prison police members may participate in the strike at the same time and that it cannot last longer than three days. If the strike started before the occurrence of any of the preceding conditions, the members of the prison police shall immediately terminate the strike.

The Law provides that the prison police members have the length of service insurance, according to the Law on Pension and Disability Insurance, calculated as one of an extended duration, that is, each period of 12 months effectually spent on performing those activities to be considered as a period of 16 months of insurance. These employees are entitled to a supplement to the salary up to 30% of the basic salary and supplement to the salary for holding a title.

Apart from the rights of the prison police members, LES from 2013 also regulates their duties. They are as follows: to respect the working hours; to directly notify the supervisor within 24 hours in case of being prevented from coming to work, and if this is not possible due to objective reasons or force majeure, to do so immediately after the cessation of the reason that prevented the notification; to do their job professionally, conscientiously, responsibly, efficiently and in a timely manner in accordance with the Constitution of the Republic of Macedonia, laws and bylaws; to carry out their work impartially and without influence from political parties; not to express and propagate their political convictions publicly on their workplace and not to abuse their religious beliefs; to follow the orders of the director of the facility, inspectors for enforcement of sanctions and their superiors; to safeguard classified information and the reputation of the institution; not to accept gifts, financial compensation or any other benefit or service; to wear official uniforms and official identification during working hours; to lay down their arms, which they are responsible for in the institution after the working hours and to respect the code of conduct for officials in the performance of the tasks in the penitentiary and educational-correctional institutions.[1]

As provided for the other public employees, if a member of the prison police believes that the issued order is not in accordance with the Constitution of the Republic of Macedonia, laws or other regulations, he or she should point this out to the person who issued the order. The prison police member may not be held accountable for this warning. In the event that the person who issued the order repeats it, the member of the prison police has the right to request a written order, stating the identity of the person who issued it and the precise content of the order. If the order is issued in writing, the member of

[1] Law on the Execution of Sanctions, Art. 54-i

the prison police has to follow it, unless he or she considers that its execution is a criminal act in which case he or she will reject the order and notify the immediate superior of the one who gave the order, the Directorate and the State Commission for Prevention of Corruption. If the prison police member does not warn his or her immediate superior that the order is not constitutional or illegal and enforce the order, he or she will be responsible for its execution, just as the one that issued the order. In accordance with Article 54-i, the prison police member may not be directly involved in political election campaigns or other public events of a similar kind during the working hours. Also, wearing or displaying political party symbols at the workplace is not allowed.

The amendments to LES from 2013 precisely regulate the disciplinary and material responsibility of the prison police members, in a very similar way as for the other employees in the public sector. Namely, the prison police member is disciplinary liable in case of violation of his or her professional duties. The responsibility for a criminal act or misdemeanour does not exclude his or her disciplinary liability. The disciplinary liability of the prison police member may be for a minor or major disciplinary violation. *A minor violation of the work and work assignments is*: not coming to work in the determined time and leaving work before the closing hours despite the reprimand by the immediate superior; disorderly maintenance of official documents and data; unjustified absence from work up to 2 working days during one calendar year; failure to wear official equipment during working hours; refusal or avoidance of professional training and development to which the prison police member is being sent and failure to abide by the working hours, schedule and the use of the working hours. The disciplinary measure for a minor disciplinary violation may be public reprimand or a fine of 10% of the monthly salary paid in the last month before the disciplinary violation was committed, for a period of one to three months. *A major disciplinary violation is*: non-performance or unconscientious, indecent, untimely or negligent performance of the official duties and assignments; expressing and advocating personal political believes when performing the official tasks; refusing to provide or providing incorrect data to the state bodies, legal entities and to the citizens, if the provision of data is prescribed by law; refusing to perform the official tasks of the job he or she is assigned to or refusal of orders given by the superior; non-compliance with the provisions in case of strike; not undertaking or undertaking partially the prescribed security measures for protection of the entrusted assets; causing major material damage; receiving gifts or other benefits; abusing the status or overstepping the powers in the performance of the work tasks; abusing the sick leave; disclosing classified information with a degree of confidentiality determined by law; bringing, using and working under the influence of alcohol or narcotic substances; insulting or violent behaviour; unjustified absence of notification of the superior officer in case of incapacity

to come to work within 24 hours and repeating the minor disciplinary violation. These violations impose the following disciplinary measures: a fine of 30% of the monthly salary paid in the last month before the major disciplinary violation was committed, for a period of one to six months; deployment to a lower position for a period of six months to one year, after which the prison police member returns to the position held before the sentencing of the disciplinary measure or termination of employment if harmful consequences occurred for the institution or the convicted persons, hence not determining mitigating circumstances for the prison police member who committed the disciplinary violation.

A proposal for a disciplinary procedure against the prison police member may be initiated by any prison police member or other employee of the institution. Also, a proposal for a disciplinary procedure against the prison police member may be initiated by the immediate superior, commandant or the director of the institution. The proposal is submitted to the prison police member against whom the disciplinary procedure was initiated and the union organisation of which he or she is a member. The Law precisely governs the conduct of the disciplinary procedure, the competent bodies (Commission, director of the institution, State Commission for Deciding in Administrative Procedures), the deadlines and the right to legal means.

The prison police member may be suspended from work when a criminal procedure has been initiated against him for a crime committed at work or is work related, or if a disciplinary procedure has been initiated for a major disciplinary violation, while the violation is of such nature that his or her further presence in the institution during the procedure would be harmful for the work, or would counteract or hinder the establishment of the liability regarding the disciplinary violation. The suspension lasts up until the bringing of a final decision. During the period of suspension, the prison police member has a right to a salary in amount of 50% of the last salary paid in the month before the initiation of the disciplinary procedure. The prison police member may be suspended from work based on a decision by the director of the institution, upon a proposal by the immediate superior, if the previously mentioned conditions have been met. The prison police member has the right to file an appeal against the decision for a disciplinary measure for a major disciplinary violation and the decision for suspension with the State Commission for Deciding in Administrative Procedures and Second Instance Procedures Arising from Work Relations within 8 days from the day of receipt of the decision.

The 2013 amendment to LES also regulate the material liability of the prison police members. Namely, the prison police member is liable for any damage caused by him or her at work or in relation to work, intentionally or

due to complete negligence. Procedure for determining material liability, the right to use legal means and competent bodies have also been provided for.

LES provides general[1] and special[2] employment conditions in the prison police. For employment in the prison police, the principle of equitable and fair representation of the communities is applied, respecting the criteria of expertise and competence.[3] Just as for employment of other persons in the public sector, a vacancy announcement is published for the employment of prison police members in at least two daily newspapers and at least one in Macedonian language and one in the official language other than Macedonian, spoken by at least 20% of the citizens. The vacancy announcement is published by the institution, following a written notification by the Ministry of Finance for secured employment funds. The deadline for submitting applications may not be shorter than five days of the publication of the vacancy announcement. The candidates submit their applications to the institution that employs the prison police member.[4] The director of the institution establishes a commission which checks the applications against the conditions stipulated in the public vacancy announcement. Interview is scheduled within 15 days for the candidates who applied properly. Following the interviews, the commission composes a ranking list of five candidates who meet the conditions and submits it to the director of the institution. The director selects one of the five candidates within five days. The selected candidate is obligated to submit proof of the fulfilment of the general and special conditions set forth in the Law within five days of the receipt of the selection notification. The proof for the fulfilment of the condition is provided by the institution where the selection is made within five days from bringing the selection decision. The unsuccessful candidates will be notified in writing within eight days from the bringing of the selection decision. The unsuccessful candidates have a right to appeal before the State Commission for Deciding in Administrative Procedures and Second Instance Procedures Arising from Work Relations within eight days of receiving the notification. Once the selection decision becomes effective, the director brings a decision for commencement of the employment for the prison police member.

The candidates for the work posts of junior associate for internal and

[1] General conditions are: to be a citizen of the Republic of Macedonia; to be at the corresponding age; to be in a generally healthy condition; and not to be sentenced to a ban for the conducting of a profession, activity or duty, with an effective sentence.

[2] Special conditions are: not to be over 25, if this is his or her first employment for the positions of a junior associate for internal and external security, senior supervisor, senior superintendent, superintendent and junior superintendent; to be in good mental and physical condition and other conditions stipulated in the act for systematization of work posts.

[3] Law on the Execution of Sanctions, Art. 58

[4] Law on the Execution of Sanctions, Art. 58-a

external security and junior superintendent are employed as trainees for a period of 12 months. After that, they take the trainee exam within 15 days before the expiration of the trainee period, before a Commission established by the director of the Directorate. If the trainee does not pass the exam, his or her employment in the prison police is terminated.[1]

The same as for the employees employed in the public sector, LES also envisages a possibility for the prison police member, upon his or her consent, to be employed without a public announcement by transfer from one to another institution, if the directors of the institutions agree, upon prior consent by the Directorate. The vacancy in the prison police may be filled in without a public vacancy announcement by transfer and deployment from a state administration body, state body and other institutions, if the general and special conditions of the Law are met, upon a prior written notification from the Ministry of Finance for employment funds secured.[2]

LES regulates several ways and conditions for terminating the employment of a prison police member: *through agreement*, (with a written agreement of termination concluded with the director of the institution); *on personal request* (when notice is 30 days from the date of submitting the request for termination of the employment, unless otherwise resolved with the director of the institution); *when enforced by law* (losing the working capability; cessation of the citizenship of the Republic of Macedonia; being sentenced based on effective decision issued by the court or another organ, employees are prohibited to perform certain tasks and duties - on the date of issuing the effective decision; if he or she has been convicted of a criminal act connected to the work and work tasks or another criminal act, which makes him or her unfit to be a member of the prison police and to perform working assignments in the institution; due to serving a sentence longer than six months and by turning 64 years of age) ; and *in other cases determined by law* (unapproved leave during three consecutive working days in one month or six working days in the course of one year; if it is determined that he or she concealed or gave false information regarding the general and special conditions of employment; if he or she does not return to work within 15 days following the completion of the professional training and development; and if the state administration body authorised for labour inspection, determines that the prison police member has been employed contrary to the provisions of the law).

The Law precisely regulates the procedure for termination of the employment, i.e. that the employment termination decision is brought by the director of the institution, the way of its delivery to the prison police member,

[1] Law on the Execution of Sanctions, Art. 58-d
[2] Law on the Execution of Sanctions, Art. 58-e

the right to complain to the State Commission for Deciding in Administrative Procedures and Second Instance Procedures Arising from Work Relations and the right to appeal to the Administrative Court, as well as their submission deadlines.[1]

RESULTS FROM THE RESEARCH: "THE POSITION OF THE INMATES IN THE PENITENTIARY INSTITUTIONS IN THE REPUBLIC OF MACEDONIA

In order to research and realistically determine the attitude of the inmates in the penitentiary institutions in the Republic of Macedonia, a research team from the Faculty of Security – Skopje carried out a research project from October to December 2012, titled "The Position of the Inmates in the Penitentiary Institutions of the Republic of Macedonia". The Project took place in five penitentiary institutions in Macedonia (Idrizovo, Shtip, Bitola, Strumica, Struga and Tetovo). The second aspect of the research, aimed at contributing to the complete position of the inmates in the Republic of Macedonia refers to determining the attitude of the employees of the penitentiary institutions, who have a very significant role in the implementation of the basic role of these institutions. Therefore, this paper will elaborate some of the issues that were subject to research and which are associated with the employees in the penitentiary institutions.

To the question "I feel that I am adequately paid for the work that I am doing", 101 out of 186 respondents answered "I completely disagree", or 53.7%; "I disagree" 61 or 32.4%; "sometimes / I cannot assess" 12 or 6.4%; "I agree" 8 or 4.3%; and "I completely agree" 4 or 2.1%. In regard to whether they are paid for overtime, 79 out of 183 respondents answered "never", or 42%; "rarely" 5 or 2.7%; "sometimes" 6 or 3.2%; "often" 27 or 14.4%; and "always" 66 or 35.1%. We have a high percentage of 91.5% from the total number of respondents who answered this question (184) that as employees of the institution they face the problem of low salary, or only 6.4% or 12 respondents answered that they do not face such a problem.

More than half of the respondents who answered the question (185) "I do not have adequate opportunities to advance in my career in this institution based on my work place and education" (63 respondents or 33.5%) completely agree or agree (56 respondents or 29.8%). The rest of the respondents or 27 (14.4%) answered with "I disagree" or 12 respondents (6.4%) with "I completely disagree".

To the attitude that their superiors asked them to perform an action contrary to the law, out of 185 respondents 152 or 80.9% answered "never",

[1] Law on the Execution of Sanctions, Art. 58-l и 58-m

"rarely" 19 or 10.1%, "sometimes" 4 or 2.1%, "often" 8 or 4.3% and "always" 2 or 1.1%. We have similar results to the next question, whether the superior from their unit asked them to perform an action contrary to the law, where 154 or 81.9% of 186 respondents who answered the question said "never"; "rarely" 18 or 9.6%; "sometimes" 2 or 1,1%; "often" 7 or 3.7%; and "always" 5 or 2.7%. Entirely in this direction are also the distributed results obtained from the question which expresses their attitude whether as employees of the institution they face a problem – to have to follow an order which is contrary to law, where 159 or 84.6% of 186 respondents answered negatively and 27 or 14.4% affirmatively.

The next set of questions refers to the attitudes of the employees of the penitentiary institutions to whether they have been adequately familiarized with the appropriate international standards and the national legislation in this field. Thus, on the question "Are you familiar with the contents of the standard minimum rules for the treatment of inmates and with the European Prison Rules", more than half of 186 respondents who answered this question, or 128 respondents (68.1%) answered affirmatively, while 58 respondents (30.9%) answered negatively i.e. that they have not been familiarised. We have a higher percentage of respondents who answered affirmatively that they are familiar with the contents of the Law on the Execution of Sanctions or 79.8% (150 respondents of 184 who answered this question), while negatively 34 respondents or 18.1%. Hence, their attitudes in relation to whether they are familiar with the legislation important for the performance of their tasks, 153 or 81.4% of 187 respondents answered "always", "often" 28 or 14.9%, rarely 1 or 0.5% and "never" 5 or 2.5%. Also, we have a high percentage of respondents – 77.1% or 145 of 184 who answered affirmatively or that they are familiar with the competencies of the Ombudsman of the Republic of Macedonia as national preventive mechanism against torture or other cruel, inhuman or degrading treatment, while 20 respondents (20.7 %) answered negatively, or that they are not familiar.

The research also encompassed questions and attitudes referring to the employees' continuous training which aims at their more professional and more efficient conduct of their work tasks in the institution. To the attitude "I follow seminars or courses for theoretical and practical vocational training for working with inmates", more than half of 185 respondents who answered this question said that they never did (60.1% or 113 respondents), 33% (62 respondents) answered "sometimes" and only 5.3% (10 respondents) answered "regularly". An astonishingly huge percent of 97.3% (183 respondents) said that they never participate in the training organized and conducted by the directorate for Execution of Sanctions, then, 28.2% (53 respondents) said that they sometimes participate and only 14.9% (28 respondents) said that they regularly participate in these training sessions. The apparent lack of interest of the employees is

mirrored in the results gained from the following question: if they haven't participated in the training, do they feel the need for vocational training and acquiring continuous knowledge, where out of 176 respondents who answered this question, 34.6% or 65 respondents answered "regularly", 48.9% or 92 respondents answered "sometimes" and 10.1% or 19 respondents answered that they never felt the need for that. In correlation to these questions are also the attitudes obtained from the respondents in regard to whether testing of knowledge is conducted in the penitentiary institution, where out of 184 respondents, more than half or 60.6% (114 respondents) answered "rarely", 18.1% (34 respondents) answered "sometimes" and 19.7% (36 respondents) answered "never".

In view of the question if they have ever been punished with disciplinary measures for deficiencies found by inspectors for execution of sanctions, 162 of 172 respondents answered negatively (86.2%) and 17 affirmatively (9%).

CLOSING CONSIDERATIONS

Prisons, as specific institutions that provide services of public interest, bring together the two most important groups of people, the inmates and the staff of these institutions who take care of them. In this sense, the key to the good and successful management of the execution of sanctions in these institutions lies in the nature of the relations established between the two groups. The status, rights and obligations of the prison staff have an important role in the successful implementation of the sanctions and the establishment of a better and more successful relationship between these two groups of people in the prisons. What is significant for the successful execution of sanctions, but also for guaranteeing the respecting of the rights of the convicted persons is the sufficient number of employees in the penitentiary institutions, who would be able to respond to the tasks in the institutions, their accurate and objective selection in accordance with the international standards in this field, which also spills over into the national legislation, as well as the precisely defined rights and duties they have in accordance with the legislation. Also important issue that arises is the need for these employees in the penitentiary institutions to be properly rewarded for their work according to the standards prevailing in the country, which is a very important fact in order to be able to select and hire staff with good education and skills, capable of performing the work, as well as with good personal characteristics.

The results of the research conducted in the penitentiary institutions in the Republic of Macedonia in 2012 show that most of the employees who participated in the research are not satisfied by the salary they get for their work and think that they do not have opportunities to advance in their careers in the

institution they work for. A large part of them declared that they were not asked by their superiors to follow orders contrary to the law, which is in accordance with the legislation. We have a fair percentage of respondents who answered that they were familiar with the international and domestic legislation governing this field. However, it is surprising that a huge percentage of the respondents (97%) answered that they have never participated in training sessions organized by the Directorate for Execution of Sanctions, as well as that they do not fell a need for vocational development. Considering the international standards in this field, the continuous professional training of the employees in these institutions is one of the key elements for achieving correct execution of sanctions in the prisons and a good relationship between the inmates and the staff.

Bearing in mind the above said, we may say that the new legislation for execution of sanctions, precisely defining the rights, duties, responsibilities, employment and termination of employment of the staff in the penitentiary institutions, should largely contribute to the better status of the staff and their more significant role in the process of executing sanctions.

LEGAL PROTECTION OF THE ENVIRONMENT IN THE REPUBLIC OF MACEDONIA

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Abstract

The subject of this paper is the analysis of the environment in the legal order in the Republic of Macedonia on a normative level. The environment, despite being a very important segment, it also represents a complex subject matter in the organized society. The state regulatory functions following the scientific findings in this area, while making regulations for the behavior of the subjects in the society.

In this paper, using the speculative philosophical method through epistemological knowledge, we will explain the essence of the need for the environmental protection. The method of content analysis of documents is also used, as well as the legal (dogmatic) method and the analytic - synthetic method in order to classify a large part of the legal acts which in full or partially regulates legal relations in the Society related to the Environment (identified 88 regulations) by sharing the View of the 6 major groups: environment (49) Agriculture (16) Energy (6) transport (12) property (4) and Tourism and Hospitality (1) law.

We will also discuss about the penal policy in the Environmental protection in Macedonia, which provides an opportunity to discuss the effects of it.

In the area of misdemeanors in the Macedonian legal system a pioneering attempt is made for "codifying" of the misdemeanor violations related to Environment where the previously identified 88 regulations are further analysed and the separate pieces of legislation related to the substantive and the procedural legal parts, as well as the minimum and the maximum amount on fines (kind on sanctions) are being identified.

The paper is divided into: An Introduction; Normative presumptions for Environmental Protection (divided into two parts: 1. criminal legal protection of the environment, and 2. The Misdemeanor legal protection of the environment) and 3. Conclusions.

Keywords*: Environment, Legal Protection, a criminal - legal, Misdemeanour*

INTRODUCTION

The Regulatory function is related to the creation of the systems and organizations, as well as to the regulation of the behaviour of the people within the limits of the general acceptability. In this paper we are going to make an attempt for a systematic introduction of the level on Environmental protection in the Republic of Macedonia on normative, as well as an institutional level. Reasoning and explanation of the problem is necessary. Concretizing the risks and hazards associated to the environment and their arrangement in specific legal areas could contribute to an increased level of academic as well as scientific and professional debate. The specifics of the environmental risks in a way that they can also be latent (as we can not smell the radioactivity, for exmaple), at the same time qualitatively and considerably different (in terms of capacity for endangering the environment and the nature and, indirectly, the entire living world). Such situation and the characteristic of the Environmental elements and their mutual ratio makes the standardization of these issues very complex and interdiscplinary. From the aspect of the nature of the standards, it is useful to mention that most of these standardization activities bend down to the so-called technical norms.[1] An additional difficulty in the social regulation of these issues and their dynamism is determined by the significant number of innovative and contemporary scientific knowledge regarding the relationships between organisms in the nature, or the environment in general. A mitigating circumstance is the fact that the process of harmonization of the national with the European law solves some dilemmas with "undertaking solutions". Although in taking decisions the question about the need for authentic solutions due to implementation of the cultural and other elements of the issue related to the environment, and particularly the relation of the individual towards it.

The Constitution, as a constitutive act of the state by which relatively speaking, the handing over of the sovereignty by a group of citizens to those who they have chosen to represent them is conducted, or embodiment / form of the "social contract of the Russo" which determines the obligations of the citizens as well as between the citizens and the public authorities, is a fundamental document which has significance for all of the social matters

[1] The technical regulations are established norms set by the people referring to the relationship between humans and nature. For example, rules for construction in a seismically building is determined in the Law on Construction, the norms for vaccination of people to prevent infectious and other diseases. It can be said that this nature has a significant part of the norms related to the environment. Therefore, the specific knowledge of the technical and the natural sciences has essential importance in determining what can be allowed and over crossed.

from which the individual human position arises (with their rights and obligations) as well as the organization of the society in general.

The basis of the legal system of the society is the Constitution. Therefore, when speaking of security, the classical traditional forms of threats to society reffers to endangerment of the constitutional order. Practically the transferred sovereignty is being threaten. Therefore, attack on the public authorities is perceived as an attack on the citizen. However, these are other discussions that had the sole aim to open elements of academic and scientific debate about the social regulation.

Limited in space the constitution of a country, regulates part of the issues in a precisely exhaustive form (for example, retention in a police station can last up to 24 hours) or philosophical declarative form (for example, the Republic of Macedonia is taking care for protection and improvement of the environment).

The existence of a legal order presupposes the existence of legal hierarchy. According to this hierarchy the laws are subsequent forms of social control that are framing the social relations. The illegal behaviour in the legal system of the Republic of Macedonia can be determined only by Law. This is relevant for the criminal offences as well as the misdemeanours.

The regulation of a particular social area does not imply regulation in one act. This method would provide the greatest clarity and systematic feature but, unfortunately, this method is impossible to achieve. The reasons for this lies in the fact that objectively the human situations are numerous and the need for their prediction (the extract / the foundation / basis of continental law is the principle of legality) implies the creation of multiple thematic laws that govern a specific area (i.e. the area of criminal procedure law edited by LCP, LIA, Law on Police, Law on Juvenille Justice) and their further explanation and specification (with by-laws). In large part the norms that govern a single area have a difuse nature, and this especially applies to the protection of the environment, taking into consideration the areas that are covered by it. In the area of the Criminal Law, the legal protection of the social values is simpler since the systematic and the visibility which is a result of the existence of the codified Criminal Code in which all crimes are predicted, having a special chapter for criminal acts against the environment.

Regarding the misdemeanor as illegal behavior which is defined by law as an easier form of social dangerous behavior the, systematic and the visibility does not represent a characteristic. The technique of writing laws in the Republic (it is the practice also in the legal systems of the neighborhood, especially those from the former common state - Yugoslavia) implies to the laws that stipulate misdemeanor liability to define these behaviors in a separate part of the law, usually named as "misdemeanor provisions ".

Alongside with the section of the laws most often entitled as "surveillance" the laws from these parts make the substantive and procedural part of the Misdemenaur Law. The data analysis and the presentation of solutions of most of the legislation that govern matters related to the environment has been made in the empirical part of this study.

Historically, in former Yugoslavia, and thus indirectly in Macedonia, the creation of policies in the environment (standardization later) began in the late sixties. First, there was "a draft to the policy foundations for spatial planning and environmental protection" in 1969 (adopted in 1971), and later begins to be legally regulated with the preparation of the project for spatial planning, environment and urban planning. (Stojanović, Salma, Etinski, & Đurđev, 1991 pp.19 - 20). That means that in terms of preparation of the social regulation in the area of environment, the first international conference on the environment in Stockholm could not be considered as a direct cause or reason for the above mentioned activities related to environment protection and the spatial planning in Yugoslavia. After the adoption of the Constitution Act of 1974, certain attempts were made in order to adopt a federal law for protection of the environment, but given the decentralization expressed in the Constitution of 1974 was ascertained that the same exceeds the competencies of the Federation. (Stojanović, Salma, Etinski, & Đurđev, 1991, pp. 20 - 21). The Republic of Macedonia in 1996 adopted the Law for upgrading and protection of the environment. In 2005 The Law on Environment was adopted which is still in force, a Law that follows the contemporary trends of normative regulation of this extremely dynamic and complex area, especially taking into account the need for harmonized and is in compliance with the European legislation.

CONSTITUTIONAL PROVISIONS

On national level, the environmental protection in the country is raised on constitutional level. In the Constitution of the Republic of Macedonia, the arrangement and the humanization of the space and the protection of the environment and the nature is one of the fundamental values to the Constitutional order. Within the economic, social and the cultural rights, the Constitution deals with the issue of the environment as a right of the human, which by its character is general, but it also establishes an obligation for the promotion and protection on the environment. The third context in which the environment is mentioned in the Constitution is within the Article 55, which proclaims that the conditional antagonism in practical instances, when on one side we have the "free market and entrepreneurship" and on the other "the right of the environment" is determinating the treatment options of the environment to a higher level than that of the ekonomic subject by the state.

LEGAL PROTECTION OF THE ENVIRONMENT IN MACEDONIA

The subject of protection of the regulations in the field of environment in Macedonia are: the soil, the water, the air, the biodiversity and other natural resources, the ozone layer, and the negative human impact on the climate system. The issues related to the previously mentioned subject of protection are regulated as well as regulation of the issues associated with polluting substances and also technologies, waste, noise, vibration, ionizing and also the non-ionizing radiation. We are bound to mention that the first mentioned concepts, such as the media of the environment, the biodiversity, the climate change, and the ozone layer are large areas (especially the environment) and the practical protection in a normative sense in the regulation in the Republic of Macedonia is large. In that sense an analysis in the Official Gazette of the Republic of Macedonia in which from different areas we have tried to present the laws that more or less have to do with what the environment means by definition. I would like to mention that all the legislation are not typical laws in the field of the environment, but all listed, some completely, (especially in the filed of environment), and some partially are regulating issues that are associated to this area. The Laws that we are talking about are listed in a table in this paper several sections below these lines.

The mentioned laws, according to me, could be divided into several categories: Environment, Agriculture, Energy, Transport, Property (building, Spatial Planning, Cadastre) and Tourism and hospitality. Most legislation are present in Environment (49) Agriculture (16) Energy (6), transport (12), property (4) and the Tourism and Hospitality (1) law.

CRIMINAL JUSTICE SYSTEM PROTECTION OF THE ENVIRONMENT IN MACEDONIA

The criminal act legitimates the right to punishment. Here we are talking about the legal type of improper, but also a real criminal event, which by its characteristics suits the formal, abstract type of prohibited behaviour. (Kambovski, 2004, p. 341). The formal definition is clear and says that it is illegal behavior that is determined by the law as criminal offenses and with characteristics which are determined by law. (Kanevchev, 2010, p. 13).

The Criminal Code, as a codified legal act that contains all the unlawful behaviors which are defined as criminal offenses, in accordance with the social dangers caused by them, at the same time having characteristics of criminal offenses and with the most serious social institutionalized reaction. In the Criminal code of the Republic of Macedonia, the acts are systematized in accordance to the object of protection. In this case, the environment represent an

object of protection. Theoretical debates of whether life of people is an object of protection or it is the environment, or its channel (air, water, soil) are the protected goods. In the Criminal Code, chapter XII, the acts aganint the envirronment are incriminated (Article 218 - 234). In accordance with the legal hierarchy, the constitution and the protection that reffers to the environment , at the same time as a human right, the law on environment in 2005 was enacted. It is a systematic law in the area of the environmental protection. The Acts specified in the Criminal Code of the Republic of Macedonia contain blanket dispozitions, which means that the illegal behavior that is incriminated is covered by a material law in the field that is a subject of interest and regulation.

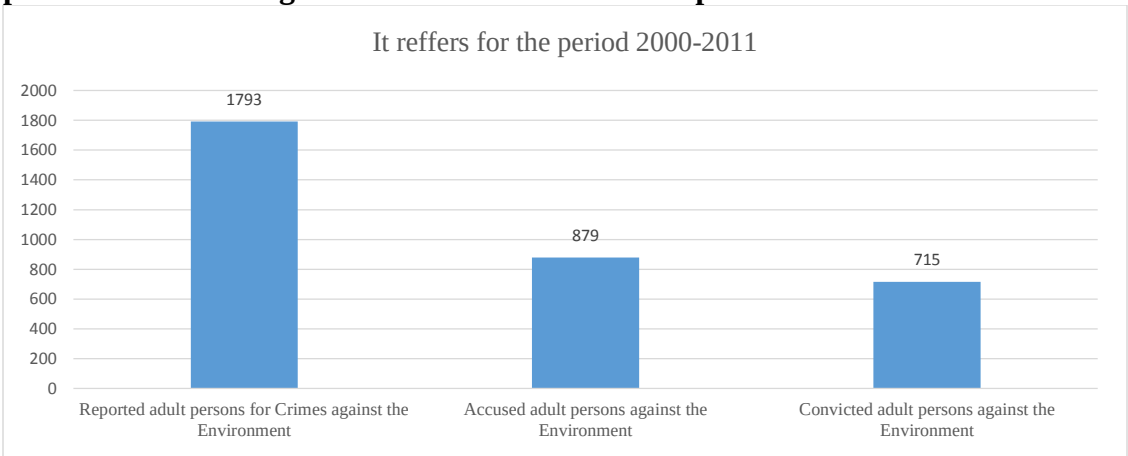
It is about legal acts that cover the following areas: 1. Environment 2. Nature Conservation, 3. protection from harmful noise in the environment 4. Waste Management 5. Management with packaging and of packaging waste 6. Ambient Air Quality 7. the genetically modified organisms 8. Planning 9. waters 10. batteries and accumulators and waste from batteries and accumulators. (Ivanov, Inspection and supervision in the protection of the environment – with a special review on the State Inspectorate for environment (unpublished Master's thesis), 2011). Common for all of them is the Environmental protection, the surroundings, i.e. everything that surrounds us.

In this text, we present the criminal legal protection of the environment only as a fact, not going into theoretical discussions related to the criminal law aspects in this area (such as the object of protection, issues for determination of guilt, intention, etc.). The topic is related to the inspection supervision. The Criminal Code of the Republic of Macedonia establishes the following criminal acts:

- Pollution of the environment and the nature - Article 218;
- Pollution of water - Article 219;
- Production of hazardous substances for treatment of livestock or poultry - Article 220;
- Non-conscientious indication of a veterinary assistance - Article 221;
- Transmitting infectious diseases of the animal and the plant life - Article 222;
- Contamination of livestock feed or water - Article 223;
- Destruction of crops by use of harmful substances - Article 224;
- Usurpation of Real Estate - Article 225;
- Illegal exploitation of mineral resources - Article 225 - A;
- Devastation of forests - Article 226;
- Causing forest fire - Article 227;
- Illegal hunting - Article 228;
- Illegal fishing - Article 229;

- Endangering the environment and the nature with waste materials - Article 230;
- Unauthorized acquisition and disposal of nuclear materials - Article 231;
- Importing hazardous materials in the country - Article 232;
- Torturing animals - 233;
- Severe crimes against the environment and the nature - 234; (Criminal Code ("Official Gazette of the Republic of Macedonia" N.37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139 / 08, 114/09).

Graphic display No.1 Total reported, accused and convicted persons for crimes against the environment in the period 2000 - 2011



MISDEMEANOR LEGAL PROTECTION OF THE ENVIRONMENT IN MACEDONIA

The codification of the criminal law following the completion of the French Revolution splitted the legal norms depending on the degree of the threat and the consequences of a particular act. The Criminal Codes of that time determine the offenses, at the same time prescribing the misdemeanors as separate, milder forms of violation of the social discipline (Ivo, 1995, p. 495). Apart from the Criminal Code of Napoleon, the misdemeanors can be met earlier in the time. The first forms of misdemeanors and their punishment procedure can be encountered as early as the Roman law. The Roman magistrates punished individual actions that represent misdemeanors today (Ivo, 1995, p. 495).

Although the misdemenaur represents an easier form of illegal conduct regarding the criminal offenses, we can not consider the misdemenaur as a minor violation. Exactly the number of these ofences, their content (the

misdemenaur represents illegal bahaviour), the frequency, the disturbance of the public order, as well as the usual way of the lives, undoubtly makes them serious and significant violations of the legal system.

In accordance with the applicable law of the Republic of Macedonia, the provisions of the misdemenaur law (studied within the Administrative law, but there are also Juncture Points with the criminal law) are found in a number of legal acts and regulations. Unlike some countries such as Serbia, in the Republic of Macedonia the misdemenaurs could be standardized or provisioned only by law. According to this solution, the principle of legality which is defined as one of the fundamental principles of the legal state, is simultaneously clearly stated in undoubted tone. This means that no other law could determine any misdemeanor nor misdemenaur sanction. At the cases where the principle of legality is interpreted in a manner where only the law is the foundation of the principle of legality we are talking about the narrower i.e. formal understanding of the principle.

The procedural aspects of the misdemeanour Law are slightly different. In this part, the things are simpler for the reason that the procedural law primarily regulates the issues of determination of the responsibility, competence, exemption and other procedural and financial institutes is the Law on Misdemeanors in 2006, enacted as a result of the Constitutional amendments of 2005, simultaneously with the reorganization of the judicial system through the Law on Courts and the Law on Judicial Council of the Republic of Macedonia. From the law on misdemenaur we can draw a conclusion that the difference between the issues of criminal offenses and misdemeanors are only of formal nature, considering that under the Article 2 for the misdemeanor offenses respectively are applied the provisions of the general part of the Criminal Code where in paragraph 2 of the same article even further confirms the conclusion.

In terms of the environment, the misdemeanor provisions are included in the material laws that refer whether directly or indirectly to the protection of the environment. Primarily, these are the legal acts we outlined previously in this paper.

Next comes a complete overview of the anticipated minimum and maximum fines as well as the precise provisions from each law which determine the competent entity of the laws, "the material provisions" for conducting misdemeanor procedureas as well as measures that can be undertaken in the misdemeanor procedure (education, settlement, mediation, etc.). Among other things, this also serves to show how difficult it is to theorize the importance of the misdemenaur law, but also to confirm one of the theses of this paper. From the listed laws we can see that the legislator in the field of the environment had predicted the highest fine ever predicted in the country, for an offense of III - cathegory according to the Law on

environment in the amount of 150 000 euros. Among other things, in this can be recognized the importance of the environment on one hand, and the severity of the "misdemeanor behavior" on the other.

Table no. 1 List of laws in the field of the environment by specifying the sections of the Act competent for conducting of the misdemeanor procedure and the minimum and maximum amount of the predicted fines

The name of the Law	**Misdemenaur provisions** Refer to the sections of the laws which regulates the supervision in the law enforcement after which are attached the misdemeanour provisions.	**Anticipated fines in minimum and in maximum as an indicator of the extent of the damage from the violation of the law and the endangerment of the "the good" that is subject of protection.** By default the fine are expressed in euros. Only upon exception in two laws they are expressed in MKD and they are listed.	
AREA ENVIRONMENT		Minimum	Maximum
Law on Environment	Article 194 - 212-ж	200	150 000
Law on the Safety in the blood supply	Article 40 - 51	1500	12 000
Law on Veterinary Health Care	Article 100 - 111-в	100	5 000
Law on Waters	Article 224 - 249	200	30 000
Law on the records in the area of health	Article 43 - 50	500	3 000
Law on prohibiting the development, the production, stockpiling and use of chemical weapons	Article 6-а - 7-б	10000den	300 000den
The Law on Protection and on Animal Welfare	Article 48 - 54	250	12 000
Law for protection of the Population from infectious diseases	Article 61 - 67-а	300	5 000
Law on protecting the rights of Patients	Article 54 - 65-б	50	3 000
Law on Nature Protection	Article 168 - 183-в	50	20 000
Law for protection from noise in the environment	Article 45 - 60	150	20 000
Law on Protection from explosive substances	Article 63 -70	600	5 000

Law on Protection against Ionizing Radiation and radioactive security	Article 27 - 33-а	500	5 000
Law on Protection from Smoking	Article 7 - 10-д	100	4 500
Law on Plant Health **Law on health care**	Article 79 - 82 Article 294 - 315	500 800	10 000 60 000
The Public Health Law	Article 42 - 46	500	1 500
Law on Ambient Air	Article 65 – 77-б	150	8 000
Law on the Control of Narcotic Drugs and Psychotropic Substances	Article 84 - 95	3 000	30 000
Law on Medicinal Products and Medical Devices	Article 141 - 156	500	100 000
Law on Hunting **The Law on pastures**	Article 73 - 84 Article 12 - 16-а	1500 400	8 000 3 000
The Law on firefighting	Article 53 - 57-а	150	5 000
Law on Precursors	Article 23 - 27	500	5 000
Law on products for the plant protection **Law on reproductive material of forest trees**	Article 63 - 80-а Article 35 - 41	500 700	12 000 20 000
Law on Fisheries and Aquaculture	Article 107 - 115	100	5 000
Law on Sanitary and Health Inspection	Article 21 - 31-в	300	4 000
Law of storage and protection from flammable liquids and gases	Article 26 - 29-а	100	5 000
Law for supplying of drinking water and disposal of urban waste water	Article 36 - 44-б	300	4 000
Law for managing batteries and accumulators and waste from batteries and from accumulators **Law on Waste Management** **Law Management of Packaging and of packaging waste**	Article 43 - 69 Article 126 - 142-г Article 44 - 63	60 60 60	35 000 20 000 30 000
Law on Chemicals	Article 133 - 145	1 000	6 000
Law on hidrometeo activity	Article 30 - 39	500	3 000
Law on Forest and Hunting Inspection	Article 23 - 32	400	3 000
The Law on Forests	Article 98 - 107	1 500	30 000
Law on Crisis Management			
Law for protection and Rescue			
AGRICULTURE AREA			

Law on Safety of Products	Article 33 - 43-в	200	15 000
Law on food safety for the animals	Article 101-103	300	5 000
Law on Food Safety	Article 118-135	300	8 000
Law on Wine	Article 56 - 64	200	15 000
Law on Agricultural Activity	Article 42-50-a	500	3 500
Law for the State Inspectorate for Agriculture	Article 15-32	500	5 000
Law on Agricultural Land	Article 56-64	100	12 000
Law on Agriculture and Rural Development	Article 160-166	1 000	5 000
Law on Quality of Agricultural Products	Article 163-175	300	5 000
Law for the control of quality of the food and the agricultural products in the foreign trade	Article 17-24	3000 МКД	300 000 МКД
Law on Organic Agricultural Production	Article 52 - 60	300	5 000
Law on Seeds and Planting Material for Agriculture Plants	Article 63-67-a	600	6 000
Law on livestock	Article 79-86	100	3 500
Law on Tobacco and Tobacco Products	Article 59-69-в	100	20 000
ENERGETICS AREA			
The Law on Energy	Article 167 - 190	200	7 000
Law on mandatory reserves of oil and oil derivatives	Article 27-32	500	10 000
TOURISM AREA			
Law on Tourism Development Zones	Article 36-39	500	5 000
ARCHITECTURE, URBAN PLANNING			
Law on Construction Land	Article 102-110	1 500	12 000
Construction Law	Article 127-165	100	17 000
Law on Spatial and urban Planning	Article 57-77-a	500	12 000
AREA TRANSPORTATION			
Low on vehicles	Article 77-94	50	3 500
The law of railway system	Article 123-133	500	5 000

Law on Public Roads	Article 67- 81-a	100	5 000
Law on Road Traffic	Article 86-99-д	200	5 000
Law on transport of dangerous goods by road and rail	Article 84-98-a	200	5 000
Law on circulation of explosive substances	Article 32-38	500	5 000
Law on Railway Security System	Article 46-48	500	3 000

Highlighted (darker colored) laws, which are particularly associated with the environment, have anticipated maximum fines from 10 000, 20 000, 30 000, 150 000 euros! Maybe we would perceive this as favorable, but only if there is a realistic opportunity of fulfillment of the legal basis so these fines could be applied. The question is whether this is true.

Based on the general situation in the Macedonian economy, the liquidity condition of the companies, the situation with the average income per capita (gross domestic product) and other economic parameters we could see that such a policy does not correspond with the reality and can not be applied. Therefore, the main goal of the prevention and the general laws in the area of environment in the field of misdemanaour and the anticipated fines can not be fulfilled. This confirms the fact and the number of offense procedures initiated by the State Environmental inspectorate as well as the decisions for misdemeanor liability by the commission for violations in the Ministry of Environment and Phsicical planing.

Regarding the implementation of misdemeanor proceedings, in addition we are presenting another review of the relevant institutions that are most competent to act upon the previously listed laws with the explicit powers to carry inspection supervision. It refers to:

Table no. 2 Review of government authorities that apply above mentioned laws, impose fines, possessing requirements for bringing misdemenaur procedure or impose sanctions.

Independent body	Body / bodies within
Ministry of Justice	⇒ State Administrative Inspectorate
Ministry of Agriculture, Forestry and Water Management	→ Veterinary Administration - Department of Veterinary Inspection; → Administration for Water - water management department inspection; → State Inspectorate for Agriculture; → State Forestry and Hunting Inspectorate.
Ministry of Environment and Physical Planning	→ State Inspectorate for environment → administration for Environment
Ministry of Finance	→ Customs Administration of the Republic of Macedonia; → Public Revenue Office
Ministry of Local Government	⇒ State Inspectorate of Local Government
Ministry of Culture	⇒ Administration for Protection of the cultural Heritage - Department for prevention and inspection
Ministry of Economy	→ State Market Inspectorate; → State Inspectorate for Technical Inspection.
Ministry of Transport and Communications	→ State Inspectorate for Transport; → Communal Inspectorate; → State Inspectorate for Construction and Urban Planning.
Ministry of Health	→ State Sanitary and Health Inspectorate; → Directorate for food - Department for inspection; → Bureau for Drugs - Department for inspection.
Directorate of Radiation Safety	→ Department for inspection supervision
Center for Crisis Management	→ Department for inspection supervision
Directorate for protection and Rescue	→ Department for inspection supervision

CONCLUSION

On a normative level, the legislation in Macedonia in the area of protecting of the Environment according to the Law on Environment, sector legislation) as well as the resulting by-laws, are completely harmonized with the European legislation. The assumptions for environmental protection in the laws are fulfield. The environment includes social regulation in many areas consisting almost of hundred laws. We have identified 88 regulations which are related to a greater or lower part of what means "being subject to

the environment" of the Legislation in the Republic of Macedonia. Large part of them represent general laws that govern crucial areas (Environmental Law, Forest Law, Water Law, Law on ambient air quality and many others). They are divided into six major groups: Environment (49) Agriculture (16) Energy (6), transport (12), property (4) and the Tourism and Hospitality (1) law.

The penal policy in the field of environmental protection does not allow elements of general prevention. The number of convicted persons in relation to those who are reported significantly deviates. For the period 2000 – 2011, 1793 were repoted, 879 were charged and 715 of them were convicted (more than 40% of the ones that were convicted were reported). Further research is needed in the area of the penal policy to make more precise conclusions.

The Misdemeanor legal protection of the environment is "sprayed" with many competent authorities and there are no conditions for its codification neither in material, and relatively in procedural legal sense (Law on misdemeanors as a general law). Penal policy for the misdemeanors is often determined as an expression of the height of the fine i.e. fines that can be imposed. The repressive element in the area of environmental protection is not lacking. The Misdemeanor responsibilities are ranged in amounts from tens to 150 000 euros maximum fine. This also represents the highest fine in the state in general. This amount of fines (although it is justified in terms of what represents the subject of interest) is unreal and does not contribute to the development of a realistic policy regarding the penal policy in the misdemeanors violations, or in other words - the same can not be implemented.

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SOCIAL EXCLUSION OF OLDRER PERSONS IN THE REPUBLIC OF MACEDONIA

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Abstract

The research study based on collected data and findings is aimed to address key problems related to social exclusion of older persons in the Republic of Macedonia with emphasis on coverage, rights, access, availability and quality of services, obstacles visa-vi laws and policies in the area of protection of older persons compared to the current situation, as well as the undergoing reforms and challenges within the systems of social protection.

Special emphasis in the study is placed on regional, ethnic and gender differences of the older persons as a vulnerable group. The study makes an analysis of the current process of decentralization and which has influence on the reorganization of the systems for coping with the challenges and attempts to define the basic capacities and needs on local level related to the life of the older persons.

The research provides analysis of scientific literature, international and national legislation, quantitative analysis based on conducted survey of a representative sample of 1222 older persons, qualitative analysis from eight focus group discussions with participation of 32 service providers, 16 policy makers for older persons and 46 older persons and interviews made with representatives from the Ministry of Labor and Social Policy, Social Welfare Centers and Homes for older persons. The research was conducted in the period of December 20, 2012 to February 20, 2013.

In this context, the research study elaborates the policies, reforms and recommendations of older people, which can be taken as a considerable effort for improvement of the policy making in regard to social inclusion of older people in the country.

Keywords*: social exclusion, older persons, social protection system*

INTRODUCTION

SOCIAL EXCLUSION OF OLDER PERSONS

The official statistical data of the Republic of Macedonia indicate that there is trend of ageing of the population. The unfavorable demographic trend is mostly, due to the decreased fertility rate and the prolonged life span (decreased mortality rate). In 1994, the share of older persons aged 65 years and above in the total population amounts to 8,46%. According to the latest census results in 2002, the share of the population aged 60 and above is 15,0%, and the share of the population aged above 65 years is 10,6%. The number of older women aged above 65 years is constantly increasing, compared to older men aged above 65 years which was 45,92% in 1961. The share of older men is decreased from 45,9% to 45,1%, and the share of older women is increased from 45,1% to 45,9% (State Statistical Office 2003). The share of the population at the age of 0-19 in the total population is 29,26%.

The social inclusion in terms of EU policies, is a process which through implementation of effective policies and reforms, coordination and active participation of various actors needs to make decisive impact on eradication of poverty and overcoming problems that vulnerable groups (older people as particular case in the research study) which are experiencing homelessness, unemployment, low education, health problems that leads to their further.

There is no nationally accepted or adopted definition for social exclusion. The Ministry of Labor and Social Policy in its Policy document (2004) for tackling the problems of the socially excluded persons defined four target groups in the socially excluded population: (1) drug users and members of their families; 2) street children and their parents; (3) victims of family violence and 4) homeless people. This categorization is not based on prior statistical research considering the prevalence of these groups in the overall socially excluded population. It also does not include other important vulnerable groups, such as Roma, the rural poor and other groups.

The Republic of Macedonia adopted a relative poverty line as the national standard for calculation of poverty level. The relative method defines poverty at the level of 70% of the median equivalent consumption, with application of the old OECD equivalent scale (1.0/0.7/0.5). Because of subsistence economy and remittances, the methodology for statistical calculation of poverty is based on consumption rather than on income as an indicator of the living standard. Calculations show an increase of the poverty rate. Laeken indicators on social exclusion are still in early stages of preparation.

The older persons indicate that their most frequent communication is with their children (very frequently and frequently) and the next category is "neighbors and friends". The support from their family is comprised of provision of care when they are ill and provision of transport to institutions, as well as for resolution of family problems, which many of the older persons did not want to admit but there were indications that such things are present.

A good indicator for the level of social exclusion from the society is the level of inclusion of older persons in provision of counseling and advices to family members, friends and neighbors. We can conclude that, there is a high level of respect of the opinion of older persons in the families that are of Albanian ethnic origin.

The Poverty Reduction Strategy in 2010-2020 and the last national report on Millennium Development Goals show that there has been no greater change to the households with the highest-risk profiles, thus indicating that multi-member households, households with no employed members, households whose members have a low level of education and households of elderly people are at the highest poverty risk.

SOCIAL PROTECTION SYSTEM

After Republic of Macedonia gained its independence in 1991, the independent state introduced the social protection measures for its citizens. In 1992, the parliament passed the Law on Family and the Programme for protection of socially vulnerable population as a measure for protection from poverty which affected the population as a result of the transitional period. In 1996, the poverty line was determined and the need for amendments of the system for social protection resulted with introduction of new categories of beneficiaries, and new rights and services which served as a base for passing new Laws on Social Protection in 1997 and 2009. Each year the Government adopts a programme for social protection in which it defines the activities, beneficiaries and the required funding for provision of the services for the beneficiaries.

The period of reforms in the system of social protection is characterized with introduction of principles for decentralization aimed to improve the capacities on local level in the area of social protection. The establishment of the network for securing social safety of the citizens on local level represents undertaking responsibilities for provision of better services and rights in compliance with the individual needs of the local population and the available resources of the local communities. The institutions for accommodation of older persons are managed and financed by the state but since 2006, the management is delegated to the local self-

governments. Three out of the four public institutions for protection of older persons are decentralized and 15 private homes for older persons is registered as a home for older persons and the rest of them are in process of registration. The process of decentralization is characterized with opening of daily centers for older persons by the state. The establishment of the network for securing social safety in the local community, that is, the municipality, represents undertaking responsibilities for provision of better services in the area of social protection on local level.

The principle of *inclusion* creates opportunities for appropriate coverage of all vulnerable groups through financial support for different programmes. The principle of *de-institutionalization* enables placement of older persons from big institutions into small homes and provision of services in the homes of the older persons and their placement in foster families.

With the pluralization of bearers of social protection, besides the state, private institutions, NGO's, natural entities and the church can be also bearers of social protection.

There are two types of institutions that provide services for older persons, 30 centers for social welfare and 4 state-owned homes for older persons, as well as 15 private homes for older persons. In compliance with the Law on social protection, besides the state, NGO's private institutions, natural entities and the church can be bearers of social protection. Within the global picture of the social protection for older persons we must also take in consideration the efforts and influence of the informal sector: family, neighbors, friends and relatives.

The social protection system in the Republic of Macedonia is comprised of services and benefits of the tax-finance system for social protection (social prevention, non-institutional protection, institutional protection and social assistance). Financial benefits from the social protection system comprise of contributory and non-contributory benefits. Non-contributory and means-tested, include social assistance.

According to the Law on Social Protection, there are several categories of social assistance benefits for older persons: permanent financial assistance for persons at the age of over 65 who are socially not provided for, social financial assistance for persons who are unfit to work and/or are socially not provided; financial supplement for assistance and care from other person for persons who cannot look after themselves and one-off financial assistance.

The policy laid down in the European Social Agenda strengthen the role of social policy as a productive factor that must enable more effective specific aims concerning the protection of individuals, reduction of inequalities, and social cohesion. It particularly emphasizes the importance of interaction among economic, social and employment policies, the role of

the various instruments and especially the open method of coordination and legislation, and the mobilization of all involved parties.

The Government of the Republic of Macedonia has started preparatory activities that would lead to participation, identification of needs of national policies, reforms in compliance to certain common objectives laid down in the Lisbon Instrument, open method of coordination in terms of enhancing EU goals against poverty and social exclusion.

Identification and promotion of effective policies in the areas of Social Protection and Social Inclusion with the aim of learning from each others' experiences will ensure active participation of all relevant actors on national and local level and promotion of policies that would ensure social protection and social inclusion of all vulnerable groups, including the older people.

In December 2012, permanent financial assistance was paid to 6048 beneficiaries, social financial assistance was paid to 51864 beneficiaries, financial supplement for assistance and care from other person was paid to 30 678 beneficiaries and one-off financial assistance was paid to 7971 beneficiaries but there is no clear record how many of these beneficiaries are older persons.

CONCRETE OBJECTIVES

The research paper will incorporate the following data in the area of social protection: coverage, rights, access, quality of social services and obstacles in the achievement of rights and services defined in policies and laws for protection of older persons compared to real situation.

The objective of the research is to raise proposals for new activities in the Republic of Macedonia and improvement of capacities through redefining the role of the state and local authorities and the population itself in direction of finding sustainable solutions for the concerns of the older persons.

1.1. Research methodology and instruments

The following methodological framework was applied for conducting the research related to the needs and rights of the older persons to enjoy the rights and services within the systems for social protection:

- Review and analysis of the existing official documents (laws and strategies) and findings of previous research works and relevant data about the conditions, availability and levels of fulfillment of the rights and services targeted for older persons.
- Conducting survey with specially developed two questionnaires with older persons, and service providers for older persons.

- Focus group discussions (particularly with the service providers in the social and health protection system.
- Observation of service providers and older persons.

The combination of individual semi-structured interviews with focus groups, observation and group interviews will enable triangulation as a key methodological approach in the overall research. Quantitative sample was comprised of representative sample of (0.3%) 1222 older persons equally distributed in regard to gender, age, ethnic background and regional distribution of the older persons. The representative sample will also cover service providers in the area of social and health protection, the pension system, employment, labor market and the education system for adults, that is, 64 service providers. The questionnaires with older persons and service providers for older persons will be graphically, statistically interpreted and explained.

Overview of the research sample by number, gender, level of education and household income

Table 1: Research sample per region

Research sample

Region	Number	%
Pelagoniski	155	12,7
Vardarski	162	13,3
North-east	92	7,5
South-west	145	11,9
Skopski	292	23,9
South-East	100	8,2
Poloshki	116	9,5
East	160	13,1
Total	1.222	100,0

Chart 1: Research sample by gender

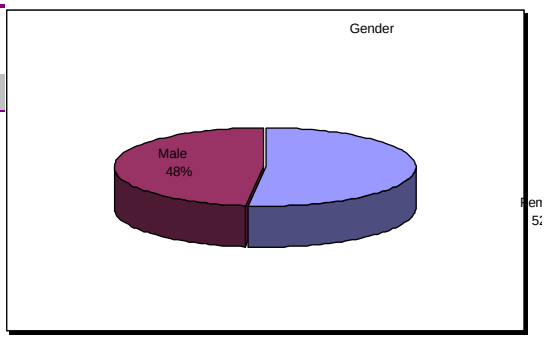


Chart 2: Level of Education

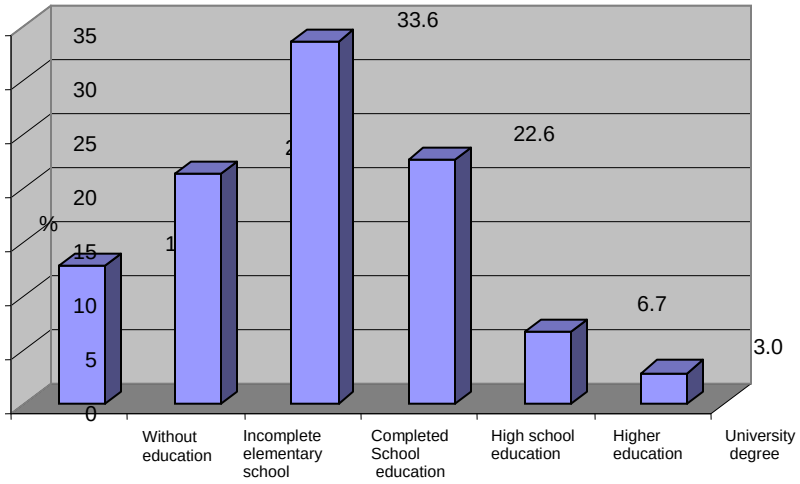
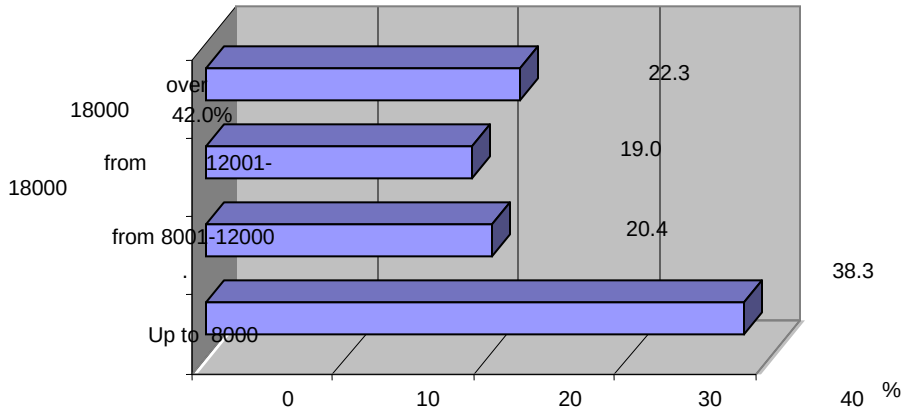


Chart 3: Total income in the household in MKD



	Frequency	%
Macedonian	880	72,2
Albanian	240	19,7
Turks	5	0,4
Roma	39	3,2
Vlachs	12	1,0
Other	45	3,5
Total	1.222	100

	Frequency	%
City	838	68,6
Village	384	31,4
Total	1.222	100,0

The basic objective of the social protection is improvement of the social status of the older persons, promotion of their independence and abilities for self-support and prevention of their social exclusion. The development of the social protection for older persons is based on the principle of solidarity, systematic inclusion of interested partners in the protection of older persons (service providers) in order to improve the quality of the services for older persons. In Article 35 of the Constitution of the Republic of Macedonia it is stipulated that the Republic of Macedonia provides for the social protection and social security of citizens in accordance with the principle of social justice, guaranteeing the right to assistance for citizens who are infirm or unfit for work. The activities within the area of *social protection* are to large extent related to the role of the family. The Family Law article 181 regulates the obligations of the children for supporting financially dependent parents. Besides being obliged to support the parent that does not have enough financial assets in their own home, they are also obliged, to cover all the expenses if the older person is placed in a resident institution. The Programme for Social Protection, which is passed by the Government every year, defines the activities and the financial resources in the area of social protection.

The Law on social protection[1] stipulates that older persons are protected with the following forms: Social prevention, which is realized through educational – counseling work (article 24). However, practice indicates that this is not the case in reality. The second group of services is in the area of non-institutional protection aimed to provide primary social service to older persons. The primary objective is to detect the social risks and to point out possible solutions, services, and forms of protection for the individual, as well as the network of institutions for provision of services. This service provides professional advice and counseling to the individual and family (information for preservation of the development of the social potentials).

Right to daily care and assistance is provided to older persons with physical impairment who are not able to care and provide for themselves even when they live with their families. Provision of *free meal* for people that are exposed to poverty (beneficiaries of permanent financial assistance and beneficiaries of social financial assistance) provided by the Ministry of

[1] Gazette of the Republic of Macedonia no. 21/2006

Labor and Social Policy through implementation of the project in close cooperation with the Ministry of Local Self-Government). This service (soup kitchen) is available in almost every urban municipality but they are used by very little number of older people. There are also *shelters for homeless people*, one in Skopje under the responsibility of Macedonian Red Cross (provides clean clothes and hygiene services). *Home care service* – represents a non-institutional form of social protection, targeted for provision of services in the homes of older persons in order to cover their basic needs, that appear in the process of aging. In compliance with the Law on Social Protection, the home care service for older persons represents provision of services such as feeding, personal hygiene, hygiene in the home, and other things in the home of the beneficiary.[1] This form of protection was available in the Gerontology Institute "13 November" in Skopje but it was suspended 20 years ago. In this period, very few older persons requested such form of protection. Family members were mainly responsible for the care for their elderly. The home care service for older persons was not considered as a priority in this Programme and no funds were allocated for this purpose. Little attention was paid to the social protection for older persons in the past period. However, this form of protection is more than needed today. A project for provision of such service was initiated in the private home for older persons "Meri Terzijeva" - Skopje. *The right for placement of older persons in foster family,* although regulated by Law, is not realized in practice. Foster care to older persons is provided by their relatives but this form of home care is not legally regulated and there is small motivation for promotion of this type of protection. Article 32 of the Law on Social Protection stipulates the right to foster care for older people in foster family if the older persons do not have appropriate living conditions in their own family. The foster care for children in the Republic of Macedonia has a trend of expansion especially with the commencement of the de-institutionalization process. However, the placement of older persons in foster families is usually done in homes of relatives or by moving in of the relatives in the home of the older person. For this purpose, agreement for provision of lifelong care is concluded between the older person and the family member. The material rights in the area of social protection are: the permanent financial assistance, financial supplement for assistance and care from other person and one-off financial assistance.

[1] (Article 30, Law on Social Protection, Gazette no.79/2009)

Table 2: Review of Social assistance beneficiaries over 54 years old per region, Administrative data from the CSW, February 2013

Regions	Permanent financial assistance	Financial supplement for assistance and care	social financial assistance	Placement in institution
Pelagonija region	311	2673	4168	130
Vardar region	33	1491	421	
North-Eastern region	118	1543	497	
South-Western region	110	1330		
Skopje region	590	2753	1243	96
South-Eastern region	108	1239	586	40
Polog region	212			
Eastern region	154	1855	727	
Total	1636	12884	7642	266

Permanent financial assistance may be obtained by man or woman over the age of 65 who do not have income and who are not socially provided, on basis of other regulations, (article 44, Law on Social Protection, 2009). *Financial supplement for assistance and care* from other person is allocated if the older person has severe or profound impairment and permanent blindness and requires assistance and care from other person.

The amount of the benefits is as follows: the permanent financial assistance ranges between Denar 3502 for single person to Denar 7003 for a family; financial supplement for assistance and care from other people's amounts to Denar 3.354 and the ceiling amount is Denar 3.720. The older person may acquire *one-off financial assistance* in case of a longer sick leave amounting to a maximum of two average salaries on national level paid in the last three months. In January 2013, this benefit was paid to 7642 older persons. The institutions responsible for social welfare and care delivery for older persons are the centers for social work and homes for older persons. The older persons are entitled to be *placed in institutions for social protection* if the persons are not able to care for themselves, and if due to housing or family situation, they are not in position to be provided protection

in any other way. They can acquire this right in four public residential institutions for providing care to older persons.

In compliance with the Law on Social Protection and the statutes of the institutions, the existing public institutions for social protection have legal possibility to provide home nursing and support but they do not provide daily and semi-daily stay, or home nursing. Such activities have been implemented within projects being dependent on donors and services related to provision of food organized by religious communities (Orthodox Church in Skopje and Evangelistic (Protestant) Church in Kochani). The official statistical data indicates that 509 older persons were placed in these public institutions in 2012. 266 of them are older persons placed there by the centers for social work (Institute for social activity, 2012).

The price for accommodation and care in the PI *Gerontology Institute "13 November"* – Skopje; with the process of decentralization in 2004, the department Mother Theresa handed over the responsibility to the city of Skopje, however the city of Skopje did not accept the responsibility and the Ministry of Labor and Social Policy is responsible again for its management. With the process of decentralization, the *Home for older persons "Sue Ryder" - Bitola,* is under the responsibility of the local self-government since 2006. *Since 2006, the* Home for older persons "Zafir Sajto" – Kumanovo, *is under the responsibility of the local self-government.* With the process of decentralization,, The PI Home for older persons "Kiro Krstevski - Platnik" - Prilep is under the responsibility of the local self-government since 2006. There are also 15 private residential institutions in the Republic of Macedonia that provide residential care for older persons. Only 15 of them are registered as a home for older persons, while the registration of the others is in procedure. The price of the monthly services ranges from Denar 17.000 to Denar 35.000 and only small number of older persons can afford these prices.

Financial benefits from the social protection system comprise of contributory and non-contributory benefits. These services are predominantly organized and administered by the state, but recently with the trends of pluralization and de-institutionalization, there are some other non-residential forms of protection offered by non-governmental and private organizations. The process of decentralization of social services is still in initial phase, due to several reasons: 1) lack of legal provisions in the Law on Local Self-Government (article 22.7), which does not envisage decentralization of financial transfers; 2) non existence of second instance organ (at the local level) regarding decisions on complaints 3) lack of human resources in most of the centers for social work, in dealing with administration of social transfers and social service provision. (www.euba.com.mk).

Concerning at risk groups, both Poverty Reduction Strategy in 2010-2020 and the latest available national report on Millennium Development Goals show that there have been no greater change to the households with the highest-risk profiles, thus indicating that multi-member households, households with no employed members, households whose members have a low level of education and households of older persons are at the highest poverty risk, i.e. social exclusion.

On the first focus group with older persons and policy makers held in Skopje, on December 5, 2012 the older persons gave the following comments related to the social protection: Despite the limited support provided by the social welfare institutions in the country, the beneficiaries did not complain too much, probably because they feel certain gratitude for the support and care provided in the past years. Concerning their social problems, they stated that due to limited financial resources they cannot afford to go out at all, they are faced with limited nutrition and no funds for clothing and shoes, and use the bus transport only when necessary.

The support of the younger generation for their old age parents is increasingly present. Older persons represent a burden for the younger generations, which do not live in the same conditions as the older generations; therefore inter-generational dependency is progressively more present. The dominant social standpoint of Ethel Shanas states ,,The older persons first turn for help to the family, then to the neighbors and at the end they turn to the bureaucratic agencies"(1978,174).

5.1 Access to Social Services

The social inclusion of the older persons in the society will enable their active participation in all areas of social life, particularly in the area of creating preconditions for independent living. Approximately 30, 1% of the older persons stated that they don't have any need for assistance of any type of assistance.

Table 3: Type and frequency of the assistance/support that the elderly required and have need

Type of activity	Support is very much required	Moderate support required	Yes and No	Support is mainly not required	Support is not required
Personal hygiene	18,6	11,7	14,1	20,4	35,1
Performing household obligations	18,3	15,6	15,4	20,8	29,9
Procurement of medicaments	33,5	16,6	12,3	14,2	23,4
Procurement of food	22,9	14,3	14,3	19,0	29,6
Activities outside the home (payment of bills, bank, doctor)	24,6	16,7	14,8	17,1	26,6
Support for walking and transport	27,1	14,8	13,5	16,2	28,4
Support during social contacts	18,9	14,4	12,8	16,1	37,8

The research results (Table 4) showed that 33,5% of the older persons require support for provision of medicaments, 28,4% of the older persons stated that they need support for walking and transport, and 24,6% require assistance for activities outside of their homes such as payment of bills, bank services, and going to the doctor. 35,1% of the older persons stated that they need support for personal hygiene. Observing the required assistance for older persons on basis of their nationality, this is most evident among the Macedonian population and least required by the representatives of the Albanian population, which brings to the conclusion that the traditional obligation for looking after the older persons is more prevalent among Albanian families although during a visit in one village... one person stated: *There is a need for development of services for older persons. Our children are working and they are not in position to look after us...it was pointed out by one the participants of the Focus group discussion in Tetovo.*

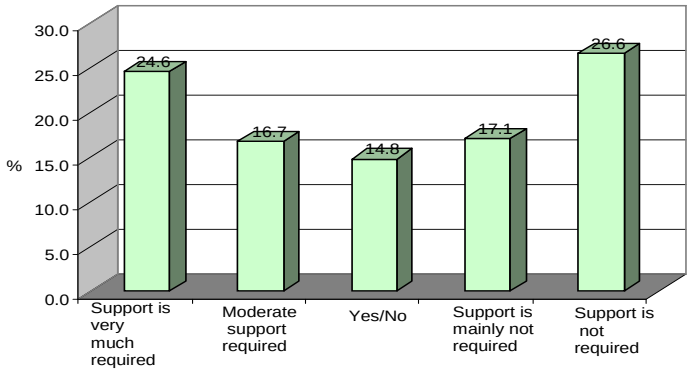


Chart 4: Need of support for performing activities out of home (payment of bills, bank payments, visiting doctors)

The needs for using certain services vary depending on the age and the health condition of the older persons. However, it can be concluded that the most evident need is the support for procurement of medicaments and assistance in the process of making the social contacts. 24,6 % older persons require very much assistance and support, whereas 16,7% require moderate support and assistance for payment of bills, bank and pension services and visiting physician. The answers on the question related to the most frequent social network that provides assistance to older persons, were as follows:

Most of the older persons 19,3% male, 14,3% female have support from their spouses whereas 18,9% female, 11,0% male of the respondents are supported by their children. Neighbors and friends provide support for 2,1% female and 1,0% male of the older persons and only 1,0% female, 0,3% of the male respondents receive support from specific services and organizations for providing care to older persons. There is a significant difference in the need for support to older persons on basis of their ethnic origin. The support for the older persons from Albanian and Turkish origin is provided by the spouses, children, close relatives and the older persons do not have a need to ask for assistance from specific services or organizations. It can be presumed that the older persons that belong to these ethnic origins do not need to worry about the ageing process and the need for obtaining support for their everyday life. Regarding the question about the reasons why the older persons did not make any contact with the social welfare centre, most of the respondents stated that they did not have such need 54,4 % out of 17,1% of these people live in rural areas. Significant number of the older persons (6,9%) did not make the contact as a result of lack of documentation and 5,6 % of the respondents from urban areas did not know that such centre exists. 3,0% of the older persons from rural areas could not claim their rights as a result of the distance of their places of residence.

"Makedonski Brod is 15 kilometers away but I cannot get there because there is no transport and the employees of the centre for social welfare do not have a car. They have not visited us since last year. I have property, land but I cannot work. I do not have any money and children. I live on what I can grow in my garden. My neighbors give me food but they don't have much food as well". This is a statement of a resident of a village given to the pollster during the recent visit of his home.

Some of the main reasons that the older persons are listing for not using the available services are as follows: impossibility to obtain the necessary documentation and lack of money as a result of the bad financial situation to pay transport costs to reach the institutions that offer social services. The utilization of support from other persons and institutions in the performing of the daily activities is variable, depending on the age (the older groups use more services), gender, health condition of the older persons and the region in which the older persons live, that is, the availability of information and existence of service for support.

5.2 Level of Information of Older Persons of Their Rights / Services

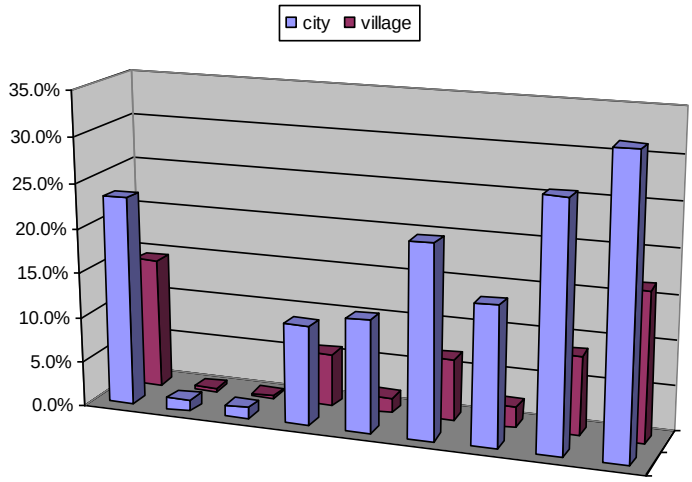
The information about the rights and services for preserving life is something that is guaranteed by the Constitution of the Republic of Macedonia in Article 50. In the course of the research, we tried to identify the level of information among the older persons about the most significant available rights and services, and the necessary steps for their fulfillment. Despite the constitutional and legal provisions that guarantee appropriate level of fulfillment of standards, still due to various reasons, they are not fulfilled by the state.

Table 4: Types of services for older persons offered in their community

Type of services	yes
Additional financial assistance	38,0%
Support for household activities	1,6%
Additional educational activities	1,6%
Health care support	17,0%
Cultural and recreational activities	14,2%
Soup kitchen	28,3%
Organizing public events	17,9%
Placement in an institution / home for pensioners	36,1%
No special services are offered	49,3%

The older persons have very little information about the available services. 49,3% of the older persons stated that no special services are being offered. 38% of the older persons are informed about the additional financial assistance. 6,1 % of the respondents are informed about the procedure for placement in institutions and homes for pensioners and 28,3% of them are informed about the available soup kitchens. There isn't any significant difference regarding the level of information between the older persons from different gender. Regarding the level of information from ethnic point of view, the older persons with Albanian ethnic origin are least informed, that is, 13,8% of them stated that no special services are available for them. The older persons with Roma ethnic origin are best informed about the offered services: financial assistance, soup kitchens, and residential institutions for older persons. Having in mind that the older persons with Roma ethnic origin have the lowest level of education, it can be presumed that the level of information comes as a result of their difficult economic situation and the enormous need for benefiting the rights and services in the area of social protection.

Chart 5: Level of information of the older persons about social protection services according to their place of residence (village / city)



	Additional cash benefit	Support in performance of home activities	Additional educational activities	Support in health care	Culturally recreational activities	Public kitchen	Organizing public events	Placement in institution/ elderly home	Special activities are not provided
city	23.3%	1.2%	1.2%	11.1%	12.5%	21.4%	15.5%	27.4%	32.7%
village	14.6%	0.4%	0.3%	5.9%	1.7%	6.8%	2.4%	8.7%	16.6%

Regarding the level of information of the older persons according to their place of residence (village / city) the older persons living in urban areas are much better informed compared to older persons living in rural areas. Although the older persons responded that they are familiar with their rights

on basis of their experience, it can be concluded that they are familiar with the area of social protection in general but not the rights. Some of the older persons at the age over 54 lost the right to benefit social financial assistance as a result of lack of knowledge about the procedure, lack of submission of the necessary documentation and registering unchanged material situation which could have enabled them to benefit this right. The main reason for not using the social services by the older persons is lack of information about the availability of the services. 38,0% of the older persons know that the financial assistance is available. Only small number of the older persons indicated that they have information about availability of support for performing household activities and additional educational activities. The majority of older persons (16,9%) pointed out that they have information that support for health care is available. 35,9% of the older persons have information about the service for placement in residential institution / home for pensioners whereas 48,7% of the respondents emphasized that no special services are available for the older persons. The data indicates that there is a need for simplified procedures, that is, simplified documentation required for the process, better information about the available rights and services for older persons and development of dispersed services which would enable better access to services for the older persons. Therefore, the older persons have information only about financial assistance and support for health care but most of the older persons believe that no special services are offered to the older persons. There is small information among the older persons about available additional educational activities. The main reason for not using the services / rights by the older persons is the lack of existence or no such services are available in the place of the residents of the older persons.

5.3 Scope of obtained benefits in institutions / services for social protection

The inclusion of the older persons in the social protection system is very small. The assistance is mainly comprised of material benefits for purpose of overcoming the social exclusion of the older persons. The bad material situation is linked with the low educational level and the bad health condition of the older persons.

Table 5: Kind of assistance / services older people received from the social welfare centre

Kind of assistance / services	%
Permanent financial assistance	7,8%
Social financial assistance	12,8%
One-off financial assistance	6,5%
Financial supplement for assistance and care from other person	11,3%
Placement in an institution	1,3%
Placement in foster family	0,2%
Daily and temporary stay	0,2%
Counseling support	2,3%

Exploring the rights and services of the older persons we came to the following conclusions:

12,8% of the surveyed old persons at the age from 54 to 65, benefit the *social financial assistance* as persons who are unemployed but fit to work, but are socially not provided for.

11,3% of the respondents benefit the financial supplement for assistance and care from other persons, which indicates that these persons are dependent on other persons in the everyday life and 7,8% of the surveyed persons benefit permanent financial assistance. Small number of the older persons uses counseling support and placement in residential institutions (2,3%).

Regarding the rights and services of the older persons who live in urban and rural areas, those that live in urban areas benefit more the right to placement in institution for social protection (home for older persons). This indicates that there is a need for complete care for older persons particularly for those at the age over 74.

During the visit of the villages in Mariovo, particularly in one village which has 40 residents, only one person was at the age below 54 and all the others were above that age. During the focus group discussion they were asked what needs to be done for improvement of the life in the village. They stated that they need to live together particularly when they can not look after themselves. They stated that the municipal building needs to be adapted for their needs because they feel better living in the village.

The achievement of their rights from the aspect of the gender of the older persons indicates that female older persons are more frequent beneficiaries of permanent financial assistance and the financial supplement for assistance and care from other persons, placement in institutions and in

day care centers. It is particularly evident that female older persons benefit financial supplement for assistance and care from other persons which indicates the bad health situation of the older female persons and their inability to look after themselves and to perform their daily activities in their dwelling.

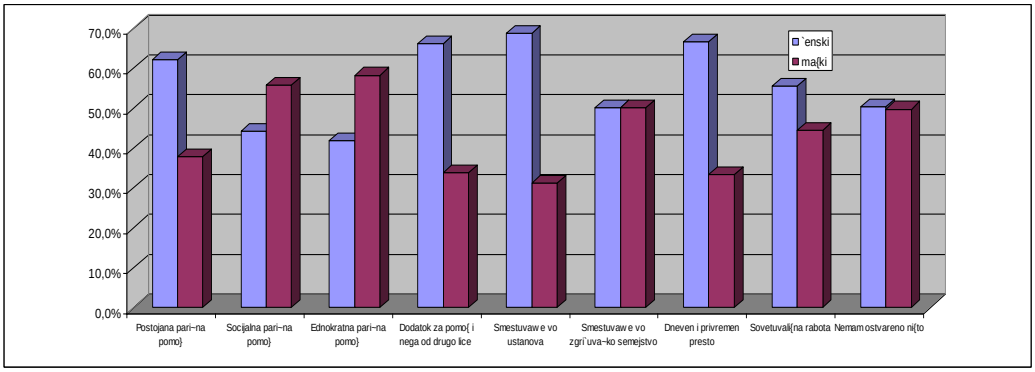


Chart 6: Kind of cash benefits and services older people received from SWC

The older persons stated that they do have a need for support and services but these services are not accessible, that is, they do not exist in their place of residence. The low level of utilization of counseling and therapeutic support as well as education is due to lack of information that such services are available and the absence of tradition and habits to request counseling support or treatment for overcoming problems from the everyday life. The engagement of the institutions for provision of support and assistance to older persons was assessed by older persons included in the research, grading it on a scale from 1 to 5, where 1 means the highest and 5 means the lowest engagement of the institutions. According to their assessments, the institutions were gradated as follows:

The centers for social welfare were graded with the average mark 3 by 28% of the older persons, but almost same percentage of older persons (27,7%) evaluate their work with 5, meaning lowest engagement. The efforts of the NGO sector in the process of provision of support to older persons is graded with the lowest mark 5 by 63,5% of the respondents. The Orthodox Church was also graded with the lowest mark 5 by 63,5% of the surveyed persons whereas the older persons graded the support of the mosques for the older persons with the highest mark 1.

"The church helps only on holidays and the support is only for the poorest. In addition, there is a soup kitchen but how many people can eat there? It is not enough for all of us who are poor" – the older person point it out.

Poor mark for the provided support to older persons was given also for the support of the municipality and about availability of social services in their local community. The main reason for not using the services and rights offered by the Centers for social welfare, according to the opinion of the older persons, is the huge documentation required and it takes a lot of time and financial resources to obtain it. Another obstacle that older people emphasized is the lack of information about the existence of such services that can assist them. The object of interest of this research was to detect the obstacles, which older persons encounter in the process of utilization of the services. 11,2% of the respondents stated that they had problems when they used the services.

Table 6: Attitude of the institutions, service providers

Attitude of the institutions, service providers	%
They give their best to respond to our request	6,5
Correct and polite	34,3
Sometimes they are correct sometimes not	37,0
They act as if they are not interested	17,8
They are very incorrect	2,5
They always ask for something in return (corrupted)	1,7
Total	100,0

When describing the attitude of the employees in the institutions / services for older persons, only 6,5% of the surveyed people pointed out that the employees give their best to respond to the requests of the beneficiaries of services. 34,3,% stated that they are polite and decent, 37% of the respondents emphasized that the employees are sometimes polite but sometimes not, whereas 17,8% of the respondents stated that they are not interested at all and work superficially. 1,7% of the older persons pointed out that corruption is present, or in their words as they stated - ”they ask something in return”. Analyzing the answers of the older persons regarding the attitude of the employees in the institutions / services towards the older persons in the process of achieving their rights and services we concluded that there isn’t any difference in the answers according to the place of residence (rural / urban area) and the ethnic background of the respondents.

5.4 Proposals for improvement of services in the area of social protection

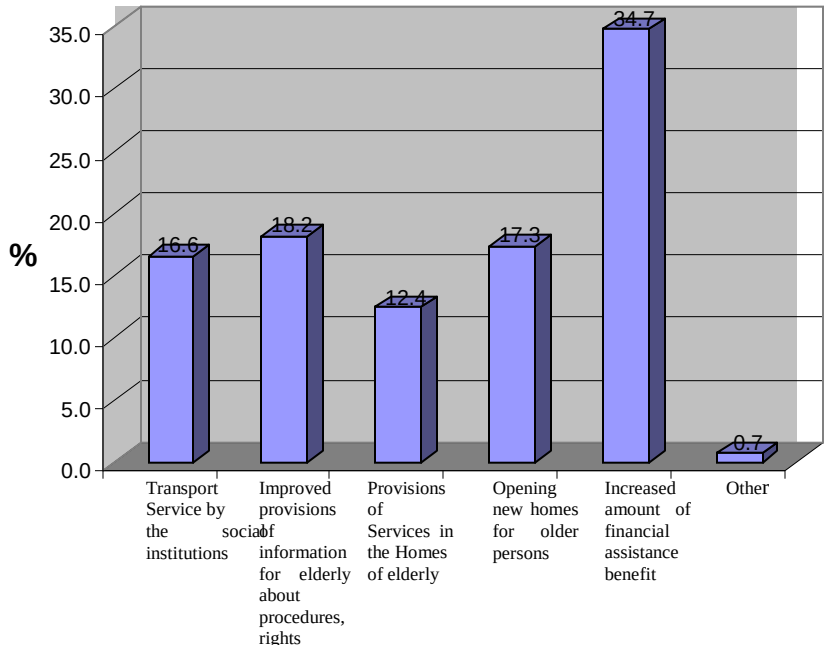


Chart 6: Older people's proposals and recommendations for improvement of the services in the area of social protection

The older persons were asked to give proposals and recommendations for improvement of the services in the area of social protection being as follows: 34,7% of them proposed an increase of the financial assistance for the older persons; 18,2% of the respondents proposed better information sharing about procedures, rights and services for older persons, opening homes for older persons and transport services to institutions for better fulfillment of rights and services in the area of social protection. This indicates the decreased physical and material capacity of the older persons to go to the institutions and acquisition of their right or service in the area of social protection. If we observe the proposals put forward by the older persons related to the improvement of services for older persons on basis of the gender of the respondents, 56,1% of the female older persons propose opening of homes for older persons. Analyzing the answers on basis of the place of residence of the respondents (urban / rural setting), the majority of the older persons (76,6%) from urban settings propose opening homes for older persons. Almost similar percentage of the older persons proposes improvement of the services in the homes for older persons and they also

have recommendations for improvement of all proposed services. The majority of the older persons (44%) from rural areas propose provision of transport service to different institutions and 28% of them propose increase of the financial benefits for older persons. If we analyze the proposals of the older persons for improvement of the services in the area of social protection on basis of the ethnic background of the respondents we can conclude that the older persons with Macedonian ethnic origin propose opening of new homes for older persons (85,3%), while 77,7% of them propose improvement of the services in the home of the older person. The older persons with Albanian ethnic origin propose improvement of the transport services (22,7%), followed by the proposal for increasing the amount of the financial assistance for the older persons.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In compliance with the Law on Social Protection, there are several categories of social assistance benefits for older persons: permanent financial assistance for persons at the age of over 65 who are socially not provided for; social financial assistance for persons who are unfit to work and/or are socially not provided for (the research covered only persons over the age of 54); financial supplement for assistance and care from other person for persons who cannot look after themselves and one-off financial assistance. The older persons are facing obstacles in acquisition of the social assistance, which incorporates the right to permanent financial assistance, social financial assistance, financial supplement for assistance and care and one-off financial assistance, due to: lack of information about legal possibilities, large documentation required and complicated administrative procedures which frequently is not possible for the older persons without assistance from other persons.

The problems in acquiring the rights in the area of social assistance and the exclusion of the older persons result due to not regulated property ownership relations in cases when older persons live in households in houses / apartments with their children that already benefit some of the rights within the social protection system. The medical documentation required for medical commission complicates the administrative procedure because of the limited validity period of six months.

The geographic locations of the centers for social welfare in only 30 cities decrease the opportunities of older persons to establish contacts with them, particularly in rural areas where there is no public transport. The state-

owned homes for older persons are located in four cities: Skopje, Bitola, Kumanovo and Prilep and they do not provide enough opportunities for older persons that require institutional care to continue living in the place of residence where they are used to living and where they have relatives and friends. The accommodation in private residential institutions is only possible for persons with highest pensions (obtained on basis of employment abroad) or for older persons whose children can cover the costs for their accommodation which amount to over Euro 600. The older persons who live alone and those that do not have children and live in rural areas require special protection in terms of care and provision of health and social services. The longevity of the older persons leads towards isolation and lack of appropriate health protection, as well as lack of interaction with the family, community and loneliness.

Recommendations

The prevention of the social exclusion should be secured through better access and enhancement of the cooperation in the plural system for protection. The provision of social services for older persons / socially excluded to be done on local level in compliance with the individual needs of the beneficiaries.

International laws related to older person

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JOB SATISFACTION AND PROFESSIONAL STRESS AMONG PRISON STAFF IN THE REPUBLIC OF MACEDONIA

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Abstract

The working environment is one of the key factors affecting physical and mental health. Prison staff is a group of professionals who are exposed to specific and strong stress or because their work is directly related with potentially violent population. This paper is part of a broader research at the Faculty of Security - Skopje, titled "The position of the inmates in penitentiaries in the Republic of Macedonia" conducted in prisons in the Republic of Macedonia. The research shows the perception of the prison staff about their job satisfaction, stress exposure and the consequences by assessing the physical and mental status. It is conducted on 188 employees in the prisons "Idrizovo" - Skopje, Strumica and the solitary confinement "Šutka" in Skopje.

The research uses a questionnaire of a Likert kind that covers behavioral and physical symptoms of stress, institutional organization and relations with colleagues and superiors, burden and risk exposure as well as strategies for coping with stress. The results show that there is dissatisfaction with the work and relatively high degree of presence of symptoms of stress. In this paper, based on the results of the research, several measures are proposed that would help to improve the condition of the prison staff.

Keywords: *professional stress, prison staff, risk exposure,coping with stress*

INTRODUCTION

In the last few decades, psychologists have been increasingly exploring job satisfaction and the impact of stress on personality functioning and mental health. One large group of studies is devoted to stress in the workplace, taking into account that it is an environment that is essential for the physical and the mental health. "The effects of work on mental health are complex because work engagement is a source of personal satisfaction and

accomplishment, interpersonal contacts and financial security, all of which are prerequisites for good mental health."[1]

Job satisfaction is directly related to the general mental health. Job satisfaction is defined as "fulfilling or meeting certain needs that are associated with a job,"[2] or even simpler, as "the degree to which people like their jobs."[3]. Several factors can affect an individual's level of job satisfaction, such as the amount of salary, self-promotion, working conditions, leadership, social relations and the work itself.

Job satisfaction is a pleasant emotional state resulting from the evaluation that the work of an individual contributes to the confirmation of his / her value. Satisfaction or dissatisfaction is seen as a function of the perception of the relationship between what a person loves from his/her job and what s/he is experiencing that is offered or imposed. Many researchers have studied job satisfaction in correctional institutions, claiming a low satisfaction that contributes to reduced performance and absenteeism.

The experience of stress in the workplace is explored in many professions. Work in prisons is considered as one of the most stressful professions, given that prison personnel is tasked to supervise individuals who are in prison not on their own will, and as a result they try to manipulate staff to relieve the conditions of limit. Prisons and prison organizations, which include understaff, overtime work , shift work , and monitoring requirements, produce high levels of stress. Work-related stressors with officials include threats of violence, violence, inappropriate demands and manipulation, problems with co-workers, the poor public image and low pay. Stress can cause health disorders , premature retirement anddysfunction of family life . Security is one of the biggest problems , as some prisoners have no respect towards officials and can be very dangerous.

Excessive stress can result in serious problems: physical ailments, from heart disease to eating disorders; abuse of certain substances in susceptible individuals; can lead to exhaustion (burnout) with the officials; to disturbances in family relationships, as displacement of aggression from the stress of working on a partner or children, issuing orders to family members failing to provide information about their work because they think they will not be understood by family members. Changing shift and overtime can prevent officials from performing important family functions.

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[1] World Health Organisation (2003) Work, Organisation and Stress, Systematic Problem Approaches for Employers, Managers and Trade Union Representatives, accessed :http://www.who.int/occupationalhealth/publications/en/oehstress.pdf

[2]Hopkins, A. (1983). Work and job satisfaction in public sectors. Totowa, NJ: Rowman and Allonheld.

[3] Spector, P. E. (1994). Job satisfaction survey (JSS). Department of Psychology, University of South Florida.

FACTORS THAT CONTRIBUTE TO STRESS AMONG PRISON STAFF

In literature one can find many different data about the staff exposure to stress in penal institutions. Finn writes about the prevalence and growing number of cases of serious stress as reported by prison guards in the United States. According to him, "the stress is on the rise in penal institutions, and it is so due to increasing congestion, high frequency of attacks on staff, etc. ... This is not just about the dangers of the job, but bureaucracy and institutional requirements from the superiors, conflicts with colleagues ... He talks about the vagueness and conflict of roles and conflict of roles is defined as employees' struggle to reconcile security and rehabilitation repressive actions against prisoners."[1]

Cullen et al. takes a sample of 155 employees found that vagueness and conflict of roles, the danger in working in penal institutions and employment in organizations where there is maximum security is significant predictor of stress in the workplace. The research of Cullen et al. also found, contrary to expectation, that more work experience is associated with greater intensity of stress in the workplace. It indicates the risk of chronic, irreversible stressful situation.[2]

Finn warned of serious stress problem based on the literature review and interviews of a sample of security employees, their superiors employees and employees who deal with prevention of stress and treatment of employees in penal institutions under stress. He also cites data about the high rate of diseases and premature abandonment of service. Finn describes the causes and effects of stress. The causes of stress are classified into three groups:

- Sources of stress of organizational nature
- Sources of work-related stress
- Sources of stress out of the penal system

Except short-seriously and permanently ill health, the major problem of the penal institution is the high rate of staff turnover. Fluctuations term effects that manifest anxiety and bad feelings, stress also has long-lasting consequences: also leads to an increased need for overtime and for hiring new employees. Penal institutions are in a situation to have to hire more

[1] Finn (2000, p. 12) Addressing correctional officer stress: Programs and strategies. Washington, DC: National Institute of Justice

[2] Cullen ,F.T., Link, B.G., Wolfe, N.T., Frank ,J.(1985): The social dimension of correctional officer stress, Justice Quarterly, 2, p. 505 - 533

employees, or who are either beginners in the profession or are insufficiently trained for the job, so that problems arise in organizing the work.

Studies have consistently emphasized two types of sources of organizational stress that prison officials and the administration does not usually identify as stressful and those are: the role of conflict and the role of ambiguity. Role conflict is defined as officials struggling to maintain security (maintenance of security, such as the prevention of escapism and fights between inmates) with extra features (helping prisoners to rehabilitate themselves). The role of contradiction is the uncertainty created by the superior officers who expect from officers to work by literally following the prescribed rules, even when they are aware that officers must be flexible and must reason based on their interaction with prisoners. While the work of prison officers in organizations is characterized by explicit request or authority and formal regulations, dealing with their prisoners requires flexibility, reasonable fairness and ability to secure obedience by inmates through informal conversations that differ from the written rules. Contradictory and conflicting expectations are some of the expected results and a potential source of stress.

Milson[1] summarizes the sources of stress among correctional officers arising from research in the last two decades. The findings are generally defined in five categories, with specific reasons for stress listed for each. Studies indicate that the sources of stress are numerous and suggest that stress can be explained quite differently from one individual to another.

From the various factors listed in Table 1, the potential danger (e.g. threats to personal safety) are shown as a significant cause of stress in the work of prison officers. Another area that draws more attention recently, includes what is described as internal organizational factors such as career progression, communication and decision - making.

[1]William Millson :Predictors of work stress among correctional officers Master thesis, Carleton University, Advisor: David Robinson Committee Members: Mary Gick, Charles Gordon, Adelle For , available at: http://www.csc-scc.gc.ca/publications/forum/e141/e141l-eng.shtml

Table 1

Prison officers' causes of stress	Literature findings
External organizational factors	Internal organizational factors
Public opinion for prison staff	Understaff
Salary	Overtime work
Working environment	Management support
Potential danger	Promotion
Prison interactions	Communication and decision-making
Boredom	The role of conflict and the role of ambiguity
Problems with colleagues	
Demographic factors	Attitudes towards correctional work
Gender	Corrective orientation
Education	Job satisfaction
Prison experience	

Available at: William Millson :Predictors of work stress among correctional officers Master thesis, Carleton University, Advisor: David Robinson Committee Members: Mary Gick, Charles Gordon, Adelle For, http://www.csc-scc.gc.ca/publications/forum/e141/e141l-eng.shtml

STRESS CONSEQUENCES

Over the past two decades, there is a growing belief that stress has adverse effects on health.[1] The experience of stress can change the way a person feels, thinks and behaves, and can also produce changes in its physiological functions. Reactions of prison officers on various stress situations can be divided into three categories: (a) physiological, (b) psychological, and (c) behavioral.

PHYSICAL SYMPTOMS OF STRESS

Wells argues that compared with the general population, prison officers have significantly lower life expectancy and higher rates of

[1] Cox, T., Griffiths, A. & Rial-Gonzalez, E. (2000) Research on work-related stress. European Agency for Safety and Health at the Work Place

alcoholism, suicide, heart attack, ulcer and hypertension[1]. It is believed that the health of the prison staff member may suffer to the extent that shortens a person's life.[2]Studies conducted in the United States emphasize that psychosomatic disorders are very common among prison officers compared t members of other professions, including police officers taken as a comparative profession.[3]Six months before the implementation of the survey in the U.S., 17% of prison officers said they had visited a doctor for hypertension (versus 10% of police officers and 9% from other professions). Other 3.5% suffered from heart disease, which is quite high compared with the police (1.4%) and members of other occupations (2.1%)[4].

Laboratory studies show that if chronically repeated, the increase of the stress hormones adrenaline and cortisol can make long-term consequences for the health, especially the cardiovascular health, partly through the effects of hormones on blood pressure and serum cholesterol. This scientific fact was confirmed by a Swedish study which found that prison officials not only have significantly higher blood pressure compared with the control group, made up of doctors , engineers, traffic controllers, and musicians , but also their level of the stress hormone- plasma cortisol was much higher.[5]

PSYCHOLOGICAL SYMPTOMS OF STRESS

The psychological effects of stress can be expressed in different ways, and these include changes in cognitive-perceptual function, emotion and behavior.[6] Chronic exposure to stress results in emotional state that can lead to emotional exhaustion (burnout). The syndrome of combustion is an example of extreme stress. It is characterized by a state of physical, emotional and mental exhaustion caused by long term involvement in situations that are emotionally stressful.[7]Maslach (1982) argues that the

[1] Wells, T., Colbert, S. & Slate, R.N. (2006) Gender Matters: Differences in State Probation Officer Stress. Journal of Contemporary Criminal Justice 22(1), 63 - 79

[2] Lambert, E.G. (2004) The impact of job characteristics on correctional staff members The Prison Journal 84(2), 208 - 227

[3] Cheek, F.E. & Miller, M. (1983) The experience of stress for correction officers: A double-bind theory of correctional stress. Journal of Criminal Justice 11, 105 - 120

[4]Schaufeli, W.B. & Peeters, M.C.W. (2000) Job stress and burnout among correctional officers: A literature review. International Journal of Stress Management 7(1), 19-47.

[5] Harenstam, A. (1989) Prison personnel-Working conditions, stress and health: a study of 2,000 prison employees in Sweden. Unpublished PhD thesis University of Stockholm: Sweden.

[6] Cox, T., Griffiths, A. & Rial-Gonzalez, E. (2000) Research on work-related stress. European Agency for Safety and Health at the Work Place

[7] Pines, A. & Aronson, E. (1988) Career burnout: Causes and cures. Cited in Cooper, C.L., Dewe, P.J. & O'Driscoll, M.P. (2001, p. 82) Organisational Stress: A Review and Critique of Theory, Research, and Applications. California: Sage Publications.

syndrome is a three-fold combustion process of emotional exhaustion, depersonalization and reduced personal accomplishment experienced by individuals, usually in the helping professions. Combustion occurs as a result of chronic exposure to professional stress and it is a process in which the initial understanding of the client is replaced with cynicism and indifference. One can distinguish four phases of the process:

- period of enthusiasm with unrealistic expectations and excessive commitment to work;
- soon there is disappointment and stagnation when the person recognizes that the work does not meet the expectations;
- a period of frustration and questioning their own competence follows;
- finally there is apathy and a state of chronic frustration, i.e. intolerance and even hostile attitude towards customers and colleagues[1].

What is the difference between stress and burnout? All people are exposed to stress, and with burnout only those who enter their profession with high ideals, motivation and dedication. The unmotivated person may experience stress, alienation and depression, but not burnout. Unlike the stress that can occur in any profession, the burnout usually occurs in those occupations in whic there is interaction with people and the result is emotional stress that occurs in interaction with them.

According to Christine Maslach, there are three fundamental components of burnout constituted by a factor analysis of the sample of professionals in ancillary professions, and measured with an instrument known as Inventory of burnout MBI (Maslach Burnout Inventory). These are:

- emotional exhaustion from work;
- depersonalization;
- lower effect.

This instrument is applied to prison officers as well.

Morgan performed a quantitative research among 250 prison officers from the southwestern U.S. State Department. The study used the Maslach Burnout Inventory and a survey of human services to determine the psychological and emotional dimensions of the syndrome of burnout. The results of the study showed some interesting findings regarding the experience of the syndrome of burnout in prison officers. The results indicate that the older and more educated employees show greater levels of personal accomplishment and less experienced officers with increased job

[1]Maslach, C. (1982) Burnout. The cost of caring. Englewood Cliffs, NJ: Prentice Hall

responsibilities experience higher levels of emotional exhaustion and depersonalization, and reduced levels of personal accomplishment. [1].

This finding is similar to a study carried out by Carlson[2]among 277 prison officers who filled out the Inventory of the burnout syndrome (Maslach Burnout Inventory-MBI). This research confirms that the younger prison officers experience higher levels of burnout than the older ones.

SYMPTOMS OF STRESS BEHAVIOR

Absence from work and leaving the workplace are common reactions to stress in the behavior of prison officers.[3]For example , research conducted in the USA by the National Institute of Justice as part of the statutory provision to support families (CLEFS) showed that prison officers leave the job at the beginning of their career. It was announced that 71.3 % of prison officers leave the job in the first two years of employment. The reasons for abandoning they gave were a small salary,working hours,overtime work,shifts and the lack of opportunities for career advancement.[4]

Finn also suggests that when leaving their jobs by the experienced staff leave their jobs, the remaining staff has to work with a number of beginners who are not so confident or experienced to achieve their goal when in crisis.[5]He further argues that leaving the job results in exposure of prison officers to prisoners who will either increase their attempts to manipulate them by testing and exploiting their inexperience or they will be really confused about what behavior is or is not allowed. This is so because they have not yet learned the procedural rules of the institution and consistently implemented them. Any of these results can increase the stress of the prison officer[6].

While leaving the work is harmful to prison organizations, absence from work is another form of staff misbehavior.[7]It is estimated that more

[1] Morgan, R.D., Van Haveren, R.D. & Pearson, C.A. (2002) Correctional officer burnout: Further Analyses. Criminal Justice and Behavior. 29 (2), 144 - 160

[2] Carlson, J.R., Anson, R.H. & Thomas, G. (2003) Correctional officer burnout and stress: Does gender matter? The Prison Journal. 83 (3), 277 - 288

[3] Schaufeli, W.B. & Peeters, M.C.W. (2000) Job stress and burnout among correctional officers: A literature review. International Journal of Stress Management 7 (1), 19 - 47

[4] Delprino, R.P. (2004) Organizational Response to Correctional Officer Stress and its Effects on the Family, http://www.prisoncommission.org/statements/delprino.pdf

[5] Finn, P. (1998) Correctional Officer Stress: A Cause for Concern and Additional Help. Federal Probation. 62 (2), 1 - 17

[6] the same

[7] Lambert, E.G., Edwards, C., Camp, S.D. and Saylor, W.G. (2005) Here today, gone tomorrow, back again the next day: Antecedents of correctional absenteeism. Journal of Criminal Justice 33, 165 - 175.

than half of all absences are related to stress and it has been calculated that more than 1,000,000 daily absences have been caused by stress among employees. In the study by Lambert about research for the potential absence of prison staff (including prison officers), the results suggest that stress at work has a positive effect on absence from work. The research shows that the experience of stress at work can affect the immune system and lead to health problems resulting in the use of sick leave.[1]The authors assume that the absence from work will help prison officers to cope with the stress of work and thereby avoid the syndrome of burnout as well as the associated long-term health problems.

At the end of the above-mentioned discussion it is clear that the experience of stress at work of prison officers is associated with changes in their behavior, psychological and physiological function, which have harmful effects on their health . This is reflected in many absences (Lambert et al., 2005); hypertension and elevated secretion of stress hormones (Harenstam, 1989) , and cardiovascular diseases associated with stress (Cheek & Miller, 1983) . Finally , and most often, prison officers experience a number of negative feelings and attitudes that lead to disturbed emotional states , such as the syndrome of burnout.

RESEARCH

In the Republic of Macedonia there is almost no research in the area of stress and job satisfaction with prison officials. The purpose of the paper is to get a first impression of how prison staff in Macedonia perceive their jobs and their working conditions, how much they are satisfied with the work and whether they estimate their job as stressful.

In this paper we deal with the situation of prison staff in Macedonia relating to the presence of stress in the workplace, the consequences of it as well as an indication of the factors that lead to this situation. The research is part of a broader research at the Faculty of Security- Skopje, titled "The Status of inmates in penitentiaries in the Republic of Macedonia ", conducted in prisons in the Republic of Macedonia and shows prison staff‟s perception of their own job satisfaction, stress exposure and the consequences by assessing the physical and psychological status.

[1] World Health Organisation (2003) Work, Organisation and Stress. Systematic Problem Approaches for Employers, Managers and Trade Union Representatives, accessed :http://www.who.int/occupationalhealth/publications/en/oehstress.pdf

Participants

The survey was conducted on 188 employees in the prisons "Idrizovo " - Skopje , Strumica and the solitary confinement " Šutka " in Skopje, of whom 148 (79.6 %) are men and 38 (20.4 %) are women. Of these, the high school graduates account for 70.2 %, post-secondary graduates make up 5.5 %,19.3 % were BA/BSc and 4.4 % were MA/MSc. In terms of the sector in which they work, most participants come from the security sector 71.3 %. The remaining participants are from the following sectors: resettlement : 11.2 % commercial - instructor 3.7 % , health care 2.7 % , financial sector 4.33 % and executive - administrative sector 6.9 % . So, most of the security staff is present in this research.

Instrument

The research adapted to our conditions uses parts of the questionnaires used in the survey of professional stress and coping in Irish prison guards and they are adapted to our conditions.[1] The part of the questionnaire that includes physical, psychological and behavioral symptoms of stress were adapted from the questionnaire by Cartwright and Cooper.[2] It is a Likert scale with 5 answers from 1 (never) to 5 (always). The second part of the questionnaire that offers 8 different methods for dealing with professional stress scale is adapted from the Carver scale.[3] It is also a Likert scale with 5 answers from 1 (never) to 5 (alaways).The third part of the questionnaire is adapted from Work Positive Questinary[4], and it is concerned with the organizational aspects in prison institutions: organizational requirements, control, support, relationships, roles and changes. The organizational requirements include issues such as work burden, employment forms and working environment. The control refers to the freedom the employee has and how she uses it. The support includes the support that the employee gets from the institution, the management and his / her colleagues. The organizational relationships refer to whether people understand their role in

[1]Occupational Stress and Coping among Irish Prison Officers: An Exploratory Examination Sinead Regan MSc
http://greenhousepress.webs.com/PrisonOfficersOccupationaStress.pdf
[2] Cartwright, S. & Cooper, C.L. (1997) Managing Workplace Stress, London: Sage Publications
[3] Carver, C.S. (1997) You want to Measure Coping but Your Protocol's Too Long: Consider the Brief COPE. International Journal of Behavioural Medicine 4 (1), 92 - 100
[4] European Agency for Safety and Health at Work (2002) Systems and Programmes, How to Tackle Psychosocial Issues and Reduce Work-related Stress, viewed 15th June 2007, osha.europa.eu/publications/reports/309/index.htm

the organization and whether the organization can be ensured that the person does not have role conflict. The organizational changes refer to whether the institution includes its employees in particular changes. There are questions regarding promotion, conflict between the job and the family as well as risk evaluation for one's own security.

Research goals

The main goal is to determine the job satisfaction and the stress to which prison staff is exposed, reactions to stress as well as the ways for coping with stress. This is done through self-evaluation of prison staff in Macedonia.

Special goals:

- to determine the factors that affect prison staff's stress;
- to determine whether there are and what the reactions to stress are: physical, psychological and behavioral;
- to determine the most common ways employees use to cope with stress;

Hypotheses

- Employees in penitentiary institutions in Macedonia are not satisfied with their jobs;
- Employees in penitentiary institutions in Macedonia show physical, psychological and behavioral signs of stres;
- Factors such as job dissatisfaction, decreased sense of security are associated with the level of stress.

Reactions to stress

Participants answered the part of the questionnaire concerned with the symptoms of stress choosing one of the possible options: never, rarely, sometimes, often and always. The research showed the following results in terms of reactions to stress for which the respondents said that occured often and always in the last four weeks:

Physical symptoms:

Pain in the chest (pounding) 14% of the employees; nausea / upset stomach 13,6%; high blood pressure 19,7%; diarrhea 2,2%; headaches

22,1%; changes in appetite 12,9%; eczema 7,7%; problems to fall asleep 14%; problems to sleep 15,6%

Psychological symptoms

Anxiety or restlessness 29,5%; propensity to crying 4,8%; sudden feeling of panic or fear 7,6%; frustration towards colleagues / inmates 7,8%; Sadness or depression 17,4%; Job dissatisfaction 43,6%; Inability to find pleasure in anything 6%; Feeling of hopelessness 10,2%; feelings of worthlessness 9, 7%

Behavioral symptoms

breakdown of relationships at work 12,9%; breakdown of relationships at home 7,5%; increased smoking 20, 4%; increase in alcohol consumption 10,8 %; increase in drug taking 0%

From the physical symptoms the most frequent are high blood pressure (almost 20%) of employees and headaches (22%). The most frequent psychological symptoms are job dissatisfaction (43.6%), anxiety or restlessness (almost 30%), sadness or depression (17.4%) and approximately 10% have feelings of worthlessness and hopelessness. From the behavioral symptoms the most frequent is the increase in smoking with 20.4%, and then comes breakdown of relationships at work (almost 13%).

These results suggest that almost half of the employees expressed dissatisfaction with the work, and nearly a third report on the feeling of anxiety. Employess assess their ability to deal with stressful situations as good or very good in 72.6% of cases, very weak and wea in 6.2%, and they cannot assess in 21.2 % of the cases. Prison staff use these strategies (often or always) for coping with stress:

Active dealing with the situation:

47%of the cases; Religion 23%; Emotional support from the others 26.8%; Instrumental support from the others 17,2%; Removal of attention from the problem 34,8%; Using substances 4,9%

Prison staff use these strategies (rarely or never) for coping with stress:

Active dealing with the situation: 42,2%; Religion69,5%; Emotional support from the others 59,6%; Instrumental support from the others 59,9%; Removal of attention from the problem 69,9%; Using substances 96,2%

The most used strategy is active dealing, while using substances is the least used strategy for coping with stress. When it comes to work organization which is a potential source of stress, these are the staff's responses:

The majority (92.4%) of the prison staff know is what is expected from them at work and what their tasks and responsibilities at work are (84.6%), (87%) are familiar with the regulation that is important for the performance of work. Regarding the way (how) they do their job, 45,6 % estimate that they do not have the right to choose, while 32,7% estimate that they always or often have the right to choose. 64,4 % report that they do not have appropriate conditions for career promotion in the institution where they work. 67% of employees work additional hours and 51% are ofte and always paid for it while 45, 9% say they are not. Probably, regarding the extra work, 57.5% of employees are concerned because they do not have enough quality time for their family because of work.

What causes pressure at the work place?

46 % of the employees always or often feel pressure due to the short deadlines for completing their tasks, while 37.4 % report that they have to delay other tasks because they have a lot of work to do. To the question: The pressure at work affects my health during the time I work in this institution, 60 % of the participants answered with often or always. 74.6 % of them assess their job as emotionally stressful, while 48.3 feel that their job is boring and repetitive. Taking into consideration the above-mentioned, 44.3 % of the employees think about leaving the institution due to the pressure they experience at work. 38, 3% believe that their engagement at work (e.g., hours, shifts) do not match their schedule. 61.1% of the employees disagreed with the claim that their work is safe, i.e. that they cannot easily get fired. 87.1% considered that they are not properly paid for the work they perform, and 52.4% that their contribution is not valued in the institution. 55.4% of the employees do not feel comfortable in the work environment, and 67.2% considered that the equipment they use is inappropriate for their job .66% are concerned about their job security, and 73.5% of employees are concerned for their health. Of these problems, prison staff stated that they

experience low personal income (93.5% of employees), overcrowding (82.1% of employees); lack of teamwork (68.1% of employees); lack of cooperation with the inmates (48.7% of employees); lack of assets for working (83%); work pressure (59.6% of employees).

CONCLUSION

The results of the research showed worrisome results from the aspect of satisfaction and stress at work for staff in the prison institutions in the Republic of Macedonia. Many of the employees (nearly half, and for some aspects greater percentage of employees), expressed dissatisfaction with the work, which stems from dissatisfaction with the conditions of the workplace, the work in shifts, inability for career advancement, feeling that the work is not safe and that their contribution is not valued in the institution. They think that their job is emotionally stressful, they do not feel comfortable in their work environment and they are worried about their security and their health.

The feel that they work under pressure and majority of them are not satisfied with the salary. Probably, taking this into consideration, nearly half of the staff thinks about leaving the job, i.e. finding alternative one. They estimate that the job has reflections on the quality of the relationships in the family, mainly because of the work in shifts. The other problems that the majority of them mention are: overcrowding, lack of team work, lack of cooperation with the inmates and lack of assets for working.

Given the fact that in the Republic of Macedonia there is not enough research on this issue, there is need for further research as to identify sources of stress and the study of other aspects of this complex phenomenon. Research would contribute to lay the foundations for recovery and implementation of strategies for improving the conditions of work, and, it would directly affect and improve their work on re-socialization of the inmates.

RECOMMENDATIONS

The effects of stress on the officials can reduce their ability to perform their obligations in prison in a way that will challenge the security of the institution, and can cause stress in other staff members. Threfore, it is important to work on prevention of professional stress.

It is important that employees are permanently encouraged and given support for the improvement of the professional knowledge and skills, as well as exchanging experiences with colleagues from other institutions; there should be education in accordance with the needs where each staff member could take part; they should be guided based on the principal of participation

of employees in making decisions about the legal and other important issues that affect the improvement of the job directly or indirectly; there should be psycho-social programmes for coping with stress as well as improvement of communication skills. By reducing stress in the workplace, there is contribution primarily on the quality of life of each individual employee, and this would also contribute to:

- save money by reducing the temporary costs that occur when officers take sick leave or quit because of the stress that people experience in the workplace;
- improve the efficiency of officers with raising the morale of employees;
- increase security in the institutions with the reduce of the attention due to stress;
- improve relations between units with joint work program with which both sides can benefit;
- show interest for staff members with the fact that the institution cares for them as human beings and not only as employees.

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CONTRASTIVE ANALYSIS OF WORDS RELATED TO HUMAN TRAFFICKING IN ENGLISH AND MACEDONIAN

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Abstract

The paper deals with semantic analysis of certain concepts related to human trafficking in English, and their translational equivalents in Macedonian. Taking into consideration the non-existence of absolute equivalence between the words referring to specific concepts, the author contrasts and compares a selected number of examples which may cause problems for translators due to their semantic specificities in both languages.

The author particularly focuses on cases of lexical synonymy in the English examples attempting to identify certain semantic specificities of the concepts they refer to, and compare them with their equivalents in the Macedonian lexical corpus. A significant part of the paper is also dedicated to the etymological and semantic analysis of the metaphors used in coining English and Macedonian words and expressions in the area of human trafficking.

The analysis presented in the paper will contribute to a better understanding of a selected number of concepts related to human trafficking in English, which should help in providing greater precision in the process of their translation into Macedonian, thus eliminating the possibility for possible misunderstandings due to translation errors.

Key words: *language, human trafficking, translation, meaning, contrastive analysis*

INTRODUCTION

The precise transfer of semantic content, and the semantic specificities of given concepts in particular, is undoubtedly considered a key challenge for translators in the process of translating words from one language into another. The most common obstacles faced by translators refer to possible "deviations" from the meaning of the source term in the translated text which mainly results from the non-existence of identical number of lexical units in the languages in question. Contrary to certain views according to which such

numerical non-equivalence occurs as a consequence of the "poverty" of one of the languages participating in the translation process, in many cases this "phenomenon" has cultural background, so the insufficient differentiation on the grounds of specific semantic features occurs when the concept being translated is unfamiliar to the members of the target culture (which is embodied in the target language of the translation), the given concept is used in a different context by the speakers of the target language, the concept is not developed enough in the target culture etc. Therefore, the translator must be particularly careful in the choice of corresponding translational solutions, which primarily includes a detailed analysis of the phenomenon referred to by the specific word and the identification of the nearest equivalent within the lexical corpus of the target language.

In the sections that follow we will try to demonstrate the complexity of the translation process with examples in the field of human trafficking in English and Macedonian. We will try to identify the semantic distinctiveness of certain concepts which may mislead the translator and result in wrong or inadequate translation equivalents. This is particularly true when it comes to translation of synonyms where the translator must use great skills in order to identify their semantic specificities and transfer them correctly in the target language. We will also touch upon the lexical creativity of the English speakers reflected in the development of metaphorical expressions for naming specific concepts in the area of human trafficking. Providing adequate examples, we will try to identify the metaphorical links for several concepts in English and compare them to their Macedonian equivalents.

TRANSLATION OF SYNONYMS (ENGLISH WORDS AND EXPRESSIONS FOR THE MACEDONIAN CONCEPT *JAVNA KUKJA*)

English language is characterized by the existence and parallel use of several synonyms which refer to almost identical concepts, and this undoubtedly is one of the potential sources of misunderstanding or errors in the text translated in the target language. It is true that the existence of absolute synonymy is almost impossible, which can be proved by a thorough analysis of the etymology and the semantic peculiarities of the given concept, which requires greater efforts on the part of the translator in the process of choosing the appropriate translational equivalent within the limited lexical repertoire of the target language. However, there are cases when semantic differentiation of the English synonyms is negligible, which makes it justified to use a limited number of Macedonian lexical equivalents for certain phenomena. Within this category of synonyms, in this paper we limited ourselves to the Macedonian phrase *javna kukja*, or *bordel* which in

Macedonian is mainly used with these two forms, in contrast to English which has a wide range of words and phrases denoting the same concept.

We will start the overview with the English word *brothel*, which, as far as its pronunciation is concerned, is nearest to the Macedonian noun *bordel*. This noun is very interesting for analysis from etymological point of view, since it primarily used to refer to a person who was considered unworthy, but after some time was affected by the process of semantic extension, or more precisely extension of the number of meanings, when, under the influence of the word *bordel*, the noun *brothel* took on the additional meaning of *javna kukja*, which automatically led to the shift in the referent – instead of referring to a person, *brothel* started to refer to a place[1] where sexual activities take place for money, which are considered illegal in most countries and are very often related to trafficking in women.

Having touched upon the noun *brothel*, here we can mention another "peculiarity" regarding the form in which it is borrowed in English. Namely, in the English lexical corpus we can also find the noun *bordello*, which, according to the assumptions of etymologists, represents an "imported" Italian variant of the French noun *bordel* with the suffix *–lo*[2]. Beside the noun *brothel*, in the English language we may come across the euphemistic expression *disorderly house* which in its broader sense denotes a house whose "inmates" behave in a manner which disturbs the other people living in their environment, or disturb the public order and peace, while in its narrow sense it denotes a place of the type of a casino or a brothel (Oran, 2000: 151). In the American variant of the English language we can also find the euphemistic structure *sporting house* which already belongs to the category of archaisms, although in the past it used to refer to a brothel. At this point, it is interesting to note that in spite of the multitude of compound nouns and expressions containing the noun *house*, in terms of their form not a single one of them corresponds to the Macedonian expression *javna kukja*, which might be considered as a proof that this concept was not adopted in Macedonian through English. The origin of the Macedonian variant might be linked to Latin, or more precisely to the verb *prostituere* with the meaning of "exposing to the public" from which were derived the verb *prostituira*, as well as the nouns *prostitutka* and *prostitucija*. Hence, the house where the girls expose themselves to the public was logically named as *javna kukja*. In colloquial use, for the expression j*avna kukja*, we may also encounter the noun *stew*, which, in the history of its existence somewhere around the 14th century developed the meaning of a brothel based on the previously acquired

[1] http://www.etymonline.com/index.php?term=brothel (retrieved on 15.02.2014)

[2] http://www.etymonline.com/index.php?allowed_in_frame=0&search=bordello&searchmode=none (retrieved on 15.02.2014)

meaning of a public bathroom taken from Old French[1]. It is believed that the reputation of these public bathrooms was bad, and this most probably accounts for the analogy which was drawn between them and the brothels. This is particularly due to those women who visited public bathrooms, but who had the reputation of bad women (Klein, 1966:1513). The term *stew* may simultaneously refer both to an individual brothel and a whole "district characterized by brothels" (Webster, 1993:2239). Contrary to these euphemistic or symbolic expressions, there are some more explicit coinages, as in the case with the compound noun *whorehouse* which is mainly used in colloquial communication.

SEMANTIC NUANCES AS A TRANSLATION CHALLENGE: *coerce* vs. *compel* vs. *force*

Within the context of human trafficking, we have noticed certain difficulties in the translation of the verb *coerce*, which is pretty often used in this area. At the same time, we must emphasize the fact that this verb is usually used alongside with the verb *compel*, as well as the verb *force*, each of them containing specific semantic features which denote a specific concept. Unfortunately, identifying and transferring their semantic specificity is not an easy task for Macedonian translators. The reason for this lies in the fact that the Macedonian lexical corpus has at its disposal a limited number of lexical units which are used for lexically shaping the concepts covered by these verbs. The verb *coerce* refers to an activity covered by the noun *coercion* which means "any form of compulsion or constraint that compels or induces a person to act otherwise than freely. It may be physical force but is more often used to describe any pressure that is brought to bear on another's free will" (Gifis, 1998: 78). According to Webster's Dictionary the verb *coerce* means "to compel to an act or choice by force, threat, or other pressure" (Webster, 1993: 439). Hence, it can clearly be seen that in the core of the concept *coercion* lays the element of "force" which usually comes from the outside world, and affects the behavior of the person toward which it is directed. Therefore, the nearest Macedonian equivalent would be the noun *prisila*, i.e. the verb *prisiluva* which in its etymology contains the noun *sila*. The semantic feature "sila" (force) is also stressed in official publications addressing terminological differentiations in the area of human trafficking and illegal migrations. Thus, for instance, according to the definition provided by the International Organization for Migration, *coercion*

1 http://www.etymonline.com/index.php?allowed_in_frame=0&search=stew&searchmode=none (retrieved on 15.02.2014)

is defined as "prisiluvanje so fizička sila ili zakana za upotreba na fizička sila (IOM, 2010:16), which is translated in English as "coercing by way of using physical force or making a threat to use physical force".

In contrast to the explanation given above, we may say that the semantic content of the verb *compel* is not limited to the existence of such form of external force by another person, which consequently means that it refers to a wider concept of forcing a person by another person whose background is of a diverse nature. Thus, for instance, the verb *compel* is used in situations when the action it refers to is caused by certain situations, states, events, relations etc. from the outside world which are not necessarily bound to a specific human factor. Let us give several examples which will illustrate this semantic distinctiveness of the verb *compel* compared to the verb *coerce*. Namely, the verb *compel* can be used in examples like *Hunger compelled the poor man to rob the bank* (*Gladta go prinudi siromaviot/kutriot čovek da ja ograbi bankata*) or *Public opinion compelled the Minister of Interior to resign* (*Javnoto mislenje go natera/prinudi ministeror za vnatrešni raboti da podnese ostavka*), but it would sound rather weird to say *The criminal compelled the victim to offer sexual services for money*.

Beside *coerce and compel*, we will also single out the verb *force* as their hypernym, which may serve as their most neutral alternative when the speaker is not sure about the semantic distinctiveness of the action it refers to. Hence, we may come across *force* in sentences like *Hunger forced the poor man to rob the bank* or *the criminal forced the victim to offer sexual services for money*. It is interesting to note another interesting fact related to the etymology of the verb *force*. According to some etymological dictionaries the verb *force* originates from the Old French verb *forcier* meaning "conquer by violence[1]", and most probably its original meaning primarily referred to a sexual attack on a woman, while the process of semantic extension occurred later, when it developed the meaning of forcing somebody/something in a general sense.

With its present meaning the verb *force* in the form of verbal adjective is often used in terminology in the area of human trafficking. Thus, for instance, as possible manifestations of human trafficking we may come across certain concepts like *forced labour* or *forced marriage*. The concept *forced labour* which refers to "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"[2] is translated into Macedonian as *prisilna rabota*. In contrast to the majority of cases of human trafficking where the

[1] http://www.etymonline.com/index.php?term=force (retrieved on 15.02.2014)

[2] Article 2, Convention concerning Forced or Compulsory Labour, 1930, available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029 (retrieved on 15.02.2014)

object of the trafficking are persons from the female sex (mainly young and attractive girls), when it comes to *forced labour*, the victims are usually persons of the male sex who are usually engaged in hard physical work. This way defined, *forced labour* is practically a very similar if not identical concept to the concept of *labour trafficking* which refers to "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery"[1]. The expression *forced marriage*, is, on the other hand, translated as *prisilen brak* or *brak pod prisila/prinuda* and refers to marriage the victim enters into against his/her own free will. Victims of such form of marriage are usually girls who are sold to their future spouses, which definitely are considered one of the possible manifestations of trafficking in human beings.

Within the context of human trafficking as a subtype of sexual slavery we will also single out the expression *forced prostitution* with its Macedonian equivalent *prisilna prostitucija* which refers to offering sexual services under pressure or threat, against the free will of the victims (mainly girls). As their synonyms we will also mention the expressions *involuntary prostitution* and *enforced prostitution* which cover, more or less, the same concept.

MISLEADING TRANSLATION: *human smuggling* vs. *human trafficking*

Deviation from the original link between the word and the concept it represents may sometimes lead to inadequately or wrongly translated words/expressions. One of the most common translation errors which is often found among Macedonian speakers and students of English for law enforcement is the translation of the concept *human traffickin*g, which is often translated with the expression *šverc so lugje*, instead of the corresponding translation equivalent *trgovija so lugje*.

If we take into consideration the semantic content of the Macedonian noun *šverc*, we will see that the action covered by *šverc* denotes transfer of a specific object from one place to another or across the border of a specific territory in violation of the laws of the respective country. If the action covered by this noun refers to human beings as objects of this illegal transfer, then we have a situation which is necessarily related to their trafficking. The noun *šverc* much more corresponds as translation equivalent of *smuggling*,

[1] The definition is according to Trafficking Victims Protection Act, 2000, available at: http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-labor-trafficking-english (retrieved on 15.02.2014)

which is also translated as *kriumčarenje* and significantly differs from the noun *trgovija* as far as its semantic content is concerned. *Human smuggling* refers specifically to smuggling persons, which is not necessarily carried out against their free will. To put it differently, *smuggling* also covers those cases when a person voluntarily pays the smuggler a particular amount of money so that he/she would transfer him/her to the final destination. The moment this smuggled person steps on the ground of the territory of the final destination, he/she is free to organize his/her life in that territory according to his/her own free will, and at the same that person is aware of his/her illegal action and residence in the foreign territory. His/her interaction with the facilitator of the transfer finishes the moment the smuggled person pays the smuggler for the successfully accomplished service. Contrary to this, as far as the act of trafficking is concerned, persons being smuggled from the territory of one country to another have absolutely no control over their choice, because they did not accept the "status" of trafficked persons voluntarily. On the contrary, they are the objects of human trafficking, the trafficker usually deprives them of their documents, and they are forced to work for the trafficker usually as sexual workers and to live in "modern type" of slavery. *Trafficking* differs from *smuggling* in that the action of trafficking can be performed without a concrete physical transfer of the object, i.e. the victim, which may change her/his "owner" while keeping the place of residence.

Despite illegal cross-border trafficking, the expression *human trafficking* may also refer to the act of trafficking persons within one country, while *human smuggling* is mainly used for smuggling persons across the border.

USING METAPHORS FOR NAMING CONCEPTS IN THE AREA OF HUMAN TRAFFICKING

One of the most productive and easiest ways for creating new words is through the use of metaphors (also referred to as "shortened comparisons"), on the basis of already existing lexical solutions within the lexical corpus of a given language. In linguistics, metaphors are defined as "linguistic images that are based on a relationship of similarity between two objects or concepts; that is, based on the same or similar semantic features, a denotational transfer occurs" (Bussmann, 2006: 744). Within the context of word building, metaphors are used either a) by adding the 'transferred' meaning to the original meaning, or b) by partially or completely displacing the old meaning (ibid).

If we focus on the limited area of human trafficking, we will see that in this area metaphors are also used in certain cases as the basis for naming

particular concepts. We will begin our overview of the examples from this category with the noun *coyote*, or its Macedonian equivalent *kojot*, which refers to a person who smuggles immigrants. This noun is mainly used in the American variant of the English language and was originally developed for naming smugglers who facilitate the migration process of individuals from Mexico into the United States of America. On the basis of the semantic analysis of this noun we can agree that the use of the metaphor *coyote* to refer to the above mentioned category of smugglers is thoroughly justified. Namely, the noun *coyote* denotes a kind of animal which populates North America and one of its most important characteristics is actually its ability to move and survive in the desert – its typical natural environment in that part of the world. The emigration from Mexico to the United States of America can also be viewed as a question of the capability for surviving and moving in the desert. Therefore, metaphorically speaking, the person dealing with smuggling issues at the Mexican-American border should possess, so to speak, the characteristics of the *coyote*, so as to be able to successfully complete the action of cross-border transfer of migrants.

Apart from the noun *coyote*, we also noticed a metaphor in the compound noun *snakehead*. This noun refers to individuals whose activities include facilitation of illicit transport of Chinese migrants in the United States of America or in other Western countries through illegal underground crossings. As far as the choice of the lexical solution for this concept is concerned, there are some interpretations that the metaphor of the snake's head actually originates from the fact that the lines of movement of emigrants in those underground crossings resemble snakes' heads.

In order to show the centuries-long productivity of metaphors in the practice of coining new words and expressions in the area of human trafficking, we will also use the expression *chattel slavery*. In English this expression is used for denoting the oldest form of slavery, when the selling and the ownership over slaves in many countries was an illegal "business". It can be defined as "a situation where one person assumes complete legal ownership over another"[1]. In this example we can very easily notice the metaphorical link between the concept *chattel* in its original meaning and the metaphorical meaning it takes on within the given expression. Namely, the English noun *chattel* refers to tangible property in its broadest sense, which is owned by a person who can use it, manage it, or sell it to a new owner. The identical "destiny" was also shared by the original slaves in the past, so

[1] "Terms you should know about human trafficking" available at: http://www.dosomething.org/actnow/tipsandtools/terms-you-should-know-about-human-trafficking (retrieved on 15.02.2014)

the expression *chattel slavery* is probably the most appropriate metaphor for the slave relationship described above.

We will complete this overview with the noun *stable*, which originally corresponds to the Macedonian word *štala*, while in the context of human trafficking it is used for denoting groups of victims who are under the control of one and the same pimp. In this case the metaphor of a stable is chosen so as to depict with greater precision the treatment toward the victims of human trafficking which is identical to the way the owners treat their animals in the stables. Beside this, we could also add the "mass" as an important semantic element. Namely, the victims of human trafficking are usually kept together, in a group, acting as a kind of a "collective" which must follow and obey the instructions given by the "boss". The animals are also kept in a similar manner in the stables, their freedom is limited and their "destiny" depends on the will of their owners.

Beside the aforementioned linguistic images which are either replicated, transferring the original English metaphor in Macedonian or have not yet found their lexical and metaphorical equivalents within the lexical corpus of Macedonian, there are sometimes cases of inadequate transfer of the metaphor of the original expression. In order to illustrate this "mismatch" between the metaphorical links to the concepts in both languages, we will take the example with the word *ring*, which is very frequently used in the domain of human trafficking, in expressions like *human trafficking ring*, *prostitution ring* etc. The etymological analysis of the noun *ring* takes us back to its proto-Germanic variant *hringaz* with the meaning "circle" which is also the basic semantic feature – carrier of semantic content of the concept lexicalized by it. The presence of this feature is also emphasized in the definitions of the noun *ring* in the domain of illegal activities, so in the majority of electronic dictionaries available on the Internet *ring* is defined as "an exclusive group of people, usually involving some unethical or illegal practices[1]", "an exclusive group of people acting privately or illegally to advance their own interests[2]", "an association of criminals[3]" etc. These definitions clearly show that its key semantic feature is the exclusiveness which denotes a kind of an enclosure, thus linking directly the literal and the metaphorical meaning of the noun *ring*. Yet, in spite of the evident analogy between these two concepts, we have noticed a sort of deviation from this initial analogy among Macedonian speakers. Here we specifically have in mind the numerous examples of the wrongly used metaphor of the *chain* (Mac. *sindžir*) or *network* which can often be encountered in Macedonian

[1] http://en.wiktionary.org/wiki/ring (retrieved on 15.02.2014)
[2] http://www.thefreedictionary.com/ring (retrieved on 15.02.2014)
[3] http://www.wordwebonline.com/search.pl?w=ring (retrieved on 15.02.2014)

translations such as *sindžir na trgovija so lugje* for *human trafficking ring*, *mreža na detska pornografija* for *child pornograohy ring* etc. which do not reflect the semantic relations covered by the metaphor of the English expressions. Namely, the semantic specificity of the metaphor *chain*, i.e. *sindžir* which distinguishes it from the *ring* metaphor lies in the semantic feature referring to the interconnection between many loops, or "rings" which interweave with each other, which implies the non-existence of the "exclusiveness" as a semantic feature which makes its Macedonian translation inadequate. As far as the *network* metaphor is concerned, here we can also notice a kind of inadequacy, taking into account the etymology of the English noun *network* which is used for metaphorically denoting phenomena referring to mutual interconnectedness/ interrelatedness. In contrast to the *chain* metaphor where the connection is expressed through chain-like connectedness between specific events, occurrences etc, network connectedness is related to the interconnectedness between events and occurrences whose structure is similar to the structure of the network whose constituent elements interconnect at specific, usually identical intervals. The structure of the *chain* metaphor usually implies the existence of a specific series, i.e. a line, while *network* refers more to an organized system with a defined structure. This is supported by the simplest definition of the noun *network* according to which it denotes "any interconnected group or system[1]". Therefore, we think that in these cases the "happiest" solution for translators would be to find corresponding metaphor within the target language which captures the semantic feature of exclusiveness, or to literally translate the English metaphor if its literal translation unambiguously transfers the original metaphorical denotation to the native speakers of the target language. In the examples above, we suggest *krug na trgovija so lugje* or *krug na detska pornografija* where the "circle" metaphor implies both the exclusiveness as a semantic feature and the connectedness contained in the etymology of the English noun *ring*.

CONCLUSION

From the semantic analysis of the words and expressions presented above, it can logically be concluded that the translation of human trafficking terms from English into Macedonian requires detailed analysis of their semantic content, which makes the translation process a demanding and challenging task for translators. However, only the adoption of this kind of approach can lead to the identification of appropriate translation equivalents,

[1] http://en.wiktionary.org/wiki/network (retrieved on 15.02.2014)

thus eliminating the possibilities for semantic deviations and misunderstandings based on wrong or inadequate translation.

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THE POLICE AND THE INTERNATIONAL POLICE CO-OPERATION ON THE BALKANS

COMPARATIVE ANALYSIS OF NATIONAL STRATEGIES FOR PROTECTION AND RESCUE IN EMERGENCIES IN SERBIA AND MONTENEGRO WITH EMPHASIS ON CROATIA

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Abstract

Emergencies caused by different types of disasters (natural, technological and complex) are as old as human history. They have always created serious problems for people and their communities, forcing them to take appropriate measures to ensure their prevention, mitigation, response and recovery. Keeping in mind the security implications of emergencies for the population, the overall tangible and intangible assets and the environment, each country has a primary responsibility for its own sustainable development on one hand, and for implementation of effective measures to reduce the risk of emergencies on the other hand. Therefore, the state and its authorities shall promptly undertake measures aimed at protecting people and their material assets and the environment from the impacts of emergency situations, i.e. to undertake measures to effectively reduce the risk of emergencies caused by disasters. In addition, one of the most important measures is certainly incorporating the integrated and multifaceted approach to disaster risk reduction into policies, planning and programming related to sustainable development, assistance, rehabilitation and revitalization activities in post-catastrophic and post-conflict situations in countries at risk disaster.

The countries that develop policy, legislative and institutional framework for disaster risk reduction and those that are able to develop and track progress through specific and measurable indicators have greater capacity to manage risks and to achieve a widely accepted consensus on the inclusion and fulfilling measures of risk reduction across all sectors of the society. Certainly, on the list of significant measures aimed at reducing the risk of disaster is the adoption of the national strategy for protection and

rescue in emergency situations. Generally speaking, national strategies are aimed at a comprehensive understanding of the source of current and future risks, the establishment of the concept of organized activities of the government and other institutions to reduce emergencies caused by all forms of major natural and technological disasters, to mitigate their consequences through prevention actions, as well as development of adequate state of readiness and capacity of the whole community. Therefore, the national strategy for protection and rescue in emergency situations is a crucial foundation on which all other activities aimed at reducing disaster risk rest.

That is why the author has done a detailed analysis of the National Strategy for Protection and Rescue of Serbia and Montenegro - with respect to Croatia, in order to compare their contents, based solutions, and implemented international standards. In addition, special attention is paid to the analysis of grounding of such strategies, keeping in mind the objective risk assessments of possible emergencies, which are determined by presenting statistical analysis of each country.

***Key words**: comparative analysis, the national strategy for the protection and rescue, Serbia, Montenegro, Croatia, safety, emergency situations.*

INTRODUCTION

Emergencies are one of the constants of human history and their conceptual definition determines primarily different types of hazards that threaten the security and are caused by the influence of nature and human activity factors (terrorist attack), which may lead to their occurrence in a particular territory.[1] It is, therefore, due to many factors, difficult to formulate a single, comprehensive and precise definition of emergency, which would include all their features and particularities. Without going into detailed analysis of the definition of emergency, we will keep to the meaning given in the Law on Emergency Situations of Serbia:[2] "State when the risks and threats or consequences of disasters, emergencies and other threats to the population, environment and material assets are of such scale and intensity that their occurrence or effects cannot be prevented or remedied by a regular action of the authorities and services, that to mitigate and remedy it is necessary to use special measures, power and resources with enhanced mode".

[1] Cvetković, V.: *Intervention and Life-saving services in emergency situations, Belgrade*: Zadužbina Andrejević, 2013, p. 9

[2] Law on emergency situations, *Official Gazette of the Republic of Serbia*, No. 111/2009

Taking into account the security implications of emergencies to the population, the overall tangible and intangible assets and the environment, each country has primary responsibility for its own sustainable development on one side, and the implementation of effective measures to reduce the risks of emergencies on the other side.[1] Therefore, the state and its authorities shall promptly take measures aimed at protecting people and their material assets and the environment from the impacts of emergency situations, i.e. to take measures to effectively reduce the risk of emergencies caused by disasters. In addition, one of the most important measures is certainly to incorporate integrated and multifaceted approach to disaster risk reduction into policies, planning and programming related to sustainable development, assistance, rehabilitation and revitalization activities in post-catastrophic and post-conflict situations in countries at risk from disasters.[2] Consequently, countries that develop policy, legislative and institutional framework for disaster risk reduction and those that are able to develop and track progress through specific and measurable indicators - have a greater capacity to manage risks and to achieve a widely accepted consensus for inclusion and fulfilling measures for risk reduction throughout all sectors of society. As proclaimed in the Yokohama Strategy, each country has the sovereign responsibility to protect its citizens from natural disasters, to develop and strengthen national capacities and correspondent state legislation to combat the harmful effects of natural and other hazards, to promote and strengthen regional and international cooperation in activities for prevention, reduction and mitigation of natural and other disasters, with a special emphasis on the human and institutional capacities and the exchange of technology, collection, dissemination and use of information and resource mobilization.

Thus, emergencies can be avoided with the help of various ways to reduce risks and limit the impacts of disasters, for example, through the identification of human vulnerability and enhance their ability to cope with disasters. Disaster risk reduction generally includes measures aimed at preparedness, mitigation and prevention. It aims to strengthen resilience to disasters and is based on knowledge of risk management, capacity building and use of information and communication technologies and means of observation of the planet.[3] Certainly, a significant measure aimed at reducing the risk of disaster is the adoption of the national strategy for protection and

[1] Hyogo Framework for Action 2005-2015: *Building the Resilience of Nations and Communities to Disasters/ Report of the World Conference on Disaster Reduction,* Kobe, Hyogo, Japan, 18 - 22 January 2005. (16 March 2005)

[2] Johannesburg Plan for Implementation of the World Summit on substantial development, Johannesburg, South Africa, 26. 08. – 04. 09. 2002, Paragraphs 37 and 65. n. d.

[3] Communication of the Commission of the Assembly and the European Parliament, Bruxelles, 2009

rescue in emergency situations. Generally speaking, national strategies are aimed at a comprehensive understanding of the sources of current and future risks, the establishment of the concept of organized activities of government and other institutions to reduce emergencies caused by all forms of major natural and technological disasters, to mitigate their consequences through prevention actions, as well as development of preparedness of adequate government capacities and the whole community. Therefore, the national strategy for protection and rescue in emergency situations is a crucial foundation on which all other activities aimed at reducing disaster risks rest.

MAIN CHARACTERISTICS AND STRUCTURAL FORM OF THE NATIONAL STRATEGY FOR PROTECTION AND RESCUE IN EMERGENCY SITUATIONS IN THE REPUBLIC OF SERBIA

The basis for adoption of the National Strategy for protection and rescue in emergency situations[1] of the Republic of Serbia (hereinafter NSPR RS) is contained in the Law on Emergency Situations, which has defined the establishment of an integrated system of protection and rescue. In addition to the legislative framework, the basis for development of the National Strategy is contained in other national and international documents such as the National Programme for Integration of Serbia into the European Union[2], the National Strategy for Sustainable Development[3], The National Security Strategy of the Republic of Serbia[4], the Millennium Development Goals[5], which are defined by members of the United Nations and the Hyogo framework for Action 2005 - 2015: Development of the Resilience of nations and communities to Disasters[6]. In addition to the above, drafting the National Strategy was considered Internal Security Strategy of the European Union and the European Union Strategy for supporting disaster risk reduction in the developing countries[7]. The strategy particularly emphasizes that it will ensure the recommendations of the European Union for the development of national measures: the establishment of institutional, organizational and

[1] See for more details: Law on Emergency situations: *the same*

[2] See for more details: National programme of the integration of the Republic of Serbia in the European Union (NPI) was adopted by the Government on 9th October 2008, Conclusion 05 No. 011-8137/2007-10

[3] National Strategy of Sustained Development "Official Gazette of the Republic of Serbia", No. 55/05, 71/05- correction and 101/07

[4] Strategy for National Security of the Republic of Serbia, 2009

[5] Millennium Declaration of the United Nations: 55/2

[6] Hyogo Framework for Action 2005-2015: *the same*

[7] Strategy of the European Union for support of reduction of the risk of catastrophes in the developing countries, Bruxelles: Commission of the European Union, 2009

staffing requirements for implementation of protection in emergency situations, ensuring a well-trained staff, the establishment and training of the existing fire and rescue units in all areas for performing new tasks, developing the ability to respond in the event of a disaster in the most efficient manner, including the elimination of the consequences of disasters caused by terrorist attacks, providing material assistance to support the implementation of the National Strategy; training firefighting and rescue units of the Ministry of Interior, firefighting units in companies and firefighting units of the voluntary fire brigades, civil protection units (specialized and general-purpose units), enabling citizens to act in emergency situations, etc.[1]

Serbian NSPR in emergency situations consists of the following parts:[2] 1. introduction; 2. state in the field of the emergency situations; 3. vision and mission; 4. strategic areas: I - to ensure that disaster risk reduction becomes a national and a local priority with a strong institutional basis for implementation; II – to identify, assess and monitor risks and enhance early warning; III – to use knowledge, innovation and education to build a culture of safety and resilience at all levels; IV – to reduce risk factors, prepare for major disasters for the efficient (emergency) response at all levels, V - the implementation of the national strategy, VI - financing , and VII - final stage.

The opening presentation, in addition to the above-mentioned grounds for adopting strategies, specifies the purpose (protection of life, health, property of citizens, environment and cultural heritage) and the fact that it ensures the implementation of recommendations of the European Union for the development of national protection and is one of the priorities of inclusion of the Republic of Serbia in the civil Protection Mechanism of the European Union.[3] In addition, it states the following principles:[4] right to protection, solidarity, transparency, preventive care, responsibility, gradualism in the use of power and resources, as well as an active policy of equal opportunities.

Furthermore, under conditions in the field of emergency situations, there is the regulation of activity, designation and management in emergency situations, international cooperation, necessity of investments, lack of a single 112 number and establishing budgetary funds as well as shortcomings of the existing system of protection and rescue. Within the vision and mission, vision is defined as a developed vision system to reduce the risks

[1] National Strategy for Protection and lifesaving in emergency situations, Republic of Serbia, Official Gazette, No. 86 of 18th November 2011, p. 2
[2] National Strategy for Protection and lifesaving in emergency situations: *the same*
[3] *the same*: p.1
[4] *the same*: p. 3

and consequences of emergency situations, while mission is defined as creation of conditions for building a society resilient to emergencies.

As part of the strategic areas, strategic objectives are defined.[1] Strategic Area No. 1 refers to political understanding and support, with objectives related to policy of reducing the risk of emergencies, financing, regulatory framework, national platform and functional cooperation of protect and rescue entities. Strategic area No. 2 refers to the basis for reducing the risk and increasing the culture, with goals related to standards and methodology of risk assessment of emergency situations, the system 112 and hydrological system for early warning and alert. Strategic area No. 3 relates to the role of education in reducing the risk of emergencies, with objectives related to information about the risks, contents and topics related emergencies, national training center, research organizations and cooperation. Strategic Area No. 4 refers to reduction of the risk factors, with objectives related to prognostic assessment methods, risk assessment, and urban and technical conditions. Finally, this area No. 5 is related to preparation, with objectives related to operational cooperation of all stakeholders and regional and international coordination.

In the section related to the implementation of the national strategy for protection and rescue in emergency situations is that it will be implemented through an action plan for its implementation[2] which will define the detailed implementation of strategic activities, implementers, performance indicators, timeframe for implementation and needed financial resources. Global politics in the field of disaster risk reduction, as well as national efforts for prevention and elimination of consequences of emergency situations are especially needed and productive at the regional level. Therefore, the National Strategy foresees the possibility of effective regional cooperation, given the increased need for common response to the challenges.

The national strategy refers to the principles on which the integrated system of protection and rescue rests: right to protection, solidarity, transparency, preventive care, responsibility, gradualism in the use of forces and resources, as well as an active policy of equal opportunities.[3] National Strategy clearly defines vision as developed, comprehensive, efficient and effective system to reduce the risk and consequences of natural disasters and other catastrophes by integrated emergency management in the Republic of Serbia, which contributes to increased security and sustainable development in the region. On the other hand, the mission involves creating conditions for building a disaster-resilient society by development of an integrated and

[1] *the same:* p. 8

[2] The action plan for the implementation of the national strategy for protection and rescue in emergency situations has not been passed

[3] National Strategy for Protection and lifesaving in emergency situations: *the same*, p. 3

effective system for protection and rescue in the Republic of Serbia until 2016.

MAIN CHARACTERISTICS AND STRUCTURAL FORM OF THE NATIONAL STRATEGY FOR PROTECTION AND RESCUE IN EMERGENCY SITUATIONS IN THE REPUBLIC OF MONTENEGRO

The basis for adoption of a national strategy for emergency situations of the Republic of Montenegro is contained in the Law on Protection and Rescue[1], the National Security Strategy[2] and other international acts. The strategy consists of the following parts: [3] I - introduction, II - strategy objectives, III - analysis of the components of risk from natural disasters and technological accidents: 1. natural disasters; 2. technical and technological accidents; 3. biological hazards; 4. role and capacity of existing institutions in relation to the defined hazards; IV - a summary of the primary risks by the regions and municipalities of Montenegro, V - a strategy to protect against disasters; VI - measures in the implementation of strategies and guidelines for the action plan; VIII - appendices.

In the introductory part of the paper, there is a word on the goals of its adoption, definition of an emergency situation and its causes and origin, description of the situation in the field of emergency and the World Conference on Natural Disaster Reduction.[4] As the objectives of the strategy are stated the disaster risk reduction and the concept of emergency management, as well as some specific objectives related to reducing the number and consequences of disasters, improving the preparedness of communities, natural phenomenon monitoring, notification system, response time, management of hazardous substances, cooperation, etc. Thus, in this part, an emergency situation is defined as, "situation created by extraordinary circumstances, suddenly caused by natural or human-induced, creating imminent danger to life and health, property of citizens, or significantly compromised environment, cultural and historical heritage in a particular area, and the affected community is not able to remove it by their own forces and resources, but their rehabilitation-needs help by the whole country and sometimes the international community."[5] It points to the fact that emergencies arise as a result of uncontrolled effects of a number of natural phenomena. In the geographic area where the territory of Montenegro

[1] Law on Protection and Lifesaving, Parliament of Montenegro, 29th November 2007
[2] Strategy for National Security of Montenegro, 2008
[3] National Strategy for emergency situations, Montenegro, 2006
[4] *the same*: p. 3
[5] National Strategy for emergency situations: *the same*: p. 6

belongs, such events are most often associated with devastating earthquakes, large movements of rock masses (landslides, landslide of rocks), floods, persistent extreme meteorological phenomena, avalanches, fires, regional and other large-scale natural disasters.

The part which is related to the analysis of the components of risk from natural disasters and technological accidents starts showing various statistics about the country and emergencies that have occurred, followed by definition and analysis of natural disasters, technical and technological accidents and biological hazards. Therefore, an objective analysis and quantification of all real natural hazards, potential technological disasters and major biological hazards whose occurrence can induce emergency in Montenegro is conducted. In addition, under the natural disasters, earthquakes and other geological hazards and extreme weather phenomena were analyzed. Regional-scale fires, damage to installations for oil and petroleum products, transport, explosions, radiological and other accidents, major traffic accidents, accidents at major power plants and hydro facilities are reviewed and analyzed in technological accidents. In the part which is related to biological hazards, we deal with issues of prevention and medical care in emergencies and epidemics.

Within the role and the capacity of the existing institutions in relation to the defined hazards, special attention was paid to the strategy of the Ministry of Interior, the Ministry of Environment and Physical Planning, medical institutions and personnel, the Center for Toxicological Research of Montenegro, the Hydrometeorological Institute, the Institute of Geological Research, Seismological Bureau and the Red Cross of Montenegro .

In the part related to the summary of the primary risks to the regions and municipalities, the risks are sorted into regions and municipalities. Within the region, risks in the southern, central and northern region are identified. When it comes to municipalities in the form of table, information on the nature and extent of the potential hazards and risks is provided.

The strategy for protection against disasters is considered through the normative regulation, the national system for protection against disasters and accidents, monitoring and evaluation of hazards, preventive measures, training, assistance and rescue, cooperation in the region and other liabilities. At the end, the appendix covers the rules of the international response to disasters in the Balkans and a glossary of technical terms used in the strategy.

In the strategy, as the main segments of the relevant activities in the framework of mitigating the adverse effects of disasters are emphasized: the organizational and legislative framework for managing, identifying, quantifying hazards and continuous monitoring for early warning of disasters, the increase of the level of knowledge about the phenomenology of

genesis and manifestations of natural hazards, reduction of the appropriate risk factors, as well as preparation for an effective response to disasters and help. Particular emphasis is placed to the goals and strategies for emergency situations such as consideration of sources of current and future risks, the establishment of the concept of organized activities of government and other institutions in overcoming emergency situations caused by all forms of large-scale natural disasters and technological disasters to mitigate their consequences, preventing their occurrence by preventive measures, and by the development of preparedness of an appropriate government capacities and the whole community, in all cases of their occurrence in the immediate and distant future.[1]

ARRANGEMENT OF THE PROTECTION AND RESCUE SYSTEM IN CROATIA

In Croatia, there is no a specific strategy for disaster risk reduction. Croatian government has adopted a strategic framework for the period from 2006 to 2013, in August 2006.[2] The key legal document that governs the management of emergencies in Croatia is the Law on Protection and Rescue[3] adopted in 2004, and amended in 2007 and 2009.[4] A large number of EU standards in terms of disaster risk reduction have been implemented in the past two years through amendments made to the Law on Protection and Rescue and the Law on Environmental Protection.[5]

Thus, the organization and operation of the system of protection and rescue in Croatia are based on the Constitution of the Republic of Croatia[6], Protection and Rescue Plan[7], the Law on Protection and Rescue, by-laws, Assessment of the vulnerability of the Republic of Croatia to natural and technological disasters[8] and major accidents, and the European legal achievements in the areas of environmental protection and protection and rescue implemented in the Croatian legislation.

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[1] *the same*: p. 8

[2] State Office for development strategy and coordination of the Funds of EU: Strategic framework for development 2006 - 2013

[3] Law on Protection and Lifesaving, National Newspaper 174/04 and 79/07

[4] *the same*

[5] Law on protection of the environment, Zagreb: 71-05-03/1-07-2, 2007

[6] Constitution of the Republic of Croatia, National newspaper, No. 41/01 - 55/01 - correction.,76/10 and 85/10

[7] Plan for protection and lifesaving on the territory of Croatia, Zagreb, 5030109-10-1

[8] Assessment of the threats by natural and technical and technological catastrophes of the Republic of Croatia (Conclusion of the Government of the Republic of Croatia, from 07.05.2009)

The protection and rescue plan for the Republic of Croatia is the framework for planning activities of all participants in protection and rescue in disasters and major accidents. It is brought at strategic level and is used for development of plans for protection and rescue at operational and tactical levels as well as standard operating procedures. It elaborates principles of the operational rescue forces and other resources of comprehensive and integrated national system of protection and rescue, and in particular managing the response in case of natural and technological disasters and major accidents. It eliminates the critical points of importance to the operation of the system of protection and rescue. This is achieved by linking the control system parts and the operational forces, but also by clear identification of the required state of preparedness of all parts of the operational and logistical capacities of importance for the effective protection and rescue of human lives, material assets and the environment in catastrophes and huge disasters, including the capacity for regeneration and reconstruction.

The plan defines relations and cooperation and coordinates the planning and implementation of protection and rescue from the local to the national level. It is regularly updated, according to the changes of the risks and consequences of disasters and major accidents, changes in legislation and other changes that may affect the operational effectiveness of the system of protection and rescue in Croatia.

The protection and rescue plan of Croatia consists of the following parts:[1] I - introduction, II - elements of vulnerability assessment of Croatia, III - procedures and measures for protection and rescue; IV - operational plan of action of intervention of the specialist civil protection units of the Republic of Croatia, V - organization of implementation of measures of civil protection VI - implementation plan for protection and rescue.

In the introductory part of the protection and rescue plan, there is a word on the way and the legal framework for its adoption, vulnerability assessment of Croatia to disasters and updating the plan. The part that refers to the elements of vulnerability assessment of Croatia analyzes the following issues: sources of threats, natural hazards and risks, technical and technological hazards, effects of disasters and major accidents, vulnerability to disasters and major accidents.

In the third chapter, the procedures and measures for protection and rescue with regards to warning, preparedness, mobilization and enlargement of the operational strength and protection and the rescue actions are described. Furthermore, it elaborates the measures in the form of measures of

[1] Plan for protection and lifesaving on the territory of Croatia, Zagreb, 5030109-10-1, 2010

protection and rescue in events of flooding and breaching of reservoir-dams, in case of an earthquake, protection and rescue measures against hazards from other natural causes, against technological disasters and major accidents involving hazardous materials in stationary and mobile objects, protection and rescue measures against radiological and nuclear accidents, protection and rescue measures against epidemic and sanitary hazards, accidents in landfalls and sanitation epidemics, protection and rescue measures in the event of aircraft accidents, etc.

The fourth chapter is related to the operational plan of action of intervention of the specialist civil protection units of the Republic of Croatia and to issues such as the structure, composition and size, vision, mission and organizational principles, types of units, recruitment, management, training, equipment, mobilization and action of units, time of operational readiness of the unit parts; cooperation with other operational forces; action of the units in Croatia; action of the units outside Croatian borders, supporting documents, maps, and information centers.

In the following part which is related to the organization of the implementation of civil defense measures - evacuation, disposal and removal of the affected population - were analyzed. The sixth chapter is related to the implementation of the protection and rescue plan and within it there is a discussion of matters related to the capability catalog, use of protection and rescue plans, coordination of activities of operational forces at the scene and the obligations of the makers of protection and rescue plans. And finally, it contains three articles related to: review of makers and participants in protection and rescue in the stages of prevention, response and recovery after disasters and major accidents, review of the list for creation of protection and rescue plan of Croatia; a list of abbreviations used in the protection and rescue plan of Croatia.

However, Croatia is the first country in South Eastern Europe to establish a national platform for disaster risk reduction in accordance with the recommendations of the Hyogo Framework for Action. The platform is a forum that works continuously throughout the year. Once a year, the conference that examines the progress and suggests directions for future work is held.

SIMILARITIES AND DIFFERENCES OF THE NATIONAL STRATEGIES FOR PROTECTION AND RESCUE OF SERBIA AND MONTENEGRO

On the international scene, currently there is an understanding that puts an effort to reduce disaster risks which must be systematically integrated into

policies, plans and programs and they must be supported through bilateral, regional and international cooperation, including partnerships.[1]

Sustainable development, poverty reduction, responsible government and disaster risk reduction are the goals that are mutually reinforcing, and accelerated efforts must be taken to create the necessary capacity to manage and reduce risks at state and local level in order to be able to face the challenges ahead. Such an approach has been recognized as an important element for achieving development goals adopted at the international stage, including the goals contained in the Millennium Declaration.[2] It should be noted that natural disasters are undermining global development like never before. Based on these facts, the reason for reduction of disasters is clear. Disaster risk is related to every person, every society, every nation, in fact natural disasters affect development; their appearance in one region can have an impact on the risks in another and vice versa. If we do not take into account the urgency of the need to reduce risk and vulnerability to natural disasters, the world simply can not hope to move forward in the field of poverty reduction and promoting sustainable development.[3]

Considering all the above international resolutions and strategies, states must adopt and implement in their national strategies certain content from commitments. Therefore the first step in the comparison of strategies of Serbia and Montenegro (Croatia and Bosnia and Herzegovina did not bring the strategy of protection and rescue in emergency situations), is the analysis of the following priorities: 1. to ensure that disaster risk reduction is a national and local priority with a strong institutional basis for implementation; 2. to identify, assess and monitor disaster risks and enhance early warning system ; 3 to use knowledge, innovation and education to build awareness of safety and resilience at all levels of risk; 4. to reduce the underlying risk factors; 5 to strengthen disaster preparedness, and ensure an effective response at all levels.

[1] Hyogo Framework for Action 2005-2015: *the same*
[2] Millennium Declaration of the United Nations: *the same*
[3] Hyogo Framework for Action 2005-2015: *the same*, p. 4

Table 8: Identification of implemented priorities in the strategic documents of Serbia and Montenegro.

The recommendations of the Hyogo Framework for 2005 - 2015.	Montenegro	Serbia
• to ensure that disaster risk reduction is national and local priority with a strong institutional basis for implementation	+	+
• to identify, assess and monitor disaster risks and enhance early warning system	+	+
• to use knowledge, innovation and education to build awareness of safety and resilience at all levels of risk	+	+
• to reduce the underlying risk factors	+	+
• to strengthen disaster preparedness, to ensure an effective response at all levels	+	+

By analyzing segments of strategies related to the above shown priorities, in both strategies it can be clearly seen that they have established their strategic decisions taking into account all the recommendations of the Hyogo Framework for Action for 2005 - 2015. Thus, in that part they are almost identical. However, the difference is in the way of implementing these priorities in the strategic documents. For example, the National Strategy for protection and rescue in emergency situations in Serbia, strategic areas in which strategic goals are defined and clearly divided into 5 units with identical titles from the recommendations of the Hyogo Framework. Unlike the Serbian strategy, in the strategy for emergency situations of Montenegro, in part related to the objectives, implemented priorities can be realized only by analyzing the content. Based on the review presented in strategies and statistical data from the Center for Research in disaster epidemiology, it can be clearly concluded that the emergencies faced by Serbia and Montenegro are identical, as can be seen in the table below. Therefore, all these factors could be taken as an argument in making one “Balkan” strategy for disaster risk reduction.

Table 9: Comparative analysis of emergency situations by the countries in South-Eastern Europe in the period 1989 - 2006. (Source: EM-DAT: The OFDA / CRED International Disaster Database).

Country	EMERGENCY SITUATIONS								
	Earthquake	**Flood**	**Landslide**	**Drought**	**Extremes of temperature**	**Storms**	**Wild fires**	**Epidemics**	**Technological**
Serbia	X	X			X	X	X	X	X
Bosnia and Herzegovina		X	X	X		X	X	X	X
Croatia	X	X		X	X	X	X		X
Montenegro	X	X			X	X	X	X	X
Albania	X	X	X	X	X	X		X	X
Slovenia	X	X			X				X
Turkey	X	X	X		X	X	X	X	X
Romania	X	X	X	X	X	X		X	X
Macedonia		X		X	X	X	X	X	X
Bulgaria	X	X		X	X	X	X		X
Moldova		X		X	X	X		X	X

During the analysis of the structural form of the above strategies, at the very first glance a huge difference can be noticed. Consequently, it may be asked whether they are fully complied with all conditions and standards set by the international conventions.

Table 10: Comparative analysis of structural form of national strategies for protection and rescue of Serbia and Montenegro (Source: EM-DAT: The OFDA / CRED International Disaster Database).

Comparative analysis of the structural form	
NSPR - SRBIA	**NSPR – MONTENEGRO**
Introduction	Introduction
Condition in the area of emergency situations	Analysis of the components of the risk of natural disasters and technological accidents
Vision and mision	Objectives of strategy
Strategic areas	Protection Strategy against disasters
Implementation of the national strategy	Measures on implementation of strategy and guidelines for the action plan
Financing	Appendices
Final part	

Analyzing strategy objectives, the following conclusions can be achieveed: both strategies, implementing their goals, have fulfilled the

commitments under the international conventions; in the national strategy for protection and rescue in emergency situations in Serbia it was offered a much better solution in terms of systematization of objectives in line with the Hyogo Protocol so that they are sorted into five priorities, as opposed to the strategy of Montenegro where all the goals are mentioned descriptively and interlinked in the context under the title, "Strategic Objectives" (Table 11).

CONCLUSION

Given the importance of the measures taken to reduce risk of disaster, the international community has made tremendous efforts to raise awareness about the importance of the implementation of the provisions of international conventions into national strategic documents. In addition, at an international level, there are a number of international conventions that regulate the field of disaster risk reduction and that should be implemented in national politics. However, regardless of all international conventions and support from the international community, a large number of states does not have a national strategy for protection and rescue in emergency situations. Serbia and Montenegro have a national strategy for protection and rescue in emergency situations, while Croatia has a national platform for disaster risk reduction, and Bosnia and Herzegovina do not have. Therefore, these countries are forced to work together to harmonize the standards in the management of emergency situations, to facilitate more effective protection and rescue of people, material and cultural resources and the environment in case of emergencies. The following recommendations point at this: the Yokohama Strategy for a Safer World, the Conference in Kobe, the Conference of the Global Platform for Disaster Risk Reduction, as well as the conclusions of the Conference in Geneva.

More specifically, the paper of comparative analysis of the national strategies for protection and rescue in emergency situations in Serbia and Montenegro with regards to Croatia, crystallized the following conclusions: the differences between NSRP of Serbia and Montenegro are: the structure of their strategies are largely different, in terms of ways of implementing the provisions of the Hyogo protocol, as well as other segments related to the ways of regulating the disaster risk reduction; the strategy of Montenegro in the introduction defines certain terms such as "emergency situation" and "accident", while in the Serbian strategy there are no categories; objectives to be achieved largely differ, given the current level reached in the system of protection and rescue in emergency situations; the strategy of Montenegro nowhere explicitly mentioned vision and mission, while in the strategy of Serbia those are mentioned; the strategy of Serbia identified shortcomings of the existing system of protection and rescue, while in the strategy of

Montenegro these are not mentioned in that form, but it can be inferred through the analysis of different strategies; strategies differ in the way of analysis of the situation and the identified causes of emergency situations; similarities between NSRP of Serbia and Montenegro are: identified common threats of emergencies, discussed countries are most threaten by natural disasters and accordingly, strategic decisions must take into account this fact, technological disasters rarely affect discussed countries but cause more serious consequences regarding the individual event; the taken provisions from international conventions are maximally integrated into national strategies for protection and rescue in emergency situations, the general objectives of the strategies are identical, certain structural forms are identical, the terminology used is the same, both strategies refer to the same international documents in the field of disaster risk reduction;

Bearing in mind that the countries of the region face similar emergency situations and that there are international conventions that regulate the field of disaster risk reduction, it is necessary to take into account the consideration of adoption of the "Balkan strategy for disaster risk reduction", with special emphasis on international cooperation in providing all kinds of assistance.

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THE NEED FOR COORDINATION AND COOPERATION OF THE POLICE FORCES IN THE COUNTRIES FROM SOUTH-EASTERN EUROPE

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Abstract

This paper counterpoises a critical retrospection for the need for coordination and cooperation of the police forces in the countries from South-Eastern Europe. The starting premise is that the threats for the peace and for the security are not only a concern for certain countries, but they are an equal challenge for every country in the region and broader, which will impose the need for a greater cooperation in order to unite the common effort for handling the security challenges.

In that notion, a subject for a continuous discussion today is the issue for the existence, or respectively, the non existence of the coordination among the police forces in the countries from South-Eastern Europe. Hence, the elaboration made for the cooperation and the coordination among the police forces from the countries in the South-Eastern Europe in this effort consists of two elements: first, to foresee the need for cooperation in the conduction of the planned activities among the police forces in the countries from South-Eastern Europe which is more than evident, and second the phenomena of the organization and the coordination which is the essential rational assumption for their functional connection and action.

Key words: *coordination, cooperation, organization, police, South-Eastern Europe*

INTRODUCTION

The police forces of the countries from South-Eastern Europe counterpoise a fundamental constitute and a guarantor for the stability and

the safety of the states. For the sake of the enabling of the desired level of security it is necessary to have a greater inner interaction and cohesion among them for a mutual action which has to be in accordance with the principles and the values of a democratic society.

Hence, the cardinal problem is how to enable the necessary cooperation and coordination, in order for the countries from SEE to more easily face the security challenges, but also to adapt to the contemporary social changes. The adjustment of the new social, political and security changes demands from these subjects to express the needed conspiratorial and the responsibility for undertaking adequate steps in the direction of articulation and favoring of everything that conduces for optimal solution of the security problems.

It means that the orientation itself of these subjects, which are largely complementary, should be in the direction of regulation and sustainment of the fundamental inner and outer relations, in order to properly shape the goals, as well as create a certain degree of mutual correlation and coordination during the execution of the designated tasks, as a basic guarantee for the efficient resistance of the contemporary security threats.

The cooperation and the coordination arise from the inter-dependence and the need for the institutions responsible for the security in the region to jointly synchronize their activities. When for the realization of the tasks a more intensive communication is needed between the security institutions, then there is no dilemma that a certain degree of coordination should exist. Also, the coordination contributes to decrease the incertitude, but also to improve the working communication which is absolutely not a routine and which is unpredictable (Oliver, Bakreski. 2005: 30-37).

THE NEED FOR COORDINATION OF THE POLICE FORCES IN THE REGION

The police system is a part of the broader social system and its task is to guarantee an optimal level of national security, and through the needed causality of the elements it is directed toward the protection of the fundamental values in the country.

The police system has a string of hierarchically established sub systems and clear and precise functions with which the security activity is achieved. The efficient enforcement of the security activity is impossible if a proper organization does not exist, which focuses on the achievement of this subtle action.

Today, the police force realizes its task in altered security circumstances filled with great security challenges which by themselves impose hardships with their coping by the national states. This inevitably

imposes the need for the countries to cooperate, respectively are subordinated to help each other. In order to establish such cooperation, it is necessary for the police systems to be in accordance with the expressed necessary flexibility, complementary, steadiness, capability for interaction etc., and all the elements are directed toward the achievement of the sole purpose and that is a timely, authoritative and efficient reaction of the complex security situations in the region. Also, it should be emphasized that the efficient functioning of the police systems is conditioned with the achieved level of coordination.

Regarding the coordination among the police forces of the SEE countries, it should be underlined that it seeks a new model which in complex and opened social relations, with a well conceived security policy and strategy will enable the overall action to be based on scientific-expert and know-how premises. However, in order to efficiently implement all the activities, a complete engagement of the human factor is necessary, but also a great will for understanding. Also, those presumptions which are necessary for successful execution of the specific tasks should be adopted. Especially the leading people in the security structures in the region should carefully and efficiently follow all the changes, in order to timely, and in all of the hierarchy levels to create an accepting climate and organize the new conditions. In that notion, attitudes and beliefs should be developed, and especially a culture for security behavior and action in the complex security situations, which will be a guarantee for a human approach in achieving of the tasks. When that correlative relation between the outlooks and the significance of the cooperation will be attained, then it could be said that the needs are gratified, as well as the urge for and the necessity of the overall region (Sarkesian, S.C. 1995: 112-178). However, in order the security system to efficiently execute its tasks, a certain degree of coordination of the activities should exist.

THE COORDINATION AS A VARIABLE WHICH DETERMINES THE COOPERATION BETWEEN THE POLICE FORCES OF THE COUNTRIES FROM SOUTH-EASTERN EUROPE

Justice and Home Affairs (JNA)

Regional cooperation in the area of justice and home affairs continued to be one of the main topics of consideration for the countries in SEE. A range of activities were undertaken targeting progress in institutional and legislative reforms, police and prosecutorial cooperation, as well as measures to combat organized crime and corruption, together with concerted efforts of

the Regional Cooperation Council (RCC). They have contributed to raising coherence and complementarities of key regional processes, mechanisms and networks. They also assisted harmonizing multiple strategic approaches, strengthening cross-border inter-institutional trust and promoting direct cooperation between the parties concerned.

In 2013, a majority of the RCC participants revealed significant vulnerability to organized crime and corruption, and deficit of the rule of law. Advancements in these areas have been achieved in the context of devastating social and economic crisis in the region. Paradoxically, in this difficult time, regional cooperation in the JHA area recorded considerable improvements, despite problems generated by crime phenomenon that has persisted and even aggravated internationally.

Following the obligations laid in the Regional Strategic Document on Justice and Home Affairs and meetings of Steering Group on Regional Strategy (SGSR), the RCC Secretariat finalized the commissioning of the data base application designed to collect and integrate the statistical indicators of the *Monitoring and Evaluation Mechanism (M&EM)*. As part of its role, and in accordance with Tirana Declaration of November 2012, the RCC use the Monitoring and Evaluation Mechanism (M&EM) and its results in order to follow regional developments in the area of justice and home affairs that are of particular interest, such as fight against organized crime; fight against corruption; migration, asylum and refugees; police and law enforcement cooperation and judicial cooperation. Through the M&EM, the most important indicators were identified, with the intention to clearly portray regional cooperation in listed areas. These areas are strongly connected with regional priorities, in particular related to the governance for growth and inclusive growth pillars of SEE 2020. Results of the monitoring will serve to identify feasible corrective policy actions.

Considerable effort was invested in the development of the new RCC's policy cycle 2014-2016 as well as new strategic framework SEE2020. Having in mind current regional priorities as well as the interest of the region to revive its economy, ministers of economy defined governance for growth and, therein, governance more effective by 20%, as an objective for one of the five pillars of the SEE2020. Inside that structure, effective public services and anti-corruption will be key pillar dimensions developed and implemented in partnership with leading regional initiatives.

Building on the conclusions of the Regional Conference of the Ministers of Interior and Ministers of Justice held in Belgrade on 29-30 November 2011, the RCC has taken a number of concrete steps, including organization and facilitation of several meetings of the Expert Group on Cooperation in Criminal Matters. Its task has been to draft documents with long-term impact on regional cooperation, elaborate options for

establishment of regional multilateral instrument, such as regional warrant for deprivation of liberty, taking into consideration developed practice and effects of implementation of the European Arrest Warrant in EU countries, as one of the possible responses to challenges of organized crime in the region. To date, work of this Expert Group recorded only limited results. One of the most important developments related to regional cooperation in this area was the signing of series of bilateral agreements between Western Balkan countries on mutual extradition of own nationals which has been one of the biggest problems in judicial cooperation in the region.

In line with the conclusions of the aforementioned Ministerial meeting, the RCC together with the GIZ, established and facilitated the work of the Expert Group on Cooperation in Civil and Commercial Matters, which resulted in drafting of a regional document similar to the Lugano convention which will be offered for signature later this year.

Continuing efforts in implementation of the UNSCR 1373 (2001) and 1624 (2005) and subsequent resolutions in the region, the RCC together with UN CTED, the SELEC and Government of Turkey organized a workshop for practitioners on the topic of "Countering violent extremism", in order to share respective good practices and challenges in that regard, with the overall goal of enhancing regional cooperation in this area. These counter-terrorism efforts will be continued in the forthcoming period.

Summarizing the implementation of the RCC SWP 2011-2013, it is important to underline that the main achievement in the JHA priority area was the setting up of a comprehensive joint regional platform for cooperation. The Regional Strategic Document (RSD) on JHA 2011-2013 was prepared, adopted and implemented in cooperation with other partners from inside and outside the region. In the course of its preparation, state administrations, regional initiatives and international organizations identified the main regional priorities: fight against trans-border organized crime; fight against corruption; migration and asylum, and, initiation of cooperation in the area of fundamental rights and civil matters. These choices triggered necessary actions which significantly influenced the state of regional cooperation. Following the endorsement of the RSD on JHA at the SEECP meeting of ministers in Budva in March 2011, the RCC through the newly established high level Steering Group on Regional Strategic Document (SGSR) has developed a Monitoring and Evaluation Mechanism (M&EM)) to assess regional cooperation in the JHA area.

In the area of anti-corruption, the RCC supported the Regional Anti-corruption Initiative (RAI) through facilitation of funding of diverse anti-corruption activities and establishment of the regional Integrity Expert Network (IEN). Furthermore, anti-corruption efforts facilitated a meeting of the Southeast Europe Law Schools (SEELS) with the Southeast Europe

Justice Training Network (SEEJTN), thus allowing for harmonization of anti-corruption curricula of all national judicial training academies with curricula of law faculties in the region. This is a respectable contribution to the establishment of a framework for integrated anti-corruption legal education in SEE.

In the area of migration, the RCC initiated and participated in the establishment of an informal network of the Heads of Consular Departments of the SEECP states. Meetings of the network enabled discussion on illegal migration, consular representation in third countries, cooperation in suppression of "asylum shopping", etc. As a result of these meetings, several bilateral agreements were signed in the field of representation in third countries.

The RCC and the EC shared a commitment in promoting regional initiatives in JHA area and helped, in particular, the Western Balkan countries to increase alignment of their judicial systems and law enforcement structures with international and EU standards.

Security cooperation

Security cooperation in SEE was stable and continued its positive development in the period 2012-2013. The RCC Secretariat invested considerable efforts in facilitating coordination among regional activities in a more efficient way and developing operational links among them. Through the mapping of regional initiatives (RIs) and their activities, the RCC identified gaps, overlapping and duplication of actions and concentrated on achieving higher synergy. It also identified lessons learned and redefined priorities when necessary.

In addressing security challenges, the RCC Secretariat has ensured the principle of inclusiveness and has received full support of the EU institutions involved in the security area: the European External Action Service, General Secretariat of the Council of the EU, as well as European Commission (DG Enlargement, Unit D.3 Regional Cooperation and Programmes), and from NATO structures: the International Secretariat and International Military Staff in Brussels, as well as the Joint Force Command in Naples.

Moreover, the RCC Secretariat actively participated in regional security cooperation activities, contributing to the process of their streamlining, and had intensive consultations with national institutions and international organizations at political and expert levels. The RCC encouraged RIs to carry out internal strategic reviews, in order to evaluate their added-value in this sector, looking into their contribution to the overall security cooperation process within SEE.

Based on the challenges and achievements in the implementation of the RCC SWP 2011-2013, it is evident that the process of streamlining and avoiding duplication in the activities of the RIs is still at the level of political statements rather than significant practical achievements. In that respect, the RCC will continue to ensure clear and sustained political support from its SEE participants. Better coordination with all international organisations that are implementing programmes in SEE will also remain in focus, in order to achieve more efficient cooperation in the security area.

The RCC was able to motivate countries and international organizations outside the region to look at the SEE security cooperation more from the regional, rather than only from the bilateral/national perspective and to address the security challenges, taking in consideration the whole region. That was achieved without affecting the country-by-country approach, while increasing the significance of the regional perspective.

Synergy in security cooperation during the past year has evolved through the recognition of the structure of decision-making process as a functional mechanism - starting with the RIs at the base and the ministerial meetings at the apex. This approach in decision making and distribution of engagements and commitments between RIs is positioning the SEECP Summit at the top level of the cooperation mechanism, followed by Defense Ministerial (in the SEECP/SEDM format), which formulates the strategic framework of regional cooperation in the security area.

The RCC continued to support development of the SEE Military Intelligence Chiefs (SEEMIC) and SEE National Security Authorities (SEENSA) forums, filling the existing security cooperation gaps. It further enhanced and expanded involvement of NATO and the EU as active partners in SEE regional security cooperation. Both are firmly committed, through their relevant structures, to the SEEMIC and the SEENSA initiatives.

With a full support of the EU Military Intelligence Directorate and NATO's Military Intelligence Division, the fourth conference of the regional mechanism of cooperation among the Chiefs of Military Intelligence – SEEMIC - took place in Sofia, in September 2012. All necessary documents on procedures, terms of reference and Standard Operational Procedures (SOP) were adopted and the first Regional Common Intelligence Analysis was developed. The EU has provided the necessary resources for the establishment of the protected communication links among SEEMIC signatories through an IPA financed project. Also, at the third meeting of the SEE National Security Authorities in May 2013 (as a follow up of the second SEENSA meeting from May 2012), an in-depth analysis on the future common activities is to be developed within the four Thematic Working Groups (Training and Vetting, Security Agreements, Industrial Security and

Cyber-Defence). Consultations were carried on for the preparations of the first meetings of the SEE Chiefs of the Internal Intelligence (SEECIC), the Chairmen of the Security and Defence Committees of the SEE Parliaments and the National Security Advisors to the Presidents and Prime-Ministers in SEE, and ideas on the draft concepts have been exchanged. The RCC Secretariat continued to participate in the work and activities of Southeast Defence Ministerial (SEDM), the SEEC – Forum for Western Balkans Defence Cooperation, and the Adriatic Charter - A-5, as well as in providing direct support to the activities of RACVIAC and the SEESAC.

The RCC Secretariat was actively involved in the area of Disaster Risk Reduction and Civil Protection, where due to the seasonal nature of the threats in the region, such as floods and forest fires, it emphasised the opportunities for immediate preparedness measures and mutual cooperation between neighbouring nations. Long standing regional cooperation in disaster preparedness and prevention in SEE has not been developed effectively enough and a unified regional approach to disasters risk reduction (DRR) is still to be achieved.

In this respect, the active coordination with the European Commission through the DG Enlargement and DG ECHO continued in relation to the strategic planning for IPA Multi-beneficiary, as well as in the implementation of the most important regional projects, in particular those linked to the European Union's mechanisms. Regular consultations with the EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response in relation with the SEE activities, in particular those of the DPPI took place in the period covered by this report. The RCC Secretariat actively supported the SEECP C-i-O in the preparation phase of the SEECP Summit, having the main theme related to the Disaster Risk Reduction.

CONCLUSION

The need for international police cooperation today is more than needed because it is in function of protection of the security of the citizens, the state and the security of the regions. The essence of this question is primarily an expression of the objective necessity, and not of a subjective need, because numerous situations speak for certain difficulties in conducting synchronized activities in dealing with the potential security threats. However, the fundamental question is not "Should cooperation exist?", but the sole choice is that the cooperation should be performed entirely, pragmatically and systematically. It means that the police cooperation is a reflection of the real needs of the states in the region in direction to protect the civilization's values.

Generally, it is considered that the regulations of the questions linked with the cooperation, in some form are one of the most difficult ones, because they should establish a balanced relation system among the subjects which actively take part in this area themselves. Yet, regardless of the complexity itself and the involvement of this problematic, the cooperation and the coordination in the context of the regional efforts should be scoped in all of the aspects (the context, the structure, the function and even the pragmatic aspect), and of course through the prism of certain solutions with which the cooperation between the police forces in the countries from South-Eastern Europe is simplified or complicated, in order to reach to the sole difficulties which are linked with the range and the content of the cooperation itself.

Basically, just as the cooperation, also the coordination between the police systems is still a great challenge and it is considered that the answer of this question has an exceptional significance, because it is connected with the efficient functioning of the police systems, but this does not mean that the existence of the coordination would mean creating a system which will by itself enable the needed functionality. That is why in this direction the coordination should provide the functional connection of all the security actors from the region and it should enable the anticipated tasks to be accomplished without difficulties.

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EU POLICE MISSIONS IN THE PROCESS OF STABILIZATION AND INTEGRATION OF WESTERN BALKANS

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Abstract

The EU crisis management missions in the Western Balkans have been assessed as the most complex due to the EU commitment of Europeanization of the region – a process that is seen only as a gradual phase to a full EU membership of the Western Balkans. It involves a long process of crisis management that has a sequence of a military component, police component, reforms of the political context and institutional and economic development. The question is whether the current EU capabilities are sufficient for performance of tasks such as those required in the Western Balkans – e.g. limited operations for peacekeeping in Bosnia and Herzegovina, police support and training missions in Bosnia and Herzegovina and Macedonia or partially provided police presence in the largest civilian ESDP operation in Kosovo. The analysis of the legal documents of the European Union and numerous reports from the Mission as well as the results of a number of primary researches on crisis management of the EU in the Western Balkans, show that police missions in Macedonia and Bosnia and Herzegovina have fulfilled important functions in the creation of the ESDP and have built a basis for application of its experiences in the future. The Proxima mission in Macedonia has offered valuable lessons for mission planning as well as issues pertaining to the chain of command and the overall political oversight. But opposite to excessive ambition of its mandate, the mission has also suffered from lack of realism about what is actually possible on the ground. The Mission in Bosnia has also fulfilled the role of mapping the EU as a regional security actor and the role in improving the security environment and the ongoing maintenance of order. The result of this research suggests that all the efforts of building effective capabilities for crisis management made by commitments of EU members, are not yet fully tested. Police missions, both in Bosnia and Herzegovina and in Macedonia amounted to 10 % of the total number of police officers who were committed by the EU members. It brings to the conclusion that police missions have to be seen as part of a comprehensive EU policy for the region. The EU policy of conditionality is much more effective in accession countries for which the promise of closer association

and possible EU accession are credible and where political elites and the public are willing to compromise in order to facilitate access.

Keywords: *crisis management, European Union, the Western Balkans, police missions, stabilization, integration.*

INTRODUCTION

In order to realize the sphere of freedom, security and justice within EU, a priority task for the EU was to handle with security challenges such as organized crime, corruption, irregular migration and trafficking in human beings - challenges that can flourish in the political climate in some of the countries of Western Balkans which are politically unstable and plagued with inheritance of wars.

In this relation, the focus of the activities of the Union was put on the general framework for cooperation between the EU and the Western Balkans, the Stabilization and Association Process (SAP) as EU pre-accession framework. The role of other EU instruments in the region, particularly the civilian crisis management operations conducted under ESDP, was also considered.

Organized in the second pillar of EU, the crisis management missions of ESDP were institutionally separated from the external action of the Union in the area of JHA (Justice and Home Affairs), but yet both spheres have overlapped in some aspects, especially when it comes to creation of accountable, transparent and democratically controlled institutions in third countries. The external dimension of Justice and Home Affairs (under the former third pillar) and the operations of civilian ESDP crisis management (under the former second pillar) have more similarities than it seems at first glance, as exemplified by the common functional framework for protection of the EU internal security. Hence, the question arises about the extent to which the instruments of the second pillar (at that time) were actually used in achievement of the EU objectives in the field of justice and home affairs in third countries. Another question is about the role of the civilian ESDP missions being deployed to Western Balkans in relation to the activities under the Justice and Home Affairs (JHA) in the context of the Stabilization and Association Process.

The EU involvement in the crises in Bosnia, Macedonia and Kosovo is strategically seen as guidance through the gradual stages of Europeanization until the long race to full EU membership. Drawn from the analysis of the EU police mission in Bosnia and Herzegovina and Macedonia, we can note that ESDP civilian crisis management operations are considered to be an additional tool for achieving the EU internal security goals. As an argument for this position it is stated that “while in Macedonia and Bosnia and

Herzegovina police missions have strengthened and intensified activities of the Stabilization and Association Agreement related to JHA, the ESDP rule of law mission in Kosovo is to replace the large dimension of the EU enlargement". With regard to the element of the police mission EUPM directed outwards, Bosnia was on the borders of the EU and hence future access in the EU was promised, so the interest of the EU was to help this country to overcome its past and to prepare itself for that day in the future. It was that same element that was also inherent for the police missions in the Republic of Macedonia.

TRANSITION - FROM STABILISATION TO INTEGRATION

The engagement of ESDP in the Western Balkans was essential, hence the EU operations were carefully monitored because of their qualification as the most complex missions - due to the EU commitment to the Europeanization of the region which by its nature is permanent - unlike other EU missions that were taken in other parts of the world by already partially known model. The missions in the Balkans operated under another model of so called *stabilization - integration model*, which includes the process of transition from the first imperative of stabilization in the completion of the apparent conflict, until the long-term goal of EU integration. Although the rapid institutional development of ESDP generally has been positively acknowledged, the specific design of these missions was frequently criticized.[1] First, it was argued that these missions were not crisis management missions in traditional sense. Bosnia and Herzegovina, Macedonia and Kosovo were already largely pre pacified of continued international presence, and in that sense were nothing but a training range for the ESDP instruments. The reform projects undertaken by police mission in Bosnia and Herzegovina and Macedonia have referred more to the long term objectives of institutional development, rather than short-term tasks of crisis management which is basically a temporary activity on any operation battlefield.[2]

But, on the other hand we must not even neglect the fact that the advantage of ESDP operations lies in the point that they are conducted under political pressure, since politicians would talk more with politicians than managers (Commission) would talk to politicians. According to this logic, the mandate of the mission in the country that is in the process of Europeanization, had to change itself from the imposition of administrative responsibilities as a right and duty to violent intervention of the military or

[1] (International Crisis Group 2005)
[2] (Orsini, 2006)

police of the EU, to the roles of counseling, training and institutional development. Thus, the EU was left to face the consequences of such selected logic. In fact, it requires impressive task of developing and coordinating complex institutional, legal and administrative structure of the EU as well as relationship with NATO. The challenges that each field operation and ESDP missions have faced are similar to those experienced by the United Nations and other international organizations. In this regard, decision makers in the EU can be inspired by the past experiences of the UN and the way that police missions are organized and structured, especially with respect to the chain of command.

The model conceived at Balkans was in the stabilization phase to be given opportunity for a quick implementation of the integration process in the EU, with the legislative adoption of norms and standards and their mandatory implementation.[1] The stabilization is actually a short-lived crisis management period which can last from several months to several years with a focus on military ESDP operations, while the integration is a lengthy process that may stretch over a period of several decades, encompassing a broad area named as rule of low, with a wide range of operations of the police, the judiciary, the penalty system, and with investments in the general quality of management, which in turn is a crucial factor for economic development. In fact, what begins out as a crisis management operations precisely in the area of ESDP under the authority of the Council, it ends up as part of the pre - accession process of Europeanization under the jurisdiction of the Commission.[2] In addition of this paper will be elaborated police missions in Bosnia and Herzegovina and Macedonia, with an attempt of addressing whether these instruments have helped in achievement of the EU strategic objectives in the Western Balkans.

POLICE MISSION (EUPOL) Proxima

Regarding the mandate and implementation of the mission, the EU police mission in Macedonia - EUPOL Proxima was the second mission performed by the ESDP, but unlike the first one, the EU Police Mission (EUPM) in Bosnia and Herzegovina that has replaced the International Police Task Force of UN, the Proxima was the first police mission under ESDP that started only as concept that has evolved into a fully operational mission.[3] In an attempt to learn from its past missions and to connect with the existing actors on the ground, the EU has incorporated in the mission

[1] (Gross 2007, 132)
[2] Ibid,133
[3] (Ioannides 200, 190)

officers from the EUPM, informally has consulted with Concordia and has seek advice from OSCE. Before the arrival of Proxima in Macedonia towards the objectives of the Framework Agreement has already acted the European Commission, mostly at strategic level with teams set up in the Ministry of Interior (MOI). So, the Proxima has filled the vacuum by acting at the operational level of the Macedonian Ministry of Interior and by its officers and experts in police stations at all levels in the former crisis areas, focusing on the implementation of the *National Strategy for Police* and the *Integrated Border Management Strategy*, which both were adopted by the Macedonian government.[1] The Proxima was also the first mission by another feature: Before its deployment, for the first time a European Commission and a General Secretariat of the Council joint mission for finding facts were performed. That was an important lesson for EU that was later applied.

With a mandate of: providing support to the Macedonian authorities in consolidating law and order, (including the fight against organized crime); taking practical implementation of the reform in the Ministry of Interior, the police and the border police; building trust with the locals[2] and strengthening of the cooperation with the neighboring countries - the Proxima has implemented 28 activities embedded in 5 programs. After the extension of the one-year term the initial five programs of Proxima 1 were structured and reduced to three programs in Proxima 2 focusing on organized crime, public order and the border police.[3] Another feature that makes the Proxima the first ESDP mission is its continued or extended mandate under which great adjustment of its activities on the ground was performed.[4] What Proxima 1 has demonstrated is that any police mission or the rule of law mission is ineffective if it is present only on part of the host country territory. In such a condition, the limited territorial reform will not be successful if the police apparatus and the judicial system in general are highly centralized. EU was forced to accept such restrictions imposed by the government of Macedonia, but was still obliged to indicate to authorities that permission of deployment across the country is a test for the commitment of the host country to police reform. [5] So, having learned lessons from this experience, the Proxima in the second term has expanded its geographical coverage across the country, although it has maintained a stronger presence in the former crisis areas, what proved to be the right decision when Proxima performed the operational level monitoring and advised special police units sent to deal with the situation that was created in June 2005 by heavily armed groups of

[1] (Ioannides 2009, 190)
[2] (EUPOL Proxima 2004)
[3] (Ioannides 2009, 191)
[4] (Flessekemper 2008, 78)
[5](Flessekemper 2008, 95)

ethnic Albanians (that appeared in Kondovo village near Skopje preventing police access in the area).[1]

With a new mandate, the activities of Proxima were based on results and reviewed on weekly basis. The referential system created by a team of Proxima in *Analytical cell* during the extended term of Proxima was based on referential mechanism used by EUPM in Bosnia and Herzegovina which was strongly criticized. Unlike the condition during the initial period when the Proxima activities in field offices were *ad hoc* organized according to police chiefs, the newly established benchmark system of Proxima has allowed the mission to deal with quite specific projects under the referential document which MOI has approved in advance on strategic level.[2]

Drawn from the overall experience of Proxima, when it is to evaluate its effectiveness we can note that: Proxima police experts were collocated on a higher management level at more than 20 locations in northwestern Macedonia where the fights took place in the first half of 2001.[3] Proxima, which was established at the request of the Macedonian government, has faced a different type of problems opposed to executive police missions as the mission in Kosovo where the Member States have more experience. "Proxima could have had greater impact with more intrusive mandate."[4] Officers of the EU with a professional background sometimes felt frustrated unable to prevent failure of a particular task because of the absence of an executive mandate has limited the interference or providing advice in the implementation of the operation. In this sense, the inspection mandate is shown as a very important tool in strengthening of each mission.

The mission has experienced some problems and disadvantages of coordination between EU actors presented in Macedonia. This disagreement has lessened the impact of the effectiveness of EU programs in general - a problem that goes beyond this specific ESDP operation. In practice, the rivalry inside Commission and between the Commission and the Council has led to an advisory support for police reform of the European Commission - ECJHAT and ECPRP - was applied late and by that essential work of Proxima being slowed. So, Proxima discovered the hard way that there is no a holistic concept that would define the division of responsibilities between the actors of the first and the second pillar at that time, a concept that would schematize transition from deployment of ESDP mission towards Community building of the institutions.[5] In the case of Proxima, e.g. the coordination of international police effort was transferred to the Delegation

[1] (Ioannides 2009, 192)
[2] (Ioannides 2009, 192)
[3] (Palm 2012)
[4] (Flessekemper 2008, 95)
[5] (Flessekemper 2008, 95)

of the European Commission - EU mission, where was to recruit expert on issues of justice and home affairs. This development probably indicates the tactical approval of the Council that police reform is a long process and it must be managed by the Commission. Council Decision of 1 November 2005 on coupling the Head of Delegation of the European Commission and the EUSR as one representative associated with two institutions in Brussels, in a way was the solution that facilitates institutional noncompliance.

A two-channel approach of the EU police efforts, where Proxima operationally has supported the long-term Commission's police reform, has created considerable confusion about what actually constitutes the mission. The declared aim of EUPOL Proxima to help Macedonian National Police in meeting the European standards and very classification of the mission by the Secretary General / High Representative Javier Solana as a signpost on the road that leads to Macedonia 's EU integration, has led to perception of the Proxima as *Europeanization mission* by political elite and the general population. [1]

EU POLICE ADVISORY TEAM

In general, EUPAT was a bridging operation in anticipation of start of *Authorized police reform project* led by the Commission. EUPAT was launched on 15 December 2005 and had specified period of 6 months with engagement of 30 police advisors to the full implementation of police reform on the ground, the police and judicial cooperation and the internal control for professional standards. According to the Council of the European Union and its Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia, the aim was to support the development of effective and professional police service based on European standards, maintenance of the order and observation and mentoring of the police in the country on priority issues in the sphere of border police, public order, public accountability and the fight against corruption and organized crime. EUPAT has also actively contributed to the establishment of a culture of human rights, although the mandate not explicitly carried tasks for human rights. [2]

Probably to a lesser extent than Proxima, but EUPAT has also faced several challenges associated with inter-institutional procedures and coordination and also coordination with other international actors on the ground.

[1] (Yusufi 2004)
[2] (Arloth, and Seidensticker 2007, 46)

POLICE MISSION IN BOSNIA AND HERZEGOVINA

In 2003, EU launched its first police mission EUPM in Bosnia and Hercegovina. Although, it was initially planned to last for 3 years, the mission was continued several times and changed its mandate until it was officially completed in June 2012. Taken from UN International Police task force in Bosnia (IPTF), EUPM with its international staff that reached their peak in numbers over 500 people, aimed at support of the reform of the Bosnian police forces in order to establish a viable police arrangements in accordance with *the best European and international standards*. [1] I cite two main types of obstacles that prevented the EUPM to fully realize its mandate. The first are external factors that originate from the failing political situation in Bosnia. The latter are internal factors as inexperience of the EU in the field of civilian crisis management, fragmented EU presence on the ground, the complexity of the EU structures for policy creation and lack of resources.[2]

Development of EUPM mandate

EUPM was a non-executive police mission (with unarmed officers). In its first mission period EUPM - 1 (from 1 January 2003 to December 2005) the mission had a broad mandate. "To accomplish its vague mandate goals - which had to be achieved within the existing fragmented structure of the police in Bosnia, the mission was to engage in mentoring, monitoring and inspection activities. While mentoring and monitoring acted as a pretty clear tasks it was unclear what should be understood under inspection, among other things, due to mission unapproved executive police powers (such as arrests and prosecutions)."[3] This in turn is associated with unclear mandate off EUFOR Althea that very quickly after EUPM arrived on the ground. The loose term of Althea has allowed by use of its special police force to enter the territory of the EUPM by caring out actions of executive nature in the context of the fight against organized crime that has resulted with confusion inside EU and confusion among the Bosnian authorities. Without obligation to inform the lower level i.e. EUPM and local police authorities, EUFOR with its action "caused some hatred between the leadership of Althea and EUPM, where EUPM complained that executive approach of the military undermines its approach of capacity building based on decentralization. A

[1] But what these notions mean in practice was not clarified in the Joint Action Council of the EU- the document which has provided a legal framework for launch of mission. For e.g. the moment EUPM was launched, there was no any adopted catalog for the *best European practices.*

[2] (Juncos 2007)

[3] (Merlingen, 2009, 164)

disagreement was mitigated first with a *bottom - up* contract between the two ESDP operations and later by adjustments of their mandates, which appointed EUPM as the lead actor in this matter".[1]

After the first period of stagnation, the focus of the mission was changed to better, but it still was not as focused as it should be. EUPM 2 (January 2006 - December 2007) and EUPM 3 (initially January 2008 - December 2009) were thin in terms of mandates and a workforce of about 200 international police officers and civilian experts in comparison with the initial 500. Refocused mandates were directed to coordinate and assist EUPM in the fight against organized crime and its contribution to police reform. Although being improved the EUPM2 has not achieved its objectives fully. However, many factors contributed to numerous failures and shortcomings in achievement of EUPM1 and EUPM2, in particularly the setting of conflicting and ambitious goals for transformation of police culture in the country for three years and then three more, by usage of mandates that are poorly tailored for local political context at that time, as well (also about mandates) difficulties stemming from somewhat elusive definition of so-called *European best practice* concerning European policy. EUPM 3 has gone slightly better than their predecessors. The EUPM 3 was in a better position than EUPM 2 to act on its mandate in monitoring and guiding the centralization of the Bosnian police, because finally after long political games in April 2008 were enacted a new police laws to strengthen enforcement authorities at the state level.

Effectiveness of police mission- EUPM

The success of the EUPM was associated with political will for cooperation of Bosnian authorities. This refers to what the media called Dayton-dysfunction problems of complex constitutional structure design and the enduring reluctance of local elites of Bosnia to be involved in the process of political reform.

In an overall context where EUPM effectiveness is evaluated, the grade is average: a Negative remark is that on the beginning of the mission should be understood that unlike executive IPTF mission, this was a mission that can be programmed.[2] It is also mentioned the disapproval by the CIVCOM representatives that the UN has provided adequate information for unhindered run of the transition from the IPTF and the mandate of EUPM to

[1] (Merlingen, 2009, 164)

[2] The problem with the focus was not brought to light until 2004, when a conference was held in Neum (Bosnia and Herzegovina). Since then the EUPM has adapted its organizational structure to one more programmed management approach based on monitoring, mentoring and inspection, and has introduced the benchmark system.

better fit to the circumstances on the ground. EU has had these problems in sight during the planning of future missions such as the operation of the rule of law in Kosovo.

EUPM has acted as a leading project in the area of police reform as part of the rule of law program initiated by the High Representative in Bosnia in order "to establish a sustainable, professional and multiethnic police service that will operate under Bosnian ownership in accordance with the best European and international practice and it will raise the current Bosnian police standards."[1] Based on the strategic priorities in EUPM1 (as organized crime, security of returning refugees and the development of police institutions) four primary goals were identified.[2] These include the development of police independence and accountability, the fight against organized crime and corruption, the financial viability and sustainability of the local police and the institutions for capacity building. According to the International Crisis Group for Bosnia in September 2005, the political climate was not suitable for comprehensive police reform with separating police forces of Republic of Srpska and the Federation, hence the serious criticism for EUPM 1 that the mandate was premature and that more focus should be put on public administration than police reform.[3]

The mission progress was registered in the sphere of institutions i.e. development of capabilities with the establishment of the Ministry of Security on a state level and enhancement of SIPA and other agencies at the state level as the Security Border Service (SBS), Interpol and others. EUPM had also helped in the preparation and later in implementation of legislation for staff recruitment and the provision of financial advice and other expert assistance in other broader police issues. Worth emphasis is also the excellent cooperation that took place between the mission and the Commission. According to the mandate, EUPM -1 supported the rule of law component of EU policy in Bosnia and community related projects managed by the Commission and funded through the budget of the CARDS program (Community Assistance for Reconstruction, Development and Stabilization).

In terms of positive ratings, the audit mandate of EUPM2 reflects more lessons learned. Improvements in the structure of decision-making[4] and the creation of *civilian response teams* at the end of the second term[5] should mean improved planning and implementation in the future. Another specificity of EUPM2 was the staff reduction and streamlined goals.[6] Thus,

[1] (Council of the European Union 2002)
[2] (Council of the European Union 2005)
[3] (International Crisis Group 2005)
[4] (Council of the European Union 2005)
[5] (General Secretariat of the Council of the EU 2005)
[6] (Mühlmann 2008, 15)

under the EUPM 2 & 3, the goal related to the external dimension of the area of freedom, security and justice, namely the EU's protection from the negative spillover of organized crime in Bosnia gained central importance. Although EUPM 2 was more appropriate than the EUPM 1, however it also faced the basic challenge for political compliance between the different policy instruments. According to the International Crisis Group from 2005, the EUPM's efforts to promote ethnically balanced police force and to integrate minorities could not succeed due to the negative response of communities and minorities who felt unsafe outside their local areas. This is in negative feedback loop with the other activities of the EUPM. Regard this we may indicate the implementation of the project State Agency for Investigation and Protection- SIPA. The EUPM has faced with the problem of fully operational agency where this agency will pose a threat to corrupt politicians and criminals that are usually protected by their ethnic groups.

Finally, with the adoption of two laws for police at the state level in April 2008 which established a series of state-level institutions, the mission in its third term EUPM-3 - noted success in the long-awaited progress on police reform.

Overall, at least four closely related challenges can be identified: The Dayton's heritage with its weak central state institutions and ethnically divided government structure; the continued political and ethnic polarization and inter-ethnic distrust; the strong role of the High Representative,[1] and a combination of economic underdevelopment and donor fatigue.[2]

But even if EUPM had flawless readiness for total reform changes, however there was a problem authentic to the political climate in Bosnia and Herzegovina. Namely, if Bosnia and Herzegovina was faced with problems that are typical for countries in transition, considerable difficulty was associated with the fact that there was gap between "declarative support" towards European integration expressed by members of parliament of Bosnia and Herzegovina on the one hand and their amendments of adoption or opposition to the adoption of the necessary legal acts on the other. [3]

[1] Retained power of nationalist politicians and the dominant role of the High Representative were two factors that played off one another. Disobedience of nationalist leaders convinced the international community to support the strict use of his powers. This, in turn, has weakened the incentive for reform among local politicians. Rather than forging consensus and make tough decisions in the interests of their country, they perceived the international community as a scapegoat for everything that is wrong in Bosnia or as an ally in their domestic struggles for power and influence.

[2] (Merlingen, 2009, 170)

[3] Although Bosnia and Herzegovina was not considered a novice in the process of EU integration, the behavior of political leaders conveyed a picture of the reluctance in adoption of the necessary reforms, which has raised serious concern among the international community.

In summary, the problems that affected the consistency of the initial use of EUPM mainly stemmed from factors such as fragmented EU presence in the country, the lack of an overall strategy, disagreement in interplay coordination and even disagreement between individuals in specific cases.

GENERAL CHARACTERISTICS OF THE ESDP MISSIONS IN THE WESTERN BALKAN

There were some differences that have influenced the success and implementation of operations on the ground. The first noticeable difference is in the sequence of operations, i.e. the presumed sequencing of activities relating to the military component that is required initially to stop violent conflict and stabilize the condition but then quickly be withdrawn; the police component which can also be present earlier, leads to plans to reform of the judiciary and penal system, which can be a task that requires decades. The political context is assumed to change sooner or later from (quasi) protectorate until fully sovereign state. In case of Macedonia, Proxima was being preceded by the first EU military mission from March to December 2003, which in this case was applied the logical sequence of deployment of military before civilian mission. The condition in Bosnia and Herzegovina and Kosovo was more complicated. In their case, the de facto is the state of the protectorate with dysfunctional political institutions that significantly has complicated the work of ESDP missions, in addition to the main problem of the image of the EU as a result of its inaction during the armed violence.

Missions in Macedonia have fulfilled important functions in the creation of the ESDP and have built a foundation for application of the experiences in the future. Proxima offers valuable lessons in planning of missions and issues relating to the chain of command and overall political oversight, but opposite to excessive ambition of its mandate that showed commitment to transformation of police into capable, depoliticized, decentralized, community based multiethnic police service that meets the needs of citizens, responsible for the rule of law and transparent – the mission has also suffered from lack of realism about what is actually possible on the ground. [1] Both police missions in Macedonia pointed to strained relations between the Community and the Council in coordination of activities. Also, remarkable is for first time applied initiative of *double hat* as a decentralized version on the field for what was being intend in European constitution for one person under two hats in Brussels i.e. High Representative for CFSP and in the same time on position of vice president of the Commission and minister on Foreign Relations.

[1] (Gross 2007, 146)

Missions in Bosnia have also fulfilled the role of mapping the EU as a regional security actor and the role of improvement the security environment and the actual maintenance of order. However, the competing police and military missions were not entirely appropriate for assigned tasks. [1] The various operations being deployed in Bosnia have submitted too various Directorate General (DG) in Secretariat in Brussels. While EUPM has submitted under the jurisdiction of DG IX - focused on civilian crisis management, the DG VIII has been grappling with the political- military aspects of EUFOR and DG VI had responsibility for EUMM and EUSR. [2] The problem was that every DG had own pace, interests and goals, which affected the way mandates were formulated, negotiated with other DG and implemented. [3] (What has the Secretariat needed been Department for Operations where to be performed allied planning between civilian and military side for specific geographic areas. The first solution on this problem was the creation of civilian-military cell). Thus, the EU Police Mission (EUPM) since 2003 to 2005 had no executive mandate, unlike the EU force (EUFOR) that could intervene. The consequences of this were two-fold: The relative weakness of the police mandate was obvious for all and mission suffered in terms of reputation and motivation of having no power enough to carry out those tasks for which its staff was being trained; and on the other side, the soldiers (in military missions) were entrusted policing for which again they were not trained.

In all ESDP missions in the Balkans it is also noticed the delay in supply, attributed to the wrapped coordination between the Council and the Commission, in which the Commission should have conducted supply of the missions of the Council with the well-known difficulty of subtle procedures of the Commission in the interest of financial regularity. Therefore, proposals were made for organizing a stock of pre-prepared equipment.

It has also became clear that missions can be faster prepared by the Council rather than the Commission, and that it is easier for the Council finding the necessary resources, although the increased threat of terrorism in Europe will undoubtedly affect the ability of the Council to generate a police force and as well on quality of policemen sent in ESDP mission.

CONCLUSION

Three main disadvantages arise from the experience of ESDP in the Western Balkans that need to be addressed in order of improvement of the

[1] (Gross 2007, 146)
[2] (Orsini 2006, 10)
[3] (Orsini 2006, 10)

coherence and effectiveness of future missions: a) Recruitment and training of personnel, b) Institutional Compliance, and c) integration-stabilization dilemma.

a) Regarding personnel, civilian missions under the ESDP in the Western Balkans have highlighted the need of recruitment of suitable staff, which has proved as deficient at the time of deployment and later during rotations of these civilian crisis management missions. The problems of supply and the broader issue of human resources and capacity development for ESDP missions remains a challenge. While the creation of *Civilian response teams*[1] is an important step in addressing the lack of adequately trained personnel, the fact remains that police officers, judges and lawyers are the primary need and they are trained and developed more for domestic than international needs.

b) The harmonization between the different instruments was one among the major problems highlighted in the analysis of EU operations. On the staff level, the first *double hat* position applied in Macedonia between the EUSR and Head of Delegation of the Commission has alleviated some problems of coordination.[2] In Bosnia and Herzegovina, the situation regarding *double hat* and combinations that emerged from it has been a bit more complicated. As a condition of the association process or evidence of stabilization of the country, in February 2008 the abolishment of the position of *High representative* was demanded, which were in the period 2002 - 2011 the EUSR in Bosnia and Herzegovina. However, the High Representative in Bosnia and Herzegovina was not the High representative of EU. Office of the High Representative (OHR) in Bosnia and Herzegovina was created in 1995 after the Dayton Peace Agreement to oversee the civilian implementation of the agreement and was comprised by representatives of the countries involved in the Dayton agreement by the *Council for peace implementation*. While double hat position in Bosnian and Herzegovina somehow has covered the EU relations with international community, it has not been applied in relations within the Union in the case of Macedonia.

Lack of coordination between institutions related to local political conditions has also showed dysfunction of mandates. Mandates of EUPM (and EULEX in Kosovo as well) has not been strong enough for conditions on the ground. Combined with the personal problems of authority, in the first case has meant that EUPM1 not been able to implement functions for which was created, whereby EUFOR Althea had to fill operational EUPM weaknesses in fighting organized crime, although the military is not exactly

[1] With the initial order for 100 staff of national experts that can be deployed quickly.

[2] Decisions about *double hat* position in each case show reluctance on the part of member states for insertion of parts of the future constitution through *a side door*.

the best tool for that. For some more profit, any police mission is supposed to at least have a stronger mandate at the beginning and thus the thorny issue of civil- military coordination could be facilitated.

Regarding the transfer of powers and duties of the ESDP missions to EU shareholders or local institutions, what has proven to be lacking is a holistic concept that would specify the division of responsibilities between the Community and CFSP and that would regulate the transition of ESDP operations towards good governance projects of the European Commission.

c) In the context of stabilization - integration dilemma, the individual missions also has shown tension between the political goal of promoting local governance and incentives to ensuring the effective reforms in the security sector. There was a great dilemma of integration versus stabilization in Bosnia, due to the need for reform of the justice sector and the police and the fight against organized crime as major problems. In Bosnia and Herzegovina inter - ethnic violence was halted, as illustrated by change of the focus of missions to organized crime combat. However, Bosnia and Herzegovina was intended to be less dependent on direct intervention and more focused on authorities support to implement reforms. The lack of progress in police reform was one of the reasons why the EU several years refrained from signing the Stabilization and Association Agreement with Bosnia and Herzegovina. In Macedonia, the threat of civil war has disappeared after the Ohrid Agreement for political restructure of the state constitution and thus the change from model of stabilization to model of integration has clearly progressed, although the change of the military mission in to police mission in Macedonia was not so determined by the conditions on the ground as much as political thinking associated with the quest for Macedonia's future EU joining.

From methodological aspect, if we make a little comparison between all missions under ESDP in the Western Balkans, we can conclude that the absence of an executive mandate restricts police activities purely on intellectual support. De facto, predominantly acts that ESDP police missions contribute more to strength the rule of law applied in the country, rather than aiming directly at strength of peace in post-conflict area, which is actually far from the original role that the European Council in Feira has provided for them.

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COMPARATIVE OVERVIEW OF INTERVENTION UNITS IN HOSTAGE CRISIS WITHIN SEVERAL EU COUNTRIES

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Abstract

Different countries apply various apporoaches when it comes to the organization of dealing with hostage crisis. The system of combating hostage crisis in various countries is organized in different ways. The problem solving has evolved to the greatest level in the most developed countries since those countries have acquired the greatest experience in hostage crisis. Throughout the years, those problems were solved in different manners, and each case brought some new experience. Many mistakes had been made and many lives had been lost before we have reached the current level in solving hostage crisis. In hostage crisis, intervention units pose the core of the crisis management system because they provide staff, equipment and resources for invasion, hostage rescue and the arrest of perpetrators. Those teams procure staff for the most dangerous mission while solving a hostage crisis. The cases of hostage keeping of international dimensions have led to the strengthening of international cooperation in the field of negotiations in hostage crisis, exchange of experience and mutual training. The cooperation and mutual training are carried out in the field of engaging special intervention units in hostage crisis. Therefore, intervention units in hostage crisis within various EU countries have similar features as well as certian differences and special characteristics, which shall be presented in this paper.

Key words: intervention units, special police officers, hostage crisis, hostages.

FOREWORD

Should a need for an intervention against kidnappers arise, intervention forces are those that will carry out the action. In cases when negotions cannot improve hostage crisis, such units are responsible for tactical intervention against the kidnappers with the help of special knowledge, skills and equipment. An intervention team comprises a group of chosen, specially trained individuals designeted to complete their tasks by means of force, and among whose tasks is also rescuing of encaptured hostages. The intervention force is made of several intervention teams. For example, the intervention force can include units or their parts for speccial operations of police, army and special police intervention units, special units or other formations trained to execute certain tasks. The intervention force is intended to combat hostage crisis by means of force. The applicaton of force repersents the core basis whose criterium for achieving the goal is disabling, fighting or liqudiating kidnappers by applying physical force, law enforcement baton, tying devices, non-lethal and deadly (fire and cold) weapons[1]

Should negotiations reap no benefit, a main role of such forces is to intervene with an aim of arresting kidnappers and rescuing hostages with minimum risk to the lives and health of all the participants in the crisis. Intervention teams' responsibility for the lives and health of hostages boils down to professional liability of each team member and the entire team to do their respective jobs in line with the order given by the authorised person and tasks stemming from certain roles within the team.

The most elite part of an intervention force is the intervention unit. Extremly complex, responsible and in most cases secret tasks performed by intervention units, constant combats against well equipped, trained and indoctrinated enemy, great physical and mental efforts which are to be endured in brutal conditions and uncertainty about what the new day or hour might bring about, require the people of extraordinary qualities, organized units governed by mutual trust, the units comprising disciplined people, thoroughly trained and physically ready for the greatest efforts, armed and equipped with special combat devices and tools, thick-skinned due to numerous exercises and tested in many trials. According to Anatoly Taras, intervention units pose rahter small units compising thoroughly trained fighters, which have to carry out special tasks, connected to high level of risk, which demand extraordinary decisions.[2]

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[1] Subosic, D.:"*Oslobadjanje talaca"*, Glosarijum, Belgrade, 2003, p. 210

[2] Taras, A.: "*Komandosi – formiranje, obuka*", *akcija, ZIN, Belgrade*, 2011, p. 11

French Hostage Rescue Intervention Units

The RAID and GIPN as well as special Gandarmerie unit, GIGN, are special police units engaged in interventions in hostage crisis.

The RAID (Recherche, Assistance, Intervention, and Dissusion) was founded on the grounds of the French Ministry of Internal Affairs' Decision on October 23, 1985. This unit of the National Police participates in fighting terrorism and all forms of organized crime on the entire territory of the Republic of France. The RAID is a police unit governed by the Chief of the National Police which intervenes in case of serious events which require the application of special equipment and techniques for eradicating dangerous persons.[1] The RAID is primarily involved in rescuing hostages, arresting hardened criminals, rebels or suicide killers as well as in combating and arresting terrorists. From an organizational point of view ,the RAID consists of:

The Headquarters (including administrative and finance departments);

The First Section: for intervention, monitoring and protection;

The Second Section: for investigation, surveillance and following;

The Third Section: for operational support;

The Medical team: includes three doctors specialised in emergency medicine;

The Training Group and Data Processing Centre.

The Third Section – operational support, apart from several groups such as: the Advanced Technologies Group, Group of Offical Dog Handlers, Weaponry, also includes the Group for Crisis Management and Negotiations (Groupe gestion de crise et negociation), consisting of policemen – forensic experts and a psychologist. Primarily, the Group deals with the assessment of how dangerous the crisis is, suggesting possible solutions and providing concrete assistance in negotiations and crisis resolution. The Group is on alert 24 hours a day, can be activated with a consent of the Chief of the National Police, at the request of the regional praefectus in each crisis (caused by a dangerous and armed person, mentally disorderd person, possible suicide killer as well as in case of taking hostages or an incident of greater extent) independently of the rest of the unit. In case of the RAID activation, the group members are the first to be sent to assess the crisis on the spot.

[1] Dzamic D.: ”*Bratstvo hrabrih*”, Knjiga Komerc, Belgrade, 2008, p. 279

Should both the RAID and a local Group for interventions of the National Police be engaged in carrying out a task, either the Chief of the RAID or one of his assistans shall be in charge of the entire unified intervention unit.

In those situations which are potentially dangerous and which require technically and professionally, specially qualified application of tools and equipment, the National Police Headquarters shall engage an elite unit: the Group for Intervention of the Natioanl Police, the GIPN. As a unit, the GIPN was formed within the Central Administration of public security and exists in ten large cities in the region and oversees areas.

During the previous 30 years, the GIPN members performed hundreds of interventions, usually highly risky, and thus saved numerous of lives. The decision on forming the GIPN was reached after the murder of Izraeli athletes and the terrorists taking hostages during the Olimpic Games in Munich in 1972. Not long after, on October 27, 1972, the first Group for Interventions of French National Police was established.

The reason for wide geographic scope of the GIPN jurisdiction lies in the necessity of harmonizing ability and equipment as an imperative to unique operations during tasks significant to national security. The technical structure and operations are organized within the Public Security Headquarters – the GIPN Coordination Department. The GIPN takes part in security crisis of high risk, kidnappings, and prison riots and similar. The GIPN members intervene together with other National Police departments. The GIPN Chief Officer is in charge of tasks execution and is personally responsible for operations management and engagement of his own unit as well as for the cooperation with other police departments participating in such operations.

The GIPN's tasks are various: hostage rescue; barricaded perpetrators and mentally disordered persons, locating and arresting of armed individuals (terrorisam and organised crime) are the Group's priority tasks.

Soon after founding a counter-terrorist unit, GSG-9, which came to existence as a result of the tragic events during the Olimpic Games in Munich in 1972, a special commandos unit for counter-terrorist operations was established in France in 1973. The group was named "The National Gandarmerie Intervention Group" – the GIGN and ever since it has remained "the main force" in France dedicated to combating terrorism and organized crime.[1] In the 32 years of its existence and operation, the unit achieved extremely notable results and performed numerous successful operations by which it, in the best possible manner, justified its existence and the great funds invested (and still being invested) in its equipment and training.

[1] Micheleti, L.:"*Le GIGN aujourd'hui*, Histoire & Collections", Paris, 2005.

Estimations reveal that the GIGN rescued more than 600 hostages from the hands of terrorists and kidnappers of various kinds.[1]

The most remarkable great operation that certified impressive efficiency of the GIGN commandos, which propelled them to the very top of their call, was the resue of passangers on the hijacked AirFrance plane on Marignane airport, Marseille, on January 26, 1994.[2]

French police intervention units are very well organized, trained and specialized units in their area of operation, which, while executing their tasks and activities, rely on their own resources, while in cases of greater size interventions they act in cooperation with their colleagues from other units. In France, activities of police and gendarmerie are divided in such a manner that special police units (the RAID and GIPN) are engaged in the crisis in which the police of France intervenes, and the GIGN is engaged in those situations in which the National Gendarmerie intervenes, except for great republic crisis in which all of the potential security services of the country are employed.

German Hostage Rescue Intervention Units

The history of German special police units began over 30 years ago. The tragic events on the Olimpic Games in Munich in 1972, when police efforts to save the Israeli athletes encaptured by Palestenian terrorists were in vain and ended up in bloodshed, led to the establishment of special intervention teams. Then followed the founding of the famous GSG-9 at federal level, whereas police administrations within provinces, the federal state members, formed special teams, i.e. response units, known as "Spezial Einsatz Kommandos" or SEK.

Determined to eliminate further national humilation and confront increasing international terrorism in an appropriate manner, the Germans estabilished a completely new counter-terrorist unit in 1972. It was formed as an integral part of the State Bounderies Police and named GRENZSCHUTZGRUPPE-9 (The Group for protection of Boundery No. 9) or the GSG-9.[3]

The GSG-9 is a police formation and is under governance of the Ministry of Internal Affairs, i.e. under the command of the Federal Border Guard (BGS). The unit has 300 members total, deployed within the Head

[1] Mojsilovic Ž., Džamic D.:"*Оружјем против отмичара*", ЦКМП, Belgrade, 2010, p. 86
[2] Mojsilovic Ž., Džamic D.:"*Оружјем против отмичара*", ЦКМП, Belgrade, 2010, p. 87
[3] Miller, D.:"*Special Forces*", Salamander Books, London, 2004, p. 38

Office, 3 combat (attack) groups and several small supporting units (instructor section, technical and logistics office).

The first combat group, the GSG-9/1 (counter-terrorist) encompasses around 100 men; it comprises a command part, a fire arms support team and an intevention (forced-entry) unit for manging "hostage crisis". Such unit includes 6-10-person combat teams, the SET (SpezialEinsatzTrupp), which is a crucial combat and operations core for carrying out their tasks. They are involved in hostage rescues on planes, buses, trains, and in arresting dangerous persons.

The second combat unit, the GSG-9/2, specialised in amphibious water and underwater operations – divers and counter-terrorist operations on ships, is liabile not only for the protection of German oil platforms in the North and Baltic Seas, but also for the protection of the tanker fleet in case of need. Similarly, it is divided into six groups. The group members are trained and practise together with a special unit of underwater infiltrators within the German Navy – KSK.

The third combat group, the GSG-9/3 is qualified in parachuting and landing operations including also high-altitude parachuting techniques (HAHO and HALO free falls).

There are also two smaller formations intended for recoinnosance and VIP protection (escort and protection of very important persons). The "non-combat" part includes: the Unit for communication and maintenance of connections, Instructor Department, Documentation Unit for surveillance, recording and eavesdropping by means of the latest techniques, Ingeneering Group, Department for specially trained dogs, Helicopter Unit for transport and support, Technical Group dealing with maintainance, procurement and improvement of weaponry and special equipment and other means as well as Analytic Department.

The service within a unit lasts up to 5 years, after which period those who have sufficient number of years of service, are eligible to become part of police staff for instructors and counsellors, department for escort and security of high officials or intelligence service.

SEK units are special police units of not that great extent. Nowadays, there are totally 23 SEK units operating in provinces and some bigger cities in Germany (Bavaria, North Rhine-Westphalia, Baden-Wuerttemberg and other).[1]

In 1991 Bavarian special police forces were combined in two separate Police Directorates – the PDs, i.e. special commands responsible for this area of Germany. PD "Spezialeinheite Sud-Bayern" was first stationed

[1] Dzamic, D.:"*Bratstvo hrabrih*", Knjiga Komerc, Belgrade, 2008, p. 342

in Southern Bavaria, in Munich, while another PD in Northern Bavaria, with its headquarts in Nuremberg.

The organizational structure of Munich and Nuremberg special commands is the same. They comprise the Special Action Team – the SEK (SPEZIAL Einsatzkommando) and the Mobile Team – the MEK (MOBILES Einsatzkommando), whose main tasks are monitoring and technical services.

The SEK, in turn, consists of two elements: the first, the Special Group that has 4 small teams and the sniper Group which also has 4 small teams responsible to provide support to one team. Each team consists of well-trained professionals and specialists engaged in completing the tasks with the use of explosives, special vehicles and helicopters, using special fighting techniques.

The main tasks of the SEK teams as well as of other, similar units in the world are: anti-terrorist struggle, solving "hostage crisis", fight against organized crime and armed crime gangs, arrests of dangerous individuals, providing security services to VIPs, political gatherings, festivals and valuable shipments. It can be said that the operations the SEK teams perform against ever increasing organized crime, are mostly in support of actions of Bavarian criminal police.

Different scenarios and situations – for example, in case of bank robberies, terrorist attacks and kidnappings – are practiced in real time with real objects and are performed several times a year. Exercises are planned for weeks and recorded with video cameras from different positions. After the exercise, the images are analyzed in detail, and later used for training and practice purposes. Hostage rescue operationas and arrest of terrorists and criminals are not only carried out on buses, planes and trains, but also in tall buildings, banks, railway stations, nuclear and hydro power plants, subway and in the mountains and elsewhere.

The equipment and weapons the SEK team uses is diverse, according to the tasks they perform. The SEK uses BMWs, Mercedeses and Audies, with very powerful engines, additionally strengthened with protective plates. The personal safety of each team mmber is in the first place. Bullet-proof vests, ballistic shields and helmets are parts of the personal equipment of each member.

German intervention units for hostage situations are organized on the territory basis in order to react to a crisis in any part of the country. In case of a great crisis of state importance exceeding the capacities of regional SEK units, a national special unit, GSG9, which can provide a proper response to any situation, is activated. Bearing in mind the situations that took place in Germany in the last forty years, the special units have the experience necessary for effective execution of their tasks in hostage situations.

Slovenian Hostage Rescue Intervention Units

A Special Police Unit (Specialna enota Ministrstva za notranje zadeve Republike Slovenije - SE MNZ) is in charge of hostage situation interventions. This unit is an heir to the Militia Unit for special operations of The Socialist Repbulic of Slovenia which was an integral part of The Socialist Federal Republic of Yugoslavia, and which came into being as a reaction to the events that occurred in Munich and the forced entry of an infiltration group on Radusa in 1972. After the democratic changes in Slovenia in 1990, on August 23 there followed the formation of the Special police force by the then-Minsitry of Internal Affairs. The new Law on Police adopted in 2000 led to reorganization and systematization, which resulted in police becoming a part of the Ministry of Internal Affairs, the consequence of which was that the Special Police Force becoming an integral part of General Police Administration, the Police Specialities Adminitstration.[1]

The Special Unit is the top-caliber police unit which is able to solve the most complex and risky security tasks due to its mobility, adapted tactical actions and high-quality equipment. Simultanously, it provides a high level of security not only to potential casualties but also to itself. The main tasks of SE MNZ are: counter-terrorist operations, arrest of perpetrators of serious crimes, provision of protection to domestic and foreign highest rank officials, securing important fascilities, training other police unites and state bodies. The Special Unit dealing with counter-terrorism tasks and complex operations police activites requires the greatest skill level, mental and physical ability, the use of specific knowledge and skills related to a high level of risk to security, health and lives of people.

The Unit members are the best of the best within Slovenia police.

The Unit is organized in the following manner:

The Command (Management) – governs the Unit's operations;

Unit A (enota A) - a basic operational unit, responsible for direct operational and intvervantion operations in the fields of extreme violcence, terrorism, kidnappings, taking hostages and similar.

Unit B (enota B) - Specialists Unit: a sniper, dog guides, alpinists, speleologists, divers and drivers of special vehicles,

Unit C (enota C) - logistic support,

Counter-diversional Unit,

Development and Training Unit.

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[1] Tomšič, M.:"*Specialna enota",* Ministarstvo za notranje zadeve Republike Slovenije, Ljubljana, 2013, p. 81

The Unit is equipped with the most contemporary special equipment and arms, special vehicles and technical resources which enable it to execute the most complex tasks such as solving hostage crisis.

It is the Slovenian Special Police which that was the first in the region to become a member of the Atlas Group which gathers Europian Special Forces and organizes joint councelling and trainings.[1]

Considering the size of the country, Slovenia has one special police unit, placed in Ljubljana, which can intervene at fast pace on the entire territory of the country. The members of the unit are well equipped and trained, but they lack the experience in hostage situations since such situations are quite rare. Still, such unit closely cooperates with a great majority of European Union member states, which is of great contribution to its development and persistent advancement.

Croatian Hostage Rescue Intervention Units

Croatian special police is a name used for Croation special police units responsible for carrying out tasks against all kinds of terrorism, solving hostage crisis, kidnapping persons and hijacking vehicles, the gravest cases of public order disturbances and arrest of armed individuals and groups, and provision of securtity services to protected persons in special circumstances.

The Special police system within the Croatian MIA comprises seven organizational units: Command, Counter-terrorism Unit Lucko, Aviation Unit and 4 smaller (intervention) units, located in Zagreb, Split, Rijeka and Osijek (the Zagreb group was known as "Alfe"). The reorganization of Special Police took place when the Croatian MIA was reorganized in 2001.The Command of Special Police, an organizational unit within the Police Direcotrate, separate from the other Polices Administrations, is in charge of special police units. The Commander is the head of the Command. In order to achieve greater operational performance, in 2008 Special Police Forces organization underwent additional functional and territory changes. Special Police Unit Zagreb was incorporated in Counter-terrorist Unit Lucko which is the only unit authorized to perform in the entire territory of the Republic of Croatia. Besides, there is one more separate special organizational unit, the Diving Centre, whereas the other elements remained the same as in 2001 organization.[2]

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[1] Tomšič, M.:"*Specialna enota"*, Ministarstvo za notranje zadeve Republike Slovenije, Ljubljana, 2013, p. 67

[2] Bilandzic M.:"*Specijalne vojno-policijske protuterorističke postrojbe: Hrvatska i svijet"*, Polemos, Voll. XII
No. 24, Zagreb, 2009, p. 33-60.

The most significant element of the Special Police is the Counter-terrorist Unit Lucko – equipped in a modern fashion and trained according to world standards. Counter-terrorist Unit Lucko was established on September 7th, 1990 and has around 130 members. The new organization led to more precise definition of CTU Lucko tasks: fight against terrorism, solving all kinds of crisis, specially "hostage crisis" (especially planes and other vehicles hijacking), arrest of perpetrators of serious crimes, assistance to other police departments in combating crime as well as establishing public order in crisis. In addition to this, the Croation MIA members are also trained in divning operations, such as underwater demining, search for and taking out drowned persons and items related to committed crimes, VIP protection, assets escort and protection as well as operations relevant to search and rescue. Apart from this, it plays a really important role for the MIA for its abilty to response to the unpredictable situations that are sometimes even not their job, in an efficient, timely and determined manner.

Its organization and a high level of qualification in various special operations as well as special equipment and the arms it possess are responsible for such a wide scope of activities.

A basic training, which lasts for 6 months, includes techniques and tactics of acts during basic interventions in which all the unit members have to be qualified. After the basic training is completed, instructors chose the candidates that meet the set criteria and send them to the following training phase, i.e. the specialist training of 6 months.

The specialist training is conducted by means of various courses and it is mandatory to all members of the Unit, which is simultaneously a higher level of intervention training. Apart from physical readiness and the use of various kinds of arms, the training is oriented to different tactics characteristic of counter-terrorism operations, such as moving on objects, fored entries on buses, trains, ships, planes, operations of following and arresting hardened criminals, VIP protection, etc. Upon completing the entire training process and being granted relevant qualifications, they are sent to the Unit's operational teams and together with their senior collegues participate in collective exercises related to special operations that the Unit is entrusted with. The training is not completed when one steps in the Unit. On the contrary, a specialist has to continue his/her training while on the force. Most of them, around 70 %, are only qualified in basic tasks, whereas only small number is qualified in certain special operations.

Professional improvements are carried out through highly specialised courses or seminars for special skills which are mandatory during operations. Special skills and specialities are the highest level of the members' training in a certain field and the selection is performed according to personal affinity of each member of the Unit.

Croatian special police units are characteristic for their organization of the Command of special police and for administering all the units from one center. The same organization includes Helicopter and Diving Units which contributes to units' wider mobility and readiness to operate throughout the entire Croatian territory. The fact that Croatia has become a European Union member state brings about wider scope of cooperation of special units with similar units of other member countries, and therefore sharing the latest experience and knowledge from the scope of interventions in hostage situations.

International Cooperation – EU Association of Special Intervention Units - ATLAS Group

Belgian Special Police Units DSE/DSU (Directie Speciale Eenheden) initiated the idea of establishing a European organization that would gather counter-terrorist police units from the territory of EU and coordinate their preparations, exchange of experience and joint exercises, for the purpose of joint operations and responses in crises of greater extent. Based on such idea, the agreements and consulations which followed afterwards, the ATLAS Group was set up in Brussels in January 2002. The Commanders of 15 counter-terrorist units from the member countries of the EU participated at the founding meeting, in which the main aims of the Group, rules of its operationwere defined and separation of duties performed. The Treaty on Cooperation was signed at this meeting and ti was agreed that the system of faster communicaton between the units be established during the first phase, after which more intese operational cooperation should follow.

On the grounds of the proposal that Austria (ECO Cobra) filed, on December 23, 2008 the EU Council reached the decision that certified and made official the operations of ATLAS Group, and which also provided support to improving the cooperation between Special Intervention Units of the EU member states in crisis. The next Decision, dating January 1, 2009, empowered the Special Police as a member of ATLAS Group to provide assistance in some other European country if this country asked for help or expert opinion.[1]

The purpose of ATLAS Group's operations is to provide EU citizens with high level of security and safety through joint cooperation, experience and intelligence exchange between competent police forces and joint training. In case of need, the final aim is to assist some of the member

[1] Dzamic, D.: "*Terorizam ujedinio Evropu"*, casopis Novosti Kalibar, No. 195, Belgrade, 2013.

countries, if necessary, and to solve the crisis by joint efforts. The main tasks of ATLAS include: constant improvement of the member countries' professionalism, mutual support, implementation of joint projects and operations in case of a terrorist threat of greater extent.

Currently ATLAS Group consists of 34 special police units from 27 EU countries, whose main task is the fight against terrorism through the application of cautionary, repressive and combat measures. The unification of standards and procedures of Special Forces on the territory of the EU, by the upgrade of operational, arms and equipemnt tacticts and techniques, improves the efficiency of each country and all the member countries together in solving hostage crisis.

Concluding Remarks

The comparison among the organizations of hostage intervention units from different countries reveales certain mutual charachteristics with several specifics of individual systems.

All the countries have specially trained and qualified special units for hostage rescue interventions. Most of the countries developed their respective special units as a reaction to a crisis that could not be solved by conventional police forces, for which purpose it was estimated that special police units have to be founded and trained. Such units were mostly established at state and local levels. The ntervention units at state level are engaged in grater and more complex crisis and are of greater formation (from 100 to 300 members). In the majority of countries, special units are deployed and can act on a territory level in order to intervene at the right location as soon as possible.

Special attention is paid to the selection of special units' members by all the countries in the world. Competent state, scientific, professional and high medical institutions are engaged in the design of criteria and assessment of candidates.The relevant criteria and methods for the selection of members of special units each unit i according to its own needs, purpose and tasks. Quality training of an individual requires at least 2 years. Those units which perform the selcection of the candidates for special units damand a candidate to possess complete personality, to be mentally stable, persistant, courageous, brave and independent when it comes to decision making and operations. His/her ability to organize, make fast decisions and the gift of leading a group is assessed. One of the physical and psychological characteristics is also his/her ability and readiness to endure harsh life conditions over a longer period of time.

The formation of a special European organization (ATLAS Group) which gathers special police units of EU countries and coordinates their

preparations, exchange of experience and joint exercises, and all that in order to collectively act and react to hostage crises of greater proportions, is a huge step in improving security and advancing knowledge and skills of special units' members as well as their readiness to be engaged in the most critical situations such as hostage crises.

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POLICE PERFORMANCE APPRAISAL IN FUNCTION OF THE IMPROVEMENT OF POLICE FORCE EFFICIENCY

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Abstract

The issues related to police performance appraisal are relatively new phenomenon, which began to attract serious attention in the early 90s of the twentieth century. In fact, the assessment consists of the actual results, compared with the expected/desired results (or goals). Therefore, the evaluation is a measure of the achieved results or ratio between what is accomplished and what needs to be additionally done.

There are many different assessment types/methodologies – informal, formal, mandated, multiple, conducted by one or more superiors, by peers, self-assessment, feedback 360 degrees, CAF assessment, etc.

The legal basis and methodology for police performance appraisal are covered by the Law on Internal Affairs[1], Law on Police[2], the Collective Agreement of the Ministry of Interior[3], and the Guidance for performance appraisal and assessment procedure[4].

Performance appraisal of police officers is a process in which, for a specific period of time, the superior assesses and describes the individual's work, contribution, efficiency, quality and competences of the employees. It needs to be specifically underlined that the information/findings acquired from the assessment should not be simply kept or archived, but to be taken into consideration, because only in that way such research could become a useful tool for obtaining real image, and moreover, for building motivation and improvement of productivity and efficiency.

Regarding this, this paper aims to emphasize few main points:

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[1] *Law on Internal Affairs, Official Gazette of RM, No.92, 2009, articles 107-113*

[2] *Law on Police,Official Gazette of RM,, No.114, 2006, articles 116-118*

[3] *Collective agreement of MOI, Official Gazette of RM, No.126, 2010, articles 146-160*

[4] *Guidance for the way and procedure for performance appraisal of the appointed police officers, the content of the assessment report, the form for the assessment and the way of recording the evidence, Official Gazette of RM, No.126, 2009.*

- *The performance measurement is an integral part of good police management. It is a process which helps employees better communicate and collaborate among themselves;*
- *The performance appraisal system is part of the continuous learning and development of every police unit and it fosters organizational culture and values respected by all the employees;*
- *The system for measurement of police force efficiency follows and measures the quantity, the quality, and the outcomes of the police actions from inside within the frames of the police management, which provides results, but also from outside, oriented to the community and the citizens as main targets, who should be satisfied with their police and should trust in it;*
- *The biggest challenge for development and usage of the performance measurement system is more the process itself and the acceptance of that process rather than technicalities or methodological approaches;*
- *The active participation of those who rate, but also those who are rated in this process, should be more seriously understood and enhanced.*

Considering the current practice of the Macedonian police units, it seems that the improvement of the evaluation system becomes one of the crucial objectives. Insufficient attention to this segment opens questions which can be analyzed within both aspects: individual and team performance in every police department and level. Such questions and challenges in the end will always be connected to police force efficiency.

Key words: *police, appraisal system, evaluation, performance appraisal measurement, continuous learning, efficiency.*

INTRODUCTION

The issues related to police performance appraisal are relatively new phenomenon, which began to attract serious attention in the early 90s of the twentieth century. In fact, the assessment consists of the actual results, compared with the expected/desired results (or goals). Therefore, the evaluation is a measure of the achieved results or ratio between what is accomplished and what needs to be additionally done.

In general, effective appraisal links an employee's performance to his job description, expectations and goals. Well done performance appraisal shows the capacity of the Police as an organization capable to achieve its goals. Unfortunately, there is no ideal evaluation system and it is not easy at all to develop appraisal system for all the criteria according to which the police employees' performance is to be measured, because the areas in which they are evaluated cannot sometimes be described only with quantitative indicators. Actually, the performance appraisal system should be continuously upgraded and improved so it can be, at the same time, a real

indicator of the current situation, a tool that will detect all the weaknesses, but also a tool for motivation of every employee who tries to achieve good results.

In most of the cases, those who rate and those who are being rated are not feeling comfortable when evaluation time comes. During the conducting of a performance appraisal, the rater should always have a holistic approach and take into consideration all the previous performed activities and accomplishments, and not create the conclusion on simply one specific failure task/activity. For example, there is a criterion according to which personal qualities (communication skills, the team work etc) are being evaluated. The reviews, no matter how rated they are (high, average, low; exceeds, meets expectations, partially meets expectations and unsatisfactory), can often become an issue of partiality, prejudice and objectivity from the both sides-the one that rates and the one that is being rated. The superiors often have problem with the proper wording in which they will articulate their views about the results of their subordinates, because they are trying to be objective, realistic, maybe even rigorous, but at the same time, they do not want to provoke negative attitude or protraction of the relations between supervisors and the employees.

On the other side, people strive to evaluate themselves higher than they maybe deserve, and that's why the big percentage of the evaluated ones think that they have not been evaluated fair, because their superiors use the performance appraisal system only as a tool for discipline or to remind the evaluated persons where their places are. With other words, they have fear of subjectivity in conducting the performance appraisal.

Obstacles can occur with evaluation standards which derive from the differences in perception of the meaning of evaluation itself – some raters easily rate higher than the employee's real ability indicates. They see everything as good. Others consistently underestimate an employee's performance even when it is deserved (they see everything as bad). And there is another kind of raters who most often rate an employee as "average", which may not be a true rating. They have the tendency to assign average ratings for all the dimensions.

The greatest challenge for development and usage of the performance measurement system is more the process itself and accepting that process, rather than the technicalities or methodological approaches. Training and the active participation is necessary for both sides during the whole process, the raters and the employees, and they have to show at least basic familiarity and respect to the procedures, functions and the role of the performance appraisal system, despite their personal feelings about the qualities or characteristics of the other side in that process.

The appraisal process involves setting up work standards, assessing the employee's actual performance related to these standards, providing feedback to the employee with the aim of eliminating performance deficiencies or continuing performance with the same paste.

Unfortunately, performance reviews are rarely as effective as they should be - and the process often seems as pleasant as a visit to the dentist.

Then, why all that noise and need for a performance appraisal at all when it is such a stressful experience for the supervisor as well as for the employees. A logical explanation would be that it further leads to corrective measures, performance-related pay awards, improving the results, identifying potential and potential improvement points, marking the path of development for every employee and police unit separately, identifying potential, getting a glimpse into wider organizational development prospects, identifying job position-person match and mismatch and looking into the actual and potential problem areas, identifying the acute and chronic problems and using them as corrective measure, i.e. guide in specific areas (team work, increasing the efficiency, training needs and etc.).

TYPES OF PERFORMANCE APPRAISAL MODELS

There are many different assessment types/methodologies – informal, formal, mandated, multiple, conducted by one or more superiors, multiple, performed by colleagues of the same hierarchical level, by peers, self-assessment, feedback 360 degrees, CAF assessment, etc.

Informal assessments are not mandatory assessments and they are usually conducted when the supervisor finds them necessary and when the day-to-day relationships between the manager and the employee allow that. This kind of judgment is popular in small private companies when in conversation on the job, over coffee, the head's opinion is communicated and discussed in an informal manner. "I haven't had a chance to give you a performance appraisal this year. Your salary is going to be 25% increased. I am really happy with your performance."

The risk in using such kind of informal appraisal is that it can become too informal and it will lack objectivity and will overdo favoritism (if they are positive), or it will not be considered seriously enough if it is negative.

Formal performance appraisal systems are mandatory. They are established systems which all employees have to go through on a regular basis. They consist of questions systematized by areas, time periods, technical expertise and individual competences. These systems are an established practice in almost all government agencies, ministries,

organizations, in which the order and the policies are set up (the Police, the Military), local governments, public institutions and etc.

360 degrees feedback [1] is a system in which the employee receives confident feedback by the people he/she works with. It includes the superior, some colleagues of the same and the lower hierarchical level, and usually the executive director of the whole organization. In some organizations there is a practice of about 8 to 12 (or 4 to 6) persons who do the assessment and do not know who else, other than them, participates. They fill out a form with different questions of extensive scope of working competences. The feedback ranks the answers by points, but also asks for comments in narrative form. The person who is evaluated fills out a self-assessment questionnaire too with almost identical questions that others have answered about him.

This performance appraisal automatically tabulates the results and simply shows the weaknesses and strengths of the employee, and it is highly dispassionate and objective, since more people are consulted. This kind of evaluation is focused more on the character, the behavior/attitude and the competences of the employee rather than the basic required skills for implementing the tasks, requirements of the job position and the accomplished goals.

The evaluation methodology in **CAF (Common Assessment Framework)** [2] or a "culture of excellence ‘ is an evaluation that is usually applied for the evaluation of officials in public administration in developed countries, which have a long tradition of performance measurement (Austria, Belgium, Denmark ...) and it is known for striving towards continuous improvement. CAF methodology is based on the quality management, and, despite the assessment made by the others, it includes self-assessment and preparation of an action plan for improvement. Typical for this evaluation is that it is related to salary - the better grades are (real and objective), the higher the salary is. Of course, when payment is linked to the accomplished results, and it is a financial reward for the employees’ performance, then they are definitely more motivated to achieve better results. Such systems can be implemented only in countries where everyone respects “the rules of the game” and they are governed by certain standards, in countries where the employees very often receive higher scores than expected. Those countries can afford high budgets for performance measurement, which is not viewed and considered only through the prism of administrative compulsory performance appraisal, but as a system from which the organization learns,

[1] *Available on* http://www.custominsight.com/360-degree-feedback/what-is-360-degree-feedback.asp

[2] *Available on* http://www.eipa.eu/en/topic/show/&tid=191

develops and grows, and it is in a position to better determine areas necessary to be improved and aspects of the work required to be pay more attention. CAF allows better and more comprehensive connection between the performance appraisal and the vision and strategic goals of the organization. This methodology is typical for countries in which a strong tendency for decentralization of the system of remuneration is present and the decision on salary is located at the direct supervisor.

The CAF methodology includes **individual fairness** - how individuals see and consider their payment compared to the others within the organization, and perhaps within the same hierarchical level and job position, and **fairness of the process** - how employees perceive fairness/equality in managing the payment system and the justice in the application/implementation of the process. Such systems are expensive and time consuming and they are more often used for medium and high managerial positions. All supervisors and employees are informed in advance in details about the concept, implementation and consequences of this new system in terms of overcoming mistrust and the organization itself invests heavily in training the supervisors about finding the right way of daily feedback to the employees. The success or the impact that comes from this performance appraisal system depends on the ability to convince the employees that during the assessment their managers can and will use the new performance tools and instruments in fair, competent and professional manner. Key factors for successful implementation of this evaluation system and new salary model are time, resources, trust, fairness, and understanding and leadership skills.

In addition, there are few typical facts of the CAF methodology:

• Equality/Fairness - the same principles are applied to the whole organization and the same model is applied at all levels;

• The goals of the departments and sectors are connected with the organization's strategic goals;

• The constructive and regular dialogue between the superiors and the subordinates about the organization's goals and the role of each individual in achieving these goals is open

• Employees are motivated to increase the effectiveness and the efficiency because there is a direct link between performance and remuneration and because they can participate in creating a reward model

• The assessment models do not deal with resolving the issue of unsatisfactory job performance

• The assessment is part of the daily routine of the superiors

• The system improves and increases communication, openness and transparency

• The main purpose of the performance appraisal is career planning and professional development, rather than increasing or decreasing wages.

Can this assessment system be applied in our work environment?

Efforts have been made to use parts/segments of the CAF model and its methodology in our country. In February 2014 MISA organized a training for this performance system for civil servants of certain ministries. However, this system is designed to reward (to define the salary) according the performance results. It is hard to predict to what extend this system can increase the efficiency of the employees if the most important element is neglected. Even if there is a chance, every separate organizational/police unit has certain budget (which is not the case in Macedonia); even if the superiors had been given the discretion right to decide upon the reward (in terms of money) of their subordinates, the budgetary aspect and pay-by-performed-work might not be compatible with a small budget funds provided for civil/police service reform, and in a period of transition and high public expenditure, it can go beyond control. Also, one cannot forget the large amount of money required for the implementation of this performance appraisal system.

LEGAL FRAMES OF THE POLICE PERFORMANCE APPRAISAL

The police performance appraisal is provided by the Law on Internal Affairs, the Law on Police and the Collective Agreement, and it is specifically defined in the Guidelines for the manner and procedure for performance appraisal of the appointed police officers, the content of the assessment report, the form for the assessment and the manner of recording the evidence.

The Guidelines for the way and procedure for performance appraisal of the appointed police officers, the content of the assessment report, the form for the assessment and the manner of recording the evidence determines the manner and procedure of appraisal procedure of the appointed police officers, the contents of the assessment report, assessment form, other supporting documents and the procedure on keeping records.

Method of assessment[1]– the assessment is being done by the immediate superior who has the ability to continually monitor the employee; therefore, it should be performed as objectively as as possible, unbiased and without influence and pressure from higher hierarchical superiors. If the

[7]*Guidelines for the manner and procedure for performance appraisal of the appointed police officers, the content of the assessment report, the form for the assessment and the way of recording the evidence, Official Gazette of RM*, No.126, 2009, articles 4-14

employee who is supposed to be evaluated changes the workplace during the year, the assessment will be made by the immediate superior in the organizational unit where s/he performs the required tasks, while taking into account the report of the previous superior.

Regular criteria by which the assessment is done are the following: prepared job profile, results of the employee's performance and his/her personal qualities displayed during the operation.

Based on the prepared **job profile**, the management qualities subject of the assessment for the police employees who performs managerial functions (heads of sectors or departments) are: planning, organizing, delegation and control, leadership, coordination and cooperation, communication skills.

The assessment of the **achieved results** of the police employees is based on the following criteria: accomplishment of tasks, job efficiency, knowledge and application of regulations, and quality of operations.

The assessment of the **personal qualities** of police employees is performed on the basis of the following criteria: physical capability, communication skills (both oral and written), independence, responsibility, creativity, motivation, time management, accuracy, cooperation, teamwork, reliability, objectivity and impartiality and adaptability to different situations.

The police performance appraisal is evaluated by the following scores: exceed, satisfy, partially satisfy and not satisfy, and the data obtained from the performance assessment should be registered in a special assessment form.

Performance Assessment Method[1] - The performance assessment is continuous process implemented during the year and it includes: procedures for monitoring and collecting data on the performance of the employee during the year, giving instructions and tips for improving the performance, interview with appointed officer, filling in the assessment form, providing a copy of the assessment form to the appointed officer, preparing report on the assessment and filing/archiving the assessment forms in the employee's personal file.

While **monitoring the performance,** the evaluator gives instructions, guidelines and tips to the employee for improving performance, indicating the specific details of the work and procedures that lead to successful operations, and points out the employee's failings in his/her operation and the possible ways to overcome them.

The interview as part of the assessment process allows direct communication between the assessor and the assessed, encompassing all the

[1] *Ibid*, articles 15-20

aspects of his/her job performance and personal qualities that are subject to the assessment.

After sorting the information obtained as a result of monitoring the performance of the employee during the year, the assessor fills in **the assessment form** during the interview. After the interview, the assessor informs the employee about the performance evaluation not later than 15 days and they both sign the assessment form.

The report on the performance appraisal[1] and the evaluation results are withdrawn by the evaluator after the assessment. The report contains basic data on the organizational unit in which the assessment was conducted, the reporting period when the assessment was completed, data on the number and percentage of rated/assessed and non-rated/assessed employees, information on the potential difficulties during the performance and suggestions for their elimination as well as tabular presentation of completed police performance appraisals.

The assessment form[2] – the assessment of police employees is registered in the specific assessment form that contains basic information about the unit where the assessment was conducted, data about the evaluator and evaluated person, the year in which the employee was assessed, assessment criteria, career development desires, opinions about the need for training in the future, observations and remarks of the assessor and the assessed employee, final assessment score (average numeric grade), descriptive grade, signatures of the employee and the superior and date of submission of the performance appraisal.

Manner of recording the evidence[3] - the organizational unit responsible for Human Resources Management keeps the records for the performance assessment of the police officers or all the assessments done within the organizational units of the Bureau for Public Security. A report is submitted to the Department of Legal Affairs and Human Resources, and the Director of Bureau for Public Security informs the Minister of Interior afterwards.

CONCLUSION

It must be understood that assessment is a management tool, but it is not created just for superiors and it is not a privilege only of the higher authorities. As long as the performance measurement is considered only as a

[1] *Ibid*, article 21

[2] *Guidelines for the manner and procedure for performance appraisal of the appointed police officers, the content of the assessment report, the form for the assessment and the way of recording the evidence*, *Official Gazette of RM*, No.126, 2009, articles 22

[3] *Ibid*, article 23-24

necessary evil, there will be no constructive feedback and it will not be as functional as expected. It needs to be specifically underlined that the findings acquired from the assessment should not be simply kept or archived, *but be taken into consideration*, because, only in that manner, it could become a useful tool for obtaining a real image and a technique for building motivation and improvement of the productivity and efficiency of police force.

It might be good if the HR department in our Police think about the approach some countries apply for establishing positive attitude towards the assessment in Police units - it recommends eliminating old-fashioned, paper-based performance reviews[1] and using the employee evaluation computer based forms. By using these electronic forms, the police officers will know exactly which important factors to base their evaluations on and they will be provided with specific descriptions on each rating of every skill. Each category can contain a download menu with detailed descriptions of unacceptable and acceptable behavior.

The active participation of those who rate, but also those who are rated, should be more seriously understood and enhanced. This is another issue for thought for improving the current assessment forms used in the Macedonian Police. There is a question about desired career development and need of training, but there is no performance improvement plan that will guarantee this. In her book *How to improve the Police Officer Performance Evaluation Process for the Southfield Police Department,* Sgt. Tina L. Alexander[2] emphasizes that long-term positive results are evident when the supervisor offers a performance improvement plan designed to provide feedback to individual officers. This performance improvement plan is also useful in assisting with the development of individual training programs.

At the end, no matter how experienced executive the superior is, it is very difficult to tell subordinates where they need to improve. The rater should be straightforward, specific, balanced, helpful and encouraging and, most importantly, must address the behavior, not the person. If the employee's performance improves after reviewing, even just incrementally, the improvement must be acknowledged, because positive morale is a key motivating factor and usually improves productivity and effectiveness. Therefore, by doing this, the rater increases the chances of continuing the improvement.

[1] *Available on* http://www.cfiweb.com/policeappraisal.htm

[2] *How to improve the Police Officer Performance Evaluation Process for the Southfield Police Department, Eastern Michigan University School of Police Staff and Command,* Sgt. Tina L. Alexander , Southfield Police Department Southfield, MI, 2003

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INTERNAL CONTROL MECHANISMS OF THE POLICE IN MACEDONIA

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Abstract

Today, for all democratic countries, the idea for the police to control alone, without the possibility of the external control, is absolutely unacceptable. The republic of Macedonia is one of the few countries in Europe that has not still raised independent external mechanisms for which it was criticized several times by the European Court of Human Rights, as well as by other nongovernmental organizations for the protection of human rights.

The absence of external control, most certainly allows for the policy to act arbitrary in specific cases, which can seriously harm the human rights and bring into question the legal safety of the citizens. In this paper, we will elaborate in detail the organization and functioning of the existing mechanisms for police control in the Republic of Macedonia. We will also suggest several possible models for establishing mechanisms for external control of the police, according to the manner used by modern democratic societies in regulating this problematic issue. In such context, we will also analyze the international standards that practically impose the establishing of effective police control mechanisms as an obligation.

Key words: *Police control mechanisms, external control, international standards for external control*

INTRODUCTION

Macedonia is a democratic country where every individual has a stock rights that are guaranteed by the Constitution and law adopted by the assembly, while the task of the police is to apply equally the law to all citizens. In the Constitution, all citizens are guaranteed the right to submit a complaint if they feel that their rights have been threatened. Although the constitution of the Republic, in any norm, not explicitly mentioned by the interior ministry and police, however, it is only tentatively so, as many of the constitutional matter, approximately one-third is dedicated to the rights of

citizens, which are directly or indirectly related to policing. Indeed, the police are placed in the center of the state and the nature of things; it is one of the most important and most visible institutions in society. According to the constitutional and legal regulations it should ensure the normal operation of the whole society, to constantly fight crime, but at the same time obliged to protect human rights effectively. In practice, such rights are often threatened by the police as a body that is the one who should protect such rights. We are witnessing today that more than ever before we are talking about the rule of law or the legal country in which the maximum will protect and respect human rights and freedoms, particularly in the pre-trial proceedings. And indeed, when the man is facing the police officers, there is no doubt that there is potentially danger their rights and freedoms to be threatened. But even if there is no such danger, yet there is a feeling of discontent, fear, excitement, etc.

The police procedure by nature is the most controversial of all criminal proceedings, because the practice shows that it is the most critical period, which can easily threaten human dignity. No reasonable person would not suspect and think that Marx can be physically tortured by the judge, but everyone will suspect in the police officer, during the preliminary investigation, which takes place away from the public eye and where the officer is a dominant figure. So, any irresponsible behavior of the police may result in the infliction of great suffering and harm the citizens. The practice in many countries in a very obvious way, has confirmed that the police which has not been under strict and effective control, can become a dangerous weapon in the hands of irresponsible officials and catalyst of the riots in the society. Because police actions today represent the largest barometer in the terms of how high the level of democracy in a country can be and how much the democratic principles function, and the question of its control is located in the center of attention of all democratic states.

We live in a time when the attitudes towards the police and the law in general are changing radically. Like never before, we are making efforts to incorporate the basic mechanisms for the control of the police, especially when it applies force. Thus, the protection of human rights has become a favorite topic, as at global and regional level. In this regard, a set of rules and regulations (laws, regulations, codes, declarations) were adopted which generally require police officers to be honest and have a good attitude towards the citizens, in particular they are asked not to apply undue means of coercion. But it has been shown that only legal and moral norms are not a sufficient guarantee that the police will not really exceed official authority, using more force than is necessarily needed, and with this is difficult to violate the human rights. The practice also shows that only the officer staff and the institutions responsible for the fight against crime, such as the public

prosecution and the judiciary, are not a sufficient guarantee that will effectively protect human rights and that will reveal the crime in the police force. The Public Prosecutor and the Ombudsman, like as they are in Macedonia do not have sufficient capacity to detect this type of crime, given that the police is a separate closed system, which is difficult to penetrate from the outside. So many crimes committed by the police, remain forever in the dark figure, due to the absence of other mechanisms specialized for detecting this crime.

Therefore, democratic societies have long been preoccupied with how the police to install other protective mechanisms, which will form a filter through which the passing will be hardly, and will further imply to greater safety for citizens, that the legal monopoly of force, will be kept under strict monitoring. This mechanism will be activated whenever the police would step into the forbidden zone, as that of human rights. Today prevails that every government service that implements the law must constantly be controlled, whether its conduct was lawful and proper. Assumption for successful functioning and proper treatment is to be under constant supervision or control. The need to control the police, for the first time is provided in the Code of Conduct for persons responsible for the application of the law by the UN (1977). As a result of these efforts, the police formed special services whose primary function would be the control of the performance of its function in the society. These services are called internal control and somewhere as a service for professional standards and for the first time as special services occurred at the end of 80 years, with the task to reveal corruption in the police force. Later on it received another very important function, and that is the protection of human rights. Of course one of the most difficult questions is how to build most effective strategy for responsibility of police this is a central issue and universal problem of any democratic society, which cannot be solved overnight by filling finished forms. Because of that the Republic of Macedonia has been several times highly ranked by various organizations, in stark list of states with the most corruption. In every police in the world there are abuses, corruption and unethical working practices, they are the reasons why in every police there must exist and internal control, which will have authority and capacity to successfully fight against all forms of crime in their own ranks. Control is imminent because if the police are corrupted, freedom and life are not guaranteed, in such a system the citizen may be detained and released at the desire of some powerful man who pays the police and the government. Such a relationship can bring freedom to deprive innocent people while the criminals sit out. That is because the corrupt police protect the criminals, not the citizens. Police system where there is a lack of control mechanism, corrupt people are in the spotlight, they actually often take up a significant

function in the police. This in turn affects negatively with other police officers in the sense that "if they can we can too" and thus between corrupt cops there is a silent agreement among themselves not to prosecute. In the Republic of Macedonia in the past years, police officers were employed contrary to the prescribed rules and standards or at significant managerial positions (chiefs) were placed people who approximately did not meet the legal and professional criteria for those places. This approach led to significantly increase of corruption in the police force, while on the other hand to reduce the effectiveness of police activities.

There is no doubt that the fight against corruption in the police force is a priority above all priorities, because you can not prevent corruption among other state institutions with a corrupt police. When talking for the police then and in democratic and non-democratic countries, it is the possibility that they abused the power that it was given to them. That is the reason for not fully and legally standardize, but it depends on many circumstances which differ from case to case. A prerequisite for the successful execution of this function is the need to be professional, honest, impartial, corruption-free in one word be guided by high standards. That in the whole process of transformation, a particular attention is paid to the control mechanisms, could achieve the institution in carrying out its tasks to run and always act in a manner that is consistent with the Constitution and the laws of the state. It must be mentioned that the international community has not ever even noticed that the police still use prohibited methods, and that poses a serious threat to the legal state. In particular the police are required to be a professional service, not to apply undue coercion and maximum to protect human rights. Compared with the past, in our country visible changes have been made to the respect of human rights, also it ratified a number of international standards that are directly related to the protection of human rights. Another remark is that the Sector for Internal Control and Professional Standards refused an open cooperation with the Ombudsman and other non-governmental organizations.

THE CONCEPT OF CONTROL

Human history knows no society in which there was no need for control. In everyday life, the control is a very frequently used word and it means an activity that checks other activities whose purpose is to determine whether it is within the boundaries of socially acceptable behavior. The need to establish control over the institutions of government (and other) was noticed a long time ago, so still Aristotle noticed that the institutions that applied force can pose a threat to democracy and its institutions, unless not controlled. Also during ancient Rome, were talking about the danger of

power which gives certain state (armed) institutions causing the doubts that could serve to undermine and destroy the existing political system. So the Romans about the Praetorians (Bodyguard of the Emperor) placed the question Quis custodiet ipsos custodes - And who will guard the guards.[1] In legal theory there are multiple definitions and views about the determination of the notion of control, but in our case means controlled activity which is carried out planned and organized on the basis of legal regulations, in order to detect, documentation and removal of unlawful or unprofessional conduct.[2]

In democratic societies it is considered that the control is the opposite of freedom, so the control is bad, while freedom is good. And indeed it is, the control has a negative connotation in everyday life as it is used as a synonym for many activities such as constraint, coercion, surveillance, guard, ban, punish, clamping, interference in the affairs of another, monitoring, verification, assessment, correction and more. But at the same time control means the rule of law, efficiency, quality, satisfaction honest workers, job motivation, influence in achieving excellent results, inability to arbitrary behavior, prevention of unlawful treatment, prevention of various deviations, disabling leisurely unethical behavior operations, introducing discipline and so on. Thus, although control is poor, however it is necessary, especially when it comes to the police and the monopoly power.

In this context it will be mentioned James Madisson in Aleksander Hamilton's declaration which states "unless people were angels, there would be no need for the government and unless humanity will be ruled by the angels, then there would be no need either for internal or external control". This saying does not encourage us to think that there is no ideal man or system, over whom control is not required, and we are all aware of and we expect to happen something bad when you hear that something is gone out of control. Control, as a function of system aims to prevent erosion or by its dissolution and the time to identify and to remove all the anomalies in the system, in our case to reveal and to prevent police abuses.

[1] This phrase is prescribed to the last satirist and writer of the ancient Rome - Juvenal (satires, VI, verse 347), who lived about 60 - 140. BC.

[2] Naum D.. Simeon G., Borce, D., Ana P.D. "Administrative Law" in 2008; Skopje p. 353; According to them there is no difference between the control and supervision does not exist i.e. it is synonymous and means monitoring, checking and evaluation activities, acts and behavior in order to ensure their full material and formal legality.

THE ENTITIES RESPONSIBLE FOR CONTROLLING AND MONITORING OVER THE POLICE IN MACEDONIA

Entities can carry out audits over the police, depending on the position where they are located can be divided into internal and external entities. While in terms of whether they are authorized by law to control differ formal and informal mechanisms. Formal and Informal mechanisms include all stakeholders (government bodies and NGOs) that perform control over the police.

Formal mechanisms include all mechanisms that are required by law or have a duty to control the police. While informal mechanisms include all entities that do not have a legal obligation to control the police, but the nature of their work is such that it includes control of the police. This control is carried out in various ways and by various means which can usually cause major scandals and affairs of the society. The effectiveness of these mechanisms primarily depends on where the control holder is positioned and what are its legal powers.[1] But an interesting fact is that in both forms of control (formal and informal) there are internal and external entities.

Types of formal internal control

2.1.1 Police officers controlling - this type of control is known as hierarchical control means control performed by the officer staff or police officers to their workers. This type of controlling is the largest and implemented immediately, every day and in every segment of policing, which is why it is known as a regular control.[2] This includes all employees of the police and their work in general, vocational and constantly monitored by a higher authority. This control is an integral part of the performance of current affairs and not as an independent and separate function. This means that every officer has a duty to supervise the work of their workers through official supervision and control of success. Via the headman supervision checks work and professional conduct of the police officer, and through quality controlling checks success of the performed tasks. If headman through the process of evaluating their work comes to the conclusion that the employee has not achieved anticipated outcomes, then he can take certain measures of responsibility. Usually there are things for minor offenses that can be solved with a minimum sanction. But if the headman of the body

[1] These two classifications states the famous American author Bayley, D., H., Pat terns of Policing: A Comparative International Analysis, New Bruns wick: Rutgers University Press, 1990, pp. 159 etc. quote according Milosavjevikj. B.. "Science on Police" p. 306 and further

[2] Miletik, Slobodan. *Police Law*. Belgrade: Police academy, 200. 371

through the process, conclude that the employee committed a severe violation of collective bargaining, then he should inform the PSU or to submit a proposal for the initiation of disciplinary proceedings.

When talking about hierarchical control, then we have to say that lately in certain police authorities, there was a worrying phenomenon, and it is a violation of the police hierarchy, which leads to confusion and reduce police efficiency. In these administrations police hierarchical control is visibly weakened, because the police officer (by party) is connected directly with the Chief or Assistant Chief and thus loses the hierarchy. This way of working has led to the first superior officer (commander, assistant or guide) literally be blocked and will not review the work of their police officers. Even in cases when we conclude illegality or unprofessionalism, the headman is unable to bring an action against it since it obstructs by senior officers. If the chief of police, his personal position owes to a government minister (or political party) cannot be expected that he would be impartial in law enforcement.[1] The effectiveness of this type of control will depend on whether it is necessary to activate other types of control.

2.1.2. Sector for Internal Control and Professional Standards- this type is a second level of formal internal control is PSU. This Service is to supervise the work of the Public Security Bureau and the Office for Security and Counter. As a specialized service works exclusively for the control of work of employees the Ministry, in cases where there is suspicion that they acted illegally or unprofessionally. Unlike the first level control (police officers) that is executed as part of the everyday things, this kind of control is performed as an independent and separate function. Thus, the control exercised by the Department responds secondary control or a control carried out by the Ministry of Interior over the police and it is the last instance in MI. For this type of control we will talk about it in more details.

2.1.3 The disciplinary Commission. In certain states disciplinary offenses committed by the police officers in performance of official duties, are resolved before the disciplinary court. At us within the police, a Disciplinary Commission functions with a responsibility of conducting disciplinary proceedings. Usually any unlawful and unprofessional conduct, PSU initiates disciplinary responsibility before the Commission which is located within the Ministry of Interior. This means that disciplinary offenses internal matter of the police organization. But employees guarantee the right to appeal to court, where they can challenge the decisions of the disciplinary

[1] Anthony T..KOE. *Functions of the police in the democratic society*, Skopje: Security No.4, 1994. 665

committee. Disciplinary Committee means the (internal) Police Court, whose activity comes into consideration in all cases when the employee will do severe breaches of the workplace.[1]

This committee is responsible for deciding, in relation to whether in officer is guilty and what sanction will be imposed. Accordingly, in Commission can initiate proceedings (it is working PSU or the headman) but only to judge. Moreover, the Commission has an in role to control in overall control mechanism in in police, because she in in process of conducting the evidentiary hearing, is able to control and operation of in PSU, so if conclude illegality, have to inform the Minister in writing or Assistant Minister, while evidence gathered in an illegal way not to take into consideration. In each regional Police Administration function disciplinary commission after the procedure shall be submitted to the office of the Minister's decision, which also acts Commission on notice that the decision of the disciplinary committee of regional administrations, may confirm or modified but cannot back for reconsideration.

Types of informal internal control

The above mentioned states that in this group are all subjects that have no legal obligation to control the police, but the nature of their work is such that you can cover this segment. Otherwise as a rule in certain cases, this type of control can cause major effects on members of the community.

Self-control

Self control means moral internal mechanism of each person, which consists in building attitudes about which procedures socially are acceptable and which are prohibited. Self-control means consciously limit on their behavior, in order to be acceptable and in accordance with the ethical, legal and professional standards that apply and are respected in the community. The mechanism of self-control act in such a way that the policeman alone consciously limits freedom and their behavior by setting the same rules and regulations learned during training and in the service.[2] But this kind of control primarily depends on the strength of the features of each individual, so that those police officers who have loose character traits that will surely have a weak self-control and can easily resort to anti-social behavior. This

[1] The Commission cannot on its own initiative to initiate a procedure; its role is to judge not blame. The role of internal prosecutor, who can initiate incentive, is awarded to the SICPS and the officer staff.

[2]Milosavljevic, Bogoljub, "*Civilian oversight over the police"* Center for anti-war action, Belgrade, 2004. p. 31

type of control is particularly important in the cases where the employees of the Police take measures in the absence of the public, even in the absence of their elders. I would put all cases of use of force, performing searches, giving bribes (corruption) and any other situation that may cause the officer to various illicit affairs. If in such cases, the officer refers strictly according to the legal regulations, it contributes to increase citizens' ratings of the police as a serious and honest service. It requires during the training to develop awareness of personal responsibility and knowledge of the norms contained in the code of ethics of the police. The resulting police subculture[1] may contribute to the development of self-control, of course if it fosters professionalism awareness of personal responsibility. But the police can be nurtured and so-called professionalism callousness, where the officer has no sense of personal responsibility in relation to the consequences caused. Self-control as consciously limiting their actions spoke Freud and his psychoanalysis. Freud's self-control is identified as super ego (id, ego, and super-ego) which means that the individual accepts external rules and act according to them.[2] Very often in the police work happens in front of the police officer to appear so-called conflict of interest.[3] When this interest appears in the work of the court, then the party has a right to bring an action for its removal, so you will not have any issues at stake in this body. But the situation changes when it comes to the police, it does not mean that if the headman learns that his worker in this particular case there is a conflict of interest, not to remove him from the action, it will certainly do. But the dispute is that the conflict often learned too late, usually after completion of the operation, because the nature of the operational work is such. Police officers are the ones who first arrive on the spot, first find out exactly what it was about, those are the moments when the public is very far away, so you can cop finds out that it is a relative or close friend, before it appears automatically collision interest. Conflict consists in the dilemma of how to proceed further? Hiding and destroying evidence and thus to protect the offender or to act professionally, guarding the spot, waiting to come team to inspect (scan) the spot. Practically there is no one to control officer. Despite the fact that in such cases it is difficult for complete objectivity and impartiality in question is still his awareness and education received in the course of training or self-control. Theoretically superior is the one who should think of all these questions, and to consider whether any of the officers in the present case there is a conflict of interest. But real is

[1] Stojanovski, Trpe, "*Police in Democratic Societies",* Astor, Skopje, 1997 p. 216

[2] Milutinovic, Milan, "Criminology", The new Administration, Beograd, 1985, p. 109

[3] SICPS in 2009, received a complaint from a citizen who stated that the officer in SIA (passports) has a private agency for the provision of intellectual services

impossible to completely control the police by the headman, especially when it comes to these details, which can be understood very late.

An interpersonal control

This mechanism involves that kind of control where control police officers during the performance of official duties, mutual control. It is known that every police patrol is composed of at least two or three officers, except in cases when the police intervene then in larger numbers. Of course one of them manages the group and on him the burden of control, but that does not mean that he can manage the group as they want, because the police are obliged to exercise control over the work of the guide, especially if his behavior is in line with the legal regulations. So if the police received orders to conduct illegal activities, they are obliged to warn the head of the group that they cannot carry out illegal orders, and of course after arrival at the police facility all are obliged to draw up official material and to inform higher levels to ascertain his liability. However, the practice teaches us that between the police there is a high degree of solidarity and they almost never testify against each other. Such beliefs and attitudes officers additionally complicated the investigation of PSU because in almost all cases, they protect each other.[1] It is the result of the police subculture, but the mentality that goes into our environment. It is difficult to convince a police officer to testify against the policeman. But it is interesting that a research conducted by T. Stojanovski where 80% of respondents reported that they would report the colleague if they know they committed a crime.

Police Trade Union

The police union is an informal internal organization which is mainly focused on the issues of protection of the rights of police officer in the organization. Republic of Macedonia, has no special professional police association, which would deal with the issues of protection of the rights of

[1] So SICPS in one case could not conclude exceeding official powers in respect of the complaint filed by the person AD against a police officer who was patrol service with two colleagues from the SIA - Tetovo. Namely SICPS despite suspicions that allegations made in the complaint are realistic yet other colleagues persistently protected or testified in favor of their colleague, due to whom the case was locked there was insufficient evidence. (client does not provide a medical certificate or report injuries) It is interesting that in Germany (where the officer has another mentality, subculture) than to us, if cop commits misdemeanor in the workplace, it is difficult to hide, because it will not allow his colleague. Such mutual control of the police officers themselves, contributed in this state has a special service to perform control, because every officer plays the role of internal control.

policemen. But the union as an organization does not deal with the professional conduct of the officers, but they are a mechanism for protection of the police officer staff and the adoption of legislation that may harm the officer. This activity contributes to the democratization of the police.

THE CONCEPT, DEVELOPMENT AND TASKS OF SICPS

The Sector for Internal Control and Professional Standards is an organizational unit within the Ministry of Interior, which shall perform the following duties. Its activity is located in the control and supervision of the Public Security Bureau and the Administration for Security and Counter-intelligence, in order to detect and prevent all kinds of illegal and unprofessional conduct. There is no doubt that the emergence of these services is determined by the large number of criminal acts by police officers as well as unprofessional conduct and violation of human rights. This type of control is an indispensable instrument to ensure legality, respect for ethical and other humanistic principles and rules by the police. In practice, the need for control is never too perfect, especially when it relates to the enforcement authority that applies where an individual is deprived of his liberty. At these moments, each person can question the legal operation of the police, because it requires further guarantees that its guaranteed rights are maximally respected. The control aims to determine whether the police officers acted in accordance with the legal regulations which apply in Ministry of Interior. Such control in the true sense of the word means a barrier against police abuses and guarantees that the police will not apply to anti-social and illegal to achieve its function. Oversight and control over the work of the police, are a necessity in the operation of state law, because the police often tends to use more power than it is allowed, and the fact that each government is despotic if there is limited or if is not controlled. From the above mentioned cannot be created the impression that the function of the sector is similar to that which had inquisitor and that it was created only to punish officers. The function of the Department is not limited only in examining the legality and professionalism of the conduct of police officers, but the officer staff. With the execution of the control over the officer staff, it actually protects police officers from the arbitrariness and not unfounded attacks that can come from the elders of their superiors. It follows that the government and given to the PSU, consists in performing general handy work as for the citizens, for the employees too.

But it is very important PSU towards achieving its role, to not only act cosmeticly, nor to be a service that would wash "police sins”. From this point of view, the justification of the existence of this service is that it is responsible and authorized to take measures to all employees of the police

who behaved illegally to come to justice. So if the crime committed by employees has been increasing steadily and exceeding official powers by the use of torture, it is a signal that the PSU does not work as expected, and vice versa if the employees for taking official actions would act in accordance with the rules and regulations applicable police, proportionally it would reduce the need for control, which means that the goal has been reached, and that this service is functional. Indeed the good and efficient operation, need no control, but such a function can never completely disappear, because historically constant state institutions employed and people who violate laws.

We have mentioned that the PSU has a wide range of powers to carry out its function and represents the most important internal control mechanism of the Ministry and the Police which according to the rulebook is responsible:

- To conclude the appearance of unlawful activities of all employees in the Ministry of Interior; abuse of officials and police powers;
- Breaking the body of human rights and freedoms in the performance of police work; violations of standard procedures and procedures prescribed in each segment of the work of the Ministry and the police;
- Emergent forms of police corruption and corrupt behavior;
- Various forms of violation of the police code of ethics and rules of conduct in the service.
- Assess the validity of the use of forced funds by the police officers, in cases where it has performed serious bodily injury or death of the person who intervened
- Monitoring the legality and application of standards and procedures for
- Accession to the police;
- Monitor the standards of professional and legal actions in the services of the Ministry and the police;
- Monitor the quality of policing through the prism of professional standards established as the standard police work.

According to the above, it can be concluded that this service really has a wide range of activities. But in practice, often the question is whether the PSU as a Service is in charge of dealing with all the contradictions that may arise between the police and citizens, regardless of the intensity or severity

of the charge or it will be included only in serious cases.[1] If you analyze the police law (article 81), then the PSU should be handled only in severe cases and when they use firearms when you are causing serious bodily injury or individual who has died or when they are used against several persons. Only in these cases, the Sector shall proceed to conclude the merits, accuracy, and validity of used weapons. This means that the PSU will not engage in any use of force, but only in cases when it caused serious bodily injury or death. Since this remains logical to conclude that in cases when they are causing light bodily injury, the report will provide the first level control.

However to get the answer to this question must be consulted and other legal norms, especially Rules PSU, according to which the main task of the the Sector is to protect the human rights corpus. In the Constitution and in many international standards it is strictly prohibited all forms of inhuman treatment which can mean torture. Therefore the rulebook (article 25) states that investigations relating to violations of human rights by the employee of the Ministry, corruption, excessive use of force and firearms and other severe cases of unlawful and unprofessional conduct will run exclusively investigators of PSU. So in practice, when citizens will complain that his human rights were threatened, and that force was used on them, PSU investigation regarding these allegations. The itself act of using force as a method to perform the service (usually during the interrogation of the suspect) is a serious act, because it is only examined by the Sector. In general every complaint from a citizen, shall be submitted to the PSU, regardless of the allegations and the seriousness of the allegations, but the Sector if it considers that it is a work of minor importance, the investigation may transfer the head of the appropriate organizational unit of the appropriate field. (Article.4) In this case, the initial report prepared by the first level of control, it is a superior authority, an official report again is submitted to the Sector, where we analyze the results of the procedure. So any report on the use of force shall be under assessment of PSU, which may not agree with the initial report, and further in the same case to prepare another report, which can significantly differs from the initial report prepared by the superior body (the first level control) or to agree with the opinion of the headman. If this report has a significant difference from the report prepared by the first level of control, then automatically cease to be valid and in force shall be the report on the second level of control.

In the cases when there has been sustained severe bodily injury or death, then the first level of control completely is excluded from the

[1] According to official UN Convention on Transnational Crime (Palermo, 2001) a serious crime is considered a criminal offense that is punishable with imprisonment of not less than 4 years

investigation and PSU regardless of police officers conducts a thorough, impartial and objective procedure.

The SICPS will conduct an investigation and in cases when workers of the Ministry of Interior will use firearms in private life, whether it is for business or private weapon.[1] In all cases where the PSU will proceed under the suspicion that has been used unnecessary force will have regard to Article 3 of the Code of Conduct for persons responsible for the application of the law[2], which states that persons responsible for applying the law may resort to the use of force if it is really necessary and to the extent that it requires the exercise of their duty. That, in turn means that officials can only exceptionally use force only when considering the specific circumstances of coercion is necessary to prevent a crime, or to commit or facilitate the lawful arrest of offenders or suspected. When we talk about the first and second level of control, then there is a need to distinguish operational from administrative operations. So when authority in the police will conduct an administrative procedure, which will bring a specific administrative act (decision), it is the first instance authority to address, in this case if the citizen is not satisfied with the decision, he has the right to appeal[3], but now as a second instance does occur PSU, but commission government. From this we can see that the PSU has almost no powers to the examination of individual administrative acts. Indeed, the governing body for running the administrative procedure is independent and based its decision on the basis of the established facts, so that no one can be ordered as to the procedure in particular administrative matter, nor any solution will bring in that procedure.[4]

But if it is proven that the officer in Administrative Procedure is abusing his official position, (he has been corrupting) then the question is who should conduct the proceedings, PSU or criminal police? Almost in all democratic countries, the case is cleared by the criminal police, by filing a criminal complaint with the Public Prosecutor, while his superior officer will provide disciplinary action. When the situation is the opposite, for any crime or offense by an employee of the Ministry of Interior, it must notify the PSU, so it submits charges and a proposal for disciplinary action, or completely

[1] SICPS several times so far has implemented a procedure for determining the liability for use of O.O from police officers in their private life. Thus in 2005, according to several employees of SIA-Gostivar took some measures for responsibility and they were fired because they used O.O on a wedding, where one person sustained light injuries. And in other places also filed criminal charges

[2] This Code has been adopted by the United Nations General Assembly on 17 December 1979 by resolution 34/169. In the original "code of conduct for Low Enforcement Official

[3] Article 14 of the Law on General Administrative Procedure in Republic of Macedonia

[4] Gelevski, Simeon. *Comment of the Law on General Administrative Procedure*, Skopje: Faculty of low, 2005.

clears the event. As another task is the normative function of the PSU, so the Sector on behalf of the Ministry prepares anti-corruption program and is responsible for its implementation. The Sector prepares an annual work program to set priorities and annual training program and professional development. At the end of the year, the Department prepares a report on its work, this report does not constitute classified information and it shall be published on the website of the Ministry[1], then the Sector prepares an anti-corruption programs, work program, training programs, etc.

THE ORGANIZATION OF THE SICPSU

The Sector of Internal Control and Professional Standards is part of the Ministry of Interior and are positioned in the ministry. Ministry as a body (state administration), its work is carried out on the basis of legal regulations (Rules) and laws regulating this area. According to the organization, is the central body, headed by a Deputy Minister. Independent authority because all authority is managed by one person or his headman.[2] As a state body PSU is located in the office of the Minister and performs on behalf and in order of the Minister.[3] Accordingly, PSU organizationally is directly under the authority of the Minister, which allows such a position hierarchically and has a broad authority and jurisdiction over the entire system of the Ministry.[4] Due to its position, it is defined as an elite unit of the Interior Ministry. Elite Squad is not considered because of the power that it has realistically; it has no physical power, as having a central police service, but it is called an elite because it appears as a direct Protector of the Ministry and of the citizens because it simultaneously protects both interests. When protecting the ministry of internal crime, the Sector appears in the role of prosecutor, and when it protects the citizen, then the role of the department is similar to what lawyers have.[5] PSU as an extended arm of the Minister, appears as instrument of the minsiter or tool, that discipline and establishes order in the institution. In other words it is set up to help minister to successfully run and

[1] www.mvr.gov.mk

[2] For more read the quote book "administrative law" prof. Naum Grizo etc.., 2008. Skopje p.119

[3] SICPS was several years with offices located in the building where the minister sat which formally meant that it was his right hand.

[4] By an act of the Minister of systematization of jobs and organizational structure MI, SICPS is a part of the minister's office, see Ministry of Interior.

[5] When talking about protection apprehended, then we mean of the moral protection, its dignity, protection from any kind of inhuman treatment, not that SICPS will advise and defend apprehended. For more read the book by Dr. Nicholas Matovski role of counsel in criminal procedure, Skopje, 1981.

manage with the ministry.[1] the Sector according to the organizational structure is an integral part of cabinet minsiterot while according to the structure that is composed of three units: Internal control-unit, Department of professional standards and Department for city of Skopje.

a) Internal Control Unit or also known as the Department for Criminal Investigation: Is led by a

chief who is elected by the Minister on the proposal of the Deputy Minister for SICPS. Otherwise previously opened internal competition, which have the right to apply all Ministry of Interior's employees who have completed higher education and experience in this ministry at least 5 years. This department is responsible for enforcement proceedings (investigation), when on any way get information that a person employed in the Ministry of Interior's is involved in crime. Under the present set-up this unit will investigate over all employees of the Ministry of Interior (unless the Minister) regardless of the function in which the employee is. It is interesting that the internal control has authority over the Office for Security and Counter, which is not the practice in other democratic countries and the right to question how it has a fair opportunity and capacity to control this service. According to rules of PSU (Article 2, paragraph 1) Internal control is defined as an activity by employees of the Department in handling the receipt of oral or written submission filed by a citizen or other entity for the purpose of determining the truth of the allegations made in it proposal for initiating a procedure for determining responsibility for breaking the work order and discipline and to establish the material, professional, misdemeanor or criminal liability of the workers in all cases their unlawful conduct.

b) The professional Standards Department, which is still known as the complaints department, complaints, legal actions and application of power,[2] which is also managed by a Chief, who is elected in the same manner as the Chief of the above department. This unit primarily concerns law enforcement officers to be professional especially in the use of firearms or implement procedures for assessing whether the force used was in accordance with the prescribed legal criteria. In practice almost all cases when the police used

[1] It should be borne in mind the pioneering work of SICPS, so our internal control will and still have enough time to become what is this service in European countries.

[2] The word standard means prescribing certain norms, criteria, regulations would be valid for all analogous cases. The purpose of standards is to lay down the basic principles that form the basis for the performance of police functions. Here it is not about any specific standards that apply to SICPS just the standards applicable to police officers that are defined and contained in police code. Thus the task of this unit is to control how much they are respected by police workers or how officers behave in accordance with those standards. But these standards are specific only the police function that called professional standards which means you are connected to the profession which they refer to.

coercion, there is doubt whether it is used in accordance with the rules and regulations that apply to the Ministry of Interior. Long these procedures were assessed by the persons who applied force or by their direct superiors elders (first level) that came to mind the maxim "Cadi's suing Cadi's judge" while citizens arise doubts about the objectivity of the evaluation, leading to a loss of confidence. Therefore, in democratic societies requires in all cases the use of physical force procedure for determining the legality of the use of force to enforce the authority who did not take part of the event and that provides sufficient guarantees that the investigation will be conducted very objectively. PSU is in charge of objective and straightforward way to answer whether the means of coercion are used in accordance with the prescribed standards and criteria. Because members of this unit must be good connoisseurs of the legislation and the criteria on which you can answer it, if the used tool was **established, justified and proper**. Such a procedure is performed in all cases by police officers or officials, use of force and firearms because that will cause serious bodily personal injury or a person is dead or they will be used against several persons. If is concluded that the force used is not established then it comes to illegal conduct. Unlawful conduct within the meaning of Regulation PSU[1] abuse or misconduct that have employees, when performing their tasks, and during the prescribed standard procedures and procedures in each segment of the work of the ministry and the police, which violates the corpus of human rights and freedoms and their corrupt behavior and acting contrary to the provisions of the Code of Police Ethics, Guidelines for the behavior and interrelationships of police officers in the Ministry of Interior and rules for the conduct of persons with special duties and powers as and any contrary behavior legislation.

Apart from these two departments in the Sector it functions and department for Internal Control and Professional Standards for the City of Skopje, which is also managed by a Head and Analysis Unit.[2]

[1] Article 2 of the Rules of doing things by SICPS, this law was enacted in 1997 and has undergone several changes, especially in 2006. Regulation does not contain provisions where you can see that sanctions can be proposed by the SICPS.

[2] This unit forms the record of all police officers who are penalized by the Department. It is also responsible for coordination of all complaints that come in the sector in relation to the finished investigations and investigations which are underway, linking with the adviser who worked on that subject while allowing provision of timely responses. The unit keeps records of all conducted investigations. They also perform statistical processing of data, which gives quarterly report unprofessional work of the employees in the police.

DEVELOPMENT OF THE SECTOR FOR INTERNAL CONTROL AND PROFESSIONAL STANDARDS AND MATERIAL – TECHNICAL EQUIPPING TODAY

In the Republic of Macedonia, for the first time in 1998 by a decision of the Minister within the Ministry of Interior established the Internal Control in charge to carry out the procedures for determining the cases of violation of human rights and freedoms by authorized officials as well as to determine other cases of unlawful activities.[1] At the very beginning was the organizational unit manager and three inspectors. Later the number of inspectors dimensioned eleven and so functioned until 2003. In 2003, the Sector expanded even with one unit - known as Unit for professional standards, so that today functions as the Sector for Internal Control and Professional Standards and count somewhere around 45 employees. Employees of this office are chosen from the ranks of the police, criminal police and SIA, how could the service have the capacity to perform control over all successfully employed in the Ministry of Interior. However all employees have a university degree and have many years of experience in the Interior Ministry. This institution (PSU) to 2003 worked with no defined rules for their work, so for this period and did not run any statistical records, and not made analytical reviews. In the beginning, the institution functioned only at the request of the Minister or the Director of Public Safety. This was because at that time, citizens starting out do not know that there is such a service, that it was not very popular, even the employees do not know whether in the Ministry of Interior, there is the internal control. Therefore citizens complaints against police officers addressed directly to the Minister

[1] Internal control services or professional standards units as separate services are relatively new. They are in the true sense of the word occurring after the Second World War, with the adoption of a number of international standards that directly address the human rights protection of police brutality (torture). By then, the police was more inclined to protect power than citizens. Such an approach continued after this period, particularly in those countries where the power came from the Communist Party. In these countries are very significance of human rights, but priority always had state institutions. Although the law prohibited torture, yet it was one of the common methods especially during the interrogation of detainees. (especially if the person was arrested on suspicion of the country is against the socialist editing).So in that system officers and inspectors DB daily crossed official powers, which had no responsibility. But that does not mean that in these countries, the police had no control, rather it is controlled and constant, but such control had to check protection of human rights, but how is it prepared to effectively protect existing communist regime. Such control is performed by the Communist Party. Today violation of human rights is one of the biggest criticisms that points towards socialism, because in those countries policeman was never concerned and educated for the protection of human rights.

or Director, and today has a large number of complaints directly sent to the Minister. So how they were received, letters were submitted to the Department for Internal Control, which further implemented the procedure and finally submitted a report on the results of the investigation. The report contained an assessment of treatment officials and suggestions for taking measures, of course if it is determined that there are flaws or irregularities in the conduct of the employees of the Ministry of Interior . Based on this report, the Minister or the Director against the employee took some measures for responsibility. But the minister has no legal obligation to act upon the proposed measures given in the report, so in many cases where this service there were illegal actions, measures have been taken since the last word has the Minister and it depends on whether you file an determining responsibility, not the PSU. But as it is, with the submission of the report shall cease all further powers PSU. Despite the fact that in our country this service is not independent, but is under the command of the Minister, however a few years of operation, undoubtedly showed great results in the protection of human rights and the detection and documentation of police abuses. Today, the headquarters of the PSU is physically located in the offices of the Ministry of Interior, street Dimce Mircev nn, Skopje. The rooms despite being part of the Ministry of Interior, are located outside the main complex of buildings and as a result they are separated from the daily affairs of the ministry in all its forms. Before the end of 2006, the department was housed in the ministry complex In the building that are placed The Minister and Director of the Public Security Bureau, which represents additional difficulties for working with parties etc.. All advisors working in the seats have offices that can be locked when they are not working in them to protect sensitive materials. the Sector, except the staff is located in its seats, has advisers in several geographic locations or detached inspectors across the country: they are Bitola, Stip, Veles, Strumica, Tetovo, Gostivar, Prilep, Ohrid Kocani and Kumanovo. Despite these detached advisors work directly under the Assistant Minister of PSU, they depend on SIA chief out where their offices and all other equipment, including the use of vehicles. Conditions in which they work and their access to equipment vary according to local conditions and according to the position of regional managers in some cases.

Equipment. The headquarters of PSU is more than adequately equipped with furniture in the form of desks and chairs. the Sector is supplied completely with computers, so each adviser has a computer in his office (but not the printer). the Sector has five vehicles used by employees of Skopje, while detached advisors (except Bitola) do not have vehicles, so they are forced to address the Chiefs, somewhat the Sector loses independence. They work alone and are not supervised and do not have daily support from

other colleagues and heads of PSU. The atmosphere can be either too friendly or too hostile with the police officers against whom they will be able to investigate, and which are of the same SIA. Already alluded to their dependence on Heads of SIA for the resources that are needed to undertake their duties. Furthermore, in the past it was not uncommon for the local chiefs of police to interfere in the work of the members of the PSU, even to take the cases and they do not have turned headquarters to PSU even though the rules of PSU commits it. The entire staff, including detached advisors are equipped with business mobile phones and SIM cards. There is a GPS unit that is equipped by ICITAP. Councilors, under 20% are ethnic Albanians and about 30% are women: the entire support staff are women.

CONTROVERSY ABOUT THE POLICE'S INTERNAL CONTROL MECHANISMS

Today in all democratic countries, the idea of the police to control itself is absolutely unacceptable. The Republic of Macedonia has repeatedly been criticized by international institutions.[1] The Republic of Macedonia has built an independent mechanism for the control of the police, which means that illegal police and unprofessional activities can be deliberately silenced. Then the members of the internal control, police officers, who are emotionally attached to the other police officers, also remain a suspicion that they are in the course of the investigation, more attention will be paid to the facts in favor of police officers from the facts that hinder their position. Experience suggests that the police officers blank symbolic fines. In a word, the absence of external control, provides an opportunity for unlimited police power.

In this direction we propose to set up a model of civil control over the formation of local committees. With the introduction of the external control mechanism it will introduce a major innovation in terms of control of the police. Citizens are given the opportunity of getting a controlled police, who will be more transparent and accountable to citizens.

CONCLUSIONS AND PROPOSALS

In this paper, we do not intend to point out that the Sector for Internal Control and Professional Standards, is an ideal service and that managed for

[1] See case Sulejmanov against Republic of Macedonia, before the European Court of Human Rights. In the judgment of 25.04.2008, the court concluded that the complaint of Sulejmanov that he the tortured by the police authorities, it was not conducted an effective investigation and it went into an injury of Article 3 of the ECHR. For more details see: http://www.pravda.gov.mk/documents/book1.pdf

this period of existence, completely to eliminate torture and criminality from the police force. It is very clear that in the police there will be always individuals who will act contrary to the legal regulations. But also it can not be denied that the PSU for this period, it managed to reduce the dark figure of crime committed by the police, before the existence of this service was certainly much greater. The internal control police of the Republic of Macedonia are a relatively new service and occur as a result of progressive ideas related to the protection of human rights. The justification of these services is reflected in the fact that (the state) the police must not arbitrary and illegally use the power that is given by law. Hence these services appear as a guarantee and create legal security of citizens, that monopoly power will be strictly limited, channeled and used only in achieving the statutory objectives. Today, as a result of the effective and efficient operation of the PSU significantly improves the professional conduct of police officers, especially during direct contacts with citizens; every citizen can testify that the quality of the relationship among the police officers is improved. Also in the police procedures during the interrogation of a suspect, the torture is rarely used. It can be freely said that torture as a means of extorting a confession goes to the past. Towards this, despite punishing measures, the Department carries out educational activities for citizens; it has prepared promotional material that will be placed in a prominent place in all the police facilities, which will be called on citizens to report police abuses and unprofessional treatment. PSU through the mass media (press conferences) informs the public about the measures taken against employees who acted contrary to the legal regulations that strengthen the confidence of the citizens in the sense that no one is above the law.

Justification of the existence of this service is reflected in the fact that PSU not only protects citizens from the police, but also is a strong regulator of the internal relations in the police. It protects "the police from the police". This benefit of this service is not only felt by the citizens, but also by the employees, because now they have a place where can freely complain against the officer staff or to report their unlawful activities. Furthermore, it can be concluded that the PSU in comparison with other external mechanisms, including the judiciary as a statutory body responsible for the protection of human rights, has a dominant role to the protection of human rights and the disclosure of police abuses. The sector writes reports quarterly, semi-annually, and the same are published on the website of the Ministry of Interior, where are available to the public. Long period these data, and the Rulebook on doing things, PSU treated as confidential and were not available to the public, even the legal ombudsman. We believe that this is a really positive progress.

Despite the positive changes, however no independent external control mechanism for the police leaves space for suspicion in some cases. It is necessary to establish a new effective external mechanism along with counselors of PSU, and will be involved in all cases of use of force, which caused serious bodily injury or death. We propose in Macedonia to create an independent central panel with advisers which would conduct investigation in all cases of the use of force which incurs serious bodily injury or death or serious cases of corruption. Apart from the central committee, we propose to form local committees, which would be consisted of citizens from the local government or may be of a mixed character. In the case of the use of force by the police, one or two members from the local committee would be part of the investigation, and in all cases where the police used lethal force, then in addition to the members of the local investigation committee would participate and one member of the family of the deceased. This will be closer to the new concept of Police Community Policing to which Macedonia tends and we are all looking forward to being part of the European Union.

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OCCUPATIONAL STRESS IN POLICE PROFESSION: THE CASE OF MACEDONIAN POLICE SPECIAL TASK UNIT PERSONNEL

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Abstract

Stress plays a major role in the lives of police personnel, and it is also an important determinant for successful functioning of the police organization. Given its complexity and multitask nature, police profession is characterized by a wide range of stressors that are in the basis of police work and we cannot imagine police work without them. They emerge from the specifics of the police organization, as well as from the events that police officers have to face and deal with in the field. In recent years, the occupational stress related to police profession has increased, given the complexity of the police personnel's role, typical for the democratic societies. On the other hand, every state has different dominant occupational stressors related to police work and the awareness of them helps in the successful management of the personnel. For this purpose, researches within police organizations are conducted in order to reduce the harmful effects and preparing strategies for its balancing.

In the literature, a consensus in defining stress has not been found as well as an official theory for reliable prediction of peoples' reactions in the special conditions of environmental stress, which is currently threatening the constructive validity in the measurement of this phenomenon. On the other hand, a range of researches related to police stress have been conducted in order to determine its predictors, moderators and effects, as the significant impact of stress on the performance of the police work was shown.

Within the paper, an empirical research on the members of the special tasks unit was conducted in the Ministry of Interior in the Republic of Macedonia (N = 102), men, taken as a specific group, in order to determine the dominant stressors by using the Police stress questionnaire (PSQ).

The results show medium to low stress existence. The traumatic events as the most common operational stressor appear as well as the organization improper equipment. An equal presence of organizational and operational stress is confirmed, and differences in terms of age, education level, work experience, rank, marital status, number of children, housing conditions, except for certain stressors, etc. are not found; this confirms the specificity of this group. The Organizational stress is higher among those who have completed secondary police school, as well as Operational stress among the elders, compared with the other members.

The results will further be used for analysis of the factors of the low stress in this specific group for the purpose of its explanation and preparation of

programs for its reduction more widely, within the police and security profession, as well.

Keywords: *occupational stress, police, Special Task Unit, personnel*

INTRODUCTION

Stress is a third trend in police psychology and became a central issue in the mid 70s and early 80s of the last century. [1] It was revealed that stress in this profession is increasingly growing nowadays due to the complexity of the role of police officer in the structure of the police organization in a democratic society, so the successful handling gains importance as a condition for the functioning of the police organization and police officers, regardless of their organizational level. The police profession is characterized by a wide range of stressors that are the foundation of police work, resulting from the events that police officers are faced with on the field and the specifics of the police organization.

The scientific public still has not reached a consensus on whether ***stress*** should be defined by human (individual), environmental (macro) perspective, or both (integrative), which in turn endangers the constructive validity of measurement, neither there is an official theory for reliable prediction of human reactions in the special conditions of environmental stress, although the literature is rich with many researches on this topic.[2] Thus, despite the stress as an external stimulus or psycho-biological response, defined by the endocrinologist Sally[3] in his pioneering systematic theory, today it is predominantly accepted Lazarus' transactional model[4], in which stress has psychological nature and is viewed as a relationship (transaction) between individuals and their environment. He distinguishes the source of stress or stressors (external event or internal request), of stress (harm, threat or challenge) which is internal state or experience, and comes from the two mediating processes: cognitive appraisal of personal significance of the specific event and strategies used by the individual to cope. According to the resource theory, stress appears while experiencing loss, threat or investment of resources without subsequent gains, and lists four categories of resources: objective (e.g. home, clothing, and transportation), conditional (e.g. employment, personal relationships),

[1] Bartol, M.A. & M.C. (2004). *Introduction to forensic psychology* California: Sage publication, pp. 48 - 50
[2] Milovanović, R. (1998). *Police Psychology* Belgrade: Police Academy, p. 221 - 6
[3] Selye, H. (1976). The Stress in Life (reviewed edition) New York: McGraw-Hill
[4] Lazarus, R.S., Folkman, S. (1984). *Stress appraisal and coping*. New York

personal (e.g. skills, self-efficacy) and energy to attain other resources (e.g. money, knowledge).[1]

Despite the difficulties in defining, as summary highlights the definition according to which the ***occupational stress*** is "process in which the characteristics of the responsibilities of the workplace seem to employees experience discomfort or disease."[2] The literature outlines a series of theories and models for occupational stress, which mainly distinguish between:

- Structural or interactive approaches based on the structural features of the stress as a process (which stressors lead to what kind of outcomes and in which population); and
- Transactional approaches, which are more cognitive, focusing on the dynamic relationship between the individual and the environment, in terms of mental and emotional processes, which emphasizes the role of the subjective perception of the environment and the potential impact of individual differences as moderator variables.[3]

The model of occupational stress, in general, is described in three stages: external stressors (*physical factors, work-related factors, working group, career, and life outside the organization as factors, organizational factors*, and str.) attack the person who then experiences stress on characteristic way and behavioral changes (physiological, psychological and on the level of organization). An important aspect is how the person evaluates the stressors. Important role in this play the number of stressors, frequency and duration of exposure, the intensity of physical and emotional stress reactions and personal predispositions (perception and evaluation of the stressors, degree of tolerance, the intensity of its reaction and so on.), and there are variables that moderate the pressure of stressors - individual and organizational variables.[4]

There are different divisions for stressors in the police profession, but there is an agreement for separation of the two categories: operational and organizational stress.[5] So, ***operational stress*** arises from the nature of the police work i.e. specific police tasks, exposure to traumatic events, dealing with victims and perpetrators of crime, criminal justice system, shift work,

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[1] According to Krohne, H.W. Stress and Coping Theories, Germany, Available from: userpage.fuberlin.de/.../ Krohne_Stress.pd... [2002]

[2] Nikoloski, T. (2000) *Psychology of Labor* - Skopje: University St. Cyril and Methodius, p. 348 - 50

[3] Mark, G.M., Smith, A.P. (2008). Stress models: A review and suggested new direction. In J. Hudmont and S. Leka (eds.) *Occupational Health Psychology European Perspectives on research, education and practice* (p. 111 - 144) Notthingam University Press

[4] Nikoloski, T. (2000) *Psychology of Labor* - Skopje: University St. Cyril and Methodius, p. 348 - 50

[5] Finn, P., & Tomz, J. E. (1997) Developing a law enforcement stress program for officers and their families (NCJ 163175) National Institute of Justice

overtime work, etc.., combined with the multidimensionality of police work, that causes conflict of role, multiplicity of overlapping principles while making decisions (about shortest time and most rationally), continuously existence of potential risk of injury or loss of life/lives of colleagues, and so on. The ***organizational stress*** comes from the work context, in the shape of organizational structure (bureaucracy, management, organizational facilities etc.) and various aspects of organizational life (relationships with colleagues, training, resources, leadership and supervision, internal investigations and etc.). Despite the traumatic events that can cause acute stress (wherein is expected return to normal in a fairly short period) or PTSD[1], for the work environment in police profession especially characteristic is the chronic stress, which manifests itself in various current physical (high blood pressure, heart attacks, a decline of the immune system, gastro - intestinal problems, fatigue, sleeping problems, etc.) and / or psychological symptoms (decline in concentration, job dissatisfaction, anxiety, depression, anger, and during delay in extreme form - burnout[2], even suicide). The question is which is a bigger threat to the mental health - traumatic events or everyday pressures that reduce or completely overcome the coping resources, creating problems on the work performance[3] and management of the human resources in the police organization (usually there is no awareness that the cause of this is a chronic stress and that state can be improved only by completely temporarily or permanent suspension of the stressors in individual police officers).[4]

[1] According to ICD 10 is defined as delayed or prolonged response to a stressful situation that strongly endangers personality... starts a few weeks after that situation and take some time, in a small percentage may develop a chronic form with permanent personality changes; is characterized by episodes of flashbacks, nightmares, anxiety, depression and vegetative phenomena and p. See Chadlovski (2000)

[2] "Persistent negative mental condition related to the work, accompanied by distress, a sense of reduced effectiveness, fallen motivation and development of dysfunctional attitudes and behaviors at work" according to Schaufeli, W.B. & Enzmann, D. (1998).., highly characteristic for police profession as a negative factor on the work performance

[3] Gilboa, S., Shirom, A., Fried, Y. (2005) „A meta-analysis of stress and performance at work: moderating effects of gender, age, and tenure“. *ACAD MANAGE PROC* 1: A1 - A6

[4] Workcover (2000) *Occupational Stress: Factors that Contribute to its Occurrence and Effective Management*: *A Report to the Workers'Compensation and Rehabilitation Commission*. Western Australia: Workcover

RELEVANT RESEARCHES RELATED TO POLICE OCCUPATIONAL STRESS

According to some researches police profession is considered as more stressful than many other professions[1], although this is not confirmed by others[2]. Thus, in the ***UK*** major stressors are the organizational culture and the workload, not police work.[3] In different countries and police units dominate different stressors, and in most organizational proved higher than operational stress. In ***Canada***, the strongest operational stressors include: Fatigue, Lack of time for family and friends, and Shift work, and the lowest - Risk of injury at work, Working alone at night and Creating friendships out of work; and from the organizational the highest are: Different rules apply to different people, Constantly proving in organization and Inconsistent leadership style, opposed the lowest: Lack of training for the new equipment, The impact of the injury or illness to colleagues and Internal investigations. No score is above average and the Traumatic events are lower than the overall stress.[4] In the ***Turkish National Police*** was shown the influence of organizational and operational stress on burnout.[5] At ***Dogs Unit in Dubai***, despite the high job demands and low resources, the work engagement is high, owning to the appropriate resources and positive evaluation which can enhance the work engagement, even when conditions are under the optimal.[6] In ***MAGAV,*** where 74% of the police officers had a traumatic experience from terrorist attack, as the highest stressors are shown: low salary, lack of resources and overload. In addition to stress and high burnout, performance and job satisfaction were assessed as high, which is a result of a sense of

[1] Johnson, S., Cooper, C., Cartwright, S., Donald, I., Taylor, P., Millet, C. (2005) "The experience of work-related stress across occupations", *Journal of Managerial Psychology*, Vol. 20, Iss: 2, pp. 178 - 187

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[3] Collins P. A., Gibbs A. C. C. (2003). „Stress in police officers: a study of the origins, prevalence and severity of stress-related symptoms within a county police force". *Occupational medicine*, vol. 53, n°4, pp. 256 - 264

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[5] Occupational Stress, Work-related Wellbeing and Organizational Performance, Turkey, www.maxwell.syr.edu/ .../Kula_Occupation... [2011]

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importance of what you are working.[1] In a broader sample, strong stressor is an incorrect treatment of the command staff, and also most of them felt a lack of adequate training for dealing with stressful situations (76%) and enraged crowd (60%).[2] In ***Italy*** in the special unit, stress is not high according to norms for the Italian workers, depression and anxiety are near the lower limits, while personal self-determination is high[3]; but stress is higher in the field of police officers (traffic officers) than administration in other departments.[4] In ***Georgia, USA, SWAT*** is no different than other police officers in the use of force nor in the type or quantity and as reasons are the way of training, the type of tasks and the attitude of police about support for the unauthorized use of force (which factors are equal in both groups).[5] In ***Denmark***, the most common stressor is the organizational hazard, and significant relation was found between burnout and positive attitude to the use of force, self-report and arbitrary use of force.[6] In ***Norway***, the strongest but rarest is injury at work, and less serious, but the most common is work pressure, while for adequate measuring of police stress are recommended specifically designed police stress instruments nationwide.[7]; similar to Botswana where the strongest stressors in police is injury in the workplace and the use of force when it is necessary.[8] In terms of the impact of demographic variables, different results have been obtained.

METODOLOGY

- **Aim**. In 2012, an empirical research aimed at determining the dominant stressors in the Special Task Unit (STU) and differences regarding to the demographic variables (rank, kind of work, education level, completed police high school, age,

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[3] Garbarino S, Cuomo G, Chiorri C, et al. (2013). “Association of work-related stress with mental health problems in a special police force unit” *BMJ Open*, 3: e002791

[4] Pancheri, P., Martini, A., Tarsitani, L., Rosati, M. V., Biondi, M., Tomei, F. (2002) „Assessment of subjective stress in the municipal police force of the city of Rome“ *Stress and Health*, 18: p. 127 - 32

[5] Williams, J.J., Westall, D. (2003). „SWAT and non-SWAT police officers and the use of force.“ *Journal of Criminal Justice*, 31: p. 469 - 74

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[7] Berg, A.M., Hem, E., Lau, B., Håseth, K., Ekeberg, O. (2005). „Stress in the Norwegian Police service“. Occupation Med (Lond). 55 (2): p. 113 - 20

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work experience, marital status, housing issue and the number of children) was conducted.

- **Sample.** It consists of 104 members of the STU, in the Ministry of Interior of the Republic of Macedonia, but considering the small number of female belonging to them, they have been removed, so further work continued with 102 respondents, man, with an average age of 35, 30 years and 13 or 14 years of work experience in the unit. This unit is mainly intended to solve the most complex anti-terrorism tasks, situations of kidnapping, taking hostages and barricaded dangerous people, arresting dangerous criminals and groups and when risk of armed resistance exist, securing VIPs, important and vulnerable facilities, transport of dangerous criminals etc.
- **Instruments**. The survey was conducted anonymously, by Police Stress Questionnaire (PSQ), constructed by McCreary & Thompson, validated on a sample of Canadian police officers in 2006, where showed internal consistency $\alpha > .90$, high convergent validity with other scales of stress and high divergent validity, apply many languages in the world[1], and in this study was translated and given for the first time to the Macedonian (police) population. It is comprised from two independent subscales, for measuring operational (**PSQ-op**) and organizational stress (**PSQ-org**), which contains of 20 items as individual aspect of the police work that are emphasized as stressful, and can be evaluated to the 7 level scale of stress at work in the last six months: 1 - does not exist, 4 - intermediate, 7 - high level of stress.
- **Statistical procedures**. In the statistical processing of the data used are descriptive statistics, F-test and regression analysis, with lesser of the statistical package SPSS 15.0.

RESULTS

In Tables 1 and 2 the operational and the organizational stressors are ranked separately according to their presence in the work, by the members of the STU. Thus, the dominant stressors related to their specific kind of police work tasks are Traumatic events (M = 5.10), Occupation related health issues (M = 3.98) and Risk of being injured on the job (M = 3.84), while lowest ranked are Eating healthy at work (M = 2.24), Finding time to stay in good physical condition (M = 2.34) and Making friends outside the job (M = 2.36). The total score for PSQ-op (M = 3.27) is below the average (3.5) and is located under norms for the Canadian Police (M = 3.33). Traumatic events has significantly highest score in the table, and is quite higher than norms of Canadian sample (M=2.66) of large urban police department.

[1] McCreary, D.R., & Thompson, M.M. (2006) Development of two reliable and valid measures of stressors in policing: The Operational and Organizational Police Stress Questionnaires. *International Journal of Stress Management*, 13, p. 494 - 518

From stressors related to police organization, dominant are Inadequate equipment (M = 4.20), Unequal division of labor obligations (M = 3.98) and lack of resources (M = 3.82), and lowest ranked are Dealing with colleagues (M = 2.10), Too much computer work (M = 2.44) and Feelings of humiliation from peers because of injury or illness (M = 2.83). The total score for the PSQ-org (M = 3.26) is below the average (3.5), under norms for the Canadian Police (M = 3.55) and is equal to PSQ-op score. Near norms below Canadian Police (M = 3.45) is the overall score for the stress in STU (M = 3.27), as well.

Table 1. Ranking Order of Operational stressors in the STU (N = 102) (out of 7,00)

Operational stressors	**M**	**σ**
PSQ-op	3,27	1,07
Traumatic events	5,10	1,60
Occupation related health issues	3,98	1,75
Risk of being injured on the job	3,84	1,82
Friends / family feel the effects of the stigma associated with your job	3,80	1,65
Feeling like you are always on the job	3,79	1,71
Fatigue	3,78	1,55
Not enough time available to spend with friends and family	3,65	1,55
Work related activities on days off	3,47	1,60
Lack of understanding from family and friends about your work	3,41	1,68
Negative comments from the public	3,38	1,69
Limitations to your social life	3,24	1,59
Over-time demands	3,14	1,64
Working alone at night	3,11	1,85
Managing social life outside of work	2,91	1,55
Paperwork	2,78	1,61
Shift work	2,57	1,52
Upholding a “higher image” in public	2,45	1,42
Making friends outside the job	2,36	1,57
Finding time to stay in good physical condition	2,34	1,40
Eating healthy at work	2,24	1,47

Table 2. Ranking Order of Organizational stressors in the STU (N = 102) (out of 7,00)

Organizational stressors	**M**	**σ**
PSQ-org	3,27	1,12
Inadequate equipment	4,21	1,78
Unequal sharing of work responsibilities	3,98	1,69
Lack of resources	3,81	1,69
Dealing the court system	3,75	1,70
Staff shortages	3,70	1,65
Internal investigations	3,62	1,60
Inconsistent leadership style	3,61	1,68
The feeling that different rules apply to different people	3,60	1,69
Leaders over-emphasize the negatives	3,33	1,39
Lack of training on new equipment	3,24	1,64
Feeling like you always have to prove yourself to the organization	3,18	1,52
Bureaucratic red tape	3,17	1,71
Constant changes in policy / legislation	3,09	1,65
Excessive administrative duties	3,07	1,56
Perceived pressure to volunteer free time	2,95	1,64
The need to be accountable for doing your job	2,95	1,63
Dealing with supervisors	2,88	1,49
If you are sick or injured your co-workers seem to look down on you	2,79	1,54
Too much computer work	2,44	1,46
Dealing with co-workers	2,12	1,25

Table 3a. Significant differences of stress in the STU members according to various demographic variables

Variables	M	σ	M	σ	F	Sig.
Rank (df1=1; df2=100)	**PS (N=74)**		**Elders (N=30)**		**F**	**Sig.**
Work related activities on days off	3,32	1,59	**3,77**	1,63	1,63	0,20
Not enough time available to spend with friends and family	3,39	1,53	**4,13**	1,52	5,01	0,03
Fri./fam. feel the effects of stigma associated with your job	3,59	1,55	**4,30**	1,74	4,10	0,05
Leaders over-emphasize the negatives	3,12	1,29	**3,80**	1,54	5,25	0,02
Education level	**HSD (N=57)**		**UD (N=47)**		**F**	**Sig.**
Lack of understanding from fam. and friends about your work	**3,70**	1,57	3,04	1,74	4,11	0,05
Dealing the court system	**4,10**	1,58	3,28	1,75	6,43	0,01
Marital status	**No (N=14)**		**Yes (N=88)**		**F**	**Sig.**
Not enough time available to spend with friends and family	2,86	1,17	**3,77**	1,57	4,38	0,04
Staff shortages	2,71	1,38	**3,85**	1,64	6,06	0,02
Does have children	**No (N=27)**		**Yes (N=75)**		**F**	**Sig.**
Traumatic events	5,63	1,36	4,91	1,64	4,21	0,04
Eating healthy at work	1,67	0,92	2,44	1,58	5,75	0,02
Making friends outside the job	1,85	1,32	2,55	1,61	4,03	0,05
Completed secondary police school	**No (N=73)**		**Yes (N=29)**		**F**	**Sig.**
PSQ Total	3,15	1,02	**3,58**	1,01	3,80	0,05
PSQ-org	3,12	1,07	**3,66**	1,17	5,10	0,03
Shift work	2,33	1,41	**3,17**	1,63	6,77	0,01
Lack of understanding from fam. and friends about your work	3,19	1,61	**3,97**	1,76	4,53	0,04
Feeling like you always have to prove yourself to the organiz.	2,95	1,46	**3,76**	1,53	6,27	0,01
Constant changes in policy / legislation	2,86	1,64	**3,66**	1,56	4,99	0,03
Bureaucratic red tape	2,85	1,64	**3,97**	1,66	9,57	0,00
If you are sick/injured co-workers seem to look down on you	2,53	1,46	**3,45**	1,55	7,83	0,01
Dealing the court system	3,51	1,73	**4,38**	1,45	5,74	0,02
Housing issue	**No (N=26)**		**Yes (N=76)**		**F**	**Sig.**
Excessive administrative duties	**3,69**	1,74	2,86	1,45	5,83	0,02
Inadequate equipment	**4,92**	1,65	3,96	1,76	5,97	0,02

In Table 3 (a, b) are presented the differences (significant only) in the level of stress between the participants in terms of some moderator variables. In addition, it is not shown significant differences in the total scores (PSQ, PSQ-op and PSQ-org), except for the variables: 1. Secondary police school i.e. the overall stress ($F = 3.80$, $p < .05$), organizational stress ($F = 5.10$, $p < .03$) and some of the particular stressors (mostly organizational) are significantly higher in those who completed, than others; and 2. The nature of work, i.e. operational stress ($F = 4.78$, $p < .01$), as well as some of the particular stressors are higher in the elders compared by the logistic' police officers.

Table 3b. Significant differences of stress in the STU members according to various demographic variables

Variables	**M**	**σ**	**M**	**σ**	**M**	**σ**	**F**	**Sig.**
Kind of work ($df_1=2$, $df_2=99$)	**Field (N=61)**		**Elders (N=29)**		**Logistics (N=12)**		**F**	**Sig.**
PSQ-op	3,31	0,97	**3,52**	1,11	2,44	1,17	4,78	0,01
Traumatic events	5,15	1,49	**5,59**	1,27	3,67	2,06	6,95	0,00
Not enough time for friend and family	3,62	1,47	**4,14**	1,55	2,58	1,44	4,62	0,01
Occupation-related health issues	4,02	1,76	**4,41**	1,68	2,75	1,42	4,10	0,02
Limitations to your social life	3,25	1,50	**3,72**	1,62	2,00	1,35	5,46	0,01
Feeling like you are always on the job	3,84	1,60	**4,24**	1,79	2,50	1,51	4,79	0,01
Fri/fam feel the effects of the stigma of your job	3,69	1,61	**4,41**	1,66	2,92	1,38	4,12	0,02
Age ($df_1=2$, $df_2=99$)	**21-30 (N=10)**		**31-40 (N=74)**		**41-50 (N=20)**		**F**	**Sig.**
Work related activities on days off	2,40	1,65	3,45	1,56	**4,00**	1,56	3,47	0,03
Constant changes in policy / legislation	1,90	1,20	3,03	1,55	**3,85**	1,84	5,18	0,01
Staff shortages	2,20	1,14	3,70	1,64	**4,15**	1,66	5,06	0,01
Work experience ($df_1=2$, $df_2=99$)	**-10 (N=25)**		**11-20 (N=60)**		**20+ (N=17)**		**F**	**Sig.**
Eating healthy at work	1,72	1,31	2,28	1,42	**2,82**	1,70	3,05	0,05
Constant changes in policy / legislation	2,60	1,26	3,02	1,63	**4,06**	1,89	4,38	0,02
Staff shortages	3,08	1,41	3,70	1,64	**4,59**	1,66	4,55	0,01
Inadequate equipment	3,44	1,56	4,22	1,68	**5,29**	1,93	6,07	0,00

Table 4. Regression analysis of the impact of moderator variables on the degree of stress in the STU

Stress	Predictors	R	R^2	F	p
Total	Moderator variables	0,41	0,17	2,357	.024
	Kind of work: B= -.34, t = -2,871, p<.005; Age: B= ,219, t = 2,037, p<.045; Secondary police school: B= ,24, t =2,293, p<.024				
OP	Moderator variables	,445	,198	2,865	,007
	Kind of work: B= -.450, t = -3,870, p<.000; Rank: B= ,266, t = 2,267, p<.026; Education level: B= -,196, t =-1,966, p<.052				
ORG	Moderator variables	,382	,146	1,990	,056
	Secondary police school: B= ,261, t =2,458, p<.016				

Regression analysis (Table 3) shows that the moderator variables explain the overall stress score (especially the kind of work, age and secondary police school), operational stress (especially the kind of work and education), while organizational stress is on the limit, and is dominantly explained by the secondary police school.

DISCUSSION

STU corresponds to the so-called SWAT teams, which means groups formed by police officers selected, trained and equipped to work as a coordinated team on resolving critical incidents that are risky, complex or unusual exceed the capabilities on first called and investigative departments. Tactical solutions as focus of an effort distinguish SWAT from other police departments, whose focus is increasing the probability of safely resolving critical incidents.[1] The stress in SWAT is primarily contained in the description of their tactical actions, which are characterized by speed, surprise, aggressive action and immediate dominance, proactive approach to the situation, flexibility to change, quickly making the right decisions, etc.[2] and willingness to daily risk, founded on the unpredictability of the situations, in which the members have to be psycho-physically prepared and professionally trained to cope.[3]

The specificity of the job description of SWAT in police structures in countries around the world clearly indicates multiplied stress, and police

[1] California Commission on Peace Officer Standards and Training (POST) (2005) SWAT Operational Guidelines and Standardized Training Recommendations

[2] Caneva, E. (2007). What's wrong with SWAT? *Tactical Response*, 5 (1): p. 90 - 4

[3] Okhuysen, G. A. (2009). The uncertain, unpredictable, and unknown: managing the external environment in a police SWAT team. http://citeseerx.ist.psu.edu/showciting?doi=10.1.1.74.6710

officers in the greatest degree are victims of burnout. Also, given the high state investment for training and eventual harm in case of fault, of particular importance is greater attention to be given to its more successful managing before coming to undesirable consequences, for which purpose adequately prepared programs for its prevention and reduction are welcome.

High psycho-physical fitness and average score of work experience in this unit contributes to maximum stress lowering while evaluating the highly stressful tasks specific to this unit and due to the specificity of work are specific organizational environment and relationships within the unit, which reduces stress as a result of the organizational structure, and equate to operational.

The fact that Traumatic events is explicitly the highest stressor, is understandable according to the content of job, whose base is hard training and resolving of high-risk situations on field. Ensue and the risk of workplace injuries and health problems such as secondary high stressors. Inadequate equipment and lack of resources rationally derive from the requirements of this profession, which means constantly facing new and different situations that need to deal, while taking into account the economic situation of the country.

Although it was not shown significant differences in total scores, individual stressors are higher in elders, those with High School Degree, completed police secondary school, older than 40, over 20 years work experience, married, unresolved residential issue and children (except traumatic event which is higher for those without children). The latter shows that children help in forgetting the traumas or maybe this are persons who are younger, do not have enough experience to cope or since they do not have children are belonging in the first group to work on the field and events are fresher and more frequent).

It is interesting that the rank is associated with operational stressors (elders as the most stressed are basically older and more experienced members, mostly caught from serious traumatic events, health exhausted and given the extent of job their private lifes are neglected for years), while some stressors (mainly organizational) grow with age and work experience, what is an indicator for existence of age limit of this profession and factor of burnout. Stress in this profession decreases with the university degree which means necessity of rational strategies of confrontation and knowledge, as a condition for improvisations are required. Organizational stress is higher in those who completed police secondary school, which probably makes them feel more than others and frustrate them when do not get treatment they expected, but maybe more worried when things are not at their place.

DISADVANTAGES AND FUTURE RESEARCH

As weakness should be considered the possible dishonesty in answering the test, since it was present uncertainty about the purposes of this research, as well as the small and uneven number in the subgroups. Future research could be directed at determining the extent of burnout, coping styles, job satisfaction, their impact on the work performance, and the reasons for the high score of traumatic events and impact of police secondary school on the stress at work.

CONCLUSION

STU at MIA of the Republic of Macedonia are characterized by highly integrated and adaptive skills and techniques for successful coping with stress, given the low level of stress versus specific conditions and high demands of this profession. Equal organizational and operational stress is an indicator of a specific police environment where the condition for functioning is high organization, teamwork and co-existence, while rank does not play a role insofar as the other services. But given the high score of Traumatic events, as a result of presence of stressors that are not common to other police population, a more detailed analysis and preparation of a separate instrument is recommended, as well as programs for increased care for their mental health in purpose of their long-term protection.

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INTERNAL SECURITY POLICIES OF EU ON PREVENTION AND COMBATING TERRORISM

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Abstract

In order to achieve a high level of internal security, the EU is developing policies for prevention and tackling of the identified key threats which it faces. Terrorism is always placed on the top of the security threats list, since the EU is aware that there is not a single country that is immune to this global challenge. Terrorism is a serious threat to the citizens' safety, to their rights and freedoms, to the democratic values, and to the openness and tolerance of democratic societies. The globalisation process and the increasingly greater openness of the EU are the main reasons behind the close interconnection between the internal and the external aspects of security. The EU's policies and measures for prevention of terrorism are developed exactly in that direction. The concept of a Europe solidary and joint in the fight against terrorism is a necessity, and the activity of the Union outside its borders is a great contribution to global security, since it helps build an international consensus for improvement of international standards in the fight against terrorism.

The Union's counterterrorist strategy is focused on prevention of radicalisation of terrorism, as well as the recruitment of new terrorists and terrorist groups, but a key component of the strategy is to strengthen the protection of infrastructure and especially the objects that are potential terrorist targets. This implies decreasing their vulnerability to attacks, as well as lessening the consequences of potential attacks. Furthermore, it is of high importance to strive towards preventing terrorist attacks that have already been planned, measures for which are undertaken to disjoint terrorist networks, their sources for financing and material supply, as well as the persecution and prosecution of terrorists. In that direction, a foundation for success is to provide reliable information, that can be easily accessed and exchanges between Member-states, to provide joint analysis of potential danger, and a greater operational cooperation in the application of laws. Despite all efforts, the risk of terrorist attacks is still imminent, and what is needed is to provide a speedy response of a potential attack, the integral part of which are solidarity, assistance, support, and compensation for victims of terrorist attacks.

Terrorism is an ever-evolving threat to the internal security of the EU. Therefore, the efforts of the EU in the fight against terrorism ought to likewise evolve. The Lisbon treaty, the Stockholm programme and its Action plan enable the EU to expand its capabilities of decisive action in tackling terrorism, based on security policies, especially those regarding terrorism prevention, which ought to be

proportional with the scale of the challenges and to focus on prevention and tackling of plausible terrorist attacks.
Keywords: internal security of EU, terrorism, prevention, security policies, strategic goals

INTRODUCTION

To achieve a high degree of internal security in the European Union means achieving a high degree of security and protection of citizens, freedom, and democracy. Therefore, one of the main priorities of the EU is creating a secure Europe in which citizens will be granted a life free from fear, injustice, and frustrations; a life of freedom and prosperity. Common internal security threats already established as such equally concern each of the EU member states; this imposes the need of common responsibility and action. In this direction, the EU Internal Security Strategy, through realisation of the common agenda, provides a response to 21st century security threats, such that challenge the security of every country, and such that demand a decisive action on a Europe-wide level. One of the most immediate strategic goals for increasing the internal security of the Union is terrorism, i.e. specific actions, efforts, and initiatives for combating terrorism, and at the same time for preventing new terrorist attacks.

TERRORISM IN THE EU IINTERNAL SECURITY STRATEGY

It is a widely accepted argument that terrorism is a specific form of political violence characterised by: a predetermined goal to create a climate of fear from terror; a clear direction towards a wide auditorium; attacks against random and symbolic targets; whereby the crimes committed oppose societal norms and are used to exert influence over political behaviour. Given that political violence can be state and non-state, terror as one of its form can be applied by governments, or by non-governmental actors. In fact, the term 'terrorism' itself was first used to denote state violence and intimidation of the French citizens by Jacobins during the first years of the French Revolution. In recent history, this phenomenon has been seen in many more examples, and these, as immoral as they might be seen from a present point of view, have very easily been justified in situations where national interests were in the forefront, and when governments in terror have striven to increase internal security, thus securing the survival of the states. However, the use of violence by non-state actors, according to international law, can never be justified and proper. In this sense, the designation of 'proper' or 'improper' is highly ambiguous and relative in this context, as what one party interprets as 'terror' could mean a fight for freedom for the opposing party. Whatever the case, even in the clearest of cases of use of terrorist means, where the motive is to 'right a wrong', terrorism cannot be a legitimate and righteous mean of achieving a goal, especially in liberal democracies which offer non-violent means of achieving political and other goals (Hough, 2006:76).

Terrorism has always been a weapon of the weak against the strong. It was used by anarchists, nationalists, anti-colonialists, political and religious extremists in many countries, which used their own forces, means, and strategies in combating them. Facilitated transnational relations are convenient not only for businessmen and intellectuals, but also for terrorists and criminals. The advance in communication technology has provided terrorists with greater tactical coordination, but also with a wider audience, a greater psychological impression, and an opportunity to design attacks with many victims and maximum media coverage. Speedy communication via global media has converted terrorism into a global theatre. The network structure in their functioning enabled terrorist groups to be more flexible, more mobile, and more adaptable, due to which they have a great advantage to national and local authorities that are trying to deal with them (Williams, 2009, in Baylis and others: 199). Despite the many options that governments use, facing terrorism is becoming increasingly difficult. Governments are driven towards mutual collaboration in dealing with terrorism, which has transcended national borders long ago, and is no longer directed towards specific countries, and is characterised by a global destructive power. The absolute devotion to defeating terrorism by the use of rule of law and democratic processes – developing capacities aimed both at its destruction and at defending human rights while dealing with terrorists – demands a global action where the actors will reach a consensus on strategies of tackling this enormous security challenge in this modern world.

Security challenges in Europe are certainly linked to global security challenges, due to which the EU acknowledges the connection of the internal with the external security in the creation of global security. During efforts to create a secure environment for European citizens to feel protected, the EU does not only focus on maintaining a high degree of security on its own territory, but also outside it, in order to protect its citizens outside its borders.

Terrorist attacks in Europe forced European governments to invest greater efforts into dealing with terrorism and other security threats. EU Member states are exposed to serious threat stemming from Islamic, ethno-nationalist, and separatist, as well as left-wing, and anarchist terrorism. For financing purposes, considerable amounts of money are being transferred from Europe to conflict zones where terrorist groups are active. In the EU there are fears over the existence of active new branches of terrorist organisations in some of the Member states which are potential targets for radicalisation and terrorist recruitment. The largest threat for most EU Member states is Islamic terrorism, since Islamic terrorists threaten to undertake comprehensive attacks aimed at triggering mass violence resulting in a large number of victims. During recent years, the number of persons arrested and suspected of being terrorists has decreased, but the threat of terrorist activities still remains real and serious. It is influenced by the security situation outside the EU, as EU Member states that have a military presence in conflict zones are at the centre of attention of Islamic terrorist groups (TE-SAT 2010 – EU Terrorism Situation and Trend Report, EUROPOL). Aware that global terrorism demands a global response, and that by approaching terrorism on a global scale will render them more efficient and better prepared, countries are presenting a unified front – where cooperation has

an extraordinary significance – as well as a complete devotion to solving the causes, and in preventing terrorism. In December 2003, EU enacted the 'Secure Europe in a Better world' security strategy, in which it identifies the threats it faces, defines strategic goals, and poses political implications for Europe, thus, placing terrorism at the top of the list of key identified threats, while focusing on a more active role in implementing strategic goals, on increasing its capabilities and capacities for response to threats, on a multilateral and bilateral cooperation with its partners, and on the Members' preparedness to share liability for creating a global security in a better world whereby the EU will act as a global actor.

Although the EU is making a considerable contribution to the maintenance and increase of global security, one of its main challenges is the security of its citizens, and the protection of freedom and democracy within the Union. Based on the determination for development of Europe as a unique area of justice, freedom, and security, the EU has undertaken a range of measures in the direction of determining the common threats to its internal security, the common internal security policy, and the European security model, in accordance to the internal security strategy which is a reflection of the common values and priorities of the EU. The Union's solid bases for action towards the maintenance of the internal security are the Stockholm Programme for the period of 2010-2014, and the Internal Security Strategy of 2010. The Stockholm Programme: 'An open and secure Europe serving the citizens' determines both significant achievements in the area of justice, freedom, and security, but also constant security threats that Europe faces, that are only becoming increasingly more different and less predictable. Among them, terrorism and dealing with it hold a significant place in the internal security strategy of the EU, since despite the successful work in preventing several serious terrorist attacks, the Union still cannot decrease the activities and the capacities in the defence from terrorists. The European Council reaffirms the EU's counter-terrorist strategy, but also calls for strengthened terrorism prevention. In that direction, the Member states are asked to develop prevention mechanisms, especially for early stage detection, and to increase initiatives for terrorism radicalisation prevention based on the national policies efficacy estimates. Member states ought to share best practices and instruments in the battle against terrorism, and to develop a network for exchange of prevention practices. The European Council also calls for: increasing efforts in tackling terrorism, and especially in terrorism prevention via intercultural and interreligious dialogue; increase in research, including the internet as an arena for terrorist propaganda and recruitment; adaptation of instruments for prevention of terrorist financing to potential weaknesses of the financial system and to payment methods used by terrorists; adhering to international laws – especially human rights and liberties – in the fight against terrorism; strengthening of cooperation with third countries, mainly within the frame of international organisations; and other (The Stockholm Program: An Open and Secure Europe serving the Citizens, DRAFT 6/10. 2009).

In the EU Internal Security Strategy: Towards a European Security Model, due to its global outreach, catastrophic consequences, ability to recruit via radicalisation, propaganda spreading via internet, and various different financing sources, terrorism is defined as a significant threat to the security of the Union, its

citizens, and a blatant disregard of human life and democratic principles (Draft Internal Security Strategy for the European Union, 2010).

In November 2010, the European Commission prepared a Communication to the European Parliament and the Council, entitled 'EU Internal Security Strategy in Action: Five steps towards a more secure Europe'. In this document, the Commission suggests actions for implementation of the 'Towards a European Security Model' strategy, as well as joint activities towards a larger efficiency of tackling security threats. Counter-terrorist policies are to be more proportional to the scale of threats, and are to focus on future attacks. In fact, terrorism prevention and dealing with its radicalisation and with new terrorist recruitment is one of the five strategic goals and specific actions for the period of 2010-2014 which ought to increase the security of the Union. Given that the threat of terrorism is constantly evolving, efforts in the fight against terrorism ought to likewise evolve, in order to always be one step ahead of terrorist activities, at the same time demonstrating a coherent European approach that encompasses preventive action, above all. Defining critical infrastructure and implementing plans for its protection are of the utmost importance in this direction. EU Member states whose coordinated and effective efforts are supported by the Commission and assisted by the Counter-terrorism Coordinator are playing the lead role in the implementation of actions aimed at achieving this strategic goal. The first action regards the assistance that ought to be provided to communities in the prevention of terrorist radicalisation and recruitment. In the effort to realise this action, close cooperation with local authorities and the civil society is needed, whereby key groups in vulnerable communities – those most susceptible to terrorist propaganda and most liable to join terrorist organisations – are given greater power, and are offered alternatives to terrorist propaganda through open debate. The core of the action against radicalisation and recruitment is at the national level, where civil society organisations uncover and fight against violent extremist propaganda and ideology. The EU Radicalisation Awareness Network is a great aid to Member states in the implementation of this strategic goal, offering them an opportunity to gain experience, knowledge, and best practices, and to present examples of successful actions in the fight against extremist ideology. The second action encompasses policies regarding disruption of terrorist approach to materials used in explosives production and CBRN (chemical, biological, radiological, and nuclear) substances, and a disruption of financing of terrorist groups. EU Member states should always take into consideration the risks associated with critical substances in their national plans, while at EU level the dual-use export system has been tightened. Furthermore, in cooperation with the USA, a Terrorist Finance Tracking Programme has been signed, which increases the possibility of tracking transactions of terrorist organisations, thereby disrupting their funding. The third action encompasses transportation protection, and the promotion of aerial and naval security of the Union, based on a constant evaluation of terrorism threats. This action also encompasses land transport security, especially urban transport, which means – among other things – that more activities for exchange of information and best practices at EU level will be undertaken, and that a standing committee for land transport security presided over by the Commission will be established – thereby

strengthening the Commission's role as lead actor in the realisation of this action (The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, 2010).

POLICE COOPERATION IN DEALING WITH TERRORISM

The need for establishing adequate forms of inter-state police cooperation within the EU is confirmed by the establishment of a unique European territory in a legal sense and by the growing need for a joint approach of the EU Member states to dealing with globalised crime and terrorism, and other threats which bring into question the security of European citizens. At the European Council in Rome in 1975, a political decision was made to commence cooperation within informal, ad-hoc groups, and the first form of inter-state police cooperation is the creation of the TREVI (international terrorism, radicalism, extremism, and violence) groups in 1976, as working groups focused on stopping terrorism, and aimed at police training and organisation. In 1988, a decision was made to officialise the previously informal cooperation that functioned within TREVI groups, which were carriers of the first informal forms of information exchange, and which worked on joint police strategies between governments, police officers, and experts from the area of internal security from EU Member states. In 1989 four groups were formed: for disruption of terrorism; police cooperation; organised crime; and free movement of persons. In 1995, liaison officers were placed in every Member state to coordinate the information exchange regarding terrorism, narcotic drugs, organised crime, and illegal immigration. These arrangements established the right of police services to trans-border tracking of suspects, and established a legal basis for the formation of mixed investigation teams which act on the entire EU territory.

The Maastricht Treaty formally integrated the TREVI work groups into the specialised Council for justice and internal affairs, and institutionalised the previously established inter-state cooperation in the fight against terrorism and drug trafficking. The Treaty defined nine areas as issues of joint interest for EU Member states, one of which is the police cooperation in the fight against terrorism and serious forms of international crime (Article K1 of the TEU). Based on this Treaty, the Europol Convention was signed in 1995 (OJ L 342/95), whose primary function of tackling drug trafficking was additionally expanded to enter the sphere of terrorism disruption, forgery of money and means of payment, and money laundering. With the enactment of the Maastricht Treaty, terrorism disruption, and the creation of a unique information exchange system are included in the common priorities list, thus giving impetus to the creation of a European police network. The Amsterdam Treaty determined two lines of cooperation: through Europol, and through developing immediate forms of police cooperation between Member states (European structure of police chiefs, European police college, and European rapid reaction forces), and disrupting serious types of criminal deeds – one of which is terrorism – is marked as an area of primary interest where Member states are to act jointly (Article 29 of the Lisbon Treaty). In 2002, the Council adopted a framework decision to strengthen the fight against terrorism, which contains definitions for terrorist deeds, synchronising sanctions against them in national legislatives,

respecting human rights at the same time. According to Article 1of the Council Framework Decision combating terrorism, terrorist actions are defined as deliberate actions which, given their nature, can inflict serious damage to countries or international organisations, depending on where they are performed, and aiming at: intimidating the population; unduly compelling a government or an international organisation to perform or abstain from performing an act; or destabilising or destroying fundamental policies, constitutional, economic, or social structures of a country or an international organisation.

As an integral part of police cooperation, Europol has developed a police network whose mission is to support and strengthen the actions of the police structures of the EU Member states in the combat against severe forms of transnational crime and terrorism, since such deeds can affect common interests of the countries involved, encompassed in the policy of the EU (Article 2 of the Europol Convention). During that process, it is of the utmost importance to synchronise national criminal legislatives and decisions regarding formal police investigations and procedures, but also to overcome the mistrust (which is a result of the countries' striving to protect national interests) between the countries and their reserve towards a more intense police cooperation. Otherwise, effects from the actions of Europol will be limited, and the strengthening of its role – devoid of significant perspective.

EU COUNTER-TERRORISM STRATEGY – ACHIEVEMENTS AND CHALLENGES

The EU Counter-terrorism Strategy stemmed from the Union's commitment in the combat against terrorism, which is in the function of creating greater security in Europe. The Strategy is based on EU goals in combating terrorism, out of which four areas of action have been differentiated as the Union's strategic commitments. The first area - PREVENT - refers to radicalisation prevention and recruitment of persons from the EU for the needs of terrorist organisation. The goal is to prevent the emergence of a new generation of terrorists through the enactment of a number of activities included in the Strategy and the EU's activity plan: limitation of activities of persons who play an important part in the radicalisation of terrorism; denying access and opportunity for terrorist training; establishing a strong legal foundation for disruption of new terrorist recruitment; research into the opportunities for disruption of online recruitment; work with civil society and religious groups in an effort to direct them towards disregarding ideas suggested by terrorists and extremists leading to violence; promotion of good ruling, human rights, democracy, education, and economic progress; condemnation of inequalities and discrimination, and promotion of intercultural dialogue and long-term integration; involvement into conflict solving; cooperation with third countries and assistance programmes; etc. The second area – PROTECT – refers to the strengthening of the protection in crucial goals of terrorist attacks (citizens and infrastructure) through the decreasing of their vulnerability and the appeasing of the consequences of a potential attack. This encompasses: strengthening of protection at

the outer borders of the Union and strengthening the efficiency of the border controls; raising transport security standards; lowering of vulnerability of critical infrastructure to physical and electronic attacks; research aimed at developing a methodology for protection of public spaces and other sensitive attack targets; etc. The third area – PURSUE – refers to cessation of terrorist activity and pursuing terrorists. The goal is to stop planned terrorist attacks, disrupt their networks and activities, cut the sources for their financing and the access to materials for attack, as well as to bring terrorists to justice, all the while respecting human rights and international law. The role of EU Member states is crucial in the realisation of this goal, and the Union supports their efforts in the combat against terrorism through encouragement of international information exchange and intelligence, providing common analysis of danger, and strengthening the operational cooperation in application of laws. The practical cooperation and information exchange between the police and the judicial authorities – especially via Europol and Eurojust - is also of great importance, and in case of need, establishing joint teams for border investigation is also recommendable and vital. Moreover, this area encompasses activities aimed at creating a hostile and inadequate environment for terrorist activities, and dealing with their financing: freezing terrorist accounts; unified application of the money laundering legislative and money transfer all around the EU; ceasing money transfer in terrorist channels; etc. The fourth area – RESPOND – encompasses activities directed towards decreasing consequences from terrorist attacks through the improvement of the capabilities for dealing with the consequences, and at support and compensation for the victims. In order to soften the effects that terrorist attacks have on citizens, the EU uses systems to respond to consequences of natural disasters, thus using already existing protection structures. Sharing of information between Member states, media cooperation, and mutual operative support based on all means available including military resources, are most significant activities, but the Union's preparedness to undertake decisive collective action is crucial to an efficient, appropriate response to terrorist attacks. The Union's capability to respond with extreme urgency is especially significant, since providing an urgent response by a Member state at its own territory might be too great of an undertaking for the state and might create serious risk for the Union as a whole (The European Union Counter-Terrorism Strategy, 2005).

The primary responsibility in the combat against terrorism is held by the Member states, and the Union contributes by: strengthening the national capabilities; facilitating the cooperation between Member states, between Member states and EU institutions, and between police and judicial authorities; developing collective capacities through the creation of collective political responses to terrorist threats and enabling best possible usage of the capacities of EU organs, including Europol, Eurojust, Frontex, MIC, and SitCen; and promoting international partnership through working with international organisations and countries outside the EU to increase international consensus, to build capacities and to intensify the cooperation in the fight against terrorism on a global level (The European Union Counter-Terrorism Strategy, 2005).

In 2010, in its Communication to the European parliament, the European Commission presented the lead legislative and political achievements and the future

challenges the EU is facing in the fight against terrorism. The document provides the fundamental elements for the political evaluation of the realisation of the EU Counter-terrorism Strategy of 2005, and is a significant step forward in the wider internal security strategy of the EU. It is focused on the four strategic areas of action, analysed in the Counterterrorism strategy, elaborating the achievements and future challenges separately in each area.

In the area of ceasing radicalisation of terrorism and terrorist recruitment:

The main legal instrument of the EU in efforts to deal with terrorist crimes – the Framework Decision on combating Terrorism (2002/475/JHA) – has been amended in 2008 to deal more specifically with terrorism through placing a greater emphasis on prevention. Alterations in the Framework Decision provide a legal frame for approximation to national legislatives regarding preventing public provocations for performing terrorist acts, recruitment for terrorism, and their training. All forms of criminal behaviour related to terrorism are punishable on the entire EU territory, which is a considerable step forward in the synchronisation of EU legislation with the Convention on Prevention of Terrorism from May 2005 (2008/919/JHA);

Dialogue has been established between law enforcement authorities and service providers for the facilitation of public/private cooperation and partnership, and for the promotion of a more efficient approach in countering terrorist use of the Internet;

In 2008, a specific EU Strategy for Combating Radicalisation and Recruitment, which has three mail targets: to disrupt the activities of networks and individuals who draw people into terrorism; to work on leading people away from accepting extremist opinions and policies – especially in critical communities; and to promote democracy, security, justice, and equal opportunities for all. The detailed plans as to the realisation of these targets of the Strategy have been defined in the Action plan approved in June 2009, based on which many significant projects have been launched in the Member states;

The European Commission has contributed greatly to the development of the counter-radicalisation and recruitment policy through the 2005 Communication addressing the issue of violent radicalisation (COM (2005) 313, 21 September 2005), as well as through the formation of a European Network for Experts on Radicalisation in 2008, which developed and exchanged best practices in tackling radicalisation and recruitment at the Seminars in 2009 and 2010, and supported the implementation of projects initiated by the coordinator in the fight against terrorism;

EU initiatives to fight terrorism, xenophobia, and discrimination, which may contribute to the combat against radicalisation and recruitment have been emphasised. The following have been identified as future challenges in combating terrorist ideology: the need to define most efficient ways of combating these phenomena, based on gathered experience, and on the evaluation of efficiency of national counterterrorist policies; and finding the most efficient approach to disrupting terrorists' use of the Internet (COM (2010) 386).

In the realisation of the second part of the 2005 Counter-terrorism Strategy of the EU – protection of citizens and infrastructure:

Significant steps have been undertaken to improve border security (new technologies, integrated system of border management, biometrical passports, etc.);

An Action plan to deal specifically with threats to the information infrastructure has been adopted (COM (2009) 149);

Legislation for transport security has been adopted (a system of airport and port facilities inspections, Communication on the use of security scanners at EU airports (COM (2010) 311), new technologies, etc.);

The Commission has developed an EU Action Plan for Enhancing the Security of Explosives which contains 50 specific actions to minimise the risk of terrorist attacks with explosives (Document 8109/08);

In 2006, the Commission adopted the European Programme for the Protection of Critical Infrastructure (EPCIP), and in 2008 the Directive on European Critical Infrastructures (ECI) was adopted, which focuses on identifying, designating, and defining European critical infrastructure (establishing a Critical Infrastructure Warning and Information Network (CIWIN), and an EU Reference Network foe laboratories testing security equipment);

In order to strengthen the security of the supply chains (entering or leaving the EU), the Commission has introduced security amendments to the Customs Code and its Implementing Provisions (Regulation 648/2005 and Regulation 1875/2006).

Future challenges in this area mainly refer to the improvement of transport security and the strengthening of the research policy directed towards maintaining a high level of security in the Union.

In the realisation of the third target – pursuing terrorists:

A number of instruments for improving the gathering and exchange of information have been agreed upon (Data Retention Directive, integrating the Prüm framework into EU legislation, Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities, and in 2008 the first phase of the European Evidence Warrant facilitating the process of obtaining evidence in another Member state);

The work of Europol has been improved through the new legal framework, and its cooperation with Eurojust has been strengthened;

The legal provisions (especially the third Anti-Money Laundering Directive) have been implemented to deal with terrorist financing, and in 2005, the Regulation 1889/2005 has been adopted to control assets entering and leaving the EU, which contributed greatly to the prevention of terrorist financing through monitoring of movement of assets across EU borders.

Future challenges in this area are: enabling the instruments to meet real needs related to information exchange; finding the most efficient way to establish a European policy for use of passengers' names and their data; development of research techniques significant for research into and prevention of terrorist activities; establishing a common methodology based on joint parameters for threat analysis on a European level as part of the challenge to found an EU policy on evidence and best threat evaluation (COM (2010) 386).

In the fourth area, which ought to provide for a response to terrorist attacks (civil response capacity, early warning systems, crisis management, and aid for victims), the greatest achievements were made regarding:

Development of the EU Civil Protection Mechanism, which provides a coordinated response to each crisis, including terrorist attacks;

Prevention, detection, and response to incidents related to the use of CBRN materials. In 2009, the Commission adopted a Communication and an Action plan in this regard, the Action plan being comprised of 130 specific activities in the direction of disabling the accessibility and use of these materials, especially for terrorist purposes;

Support to victims of terrorism (for this purpose, 5 million Euros have been made available for the period of 2005-2010), and stimulation of international cooperation in an effort to improve support of victims through the Network of Associations of Victims of Terrorism.

The future challenges in this area are aimed at: developing an EU rapid response capacity based on the existing instruments of humanitarian aid and civil protection; implementing the Action Plan on CBRN materials that started at the beginning of 2010; establishing a comprehensive instrument for protection of terrorism victims, etc. (COM (2010) 386).

Along with these four areas, a number of other questions are significant to the implementation of the Counterterrorist Strategy, such as:

Adhering to the fundamental rights (included in the EU Charter of Fundamental Rights), which is a crucial prerequisite to the promotion of mutual trust between national governments and the public in general;

International cooperation and partnership with third countries, since there is a tight connection between the Union's internal security policies and their international dimensions; The USA holds a special place as a partner in the combat against terrorism. In 2009 and 2010 a number of joint declarations have been adopted (Joint Statement on the closure of the Guantanamo Bay detention facility and future counter-terrorism cooperation; cooperation in the area of justice, freedom, and security; counter-terrorism declaration of 2010, etc.), a number of significant agreements were signed (with Europol, Eurojust, and an Agreement Passenger Name Records), as well as a Terrorist Financing Tracking Programme, and from the end of 2008, a number of expert seminars were organised on explosives, critical infrastructure, and prevention of violent extremism;

Funding EU policies in the fight against terrorism and activities of the Member states for disrupting terrorism; The funds are mainly provided through the specific programme (for prevention, preparedness, and dealing with consequences from terrorism and other security-related risks, as well as a programme for prevention and disrupting crime) entitled Security and Safeguarding Liberties, which over the period 2007-2013 has financed many projects for support for the implementation of the EU Counter-terrorism Strategy. For the period after 2013, the Commission will develop a new multi-annual financial framework, and it also reviewing the possibility for establishing an Internal Security Fund (COM (2010) 386).

Despite all achievements, there is certainly much more work to be done in the area of terrorism prevention and protection of EU citizens from potential terrorist attacks and from the consequences from these attacks. However, the 2005 Counter-terrorism Strategy has proven its value by preparing and encouraging the

implementation of many activities, and establishes numerous instruments that until now have yielded considerable results in the fight against terrorism at EU level. The importance of the Strategy has also been confirmed by the Stockholm Programme, and the institutional framework offers the Union great opportunities for connection the various instruments in a joint combat against terrorism, thereby equally emphasising both their internal and their external dimension. It is important for the Strategy to be consistently implemented on national level as well, to be constantly modernised, and be compatible with the newest findings in the domain of preventing and combating terrorism, as a crucial security challenge within the EU Internal Security Strategy.

CONCLUSION

Due to the increasing openness of the EU, the internal and external aspects of its security are in close connection and are actually inter-dependent. For that reason, the role of the EU in dealing with terrorism, which has been identified as a crucial threat to the Union's internal security, is a part of the global fight against terrorism and ought to be in the function of creating global security and building a better world. Given the fact that the openness of the EU is often misused by terrorists in their effort to accomplish their goals, the prevention and combat against terrorism are significant aspects in the protection of people and critical infrastructure in the area of freedom, security and justice. The four areas of the EU Counter-terrorism Strategy – prevent, protect, pursue, and respond – are an appropriate response to the terrorist threat, not only to Europe, but also on an international level. The Union's achievements in the realisation of activities in each of these areas is at a staggering level, but the terrorist threat still remains a great challenge for the security of the Union and its citizens. The joint European measures against terrorism and the solidarity of the Member states in the combat against it are a necessity, and in this next period, a lot of work remains to be done, in order to eliminate, or at least decrease the conditions adequate for radicalisation of terrorism and recruitment of terrorists. It is only in this way that efficiency in the prevention of terrorism can be achieved, and future challenges in dealing with it and its consequences can be realised.

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THE ROLE OF THE ORGANISATION OF THE UNITED NATIONS IN PROTECTION OF THE ENVIRONMENT

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Abstract

Sound environment is the main precondition for the well-being of people, animals and plants on Planet Earth. Yet, how much people care and how strongly endeavor not to pollute it and how much effort they make to protect it – all this depends on the awareness of the society and the policy of the state itself. Unfortunately, we have all witnessed environmental destructions during the several last decades in parallel with development and globalization. Protection of the environment and nature within the internal borders of a single state is an outdated concept of global problems like environment and nature pollution and destruction. For the last decades, the world has been coping with high pollution levels that often cannot remain isolated within the borders of one state, but have great impact and heavy effects over other countries in the neighborhood and beyond. Aware of this problem of the growing industrialization, urbanization, excessive exploitation of natural resources with irreversible effects both on environment and human health, as well as fauna and flora, the Organization of the United Nations (OUN) as international organization for peace in the world, extended its classical concept and scope of work in the course of the second half of the 20th century, in order to include the protection of the environment as an indirect threat to global security. Organization of the First Conference on Environment by the United Nations, in Stockholm, where the foundations for the international protection of the environment were set and the international organization of environment – United Nations Environmental Programme – was established, was an event of historical importance. This event was only beginning and incentive to organize other similar international events and strengthen global cooperation. The role of the OUN and agencies specialized in environmental protection is very important in terms of financial support, especially for developing countries, and organization of international summits, conferences that give rise to numerous important documents.

Environment is a common good of all inhabitants on Earth Planet, and yet man as the most perfect being pollutes and endangers the environment and at the same time plays the main role in its protection. Protection of the environment and nature is increasingly gaining prominence along with the growth of the number of population on the Planet and increase in air, soil and water pollution.

Key words: *environment, pollution, Organization of the United Nations, OUN Environmental Programme*

INTRODUCTION

Environment is a common good of all inhabitants on the planet Earth, and yet man as the most developed being pollutes and endangers the environment and at the same time plays the main role in its protection. Protection of the environment and nature is increasingly gaining prominence along with the growth of the number of population on the Planet and increase in air, soil and water pollution.

For the last decades, industry and technology have been developing at a very fast rate, with great growth of production and product diversity, and industrial facilities often fail to take care of environment preservation, because performance in compliance with environmental standards assumes huge financial resources. Situation in developed countries is better, because industrial facilities comply with environmental standards, that is they do not pollute the environment or cause pollution at very low levels, as they have financial assets for investment or the state provides them with subsidies, the environmental awareness is at higher level, there is efficient implementation of laws and regulations, inspection supervision is stronger, the environmental "polluter pays" principle is observed, etc. On the other side, industry in developing countries is under developed and the limited number of existing industrial facilities are major polluters due to lack of financial resources sufficient to comply with environmental standards. However, there should be a balance between the overall development for people's benefit and wellbeing and the environment protection.

Common types of pollution at international level include inadequate waste management, especially illegal transport of hazardous waste, illicit trade in ozone depleting substances, massive forest devastation through illegal wood cutting or forest fires, destruction of protected wild flora and fauna on land and in water, as well as illicit trade therein, discharge of harmful chemicals into waters, release of harmful emissions into air, excessive use of various pesticides, insecticides, etc. Crimes against environment involve man both as perpetrator and victim of their own deeds. Apart from direct pollution and destruction of the environment, abuse of natural resources is common incident as well. Environmental degradations are deemed less significant, because consequences from such degradations are often not obvious, effects can occur immediately or after certain time indirectly, through manifestation of various diseases; the number of victims of these degradations is very high, their duration is long-term and therefore they are harmful not only for present generation, but for future ones, too. Harmful effects of these environmental degradations cannot be limited to internal borders of a single state, but they are evident in a much wider area.

Public awareness of the need to preserve the Earth has become the main challenge for many international organizations dealing with environment and playing important role in the segment of environmental awareness raising, protection of certain wild flora and fauna species, conservation of seas and oceans, preservation of forests and much more.

This paper will further down focus specifically on the role of the Organization of the United Nations in the segment of the environment. The Organization of the United Nations is an international organization for peace and security with great influence over all member states; nevertheless, they made the first steps towards the protection of the environment relatively late. Yet, significant progress has been made in this area for that period, especially through their specialized organizations. Further in this paper, the most important international conferences, international acts and events in this area organized by OUN will be mentioned, ranging from the First Conference on Environment held in Stockholm, in 1972, to present days.

INTERNATIONAL PROTECTION OF THE ENVIRONMENT

Environment is the essential support to life. It provides the air we breathe, water we drink, food we eat and land on which we live[1]

Chris Park

Protection of the environment has already become the main challenge of the people of the 21st century, considering the time we live in, where carbon dioxide concentrations in the atmosphere are by one third higher compared to pre-industrial period, million tons of fish is removed from the oceans every year, six million hectares of forests were devastated or modified in 1990s, more than billion people lack drinking water and more than 2.5 billion lack essential sanitary utilities which causes diarrhea with fatal effects in children aged below 5[2]. Other fearsome facts come out from some researches, revealing that every fifth inhabitant lives with 1.25 dollars per day or less, billion and a half people live without electricity, nearly one billion people are starving every day, greenhouse gas emissions grow on daily basis, and more than one third of flora and fauna species may extinct if this rate of climate change sustains, 60 percent of the population will live in urban environments upon the expected number of inhabitants of Earth to

[1]Chris Park: *The environment: principles and application*; London, 2001, p. 5; http://www.amazon.co.uk/Environment-Principles-Applications-Chris-Park/dp/0415217709 [visited on: 20.05.2013]

[2]Daniel Bodansky:*The Art and Craft of International Environmental Law*; USA, 2010, p. 4 - 5;http://www.amazon.com/The-Art-Craft-International-Environmental/dp/0674061799/ref=pd_sim_sbs_b_10#_[visited on:25.07.2013]

reach 9 billion[1]. The said researches should serve as incentive to improve the real state of the environment.

However, there are certain reasons for which environmental degradations or environmental crime keep growing as a result of the good profit that can be gained by such crimes like illicit trafficking in protected species of wild fauna and flora, illegal trade in trees, illegal trade in waste, owing to inefficient state authorities responsible to prevent and eliminate such crimes, ranking of these crimes as secondary compared to classical crime, a low level of enforcement of laws and regulations and for other reasons. During the last years, environmental crime has been occurring in more dangerous form as organized international crime that poses great risk for global security and sustainable development. Aware of these threats, back in 1996, the Committee for Environmental Crime was established within the International Criminal Police Organization – Interpol, in order to collect statistics and information on environmental crime, check if data on environmental crime is collected in every country, etc.[2] This Committee however also faces difficulties in collecting the data and shortage of financial resources to implement appropriate supervisions and investigations. Interpol should primarily play the very important role in the segment of coordination and cooperation with police services in member states. In this context, if the protection of the environment on international level has not been placed among priority policies yet, we should not be surprised by the fact that the Republic of Macedonia and other developing countries do not have healthy environment.

States individually and in cooperation with other states make efforts to prevent and eliminate these negative developments. At international level, there is a fight to prevent, eliminate and remedy the environmental degradations, with the ultimate goal to protect the environment, nature, natural rarities, human life and health, fauna and flora. Particular importance is attributed to sustainable development, promotion of energy efficiency, environmental products, recycling, solar energy, all aimed at preserving the Earth Planet. Though it is deemed that the awareness of the preservation of the environment has emerged rather late, certain historical facts claim the contrary. For example, in the Greek mythology[3], in the Friedrih II Melafix Statute of 1231 contains regulations on the maintenance of air cleanness;

[1]Rio +20, United Nations Conference on Sustainable Developmenr-The future we want; http://www.un.org/en/sustainablefuture/ [visited on: 07.07.2013]

[2]http://www.interpol.int/Crime-areas/Environmental-crime/Task-forces [visited on: 07.08.2013]

[3] King ordered Hercules to execute 10 tasks, including cleaning of stables, in one day https://sites.google.com/site/basicgreekmythology/hero-s/hercules [visited on: 06.05.2013]

also, the English King Edward I introduced certain prohibitions for coal in order to maintain the cleanness of air[1].

The first official international acts on environmental protection date from the 19th century and these are of rather bilateral nature. Examples include Convention between Great Britain and France concerning fishery at sea, concluded between Great Britain and France (1867), Convention on the Protection of Birds Useful for Agriculture (1902), Convention on the Protection of Migratory Birds in USA and Canada (1916), Agreement for Preservation and Protection of Fur Seals (1911) and other[2]. According to some researches, it is believed that 1100 multilateral agreements, 1500 bilateral agreements and 250 other agreements were concluded in the period from 1950 to 2010[3].

The effects of polluted environment often cause impacts on neighboring countries as well, though third countries are not exempted depending on the extent and type of pollution. For example, the waste (plastic bottles, shoes, medical waste, etc.) from Albania, through the sea, often ends up at the sea coasts of Croatia[4]. As a result of the characteristics of acts that destroy the environment, consequences deriving from such acts with frequent effects in many countries, necessary cooperation among countries towards overall protection of the Earth, the role of the international community is vital, such as OUN coordinating international activities for environmental protection, strengthening them through different projects for assistance and support and obliging the member states in certain way to protect the environment, by ranking it among priority areas on their agenda. However, the real activities for international protection of the environment started after 1970s and this will be elaborated in more detail further down in the paper.

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[1] Ginter Kajzer*: Criminology*; Skopje, 1996, p. 402;

[2] Ulrich Beyerlin , Thilo Marauhn: *International Environmental Law;* UK, 2011, p. 3 - 4; http://www.amazon.com/International-Environmental-Law-Ulrich-Beyerlin/dp/1841139246/ref=sr_1_2?s=books&ie=UTF8&qid=1374963346&sr=1-2&keywords=International+Environmental+Law#reader_1841139246 [visited on:25.05.2013]

[3] Data from Ronald B. Mitchell 2002 - 2013 *International Environmental Agreements Database Project (Version 2013.2).*Available at: http://iea.uoregon.edu/. Date accessed: 17 September 2013

[4]Durres lajm.com, http://www.durreslajm.com/speciale/brigjet-kroate-pushtohen-nga-plehrat-shqiptare [visited on: 02.05.2013]

ROLE OF THE ORGANISATION OF THE UNITED NATIONS IN PROTECTION OF THE ENVIRONMENT

The Organization of the United Nations (OUN) is international organization founded after the Second World War. The main goal of the OUN is to maintain international peace and security, and all other goals serve the achievement of this main goal[1]. However, because of the great pollutions that endanger human health and life, fauna and flora and the entire Planet, it is impossible that OUN sticks solely to its main "*peace and security"* function. In this century, under this rate of living, in the era of industrialization and technology, the overall security can be beyond doubt be threatened by environmental problems as well, with more frequent and longer heat waves, as we have witnessed in the course of the last several years, then growing incidence of fires, spread of tropical diseases, more frequent and stronger storms, floods, contamination of oceans, reduced agricultural production due to draughts and insufficient precipitations, etc[2]. Several environmental disasters with fatal effects that occurred after the 1950s motivated the international community to undertake specific measures to protect the environment.

As an illustration, we could mention the unusually cold weather in London, in the winter of 1952 - 1953, when many people travelled only by cars that released heavy metals in the air and this resulted in formation of heavy metals containing fog which induced the death of nearly 12.000 people, mostly children and elderly[3].

Another example took place on 18 March 1967, when one of the first huge tankers (120.000 carriage capacity) experienced accident close to the coasts of Great Britain, where 36 million liters of crude oil was poured into the water, causing death to 15.000 sea birds, contamination of 190 km British and 80 km French coast[4]. Unfortunately, even decades afterwards the coal is still used in industry, exposing at pollution the residents that live close to these industrial facilities. According to the research conducted by the University of Stuttgart in 2010, countries like Romania, Czech Republic, Bulgaria, Slovakia and Poland that still use coal in industry have pollution

[1]Ljubomir Danailov Frchkovski, Sasho Georgievski, Tatjana Petrushevski*: International Public Law; Skopje, 2012,* p. 391

[2]Piter Hju: *The term of global security*; Skopje, p. 77;

[3]http://www.lenntech.com/environmental-disasters.htm#4._The_1952_London_smog_disaster [visited on: 07.07.2013]

[4]http://news.bbc.co.uk/local/cornwall/hi/people_and_places/nature/newsid_8753000/8753329.stm [visited on: 07.07.2013]

caused mortality rate higher than the mortality rate caused by traffic accidents[1].

Table no.1 Difference in the figures of mortality from traffic accidents relative to mortality for coal pollution in 2010

	Slovakia	Romania	Czech Republic	Poland	Bulgaria
Mortality from traffic accidents	347	2979	901	4572	901
Mortality from coal pollution	552	2796	1690	5358	2723

Aware of environmental disasters and rapid industrialization to the detriment of the environment, negative impacts of this, and the rise in violations in the environment beyond national borders, the end of '60s and '70s of the last century was the high time for OUN to engage in more specific protection of the environment and nature. By Resolution number 2398 (XXIII) and 2581 (XXIV), in 1968-69, The General Assembly of the OUN decided to organize International Conference on Environment Protection in Stockholm, in 1972[2]. This Conference was a turning point in the history of environmental protection on international level. This Conference on environment was exceptionally important, because it established the foundations of the international protection of the environment, transformation of the international environmental law from bilateral agreements into the frameworks of global acts, raising the global awareness of environmental preservation and promotion of collective responsibility of countries.

This international Conference was attended by more than 100 representatives of different countries, representatives of international organizations and representatives of non-governmental organizations, adopting very important documents such as Declaration of the United Nations on Environment, Action Plan with 109 recommendations, establishing the United Nations Environmental Programme and declaring 5 June for the World Day of Environment. OUN Declaration is not legally binding document for the countries. It contains 26 principles and attributes exceptionally great importance to the protection of the environment, importance of sustainable development and safeguarding the natural resources and prohibition of their misuse, international cooperation in the

[1] Silent Killers: Why Europe must replace coal power with green energy, http://www.greenpeace.org/international/en/publications/Campaign-reports/Climate-Reports/Silent-Killers/[visited on: 04.07.2013];

[2] http://untreaty.un.org/cod/avl/ha/dunche/dunche.html [visited on: 04.05.2013];

area of environment, assistance to developing countries, education and research in this field, obligation of countries that need to undertake measures to protect the environment, etc.[1]

The establishment of the United Nations Environmental Programme was a great step forward, as it is institution coordinating the affairs for the area of environment, encourages people and countries to take care of the environment through inspiration, information and enabling better living and improved environment for the present generations without jeopardizing future generations. Its Headquarter is in Nairobi, Kenya, and it has six Regional Offices[2]. This Programme offers great support, especially to developing countries, in several areas of the environment, including climate change, conflicts and disasters, ecosystem management, environmental management, harmful matters and resource efficiency[3]. In 2000, the Report titled *Post-Conflict Assessment of the Environment* was prepared in several countries on the Balkans, including the Republic of Macedonia, with the support of *UNEP*. The Report covered three areas of research, namely: industrial hot-spots, environmental impact of refugees from Kosovo and measures required to strengthen the institutional capacity for environmental protection.

The Stockholm Conference encouraged the countries to engage more on national level and strengthen cooperation on international level in the fight for environment protection. This has been confirmed further by adoption of several conventions in the area of environment as follow-up of the said Conference, such as Vienna Convention for the Protection of Ozone Layer (1985), Convention on the Long Range Trans-boundary Air Pollution (Geneva, 1979), Convention on the Trans-boundary Movements of Hazard Waste and their Disposal (Basel, 1989) and many other conventions and international acts on air, water, hazardous substances, nature, sea etc.[4]

Two decades after Stockholm, in 1992, the United Nations Conference on Environment and Development or the so called *Earth Summit*, took place in Rio de Janeiro, with participation of 172 representatives of states and 2400 participants from non-governmental organizations. The key documents adopted by this Conference include Agenda 21 – comprehensive programme for global action in all areas of sustainable development, Rio Declaration on environment – series of principles defining the rights and the obligations of

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[1] http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503 [visited on: 05.05.2013];

[2] http://www.un.org/en/globalissues/environment/[visited on: 27.07.2013]

[3] http://www.unep.org/[visited on: 27.07.2013]

[4] A guide for the citizens through the structure, authorizations and services of the Ministry of Environment and Spacious Planning, Skopje, 2010;

the states, Communication on the principles of forests – a set of principles that should contribute to the sustainable forest management in the world, United Nations Framework Convention on Climate Change and Convention on Biological Diversity[1]. Republic of Macedonia has ratified the Convention on Biological Diversity and United Nations Framework Convention on Climate Change; furthermore, the National Strategy for Sustainable Development of the Republic of Macedonia (2009 – 2030) was adopted in response to the challenges presented at the Rio Conference and contribution to the achievement of international obligations in order to encourage sustainable development[2].

Mindful of the severe poverty on Earth, aware of the brutal violation of human rights, aware of natural resources abuse and environmental pollution, by Resolution number 54/254 of the OUN General Assembly, a decision was made in 2000 to organize Millennium Summit on the "Role of the OUN in the 21th Century". Adoption of the Millennium Declaration at this Summit was of exceptional importance, as it has established eight goals, known as Millennium Development Goals (MDGs), which should be achieved by 2015. The MDGs are as follows: eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women**,** reduce child mortality, improve maternal health, combat HIV / AIDS, malaria and other diseases, Ensure environmental sustainability, and develop a global partnership for development[3]**.** These goals also cover the protection of the environment and especially natural resources protection, by preventing forest devastation, misuse of drinking water resources, strengthening international cooperation to protect the environment[4].

Activities of the OUN towards environment protection have continued with accelerated intensity in parallel with environmental pollution and destructions, in parallel with the growth of poverty and lack of elementary conditions for living, along with excessive exploitation of natural resources, etc.

Ten years after Rio Conference, in 2002, another very important international event on environment took place in Johannesburg, the Summit on Sustainable Development, attended by 22 000 people, representing

[1] http://www.un.org/geninfo/bp/envirp2.html [visited on: 27.07.2013]
[2] National Strategy for sustainable Development (2009 - 2030) http://www.moepp.gov.mk/WBStorage/Files/Nacionalna%20Strategija%20za%20Odrzliv%20Razvoj%20vo%20RM-NSSD%20Del%201.pdf [visited on: 27.07.2013]
[3] http://www.un.org/millenniumgoals/bkgd.shtml [visited on: 09.05.2013]
[4] http://www.un.org/millennium/declaration/ares552e.pdf [visited on: 07.06.2013]

member states, including also representatives of Macedonia, non-governmental organizations, specialized organizations, etc[1].

The OUN Secretary General of that time, Kofi Annan, identified five topics that required particular attention on the Summit, namely: water, energy, health, agriculture and biodiversity, being areas that involve complex interactions among ecosystems, social and environmental factors, covering different sectors, organizations and disciplines[2].

Rio+ 20 is the last OUN Conference on Sustainable Development held in 2012 and it has established sustainable development goals and highlighted seven priority areas in need for priority attention: decent jobs, energy, cities with sustainable development, safe food and sustainable agriculture, water, oceans and natural disasters[3].

The above mentioned conferences have great importance for environmental policy and they serve as guidelines for all countries to improve the environment in their countries, promote international cooperation, etc. However, the United Nations Development Programme, in cooperation with the funds and other specialized agencies of the OUN, by means of numerous activities under different projects, enables the countries to achieve better protection of the environment and sustainable development. Thus, in 2011, total of US$ 50.965.000 was spent on climate change, supporting developing countries to reduce greenhouse gas emissions and increase energy efficiency, US$ 17.998.000 on disasters and conflicts, assisting countries in post-conflict period, while an amount of US$ 25.619.000 was spent on dangerous substances and hazardous waste[4] . The mentioned activities are only a part of overall activities of the OUN aimed at protecting the environment and nature as precondition for good life and well-being, although they have not reached satisfactory level yet. It is worth to mention that the United Nations have provided great support to the Republic of Macedonia as member state, through its representative offices, contributing especially to the process of accession to the European Union, and to the protection of the environment through many projects dealing with public awareness, climate change and energy efficiency[5]. Republic of Macedonia has made certain progress in the international protection of the environment, by ratifying more than 30 international conventions and

[1] http://www.johannesburgsummit.org/html/basic_info/faqs.html#joburg1[visited on: 07.06.2013]

[2] http://www.un.org/esa/sustdev/publications/critical_trends_report_2002.pdf [visited on: 20.07.2013]

[3] http://www.uncsd2012.org/7issues.html [visited on: 07.06.2013]

[4] ANNUAL REPORT 2011, http://www.unep.org/pdf/UNEP_ANNUAL_REPORT_2011.pdf [visited on: 05.07.2013]

[5] http://www.un.org.mk/za-nas.html [visited on: 20.05.2013]

protocols in the areas of waste, air, nature, and it has concluded high number of bilateral agreements, contracts and memoranda for cooperation with the countries from the region and beyond[1]. The Ministry of Environment and Physical Planning is the key body for environmental policy making, and representatives of this Ministry, ranging from high level officials to civil servants, have participated in numerous international conferences.

4. Conclusion

The above mentioned international conferences have been among the most important conferences on environment held in the course of the last decades. The above text leads to the conclusion that the role of the OUN in the protection of the environment against pollution, after Stockholm, have been growing in strength from year to year from different points of view. Millennium Development Goals should be achieved, despite of the noticeable impact of the global economic crisis in this segment as well.

The support offered to developing countries through projects or otherwise has important value, primarily the financial support to developing countries towards administrative capacity strengthening, public awareness rising, encouraging the energy efficiency, in climate change domain, assistance to countries after armed conflicts, etc.

On the other side, member states should know how to apply for assistance and in which areas, in order to make efficient utilization of financial resources. Yet, the state authorities of member states should play the main role in pollution prevention, through drafting the legal framework, ratification of international conventions, protocols and other international acts, fulfillment and implementation of the obligations that derive from ratified OUN conventions, such as regular reporting on the state of certain environmental areas, participation in meetings, etc. Sustainable development of the environment should be listed among priority areas of each member state that endeavors towards clean environment, for the purpose of improving and integrating economic and social aspects of the environment. Only through good coordination, cooperation and fulfilled obligations established by OUN we can achieve progress in the area of environment.

Everyone needs to undertake appropriate measures and activities within their abilities in order to preserve the Earth.

[1] A guide for the citizens through the structure, authorizations and services of the Ministry of Environment and Spacious Planning, Skopje, 2010

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5. Piter Hju: *Poim za globalna bezbednost*; Skopje;

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5. http://www.uncsd2012.org/7issues.html
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THE BALKANS, THE NATIONAL COUNTRIES AND THE EUROPEAN INTEGRATIONS

EU AND REGIONAL COOPERATION IN WESTERN BALKANS

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Abstract

Joining the European Union (EU) has been the common goal of the Western Balkan countries[1] for almost two decades. Since they have small economies and low level of economic development, it is necessary for them to act together through various forms of regional networking and cooperation. The historical legacy, of both far and recent past, often represents an enormous obstacle to the development of mutual cooperation within this group of countries.

This paper explores the dynamics of the EU's policy of promoting regional cooperation in the Western Balkans. Special attention has been devoted on problems affecting the role of the EU as an "external actor" supporting regional cooperation. On the other hand, EU membership aspiration can bear significant transformations in the Balkan domestic scenes. It represents, for all the countries in the region, a good motive to correct the existing shortcomings; and creates new prospects for the future regional role of the EU and, what's more, it allows new considerations concerning the region's place in the European geopolitical sphere.

Keywords: European Union, Western Balkan, Stability Pact for SEE, SELEK, Regional Cooperation Council.

INTRODUCTION

Regional cooperation is a process that consents to various actors (governmental or non-governmental) to be engaged in building networks of interdependence and common action in different fields, ranging from security, economy, political, social, cultural spheres ect. Therefore, the nature of cooperation can be as broad as there are areas of governance and activities of actors.

This process in any region is the result of the interaction between external and internal dynamics. In the case of the Western Balkans (WB),

[1] According to the terminology approved by the European Union, the following countries are considered Western Balkans: Albania, Bosnia and Herzegovina (BiH), Croatia, Montenegro, Macedonia (Former Yugoslav Republic of Macedonia – FYROM), Serbia and Kosovo. Beside the Western Balkan countries, the Southeast Europe (sometimes called the Balkans) consists also of Bulgaria, Greece, Romania and Turkey; see: Milica Delević, *Regional Cooperation in the Western Balkans*, Institute for Security Studies. Chaillot paper, No 104, 2007, pp. 13–15.

regional cooperation has been a process mainly driven by actors from outside the Balkans, where the most important one has been the European Union (EU). After the violent break up of the former Yugoslavia, the international community has put a lot of efforts in stabilizing and developing the region, thus constantly focusing on the enhancement of regional cooperation as one of the main processes of success with this critical endeavor.

In this aspect, the Stability Pact for South East Europe (SPSEE), initiated in 1999, had the main objective to foster regional cooperation in economic, political and security terms. In this regard, SPSEE provided a significant contribution by offering a forum where WB countries and International actors could identify common problems of the region and formulate strategies to deal with them. Yet, the need for more enhanced regional ownership of its own affairs on regional cooperation, in order to reflect maturity of these countries, was felt as crucial. As a result, in February 2008 the Regional Cooperation Council (RCC) was launched in light of promoting self responsibility and with the main goal of stimulating regional cooperation and bringing the countries of WB closer to Euro-Atlantic structures.

Nevertheless, regional cooperation has become a key element in the WB, especially in the light of the Stabilization and Association Process (SAP) launched by the European Union. One of the main requirements and prerequisites of the Stabilization and Association Agreement (SAA) for progress towards EU membership has been regional cooperation. EU has also made conditional economic and financial assistance to the WB within their commitment to cooperate with one another. In the case of WB, it can be assumed that EU integration goes hand in hand with regional cooperation, and EU has been the main factor in stimulating regional cooperation in WB. All the WB governments are committed to EU integration, consequently EU has the leverage to foster cooperation among them. However, in order for the EU transformative power to be successful, it is indispensable that WB countries become key players and take ownership of this process.

Despite the fact that some progress has been made by the WB countries to improve regional cooperation and endorse owned initiatives, cooperation has not reached the desired level, and single country approach to EU integration has prevailed.

BACKGROUND OF REGIONAL COOPERATION IN WESTERN BALKANS

Cooperation among the EU and non-member states was considerably intensified in the 1990s when the European Community opted to develop “contractual” relations with the applicant countries in Central and Eastern

Europe (CEE). The Treaty on the European Union (Maastricht Treaty) states that any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them. The first step is the country to meet the key criteria for accession. These were mainly defined at the European Council in Copenhagen in 1993 and are hence referred to as 'Copenhagen criteria'. According to these criteria, a candidate country has to achieve stable democratic institutions, the rule of law, human rights and respect for and protection of minorities. Moreover, stable institutions are needed to guarantee the implementation of the political criteria necessary for accession. The economic criteria require the existence of a functioning market economy and the capacity to withstand competitive pressures and market forces within the EU. The Copenhagen Criteria also established the obligation of the candidate country to create the conditions for its integration through the adjustment of its administrative structures, so that European Community legislation, transposed into national legislation, is implemented effectively through appropriate administrative and judicial structures.

"Europe Agreements" were concluded with eight Central and Eastern European countries[1] and "Partnership and Cooperation Agreements" were signed with ten other countries that emerged from the former Soviet Union[2]. In the case of the WB countries, additional conditions for membership were set out in the so-called 'Stabilisation and Association process', mostly relating to regional cooperation and good neighbourly relations. Promotion of regional cooperation has been a common strategy of the EU since its involvement in the region, especially in regard to EU integration.

The SAP was launched in May 1999 by the European Commission as a cornerstone in the EU's approach to the WB. This process promotes stability within the region and facilitates a closer association of the WB countries with the EU, and ultimately assists countries in their preparation for EU membership. At the Zagreb Summit in November 2000[3], EU Member States and countries of the WB confirmed their commitment to the SAP. Essentially, the SAP has served as the framework for EU negotiations with all countries of the WB.

The SAP has three main aims:

• Stabilizing the countries and encouraging their swift transition to a market economy;

[1] Europa Agreements were concluded with Bulgaria, Estonia, Hungary, Lithuania, Latvia, Poland, Romania, Slovakia, Slovenia and the Czech Republic.

[2] Partnership and Cooperation Agreements were signed with Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Ukraine and Uzbekistan.

[3] That was the first Summit that brought together EU officials and the Western Balkans' leaders.

• Promoting regional co-operation;
• Preparing countries for EU membership.

The Thessaloniki Council, held in June 2003, encompassed the Second EU Western Balkans Summit. On this occasion, the EU opened the Community programmes to the SAP countries along the lines established for the participation of CEE candidate countries.[1] Declaring the EU's aim to make the Balkans an integral part of a unified Europe, the Thessaloniki summit confirmed that the "regatta principle" would be applied in the examination of each individual country's performance. This confirmed that the EU still regarded the region as a whole; nevertheless each country was given a chance to be rewarded individually for its progress. Acknowledging the individual component of the enlargement, at the Thessaloniki Summit the countries of the region committed themselves to enhanced regional cooperation and the promotion of a series of specific objectives and initiatives.

The individual modality of the SAP is executed through the SAAs that were meant to be signed in due course between the EU and each of the WB countries. SAAs provide the possibility for each country of the region to move at its own pace towards meeting the demands of EU integration. The political significance of the SAA lies in the fact that it grants the potential candidate the status to the signatory party, thus offering the key to its EU accession.[2] The SAA is seen as an entry strategy, and as an introduction of European values, principles and standards to the associated country.

The EU made regional cooperation compulsory for the countries of the region. Putting it as a prerequisite for EU integration, regional cooperation was expected to bring greater political and economic stability to the WB, therefore promoting a faster EU integration for the region but at the same time to prevent the enlargement from importing foreign policy problems into the EU. [3]

There is an implicit contradiction between the regional cooperation as a prerequisite for EU integration and the individual component of the EU enlargement policy that is a bilateral exercise, managed exclusively by the EU and each single country. This makes Western Balkan countries' bilateral relations with the EU far more important than those with regional counter-

[1] *Thessaloniki Agenda for the Western Balkans: moving towards European integration*, Thessaloniki, 16 June 2003. Available at http://europa.eu.int/ [Accessed on 15 December 2013].

[2] The Agreement is signed between a potential applicant state and the European Communities that are represented by the Commissioner for External Relations, together with the foreign ministers of the EU Member States.

[3] Milica Delević, *Regional Cooperation in the Western Balkans*, Institute for Security Studies, *Chaillot Paper* no. 104, July 2007, Paris, pp. 23-25.

parts and even more important than the relations of the region as a whole with the EU.[1] Also, it generated some uncertainty among the countries in the region, at least at the beginning, whether the EU integration was a real option or just a far mirage to compel them to cooperate among themselves, since EU integration was essentially a multi-speed process in the region.[2] Namely, the EU's General Affairs Council of May 2002 stated that "[t]he speed with which each country moves through the different stages of the SAP, taking ownership of the process, depends on the increasing ability to take on the obligations flowing from an ever closer association with the EU as well as compliance with the conditionality policy." That means that EU will use a "regatta principle" – each country to join EU when it is ready – and not a "caravan principle" – waiting while the others catch up[3] . The "regatta principle" implied also a risk of generating competition among countries in the region, especially during the last few years, dominated by EU internal crisis, and "enlargement fatigue"[4] in many Western capitals, which has also coincided with the global economic crisis.

AN OVERVIEW ON REGIONAL COOPERATION INITIATIVES IN WESTERN BALKANS: GENERAL PICTURE

South East Europe has seen a proliferation of initiatives and projects in various policy areas. A multitude of intergovernmental forums, regional tables, and political initiatives was developed in the WB, covering different fields, re-establishing regional dialogue and working, therefore, as a security net to prevent new political turmoil in the region.

The key strategic steering role in the region is played by the South East Europe Cooperation Process (SEECP)[5] which is a truly regionally owned and managed forum. It was launched in 1996 on the basis of a "Conference on Stability, Security and Cooperation in South Eastern Europe", autonomously organized by the Balkan countries themselves as a coordinative, political and consultative forum that aims to improve relations in the region and build an area of peace, security, stability and cooperation.

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[1] Vladimir Gligorov, *Southeast Europe: Regional Cooperation with Multiple Equilibria,* in *Integrating the Balkans in the European Union: Functional Borders and Sustainable Security* (IBEU Research Project), Working Paper n. 4.1., 2004, p. 2.

[2] Ibidem., p. 6.

[3] The metaphor was firstly pronounced by the Croatian President Stipe Mesić, as Milica Delević reports. See Milica Delević, op. cit., p. 33.

[4] Othon Anastasakis, Dimitar Bechev, *EU Conditionality in South East Europe: Bringing Commitment to the Process,* p.4. Available at http://www.cespi.it/

[5] There are 11 member states: Albania, Bulgaria, BiH, Croatia, Greece, Macedonia, Moldavia, Romania, Serbia, and Turkey.

The co-operation has been carried out in the fields of economy, politics, culture and ecology. The main goals of SEECP are mostly unfulfilled as a result of the lack of political will, bilateral disputes and membership in other similar initiatives.[1]

The most famous regional table, which created a multitude of regional initiatives and agreements within its framework, is the SPSEE. The SPSEE was EU's first official initiative to emphasize regional cooperation in order to stabilize the economic and security situation in the region. Namely, it became apparent that the countries in the region needed to establish bilateral and multilateral relationships among themselves, and therefore, the EU attempted to launch "a regional multilateral tool" for the region: the Stability Pact for SEE. Launched 10 June 1999, the SPSEE included pre-conditions for accession into the EU. The SPSEE replaced the previous policy in SEE with a comprehensive, long-term conflict prevention strategy. It became a political declaration of commitment and a framework agreement on international co-operation to develop a shared strategy for stability and growth in SEE. It provides the framework for the adoption and implementation of concrete measures from the EU, aiming at stability; political and economic prosperity in the Balkans.[2]

The SPSEE was structured as a coordination mechanism for promoting different kinds of regional cooperation in the region. SPSEE obliged the so-called post-Yugoslav states as well as Albania, the membership-aspiring countries, to forge and develop regional cooperation programmes, to further improve the internal Balkan relations.[3] The Stability Pact lays down a framework for cooperation between the European Union, the European Commission, the United States, Russia, Japan, Southeastern European countries, Turkey and other countries, including regional and international organisations and international financing institutions.

The SPSEE has been replaced by the RCC and inherited from the SPSEE the role of coordinator among different regional initiatives. The aim was to streamline the information and funds flowing between the international organizations and the Balkan countries.

Since the EU membership represents the common goal of all the countries in the region, regional cooperation has been developed under the more or less direct incentives of the EU and during the time it has covered fields such as:

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[1] Dusko Lopandić, Pero Petrović i Jelica Gordanić, *Multilateralna saradnja kao način unapređenja odnosa država Jugoistočne Evrope, u Srbija u Jugoistočnoj Evropi*, Dragan Đukanović, Vladimir Trapara (Eds), str. 19, Bepgrad, 2013.

[2] See:http://www.stabilitypact.org/ [Accessed on: 15 January 2014].

[3] Erhard Busek, Björn Kühne, *From Stabilisation to Integration*. The Stability Pact for South Eastern Europe (Wien: Bőhlau, 2010), pp. 11–23.

- Trade – e.g. through the enlarged Central European Free Trade Agreement (CEFTA), as renewed in 2006, which aims at liberalizing trade relations between Albania, Bosnia and Herzegovina, Croatia, Macedonia, Moldova, Montenegro, Serbia, and UNMIK on behalf of Kosovo under UNSCR124414;[1]
- Small and medium enterprise development – e.g. the Investment Compact for South East Europe, which supports the implementation and evaluation of investment reforms in South East Europe, operating with the OECD and the European Commission;
- Public administration reforms: the Bucharest Employment Process, which supports the review of national labour policies in the region; the Electronic South Eastern Europe Initiative (eSEE), launched within the Stability Pact with the support of UNDP and the EU[2], to promote the introduction of information and communication technologies across the diverse sectors of government, commerce, education and public life;
- Infrastructure – an example is the Infrastructure Steering Group set up in 2006 under the Stability Pact Working table II, and now under the coordination of the RCC;
- Transport – It represents probably the most developed sector of regional cooperation, counting many regional forums and agreements;[3]
- Energy – the most relevant example of regional cooperation in this field is the Energy Community Treaty between the EU and countries in the region; it entered into force in 2006, and created the legal framework for a regional integrated energy market for electricity and natural gas networks and for their integration into the EU market;[4]

[1] See: http://www.cefta.int/[Accessed on: 5 January 2014].

[2] Aleksandra Raković, „"eSEE'a not easy chalenge for South Eastern Europe, in Erhard Busek, Bjorn Kuhne (Eds), op.cit., 2010, pp149-153.

[3] Memorandum of Understanding on the Development of the SEE Core Regional Transport Network, signed in 2001, providing for reciprocal consultation on transport policies to cooperate for enhancing the regional transport network in SEE, and whose implementation is supported by the South East Transport Observatory (SEETO); the Agreement on the establishment of a European Common Aviation Area (ECAA), a EU-driven exercise extended also to the Western Balkans, that ensures high and uniform safety and security standards across Europe as well as uniformity in the application of competition rules and consumers' rights; the SEE Core Regional Transport Network, a EU framework cooperation for land transport; the Danube Cooperation Process (DCP), launched in 2002 within the Stability Pact.

[4] See http://en.wikipedia.org/wiki/Energy_Community [Accessed on 5 January 2014].

- Fight against organized crime – e.g. through Southeast European Law Enforcement Centre (SELEC, formerly the SECI Centre)[1], established in 2000 and transformed in 2011. It represents a case of a successful regional initiative. Its main objective is to provide support for Member States (MS) and enhance coordination in preventing and combating crime where such crime involves an element of trans-border activity. From an operational perspective, the new SELEC maintains flexibility and operational effectiveness, while enhancing the analysis capacity with a broader information system and an adequate level of protection of personal data in line with EU standards. The new Convention provides an international legal personality to the Center and also defines and sustains cooperation with other major international law enforcement organizations. SELEC operational activities are conducted within the frames of eight Task Forces (TF) addressing issues of drugs and human beings trafficking, stolen vehicles, smuggling and customs fraud, financial and computer crime, terrorism, container security and environmental and nature related crimes.[2]
- Fight against corruption – through the Stability Pact Anti-Corruption Initiative (SPAI), established in 2000 and aimed to help policy reforms in the SEE countries to eradicate corruption. In line with the transformation of the SPSEE into RCC and through a decision of the SEE countries, SPAI was renamed in October 2007 as the Regional Anticorruption Initiative (RAI). Its main task is to improve the coordination of all efforts in the region by adopting and implementing international anti-corruption instruments as well as implementing regional agreements, promoting good governance and reliable public administration, strengthening national legislation and promoting the rule of law, promoting transparency and integrity in business operations, promoting an active civil society and raising public awareness. The RAI has also tried to share best practices in fighting high-level corruption, assessing the regional anti-corruption needs and specific requirements, and promoting public-private partnerships in reducing the impact of corruption in the business environment.[3]
- Border security – through, for instance, the Migration, Asylum, Refugees Regional Initiative (MARRI), established in 2004 within

[1] Member States are Republic of Albania, Bosnia and Herzegovina, Republic of Bulgaria, Republic of Croatia, the Republic of Macedonia, Hellenic Republic, Hungary, Republic of Moldova, Montenegro, Romania, Republic of Serbia and Republic of Turkey.

[2]See http://www.secicenter.org/m115/Operational_Activities [Accessed on 15 January 2014].

[3]See http://www.stabilitypact.org/anticorruption/ [Accessed on 10 January 2014].

the Stability Pact to promote integrated border management systems in the region. Since July 2004 the initiative has been under regional ownership as part of the SEECP. The MARRI Initiative is governed by its participating states, Albania, Bosnia Herzegovina, Croatia, Republic of Macedonia, Montenegro and Serbia, who meet twice a year at the MARRI Regional Forum. The objective of MARRI is to enhance state and human security and initiate, facilitate and coordinate developments in the fields of asylum, migration, visa, border management and sustainability of return, meeting international and European standards.[1]

- Arms control – e.g. through the Regional Arms Control Verification and Implementation Assistance Center (RACVIAC) and the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).
- RACVIAC was established in 2000 and operates as a forum for regional dialogue and cooperation for arms control and confidence and security building measures; It was renamed as the Centre for Security Cooperation in 2007 and shifted its emphasis to a wide range of politico-military issues, including security sector reform, defense conversion and even fight against terrorism, the proliferation of WMD and fight against various forms of organized crime. Currently, its main activity is to organize seminars on many military and non-military issues, such as the Vienna document, disarmament, border security, search and rescue – SAR, private military security companies, NBC weapons etc. [2]
- SEESAC was established in 2002 as a joint project of UNDP and the Stability Pact.[3] SEESAC has been contributing to the Regional Implementation Plan on Combating the Proliferation of Small Arms and Light Weapons (SALW). SEESAC has successfully supported national and international stakeholders to reduce the threat posed by the widespread availability of SALW. Adopting a holistic approach to arms control, SEESAC's interventions encompass the full spectrum of activities, from awareness raising and SALW collection campaigns, to stockpile management, surplus reduction and improved marking and tracing capabilities. SEESAC's focus on prevention also

[1]See http://www.stabilitypact.org/marri/default.asp [Accessed on 10 January 2014].
[2] See http://www.racviac.org/about/mission.html [Accessed on 10 January 2014].
[3] Diman Dimov, "SEESAC – The South East European Small Arms Clearinghouse", in Erhard Busek, Björn Kühne (Eds), *From Stabilisation to Integration. The Stability Pact for South Eastern Europe*, op. cit., pp. 199-203.

resulted in increasing work on disaster risk reduction - supporting efforts to make countries more resilient.[1]

- Security and defense, for example the US-Adriatic Charter and The Disaster Prevention and Preparedness Initiative for SEE
- The US-Adriatic Charter (A-3[2] and presently A-5[3]) reflects the special relationship of some countries from the region with the USA. It was created in 2003 with the goal of creating a peaceful and stable SEE that would be completely integrated into the Euro-Atlantic associations. The participating countries believe that Europe will not be free and stable so long as its South East part is not completely integrated into the Euro-Atlantic associations. The initiative was created in the spirit of the 1998 U.S. Baltic Charter. The initiative supports participating countries to join the Euro-Atlantic associations through political, defense and economic cooperation among the partners and between them and their neighbors.[4]
- The Disaster Prevention and Preparedness Initiative for SEE (DPPI SEE) was established in 2000 by SPSEE in an effort to contribute to the development of a cohesive regional strategy for disaster preparedness and prevention for its 12 States.[5] DPPI SEE has been conceived as an activity that seeks to provide a framework for SEE nations to develop programs and projects leading to strengthened capabilities in preventing and responding to natural and man-made disasters. It also brings together donor countries and international governmental and non-governmental organizations to coordinate ongoing activities and identify unmet needs in order to improve the efficiency of national disaster management systems within the regional cooperation framework.[6]

The above mentioned instruments deal with specific domains of regional cooperation, and they were often established within broader regional initiatives that included different tables and multiple fields of action. Less frequently, regional cooperation was launched within specific agreements between the EU and countries in the region.

[1] See http://www.seesac.org/ [Accessed on 10 January 2014].
[2] Adriatic Charter partners -Albania, Croatia and Macedonia.
[3] The original A-3 - Albania, Croatia and Macedonia decided in September 2008 to invite Bosnia and Herzegovina and Montenegro to join the Adriatic Charter.
[4] See http://www.state.gov/p/eur/rls/fs/112766.htm
[5] Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Greece, Moldova, Romania, Serbia and Montenegro, Slovenia and Turkey. Available at http://www.dppi.info/dppi-see/aboutus [Accessed on 15 January 2014].
[6] See http://www.dppi.info/dppi-see/background

ESTABLISHMENT OF RCC - TOWARDS REGIONAL OWNERSHIP

It is a well-known fact that most of the regional cooperation initiatives were initiated in SEE/WB by external countries and not countries from the region. With the exception of the SEECP, all the regional initiatives established in SEE were externally driven, lacking therefore a fundamental component of "regional ownership"[1], awareness and responsibility. These externally driven regional cooperation initiatives have varied in intensity and scope over time: they first focused on resolving problems and establishing good bilateral relations with neighbors and later on institutionalized cooperation on a regional scale.[2]

This external initiation and pressure to cooperate was initially the best possible solution for the region, yet it also created serious problems in terms of achieving the required level of participation by countries from the region. It remained uncertain whether the countries in the region had sincerely acknowledged the virtues and the importance of regional cooperation *per se* or instead were just cooperating among each other, led by their final interest - joining the EU.

At a time of improving the security situation in SEE/WB, the external countries proposed an increase of regional ownership in many regional initiatives. As a result, the issue of the lack of "regional ownership" was faced and finally addressed by the Stability Pact's stakeholders in 2008, with the launching of the RCC as the successor of the SPSEE.[3] The RCC inherited the mandate of the SPSEE to oversee co-operation processes in SEE and to support European and Euro-Atlantic integration of the region. The RCC was established to provide a regionally owned cooperation framework to take over the role of the Stability Pact, and to provide the SEECP with operational capabilities.[4]

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[1] Regional ownership of the cooperation proces - willingness and ability of regional elites to identify initiatives of common and mutual interest and translate them into common projects. See.Milica Delević, op.cit., pp.7-8.

[2] Dimitar. Bechev. *Constructing South East Europe:The politics of Balkan regional cooperation*.. London: Palgrave Macmillan, 2011, p.61.

[3] RCC is the successor of SPSEE with the main difference being that it is led and financed 40% by the countries of the region and employs only people from the region unlike SP who was led and financed entirely by internationals. 40% are provided by regional members and the other finances come form the EU 30%, and the remaning 30% by other RCC participants.

[4] Stability Pact for South Eastern Europe/Regional Cooperation Council, J*oint Declaration on the Establishment of the Regional Cooperation Council (RCC)*, Sofia, 27 February 2008, Annex II, "Statute of the RCC".

In the capacity of the operational arm of the SEECP, the RCC with its Secretariat in Sarajevo took over the coordination of relevant initiatives and task forces inherited from the SPSEE According to its Statute, the RCC was supposed to function as a "focal point for regional cooperation in SEE", with the aim of providing "political guidance to and receive substantive inputs from relevant regional task forces and initiatives active in specific thematic areas of regional cooperation".[1]

The RCC has become a regional network organization that consists of 46 members from the region and beyond, including international organizations. The RCC wants to create all-inclusive cooperation at all levels and among all participants. The RCC adopted horizontal functions of supporting, monitoring, coordinating and streamlining of the regional activities with the aim of achieving enhanced effectiveness, synergy and coherence. It also helps regional initiatives to fill the gaps and reduce redundancies and overlaps.

The RCC work focuses on six priority areas for cooperation:

- economic and social development; energy and infrastructure;
- justice and home affairs;
- security cooperation;
- building human capital and
- parliamentary cooperation as an overarching theme.

The RCC maintains close working relations with all relevant actors in these areas, such as governments, international organizations, international financial institutions, regional organizations, civil society and the private sector.[2]

The Strategy and Work Programme 2014-2016 of the RCC, has been designed to respond to the needs of the region and add value to cooperation in SEE in the areas of joint interest. The strategy was prepared in close cooperation with the European Commission and other 46 RCC participants. It sets the RCC Secretariat's course of action for the next three years, and its core element is South East Europe 2020 strategy that is being prepared by the RCC Secretariat.[3]

[1] There are approximately 25 regional initiatives and task forces. All these initiatives are based in the region and supported by host governments. They are the backbone of RCCs work since each of them has some kind of status relationship with the RCC secretariat.

[2] See http://www.rcc.int/pages/6/2/overview [Accessed on 15 January 2014].

[3] See http://www.rcc.int/admin/files/docs/reports/RCC-Strategy-and-Work-Programme-2011-13-text.pdf [Accessed on: 15 January 2014].

CONCLUSION

Western Balkans regional cooperation has been a process mainly driven by actors from outside the Balkans, where the most important one has been the EU. After the violent break-up of the former Yugoslavia, the international community has put a lot of efforts in stabilizing and developing the region, thus constantly focusing on the enhancement of regional cooperation as one of the main processes of success with this critical endeavor.

In this aspect, the SPSEE, initiated in 1999, had the main objective to foster regional cooperation in economic, political and security terms. In this regard, SPSEE provided a significant contribution by offering a forum where WB countries and International actors could identify common problems of the region and formulate strategies to deal with them. Yet, the need for more enhanced regional ownership of its own affairs on regional cooperation, in order to reflect maturity of these countries, was felt as crucial. As a result, in February 2008 the RCC was launched in light of promoting self-responsibility with the main goal to stimulate regional cooperation and bring the countries of WB closer to Euro-Atlantic structures.

Nevertheless, regional cooperation has become a key element in the WB especially in the light of the SAP launched by the EU. One of the main requirements and prerequisites of SAA for progress towards EU membership has been regional cooperation. EU has also made conditional economic and financial assistance to the WB, with their commitment to cooperate with one another. In the case of WB, it can be assumed that EU integration goes hand in hand with regional cooperation, and EU has been the main factor in stimulating regional cooperation in WB. All the WB governments are committed to EU integration; consequently EU has the leverage to foster cooperation among them. However, in order for the EU transformative power to be successful, it is indispensable that WB countries become key players and take ownership of this process. With the exception of the SEECP, all the regional initiatives established in SEE were externally driven, lacking therefore a fundamental component of "regional ownership", awareness and responsibility. The need was felt for a more regionally owned framework to reflect the increased maturity of the region. The issue of the lack of "regional ownership" was faced and finally addressed by the Stability Pact's stakeholders in 2008, with the launching of the RCC as the successor of the SPSEE. The RCC adopted horizontal functions of supporting, monitoring, coordinating and streamlining of the regional activities with the aim of achieving enhanced effectiveness, synergy and coherence. It also

helps regional initiatives to fill the gaps and reduce redundancies and overlaps.

Regional cooperation should not be only formal precondition in the process of joining the EU. It should present the ability to finish successfully the transitional period. Regional cooperation should not be "externally driven"; it should be driven by the region itself. The WB countries should continue the process of regional cooperation through the various regional initiatives and should try to create its own initiatives and find possibilities for new forms of cooperation. The WB countries should realize that regional cooperation is a benefit *per se*.[1]

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THE INTEREST OF THE STATES FOR MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS: CASE OF THE MACEDONIAN INTEREST FOR MEMBERSHIP IN NATO

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Abstract

This paper aims to explain the motives and interests of states for membership in an international organization. The main argument is that even small states that appreciate the unique role of regional organizations as an arena in a multipolar system are unwilling to downplay their highest national interests. The case study puts the Republic of Macedonia in its focus i.e. its aspiration for membership in NATO vis-à-vis its other national interests. In order to prove the basic thesis we explore several issues, while the central one would be focused on NATO's characteristics and roles in the international relations and the interests and expectations of the Republic of Macedonia from the membership status. Briefly, we also elaborate systems of international relations as well as the mutual dependence of the survival of the international organization and the change of the system of international relations, modification of the objectives of the international organization and the change of the national interests of member states. At the end, the conclusion wraps up all considerations that have direct impact and significance for Macedonia's wish to join NATO.

Key words*: international security, international organization, NATO, Macedonia.*

INTRODUCTION

NATO is an inter-governmental regional organization of equal members. If we get into a deeper analysis of the NATO's role as an

international organization, and the interest for full membership in this organization, it is necessary first to determine what role the international organizations may play. Archer identifies three main roles of international organizations: **the role of instrument** (tool of its members), the **role of arena** (place where the states communicate) and the **role as an independent actor**. Analysis of the international organizations as an instrument from the point of view of their members does not necessarily rely on the thesis that any or all decisions made must be obvious in terms of the interest of each member-state. However, in no case the instrument will be used as a weapon against them. With respect to the second role of the international organization as an arena, the most frequent examples are given from the position of the small and weaker states. While the role instrument is more appropriate for the great and powerful states, the role of arena is more useful for small ones. In the case of NATO, these two roles are intertwined. The main reason lays in the right of veto which every full member of NATO has, including the less powerful states. The most explicit example is Greece's veto with regard to the Republic of Macedonia's membership bid: she obviously uses NATO as a tool to achieve her own political and national interests. This can be illustrated by the developments at the Bucharest Summit and the ruling of the International Court of Justice that confirmed that Greece had used its right of veto to block Macedonia's NATO membership and thus violated its obligations under the 1995 Interim Accord (International Court of Justice (No 142) 2008).

The role of an actor any international organization may play only if it represents an entity that can be clearly distinguished from the states that have established it. The identity of NATO has not always been built in accordance with its already set objectives and the activities. One such example was the military intervention in Kosovo (FR Yugoslavia) because NATO had not been entitled to use enforcement by the UN.

INTERNATIONAL ORGANIZATIONS AND STATES' INTEREST FOR MEMBERSHIP

In the broadest sense of the notion, the international organizations are institutionalized forms of international relations established on a voluntary basis (Avramov and Kreca 2003). In contrast to this broad definition of international organizations, Archer has different approach. According to his opinion, an international organization should be defined through examination of its essential characteristics and the elements that are important additional factors for their differentiation.

According to realists, international organizations exist for the purpose of channeling of their member states' interest (Vukadinović 2004). They are

policy instruments of sovereign states. Neo-realists go one step further, adding that international organizations reflect the policy of hegemony of the strongest(s) member(s) (Archer 2003). Thomas Mowle argues that the states' behavior refers to the international organizations as "temporary marriages of interest" (Mowle 2004). Through these institutions, small states maximize their relative power positions while the powerful ones use these organizations as long as they can fulfill most of their national interests.

According to the institutional liberalists, international organizations are a foundation of the international stability and they are solution for the international anarchy in which the nation-states exist. Neoliberals believe that the creation of an international organization can enhance cooperation. On the other hand, realists believe that this is not a false statement but rather a false solution for the international problems, because the states will create an organization or will join only if it provides a tool to pursue their own interests. In today's developed world of international relations, in which there is a huge number of international organizations with different goals and activities, these claims cannot be applied in an unspecified number of cases. However, this paper is focused only on a regional international organization - NATO - hence all theoretical debates in this paper will be applied to this international organization.

THE LINK BETWEEN THE SURVIVAL OF AN INTERNATIONAL ORGANIZATION AND THE PURPOSE FOR WHICH IT HAD BEEN ESTABLISHED

Along with the changes of the system of international relations the reasons and factors for which this international organization had been created, change as well. However, the reasons and factors may disappear within the same system of international relations in which that organization had been founded. In both cases, the goal of the international organization, determined by some causes and factors, becomes irrelevant; hence, the international organization will either gradually fade or it will adapt to what it finds a new order of existence and will begin its transformation or redefinition.

In the case that is the subject of this study, even though the reasons for the existence of NATO (providing security protection to Europe from the Eastern bloc countries) do no longer exist, all uniting factors remained relevant (protection of the liberal values, cultural and religious similarity, the fear of the possible rise of Russia). These factors represented only a unifying cause for the triumphant Alliance (from bipolarism era) to begin its transformation and to create a new relevant agenda that would justify the need for its existence.

After the 9/11 terrorist attacks, the conditions for finding new causes for action and goals of the Alliance have been created. Consequently, the Alliance continued the transformation into a new direction.

The main reasons for the existence of the Alliance since the beginning of the transformation of the altered system of international relations are the following:

- Guarantor of security to the former socialist countries
- Guarantor of the Identity of the Western world
- Instrument for dealing with potential new threats

What is also worthwhile highlighting here is the role of the international organization as an arena. Bringing officials together, international organizations help to activate potential coalitions in world politics. (Barton 2000). Hence, one can infer that weaker states need an international organization that can enable them to debate on equal terms with the stronger states and develop closer ties with them, even when the purpose of the action of the international organization is no longer associated with the national interests. In fact, this is one of the fundamental interests that explain Macedonia's aspiration for membership to NATO.

This transformation has not yet been completed. The reason lies in the repositioning by the stronger member states at the new world map, and the redefinition of the national interests of the Alliance members in the changing international relations. The NATO members have shown interest that the organization is preserved, but its organizational form and the activities will depend on their national interests. The future of the Alliance is now even more connected with the interests of its members with the decision and the right of veto that each member state has.

THE RELATIONSHIP BETWEEN THE SURVIVAL OF THE INTERNATIONAL COMMUNITY AND THE COMMON INTERESTS OF THE MEMBER STATES

The interests of the members of an international organization are of primary importance for the survival of the organization.

According to the realists, states live in anarchic environment. Their goal is survival, and the means by which they struggle for survival is their power (military, technological and economic fabric) (Gedis 2003). For them, international politics is a battle for power. In this battle, the states, can act alone, or, if their national power is not sufficient, they may try to achieve their interests through alliances. Alliances are much stronger if there is a formal cooperation among states. In other words, alliances are much stronger if they are founded as international organizations and organizations become tools such as their creators intended to be when created (Haas 2000).

The moment when the national interests of other threaten the national interests of a country allied countries, and its national power is sufficient to pursue their own interests alone, it will come out of the alliance. If this is the case with the strongest or stronger members of the organization (withdraw from organization), the international organization loses its function and importance in international relations. If this is the case with the weaker member of the international organization, it will use all mechanisms in protecting its national interests that the membership in the organization provides. National interests of the weaker party will be protected and realized only if it does not threaten the national interest of the stronger states. This claim is fully applicable in the case of Greece's opposition with regard to the Republic of Macedonia's membership in NATO. Protecting its national interest Greece exercised its right to veto and blocked Macedonia's full membership to NATO (despite their obligations under the Interim agreement).

However, Greece, taking into account the non-binding application of international law on the international organizations, uses all mechanisms which NATO offers to prevent Macedonia's full membership. In other words, Greece used (and still uses) all mechanisms that the membership in this organization provides in order to impose its national interests with regard to Macedonia- which, in this case consists of a demand for change of the state's name, and thus, the identity of the state and its nation. This particular interest of Greece was non-confronted interest of national importance to any larger and more powerful NATO member state. Hypothetically, if the U.S. would have had their national interest related to Macedonia's full membership to NATO that would have been stronger than the Greek one (in terms of geostrategic interests), Greece would have probably lost this battle, i.e. either the United States would have left the alliance in order to meet its too important national interest, which would have put the future of NATO into question (less likely alternative), or Greece, put under the pressure of the stronger states, would have simply had to withdraw from its policy. However, neither the United States nor any other powerful European country had such an interest, and the national interest of Greece turned into policy of the alliance. For Greece, in this case NATO is an instrument for achieving its national interests. The equation is simple. The expectations were probably in line with the thesis that Macedonia had a strong national interest to become NATO member-state, and would thus be ready to give up one of its basic interests - its national identity.

The question to which we inadvertently come is whether the interest for Macedonia's membership to NATO is stronger than the interest in for preserving its own identity and keeping its name. In order to give an answer

the question first we must explain what the essence of NATO membership is and what this organization offers to its members. Thereby, the answer should be put in the context of Macedonia.

However, more important for our case is to examine how successful is this organization and consequently, how attractive the membership status becomes for the potential candidates. The analysis of the effectiveness and legitimacy of NATO as an **international military-political organization,** NATO shows solid results. The membership in the organization has expanded while there are announcements of its further enlargement. However, it should be recognized that the process of enlargement causes complications when it comes to the decision-making procedures, formulating reasonably homogeneous standards, operating procedures, and bridging the great divide between the different national forces. This problem is more worrisome for the strong rather than for the weaker members; however, while this problem does not threaten the viability of NATO as an international organization, it affects NATO military assets. Macedonia's interest for membership in this organization is entirely obvious. From the position of a small and weak state, which would find it much more difficult to exercise its political interests on its own, membership to this organization can increase its relative power and hence create better conditions for the fulfillment of its own policies, which are to great extent, in same direction, with the policies of this organization. The membership in the most powerful military organization as well as a strong political organization represents an irreplaceable national interest for Macedonia in regional terms. Yet it is not an issue of survival – this thesis we will addressed in more detail later in the paper.

If we discuss the **NATO position in terms of the North Atlantic Treaty** it can be said that with the collapse of the USSR the meaning of Article 5 was lost, given the fact that the strong security guarantees were a product or an answer to the Soviet threat. At present time NATO member states do not face real military threats in the traditional sense of the word. Yet, at the same time it remains difficult to assess what would be the possible new security threat in the future, against which the Article 5, i.e. the collective defense system could be activated.

However, the countries of the former Eastern bloc, which joined the Alliance, found the most interest in the security guarantees provided by this article. Security guarantees remain interesting for membership in this organization for countries like Macedonia, Georgia, and Ukraine. In this sense, Article 5 of the NATO treaty has not completely lost its meaning although it must be emphasized (at least in the case of Macedonia) that Article 5 has more psychological than real importance. This claim stems from the fact that Macedonia is surrounded on three sides of its border with

the states of NATO member countries, while on the North border by bounded with two democratic states, which are now unlikely to be attacked.

If you consider NATO as **integrated military command** structure, it seems its reform represents a huge challenge. The NATO role as the world policeman was not fully respected nor from its members, and much less from the other countries around the globe. In this section regarding Macedonia's interest and its involvement in NATO, it can be concluded that although Macedonia is not member of NATO, according to figures the percentage of its presence in NATO missions is even more prevalent as compared to the most NATO countries.

If we analyze **NATO as a security organization**, in the context of the fact that use of force among member States within NATO is excluded we can begin with the question whether the U.S. would ever fight with Germany or France. Would France ever fight against Britain or Germany? These questions seem too absurd. The war among the North Atlantic Treaty states is something that cannot be imagine. Nevertheless, given the fact that war is a 'serious business', this issue deserves brief elaboration. According to the realistic view, states behave rationally and they cooperate as long as the interest of cooperation is greater than the damage. In this case, European countries and the American partner have greater interest in cooperation (military, security, economic) than in termination of the partnership. The conflict interests on certain issues have not being strong enough in comparison with the benefits that both parties receive from cooperation.

Another theory is also in favor of this assertion is liberal democratic peace theory, according to which democracies do not fight each other. Democracy is a system of de-concentration of power and de-concentration of power means possible veto from many parties and groups that could block war. In theory, democracy works through compromise, non-violence and respect for rule of law (Jervis 2001).

The non-aggression treaty allows member states of the Alliance of its security strategy to exclude as a threat to their own security other allied countries. Macedonia's greatest interest for full membership in NATO should perhaps be considered in this context. However, even without any real threat for attack from any neighboring country, membership in the Alliance would give psychological relief to the citizens in relation to any fear from neighborly conflicts. This is the point where we can start the debate about Macedonia's interest for NATO membership, at the expense of its name and identity. Arising from the fact that the theory for a democratic peace is credible, and Macedonia's neighboring counties of are democratic, then the 'survival' as basic state interest, is not jeopardized. In other words, since the survival of the state as its highest interest for existence is not

threatened (given all its neighboring states are democracies), Macedonia is not put in a position to have to give up its basic national interest - its identity.

If we consider **NATO as a community of nations** united by common democratic values, we will agree that the countries of the transatlantic community are democracies with free market economy (Lindberg 2005). As such, they are ready to accept states in their 'family' based on the same grounds. In this context, NATO as a community of nations united by common democratic values had (and still has) major role in the democratization of the former socialist countries, which have had aspirations to join the alliance (here we include Macedonia as well).

Regarding the review of **NATO as a political mechanism for institutionalized transatlantic cooperation**, more and more authors are proponents of the thesis that NATO will transform into a political debate club. Such statements are based on the fact that the transatlantic allies increasingly use the organization as a place where they outweigh their differences rather than as an actor in international relations. With the continuous expansion of the organization in which each state has a veto, the organization is characterized by an ever more slowness in making decisions related to NATO activities.

In this brief but hopefully concise analysis, it is clearly shown that NATO serves for different purposes to its members that go beyond the objectives of the organization. Many of these secondary agendas help explain why the current NATO Alliance is committed to continue to exist and why there are still countries that aspire to join it.

THE FUTURE OF NATO AND MACEDONIA'S NEED FOR FULL MEMBERSHIP

In the literature, there are different scenarios regarding the NATO future. Some of them predict that NATO will cease to exist as an international organization. Others predict 'Americanization' (policy of use of hard power) or 'Europeanization' of NATO (soft power). Some also foresee revitalization of this unique transatlantic international organization and widening of the areas and spheres of interest the organization has.

One is certain – NATO will continue to transform itself. The transformation will probably go in the direction starting from mainly military organization to mainly political organization. NATO will increasingly transform from being an international actor into arena, forum for issues of interest to the states of the transatlantic community. It is our opinion that NATO will preserve its strong role in the following areas:

- **Facilitating the progress and consolidation in the regions of Eastern and Southeastern Europe** as well as their integration in the Euro Atlantic structures. The experience gained in the past years demonstrated

that there are still some places in Europe and in the Balkans, for example, where NATO is needed. However, having in mind that there are still some unsolved conflicts that might again endanger peace in the Balkans, NATO presence means a serious and credible warning to those that want to jeopardize peace. This role of NATO has special significance to Macedonia. Having in mind the 2001 conflict the danger of internal destabilization as well as the unsolved issues with the neighbors the Macedonian aspirations for NATO membership – even if they are only declarative, without too big interest to become real, does counterbalance or at least narrows the possibilities to those that aspire to jeopardize peace and Macedonia's sovereignty. Perhaps, the role that NATO has had in the region - and presumably will have in future, is one among the primary interests for Macedonia's full membership in this organization. However, as long as the Macedonian government maintains constructive cooperation, NATO will continue to play this role supporting the stability and progress of the country, without Macedonia necessarily becoming its full member. In other words, the interest for full NATO membership for Macedonia will not become stronger than the preservation of its own identity, since, even without full membership, NATO will keep its role in the region.

- **Guarantee of security (military, political, psychological).** In terms of military security, NATO continues to play a major role. NATO remains the most powerful military organization than any other state, organization or potential alliance. Although NATO has no declared mechanism for dealing with politically destabilized countries, however the values that organization is underlying in some way represent a control mechanism to political leaders in discouragement of use of undemocratic methods. Psychological dimension, as a guarantor of security is related to perceptions of potential threats. The first part refers to the perception of citizens about their mutual relation with some other member states and maintaining their alliance relationship (e.g., Germany and Poland, Greece and Turkey) while the second is related to actual threats and their potential perpetrators that would easier try to steal the security outside of the Alliance rather than to NATO member country. This role of NATO in comparison with the first listed in the research in relation to its member states is very different, but for Macedonia, both are too similar and have a similar impact.

The difference is in the position of Macedonia as a country outside of the organization and as a country within the organization. The role of NATO would be even stronger for the Macedonian national interests, if/when the country would become full member. Here we must add the fact that perhaps the biggest benefit that Macedonia would receive from the full membership is the psychological security that is very important especially for capital and investment inflow. As a country that cooperates constructively, as a partner country, Macedonia has generally no serious external security threats and the internal ones are minimized, but this is not enough for investment sensitivity.

- The role of NATO as an international organization (actor, arena and instrument). The role as an actor gradually decreases in international relations (due to the disappearance of reasons and factors for which this organization was founded), but the role of the arena remains significant. NATO as an instrument, in terms of realization of the interests of its members, is found to be relevant not only for the powerful countries in the alliance but also for the weak too, who find interest in the position of equality with other states and guarantees that NATO gives to its members. This role is in close relationship to the next one.
- Shock absorber in divergences among some allies in Western Europe. This role of NATO is important for European countries, which in France and Germany see potential forces for dominance in Europe. These two roles of NATO, from Macedonia's position are less relevant when it comes to fulfilling the additional criteria/request by NATO to overcome the dispute with Greece, which means real change of name and identity. Although Macedonia would have undoubtedly benefited from these two roles of NATO however, they are not of great national importance.

CONCLUSION

The purpose of this study was to answer the main research question: when is a state willing to give up its basic national interests for membership in an international organization? The Republic of Macedonia's membership in NATO and the dispute over the name and its identity (as additional criteria) was given as example. All previous theoretical proofs, concerning the interest of the states for membership in an international organization lead towards a conclusion that the states are willing to give up some of their basic/life interest only if there is a real threat to their survival. Many countries meet their own interests through international organizations. Hence, if potential interests that a country wants to achieve have lower values than those the country/nation would have to give up or lose, the state will not become member of a particular organization.

In the analyzed case, many factors influence the behavior of Macedonia despite the huge pressure to change its name. The main findings of this study may be summed up in the following way:

- Firstly, the change of the system of international relations and the general role of the international organizations has induced a challenge of adequate redefining and transformation of NATO. Given the fact that the transformation is an on-going process, the Republic of **Macedonia still has the time to see what kind of transformation will take place and whether that transformation will additionally strengthen its interest in full membership in the Alliance.**
- The dual role of NATO, being an arena and an instrument for its members, whether small or large - is of great interest to Macedonia, which belongs to the group of small countries. However, under no

circumstance does that interest exceed the effect from the condition / requirement the country is asked to meet.

- The role that NATO has, and will have in future, as a guarantor of security and mechanism for countering possible threats - as much as in interest of Macedonia in terms of its full membership status, is already achieved without full membership, through the constructive cooperation that Macedonia provided to and accomplished with this organization. The difference between full membership and associate membership (as a single aspirant) would have a major impact on the psychological effect to the citizens and the sensitive capital.
- **Finally, the basic national interest, which consists of territory, population, resource and identity of states (in other words - which is tied to the survival of the state and statehood) in no case, can be replaced with achieving political and even economic interest.**

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THE RULE OF LAW – DETERMINANT FOR EFFICIENT REFORM OF THE SECURITY SECTOR IN THE REPUBLIC OF MACEDONIA

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Abstract

Strengthening of the security system and achievement of high level of cooperation and coordination of all subjects that constitute this system, in contemporary conditions presents necessary precondition for successful combating of risks and threats against national security of the Republic of Macedonia. These risks and threats in the Strategy on national security of the Republic of Macedonia are identified as unconventional, unpredictable and unexpected and actually asymmetrical with massive consequences and loss in manpower, technical assets, basic material values and capacities.

The issue of positioning, functioning and competences of security and intelligence services and agencies in Republic of Macedonia up to now was partially treated. On the other hand, this matter was legislatively covered by legal provisions that normatively was partially covered, and greater part of the matter on functions and authorizations of security and intelligence services, that to a certain extent meant restriction of constitutional rights and liberties of citizens of the Republic of Macedonia, were covered by bylaws that appeared as basic lack and left space for dilemmas regarding legality in action of these services.

Having on mind the extremely big importance for protection and respect of constitutional liberties and rights of the citizens of a contemporary state that claims for NATO and EU membership, it is needed to have efficient reform of the security sector in Republic of Macedonia, where rule of law would have central position in frames of their work.

Keywords: *rule of law, reform of security sector, intelligence and security services, management, constitutional freedoms and civil rights*

INTRODUCTION

Strengthening of the security system in the achievement of level of cooperation and coordination of all the subjects that constitute this system in contemporary conditions represents an important precondition for successful combating of risks and threats against national security of the Republic of

Macedonia identified in the Strategy on National Security as unconventional, unpredictable and unexpected and actually asymmetric with massive loss of people, technical assets, basic material values, capacities and unequal.

The issue of positioning, functioning and competences of security and intelligence services and agencies in the Republic of Macedonia up–to-date was treated partially, this matter legislatively was covered with legal provisions that to a certain extent standardize this area, and bigger part of matter on functions and competences that these security and intelligence services had, and to a certain extent meant restriction of constitutional liberties and rights of citizens of the Republic of Macedonia, were regulated by bylaws that appeared to be one basic lack and left space for dilemmas regarding legitimacy in acting of these services.

In that respect functioning of the Directorate for Security and Counterintelligence as internal security service is regulated by the Law on Internal Affairs, the Intelligence agency as intelligence agency by the Law on Intelligence Agency, and the Military Service for Security and Intelligence as intelligence service in defense field is regulated by the Law on Defense.

Current model of existence of two services, one internal security and other external intelligence, in conditions of limited capacities and increased use of unique performance and coordinated acting by two components for efficient coping with new contemporary risks and threats, especially from terrorism acts, showed to be not enough successful and efficient in achieving tasks in front of it.

Strategically defined goals for integration into NATO and the European Union and commitments for harmonization of legislation of the Republic of Macedonia with the European Union in the security sphere require finding the most acceptable models that will make the system compatible to the European and able to actively participate in the joint action of international community against terrorism as an evil of the modern world.

Although there is no single model of the structure and functioning of security systems in Europe and worldwide, and determining patterns of operation are left to the disposition of each state, the dependence on its circumstances, environment and needs, in contemporary conditions there are evident certain developments in this area and have commonly differentiated basic principles and directions in organizational structure and activities of the intelligence and security services in the world.

In this regard it is important to point out several moments that indicate the approach of the strategies and concepts of national security and the rising of certain principles at the level of basic principles of operation of modern security and intelligence services.

First, there is an evident need for these services to remove the veil of secrecy that was main feature of the past and bring them closer to the citizens , of course with limitations arising from the specific function performed by these services. Furthermore, there is a trend of complete legal regulation of this matter by defining the measures and procedures for secret collection that are available to these services. Given the possible restriction of freedoms and rights of citizens with measures taken by these services, control and oversight by parliament and judicial bodies occurs as a major precondition and guarantee of the legality of their acting. Finally, the basic tenets that modern security and intelligence services base upon are their openness to cooperation and exchange of intelligence and information internationally which ultimately affects the way of their organizational establishment and how they perform their functions.[1]

Hence, the current reform of the security sector is striving to complete the legal framework for the operation of security and intelligence services in the Republic of Macedonia with the introduction of a new model of two services one civilian and one military.

The main objective of the reform of intelligence and security services is setting the foundations of a comprehensive, integrated and modern security system which will clearly state the position and role of stakeholders in the system, avoiding the possibility of overlapping of their responsibilities and institutionally resolve the form and way of cooperation and coordination of all security and intelligence services in the country.

Building of contemporary security system of Macedonia capable to become a significant factor in the international community against all threats that endanger or affect the safety of the country and the peaceful and smooth functioning of democratic institutions system is common, that is generally stated objective of which individual goals arise to achieve legal reform of the security sector:

- Overcoming the identified inefficiencies in terms of the competencies of each service , their overlapping and resolving conflicts of competence;
- Unification of security and intelligence component in one unique service within the Directorate for State Security to increase the efficiency and rationality in the use of material and human resources;
- Unique and comprehensive definition of the powers that security and intelligence services have especially in view of the possibility of using measures and activities for covert collection;
- Limit the possibility of arbitrary and voluntary use the powers that security - intelligence have and overcoming all doubts and

[1] Draft Law on security and intelligence services, September, 2010

ambiguities regarding the possible overstepping their powers, especially in terms of taking measures that limit the freedoms and rights of citizens of the Republic of Macedonia in the Constitution;

- Expansion and strengthening of supervision and control over the work of security and intelligence services, especially in terms of military security and intelligence who had been out of civilian or parliamentary control;
- Strengthening of the cooperation between security and intelligence services;
- Strengthening of international cooperation and the establishment of basic principles and mechanisms for achieving it.

The draft Law on Police from September 2006 represents a radical turning point in police activity in the Republic of Macedonia. Until this year, the primary responsibility of the Ministry of Interior, the scope of work, organization, and specific duties and powers and the rights and duties of the officials were regulated by the Law on Internal Affairs[1]. Pursuant to the provisions of the Law on Internal Affairs workers who had special duties and powers were determined to be authorized officials, authorized to apply prescribed means and methods. However, the established practice of organizational and functional structure of the Interior Ministry, which was a sort of constituent phase in the process of forming a modern and professional police organization, whose goal is to perform successfully and efficiently its functions and establishing new relations in the sphere of internal affairs, it was also aimed to determine the subsequent changes in the function of the Ministry, the determination of the scope of work, organization, mode of operation and improving performance of police functions.

The overall implementation of reforms in the sphere of security, in which the Republic of Macedonia unequivocally expressed its orientation towards democratization of police and its functioning as a service to citizens as well as the basic principles and tenets on which it bases democratic society in general, imply a need for regulating police activities and responsibilities with a separate law. Placing the Law on Police in central legislation regulating the security sector issues, and promoting the category police officer, besides already mentioned category of authorized official, confirms the overall effort to distinguish the commonly spread meaning that this term has from different aspects within a democratic society, in order to provide a uniformed, fair and predictable treatment of police officers towards citizens in society. Also international instruments regulating and guaranteeing fundamental rights and freedoms of individual and citizen, and in particular the Universal Declaration of Human Rights adopted by the

[1] Official Gazette of RM n.19/95,15/97,55/97, 38/02, 13/03,19/04 and 51/2005

General Assembly of the United Nations on 10 December 1948, the International Covenant on Civil and Political Rights, in particular the Convention on protection of Human rights and Fundamental freedoms (signed on 4 November 1950 in Rome, and entered into force on September 3, 1953), which the Republic of Macedonia ratified in 1997[1], implying a need to enact a law that would regulate police activities, or police powers and actions of the police officers and the means of organizing the police in different countries.

Simultaneously, in the process of approximation and harmonization of national with the European Union legislation, the Republic of Macedonia, with the proposed law follows the intention of establishing common European principles and guidelines for overall objectives, competencies and responsibilities of the police, aimed at ensuring the safety and individual rights in a democratic society[2]. At the same time the reform process of police took account of the obligations that the Republic of Macedonia has as a member of the Council of Europe, to comply with the recommendations and guidelines of the European Code of Police Ethics and Police European Charter, taking into account Recommendation (2001) 10 adopted by the Committee of European Council of Ministries the Council of Europe on 19 September 2001, aimed at achieving greater unity among member states of the Council of Europe, through incorporating the provisions of the European Code of police Ethics, under the national legislation, and practice codes of behavior of the member states.[3]

Amendments and alterations to the Law on Internal Affairs in May 2012[4] were proposed for the purpose of its compliance with the Law on Criminal Procedure[5] and creating preconditions for normative reference to send police officers in the investigation centers of the public prosecution. This created normative assumptions editing method of achieving cooperation between the Ministry of Interior and the Public Prosecutor's Office by signing a cooperation agreement, which will govern all necessary questions

[1] Law on Ratification of Convention for Protection of Human Rights and Fundamental freedoms and the First Protocol, Protocol n.4, Protocol n.6, Protocol n.7 and Protocol n.11 to the Convention MD-11/97 and Law on ratification of Protocol 12 to the Convention MD – 30/04 and Convention for Abolition of all kinds of Women discrimination from 1979

[2] Group guidelines for protection of all individuals that are under any form of detention and arrest – 1988 and Basic Principles of UNN for use of force and fire weapons by police officers - 1990

[3] Draft Law on Police, September 2006, p. 46 - 47

[4] Law was passed 2009, three amendments and alterations are passed since than in contents

[5] Official Gazette of RM 15/10

regarding sent police officers. These normative assumptions basically established the following new legal institutes:

1 – **Deployment** - mechanism of sending a police officer with deployment order into investigating center of the public prosecutor, selected to perform duties for limited time in accordance with the law. The police officer to be deployed to the investigating centre of the public prosecution will perform their rights, duties and responsibilities under conditions and procedure stipulated by law or collective agreement. The law specifically protects this group of officials by the formulation that they cannot be assigned to another job while deployed in the investigating center of the public prosecution.

2 - **Order for executing the immediate, urgent and specific tasks** - a mechanism by which the Minister or a person authorized superior may issue a written order by which he orders tasks in organizational unit other than the unit in which the employee works. This command is issued for the execution of emergency, urgent and specific tasks whose size, complexity and duration exceeds the available resources of a particular organizational unit, where tasks to perform should not differ from the tasks of the job the worker performs. Although these activities are of an exceptional character, the legislator foresaw another exception, and that is issuing order in oral form, that by reason of the rule of law is prepared in written form created conditions for it no longer than 24 hours. Also, an important guarantee for the elimination of possible police abuses is limited duration of this order for no longer than 30 days. Strongest legal guarantee is one that does not allow the issuance of an order of this kind for the performance of duties by police officers who were sent to carry out tasks in the investigative center of public prosecutor.

Amendments and alterations to the Law on Police from June 2012 are produced in order to achieve greater functionality to the provisions of the Law on Police and establishing normative - legal framework for a fully functioning legal provisions in the Law on Criminal Procedure; précising more provisions in the direction of substantial specification and improvement of existing solutions in order to promote legislation in the field of police working within the new established concept. These changes have introduced the following key developments:

1. Criminal research: for the first time police is given this jurisdiction. The police carries out criminal investigation using police authorizations, operational, tactical and preventive measures when there is a reasonable suspicion that a person prepares, commits or committed a crime or offense, or suspected that certain phenomenon endangers or could endanger the lives of people, their rights, freedoms, security, integrity (body integrity) or property regarding performance of police work, as well as for the detection

of a crime or offense, finding the perpetrator, preventing the perpetrator to hide or escape, to detect and provide traces and items that can be used in determining the facts (evidence) and to collect information that can be helpful for successful criminal and misdemeanor proceedings. Criminalist investigation begins by police insight or by decision of a competent police officer for establishment and implementation of crime control, criminal processing and action.

2. Prescribing new police powers that have close proximity with the concept of the rule of law in two directions: on the one hand their lawful use could strengthen this concept, and otherwise undermine its contours. These are the new police powers:

- Deprivation of liberty
- Covert police action
- Enter someone's home and other indoor facilities
- Identification and
- Polygraph examination.

In the context of the subject of this paper, it is of great importance to establishing a general framework for the way in which police powers are implemented by police officers, and these are the following normative situations: ex officio, upon order of a superior police officer, following a decision by competent court or public prosecutor order.

In this framework, the duty of police officers envisages performance of these decisions and orders, unless the failure of its commitment is obvious crime.

CONCLUSION

The seriousness of the threats that security sector members face, require no ambiguities within the legal framework that regulates their work.

On the other hand, the eternal dilemma will always remain of whether and to what extent the rule of law as one of the top priorities for every country is imperative to the operation of the institutions that compose the state security sector. The issue that will always be present is whether security of not only the citizens but also the country as a whole is more important than observance of some basic human rights and freedoms.

However, having on mind that threatening individual’s rights takes away the right of the state to be called "legal state" it is quite understandable why the rule of law is so important to be established as one of the key determinants for effective reform of the security sector not only in Macedonia, but in any other country in the world.

Undergone reforms of legal legislation regulating the work of the security sector in our country are the best guarantees that the rule of law will finally have the treatment it deserves.

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MODERNISM AS AN OBSTACLE: THE POSTMODERN NATURE OF THE EUROPEAN UNION AND THE REPUBLIC OF MACEDONIA

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Abstract

This paper explores the postmodern discourse of the European Union and its features, as a post-national integration structure, sparking the concept of modernity. Likewise, the research identifies the concept of modernity through the blockage of the Macedonian EU accession by the Republic of Greece in the European Council. Moreover, the modern reasoning of the Republic of Greece comes to the fore by emphasizing of the national, instead of the post-national transcendental interests of the European Union. This paper challenges two diametrically opposite concepts - postmodernism vs. modernism - aiming to extract the key features of the EU postmodern discourse and to confirm its evident incompatibility with the modern reasoning typical for the nation – states, in this case, the attitude of the Republic of Greece in the European Council. In this sense, the name dispute between the Republic of Macedonia and the Republic of Greece, does not damage only the intra- and international position of the Republic of Macedonia, but also jeopardize the credibility of the EU and its postmodern discourse. The name dispute is used as a paradigm of incoherence, referring to the relation between the concepts of postmodernism and modernism, present in the EU, especially in the areas of Common Foreign and Security Policy and Enlargement policy. Accordingly, we try to reveal the inability of the EU, to ensure coherence between the Member States on a certain international, issues, such as the EU enlargement policy towards Macedonia in particular. At the end, this paper concludes the main problems facing the EU, and the main obstacles that stand at the Macedonian EU integration path.

Key words: *Modernism, Postmodernism, European Union, Macedonia.*

INTRODUCTION

This paper is a combined research, aiming to explore the European Union postmodern nature, while challenging it with the concept of modernity. Besides that, this paper will explore the post-national nature of the EU, and the modern inclinations of its Member States. The main intention of this paper is to locate the key features of the EU as a postmodern structure in relation with the name dispute between the Republic of Macedonia and the Republic of Greece, regarding the Macedonian EU accession process and its blockage by the Greece in European Council, and thus, its consequences for the EU postmodern attributes. In this research, we will use content analysis method, comparative analysis method and descriptive method. Otherwise, this paper seeks to answer the following research question: *What are the main obstacles for advancement of the Republic of Macedonia EU accession process regarding the EU as a postmodern structure?*

THE POSTMODERN STRUCTURE WITH A MODERN CORE

A Special Advisor at the European Commission and the author of the book "The Breaking of Nations", Robert Cooper, acknowledged: "what is called 'modern' is not so because it is something new – it is in fact very old fashioned – but because it is linked to that great engine of modernization, the nation-state" (Van Damme 2008, 2). The EU is not a nation-state, and therefore cannot be treated as a modern structure. Contrary to that, the EU is "the best example of a postmodern space" (Grajauskas and Kasčiūnas 2009, 4). For Robert Cooper, several factors characterized the post-modernity and, thus, the postmodern world:

- The breaking down of the distinction between domestic and foreign affairs;
- Mutual interference in (traditional) domestic affairs and mutual surveillance;
- The rejection of force for resolving disputes and the consequent;
- Codification of rules of behavior. These rules are self-enforced.
- Changes of borders are both less necessary and less important security is based on transparency, mutual openness, interdependence and mutual vulnerability (2000, 22).

Consequently, the postmodern state is one that is "more pluralist, more complex, and less centralized than the bureaucratic modern [nation] state" (Grajauskas and Kasčiūnas 2009, 5). The postmodern foreign policy means clearing with the features of modernity, such as the nation-state, sovereignty, centralization, the use of force etc. (Table 1).

Table 1: Modern and Postmodern foreign policy (Source: Grajauskas and Kasčiūnas, 2009)

	MODERN FOREIGN POLICY	POSTMODERN FOREIGN POLICY
Means	Military instruments and hard power	Non-military instruments and soft (structural) power
Actors	Sovereign nation-states	Nation-states of contingent sovereignty, international (supranational) organizations, non-governmental actors
Sovereignty	Protective about sovereignty; avoiding mutual verification mechanisms	Less cautious about sovereignty; positive about transferring part of sovereignty to an international regime
Raison d'état	Emphasis on the nation-state and on the defense of national interests (instead of values or norms)	Emphasis on norms and values
Openness	Efforts to minimize dependence on other international actors, as well as to maintain as more self-sufficient the political and the economic life as possible	Open to international cooperation and positive about increasing interdependence (seeing interdependence as a key to security)
Centralization	Substantial state control over the political, economic, and social life; tendencies of centralization	More pluralistic, democratic and decentralized domestically
International law	Skeptical about international law; predisposed to using force in international relations	Attaching great importance to international law (no fear of being bound by international legal norms)

The EU operates in a postmodern world, beyond the nation-state limits, as a *post-national* structure. The post-nationalism should be treated as a process that complements and supplements the nation - states performances, based upon the principles of mutual understanding, mutual openness and networking, oriented towards achieving the transcendental objectives, and thus, *transcending the nation - states limits.* The post-national structure represents "a new mode of integration [based on] *cosmopolitan solidarity*" (Habermas 2001, 57). Namely, through the post-national networking, the nation - states are transformed into Member States, taking into account the fact that they surrender (pool or delegate) a part of their sovereignty to the post-national structure, in particular sectors. The EU is treated as

a role model of *direct type of post-nationalism*, established *directly* by the nation - states (subsequently EU Member States) through their *post-national networking* and *shared sovereignty* in favor of the EU as an ultimate post-national structure (Figure 1).

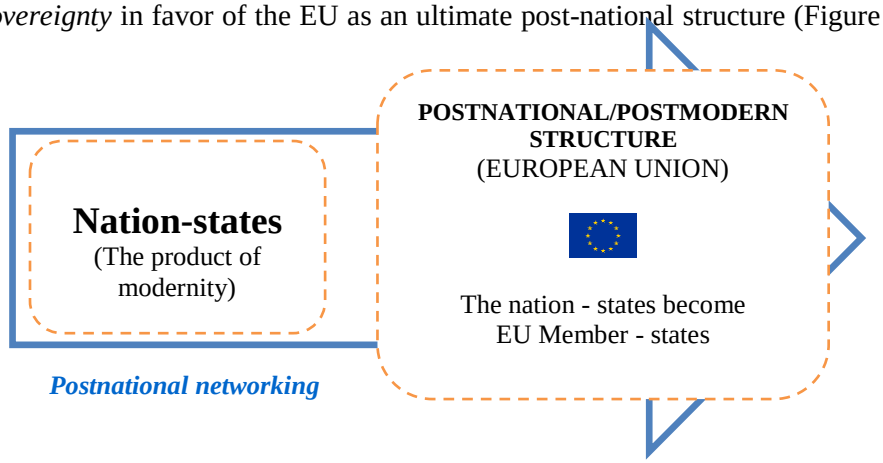

Figure 1: Direct post-nationalism (Source: Ilik and Gjurovski 2013, 291)

Postmodern (and post-national) states are "generally striving to establish a post-Westphalian order where state sovereignty is constrained through legal developments beyond the nation-state" (Sjursen 2007, 2). In a post-Westphalian order "foreign policy transcends the state-centric view of international relations" (Keukeleire and MacNaughtan 2008, 20). As a result, the affirmation of *norms* and *values* is becoming equally important as the affirmation of national interests. Whereas, the foreign policy in the Westphalian (modern) age, "[is] characterized by states as the main actors, by a clear distinction between foreign and domestic politics, by the protection of sovereignty and by the pursuit of national interest, power and *raison d'état*" (Grajauskas and Kasčiūnas 2009, 4). Unlike the modern (Westphalian) concept of national interests (*raison d'état*), we can qualify the EU post-national interests as *value* interests (*raison de valeur*) (Ilik 2012, 160), derived from the values stipulated in the EU constitutive treaties. Article 21 of the Lisbon Treaty noted that the EU's actions on the international scene shall be guided by the principles which have inspired "its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the UN Charter and international law" (The Lisbon Treaty 2008). This provision confirms that the EU shall define and pursue its common policies and actions and shall work for a high degree of cooperation in all fields of international relations, in order to achieve the following objectives: "(a) safeguard its values, fundamental interests, security, independence and integrity; (b) consolidate and support democracy, the rule of law, human rights and the principles of international law; (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the UN Charter" (The Lisbon Treaty 2008).

Contrary to the postmodern attributes, the EU in the same time represents a community of *sovereign, independent nation-states*, because it is composed of 28 Member States, which through the process of post-national integration, voluntarily decided to pool of their sovereignty. Pooling sovereignty means "in practice, that the Member States delegate some of their decision-making powers to the shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at European level" (How the EU works 2013, 3). However, the pooling of Member States sovereignty does not apply to all areas. Namely, in the areas of Common Foreign and Security Policy (CFSP) and Enlargement policy, decision-making is still based on the intergovernmental premises, requiring unanimous vote of the EU Member States in the European Council. Or as is stipulated Article 10 B (1) of the Lisbon Treaty:

> Decisions of the European Council on the *strategic interests and objectives* of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union (…) *The European Council shall act unanimously* on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area (The Lisbon Treaty 2008).

Concerning the enlargement policy, in order to join the EU, the applicant (candidate) country (e.g. Republic of Macedonia) needs to gain a unanimous vote in the European Council, or is stipulated in the Article 49 (Title VI) of the Lisbon Treaty: "the Applicant State shall address its application to the Council, *which shall act unanimously* after consulting the Commission and after receiving the consent of the European Parliament" (The Lisbon Treaty 2008).

On this basis, we can conclude that the vital, strategic issues of the EU in previous mentioned areas, are still "in the hands" of EU Member States (nation-states), witnessing for their undisputable national sovereignty and priority of their national interests over the EU post-national interests and objectives. Evidently, this situation is *ordinary modern*, considering that the modernity exalts the nation-state and its ontological superiority. The modernity as a theory typically refers to a "post-traditional, post-medieval historical period, one marked by the move from feudalism (or agrarianism) toward capitalism, industrialization, secularization, rationalization, the *nation-state* and its constituent institutions and forms of surveillance" (Barker 2005, 444). Or as theorist Anthony Giddens stressed: "[modernity] is associated with *a certain range of political institutions, including the nation-state and mass democracy*" (1998, 94). Many theorists of modernity "focus upon the development of the *nation-state system* (…) the nation-state system has long participated in that reflexivity characteristic of modernity as a whole" (Giddens 1990, 65-72). The modernity is characteristic for Westphalian international order, established with the Peace of Westphalia in 1648. The series of peace treaties, "which ended the Thirty Years War, attenuated the sway of the Holy Roman Empire over subsidiary domains that were roughly unified by shared language and culture while separated by borders approximating those on the map today. The term scholars later assigned to these autonomous territories was '*nation-*

states'" (Talbott 2014). The Westphalian order brought "nationalism to the surface (…) Westphalia also perpetrated the fallacy of *absolute national sovereignty*" (Talbott 2014). The author Mohammed A. Bamyeh stresses that European nationalism "had taught the world that nationalism must be embodied in the state and that each state should ideally stand for a distinct nation in the world" (2001, 3).

Under the pressures of globalization "the nation - states sovereignty was seriously intruded" (Bamyeh, 2001, p. 3). In this sense, the nation - states started, intentionally or unintentionally, to transmit their sovereign prerogatives to newly established global structures (e.g. UN, NATO etc.), in order to preserve their existence and to achieve a higher, transcendental objectives. This situation caused reflections about the possible new models of nation – state (understood in a modern terms as "heroic state") challenging its meaning and its role in the contemporary global processes. In the text bellow, we will try to explore causality between the modernism and postmodernism in the EU structure, using the name dispute between Macedonia and Greece as a paradigm.

THE NAME DISPUTE: A PARADIGM OF INCOHERENCE

The European Commission ("Commission") officially launched 'The Enlargement Strategy and Main Challenges 2012 - 2013, in order to deal with the key challenges of the EU, "maintaining the enlargement and reform momentum, progress in the enlargement countries and the way forward 2012 - 13, and supporting and assisting the enlargement countries (financial assistance, benefits of closer integration before accession) and conclusions and recommendations" (EU Enlargement Strategy 2012, 4–22). Based on this Strategy, the EU confirmed its determination to enhance its enlargement process, emphasizing the importance of the Western Balkans and the integration of each country from this region in the EU. This Strategy has an overall optimistic and declarative tone in its introduction, wherein the EU mostly confirms the success and significance of its enlargement policy, claiming that: "at a time when the EU faces major challenges and significant global uncertainty and gains new momentum for economic, financial and political integration, *enlargement policy* continues to contribute to peace, security and prosperity on the continent" (EU Enlargement Strategy 2012, 2). Through this policy, the EU, since its inception, responded to the "legitimate aspiration of the peoples of the [European] continent to be united in a common European endeavor (...) [Stressing that] *the enlargement process is a powerful tool to that end*" (EU Enlargement Strategy 2012, 22). Considering the Republic of Macedonia, the Strategy confirmed "positive results have been achieved in the Republic of Macedonia, where the High Level Accession Dialogue has led to a sharper focus on reforms by the authorities" (EU Enlargement Strategy 2012, 3). The EU particularly highlighted the success of the *High Level Accession Dialogue* (HLAD) between the Commission and the Macedonian authorities. The Strategy emphasizes that the HLAD has "put the EU integration process again to the forefront of the domestic agenda, giving it a new boost by ensuring a structured, high level discussion on the main reform challenges and opportunities" (EU Enlargement Strategy 2012, 11).

Nevertheless, all of this sounds very optimistic, despite the major obstacle embodied in the name dispute with Greece, which, generally speaking, is the crucial factor for achieving full Macedonian membership of the EU. In this context, the Republic of Macedonia has already received several consecutive recommendations for starting EU negotiation process. The EU Commission stated: "[Macedonia] was granted candidate status in 2005. In 2009, the Commission assessed that the country sufficiently met the political criteria and recommended the opening of negotiations" (EU Enlargement Strategy 2012, 13). In addition, the EU Commission stressed the importance of a "negotiated and mutually acceptable solution, under the auspices of the UN, to the dispute over the name of the country [which] remains essential" (EU Enlargement Strategy 2012, 7). However, regardless of this suggestion, it is obvious that the problem continues to exist and make trouble for the EU and Macedonia. In this sense, the lack of consensus in the European Council has again blocked the Macedonian accession process. This is because, in order to join the EU, the applicant country needs to gain a unanimous vote in the European Council. Namely, the abuse of the unanimity principle by Greece, does not allow Macedonia to proceed further on the EU integration path. This behavior of Greece not only prevents Macedonian EU membership, but also blocks the EU enlargement process. This kind of behavior by Greece undoubtedly can be treated as "modern", while taking into account the inability of the EU as postmodern structure to prevent this attitude, and to encourage the Macedonian EU accession process. Accordingly, we can conclude that the EU appears as a *hostage* of Greek national (-ist) agenda and its *raison d'état,* as opposed to the EU post-national interests. Because of that, the EU fairness regarding Macedonia has been questioned. In order to apply some statistical data in this research, we use the results obtained from the online survey, conducted on a small sample of 78 respondents. This online survey requested a response about the "fairness" of EU policy towards Macedonia, indicating how respondents treated this topic. 83.8% of respondents answered that the EU policy towards Macedonia is unfair regarding the name dispute (Table 2). This marks the "'scream' due to the discriminatory attitude of the EU towards the Republic of Macedonia, while giving privileges to Greece and an opportunity to abuse its membership benefits with the right to vote in the European Council" (Ilik 2013, 106). Whereas, "44.1% of the respondents answered that the main culprit for blocking Macedonian accession is Greece itself, but 29.4% of respondents answered that they see the EU as a culprit, because the EU does not do anything to discipline Greece as a Member State" (Ilik 2013, 106). Only 26.5% of the respondents answered that the main obstacle is the principle of unanimity itself (Table 3). Considering EU decision-making, we can conclude that the unanimity principle appears as the greatest obstacle for advancing Macedonia's accession to the EU and for future EU development.

Table 2: (Source: Ilik 2013, 106)

In your opinion, do you think that the EU policy towards the Republic of Macedonia is unfair considering the "name issue"?		
	Response percent	Response count
Yes	83.8	62
No	9.5	7
I don't know	6.8	5
		Answered: 74 **Skipped: 4**
Total:	100%	78

Table 3: (Source: Ilik 2013, 106)

In your opinion, what is the biggest obstacle for the Republic of Macedonia integration in the EU?		
	Response percent	Response count
The EU as a whole	29.4	20
Greece	44.1	30
The principle of unanimity	26.5	18
Answered:68 **Skipped:10**		
Total:	100%	78

Accordingly, we can stress that the EU as postmodern structure, deeply in itself possesses a *modern core*, which does not allow riding out on the surface its postmodern attributes. This modern core is composed of 28 EU Member States (nation-states), which still invoke their sovereignty in the areas of CFSP and Enlargement policy, not leaving the opportunity for the EU to pursue its own post-national interests and objectives (e.g. full EU membership of Macedonia).

Consequently, the EU only appears as a *coordinator*, not a chief policy-maker within these areas. Therefore, theorist Malcolm Rifkind emphasized: "Europe does not yet have the single coherent world vision, the deep - rooted instincts of a national foreign policy. That is not to the discredit of the European Union. But it is one more reason why we should see [CFSP] as *a complement* to our national foreign policies, an increasingly robust complement, but not a replacement" (Aggestam 1999).

There was a similar problem between the Republic of Slovenia and the Republic of Croatia during the EU accession process of the latter, known as a maritime border dispute in the Piran Bay, when Slovenia blocked the negotiation progress of Croatia. However, this border dispute was very quickly resolved, for the benefit of both, which it differs from the name dispute between Macedonia and

Greece. These examples, witness for the "policy of blackmail" during the EU accession process for a particular EU candidate country (e.g. Macedonia and previously Croatia), by a particular neighboring country, at the same time EU Member State (e.g. Greece and Macedonia, Slovenia and Croatia). A similar negative trend, also latently exists in relation between the Republic of Bulgaria (as the EU Member State) and the Republic of Macedonia (as the EU candidate country) contesting the authentic attributes of Macedonian nation, such as history, language, culture etc. On this basis, we conclude that the EU is "stretched" between the modern and postmodern discourse. In this sense, we can identify two crucial problems - the *full sovereignty* of the EU Member States (nation-states) and the *principle of unanimity* – that prevents full flourishing of the EU in a postmodern and post-national sense. Figure 2., presents the EU in three layers, where the Member States appear as a modern core, substantially inconsistent with the EU postmodern discourse, and the principle of unanimity, which appears as a key decision-making obstacle, preventing the EU to formulate *coherent* foreign policy and therefore to achieve its own post-national interest and objectives.

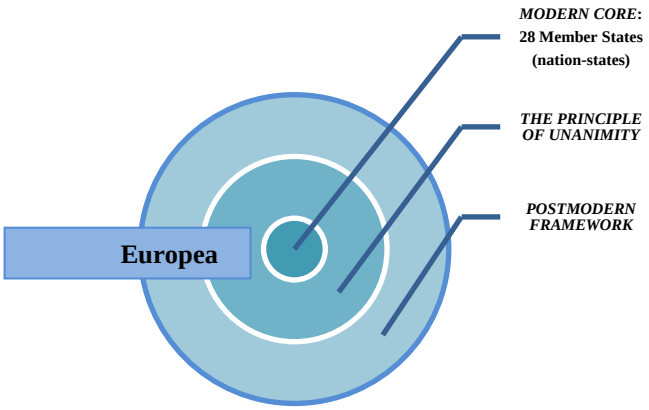

Figure 2: EU in three layers (Source: own depiction, referring to data collected from the analysis of EU as postmodern structure)

Under the EU postmodern framework, the question of coherence appears as a crucial factor for achievement of the EU post-national interests. Today, the question of coherence within the CFSP and Enlargement policy is still based on the modern premises (respecting the sovereignty of the EU Member States) and predominantly conditioned by "consultation and co – operation" (Aggestam 1999) and "bargaining" between the EU Member States. Therefore, the EU "acts as an umbrella, placing EU Member States under a postmodern framework. When EU countries want to act in a 'modern' way, they go on their own. In other words, in those areas where the EU is acting as a single actor, EU's action is postmodern" (Grajauskas 2011). Starting from that, the EU leaders must to put the EU post-national interests (e.g. Enlargement policy or full EU membership of Macedonia) in front of the individual and fragmented national interests of its Member States (that have so far proved destructive. For instance, the Greek blockage of Macedonian EU

accession process, in order to establish itself as a genuine postmodern structure, with solid post-national agenda in the international relations.

CONCLUSION

The Greek opposition in the European Council blocks the EU accession process of Macedonia and thus disrupts the EU credibility as a postmodern and a post-national integration structure.

RQ) *What are the main obstacles for advancement of the Republic of Macedonia EU accession process regarding the EU as a postmodern structure?*

Considering the research question (RQ), we can conclude that the behaviour of Greece in the European Council is ordinary modern, and thus, opposite to the EU postmodern framework. Moreover, we conclude that, besides the EU appears as a postmodern structure, its core is modern, composed of 28 sovereign and independent states. In this sense, the EU appears as a hostage of the nationalist policies of its Member States, particularly Greece, which prevents the realization of the EU post-national interests. Consequently, we can locate the main obstacles for advancement of the Macedonian EU accession process in *the modern core of the EU*, which prevents the achievement of the EU post-national interests (value interests) essentially, and *the principle of unanimity*, which disable the EU internal coherence on a certain international issues, such as Macedonian EU accession process. Therefore, the EU leaders must start to encourage (through political and legal instruments) Member States begin to behave as a coherent pillar, predetermined to achieve the EU post-national interests, while setting aside their national interests. Whereas, the enlargement policy of the EU is the most important investment in the historical idea of European unification, and as such must not allow it to be a subject of nationalist settling accounts of the EU Member States.

Concerning the coherence, in this paper we point out the *coherence of preferences*, which refers to the EU capacity to establish a common foreign policy towards particular international issue (e.g. Macedonian EU accession process) based on the Member States ability, coherently to set up, and to pursue a transcendental (post-national) objectives, harmonious with those of the EU. In favor of that, the EU leaders must work "to increase cohesiveness and to retain [the EU] *postmodern foreign policy characteristics*" (Grajauskas, 2011). Consequently, the EU needs to improve its *political capacity* in order to gain an ability to persuade its Member States, every time when the EU post-national interests are in question, and *legally to upgrade* its decision-making (e.g. amending the Lisbon Treaty), by substituting the unanimous voting with a qualified majority. In this sense, it is evident that the modernism as a concept appears as unbridgeable obstacle for both, the EU and the integration path of the Republic of Macedonia.

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PERSPECTIVES OF THE COMMITMENT OF THE REPUBLIC OF MACEDONIA TO NATO INTEGRATION AND THE NEW SECURITY CHALLENGES IN CREATING THE MACEDONIAN SECURITY IDENTITY

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Abstract

In this paper the authors present their views on the perspectives of the commitment of the Republic of Macedonia to the integration into the North Atlantic Treaty Organization (NATO) and the new security challenges in establishing the Macedonian security identity.
According to the authors' views (and expectations) which result from their analytical-synthetic perception of the key elements of the subject of this paper and part of the dominant expert opinions about the euro-Atlantic perspectives of the country, a direct (strategic) security, political and economic benefit for the Republic of Macedonia from NATO membership would be to ensure the realization of its national interests, operationalized through the realization of its permanent interest, as well as its vital and important interests.
According to the authors' analytical-security optics, the paper will also provide explanation of the perspective of our country for NATO integration and its causal relationship with the security challenges in both the Republic of Macedonia and NATO.
Finally, on the basis of the authors' views on the issue addressed in the paper, the authors will draw conclusions regarding the influence of the commitment of the Republic of Macedonia to NATO integration and the new security challenges in creating the overall Macedonian security identity.
Key words: euro-Atlantic integration, security challenges, Macedonian security identity

PROLEGOMENON OF THE LABOR'S DOMAIN OF THE PROBLEM

The Republic of Macedonia belongs to the Euro-Atlantic region and its security is integral part of the security of the North Atlantic Treaty Organization (hereinafter NATO), the region and the global security. In that context, the NATO political and military integration is a strategic choice of our country.[1]1 The choice for integration of the Republic of Macedonia in

[1] In January 1994 at the Summit of the North Atlantic Cooperation Council in Brussels, NATO initiated the programme Partnership for Peace (PfP), in order to improve the stability and security in Europe. On November 15, 1995 the Republic of Macedonia signed the Ohrid Framework Agreement for joining the Partnership for Peace programme in Brussels (six years before Croatia). At the same time, the Republic of Macedonia joined the North Atlantic Cooperation Council (that later in May 1997 was renamed in Euro-Atlantic Partnership Council). On December 22, 1995 the Republic of Macedonia and NATO signed an agreement for passing of the forces of IFOR due to their coordination with UN, to support the implementation of the Peacekeeping treaty of Bosnia and Herzegovina. Immediately after signing this agreement on January 19, 1996 the Republic of Macedonia and NATO signed an Agreement for Security Arrangements. On April 24, 1996 the government of the Republic of Macedonia constituted a special Office for reciprocal security and protection of information between the Republic of Macedonia and NATO. On May 30, 1996 the Republic of Macedonia signed the Status of forces agreement (SOFA), and on June 04 1996, the Assembly of the Republic of Macedonia unanimously ratified of the SOFA Agreement. The same month, or more precisely, on June 12, 1996, on a special session of the North Atlantic Council in Brussels, the special programme of RM in the frames of PfP for the period of 1996-1998, and on June 14, 1996 the Office for relations with Macedonia in Brussels was set up. On November 26, 1997 was the inauguration of the Mission of the Republic of Macedonia in NATO. On December 01, 1997 the government of RM decided to form a Committee for Euro-Atlantic integration of the country, with a duty to coordinate the activities about the preparations of the country for joining EU and NATO, and immediately after that it decided to form a Working committee for integration of the collective defense systems. In the period between 02 and 04 April 2008 the NATO Summit in Bucharest was held. The summit was also known as the Summit for enlargement, and it was expected that the three countries from the Adriatic group (Albania, Croatia and Macedonia) will be invited. However, despite the well known achievements, the dedication about the values and the contribution to the operations of NATO, as well as the improvement in the reforms that the country made, there was no invitation for the country for full membership in NATO, with an explanation that it will be sent by the North Atlantic Council when the name dispute will be solved. In August 2008, the Assembly of RM ratified the additional protocol of the SOFA agreement, and the status of the territory forces of other member states of NATO and PfP was determined. On September 01, 2008 the Assembly of the Republic of Macedonia adopted the amendment on the Law on defense for elimination of legal obstacles for the presence of the Alliance forces on the territory of the Republic of Macedonia, in accordance to the article 5 from the North Atlantic treaty. With this amendment of the Law on defense, the last potential legal obstacle for the participation of

our soldiers in international military missions and for the presence of the NATO forces according to the article 5 from the North Atlantic treaty was removed. On September 25 2008, during the Macedonian presidency of the Adriatic group in the margins of the 63th General Assembly of UN, in New York, a decision was made, that Montenegro and Bosnia and Herzegovina should be invited to join the Adriatic Charter. The first session of the Adriatic Charter under the new format A3+2, in the presence of its new members Montenegro and Bosnia and Herzegovina, was held on the margins of OSCE ministers meeting, on December 04, 2008 in Helsinki. On November 06, 2008, in Brussels, Macedonia was the host of the ambassadors meeting of the members of the Group for administration of the security collaboration in JIE (SEEGROUP), on which 32 member-states and partners of NATO participated, in the presence of the representatives of the NATO Offices, leaded by the Secretary-General of NATO, Jap de Hop Shefer. In the period between 03 and 04 April 2009, the annual summit of NATO was held (60 years NATO) in Strazburg (France) and Cologne (Germany). Even though RM did not have the possibility to participate on the summit, in article 22 from the Final Declaration of the NATO summit, the North Atlantic Council, once again, reminded of the treaty from the Bucharest summit to invite Macedonia to join the Alliance, once the name dispute under the auspices of UN is solved. Moreover, it was emphasized that NATO will continue to support and assist the efforts made by the government of RM, saluting the recent decision of RM to make greater contribution to ISAF. On October 13, 2009, a meeting was held between RM and the High political committee of NATO, where the document of the annual national programme for membership of RM for 2009-2010 was presented, as a part of the 11th cycle of the Action plan about membership in the alliance. At the NATO summit held in Chicago (on May 20 and 21, 2012), the leaders of the 28 member states of the alliance, and representatives from more than 30 countries that participate in the NATO operations and hope to become part of this organization were gathered. At the summit, all countries from the Balkan region participated, except Serbia that was not invited because of the county's attitude about the military neutrality, as confirmed in Belgrade and Brussels. During the sitting that lasted two days, the leaders of NATO made strategic decision for transformation of the operations in Afghanistan from martial/combative to training missions, and missions that would give advices and aid. This mission will end in 2014, when the responsibility of the security will be completely taken by the government in Kabul (despite this, 20 multinational projects were approved). The NATO leaders in Chicago announced as operative, the first phase of the anti-ballistic missile system. The so called transitive capacity will be composed of: very powerful radar installed in Anatolia, Turkey; the SM-3 missiles (RIM-161) that are distributed along the frigates from the type „Aegis" in the Mediterranean Sea; and the interceptors located in Poland and Germany. It is decided, the headquarters to be located in Ramstein, Germany. This phase is the first out of four phases of the defense system, which is supported by the American technology and the project is expected to end between 2018 and 2020. In that context, the Secretary-General of NATO, Anders Fogh Rasmussen announced: "This is the first step in achieving our long term goal – to provide complete protection for the population, territories and forces of the European NATO members". But, the anti-ballistic missile system is not supported by Russia, whose leaders consider that it is a menace for the country's security, and based on this, they ask for participation in that system, or require to be assured that the country's capacities for prevention are not military target of the system. At the meeting of the Republic of Macedonia and the North Atlantic Council held on September 12, 2012, the ambassadors of NATO concluded that RM has successfully conducted the plans and activities projected with the 13th cycle of the Membership Action plan. The

NATO is the most suitable way, on the Balkans, to retain one of the basic national interests, and that is, to protect completely one democratic society from external threats, which is based on human rights and freedoms, and where the people, as a citizens, participate in the process of production and exchange in the economy, that is open for the global market, and they freely enjoy in the results of their hard work and capital. Republic of Macedonia is a country that, in that direction, had already gone through most of its own wide-ranging transformations. During the last two decades of independence, the aspirations for NATO integration and membership (mostly, in the last years) are a vital interest, external and political priority, and strategic goal, which if accomplished is expected to improve the situation with the national security, the living conditions of the citizens, and a better functioning of the county and the society. On the basis on this vital interests, as well as on the basis on its strategic choice for accepting the values of the Euro-Atlantic community- human rights, democracy, the rule of law, market economy and the peaceful solution of all disputes, the Republic of Macedonia achieved a national consensus for NATO integration, which was mostly expressed in December 1993, when the Assembly of the Republic of Macedonia unanimously made a decision that Republic of Macedonia should join NATO.

With a political, security, and more precisely, a military involvement of NATO in the Balkans, or in other words, with the immediate (security, geopolitical, geostrategic and geo-economic) surrounding (hereinafter immediate surrounding) of the Republic of Macedonia, at the same time, a phase of improving the partnership and the mutual relations between the Alliance and Macedonia has started. With the beginning of the collaboration and partnership with NATO (The Partnership for Peace - PfP), as well as with the political and security involvement of NATO in the Balkans, the Republic of Macedonia took part in the development of the Alliance, and the mutual collaboration resulted in a participation of the Army of the Republic of Macedonia (ARM) in Afghanistan and Iraq. From the chronology[1]1 of the relations between the Republic of Macedonia and NATO we can see that the

national annual programme for the years 2012 and 2013 will be presented to NATO at the end of 2012.

[1] The Republic of Macedonia with its investment in the Euro-Atlantic integrations was the most enthusiastic of all countries in the Western Balkan. The country intensified the reform process, adopted the Ohrid Framework Agreement and with that, it changed the constitution, proclaimed common amnesty for the criminals who committed crimes against the country during the massive ethno-nationalist terrorism in 2001 that threatened the territorial integrity, the national safety and the constitution of the Republic of Macedonia, it conducted strong decentralization, bilingualism and offered possibilities for education in Albanian at the universities, and all that resulted in a creation of a multi-ethnic society that serves as an example for democracy for the people in the Balkans.

country had, and still has a part in the development of the Alliance; mostly in the role of a generator of security and stability of the region, and with the participation of the peace missions in Afghanistan and Iraq, and with all that Macedonia reaffirmed its credibility as a serious partner and ally of NATO and the whole international community.[1]

1Due to the methodologically correct shaping of the prolegomenon, we will define the perspective of the mission of the Republic of Macedonia for integration in NATO. The perspective of the choice of the Republic of Macedonia to join NATO does not represent a common, simple and colloquially determined phrase, that only implicates to the declarative and principle choice of the country to connect with the Alliance, but the above mentioned perspective is a complex, empirical, theoretically and hypothetically determined (in terms of volume and content) term, that includes the Euro-Atlantic aspirations of Republic of Macedonia, and it is up to now achievements in that context in a combination with the obstacles that are made by certain neighboring countries as well as the real and objective possibilities for membership of the country in the Alliance. The aforementioned perspective is in a causal relation to the security challenges of Republic of Macedonia and NATO. In the establishment of the Macedonian security identity[1]2, in other words, during the projection of the security profile of RM and the Macedonian society, the security challenges (threats, risks and menaces) against the country are of vital interest.

[1] The formation and the shaping of the state's security identity, as well as the projection of the security profile of the Macedonian society began since the independence of Macedonia, developing from externally oriented security profile (oriented towards the external security challenges) to internally oriented security profile, in other words oriented towards the 'soft' security challenges such as: the organized crime, corruption (as a distinctive type of crime) and other types of serious crimes, and it is also oriented towards the internal types of threatening the constitution of the country (terrorism, enemy affiliations etc.). The projection of the security profile, and the formation and shaping of the security identity of the Macedonian society, among other, includes understanding of the ideological basics upon which its integration is based. So, the Republic of Macedonia after its independence faced a historical milestone, getting across two historical processes, in other words, from one to another socially-political system, which helped in creating conditions for formation of a new security identity founded on new ideological matrix. About the aforementioned you can see more in: Arizankoski, G. 2010. Security identity of Macedonian society and state (synthesis of the essential elements of the Macedonian security identity) Proceedings of the Scientific - technical Conference: Security and environmental challenges of the Republic of Macedonia, Skopje, p. 369 - 370.

[2] Permanent national interests refer to preservation of the independence, the sovereignty and the territorial integrity and the unitary character of the country, as an essential frame for preserving and improving the national identity of the Republic of Macedonia and keeping and expressing the ethnic and cultural identity of all citizens.

POSSIBLE ADVANTAGES THAT REPUBLIC OF MACEDONIA WILL HAVE FROM THE NATO MEMBERSHIP AS POSSIBLE FACTORS FOR GIVING MACEDONIAN SECURITY IDENTITY A FINAL SHAPE

(synthesized point of view)

According to our synthesized points of view, (and expectations), that are result of our analytical and synthetic observations of the crucial elements of the labor's domain of the problem, as well as, on the basis on the dominant expert observations for the Euro-Atlantic perspective of the Republic of Macedonia, a direct (strategic) in terms of security, political and economic benefit of the NATO membership of Republic of Macedonia would be a guarantee that will help the country to achieve its national interests, and it will also help the country to achieve its permanent interests[1]1, as well as its vital[1]2 and important[1]3 interests.

[1] Vital national interests are: protection and improvement of the peace and security, protection of the life and health of the citizens, protection of the property and the personal safety of the citizens; preservation and improvement of the country's democratic values: humans rights and freedoms, rule of law, the political pluralism, the principle for division of authority, protection of the cultural identity and heritage of all citizens in Republic of Macedonia; preservation and improvement of the strong functional multi-ethnical democracy and constant improvement of the multi-ethnical relations; stimulating sustainable economic and social development of Republic of Macedonia based on the principles on the market economy, the private property, private ownership and entrepreneurship; politically-defensive NATO integration, political, economic and security integration in the European Union and active involvement in all other kinds of international cooperation.

[2] Important interests of Republic of Macedonia that represent the necessary conditions that will help in the effectuation of the vital interests such as: participation in the process of preservation and promotion of the peace and stability in the world, in Europe and in the region; preservation and improvement of the international order, on the basis on the international law's rules and principles; development and maintenance of all forms of cooperation with the neighboring countries, support of the vital interests of Republic of Macedonia, but also support of the regional and global interests; creation and development of a lawful and social democracy regarding the efficiency of the state administration, in a direction of the existence of equal possibilities for all citizens regardless of their race, gender, religion, political affiliation and ethnicity; keeping and improving the country's internal stability as a precondition for sustainable political, economic and social development and existence of a consensus among all citizens about the common interests; - development of the modern society in which the communication and relationship between the citizens are developed in a direction of the existence of common cultural values, strengthening the democratic character and approaching towards the modern democratic global courses; protection and improvement of the environment etc.

3 Defense Strategy of the Republic of Macedonia, Official Gazette of the Republic of Macedonia, No. 30/2010.

Operationalization of the above-mentioned strategic benefits of the country's membership in the Alliance is reflected in the following possible contributions: 1) securing the permanent interest of Republic of Macedonia, in other words, protecting the independence, sovereignty, the territorial integrity and the unitary character of the country, as an essential frame for keeping and improving the national identity of Republic of Macedonia, and freely keeping and expressing the ethnic and cultural identity of all citizens; 2) improving the national security conditions, that will help in creating better living conditions for the citizens, and a better functioning of the country; 3) discouraging the countries in our neighborhood to ask for (new) concessions that could have fatal consequences for Republic of Macedonia and will put in danger the national security; and what is extremely important – to guarantee the Macedonians the feeling of national identity, whose recognition is a necessary condition for stopping the big nationalistic projects, that obviously are still present in this part of Europe; 4) achieving, maintaining, obtaining and developing a durable and stable national, and related to the security - political status (position) that will allow the Republic of Macedonia an economic and social growth and development; 5) consequently, achieving optimum conditions for political, economic and security integration of the Republic of Macedonia in the European Union; 6) stimulation of the development of the multi-ethnical society, so it can be more capable for suitable communication with the globalized world, as well as improving the mutual confidence, efforts and endeavor of all ethnic communities in Republic of Macedonia for achieving stability and progress of the country; 7) the Euro-Atlantic integration will stimulate and strengthen the capability of Republic of Macedonia for its own contribution, in a process of keeping and improving the peace and stability of Southeastern Europe, and at the same time keeping and improving the democracy, security and prosperity of all countries in the region; 8) equal participation of Republic of Macedonia in the joint decision making process about the present and future security challenges in the region, Europe and in the world; 9) this participation of Republic of Macedonia, as an egalitarian member state, also carries responsibilities in the prevention and creation of instruments that will warn in time about tensions and crises, with the main purpose – efficient and timely solution of the problems peacefully; 10) the Euro-Atlantic integration of Republic of Macedonia will strengthen the international order based on justice, mutual respect of the international order established according to the international law and political equality of the countries and their equal participation on the global market, in other words, the open movement of goods, services and ideas; 11) active involvement of Republic of Macedonia in scientific, technological, informational and the military and industrial courses of the NATO member states; 12)

strengthening the military cooperation of Republic of Macedonia with the most developed countries in the world; 13) possibility for development of military-industrial facilities in Republic of Macedonia; 14) providing conditions for further development of the internal and political stability of the country, whereby, its defense costs will reduce.

THE BENEFITS THAT NATO WILL HAVE FROM THE MEMBERSHIP OF THE REPUBLIC OF MACEDONIA IN THE ALLIANCE

The benefits that NATO will have from the membership of Republic of Macedonia in the Alliance can be synthesized and summarized as follows:

- the permanent instability in Republic of Macedonia will be reduced, and it will contribute to the achievement, maintenance, and development of the political stability, peace and the optimum level of permanent security, not only in the Balkan region, but also in the whole Euro-Atlantic region, with which, the finalization of the concept Europe- whole, free and at peace will start;
- a contribution will be made to consolidation of the NATO South wing, which is important for defending the politics and the security which are threatened by the Near East;
- a contribution will be made to the optimum fulfillment of the primary goals, as well as to the keeping of the core values of NATO in the whole territory of Europe; and
- a real contribution will be made to the security, stability and peace in Europe, which is especially important for NATO.

SECURITY CHALLENGES OF THE REPUBLIC OF MACEDONIA AND NATO

In the formation of the Macedonian security identity, in other words, in the process of projection of the security profile of Republic of Macedonia and the Macedonian society, it is extremely important to identify the security challenges (threats and risks against the country) that are in causal relation with the perspective of the country's choice for NATO (and EU) integration.

The modern, contemporary world is characterized by fast, complex and dynamic changes, and it faces new asymmetric threats and risks that are increasing, such as: terrorism, transnational organized crime, Fourth-generation war, proliferation of weapons of mass destruction, religious radicalism and extremism, illegal migration, unstable and dysfunctional

countries and cyber attacks.[1]1 The challenges, such as energy dependence and climate changes can also have negative consequences on the national and international security.[1]2 Taking into consideration the dimensions of the modern threats and risks, the global approach and cooperation of Republic of Macedonia and NATO (but also with UN, EU and OSCE) is an essential instrument to successfully handle those dimensions, since NATO (as well as EU) are crucial factors for maintenance and reinforcement of the national, but also the regional security, stability and prosperity.

Although Republic of Macedonia is not facing a direct conventional threat against the national security, the possibility that it can happen should not be excluded, furthermore, the conditions and processes in the wider and closer environment confront the country with the modern security threats and risks. According to the defense strategy of Republic of Macedonia[1]3, our country faces the following types of threats and risks against the national security: 1) terrorism[1]4, which puts in danger the peace, stability and the

[1] ibid

[2] ibidem

[3] According to our points of view, the terrorism, as a security challenge of Republic of Macedonia is an imperilment that includes use of political violence (in the form of terrorism), and it represents: terrorism from a position of internal, external or combined ethno-political radicalism and international terrorism from a position of religious radicalism. But this classification is relative and relevant only from a particular aspect of the crime phenomenon, while the etiology (reasons, motives and conditions) for application of this types of terrorism from a position of particular type of ethno-nationalism that in its etiological structure may have complementary involvement of another structure that does not belong to the ethnic community of those who committed the particular terrorist attack with an attribute of ethno nationalism. According to the estimates about the threatening of the security of RM, the terrorism is seen as a serious and global threat. For that reason, ARM transformed in a force, capable to handle the terrorism, not only on the territory of Republic of Macedonia, but also in the wider region, and it will actively support and participate with the international forces in the fight against the global terrorism. With the development of the Partnership action plan for the fight against terrorism (IPAP-s) the Republic of Macedonia has undertaken measures and activities for active involvement in the fight against terrorism. According to the law, on the territory of Republic of Macedonia, the organ that fights against the terrorism in the Ministry of Internal Affairs (MVR), that, in accordance to the needs, in case of transcending its capabilities and capacities, will receive support and help from ARM. Regarding the external situation, due to the commitment of RM in the international anti-terrorist coalition, it is not excluded the possibility of terrorist attacks by the Islamic fundamentalism against the institutions, citizens and interests of Republic of Macedonia and the other foreign countries. Source: Arizankoski, G. 2010. Security identity of Macedonian society and state (synthesis of the essential elements of the Macedonian security identity) Proceedings of the Scientific - technical Conference: Security and environmental challenges of the Republic of Macedonia, Skopje, p. 369 - 370

[4] Arizankoski G. 2013. (geo) politics of emotions - political fear, hope and humiliation in the security discourse of Macedonia (column). Information portal Maktel.mk (January 14)

interests of the country and the world, and it is a real threat for the staff that participates in international missions; 2) transactional organized crime in all forms, corruption and misuse of strategic materials and technology for twofold purpose; 3) proliferation and use of mass destruction weapon is a global threat with the worst consequences and negative effects; 4) regional conflicts and crises; 5) radical nationalism and extremism manifestations; 6) ethnic and religious intolerance; 7) unlawful possession of large amounts of small arms and light weapons and ammunitions; 8) illegal activities of foreign Intelligence agencies; 9) cyber criminal and endangering the information systems and technologies; 10) natural disasters and technical and technological (industrial) larger extent accidents; 11) epidemics; 12) degradation and destruction of the environment and the ecological potentials; 13) internal economic and social issues, economic crimes, poverty and unemployment.

Extremely important, are the challenges, that are generated from the closer surroundings of Republic of Macedonia, which is composed of three neighboring countries (Greece, Bulgaria and Albania) – NATO and EU member-states (without Albania, which is only a NATO member) and another neighboring country (Serbia) that declared military neutrality, and joined PfP despite it is in a specific relation with NATO. We could objectively assume that this immediate surroundings by these countries are not suitable politically, and with regard to the security, because in these countries there are still processes that implicitly or explicitly show nationalistic attitudes towards the independence of Republic of Macedonia, and those attitudes are especially active nowadays, when the country's European integration is being conditioned; the attempts that are made for the name to be changed can easily be transferred to the identity, and attempts can be made the identity of the Macedonian nation to be changed, and with all this, the problematization of the existence of the Republic of Macedonia as a country.[1]1 The neighboring countries of Republic of Macedonia, that are not member-states of EU and which try to transfer to Republic of Macedonia the dispute they have about Kosovo, will also participate in that problematization. It seems that every neighboring country participates in the above mentioned problematization and hopes that the denial of RM's basic characteristics (the name of the country under which it will be recognized

[1] The Geostrategic position of Southeastern Europe across which energy and communication paths and routes that connect the countries of Europe with Caucasus, Caspian Basin, Near East and the Mediterranean area are passing, despite of creating geopolitical implications, it influences directly the security in RM. Confrontation of the countries' interests about use of the transit routes and disposal of the resources could lead to regional crises and endangering the security and stability of the countries in Southeastern Europe, among which is RM.

internationally) will transfer to the state's essence, so, possibilities will emerge for achievement of their strategic goals and the big nationalism projects; and at the same time all these neighboring countries blame Republic of Macedonia, more or less, that the country has bad relations with them. The biggest irony is that, in the last few years, solving the name dispute is a precondition for the country's integration in EU and NATO, and it looks like that the renunciation of the country's essential feature – its name, could easily become a demand by the other countries for change of the national identity, so the country can integrate in organizations in which these essential national values should be guaranteed. Again, we would like to emphasize that the requirement for the country to change its name would logically lead to the requirement of changing the national identity, and consequently to negation of the Macedonians' national sovereignty, whose only country is Republic of Macedonia. And taking into consideration the attitudes of the above mentioned neighboring countries, this country is the only country in which the Macedonians live free and without threats against its independence and sovereignty. To sum up, the NATO integration of Republic of Macedonia despite of providing achievement of the country's national interests, it is also a precondition for stabilization in this part of Europe.

But there are challenges for Republic of Macedonia that are connected to the geopolitical implications,[1]1 such as the full and equal NATO membership of the country. In the history of the region, there are well known rivalries that can become possible again, and are connected to the integration of Republic of Macedonia in NATO. Those challenges may be left behind, and with the help of a new reconfiguration of the entire defense structure of the broader Euro-Atlantic area, not only the western countries, but also – for now, maybe only – Russia[1]2 in the near future will become

[1] By the way, the opposition for NATO enlargement is a constant of the Russian external policy since the break down of the Soviet Union up until now. According to the military doctrine of the Russian Federation (RF) since 2010 the NATO enlargement is a main military danger for the national security of RF, while the current externally-political conception of RF since 2008 emphasizes that this country has a negative attitudes about the NATO enlargement, and mostly about the plans of the Alliance for Georgia and Ukraine to join NATO.

[2] A crucial goal of the defense strategy of RM is for ARM to obtain capabilities and forces for distribution outside the territory of RM and to participate in missions guided by NATO and other organizations that will be of interest of RM, to accept and support NATO forces as a host country, to train and maintain the forces in case of threats against our territory and to respond to all kinds of threats against the security of the citizens and institutions in the country. By the way, the first contribution of RM outside its borders was in 2002 in the NATO mission of ISAF in Afghanistan, expanding its contribution participating in the mission "Freedom for Iraq" (from June 2003 to December 2008). The Macedonian contribution for the European security and defense policy and the regional peace and

part of the North-Atlantic treaty organization, in a way that will be suitable for the interests of the most powerful figures in the Alliance and in Eurasia.

Despite the above mentioned security, economic and political benefits that are expected from the Macedonia's membership in NATO, it is possible that the country's membership in the Alliance may have the following possible challenges: 1) active involvement of ARM outside the territory of Republic of Macedonia[1]1 (that has already started 2002 and it is still in progress); 2) big financial expenses for achieving compatibility and interoperability with NATO; 3) possible ecological contaminations of the country's territory due to the military workouts of the soldiers.

The absence of conventional threats against Republic of Macedonia and the increased security challenges that are expressed through the non-conventional and global asymmetric threats reaffirm the choice for coalition of the recourses with the regional partners and the increased commitment with regard to the Alliance. In that direction, the security policy of RM should more and more be directed towards the protection of the basic values of the country, providing conditions for sustainable development and formation of capabilities and facilities that will help the country to increase

stability is known since July 2006 when RM took part in the military operation of EU, "ALTHEA" in Bosnia and Herzegovina. Republic of Macedonia expressed its readiness to participate in the "EU Battlegroup (EUBG) 11/2012" composed of the military forces of Germany (as the leading nation), Austria, Czech Republic, Ireland and Croatia. From May 2007 RM started its contribution to the effective multilaterals with the participation of one officer in the headquarters in the mission leaded by the United Nations Organization (UNIFIL) in Naqoura. What is more, RM offers constant support for the KFOR mission of NATO in Kosovo, through the work of the Support Coordination Centre of a host country (administered by the nation since July 2007).

[1] (Old-new) security challenges for NATO according to its new strategic concept are: proliferation of nuclear and other types of mass destruction weapons (and instructions for its application); terrorism; instability or conflicts outside the NATO borders (is a direct threat against the Alliance's safety, including the expansion of the extremism, terrorism and the illegal activities outside the borders, such as weapons and narcotics trade and white slavery); cyber attacks (a type of computer crime) that are becoming more and more frequent, more organized and expensive with regard to the damage they cause to the governments, the business works, the economies, the potential transport networks, and other important infrastructure; providing resistance from attacks or interruption of the vital communication, transport and transit routes on which the international trade, energetic stability and prosperity depend; development of laser weapons, electronic wars and the technology which prevents the way to the universe; the crucial limitations of the environment and the resources, including the threats against people's health, the climate changes, the water deficit and the bigger use of energy sources. As quoted in: Strategic concept for Defense and Security of the members states of NATO (adopted by the Heads of Governments and States in Lisbon). Lisbon: 2010 (http://atlantskainicijativa.org/index.php?option=com_content&view=article&id=509%3Apreuzmite-dokument-novi-nato-strateki-koncept-2010-bhs&catid=45%3Avijesti&Itemid=118&lang=hr)

its commitment in the international activities that aim to handle the modern security challenges.

Considering the above mentioned challenges, for the sake of total management of the old and new, internal and external security challenges, I consider that RM shall not be prone towards isolation that will lead to maintenance and development of political, economic and security disfunctionality, but the country should develop an approach for handling the security challenges that will allow the country to be permanently inclusive and capable and "to delegate and to participate" that would lead to an improvement of the country's management skills. The RM cannot face the global threats that include nuclear weapons, cyber criminal and natural disasters by itself. The joint effort of the allies against any threat for RM will be easier to conduct if Macedonia acts as a part of the Alliance; an optimum level of security will be achieved with the use of fewer resources which is one of the advantages of the collective security system.

However, Republic of Macedonia faces security challenges (certain types of radical nationalism, racial and religious intolerance and political radicalism, terrorism, organized crime, illegal possession of large amounts of weapon, illegal arms trade etc.) that according to their nature are transnational and are product of the globalization; and they can cause security vulnerability of Republic of Macedonia (and of the other countries in the region that are mutually dependent) and all this will result in extremely difficult situation, so that the country will not be capable to handle these challenges alone.

On the other hand, the NATO Alliance also has many security challenges[1]1, that carry security, political and economic implications as well as for the countries that are not members of the Alliance, including Republic of Macedonia; and those challenges (will) shape the current and future security environment in areas that are of the Alliance interest, so they potentially will influence the planning of its operations. Even though the Euro-Atlantic region is relatively stable today, and a threat of conventional attacks of the territory of NATO is not expressed, we shall not ignore that possibility; the Alliance recognizes that it cannot operate alone in the world of today, a world of new security challenges expressed by the asymmetric, unconventional threats that occur outside its borders and are becoming transnational and unpredictable. These facts, as well as the fact that the modern world brings security challenges expressed by the unconventional international threats is one argument more that the collective security system

[1] NATO 2020 Secured Safety; dynamic engagement – Analysis and recommendations of the Expert group about the new strategic concept for the needs of NATO, Trans Conflict Serbia 2010 p. 36

is indispensible model for reaching, maintaining, and developing the global security.

CONCLUSION

This paper (in the form of essay about the security) demonstrates our synthesized points of view about (causally connected relations between) the integration of RM in NATO and EU and the new security challenges. Based on these points of view we can conclude the following:

- the NATO integration of Republic of Macedonia, despite of helping the country to achieve its national interests, it is a precondition for stabilization in this part of Europe;
- the threats against the security and the identified security challenges of Republic of Macedonia and NATO overlap and are causally connected; and based on the country's vital interests regarding the Euro-Atlantic integrations, as well as the advantages that the Alliance would have from them, we could establish that the security challenges need to be used for mutual constructive cooperation between Republic of Macedonia and NATO, as well as between Republic of Macedonia and the neighboring countries, complementary and in a parallel manner, establishing and implementing state policy of Republic of Macedonia which goal is to achieve its national interests.
- considering the difficulties of the Macedonian Euro-Atlantic integration, that are caused by some of the member states, NATO will have to find a way of achieving functional integration of Republic of Macedonia in the Alliance that would lead to complete achievement of its basic goals, but it would also lead to preservation of its core values on the whole territory of Europe, and all this would contribute to the security, stability and peace in the Old continent. In that context, and based on the complementary and compatible choices of NATO and Republic of Macedonia, it shall not be allowed the name dispute between Republic of Macedonia and Greece (that is the main reason why the country was not invited to start the negotiations) to transform into an absurd political process, that will put into question the common, social and (particular) security and political essence of the aspirations of the country for (the vitally important) integration in the Alliance.
- the Macedonian security identity is multi-factorial and in a phase of shaping, and which (long-termed) outcome will mostly depend on the (in)constancy of those elements, that among the other, take part in the security shaping of the country and refer to: (un)successfully solving

the name "issue" with Republic of Greece; and consequently, to the failure of Republic of Macedonia in the NATO and EU political, economic and security integration; and (un)used (cognitive and/or affective) political manipulation, such as the instruments that threatens the security, expressed through the organized and conscious disturbance of the multi-ethnical relations in the form of typified scenario of security threat that would be a reflection of a securitization of the multi-ethnical relations that are dangerous for the society.

- There is a need for a specific administrative reform of NATO that will refer to the decision making process, moreover, the authors of this paper consider that there is a need for rationalization of the decision making process in NATO, more precisely, there is a need for rationalization of the consensus application. Moreover, if a dominant experts attitude has already been established, according to which there are inherent tensions within an organization with more members that acts based on the principle of consensus and a political-military Alliance that acts in a fast and dynamic security environment[1]1, then, our opinion that refers to the need for rationalization of the application of consensus supports the strategic orientation of NATO, according to which – with the new strategic concept, NATO commits itself to continue with the reforms in order to provide more effective, more efficient and more flexible Alliance.[1]

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[1] Active engagement, modern defense – Strategic Concept for defense and security of the members of NATO (Summit in Lisbon, 19 and 20 November 2010), Trans Conflict Serbia 2010 p. 3

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THE CONCEPT OF NATIONAL SECURITY IN THE CONTEX OF REGIONAL SECURITY*

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Abstract
The regional security complex theory (RSCT) sets regional subsystems as objects of security analysis and analytical frameworks for engaging with these systems. Such framework is created to emphasize the relative autonomy of regional security grounds and put these relations in a structure consisting of the unit (state) and the systematic level. RSCT announces something about the appropriate level of analysis in security studies and highlights the regional level.

RSCT shows interest in the Balkans, taking into account all its characteristics. The central issue it seeks to examine is how this region, at one point, found itself on the verge of being separated by RSC (regional security complex) and arrived at its current position vis-à-vis the European complex. Furthermore, the instance of the Western Balkans is very suitable for examining the nature of sub complexes.

Keywords: *regional security complex, national security, security cooperation, the Western Balkans*

Introduction

Cooperative Security is a new approach in achieving, preserving and improving security with the help of cooperation or through cooperation, as opposed to the traditional competition of countries in increasing their own power and working with the key of the "security dilemma".[1] Although cooperative security is not a new term, it is used in this approach to be

[1] See: Knudsen, O.F., *The Concept of Cooperative Security and its Relationship to Policy*. In Paper prepared for the Panel "Reframing the Security Agenda of the 21th Century", ISA 42nd Annual Convention, Chicago, 2001, p. 4; Bajagić, M., *Međunarodna bezbednost*, Kriminalističko-policijska akademija, Beograd, 2012, str. 315.

differentiated from the known forms of cooperation among states (alliances, treaties, balance of power, collective defense, and collective security).[1] Its basis is the value – interest familiarity and awareness of a shared future of the stakeholders, development of culture of mutual trust and long-term cooperation, willingness, benevolence and transparency among states.

In practice, cooperation in the field of security is a policy by which governments maintain the view regarding former opponents as well as possible rivals in current and future relations, and by which they tend to adjust their own behavior through less conflicting patterns.[2] It is the policy of developing mutual trust, i.e. peaceful conduct of avoiding violence or threats, active commitment to negotiation by seeking new practical solutions and commitment to preventive measures. Thereby, trust means "belief in the good will of the party we are related to, ability and confidence of one party that will meet the expectations of the other party that has invested trust in it".[3]

Generally, there are two types of trust:[4]

- Trust based on reciprocity by which states selectively develop high level of pre-known, reciprocal and continuous relations, led by the idea that the party that helps and brings benefit should not be damaged, due to which they restrain from actions that may cause damage, building a relationship of trust, and

- trust based on building common identity (identification), i.e. based on the assumption that people who share common identities (origin, language, history, culture, religion, traditional friendship, etc.) generally have emphasized mutual understanding of common wishes and interests, leading to building strong trust and cooperation. The cordiality and devotion lead to sincere attitude towards the other party, even exceeding the requirements for reciprocity, which deepens these forms of trust and enlarges them more than those of the first group. The procedure for confidence building in the 21st century requires developing confidence based on

[1] Bajagic, M., op. cit., p. 314; Gacinović, R., „Klasifikacija bezbednosti", *Nauka, Bezbednost, Policija*, No 2, 2007, p. 3–23.

[2] See: Tatalovic, S., „Koncepti sigurnosti na pocetku 21. stoljeca", *Medjunarodne studije*, year 6, No 1, 2006, p. 60–80.

[3] See: Kegley, C.W. Jr. and G.A. Raymond, Exorcising the Ghost of Westphalia: Building World Order in the New Millennium, New Jersey: Prentice Hall.., 2002, pp. 206-207.

[4] "When we trust someone, we believe he speaks the truth, that they work for our benefit and that they know we count on them, that they possess the ability to persist in their promises and that there is a consistency between their words and deeds (obligation to fulfill the expectations of the party that trusts them). Thus, the stronger our belief in each of these dimensions is, the stronger the overall trust of the other party is; Bajagić, M.,"Novi koncepti bezbednosti: saradnja u bezbednosti", U: *Bezbednos*t, br. 6(2004), str. p. 822.

reciprocity first, and then its gradual transformation and expansion in trust based on building common identity.[1]

Security complex

The security complex is an agreement of several countries of a certain international region for overcoming the exceptional interest of their national security[2] and creating a particular security state of harmony with the immediate environment. It is a mechanism of the so-called regional security within which there is a tendency to overcome the stereotypes of historical enmities among neighbours (territorial claims, problems of defining the state border, "recovery of debts from past conflicts"; problems and separatist tendencies of ethnic minorities, traffic problems, economy, environmental safety, etc.) and the construction of security interdependence.

The system of regional security, i.e. security complex means a "group of states the primary security concerns of which are so closely related that the national security of one of them cannot be seen separately from the others".[3] Generally, the security complex is the governance of economic factors on which the military, political and social dimension of regional security rest. This is because the modern security threats (above all, the security dilemma) often affect the wider regional area, thus, the security interactions with neighbours would have to have the highest priority.

Western Balkans-regional security complex

The terms, such as the Balkans, Southeast Europe (SEE) and the Western Balkans, are often confusing and create difficulties in their clear distinction. In written works attempts have been made to use Southeast Europe and the Balkans as synonyms[4]. On the other hand, even in the

[1] See: Kegley, C.W. Jr. and G.A. Raymond, *op. cit.*, p. 204, etc.

[2] See: Mijalkovic, Sasa, „Nacionalna bezbednost – od vestfalskog koncepta do posthladnoratovskog", *Vojno delo*, No 2, 2009, p. 56–57; Mijalkovic, Sasa, *Nacionalna bezbednost*, Kriminalističko-policijska akademija, Beograd, 2011; Dragisic, Z., „Sistem nacionalne bezbednosti – pokusaj definisanja pojma", *Vojno delo*, No 3, 2009, p. 162–176.

[3] Buzan, B., (1991). People, *State & Fear: An Agenda for International Security Studies in the Post-Cold War Era* (second edition), op. cit., p. 188-190.

[4] Marija Todorova observes that, in most of Europe and the United States, the terms Southeast Europe and Balkans are used, as a rule, in identical sense before and after the Second World War, but obviously favoring the latter; Todorova, M., *Imaginary Balkans*, XX century Library, Belgrade, 1999, p. 58.

interwar period, Theodore Geshkov in his book on the Balkans union[1] attempted to replace the discredited category (Balkans) with the neutral (Southeast Europe). The leitmotif of that book was the de-balkanization of the Balkans, emphasizing that the terms "the Balkans" and "Balkanization" have become abusive expressions. Finally, SEE is commonly treated as a comprehensive entity, and the Balkans as its sub-region[2], which typically includes the countries affected by some collision, thus it changes its members on its own. Thus, since the mid 90-ties international attention has been focused on subgroups such as "neighbouring countries affected by the Kosovo crisis: Albania, Macedonia, Bosnia and Herzegovina, Croatia, Slovenia, Bulgaria, Romania and Hungary".[3] After the first four of these joined EU and NATO, the spotlight is focused on the group of countries for which the European Union uses the term "Western Balkans", in the form of former Yugoslavia minus Slovenia, plus Albania. Based on that, in terms of RSCT, the Balkan sub complex exists to the extent that it differs from the general European model.

After the Kosovo War and the introduction of the Stability Pact in the region, the media slowly lost the term "the Balkans" and it was replaced in academic debates by "the politically correct" term South-Eastern Europe, which was later replaced with a new phrase, and this region again returns to the Balkans. Western Balkans is the common name for a group of states that are not in the European Union, and are geographically located in the western part of the Balkans. The issue is one of those slippery terms of political geography and therefore it can be freely said that the phrase "Western Balkans"[4] is primarily a geopolitical construct, which marks the EU's

[1] Geshkof, T., *Balkan Union: A Road to Peace in South Eastern Europe*, Columbia University press, New York, 1940.

[2] The definitions of Southeastern Europe often diverge about the position of Hungary. Sometimes, though not too often with reservation, it is considered as part of the Balkans. It usually happens when these two concepts, Southeast Europe and the Balkans are treated as synonyms. However rarely happened, it always causes a backlash among Hungarians, who are "bitter when called the Balkans"; Todorova., M., *op. cit.*, p. 58.

[3] Friis, L., Murphy, A., *Tubo-Charged Negotiations: The EU and the Stability Pact for South Eastern Europe*, Journal of European Public Policy7, 2000, p. 11.

[4] Western Balkans is a very audible name which has been the issue of discussions and writing for several years. Its creators have avoided the term southern Balkans, because the adjective "Southern" is pre-associative, causing resentment in the region. The "Western Balkans" sounds better, and leads us to the thought that the Balkans, although not western in terms of western principles of organization of society, could be "Western". In this political communication, some seek today to show that Western Balkans is only politically inappropriate term, because Europe is made up of EU member countries, while the Western Balkans, which, though historically, in terms of civilization and geographically belongs to Europe, it is not Europe, and it is yet to gain a Union membership. Thus, the politico-economic community has undertaken the geographical and historical name of the

strategy towards mostly all countries of Southeast Europe which are not members of the European Union today.[1]

Western Balkans is the space that has become so interesting due to its border status or situation that is "neither here nor there" and that is, at the same time, in both places. In discourses arising in the context of joining the Union, the Western Balkans is marked as an area which is geographically located in the south-eastern part of Europe, or "dangerously" close to the EU, thus, it has been threatened by what characterizes countries of the "third world": terrorism, illegal migration, organized crime, human trafficking. Thus, the Western Balkans is symbolically dislocated in space south of the European continent, beyond the symbolic borders of Europe, in the "third world". In the context of the division of European and non-European countries, the Western Balkan countries need to become members of the European Union so that they would be recognized as part of Europe, given that it is also a necessary condition for economic development and lifting their lower status in the European hierarchy. On the other hand, there are perceptions that the "Western Balkans" is an artificially created term in order to change the image of the whole region, known as a very turbulent part of Europe, and, due to that, it would exist only if the countries belonging to this region were not qualified for membership in the European Union.

Western Balkans as sub complex of ERSC

The Balkans has attracted particular attention to the RSCT, because during the 90's it was possible to establish a special RSC. At the beginning of the 90's there was a tendency to become and it could be concluded that in a short period of time it really had become an independent security complex because of all the specifics that were occurring. Moreover, the outcome was not determined by internal dynamics, but largely by various securitizations of external forces. The Balkan case also serves to investigate the nature of sub complexes, and to examine the possibility of overlap (overlay) in this area.

The Balkan region was relatively detached in 1991-92, apparently because the interactions were more intense within than across the borders of former Yugoslavia, but also different, or special, in the sense that the

entire continent. In terms of language, only the prefix "western" is important because the west has a higher value.

[1] See about geopolitical and security challenge of the Balkans: Gacinovic, R. and M. Bajagic (2013). „Serbia and Geopolitical and Security Challenges of the Balkans", In International Scientific Conference, The Balkans between Past and Future: Security, Conflict Resolution and Euro-Atlantic Integration, 05-08 June 2013, Ohrid, Volume II, pp. 490-505.

security dynamics here acquired a noticeably different shape (dehumanization, war, ethnic cleansing) than in the rest of Europe at that time. On the other hand, some authors refuse any generalization, saying that the Balkans in no case has the monopoly on barbarism.[1] However, the outcome seems almost certain now: the Balkans will not be left alone. Wars have strengthened the coherence of Europe. The interventions were partly conducted in the name of Europe and European values, and then the Balkans is reintegrated into the plans of EU and NATO.

The external actors were crucial for the development of the Western Balkans and this is true today too. Differences in power, combined with geography, allow the external actors to shape this space. That is what defines the Western Balkans as a potential part of ERSC. This potential is activated by the factor of identity, where the Western Balkans is seen as part of the EU - Europe. The option of closing sub-regions was tempting for some. This option meant construction of the Western Balkans as a separate RSC, but in the end the winner was the other "perception" that the Balkans is part of Europe.

In terms of capacity for interaction (technological and social infrastructure for transport and communication) and models of securitization (models of friendship and enmity), local actors, primarily from the former Yugoslavia, are now mostly related to each other, but the power of the surrounding actors is so overpowering that the Balkans can easily be absorbed as a sub-region within the EU - Europe. On the other hand, following the basic principle of RSCT where regional groupings occur “bottom - up", commonly connecting the actors, the conclusion should be that the Balkans is a special RSC. This conclusion may be wrong. Due to the asymmetry of power between the actors in and around the Balkans, the power is in the hands of the external forces to "push" the Balkans in the European complex.

[1] Maria Todorova is warning that the Balkans peoples are killing each other because of something that had happened five hundred years ago, and in Europe, which has a longer civilization memory, they kill for something that had happened two thousand years ago. She adds that one is inclined to wonder whether the Holocaust was a result of "excessive" or "moderate" prevalence of barbarism. It happened 70 years ago, while the Balkan wars happened even before. Along with the war on the territory of Yugoslavia, “neat and clean" operations were conducted in the Gulf War, in which the U.S. technology succeeded in seventeen days to slaughter at least half of the total number of casualties of all conflicting sides during the two Balkan Wars.” If that is too close to us”, Todorova concludes, "let us remind ourselves of the war in Vietnam". Because of the ease with which American journalists imposed charges of genocide in Bosnia, where the numbers of casualties range from 25 thousand to 250 thousand, it would be interesting to know which term they would have used for over three million dead Vietnamese; Todorova, M., *Imaginary Balkans, op. cit,* p . 21.

At this moment, it could be considered whether to define the Balkans as a sub complex within the European regional security complex or as an example of an overlap (overlay). If we start from the assumption that the Western Balkans is an overlap (overlay) it would imply that the presence of some forces completely chokes the regional security dynamics. Despite the presence of external forces in this area, which are evidently decreasing[1], it cannot be said that there is an overlap because the regional security dynamics are still strongly expressed.

Thus, the concept of sub complex becomes central when it comes to the Balkans. The concept of complex is clearly represented in RSCT. The definition of RSC systems outlines the fact that security interdependence is more intense within than outside its borders. The sub complex also has this property of relatively clear boundaries within, where most of the security interactions are oriented towards the interior, but unlike the "real RSC", the sub complex forms part of a larger complex out of which it cannot be understood. Despite this, the Western Balkans can be observed at this point as the ERSC (European Regional Security Complex) sub complex. This region in the EU is often mentioned in the context of concern for the security and stability of the region, not only for its internal security but also for the overall security of Europe[2], since the possible insecurity in the Balkans would have implications on the wider European security. So, it may be stated that the security of the Western Balkans is indivisible.

Regardless of how countries are differentiated concerning their economy and culture, they have safety as their common denominator. To some extent, it results from the geographical position of the Western Balkans as well as the regional cooperation. To survive and to change their perception and the image of the region, the states must cooperate regionally starting from the field of economy up to the security sector. The opportunity for the EU and NATO membership of these countries is a promise for them to be included into some security elements that help the creation of stability in the region. How the further events and relationships will unfold in this field depends on the EU determination to make a strategic step towards the Western Balkans. So far, the steps that have been undertaken are a proof that EU seeks to involve and assist the region in further integration.

[1] In the mid-90s the security of this area was established with the operation of the European powers in various forms. Thus, UNPROFOR, SFOR, the International UN police force were stationed in Bosnia and Herzegovina. NATO military missions were located in Macedonia, and KFOR is still stationed in Kosovo. There is a tendency to reduce the missions, more precisely military missions to be replaced by civilian and military to be reduced.

[2] See: Bajagić, M., *Međunarodna bezbednost*, *op. cit*., pp. 325-331.

It was possible that these same forces, which are now pushing the Western Balkans towards the European complex, dissociate themselves from the Balkans, to separate and leave it in order to keep their traditional security problems outside Europe. There was even an ideological basis for this in terms of the availability of the discourse of "balkanization".[1] In general, "balkanization" has meant not only fragmentation of large and powerful political units, but it has become a synonym for returning to tribalism, delayed, and primitive barbarism as well.[2] Within this general discourse, there are variations that, in general, are different answers to the question: who or what was securitized?

The most analyzed discourse is that of the "ancient hatred", the conflict and its expressed cruelty that is inseparable from the Balkans. Thus, Roger Cohen exclaims that "the idea that people kill each other because of something that might have happened in 1495 is inconceivable in the Western world. But not in the Balkans".[3] Therefore, this discourse constructs "equal parties", not the good against the bad, and it causes the inability of making the decision. It represents the Region as a threat to itself, not as a threat to the West. This means that it is a non-securitization of the West itself. To change the basic structure, based on the "ancient hatred" in securitization, there is a need of one more connection. It is characterized as the possibility of "spill over" and linked to Europe. According to this view, although the local parties neither deserve, nor are able to build peace on the sacrifices of the West, a military action was necessary to defend the regional European or international stability or the strategic, national or vital interests.

Especially nuanced analyses are those of Hansen and Frello, often correcting the quite dichotomous stories (as the one of including or excluding the Western Balkans). In this sense, Hansen states that the duality of balkanization and inclusion is temporarily resolved in favour of inclusion, but stresses that the Balkan discourse has reproduced enough for preparing some kind of "contingency" option.

The strategy of prevention and isolation, as the ultimate goals of balkanization, was practically difficult for several reasons. First of all, it is due to the fact that it was claimed that local actors stood over external actors

[1] See: Bajagić, M. i D. Vejnović (2011), Strateški geopolitički projekti Zapada na Balkanu: "Balkanizacija i prometeizacija" Srbije. U Maliković, D., Šuvaković, U. i O. Stevanović (2011). Političko nasilje (tematski zbornik), Priština, Filozofski fakultet, str. 167-181.

[2] Maria Todorova emphasizes that what is called "Balkanization" has been made gradually over two centuries and crystallized into distinct discourse during the Balkan Wars and the First World War. Over the next decades, this discourse has gotten additional features, but they are mainly referring to the details, not the essence; Todorova, M., *op. cit.*, p. 42.

[3] Cohen, R., A Balkan Gyre of War, Spinning Onto Film, New York Times, section 2, 12 March 1995, p. 24

and that their participation was probably overestimated. Such an attempt for excluding the external actors required an adequate policy towards the region. Secondly, the media and morality of the West did not allow passivity. Politicians were pushed to do "something", which meant that the Balkans is seen as "European".[1] Nina Greger used the securitization approach and found that human rights and other values were referenced objects. In this case, it is difficult to establish a balance between the "universal" values and the European cause of influence.[2] Most principles are formulated in general terms, trying to avoid defining the special European standards, but the fact that such a comprehensive international action was taken, compared to those taken elsewhere, clearly shows that the European/Western factor was in play.

Thirdly, security interdependence[3] was too strong in the Balkans-Europe route. Although major powers decided to try again to redefine the Balkans as it is not a part of Europe and as the war was not their problem, it would not probably have been enough for disengaging, because the war was spilling over in the form of problems that were securitized in other sectors, particularly in the form of immigration.

However, the Balkans has not become a separate RSC, and the question is how durable will be the form that it will take: whether it will still be a sub-region, or will it be incorporated into Europe as a whole (which is more likely). Is integration necessarily irreversible? Can the decision be changed and the Balkans left to itself? It is not very likely, because it would be a failure for the West. Now the prestige of achieving success in creating sub regions is in question, and along with it, most of the countries of the Western Balkans have consolidated legal, political and economic changes to that extent that they have become more or less irreversible. On the other hand, it seems that the Balkans is on the way which in the end will transform it into an integral part of Europe and not as a part without difficulties, but as Buzan and Weaver predicted, in a part with a "more normal eastern - central European problems". Thus, the medium-term position of the Balkans is a sub-complex, not an overlap. In the long run, the Balkans can join Europe. The overall model of regional security has been determined out of the Balkans, within the centre of EU - Europe. To what extent the dynamics characteristic of the ERSC (integration, extension, de-securitization) will be expanded in the Balkans will be decided depending on internal policies of the Balkan countries. Regime changes in Croatia and Serbia represented a

[1] This gains importance especially when comparing the western reactions about the similar tragedies in West Africa.

[2] Pavlovic, G., „Zastita ljudskih prava kao imperativ bezbednosne funkcije drzave", *Strani pravni život*, No 3, 2011, p. 284–299.

[3] Koehane, R and Joseph S. Nye Jr., *Power and Interdependence* (3rd ed.). New York: Longman, 2001, p. 7.

big step towards integration to the European "normalcy". On the other hand, there are security dynamics that decelerate the integration of the Western Balkans, and their solving will determine its further movement.

Achievements and prospects of the Western Balkans

Despite the abovementioned security dynamics that burden the (Western) Balkans, there is a broad opinion that it has begun to lose its identity when it began to Europeanize itself. The process of "Europeanization", "westernizing" or "modernization" of the Balkans has long roots, dating from the XIX and XX century, when it was understood as spreading rationalism and secularization, the intensification of commercial activities and industrialization, creation of the bourgeoisie and the other new groups in the economic and social sphere, and, above all, a victory of the bureaucratic nation state. In that sense, the Balkan people became Europeans by releasing the last remnants of imperialist heritage, which at the time was considered an anomaly and accepting and supporting the homogeneous European national states as a norm of social organization. It is possible that events, which we are witnessing today, and which are falsely described to have a certain Balkan essence, represent the final Europeanization of the Balkans. If the Balkans can be equated with its Ottoman heritage, then those events are a well advanced phase in the disappearance of the Balkans.

It can be said that this region, with the help of multiple types of international interventions, got away from the open conflicts of the last decades of the XX century and achieved relative stability. Despite the many current open and difficult questions that await resolution, the repetition of the collision of the 90's seems impossible today. Contrary to any period of the history, all the Balkan countries are now governed by democratically elected governments that proclaim cooperation rather than confrontation with their neighbours and the region is under the watchful eye of the international community, prepared with different means of intervention in case of crises, far more efficient and more resolute than before, among other things, using a strong military presence in several countries of the region and its neighbourhood.

Although peace and stability have not become self-sustainable yet, the number of foreign troops in the Western Balkans is constantly decreasing. The process of reconciliation after the recent wars has advanced in many areas, and former adversaries are now increasingly stronger partners and better neighbours. The state borders represent increasingly smaller obstacles for such purposes, contributing to and facilitating the movement in the region, with increasingly weaker visa regimes and better communication.

From a political point of view, despite the many issues which hinder the full democratization, all states have achieved some stability in their political institutions and returned a good portion of their policy in their frameworks and democratic elections have largely become a routine. Observance of human rights is also incomparably greater than before. When speaking about democratization, all countries in the region can now be evaluated as "democracies with a certain level of consolidation". Describing them in this way, the American organization *Freedom House* puts most of the Balkan countries among the second consecutive group of post-communist countries according to achieved democratization.[1]

There are two ways of achieving a greater cooperation and integration in the Balkan region. One of them is functional connectivity within which the big and unresolved political issues are left aside, and the economic and other cooperation in areas of importance to the practical life of the citizens from any side of the state boundaries is favoured. It is assumed that this kind of cooperation will be deepened in time, just as the European Community was conceived by small steps, accompanied with great vision. The other way is to create a security community in the Balkans, which means at least three things: common values of the governments in the region, predictability of behaviour, and the opportunity to act jointly and quickly in the case of crisis. The formula, in which the principles of the functional approach and the security community complement each other, reaffirms the Balkan model of post-war integration in Western Europe, with all the characteristics of our region today. It is a formula that can be named "Europe in the Balkans."

The implementation of the project *Europe in the Balkans* should be based on the previous success of including the Balkans into the Euro-Atlantic integration as well as on new visions, strategies and resources. It seems that there is no doubt that offering a real prospect of membership to the Balkan countries in the Euro-Atlantic integration in recent years has diverted the Balkans in an essential and historical sense. The region is no longer just a prisoner of the past, but increasingly a voluntary and active accomplice in building a better, its own and overall European future. Besides the local actors, its largest contribution comes from the joint strategy of EU and NATO towards the region. After not being able to cope with it and after

[1]Above them are the post-communist states that have become EU members in May 2004 (Hungary, the Czech Republic, Poland, Slovakia, Slovenia, Estonia, Latvia and Lithuania). The majority of the Balkan states, according to this criterion, fall into three categories. In the "transitional or mixed mode", besides Bosnia and Herzegovina, are Russia, Ukraine, Armenia, Georgia and Moldova. Further towards the bottom of the table are "autocracies" (Azerbaijan, Tajikistan and Kyrgyzstan), and then "consolidated "autocracies": Kazakhstan, Uzbekistan, Belarus and Turkmenistan.

the mistakes in the first years of the Yugoslav crisis of the 90's, the two actors and the international community had failed in formulating a common policy towards the region to be consistent in its implementation and to achieve good initial results.

The European Union was particularly successful in the process of stabilization and association launched in 1999. The purpose of this policy was finding an adequate strategy for simultaneous political and economic stabilization of the situation on the part of the Balkans which was affected with conflicts and undeveloped, but also for the long-term program tailored for specific issues for joining the European Union.[1] The clear perspective of membership and the functional EU strategy has further motivated the countries in the region to accelerate the integration process.

The description of the current situation regarding the Euro-Atlantic integrations of the Balkan countries quite clearly indicates two problems. The first problem relates to the differences in the degree of integration among the Balkan countries: while some of them are fully integrated, or sooner to be integrated, others are lagging, with the tendency for more lagging, perhaps because there is not enough cooperation with the more advanced, or adjustment to the strategy for joining in such new circumstances. It is not just an issue of the countries which have not crossed the threshold for EU and NATO of not having interest or a system of incentives of these organizations, or the capacity to cooperate with the neighbours which are far from membership. This also leads to disruption of the existing institutional and program arrangements, established in NATO and EU, which emphasize the regional approach, i.e. much greater cooperation and integration within the region.[2] The individual accession of any country of the Western Balkans to the Union will lead to new changes of the essential structure of this sub-complex; more precisely, it can lead to external transformation of its borders, but not the boundaries of the ERSC.

The other problem is the inadequately small economic assistance which the European Union now provides for the countries at the lower levels of integration. The principal position of the Union that the aid for the countries should grow proportionally to the implemented reforms cannot be objected, because in all previous expansions it was the basic engine of reform efforts. This, however, does not solve the problem of the least

[1] At the threshold of promising initial results of this process, the EU summit in Thessaloniki in 2003 clearly established that it fully considers the Western Balkans countries as some of its future members.

[2] Thus, for example, the EU has no answer to the question for the future of its regional approach, after Croatia and probably soon Macedonia, practically from the framework of that cooperation, is advancing towards EU membership.

economically developed countries, such as the majority of the Western European countries: with increasingly less support from the Union (as it is now), they lag more and more behind the Union and the neighbours as well. It will quite possibly delay their accession for a longer period of time, which, at any rate, is not expected in the next ten years. Meanwhile, there is a danger that the motivation for integration, which otherwise in these countries is far from a broad national consensus, to become reduced, as more time passes and as the price of joining becomes greater.

Therefore, the strategy of European integration for most Western countries should be innovated as soon as possible, i.e. it should be adapted to new circumstances. "Europe in the Balkans" could be reached not only by retention of the most important principles and criteria of existing models of integration, but also by respecting the characteristics and needs of this region.

Conclusion

Euro-Atlantic integration has had a positive impact on democratic movements in the Western Balkans as well as on the further reduction of risk from regression of authoritarian government.

Nevertheless, the instruments, initiatives, formats, plans and standards that the international community (NATO and EU in particular) utilized and utilizes for development assistance in the respective sectors in support of regionalism in time and by its own finances as well as other implications slowly seem to be losing their relevance and application.

The numerous initiatives and players involved in facilitating and encouraging regional support, especially those in the security sector of the Western Balkans, attract a significant international attention. Anyway, the management of initiatives and promotion of efficiency of regional cooperation depends on the coordination not only among regional countries but among external players as well.[1] Although the level of bilateral and multilateral political cooperation has significantly increased, the level of trust in the region is not yet a guarantee to build common values and common regional identity. Therefore, the framework beyond the Western Balkans related to the Euro-Atlantic integration processes is of great importance. That leaves a possibility for further promotion of more successful and more sophisticated contents in the existing or new models of tools that will

[1] See: Gjurovski, M. and G. Ilik, *Regional Contribution to Global Peace and Conflict Resolution*, In International Scientific Conference, The Balkans between Past and Future: Security, Conflict Resolution and Euro-Atlantic Integration, 05-08 June 2013, Ohrid, Volume II, pp. 344-362.

strengthen coherency and coordination, of which the regional council of cooperation could be a good example.

The only undisputable point is that whenever promotion of a regional country occurs on the path to the Euro-Atlantic integrations, it is greeted by the regional countries. That demonstrates to EU that if its approach is honest, regional cooperation will continue to produce the anticipated results, respected by the Western Balkans. However, although all regional countries declaratively support cooperation, their actual investment is membership. Hence, the conditions of the integration procedure can easily be interpreted as delay of membership or alternative for full membership. This perception is especially applicable for the Republic of Macedonia, after numerous unfulfilled recommendations for starting the talks in EU context and blocking of the accession process to NATO context upon meeting the envisaged standards and criteria.

Discrepancies in the approach to regional cooperation in any part of the integration process also depend on the perception of benefit and not only conditionality. Nonetheless, the region has also learned that regional cooperation is irreplaceable and obvious option. The interest of the region can easily be detected, and regional answers offer better solutions in the framework of regional dimensions. In the wider context, during the last decade, the countries of South Eastern Europe have established various formats that deal with a multitude of political, economic, domestic and regional security issues.

In spite of the strengthened regional cooperation and the wide spectrum of initiatives, a dilemma arises whether regional approach of Western Balkans to EU and NATO is sufficiently credible and current. Honest response has to go along the lines that regional countries and NATO and EU can and should do more to improve regional support of Western Balkans.

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EURO-ATLANTIC INTEGRATION OF WESTERN BALKAN COUNTRIES - CHALLENGES AND PERSPECTIVES

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Abstract

Integration of the Western Balkans countries into the Euro-Atlantic organizations – EU and NATO is crucial for the stabilization and democratic development of the Region. According to the historic and political context, for the Balkans it is characteristic that there is no permanency of nationalism and violence, even though it is its primary content. The situation on the ground in the Balkans varies enormously from country to country. After the break up of the former Yugoslavia, EU and NATO played a key role in the reforms and transitions of the former systems, in developing democratic institutions, in establishing principles of good governance and democratic and civilian control, in the fight against deviances in many other areas. In that direction, they created numerous tools and mechanisms for cooperation to provide assistance primarily in the security sector, and to invest significant resources in the Euro-Atlantic integration of the Western Balkans countries. Additionally, to reinforce long term stability in the Western Balkans, NATO is trying to integrate the region into the Euro-Atlantic structures through regional cooperation initiatives. Both NATO and the EU are aware that non-integration means significant negative political, economic and psychological impact on the affected countries, and currently there are and in the future it can be expected to have greater negative impact on European security. Despite this enhanced regional cooperation there is one dilemma "Is the regional approach of the Western Balkans countries towards EU and NATO a hot topic again?" The answer has to be in the direction that NATO and EU can and should do more to promote regional cooperation in those countries on their road toward Euro - Atlantic integration. All actors know that progress in regional cooperation can not be separated from the broader political and security development of the Region. Therefore, both NATO and the EU aspire for dual integration of all countries in order to decrease the fears and the security dilemmas in Europe. NATO and EU have more urgent work to do in the Western Balkans and much to rose if it is not done well. If you set high standards for others, it has to meet the same. Standardly, the EU and NATO, with the absence of those countries, will not become important actors in the international arena. Hence the idea of Euro-Atlantic integration seems the only thing that connects the Western Balkans and gives the opportunity to develop democracy and to assimilate democratic principles. Both EU and NATO, in the shortest period of time, need to integrate these countries in order to ensure their safety and to strengthen the security in Europe.

Key words: *Western Balkans, euro-integrations, reforms and regional cooperation.*

INTRODUCTION

The dissolution of the former Yugoslavia, followed by military conflicts, has contributed the newly formed states to be "synonymous" for everything what is contrary to European integration. Decades of military conflict in the Western Balkans brought the loss of many human lives, suffering, destruction, economic and environmental destruction and disturbed political relations between the countries that had the effect of stagnation in their development for more of two decades. There was great danger these conflicts to spill over into other countries in Southeast Europe and to generate new crisis areas that would have long-term consequences for security in the Euro-Atlantic area.

Faced with this outcome of events in this region, Europe in cooperation with NATO and the U.S. firmly resolved to put end to this violence in Europe. The European Union's summit in Helsinki in 1999, adopted a so-called "composite contract" which the first time was used "neologism Western Balkans"* which is "defined as a region and a neighbor of the European Union. With this term the EU does distinction between Southeast Europe countries and the region, who at the end of XX century was faced with serious threats to peace and security (Western Balkans)? With this procedure, intended primarily by the EU, the U.S. and NATO, was the preparation and inclusion of the Western Balkans in the European integration process with the ultimate goal of full integration into Euro-Atlantic structures. In recent years, the main attention in this area has been aimed at restoring peace and stability, i.e. to post - conflict peace-building. Therefore, the EU, the NATO and the U.S. have developed a range of mechanisms, which "erstwhile enemies" or newly formed states were forced to begin to cooperate, build trust measures to develop good neighborly relations and all outstanding issues to resolve through dialogue and political peaceful means. The key for implementation of such mechanisms was only strengthened regional cooperation in all areas, especially in the sphere of security and defense sector. In this context, the objective of regional cooperation in the Western Balkans is aimed at providing long-term stabilization of the region and to eliminate the possibility of the renewal of armed violence in the region. Analysts, experts and politicians are firmly convinced that security challenges "plaguing" Western Balkan countries is only possible to eliminate only the unconditional integration of all countries into the Euro-Atlantic processes. Europe can not be truly free without safe and stable Southeast Europe, and Europe can not be united without the integration of all countries of the Western Balkans.

* The term Western Balkans, is a political construction of the European Union for the region comprised of:Croatia, Bosnia and Herzegovina, Montenegro, Serbia, Macedonia, and Albania).

REGIONAL DEFENCE COOPERATION – KEY FOR STABILITY OF THE WESTER BALKANS COUNTRIES

More than clear to the EU and the NATO were that the only way to transform the Balkan countries from consumers of security to exporters of security is only through regional cooperation and implementation of national reforms. Regional cooperation, especially cooperation in defense between the Western Balkans has been shown as a key mechanism of the EU, the NATO and the U.S. to promote peace, security, stability and cooperation between the countries on their way to full integration into Euro-Atlantic structures. The policy of regional defense cooperation within the various forums of cooperation policy of good neighborliness and understanding, the joint contribution in international operations, the policy of joining the European Union and NATO, as a result of two decades efforts of the EU, NATO and the United States have contributed, the citizens of these countries, despite the different ethnic and religious background, to feel Europe as a mechanism that contributes to unite and inspire the citizens of the Western Balkans. According to former Swedish ambassador to the Republic of Serbia and the Republic of Macedonia and EU Special Representative in the Republic of Macedonia, Michael Sahline, "international presence in the Western Balkans was more than necessary from the start. International community, the EU and the U.S. contributed to the security situation in these countries significantly better than twenty years ago and they firmly step towards Euro-Atlantic integration (Sahline, 2013)".

For all countries, Europe is a common goal, not only because of the geographical and cultural sense of belonging to it, but mainly because of with Europe, all have a common past, a common present, and common future and all share common values. Despite all inherited recidivism and "challenges of the past, this region has managed to firmly step forward proving that the best perspective for it is European. The results show that in the last decade, great progress has been achieved in regional cooperation, security and development of all countries of the Western Balkans as well as in achieving the vision of a united and free Europe (Besimi, 2012)."

The large international presence in the region in all past years was a necessity for securing peace and stability. It is still not clear why the U.S. left to Europe care for security and integration of the Western Balkans. EU trough High Representative in Bosnia and Herzegovina and through EULEX in Kosovo is trying to establish more effective way to maintain a presence in the region. In addition, there is a dilemma, does the future presence will be the creator of greater stability or reason for even greater increase in crime.

ACTUAL SITUATION IN THE WESTERN BALKAN COUNTRIES - CHALLENGES AND PERSPECTIVES

To the political elites of the Western Balkans, more than clear is that peace, security, stability, economic development only can be achieved by mutual respect, a respect for diversity of are common values, and active contribution to the preservation of world peace. Geographical proximity, historical heritage, great interdependence between countries, many friendships, strong ethnic and cultural ties are growing interdependence of national economies, the impact of the EU and NATO, as well as the impact of globalization, to a significant extent determine the challenges and opportunities for development and security of the region.

According to Minister of Defense of the Republic of Macedonia Talat Xhaferi, "today, each Western Balkans country has achieved phase where EU integration process is irreversible (Xaferi, 2013)". Most of the Western Balkans countries are members of NATO[*] and of the EU[**], candidates and potential candidates for membership (with the exception of Serbia which still has reservations towards NATO membership, although is a member of Partnership for Peace). According to the statement of the President of the European Council, Herman von Rompuy, stated in Ljubljana, "European perspective for the Western Balkans is absolutely keys to peace in that part of Europe, which recently suffered due to war. Our door is open there is no enlargement fatigue in Europe." According to the statement of the U.S. analyst and expert on the Balkans, Daniel Server, stated for Radio Free Europe in 2013, "till 2020 all Balkan countries will become members of NATO."

Situation in Montenegro

The security situation in Montenegro is stable, the country is moving forward on its way to full membership in the EU and NATO. Montenegro is close to meeting the criteria for membership in NATO, but it does not guarantee that Montenegro will be admitted to NATO. Practice has shown that some country can meet all the conditions and criteria for membership, and for political reasons the door could be close for several years. In June 2012 Montenegro, have got a date to start accession negotiations with the EU by the Council of Ministers of the EU, but the full membership has remains much work in the fight against corruption and organized crime.

[*] Albania and Croatia became fulfill NATO member on the NATO Summit in Bucharest in 2008. On this Summit veto was put by the Greece for Macedonian membership on NATO.

[**] Croatia became a full EU member in July 2013, and in 2014 Serbia started accession negotiations with the EU. Macedonia, because the famous problem with Southern neighbor is not yet started negotiations accession in the EU, despite the positive recommendations of the Council of Europe

Situation in Bosnia and Herzegovina

The political elites of ethnic communities in Bosnia and Herzegovina after two decades of Dayton did not find a common language to unite the country. Despite long-standing international commitment personified by EUFOR, is still visible division between Bosnian - Croatian Federation on the one hand and Republika Srpska on the other side, and that makes this country to be, among the group of "fragile state". In Bosnia and Herzegovina, for example the leaders still need to be convinced to create a successful constitutional state and for solving stay structural problems.

Situation in Serbia v.s. Kosovo

Relations between Serbia and Kosovo are the most challenging in this region. Kosovo is still burdened with the dispute with Serbia over Northern Kosovo and Kosovska Mitrovica where mostly ethnic Serbs lives. Kosovo wants to normalize relations with Serbia and is ready to cooperate in preventing criminals from each other border crossing. Corruption and organized crime are challenges that are in Kosovo continuously growing. Local elections in Kosovo in 2013 were a test of Kosovo's Euro-Atlantic aspirations. The EU integration is seen as a means for better reforms in the country. Overall, the local elections received a passing grade from Brussels, but these choices contributed two extreme nationalist wings to surface.

According to Feith (2013), the former EU Special Representative and the International Civilian Representative for Kosovo, Artistry plan was created to help strengthen the position of Serbs in Kosovo and on the north to create a community of Serbian municipalities. However, the competence of the municipalities were not "quite" clearly defined, now need dialogue to lead from the top down. Remains a challenge as EU fails to convince the Serbs in that respect to have dialogue with Pristina. Responsibility for this situation lies primarily on the Government of Kosovo and local representatives, but also each other need the help of Brussels.

According to Matson, head of the executive department of EULEX "is not easy to conduct investigations to address the pressing problems of organized crime and corruption in Kosovo (Matson, 2013)". Therefore the aim of EULEX is implementation of laws and the establishment of accountably institutions in Kosovo, to who will be transferred competences. Attended of EULEX to Kosovo, officially ends on 14 June 2014, but Brussels should consider extending the mission under another name or to provide an international presence in other international form because it is still necessary because of that the institutions are not ready for independent functioning. However, European officials are concerned about the relationship of Kosovo’s Prime Minister Hashim Thaci to the EULEX mission. According to Pristina daily “Tribuna” Kosovo's government tries to use the restructuring process of EULEX mission and try to remove the mission. Public opinion on the role of EULEX is variable, some conducted investigations have viewed positive while others is manifest dissatisfaction.

A special issue of Kosovo constitutes war crimes, involving different ethnic offenders. Political problems do not coincide with legal, and to their processing have occurred conflict situations.

According to Deputy Prime Minister of Kosovo and Minister of Justice, Hajredin Kuçi (2013), Kosovo has one of the best laws in this area and keep investigations against current ministers, directors and members of their political parties. Also, according to Kuçi (2013) has been good ethnic and geographic balance and good structural reforms, but in the future should be improved perceptions of Kosovo, because sometimes insufficiently clear messages sent to Brussels, which creates false perceptions of success of the country.

Situation in Macedonia

The situation in Macedonia is significantly improved than from a dozen years. The crisis in Macedonia in 2001 had solved step by step, first with a peace agreement i.e. "Framework Agreement", then had decide for military presence of NATO and later the EU police presence aimed at supervision in the implementation of the Framework Agreement. At that time was seen as a paradox at the same time to place the process of stabilization and association agreement with the EU in Macedonia. But the political will of the international community was strong enough to be able to start a parallel process of stabilization and candidate status. Macedonia has implemented a series of reforms that have fulfilled the necessary criteria for NATO membership since 2008 to start accession negotiations with the EU. So far, by the Council of the EU a recommendation to the Council of Ministers of the EU setting a date to start negotiations was in the last five reports. However, the double integration of the country is hindered by Greece over the name issue.

Currently, Macedonia faces three challenges that need to find appropriate solutions. These challenges are:

- Mistrust among the political parties. In the past Javier Solana together with the passed-away President Trajkovski unsuccessfully tried to unite all political leaders for Euro-Atlantic future of Macedonia. The situation worsened in 2012 when the opposition boycotted parliament again resulting in a "violent" removal of opposition elected deputies and journalists from Parliament. It expressed opposition to street protests tend to boycott the upcoming local elections and was a situation that could lead to the destabilization of the country. With assistance from the EU and the U.S. political solution was found by form an ad hoc committee for clarification of the 24 December events, which was tasked to shed light on the events of "violent" expulsion of parliamentarians. Ad - hoc Committee decided, but political will to implement them is lacking. Will to make compromises is very weak, freedom of the media is a problem, and there is considerable polarization in society.
- Intolerance to ethnic communities. And after spending more than ten years since the signing of the Framework Agreement, there is still distrust between Macedonians on one side and the other communities on the other.

Government continuously strives to fulfill the obligations arising from the Framework Agreement in terms of proper and adequate ethnic representation in government institutions. However, despite all employment the level is not reached and the coverage varies from institution to institution. Best standing institution in terms of achievements and proper ethnic representation is the Army of the Republic of Macedonia, where the representation of ethnic minorities in 2012 was 27 % (White Paper on Defense of the Republic of Macedonia 2012, 59).

- The name issue, which has not yet been resolved. The challenge is to name the problem for Macedonia on its way to fulfill integration into NATO and the EU. This long-standing problem hinders Macedonia to become a full member of NATO even though country meet the criteria for membership as early as 2008, and can not start the EU accession negotiations, while in the meantime it reflects the inter-ethnic relations. All previous governments in the country expressed their willingness to address this challenge, but there is "timidity" regarding some concessions from its constitutional name. However, there is a dilemma and it is unclear whether the case "is solved" this issue, you can solve other problems in the country. Long-standing name challenge initiates a series of additional challenges inside the country, as an example we can point out to more active involvement of political leaders of the Albanian parties began intensively to seek its share in resolving this "pressing" challenge. Another element is the constant rise to uncertainty over national identity which in certain circumstances can manifest nationalism in order to strengthen it. Also the foundations of democracy are not strengthened. Negotiations under the patronage of UN mediator Nimetz in the past two decades did not resolute with a common compromise and mutually acceptable solution for both countries. It seems the solution to this challenge lies only in direct engagement of some external factor, and its strong influence on both sides to find a mutually solution. Currently, a country that has the strongest influence in the EU or economic is most powerful country - Germany

However, despite increased regional cooperation and broad range of initiatives in still exist the dilemma does the regional approach to the Western Balkans to the EU and NATO is sufficiently credible and current? The process of reconciliation, stabilization and integration is not yet fully completed in all countries of the Western Balkans. The answer we must look in the direction that the Western Balkans and the EU and NATO can and should do more to strengthen regional cooperation among the countries of the region.

CONCLUTION

Despite all efforts of the international community, the EU and NATO, the current situation in the region continues to be a potential security threat, which rose the question "whether maintaining executive presence is still beneficial for the

countries" within the EU. It is estimated that the presence, in a sense, deprive states of their own responsibility and accountability. It is not clear whether we can still believe that the accession process will help to better integrate ethnic groups and to promote inter-ethnic relations.

In the case of Macedonia, although the country met the criteria for membership in both structures, often by institutions of the EU and NATO confirmed that the only obstacle that stands in the way of Macedonia's membership in NATO and the start of negotiations EU's is solving the name issue with southern neighbor. On the other hand, the five recommendations of EC negotiations with the EU, clearly talk about progress, quite sufficient country to start negotiations, which in itself will speed up other reforms. However, the European Council does not allow it. Additionally, NATO has not only relative to the achievements of Macedonia's readiness for membership, but repeatedly praised for its role in preserving the country's peace and security beyond.

Therefore, instead of the aforementioned dilemma should open another, which should be paid enough attention, it is the credibility of the EU institutions and the credibility of the enlargement. In addition to this thesis and go louder announced the senior leaders of the EU and the EU member states that after that Croatia will not happen another EU enlargement towards the Balkans. It leads to the conclusion that the EU should fundamentally reconsider the accession process and give new life.

Another element that interferes with the Euro-Atlantic integration of Macedonia is that the integration process of the country is associated with the packet with Serbia. After Serbia got a date for accession negotiations to the EU, the Euro-Atlantic integration of Macedonia now connects preloaded with Atlantic perspective of Montenegro, Kosovo and Bosnia. According to the statement of political analyst from Washington and Balkans expert Server (2013) stated in Podgorica 2013, "Montenegro and Macedonia belong together, not because they depend on each other, but because both need to be members of NATO". Facts shows that Macedonia is not only a challenge but actively contribute to this cooperation. Differences in Montenegro, especially in Bosnia and Herzegovina and Kosovo are enormous security challenges are different, and even less can be approximated potential for ethnic tensions.

Although the Western Balkans is active participants in several regional initiatives and seeks joint regional responses to common challenges, the work of NATO and the EU is not yet fully completed. The situation in most countries indicates that their contribution remains indispensable to regional security. For Europe - united, free, democratic and stronger, we can speak only when all countries of the Western Balkans - Macedonia, Albania, Bosnia and Herzegovina, Kosovo, Montenegro and Serbia, will be full integrated into the EU.

Countries in the region are still troubling with inherent nationalism, ethnic tensions, illegal migration, organized crime, illegal trafficking and corruption, the presence of terrorism, drugs and weapons trafficking. They are security challenges faced by all countries in the region and seeking common solutions, and only together all countries can do more to deal with them. Lessons learned from the past are a good indicator that it is an approach in which all participants receive (win-win

approach). EU enlargement and strong regional and bilateral cooperation is the best common responses to common challenges and the biggest investment of a united and prosperous Europe. Therefore, the presence of NATO and the EU, their contribution to regional security, and additional efforts for the integration of all countries into the Euro-Atlantic community is more than necessary.

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REPUBLIC OF MACEDONIA – REGIONAL ZONE OF CONFLICT OF INTERESTS AND GEOPOLITICS

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Abstract

Republic of Macedonia is geographically located in the heart of the Balkan Peninsula, covers an area of 25.713 km ² (150th country by area in the world) and has borders with five countries: with Serbia (border length 62 km) and Kosovo (159 km) to the north, with Bulgaria (148 km) to the east, with Greece (246 km) to the south and with Albania (151 km) to the west. The paper analyzes the current geopolitical and geostrategic position of the Republic of Macedonia with an emphasis on the open issues that this country has with its neighbors. Analysis indicates that the Republic of Macedonia is a zone of influences where interests on all neighboring countries collide. Back in the history, the ethnic Macedonian territory was a key factor of Serbia to be a coast country[1]. From the history (SFRY) the Republic of Macedonia is in good relations with Serbia, and Serbia formally acknowledged the constitutional name, but there is still the dispute between Macedonian and Serbian church. This problem (at first glance religious) is actually a political issue and there is no solution without active role of political actors from both countries[2]. There are problems today with the Republic of Bulgaria, which although formally recognized the constitutional name of Macedonia, they still do not agree with a large percentage of our official history (especially the Macedonian language) also claiming that Macedonians are of Bulgarian origin. Then, here is the dispute with Greece about the constitutional name of Macedonia and the West part of Macedonia, is included in the dream of a Greater Albania. The conflict in

[1] Muhamet Racaj "Prevention in Combating Organized Forms of Crime on the Borders of the Republic of Macedonia", PhD thesis, Faculty of Security – Skopje, p. 37

[2] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

2001, among other things, the conflict was an attempt to occupy the territory. Albanian nationalism as retrograde social appearance focused on taking part of the territory of Macedonia and merging to Albania creates illegal forms of association[1], and Albanian organized crime is a point of reference for all criminal activity today.

Key words: *Geopolitics, Conflict of interest, Macedonia, Balkan, Security analysis.*

GEOSTRATEGIC POSITION OF R. MACEDONIA

Republic of Macedonia is located on the Balkan Peninsula. The Balkan is surrounded with the Black, Aegean, Ionian and Adriatic Sea. It is strategically located at the crossroads between Asia, Africa and Europe. The Balkan proved that it is an attractive field for conquest, and also as a traffic corridor to other regions[2]. The Balkan represents mountain range that starts from Timok and ends at the Black sea and its length is more than 350 kilometers[3]. The territories of Macedonia , Bulgaria, Greece, Albania , Kosovo , Serbia , Montenegro , Bosnia and Herzegovina, Croatia, Slovenia, the part of Turkey which is in Europe and part of Romania belongs to the Balkan.

On the territory of Macedonia pass very important roads. From north to south through the Mavrovo-Vardar valley passes the shortest route, which links central Europe with the Middle East and Suez Canal or central Europe with the Aegean Sea and the Mediterranean. During the Roman Empire and later on Macedonian territory passes the famous road Via Egnatia[4] and the route of this highway starts from cities Durres and Elbasan in Albania, continue through Macedonian cities Ohrid and Bitola and lead to Solun and Constantinople. This remarkable geostrategic position of Macedonia has a very big impact on the historical development of the Macedonian people. On the one hand, the openness of the territory of Macedonia, contributes faster and easier spread on economic and cultural development, from highly developed Mediterranean and led fast economic and cultural development, on the other hand the favorable geostrategic position of Macedonia was reason for many wars for supremacy in Macedonia, especially aspiration of

[1] Batkovski, T., Illegal associations (gangs, organizations and groups) created from the positions of the Albanian nationalism in Macedonia in the period from 1945 to 1987, PhD thesis, Faculty of Security - Skopje, 1993

[2] Jelavic, B., History of the Balkans, Nik List, Skopje 1999, p. 3

[3] Encyclopedic Lexicon – Mosaic of knowledge, Interpress, Belgarde, 1969, p. 58

[4] Popovski t., Macedonian national minority in Bulgaria, Greece and Albania, Macedonian Book, Skopje 1981, p. 7

neighbors for merging Macedonian territory with their states, which negative affect on survival of Macedonian state.

Today borders of the Republic of Macedonia are from the end of the Second World War, the session of ASNOM. On august 2, 1994 was the first plenary session of ASNOM in monastery Prohor Pchinski. On the session 116 delegates from Vardar Macedonia proclaimed Vardar Macedonia into a republic and Macedonia became equal in the Federal Republic of Yugoslavia. Geographical Macedonia borders with Serbia and Kosovo to the north, Bulgaria to the east, Greece to the south and Albania to the west.

RELATION OF NEIGHBORS AGAINST R. MACEDONIA

Relations of republic of Greece and republic of Macedonia

To penetrate into the problem in detail of relationship of Greece against Macedonia will return in the past, at the time when Macedonia was divided in Bucharest peace treaty, which Greece received Aegean Macedonia. Aegean Macedonia is the largest region in Greece by area and second region towards the population. Aegean Macedonia covers approximately 34,356 km^2 or about 51% of the territory of geographical – historical Macedonia. This region of Greece is called Macedonia and according to them it is the only region which has right to be named Macedonia. This attitude of Greece is one of the biggest reasons for the decades – long problem with the name Macedonia. After the independence from Yugoslavia in 1991, Macedonia asks for recognition under the constitutional name in the United Nations, based on the report of the Badinter commission. Greece opposes the international recognition of Macedonia under constitutional name because of few reasons: name, country constitution and flag. In order to prevent the recognition of Macedonia, Greece as a member of the European community, put pressure on other member's states through Lisbon declaration, which prohibits any territorial claims against Greece, propaganda and in general use of the term Macedonia by Republic of Macedonia. Greek diaspora was mobilized and exert strong pressure on the United States, Canada, Australia, and other major countries to not recognize Macedonia under the constitutional name. Aegean Macedonia today has about 2.200.000 residents. The exact number of people who declare themselves as ethnic Macedonians isn't known, in the implementation of the census, doesn't exist graph with title Macedonian. Generally speaking, the Greek government doesn't recognize the existence of Macedonian minority in Greece and because of this, Greece often is target of criticism from several international organizations including the Helsinki committee. Today Greece as a member of European Union doesn't permit in

Aegean Macedonia, Macedonians to be educated in Macedonian language and the attempts to create a Macedonian cultural center in Voden were hamper. In 2006 in Athens and Solun was promoted Abecedary of contemporary Macedonian language and alphabet, which first print was in 1925 by the Greek government, and this was a step forward in improving minority rights on Macedonians in Aegean Macedonia and Greece in general. The general attitude of Greece is that contention of existence of Macedonian minority is a territorial claim of the Republic of Macedonia.

After the breakup of Yugoslavia on 8 September in 1991 was held a referendum on independence vote and 71.28% of the total registered voters which number was 1.495.626 people, 95.32% of the population voted for independence of republic of Macedonia. On 2 December, 1991[1] letters were sent to all presidents and governments in the world with requests for support and recognition of the independence of Republic of Macedonia. Also there was taken activities for our membership in UN. The European community formed committee composed of five members who were presidents of constitutional court in member countries, headed by French president – Robert Badlinter to determine which of the republics of the former Yugoslavia complete the requirements of international recognition. Conclusion of the committee was that only Macedonia and Slovenia complete the requirements for international recognition. Also specified that the name has no territorial claims against Greece and doesn't obstacle to international recognition. The EEC summit in Lisbon in 1992 confirmed the willingness of the EC to recognize the Republic of Macedonia under once condition: solving the name issue with Greece. On the new precedent on august 21, 1992 Greece stopped oil shipments from port of Solun. The reason was the conviction of same states members to EEC that Greece broke the embargo against Yugoslavia. The Greek government used all these things as a reason to stop oil shipments, knowing how important the Solun port for Macedonia is. There is thesis that with stopping oil shipments, Greece wanted to force Macedonia to change the name. The minister for foreign affairs in that time Denko Maleski wrote to UN Secretary General - Boutros Ghali, Chairman of the CSCE - Joseph Moravcsik, President of the Commission of the EEC - Jacques Delors, President of the European Parliament Egon Alfred, Acting Secretary of State department - Lawrence Eagleburger, Minister of Foreign Affairs of the Russian Federation - Andrew Kozirev and to eleven foreign ministers of member states of the EEC, asking for immediate intervention of the international community to stop the

[1] Gligorov K.,, The Struggle for International Recognition of Macedonia, Compilation, Macedonia 1989 – 1999, Skenpoint, Skopje 2001, p. 73

embargo from Greece. The oil shipment was hampered almost to the end of 1992.

On April 7, 1993, Security Council approved the accession of Macedonia with 817th resolution. In resolution is stated that[1]:

- Reference "the former Yugoslav republic of Macedonia" is temporary used reference until the solution of issue.
- Term is reference, not name as a neutral point in dispute. The United Nations doesn't mandate to determine the name do the country.
- The term is for use only in United Nations and isn't binding on any other organization.
- The term does not imply that Macedonia has any ties to the former Yugoslavia.

Macedonia joined the UN on April 8, 1993 as 181th member on UN under temporary name – the Former Yugoslav Republic of Macedonia; this was because of disagreements with Greece for accepting Macedonia under its constructional name in UN – Republic of Macedonia, by the UN Secretary General - Boutros Ghali in 1993 as a special envoy acted Cyrus Vance. After the acceptance of the Republic of Macedonia in the UN also start the recognizing of Republic of Macedonia and in large number the states recognized Macedonia under the constitutional name. In November 1993 the Greece minister for foreign affairs write to Secretary General on UN Boutros Ghali, informing him for the new position of his government in talks between Greece and Macedonia. After that Greece made economic embargo. On 16 February, 1994[2] Greece closes border with Macedonia and own consultant in Skopje, and freezes services on Solun port. The duration of the economic embargo was 18 months. This situation serves to Greece even though id denies all the time the existence of the Macedonian state.

From inertia on EU and UN for finding solution to stop Greece embargo, political leadership of the Macedonia had to draw conclusion, no matter unpleasant it's true, and that is:

- That the yardstick is different when the rights and actions are measured between countries who are members and the countries who aren't members.
- The smaller states in international relations can't enjoy all the rights who arise from international acts.

[1]http://www.mn.mk/istorija/7029-Istoriska-pozadina-na-sporot-za-imeto-pomegu-Makedonija-i-Grcija (19.01.2014)

[2] Blazevska K., Nine years of Macedonian Pluralism, 1989 – 1999, Skenpoint, Skopje 2001, p. 128

- In the politics only interest are eternal[1].

On 13 September, 1995 was signed the interim agreement between Greece and Macedonia. In this agreement Macedonia agreed to change the flag and amend the constitution in the part of preamble, which states that Macedonia does not have any territorial claims against any of neighbors. Greece side agreed to not impede the way of Macedonia's membership in institutions such as international monetary institutions, NATO, OSCE, EU, etc. requests for membership can be under the constitutional name, but Greece reserves the right to block the adoption if it is not under temporary reference. Although the singing of the interim agreement partially stabilize relations between the two countries, however the name issue is not resolved yet. The singing of the interim agreement until 2004 does not have same specific progress in 2001 – 2002 in Macedonia was internal military conflict, so the question of the name at that time was in background. In 2004 United States recognized Macedonia under constitutional name. On 03.04.2008 on the NATO summit, Greece blocked Macedonia's invitation for membership on NATO. Despite categorical commitment of several leading countries for accession of Macedonia, especially United States, Greece doesn't consent to invitation of Macedonia, justifying it with bad neighborly relations because of unsolved issue with name. On 17.11.2008 Macedonia sued Greece at the international court of justice in The Hague, because with blocking Macedonian's invitation broke Article 11 of the interim accord. On 05.12.2011 the court in The Hague judges in three points, two of them were in favor of Macedonia:

- Court is component to decide (accepted with 14:2 votes)
- Greece violated interim agreement (accepted with 15:1 votes)
- Court reject the possibility to order Greece in future to not block Macedonia in EU and NATO integration (accepted with 15:1 votes)[2]

After more than two years since this judgment, Macedonia is still outside EU and NATO.

Relations of republic of Bulgaria and republic of Macedonia

According to the Bulgarians, Macedonian people were part of Bulgarian nation early the start of 20 century, when the large part of Macedonia during the Balkan wars was occupied by Serbia. According the Bulgarians, because of Serbian politics for region and doctrine of Macedonianism, changes occurred in the minds of the local population,

[1] Gocevski T., Crises in independent Republic of Macedonia, Kultura, Skopje 2010, p. 158

[2] https://www.macedonians.tv/archive/index.php/t-5380.html (21.01.2014)

leading to formation of the Macedonian nation. This is untruth and attempt for changing historical facts. Macedonians are a completely separated nation; Bulgaria is trying to appropriate parts of Macedonian history. However Bulgaria is the first country to recognize Macedonia, on 15 January, 1992. But Bulgarian position is that in international politics are recognizing states not nations. They believe that Macedonians are just part of Bulgarian nation and Macedonian language is part of Bulgarian language[1]. Despite all disagreements, during the Greek embargo, transport of shipments went through Bulgaria and Albania. During the government of Ljupco Gjorgievski, Macedonia and Bulgaria singed "Declaration for friendship and cooperation between republic of Macedonia and republic of Bulgaria. With this declaration both sides are obligated that: "would not take, encourage and support each other action with hostile character. Neither side would allow its own territory to be used against each other for organizations and groups which target is execution subversive and separatist activities or actions, which are threats to peace and security on the other side. Both side will not exhibit territorial claims one against other". The Republic of Macedonia declares that nothing in Macedonian constitution can or should be a base for the interference of the Republic of Macedonia in the internal affairs of the Republic of Bulgaria in order to protect right and status of population who aren't Macedonian citizens[2]. Singing on new contract for good relations between these two states, official Sofia set as a condition for further EU integration of this country in December 2012. Problem with Bulgaria will get bigger when will be displayed the number of "Bulgarian passports" that Macedonians have taken from east Macedonia because of economic reasons. The Republic of Macedonia seriously has to find solution for this propaganda on Macedonian population[3].

Relations of republic of Serbia and republic of Macedonia

The Republic of Macedonia and the Republic of Serbia was a part of Yugoslavia since 1991. In 1992 Serbia and Montenegro form Federal Republic of Yugoslavia, which established diplomatic relations with the Republic of Macedonia on April 8, 1996. The establishment of diplomatic relation was under the constitutional name of Macedonia – Republic of

[1] Gocevski T., Crises in independent Republic of Macedonia, Kultura, Skopje 2010, p. 227

[2] http://www.mn.mk/istorija/7153-Deklaracija-za-prijatelstvo-i-sorabotka-megu-Makedonija-i-Bugarija-Sofija-22-fevruari-1999 (21.01.2014)

[3] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

Macedonia. After the establishment of diplomatic relations, the two countries had good relations which also continue after the separation of Montenegro from Serbia, good relation lasted until the recognizing the Kosovo by Macedonia. On 9 October, 2008[1], government of republic of Macedonia decided to recognize Kosovo as an independent state. After all this the Republic of Serbia expelled the Macedonian ambassador and declared him as persona non grata[2]. The relations between this two states was strained a month and half, than Serbia passes through it and everything backs to normal. In relation on Serbia to Macedonia don't have to underestimate existence of a dispute between Macedonian and Serbian church. This issue show as religious, but this is actually a political issue, whose solution is impossible without active role of political actors from both sides[3].

Relations of republic of Kosovo and republic of Macedonia

In 1999, because of the armed conflict in the province which occurred because of Albanians request for independence Kosovo, NATO forces made an intervention on Yugoslavia and made expulsion on Yugoslavian forces from province. During the bombing, Macedonia showed their humanity and received 360.000 refugees on its territory. Because of size of republic of Macedonia this was a huge burden on own economy. Province is operated by UN as an international protectorate and military protection of KFOR NATO forces. On 17 February, 2008 the Parliament of Kosovo unanimously adopted the Declaration of Independence, proclaimed Republic of Kosovo and adopted state symbols. On 9 October 2008[4] Macedonian government decided to recognize Kosovo as an independent state. Relations between these two states are good, except trade war between two countries which lasted between 9.09.2013 - 09.15.2013 year. Because of conditional import of wheat in Macedonia, Kosovo authorities responded by banning imports of certain Macedonian products, after that Macedonia respond with charges 5 Euros per vehicle and 2 euros per person for Kosovo citizens. After that Kosovo completely ban import of all Macedonian products[5]. After the end of

[1] http://arhiva.vlada.mk/?q=node/1257(22.02.2014)

[2] http://212.13.64.44/default.asp?ItemID=53B54B547EDEF2488643A7F4F48DECEE(22.01.2014)

[3] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

[4] http://arhiva.vlada.mk/?q=node/1257(22.02.2014)

[5] http://lokalno.mk/vekje-vtor-den-prodolzhuva-trgovskata-vojna-megju-makedonija-i-kosovo/(23.01.2014)

this unnecessary trade war between these two countries, relations were normalized.

Relations between the Republics of Albania and Macedonia

Albania recognizes the Republic of Macedonia on 26 April 1993 under its provisional name and since that relations between the countries are correct. Tirana and the Albanian leaders in the region, talk about some "Albanian territory" in Macedonia, southern Serbia, Montenegro and Greece. Ten years ago, in an interview to a television tyrannical Prime Minister Pandeli Majko say: "The creation of Greater Albania is irreversible process!"[1]

In 2012 the nationalist Red and Black Alliance (Albanian: Aleanca Kuq e Zi) was formed as a political party in Albania, which aims are to unite all Albanians in one country. The extreme nationalist party was guilty for throwing eggs on the car of Macedonian Prime Minister Nikola Gruevski, during his visit in Albania on celebration of 100 years of Albanian state. In 2012, as part of the celebration of 100 years of Albanian independence, Prime Minister Sali Berisha spoke of the "Albanian lands" that extend from Preveza in Greece to Serbia's Presevo, from the Macedonian capital Skopje to Podgorica, Montenegro. With Albania made neighbors angry. With these attitudes on Albania are agreeing some of the Albanians in Macedonia who extreme nationalism appears as retrograde social occurrence with goal are secession of part of the territory of Macedonia and annexation to Albania and creates forms of illegal assembly on that basis[2].

CONCLUSION

Nearly 23 years passed since the independence of the Republic of Macedonia. Years of constant transition and reform, of tries form more democracy and human rights and freedom, the economic recovery and development, international establishment as a new sovereign state. On September 8, 1991 in Macedonia was successfully conducted referendum, Macedonian citizens voted for independent and sovereign state. The referendum was preceded by a Declaration of Independence at first multi-party Macedonian Parliament on January 25, 1991. The next most important step in building the state was the adoption of the new Constitution on 17

[1] http://www.mkd.mk/81292/kolumni/teski-albanski-provokacii-risto-nikovski(25.01.2014)

[2] Batkovski, T., Illegal associations (gangs, organizations and groups) created from the positions of the Albanian nationalism in Macedonia in the period from 1945 to 1987, PhD thesis, Faculty of Security - Skopje, 1993

November 1991. The Constitution was amended by signing the Framework Agreement. The country became independent monetary on Apr 26, 1992, then on August 18, 1992 made own Army. Macedonia recent years were very difficult especially because of the economic embargo by Greece, sanctions against Yugoslavia, the Kosovo refugee crisis in 1999, the conflict in 2001. Macedonia as a new and small country managed to deal with all these challenges and prove to the neighbors and the international community that is able to be independent and sovereign state. Macedonia also decides for integration in the European Union and NATO.

On the NATO alliance summit in Bucharest in April 2008, despite completing all the criteria for full membership, Republic of Macedonia received only conditional invitation for membership until the finding solution for name issue with Greece.

From 2005, Macedonia has candidate status for EU membership, in 2008 the EC recommended to start accession negotiations with the Union, which was repeated in the following years. The European Union decides the same as NATO, Macedonia's EU integration connects with earlier resolution of the name issue.

But sad history repeated again and Macedonia is sacrifice of the interests of the major states and neighbors and all this is reflected in the non-recognition of the Macedonian church by Serbia's, non-recognition of the Macedonian people from Bulgaria, Greece is trying to change the name of state and the dream of a Greater Albania by Albanian politicians. All the people from Balkan to live in peace and welfare is necessary accepting and recognizing each-others by all Balkan countries with the existing boundaries and develop mutual cooperation in all areas and provide decent and peaceful life of all the citizens of these areas in the European Union.

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DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS; THEIR PROMOTION AND FORMS OF PROTECTION

VIOLENCE AT SPORTS EVENTS – SECURITY CHALLENGE IN SERBIA

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Abstract

Riots in stadiums, conflicts of organized groups of fans – between themselves and against with law enforcement officers, with devastating consequences overall, have created a security problem, both for organizers of sport events and for the police. Available data of the Ministry of Interior units about these events in Serbia have provided insight into the size and complexity of the problem of the security management of sport events including the factors that have caused negative effects so far.

The paper shows comparative indicators of research results indicating factors threatening the security of sports events in the territory of the Republic of Serbia, South Backa Region, the city of Novi Sad and the local community - the rural area of South Backa Region. They are the basis for the establishment of an adequate risk management in sport that requires systemic approach and engagement of different factors of societal control in prevention and response to violence at sports events, adjusted to particularities of a local community.

Key words: sport events, security, risk management

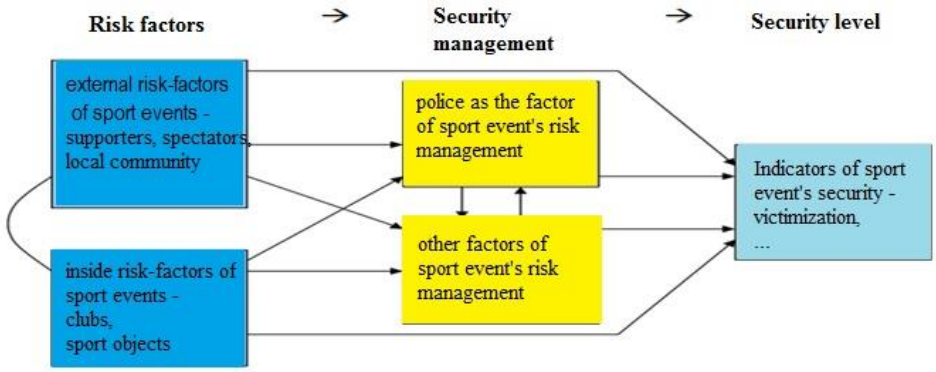
INTRODUCTION

Based on the overview of scientific, mainly empirically oriented literature, the prevailing views pertain to the significance of own, club system of risk management in sport. In addition, conventional security

subjects are seen as “the second echelon” in countering the security risks at sports events.

For the purpose of a systemic, holistic approach to the identification of variables and their grouping into sets/factors, the theoretic model of sports events risk management was created (Figure 1). The model encompasses three dimensions (constructs): The central construct of the sports events security management connects ‘risk factors’ with ‘security level’. Risk factors are exogeneous, outer set of variables of empirical character, widely observed, with known cathegories and possible to measure with known scales and values. The security level is the key, criterion variable of the model, which measures this phenomenon, i.e. the research topic of this paper.

Figure 1: Theoretic model of the security of a sports event



From the viewpoint of management, risk factors can be divided into inner and outer ones. Outer risk factors of a sports event are – supporters, spectators, local community; the factors on which the management has no direct influence, but. it can only estimate the probability of their impact etc. On the other hand, inner risk factors of a sports event – clubs, venues – are those on which the management of clubs, venues (as well as of nearby objects, health institutions etc), can exert influence, act proactively and immediately intervene during the event by removing or reducing the risk.

In institutional terms, the risk management of sports events relies on two subject categories: conventional security subjects, first and the foremost - police, as the factor of risk management before, during and after the sports event; and also, judiciary (prosecutors, judges). Other factors of the risk management of sports events are: the media, healthcare institutions, utilities and transport services, sponsors etc.

For the purpose of risk management, it is necessary to assess the cooperation of police and other subjects of formal control of organization of sports events.

The indicators of security of a sports event – in qualitative terms refer to the victimization of public and other participants of a sports event, and also of citizens outside of the sports event. The lower the victimization level (number of injuries, number of medical interventions, assessment of the damage and destruction to the inventory, objects surrounding the sports venue along the route of the movement of spectators and fans), the higher the security level of an event. This is a criterion (multidimensional) variable that measures the research phenomenon – security of a sports event, risk reduction, maximizing enjoyment that participants expect from an event (security being one of the key components of enjoyment).

CONCEPTUAL AND LEGAL DEFINITIONS OF BASIC SUBJECT CATEGORIES

Considering that certain forms of violence manifested at public gatherings or public places are defined, it is necessary to define the term "Public peace and order". "Public peace and order" is one of the factors of safety of society and the state, an object- condition that can be disrupted by the emergence of violence and crime and, as such, protected by the police.

The 'Law on public peace and order'[1] defines public peace and order as the 'harmonized state of mutual relations among the citizens ensuing from their demeanour in a public place, and activities of public bodies and organizations with the purpose of exercising their rights to personal safety and safety of their property, peace and calm, private life, freedom of movement, preservation of public moral and human dignity, and the right of minors to protection" The same law defines crimes and misdemeanours against the Public peace and order, among which those related to the phenomenon that in this paper we describe as "violence at sports events". Thus, the Law provides that a competent authority can bring a decision to 'prohibit the organized use of fireworks, firecrackers and events in which pyrotechnic devices are used, if they are organized in the vicinity of schools, kindergartens, hospitals, residential and business buildings, and if the holding of these events would disrupt the public peace and order, or security of the citizens and property'.[2]

[1] Official Gazette of the Republic of Serbia" no. 51/92, 53/93, 67/93, 48/94, 101/2005 – as amended and 85/2005 – as amended

[2] 'Article 5. Point 3. Law on Public Peace and Order, Official Gazette of the Republic of Serbia" no. 51/92, 53/93, 67/93, 48/94, 101/2005 – as amended and 85/2005 – as amended

Misdemeanours defined by this Law, which we recognize through various manifestations in cases of violence at sports events, are as follows:

- insulting, physical assault, provoking fights or taking part in a fight, which endangers tranquillity of citizens or disrupt public peace and order,
- unauthorized ignition of rockets and other inflammable or explosive materials (e.g. firecrackers) or shooting from fire arms, which disrupts public peace and order or represents a threat to the security of citizens.

As criminal offenses against Public peace and order, the Article 23, point 1 of this Law defines following activities: insulting, abuse, threats of physical assault, physical assault or any other obstruction of an authorized official from carrying out of security work or prevention of public peace and order.

The task of preserving Public peace and order is performed both by the Department of the Public Peace and Order of the Ministry of Interior, but in certain circumstances also by the Gendarmerie.

From the viewpoint of the Law on public gatherings,[1] public gatherings are defined as convening and holding of meetings or other gatherings in an appropriate space. This law regulates public gatherings of citizens for purpose of public expression of political, social and other beliefs and interests, the manner of organizing peaceful gatherings and public protests, public manifestations and other public gatherings that are free and organized in a manner envisaged by this law. An organizer of a peaceful gathering and a public protest is a legal or physical entity that in accordance with this law, convenes, holds and supervises a peaceful gathering. An organizer or his representative shall submit an application to hold a peaceful gathering as required by this law.

'Sports event' is a temporal and spatial organizational phenomenon in which a sports organization (club, team or an individual) verifies and valorises its values in comparison with its sporting rival. A sports event would be impossible to imagine and understand without its integral part – a sports competition. 'Sports competition' represents the basic category of the sports activity, and it is one of the most important elements of the sports process itself. A sports event without a sports competition would not be a complete or purposeful social phenomenon. It is an institutionalized phenomenon in which sporting success, primacy or prestige are defined

[1] 'Official Gazette of the Republic of Serbia" no. 51/92, 53/93, 67/93 and 48/94, "Official Gazette of the FRY", no. 21/2001 – decision of the FCC and "Official Gazette RS", no. 101/2005 – as amended

through mutual sports competing (sports match) of two or more competing sides.[1]

The Law on Sports defines both sports event and sports competition in the following manner:

- Sports event is a defined, systematically prepared and implemented event with time limits, for which there is a public interest and there is more than one participating sportspersons;
- Sports competition is a sports event governed by predetermined and known sporting rules, which can be generally valid for a particular sports discipline or only for a particular sporting event, and with the same goal for each participant – beating the opponent or achieving of a predetermined sports result.

In accordance with the research object and aims of this paper, the term "sports competition" will be used, as one of the main determinants during the analyses of (violent) events in the sphere of sports.

SECURITY RISK ASSESSMENT OF SPORTS EVENTS

Risk assessment is a probability that a recognized threat is realized and that it will leave consequences to normal/standard operations, functioning of a system, organization or a planned event. Risk is a phenomenon, event or a process which realization is more or less certain, but whose consequences cannot be fully comprehended. The impossibility to accurately and completely comprehend the effects reflects the fact that all contemporary systems (organizations, public institutions, associations, businesses) exist and operate in an extremely dynamic time, where changes occur in a much quicker manner than before. Out of possible threats to sports events, the ones with the highest probability of occurrence are:

- violence during a sports event, as well as before or after a sports event;
- misconduct and/or violent behaviour of the actors of a sports competition (participants, members of a sports team, organizers);
- other criminal offenses during a sports competition (robberies, thefts, frauds);
- damage to sports venues or equipment, which can threaten the security of actors and other persons in the sports venue during a competition.

The organizers of a sports competition (and other responsible individuals) in cooperation with competent state bodies - the Ministry of Internal Affairs, above all - perform the risk assessment for people, material

[1] ibid, p.7

resources and physical surrounding of the object and accordingly plan and implement risk prevention measures, as well as a response to an emergency situation. For realisation of the wanted security level of sports competitions, the engagement of state bodies will depend on the probability of risk and its potential consequences, the event type, competition level, presence of the state officials, but also on various social circumstances directly or indirectly linked to the organization of the given sports event.

Article 48 of the Law on Sports defines duties of organizers in relation with the security of organization of a sports event: "The duty of a sports event organizer is to, taking into account its importance, expected number of spectators, local situation and other circumstances, predict if there is a particularly high risk of violent behaviour or misconduct of spectators during the event. If he estimates that such risk is present, the organizer's duty is to undertake necessary security measures, keeping in mind that organizers of any sporting event have to provide "stewarding staff" or to engage a physical or legal person that performs the role of physical security. The organizer is also bound to cooperate with the Police, for the reason of "implementing measures and orders pertaining to the protection of public peace and order".[1].

According to the Law on Ministries,[2] the responsibility of the Ministry of Internal Affairs is to perform activities and tasks pertaining to the public administration, the protection of life, property, as well as preservation of public peace and order and protection of public gatherings.

Violence at sports competitions in Serbia-Comparative indicators

In this paper, security levels and risk factors at sports competitions are analyzed by territory. The data are classified both separately and comparatively, at the levels of the Republic of Serbia without Kosovo and Metohia (hereinafter Serbia), the South Backa Regiont (hereinafter SBD), City of Novi Sad (hereinafter NS) and the local community outside of NS city boundaries in the area of the South Backa Regiont (LOC).[3]

Basic data and characteristics of the areas classified for topical research:

The Republic of Serbia is a landlocked state in the South Eastern Europe, with the total area of 8.840.000ha, located mainly in the Balkan Peninsula, and partly in the Central Europe (the Pannonian Plain). Serbia has a total population of approximately 7.5 million inhabitants. It contains two

[1] Djurdjevic, N., "Public Authorities and Sport" Faculty of Law at the University of Kragujevas, Kragujevac, 2007, p. 232

[2] "Official Gazette of the Republic of Serbia" no.92/2012

[3] The data were collected from the documentation of the Ministry of the Interior of the Republic of Serbia.

autonomous provinces: AP Vojvodina and AP Kosovo and Metohia. The capital of Serbia is Belgrade.

South Backa Region is one of the administrative Regions in Serbia. It is located in the Pannonian Plain, in southern Backa and northern Srem. The Region area is 4.016 km^2 (18.7% of the territory of Vojvodina, 4.5% of the territory of Serbia), with 615.371 inhabitants. The Region contains 77 populated places, with the administrative seat being Novi Sad.

Novi Sad is the biggest city of the Autonomous Province of Vojvodina, the northern province of the Republic of Serbia, as well as the seat of the provincial government and the administrative centre of the South Backa Region. The city is located on the border of Backa and Srem, on the banks of the Danube and the Little Backa Canal in the Pannonian Plain and the northern slopes of the Fruška Gora. Novi Sad is the second most populated city in Serbia, after Belgrade, with approximately 300.000 inhabitants, occupying the area of 702km^2.

South Backa Administrative Region outside of Novi Sad consists of the following municipalities: Bački Petrovac, Backa Palanka, Sremski Karlovci, Temerin, Titel, Beočin, Bečej, Bač, Vrbas, Žabalj and Srbobran. It covers an area of approximately 3.300km^2, with around 315.000 inhabitants.

Data and indicators of violence at sports competitions on the territory of the Republic of Serbia

The share of sporting events, i.e. public gatherings of sporting character, with respect to all public gatherings is absolutely the largest one and represents approximately ¾ or 75% of all public gatherings in Serbia. (Table 1)

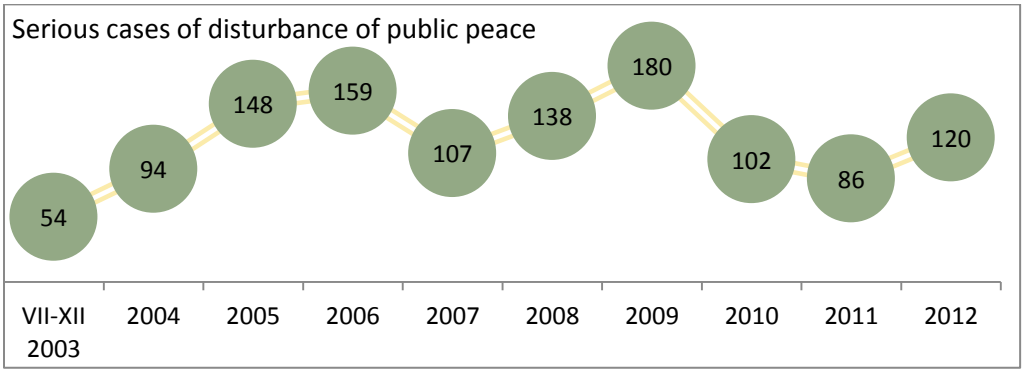
Table 1: Total number of public gatherings and sporting events, as well as the share of sporting events in Serbia

YEAR / SER	total number of public gatherings	total number of sporting events	% of sporting events
2003	44502	32848	73,8
2004	44510	32455	72,9
2005	44465	32562	73,2
2006	51348	36572	71,2
2007	52792	39353	74,5
2008	55197	41102	74,4
2009	56622	43692	77,1
2010	57726	44748	77,5
2011	59052	45024	76,2
2012	60003	46633	77,7
Σ	526217	394989	75,0

Serious cases of disturbance of public peace and order were on the rise until 2006, with the significant fall in 2007, followed with another tendency

of rising in the following two years, and finally, averaging approximately 100 cases per year in the last three years (Figure 2).

Figure 2: Total number of serious cases of disturbance of public peace and order



During the observed period, 1.469 people were injured in violent incidents at sports events, whilst 11 were killed, of which 388 police officers.

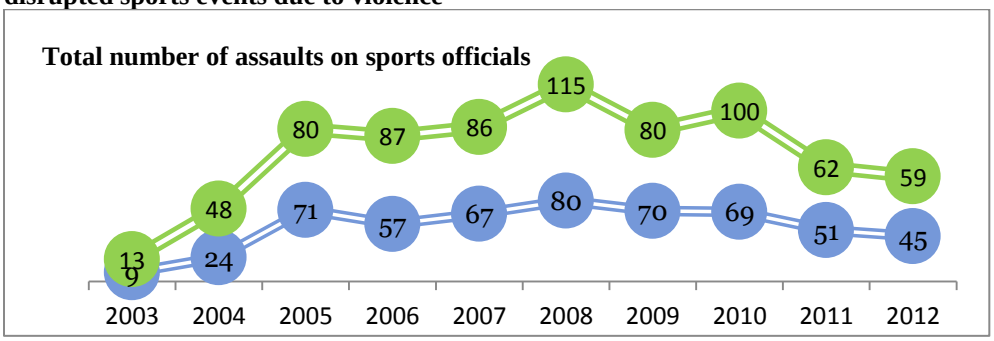
Over half of the injured persons come from the Belgrade area. However, police headquarters in Novi Sad and Novi Pazar also stand out in terms of the injuries before, during and after sports competitions (Table 2).

Table 2: Total number of offenses from the article 21 of the Law on prevention of violence and misbehaviour at sports events

	OFFENSES		
	Law on prevention of violence and misbehaviour at sports events		Oother offenses
VII-IX 2003	88	156	225
2004	146	421	565
2005	188	415	486
2006	241	314	506
2007	183	182	298
2008	183	126	244
2009	198	274	299
2010	116	66	261
2011	160	62	239
2012	150	88	298
Σ	1653	2104	3421

Besides assaults on rival fans and police officers, violent fans perpetrated assaults on sports officials intending, and occasionally succeeding, to interrupt the course of sports competitions. In the time period in which this security problem was followed, 730 physical assaults on officials were registered, i.e. on average six to seven assaults per month. Due to the disturbance of public order, 542 sports events were interrupted or discontinued or on average 5-6 per month (Figure 3).

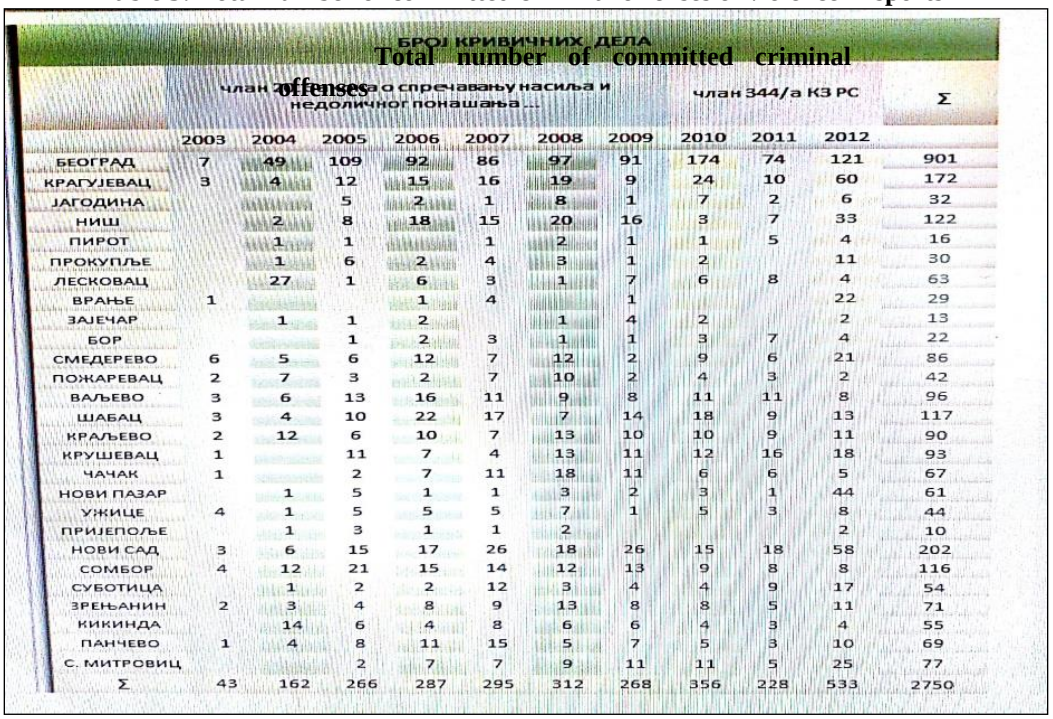
Figure 3: Total number of assaults on sports officials and total number of disrupted sports events due to violence



Apart from lost lives and a high number of injured fans, citizens and staff of the state security forces, violent incidents caused a high material damage, mainly reflected in damaged facilities and motor vehicles. The damage was suffered by sports clubs, citizens and public property (public transport vehicles etc). In the period 2003-2013, 440 vehicles and 162 sports venues were damaged.

On the territory of Serbia, since the adoption of the Law on the prevention of violence and misbehaviour at sports events (2003) until the end of 2012, the police filed charges for 2.750 criminal offenses from the article 20 of the Law on the prevention of violence and misbehaviour at sports events, and Article 344/a of the Criminal Law of the Republic of Serbia against 4.600 persons, out of whom 547 are minors (Table 3).

Table 3: Total number of committed criminal offenses of violence in sports



БРОЈ КРИВИЧНИХ ДЕЛА
Total number of committed criminal offenses

	члан 21 Закона о спречавању насиља и недоличног понашања ...							члан 344/а КЗ РС			Σ
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
БЕОГРАД	7	49	109	92	86	97	91	174	74	121	901
КРАГУЈЕВАЦ	3	4	12	15	16	19	9	24	10	60	172
ЈАГОДИНА			5	2	1	8	1	7	2	6	32
НИШ		2	8	18	15	20	16	3	7	33	122
ПИРОТ		1	1		1	2	1	1	5	4	16
ПРОКУПЉЕ		1	6	2	4	3	1	2		11	30
ЛЕСКОВАЦ		27	1	6	3	1	7	6	8	4	63
ВРАЊЕ	1			1	4		1			22	29
ЗАЈЕЧАР		1	1	2		1	4	2		2	13
БОР			1	2	3	1	1	3	7	4	22
СМЕДЕРЕВО	6	5	6	12	7	12	2	9	6	21	86
ПОЖАРЕВАЦ	2	7	3	2	7	10	2	4	3	2	42
ВАЉЕВО	3	6	13	16	11	9	8	11	11	8	96
ШАБАЦ	3	4	10	22	17	7	14	18	9	13	117
КРАЉЕВО	2	12	6	10	7	13	10	10	9	11	90
КРУШЕВАЦ	1		11	7	4	13	11	12	16	18	93
ЧАЧАК	1		2	7	11	18	11	6	6	5	67
НОВИ ПАЗАР		1	5	1	1	3	2	3	1	44	61
УЖИЦЕ	4	1	5	5	5	7	1	5	3	8	44
ПРИЈЕПОЉЕ		1	3	1	1	2				2	10
НОВИ САД	3	6	15	17	26	18	26	15	18	58	202
СОМБОР	4	12	21	15	14	12	13	9	8	8	116
СУБОТИЦА		1	2	2	12	3	4	4	9	17	54
ЗРЕЊАНИН	2	3	4	8	9	13	8	8	5	11	71
КИКИНДА		14	6	4	8	6	6	4	3	4	55
ПАНЧЕВО	1	4	8	11	15	5	7	5	3	10	69
С. МИТРОВИЦ			2	7	7	9	11	11	5	25	77
Σ	43	162	266	287	295	312	268	356	228	533	2750

In terms of the responsibility of sports events organizers, with regard to the misdemeanours from the Article 21 of the Law on the prevention of violence and misbehaviour at sports events, the number of misdemeanours was on the rise until 2009, whilst in the last three years, particularly in 2010, a steep decline was recorded. That speaks enough about the insufficient application of misdemeanour provisions towards legal entities, i.e. sports clubs and other subjects responsible for organization and security of sports events (Table 4).

Table 4: Number of offenses qualified in misdemeanour charges as incidents at sports competitions

	OFFENSES		
	Law on prevention of violence and misbehaviour at sports events		Other offenses
VII-IX 2003	88	156	225
2004	146	421	565
2005	188	415	486
2006	241	314	506
2007	183	182	298
2008	183	126	244
2009	198	274	299
2010	116	66	261
2011	160	62	239
2012	150	88	298
Σ	1653	2104	3421

Personal data analysis (age, education, employment status) of the identified participants in violent incidents at sports competitions, indicates that from the standpoint of age structure, almost half of the perpetrators of these criminal offenses were individuals between 21 and 30 years of age (2.035), with 548 or 12% underage individuals, mainly between 16 and 18 years of age (428). Also, among the offenders there were 14 children. With respect to the gender structure, criminal charges for violent and inappropriate behaviour were filed against 18 females, whilst with respect to the educational structure of offenders; over 60% of individuals finished the secondary education. Among offenders there were 587 or 12% of elementary and high school students and 141 or 3% of university students. The structure of offenders indicates that only 118 or 2.5% are employed, whilst 3.032 or 66% are unemployed, with the rest being temporary employed individuals.

Data and indicators of violence at sports competitions in the South Backa Regiont, with comparative analysis with the Republic of Serbia: The share of sports events, i.e. public gatherings of sports character, with respect to all public gatherings is 75% of all public gatherings in Serbia, whilst this ratio is negligibly smaller in the SBD – 73.17%. The share of the total number of sports competitions in the SBD in relation to Serbia is 6.06%. Injured persons in the SBD represent 10.24% of the total number of injured persons in Serbia. This is 4.30% higher in relation to the total percentage of sports competitions in the SBD comparing to Serbia (6.04 %). Therefore, the

share of the injured persons is 66.27% higher in relation to the share of sports competitions in the SBD compared with Serbia (Table 5).

The insight into comparative indicators shows that the average share of the total assaults on officials is 11.83% in the SBD comparing to Serbia, as well as 11.30% interrupted sports events due to the incidents, which is higher for 5.79%, and 5.26%, respectively, in relation to the total share of sports events in the SBD and Serbia (6.04%). Consequently, the share of assaults on officials is 82.82% higher, if we take into account the ratio of sports competitions in the SBD and Serbia (Table 5).

We notice that the average share of the total number of sports competitions where material damage was caused is 8.44% in the SBD in relation to Serbia, which is 2.40% more in relation to the total percentage of sports competitions in the SBD comparing to Serbia (6.04%). This indicates that the share of the sports events where material damage was caused is 33.17% higher in comparison with the share of sports competitions in the SBD in relation to Serbia (Table 5).

The insight into comparative indicators shows that the average share of the total number of criminal offenses is 7.21%, with 2.99% being misdemeanours, qualified as such in the misdemeanour charges, in the SBD in relation to Serbia. That share is 1.17% higher and 3.13% lower, respectively, for the total percentage of sports competitions in the SBD in relation to Serbia (6.04%). Thus, the share of the criminal offenses is 16.58% higher and misdemeanours 49.69% lower, in comparison with the shares of sports competition between the SBD and Serbia. (Table 5)

Table 5: Number of injured individuals, assaults on sports referees, interrupted sports competitions, material damage, criminal offenses and misdemeanours

YEAR	Injured individuals			Assaults on referees			interrupted competitions			material damage			criminal offenses			misdemeanours		
	SER	SBD	%SBD / SER	SER	SBD	%SBD / SER	SER	SBD	%SBD / SER	SER	SBD	%SBD / SER	SER	SBD	%SBD / SER	SER	SBD	%SBD / SER
2005	189	18	9,52	80	17	21,25	71	8	11,26	70	8	11,42	266	15	5,63	1089	37	3,39
2006	169	21	12,42	87	12	13,79	57	10	17,54	75	10	13,33	287	23	8,01	1061	42	3,95
2007	209	20	9,56	86	9	10,46	67	8	11,94	57	8	14,03	295	22	7,45	663	20	3,01
2008	142	15	10,56	115	8	6,95	80	5	6,25	48	5	10,41	312	21	6,73	553	12	2,16

2009	179	17	9,49	80	7	8,75	70	8	11,42	46	8	17,39	268	22	8,20	771	13	1,68
Σ	888	91	10,24	448	53	11,83	345	39	11,30	296	25	8,44	1428	103	7,21	4137	124	2,99

For the criterion variable we took the ratio of sports competitions between SBD and SER which equals to 6.04%. Based on this criterion we defined the ratio of variables in mutual participation and found that there are significantly more consequences of incidents in the SBD than in SER, particularly injured individuals (66% higher), assaults on sports officials (82%), interrupted sports competitions (82%) and material damage (33%) - 65.75% on average. However, when we observe the ratio of the legal measures undertaken by the police, we notice a slightly positive difference in the criminal offense variable (+16%) for the results in the SBD. However, in the misdemeanours variable, that ratio is drastically negative for the SBD, almost -49% (Table 6).

Table 6: Mutual relations of variables between SER and SBD

05-09	Variable	SER	SBD	%SBD/ SER	Difference D1 -+ D...	% E.../D1
	A	B	C	D	E	F
1	SPORTS EVENTS	193281	11685	6,04		
2	INJURED INDIVIDUALS	888	91	10,24	+ 4,30	+ 66,27
3	ASSAULTS ON REFEREES	448	53	11,83	+ 5,79	+ 82,91
4	INTERRUPTED COMPETITIONS.	345	39	11,30	+ 5,26	+ 82,82
5	MATERIAL DAMAGE	296	25	8,44	+ 2,40	+ 33,17
6	CRIMINAL OFFENSES	1428	103	7,21	+ 1,17	+ 16,58
7	MISDEMEANORS	4137	124	2,99	- 3,13	- 49,69

Data and indicators of violence at sports competitions in the SBD, with comparative analysis for the City of Novi Sad and the SBD areas outside of city limits

In this chapter we give an overview of indicators of public gatherings of sports character in which incidents were registered comparatively for Novi Sad (NS) and the SBD area outside of NS city limits (LOC). Using the overview of incidents at sports events based on the territorial criterion we notice somewhat higher number of incidents in the LOC than in NS, but the difference is not significant, neither on annual level, nor totally (Table 7).

With respect to the sports type it is noticeable that a significantly higher number of incidents was present at football matches than at any other sports competitions at which incidents occurred, with the ratio being somewhat more

salient in the LOC (83 football matches, i.e. 85% of all incidents) than in NS (59 football matches, i.e. 78% of all incidents). (Table 7)

With respect to the competition level, we notice that the number of incidents in the LOC is drastically higher than the number of incidents on republic level (83% - 15%), whilst in the NS area, that ratio is in favour of the republic level of competitions (36% - 56%). This can be understood to a certain extent as there are few clubs in LOC competing on the republic level, particularly at football, where the highest number of incidents was registered. The number of incidents on the international level of competitions is small, only 6 registered cases during 5 years in the complete SBD area. Also, there was only one incident in the LOC area, which is understandable given a very small number of competitions organized at such level (Table 7).

As for the time frame of incidents, we notice that the highest number of incidents in the SBD occurred during (63%) and after (24%), whilst the lowest number of incidents was recorded before (12%) sports competitions. Similar ratio is recorded both in NS and in the LOC. However, when we observe distribution of percentage of total number of incidents before a sports event, we notice that the number of incidents is twice as high in NS (69%), as in the LOC (30%) (Table 7)

Table 7: Incidents at competitions of various sports and levels of competition

YEAR	Number of incidents at sports competitions			sport, 1f,2b,3v			Level of competition – 1loc / 2rep / 3int			1before/ 2during / 3after sports competition		
	1	%of1	%of1	1	%of1	%of1	1/2//3	%1/2/3	%1/2/3	1/2//3	%1/2/3	%1/2/3
	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC
2005	42	18	24	36f	15f	21f	31/11//0	9/9//0	22/2//0	3/32//12	2/15//5	1/17//7
%	%	42	57	%	41	58	73/26/0	29/81/0	70/18/0	4/36//11	3/17//5	1/19//6
2006	47	21	26	34f	12f	22f	29/15/3	9/9//3	20/6//0	7/16//10	5/8//5	2/8//5
%	%	44	55	%	35	64	61/31/6	31/60/100	68/40/0	7/17//10	5/5//6	2/12//4
2007	31	16	15	24f	13f	11f	14/14//3	4/10//2	10/4//1	2/19//4	1/8//1	1/11//3
%	%	51	48	%	54	45	45/45/9	28/71/66	71/28/33	23/120/47	16/53/22	7/67/25
2008	31	13	18	28ф	13f	15f	18/13//0	3/10//0	15/3//0	12/63/24	17/58/24	7/66/25
%	%	41	58	%	46	53	58/41/0	16/76/0	83/23/0	1/2//3	%1/2/3	%1/2/3
2009	23	8	15	20f	6f	14f	18/5//0	3/5//0	15/0//0	БО	НС	ЮК
%	%	34	65	%	30	70	78/21/0	16/100/0	83/0/0	3/32//12	2/15//5	1/17//7
05--09	174	76	98	142	59	83	110/58/6	28/43/5	82/15/1	4/36//11	3/17//5	1/19//6
%	%	43	56	%	41	58	63/33/3	36/56/6	83/15/1	7/16//10	5/8//5	2/8//5

Out of 174 incidents at sports competitions, almost one third (53 or 30.4%) involved assault on a match official, with 81% of these assaults committed in the LOC. Accordingly, 87% of all interruptions of the matches happened in the LOC, with the number of interrupted sports competitions being somewhat lower than number of assaults on match officials, i.e. 22.4% of all incidents in the SBD (Table 8). Of the total number of registered

incidents, more than a half involved bodily harm (52.2%), with 91% being light injuries, far more frequent in the LOC than in NS. Grave bodily harm is percentage significantly more present in NS, but since we are talking about small number of incidents (5 in NS, 3 in the LOC), we cannot claim that there are drastic statistical differences, which we could conclude if we would only observe the percentages (62% in NS, 37% in the LOC).

In the incidents recorded in the SBD during the observed five-year period, 668 perpetrators were identified in total, of which 62% in NS and 37% in the LOC. Accordingly, the participation of the minors is far more salient in NS in comparison with the LOC (76 – 23%) (Table 8)

With respect to the type of participants, a drastically higher participation in incidents of fans (61%) – as compared to the players (31%) and organizers of sports competitions (7%) - is recorded both in the SBD and NS. However, in the LOC area, the ratio of participants in incidents is almost equal between fans and players (51-49%). Hence, the ratio between players' participation in NS and the LOC is 16% to 83%. A very indicative finding is that in only 7% of the cases was the organizer identified as the responsible party. (Table 8)

During the observed period, in total 227 charges were filed (103 criminal and 124 misdemeanour charges) against 660 persons, the fact that indicates that the police filed on average 1.3 charges, and against 4 persons (3.79) per incident. Another question is the ratio between criminal charges and court indictments, i.e.: What is the number of court proceedings that were finished with effective rulings and which punitive measures were imposed? In order to answer this question, it is necessary to perform the assessment in the Prosecution and courts, which would give us an insight into the role of the competent state bodies in prevention of violence at sports events.

It must be noted that somewhat higher number of criminal charges was filed in the LOC comparing to NS (60% – 39%). However, those charges were filed against almost the same number of persons (102-101), which also supports the fact of larger (involving higher number of perpetrators) disturbances of public peace and order in NS, in comparison with the LOC. However far more misdemeanour charges (63%-36%) were filed and against more persons (66%-33%) in NS, than in the LOC (Table 8)

Table 8: Number of criminal and misdemeanour charges and number of persons against whom they were filed

YEAR	participants in incidents identified.			1fans / 2players / 3organizers			number of minors			number of criminal charges			number of persons charged			number of misdemeanor charges			number of persons charged		
	1	%од1	%од1	1//2//3	%1/2/3	%1/2/3	1	%од1	%од1	1	%од1	%од1	1	%од1	%од1	1	%од1	%од1	1	%од1	%од1
	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC	SBD	NS	LOC
2005	136	81	55	27/14//3	16/0//2	11/14//1	28	28	0	15	5	10	30	9	21	37	22	15	107	73	34
%	%	59	40				%	100	0	%	33	66	%	30	70	%	59	40	%	68	31
2006	170	97	73	34/17//4	19/5//0	15/12//4	46	28	18	23	9	14	47	16	31	42	27	15	124	81	43
%	%	57	42				%	60	40	%	39	60	%	34	65	%	64	35	%	65	34
2007	112	55	57	20/11/3	12/3//2	8/8//1	20	15	5	22	10	12	37	21	16	20	15	5	74	32	42
%	%	49	50				%	75	25	%	45	54	%	56	43	%	75	24	%	43	56
2008	108	72	36	23/7//1	12/1//0	11/6//1	21	17	4	21	8	13	39	19	20	12	8	4	58	43	15
%	%	66	33				%	80	20	%	38	61	%	48	51	%	66	33	%	74	25
2009	142	110	32	13/10//3	7/1//1	6/9//2	6	5	1	22	9	13	50	36	14	13	7	6	94	74	20
%	%	77	22				%	83	16	%	40	60	%	72	27	%	53	46	%	78	21
05--09	668	415	253	117/59/14	66/10/5	51/49/9	121	93	28	103	41	62	203	101	102	124	79	45	457	303	154
%	%	62	37	61/31/7	81/12/6	46/44/9	%	76	23	%	39	60	%	49	50	%	63	36	%	66	33

CONCLUSION

It is obvious that for collecting and processing data and parameters on violence at (or connected with) sports events, it is necessary to use various analytical and statistic methods, in order to have all facts and circumstances comprehensively and adequately operationalized.

By its nature, the problem is complex and multidimensional: containing social, sociological, media, cultural, legal, and even political dimensions.

The most important particularities stemming from the statistical data, according to the primary criterion (regional areas), are:

- sports competitions represent ¾ share of the total number of all public gatherings in the observed territorial entities;
- consequences of incidents at sports competitions are significantly higher in the SBD in comparison with Serbia, taking into account the ratio of sports events between the SBD and Serbia (higher number of injured persons, number of assaults on referees, number of interrupted sports competitions and level of material damage), which is on average higher for 65.75%;
- repressive measures undertaken by the police during incidents at sports competitions are in imbalance with a relatively higher number of incidents in the SBD in comparison with Serbia. That is, in this relation, there are 16% more offenses qualified as criminal offenses, whilst there are 49% less offenses qualified as misdemeanours;
- almost twice as high the number of participants was identified in incidents in the NS area, as in the LOC. However, 56% of all incidents were registered in the LOC area, which indicates significantly larger incidents in NS comparing to the LOC;
- a drastically higher number of players as incident participants was recorded in the LOC area, in comparison with NS, whilst the responsibility for incidents of the organizers was recorded in a very small number of cases in both areas;
- the number of interruptions of sports competitions caused by security incidents is drastically higher in the LOC area in comparison with NS;
- bodily harms were reported on average in every two incidents at sports competitions in the LOC area, of which 91% were qualified as light, which is twice as high as in NS;

- material damage was caused in much smaller volume and scope during the incidents - on average, only about ¼ of the total number of bodily harms;
- on average, the police filed 1.3 charges against 3.79 persons per incident;

Several questions arise from the research results presented in this paper:

- How to link the risk management of sports events with the management of sports organizations (clubs, venues, federations, Olympic committee), as well as with the system of public security?
- How to raise the level of responsibility and the role of risk management, as a component of the total management of sports clubs and organizers of the majority of sports competitions?
- Finally, there is an open question about the role of prosecutors and the court, as well as about their coordination with operative police organs, whose prompt effects are crucial in order to confront flourishing of the culture of violence and aggression at sports events.

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SOURCES OF LAW AND DATABASES OF THE EUROPEAN UNION

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Abstract

Foreseen by the Treaty of the European Union, the competences of the Union in the field of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive establishment of regulatory common defense policy that might lead to the creation of a common defense. For that reason the Common Foreign and Security Policy is subject to special rules and procedures which are defined and implemented by the European Council and the Council acting unanimously, unless the Treaties establishing the Union do not provide otherwise. However, for the adoption of legislative acts there are sources that create it. In this context there are factors that are causes for creating of law and legal acts of the Common Foreign and Security Policy of the European Union. According to the most acceptable division they can be divided into formal and material sources. In the spirit of this division, the paper will explore the profound material sources of the law as factors that act in the creation of norms and unwritten law of the Common Foreign and Security Policy of the European Union. In the same order the formal sources of law will be processed as general legal acts regulating European matterial of law. Methodologically, the research includes analysis of unwritten sources like legal customs, general principles of the Common Foreign and Security Policy of the European Union and international law, and the founding treaties, regulations, directives, common strategies, positions, actions, declaration and international agreements as written general legal acts representing formal sources of law the Common foreign and security Policy of the European Union. In this context, the research paper aims to analyze the sources European law and its databases as a challenge for its creation and the risk of their limited action in the implementation of the Common Foreign Security Policy of the European Union.

Keywords: sources of law, Common Foreign and Security Policy, European Union

INTRODUCTION

Sources of EU law represent factors which act on the creation of law and legal acts that make up the European law as a branch of the law. Therefore, sources creating the European law are the actions of certain factors and the legal acts regulating legal matter. From this point of view

there are material and formal sources of European law.[1] Material sources of European law are factors whose action creates his unwritten norms and European law as a branch of law that place from which spring the norms of European law. Formal sources of law are written general legal which regulate legal matter. These acts are also basis for the creation of the individual legal acts. The relationship between material and formal sources is mutually conditioned. Factors influence the creation of the right which transform to general legal act, as a formal source and vice versa, the general legal act reflects the nature of the factors for its adoption (material source).

Formal sources have several characteristics: they are written, containing general legal norms regulating legal matter and form part of the law that is in force. Formal sources are divided into two groups: outstanding (which strictly regulate legal matter) and combined (governing matter and any other branch of law).[2]

MATERIAL SOURCES OF THE EUROPEAN UNION LAW

Material sources of law in the European Union are considered: treaty customs, general norms of the international law, jurisprudence, programs of political parties, and contracting practices. Treaty customs are social norms that regulate certain issues of the legal matter, that are unwritten rules or norms governing an issue of contractual significance. Historically - rules they are older sources of law of contracts as formal sources. For contractual practices to become norm or rule of conduct, there should be cumulatively fulfilled certain conditions: long-term application of common rule of conduct or practice, or respect of certain practice of a legal matter for long period time, existence of multiple repetition of the use of the same common rule and general agreement on the soundness of this policy, including broader duty of humans to submit to the rule. Willingness to respect the legal tradition should have wider dimensions and spread legal awareness of social sanction, if customary rule is violated. Legal practices (habits that are non-written) are universal material source of European law, as in: Anglo - Saxon system of law, contrary to the common law and European civil law, which is written right. They are a necessary complement to the written law. Legal practices are a source of European law for two reasons: first, they are a means for specifying and defining certain legal provisions (legal custom as a second contract), and secondly, they are means of filling certain gaps (custom as a parallel legal agreement). Precising or amendment, does not conflict with the

[1] B. Vankovska, Institutions of EU: until Lisbon and afterwards, Faculty of Philosophy / 2010

[2] Svetomir Shkarik, Contrastive and Macedonian Constitutional Law, Matica Makedonska, Skopje, 2004 p. 41 - 69

spirit and content of the written law. This has particular significance communities that have contracts with short normative text (such as the Constitution of the United States). There are legal customs that act contrary to the provisions of the written agreement. These are new rules to regulate the legal matters that substantially differ from those contained in the written agreement. They are a means to overcome the gap between written legal provisions and the reality, which means their adaptation to new facts. They actually repealed or modified existing legal provisions and create a new legal solution. This kind of legal practices dominate in federations with stable contracting system, or in federations with older deals (e.g. U.S. and Germany). For example the ban on members of the Cabinet to discuss the sessions of the Houses of the U.S. Congress, though it is not expressly provided for in the Constitution of the United States or the composition of the Federal Council of Switzerland reflects the number of members of the three linguistic communities, although the agreement does not require. Legal traditions can also be formal sources of European law as a branch of law, if the Treaty so clearly predicted. For example the agreement of the Russian Federation (RSFSR) of 1918 contains a provision that the council's elections can be conducted according to schedule determined by the local advisor (where common rule became legal rule in a formal sense). There may be a dual attitude towards the common rule, where in the United States for more than 140 years, respected custom is that U.S. President can be elected for only two consecutive terms, although the constitution did not specificaly ban this rule. This custom was disrupted by U.S. President Franklin Roosevelt, who in 1940 and 1944, during the II the World War, ran for president and was elected for the third and fourth time. Shortly after that, the common law rule became the norm in 1951, with 22th amendment of the Constitution of the United States. Accordingly the creators of the Treaties establishing the Union or Federation freely choose its relation to legal custom, which may regulate its legal existence, to prohibit its use or have a neutral attitude towards its existence.

INTERNATIONAL LAW AND JUDICIAL PRACTICE

International Law, or legal principles recognized by civilized nations have character of the material source of European law, regardless of whether those norms are recognized by any state. They can be considered as a condition for the survival and development of the world community as a civilized community. All states, federations, including the European Union

are obliged to observe these norms and rules of international law.[1] More contracts in the world and the Treaty establishing the European Union contain provisions to fully respect the general rules of international law in domestic national law.[2] Following the entry into force of the Lisbon Treaty in 2009 the fundamental rights' charter has the same legal value as the European Union treaties.[3]

Judicial practice is material source of the European law, when European courts deciding on matters of contractual nature make the same or similar judgments and when courts established certain jurisprudence (practice) can be considered a source of law. That case law can became court custom that can act as European legal awareness on the courts.

Case law is more prevalent in the Anglo - Saxon system (which is based on common law) than in continental European system of law (which is based on written law. Basically, the case law is a formal source of European law similar to countries with common law (characterized for the UK and the U.S.). The Courts of the European Union appear as positive legislators, creating new legal rules or regulation of gaps and inconsistencies. Similar, the Supreme Court of the United States emerges as a legislator, because when it decides a particular dispute, it ignores existing law, if it is not in compliance with the U.S. Constitution and evaluates the constitutionality of laws, although it has no such authority in the constitution. The programs of the political parties are also the source of European law, acting directly on the creation and functioning of the legal system of the Union. Especially the political parties represented in parliament and moreover those of a parliamentary majority. They legislative parties affect legislative branch and the legislative process.

FORMAL SOURCES OF EUROPEAN LAW

Formal sources European laws are primary sources of European Union law to the written law. They are the basis for the creation of the legal order of the EU and its operation in practice. The main objective of the European Union (EU) is to achieve the unification of the rule of law. EU law is an

[1] Joint Declaration by the European Parliament, the Council and the Commission Concerning the Protection of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms (OJ C 103, 27/04/1977 P. 1).

[2] Marjan Arsovski "Criminal law and european standards with the overview of the criminal law and the constitution of Republic of Macedonia", Proceedings of the International Scientific Conference Fighting crime and european integration with reference to Cybercrime, held in Banja Luka, Ministry of Interior of Republika Srpska, Vol. I, 2012 , pp. 166 - 178.

[3] Consolidated version of the Agreement for functioning of the European Union, Official Gazette of the European Union C 83, 2010 / 03 / 30 p. 1 - 388

independent legal system, which is above the national legislation of the Member States.[1] Numerous stakeholders are involved in the preparation, implementation, monitoring and further development of the legal system. EU law generally consists of 3 independent (according to the legal effect and procedure for adoption), but interlaced types of legislation, including:

- Primary legislation (Treaties)
- Secondary the legislation (directives, regulations, decisions, etc.)
- Case-law (court decisions of the European Court of Justice - case law)

All these types of legislature back up the acquit communautaire. Primary legislation includes Treaties (Treaties) and other agreements (agreements) that have a similar status.[2] Primal the legislation is consistent with the direct negotiation States. These agreements subject ratification by national parliaments, sometimes under national legislation and referendum. Treaties are revised several times with changes and protocols are the primary source of EU law.[3]

These include:

- Founding treaties: the European Coal and Steel Community (Paris, 1951), the European Economic Community and the European Atomic Energy Community (Rome, 1957), the Treaty on European Union (Maastricht, 1992)
- Agreements to modify the contract, such as a merger agreement (1965), etc. budget agreements (1970, 1975), the Single European Act (1986), the Treaty of Amsterdam (1997), the Treaty of Nice (2001), the Treaty of Lisbon (2009) and access agreements.

The agreements define the roles and responsibilities of institutions and EU bodies involved in decision making in the legislative, executive and judicial procedures that characterize EU law legislation and its implementation.

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[1] European Constitution – Subject and documents in the Law of the European Union of the countries members of the EU, Amato Juliano, Zhak Ziller (translation of Mitre Georgiev) Skopje: Prosvetno Delo - 2009 - IX, p. 306

[2] Christine Fretten; Vaughne Miller, The European Union: a guide to terminology procedures and sources' UK House Of Commons Library, International Affairs and Defence Section. p. 8. Standard Note: SN/IA/3689.
http://www.w4mp.org/html/library/standardnotes/snia-03689.pdf

[3] First Treaty Establishing the European Coal and Steel Community, Apr. 18, 1951, 261 U.N.T.S. 140 (ECSC Treaty or Treaty of Paris). This treaty expired by its own terms on July 23, 2002, and Treaty on European Union, Feb. 7, 1992, 1992 O.J. (C 191) 1, 31 I.L.M. 253 (Union Treaty or Maastricht Treaty).

Secondary legislation is based on contracts and implies various procedures defined in various articles of the Treaties.[1] Under the Agreements, EU secondary legislation may have the following forms:

- Regulations (Regulations - R): (R), which are directly applicable and binding on all EU member states without the need of any implementation of national legislation;
- Directives (Directives - L) which oblige member states to achieve the goals set at some time, leaving the choice of form and means how to achieve the national bodies. Directives must be implemented in national law in accordance with the procedures of each Member State. This procedure is called transposition of the EU act in our national legislation;
- Decisions (Decisions - D) which are binding in all their aspects for those to whom they are intended.
- Decisions require implementation in national legislation. The decision can be designed for any member birthplace company or individual and
- Recommendations (Recommendations) and opinions (opinions), not binding.
- Case law includes judgments of the European Court of Justice (European Court of Justice) and the European Court in the first level (European Court of first instance), and includes procedures initiated by the Commission , national courts of Member States or individuals.

ARCHIVES AND DATABASES

Eur-Lex is the gateway to the EU that the legislation provides for integrated EU approach to archives and databases. Users can use the database Eur-Lex which is incorporate inside CELEX database. It is provided free access to the EU legislation in 20 languages.

The portal is a single point of entry to the complete collection of texts of EU legal acts in all official language, and

- Provides direct access to collections of official documents and public interest institutions, including the CELEX database;
- Provides various formats (html, PDF, TIF, WORD);
- Provides search to specific types of documents or text search;
- Contains an explanation of the EU legislative process, dictionaries and glossaries, and a description of the decision making process regarding About EU law.

[1] European Union legal acts, http://europa.eu/eu-law/decision-making/legal-acts/index_en.htm.

Official Journal of the European Union published daily in 20 languages. All of the sources are L series (Legislation) and C series (information and preparation acts announced). The L and C series are introduced in 1968. A special part of OJ is a publication of tenders (TED) database.

Access to all documents provided through directory law entered into force in the Union, (Directory of Community legislation in force), and the navigation through legislation. Provided is access to all the instruments adopted by the European institutions:

- Regulations, directives and decisions
- Instruments adopted under the section on common foreign and security policy and cooperation in the field of Justice and Home Affairs
- statutes and rules of procedures of the institutions and bodies
- Opinions, recommendations and resolutions of the Council

They also provided access to a consolidated law (Consolidation), which has no legal validity, but integrates basic instrument changes and fixes in integrated text.

Documents in preparation at all levels through legislative and budgetary process include:

- Council Common Position,
- legislative proposals of the Commission, as published in the COM (COM) and the SEC (SEC) series and / or the C series of the Official Journal,
- legislative and budget initiatives and resolutions of the European Parliament
- opinions of the Economic and Social Committee and the Committee of the Regions,
- opinions and statements of the Court of Auditors
- the views of the European Central Bank,
- and various preparatory documents specific to the European Coal and Steel Community.

The legislative procedure for a specific act can be found in Pre-Lex (Monitoring the decision-making process) database of all official languages: http://europa.eu.int/prelex or the OEIL the legislative observatory base of the European Parliament (English and French).

Judgments of the Courts of the European Union

In the area of judicial decisions include:

- decisions of the Court of Justice of the European Communities,

- decisions of the Court of First Instance
- Opinions of the Court of Justice
- posts of General advocates for published reports of the European Court of Justice.
- Parliamentary questions (Parliamentary questions)

Members of the European Parliament asked the Commission or Council

- written questions (written questions) formulated for written answer published in the Official Gazette,
- oral questions (oral questions) raised during sessions and debates published in the European Parliament
- questions in Question Time (questions at question time) (time set aside during each Parliamentary session and published in the OJ), (separated out during the course of each session of Parliament which are published in the Official Journal).

Eur-Lex, the site provides a link to the European Parliament (European Parliament site) where are the texts of the issues.

Documents of public interest (Documents of public interest)

These are documents in which the European Commission expresses opinions based on matters of general interest. They are published as COM documents (such as searchable) and include:

- White Paper (White papers) which presents proposals for Community action in a specific area published by the Commission,
- Communications (Communications) documents without legal action carried out by the Commission in other European institutions presenting new programs and policies,
- Reports (Reports) documents published by the Commission on the implementation of measures and policies of the Community
- Green Paper (Green papers) documents issued by the Commission to begin consultation at Community level on a particular issue, such as telecommunications, judicial cooperation, etc.)
- Working Commission documents (documents in order to stimulate discussion on a particular area of public interest). Office for assistance and exchange of technical information TAIEX
- (Technical Assistance and information Exchange) is part of the directorate for expansion, which provides technical assistance, exchange of information and administrative support and monitor the progress of the candidate countries.

Obligation to monitor the progress (PE) for the adjustment of legislation and to submit the translations of EU legal acts in the national language (e.g. the Republic of Macedonia) is only part of the activities of this office. A key part of the integration process in the EU approximation of national legislation to the EU legislation. European legislation consists of about 23,000 legal acts, divided into 20 chapters (CELEX chapters), which is a body known as the acquis communitaire, because there unified translation of this term. Some countries have translated as legal heritage, while others such as the EU legislation.

EU legal acts are the source for the integration of a State and the EU closer to its legislature on the basis of which form an opinion that the Commission shall submit to the Council and Parliament. Many of them refer to the approximation of legislation. Based on the opinion formed negotiating positions and teams that will guide the process of integration, should it occur (which can last indefinitely as exemplified by Turkey and Macedonia). Some of these EU legal acts, about 10,000 acts, should be incorporated into national legislation as a prerequisite for membership. They are divided into 29 chapters (i.e. chapters screening). The choice of these acts makes EC, based on their observations on the progress of a particular state and adaptation based on the progress of European legislation. Screening Instrument EC is the basis for their understanding, to where and whether a state meets the set tasks, deadlines, and adapts the integration process. National legislation should be adjusted consists of about 600 laws and bylaws in 1200. They are distributed in areas aligned (ING Registry, 22 areas of application).

Adjustment of national legislation and establish connections assumed the structure of the national legislation of 22 areas (ING), with 29 chapters and 20 screening CELEX chapters.

Of particular importance is the knowledge of the structure of the EU legislation, i.e. structure and screening sections of the national legislation, for each participant in the integration process, in particular the legal departments in ministries. Around 1000 participants directly involved in the process need to be able to search databases EU.

NATIONAL PROGRAM FOR APPROXIMATION OF LEGISLATION

Approximation of national legislation with the European Union is preparing a National program for Approximation of Legislation (NPAL), which recorded all national laws, and regulations that need to be adjusted, and all EU legal acts to be incorporated with all the necessary connections and structures. NPAL is a multi program that is updated annually and is

monitored every 3 months. The preparation included all relevant institutions such as ministries, Government, Parliament, Official Journal, etc. The legislative procedure must be followed in all institutions, and all stages and be publicly available. To this end, governments design the system databases (NPAL is one of them), which is available on the web site.

Instrument through which European legal acts submitted by the EC (EU screening measures), called Progress Editor (PE) , which is submitted annually and monitoring progress is made every 3 months , an obligation that must timely and accurately fills . All deadlines of NPAL are transferred to PE and registered in the EC database, and the basis for tracking progress. Each Ministry (responsible persons) is required to update the data in NPAL (or PE). Neither deadlines for adjustment, if they once enter into PE, they cannot be delayed; nor the records of the acts can be deleted.

National program for Approximation of legislation (NPAL), a database system designed in the governments of the candidate countries 1 NPAL includes legislative action across all relevant institutions, all phases associated with the approximation of national legislation with EU legislation. NPAL is a long-term program, which is updated annually and is monitored and updated every three months. The program is presented the content, divided into sections according to the functions and needs for information. The content displayed is CELEX (20 chapters) and screening (29 chapters) structures of the EU legal acts. Here, it is given a choice of creating dynamic reports by institution, structure, document type and year.

Showing all legal / sub proposals incorporated in the EU legal acts, with deadlines in institutions and in chapters and according to CELEX structure (20 chapters) and screened by the chapters (29), where each entry there is a detailed description. Also, it is possible to see (i.e. no link) all EU legal acts are incorporated. It is also possible to view the text of the legislation by the EU, English and Macedonian (if posted).

The presented report is dynamic (interactive), to update the steps in the procedure. This requires a code / password which can be obtained from national authorities. Only certain people (responsible) may change the status of progress.

In a separate part of the content presented is comparative matrix, which is a practical tool for comparing national legislation of another country (for example R. Slovenia with R. Macedonia), as a similar legal system. In a separate section presented in the EU legal acts, disaggregated by CELEX screening and structure. The analysis of the EU legal acts is provided along with legal / secondary records. In a separate section, is shown dynamically

[1] National Programme for adoption of the Law of EU (Official Gazette of the Republic of Macedonia, No. 137/09)

list all translated / or under translation EU legal acts. System database is the foundation for upgrading the European Partnership and the National program for EU Integration (NPAA), which will include: legislative action, institution building, development and foreign assistance and national budget.

CONCLUSION

The creation of law connects closely to the development of civilization. The law shapes politics, economics, and society in various ways and serves as a social mediator of relations between people. The European Union law is a body of treaties and legislation, such as Regulations and Directives, which have direct effect or indirect effect on the laws of European Union member states. Especially important elements of European law, without which there can be no legal norm, are the sources of European law and legal order of the European Union. Sources of law constitute the means of creating and applying the law of the European Union. There are three sources of European Union law are primary law, secondary law and supplementary law. The main sources of primary law are the Treaties establishing the European Union. Secondary sources include regulations and directives which are based on the Treaties. Based on the Treaties, the legislature of the European Union establishes secondary law to pursue the objective set out in the Treaties. Supplementary sources of European Union law include case law by the Court of Justice, international law and general principles of European Union law. As a prerequisite for becoming and being member of the European Union, about 10.000 acts, should be incorporated into national legislation. For their understanding and acknowledgement the Union has created various databases for systematic observation of the sources of the law. They provide a free access to the EU legislation in 27 languages.

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UNIFICATION AND INTEGRATION OF THE LAW OF INDUSTRIAL PROPERTY

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INTRODUCTION

What is intellectual property?

Intellectual property consists of property created through human creativity. It includes, for example, literature, the visual arts, music, drama, compilations of useful information, computer programs, biotechnology, electronics, mechanics, chemistry, product design, and trade identity symbols. Intellectual property law is designed to promote human creativity without excessively restricting dissemination of the fruits of such creativity. Intellectual property rights are embodied in patents, trade secrets, copyrights, and trademarks. (Chilling Effects[1], 2013)

Society in the 21st century is characterized with rapid modernization which is strongly influenced and conditioned by the development of industrial property law. Strong protection of intellectual property rights (IPR) worldwide is vital for future economic growth and development of each country. (Paul E. Salmon, 2007)

The increasing globalization of markets has encouraged efforts to standardize intellectual property protections. These efforts have been initiated through intellectual property unions and more recently through international organizations such as the World Intellectual Property Organization (WIPO)[2] and the World Trade Organization (WTO). (Kermit L. Hall et al., 2002, 660). Protection of industrial property rights becomes more simple and easy, mostly by bringing new international laws and creating unified procedures. Avoiding the problems for patents registration will be motivating factor for people (inventors, scientists etc.) to create them. On the other hand, that is a way for stimulating companies to invest in development of new technologies.

In the text are presented and briefly analyzed patent and trademark laws of: one country with civil law system (Republic of Macedonia), one

[1] The materials of the project "Chilling effects" are available on http://www.chillingeffects.org/; (accessed on 10.01.2014). Further in the text, “Chilling Effects, 2013”.

[2] Further in the text “WIPO”

country with common law system (United States of America) and the widely used international rules for patents and trademarks. The work provides analysis of scientific publications and statistics and comparative review of industrial property laws through analysis of international and national law regulations.

PATENTS
Theoretical basis

A patent grants its holder the exclusive right to use or sell a product or process for a limited time. Patentable items must be novel products or processes that embody a nonobvious advance in the current art and are capable of industrial application. (Kermit L. Hall et al., 2002, p. 663)

An invention must meet several requirements to be eligible for patent protection. These include, in particular, that the claimed invention: consists of patentable subject matter; is new (novelty requirement); involves an inventive step (non-obviousness requirement); is capable of industrial application (utility requirement); and is disclosed in a clear and complete manner in the patent application (disclosure requirement). (Inventing the Future, WIPO, 2006, p. 10)

Moreover, advances in technology have raised new issues in patent law (Kermit L. Hall et al., 2002, 664). For example, in Macedonia, the Macedonian IPL recognizes the following types of patents: Confidential patent (Article 71), Supplementary protection certificate (Article 75), Exclusive rights to the patents in the field of biotechnology (Article 90) and Process patent (Article 92).

In the field of patents, most significant act for improving and strengthening patent defining and protection after the Paris Convention for the Protection of Industrial Property (1883) is the Patent Cooperation Treaty (PCT) of 1970.

The Patent Cooperation Treaty (PCT) of 1970 regulates international cooperation in the field of patents. It is the most significant international act for international cooperation in the field of industrial property. PCT enables protection of patents to be required simultaneously in several countries, in that it will be filed "international" patent application.

Main characteristics of this system that contribute to the improvement of the patent granting process are:[1]

- An international patent application can file anyone who is a citizen or is entitled to stay in the signatory state of the contract

[1] For more in…Mirjana Polenak - Akimovska et al. *Industrial ownership*...p. 64 - 65

- Each application is subject to international research (report where is quoted prior art)
- Centralized international publication of international patent applications
- Chance for international preliminary examination of the international patent application

The procedure for filing patent applications under the PCT can be split into international phase and national phase.

Comparative review for understanding unification and integration in the field of patents: patent cooperation treaty - Macedonia – the USA

A patent is a form of intellectual property. A patent is a right granted by the Patent Office to an inventor to exclude others from making, using, selling, offering for sale, or importing an invention for a limited time.[1] Many questions arise about patents: what patents are, what rights they confer on the patent owner, the requirements for obtaining a patent, the activities that may constitute patent infringement, possible defenses to a patent infringement claim, what are patents on computer technologies, and what are the so-called "business method" patents? [2] (Chilling Effects, 2013) Furthermore in the text we will answer these questions by comparing three laws: The Patent

[1] The following are examples of some of the areas that may be excluded from patentability: Discoveries and scientific theories; Aesthetic creations; Schemes, rules and methods for performing mental acts; Mere discoveries of substances as they naturally occur in the world; Inventions that may affect public order, good morals or public health; Diagnostic, therapeutic and surgical methods of treatment for humans or animals; Plants and animals other than microorganisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes; and Computer programs. (Inventing the Future, WIPO, 2006, p. 11)

[2] Moreover, how can computer software be protected - copyright or patent? Can computer software be protected by copyright? Yes. Software copyright law is a recent branch of the 1976 Copyright Act that was intended to protect artistic creations and creativity. Initially there was a question of whether copyright law could protect software because computer programs contain functional instructions regarding what a computer should do if given a command. Strictly functional instructions and ideas are not copyrightable because they do not meet the minimal copyright requirement for creativity. The existence of a requisite level of creativity was questioned in software. During the 1980s, however, through court decisions and congressional guidance, copyright law became a major form of legal protection for computer programs, some databases, and software technology. Through copyright protection, creators of computer programs can prevent or seek damages for unauthorized copying of programs. This right is not absolute, however. Courts still question whether particular elements of computer programs are sufficiently expressive to be protectable under copyright law. For example, some courts have held that a software program's graphical user interface (GUI) (or at least some elements of it) is insufficiently expressive for copyright protection (Chilling Effects, 2013).

Cooperation Treaty (PCT) of 1970, Macedonian Intellectual Property Law of 2009 and the Title 35 of the United States Code (United States Patent Act).

What is patent? Subject of patent protection

Many definitions exist that define the patent and its subject.

A patent is an exclusive right granted by the State for an invention that is new, involves an inventive step and is capable of industrial application. (Inventing the Future, WIPO, 2006, p. 3)

According to Article 25 paragraph 1 of the Macedonian Industrial Property Law[1], the patent protects invention in all technology areas, if it is new, if it contains inventive step and if it can be applied in the industry. In the United States, patents do not originate in creation or use (such as copyrights and trademarks), but they are granted by statutory authority. (Kermit L. Hall et al., 2002, p. 663) In the United States, the PTO recognizes three general types of patents: utility patents, plant patents and design patents. The three types have limited duration and different expiration dates. (Kermit L. Hall et al., 2002, p. 664)

Requirements for patent protection

An invention must meet several requirements to be eligible for patent protection. (Inventing the Future, WIPO, 2006, p.10) To qualify for patent protection, an invention must be new, useful and non-obvious (Chilling Effects, 2013).[2] An invention is new or novel if it does not form part of the prior art.[3] (Inventing the Future, WIPO, 2006, 2006, p.10) According to the Article 27, paragraph 1 of the Macedonian IPL "the invention shall be new if it is not covered with the state of the art". Article 27 paragraph 1 of the Macedonian IPL defines what means an invention to be "useful", that is "An invention shall be considered as susceptible of industrial application if it can be made or used in any kind of industry, including agriculture." Finally, the invention is non-obvious if it involves an inventive step.

[1] Further in the text "IPL"

[2] Can software technology be protected by patent law? Yes. Software technology development is highly incremental in nature and, as a result, truly unique designs, methods or approaches are rare. In addition, prior art with respect to software technology is not centralized or even easily discovered. However, patents can and do often issue on software-based technology that is not, in fact, novel. Computer technologies can be patented as processes (software), machines, even articles of manufacture (the CD containing the software, for example) (Chilling Effects, 2013).

[3] See section 2.2.4. Prior art

Prior art

The first step to get a patent is to perform a prior art search. (Inventing the Future, WIPO, 2006, p.16) In general, prior art refers to all the relevant technical knowledge available to the public anywhere in the world prior to the first filing date of the relevant patent application. It includes, inter alia, patents, patent applications and non-patent literature of all kinds.[1]

Publicly disclosed inventions, including patented inventions, are known as "prior art" that can be cited against a new patent applicant. Publicly disclosed inventions are considered prior art without regard to where (United States, Europe, Asia, etc.) or in what form the public disclosure occurred (a journal article, an archived PhD dissertation, an online publication) (Chilling Effects, 2013).

On the other hand, Article 36 of the Macedonian IPL recognizes two forms of prior art inventions, naming it "Right of priority". The first form, "since the date of the receipt of a duly patent application form in the Office, the patent applicant shall have a right of priority against any other person that will later file an application for the same invention". The second, "an exception from this, when are fulfilled the requirements for recognition of exhibition and union priority right" (provided in Articles 37 and 38 of the IPL).

Patent elements

Patent applications are similarly structured worldwide and consist of a request, a description, claims, drawings (if necessary) and an abstract. (Inventing the Future, WIPO, 2006, p.24) Similar to this, according the Chilling Effects project "A patent consists of an abstract, a description of the invention, disclosures of prior art, drawings, and one or more claims". Patent claims are regarded as most important element and are subject of the next topic.

In the United States, "Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title (35 USCS Sects. 1 et seq) in writing to the Commissioner. Such application shall include: 1) a specification as prescribed by section 112 of this title 35 USCS Sect.112; 2) a drawing as prescribed by section 113 of this title 35 USCS Sect.113; and 3) an oath by the applicant as prescribed by section 115 of this title 35 USCS Sect. 115. The application must be accompanied by the fee required by law."

[1] Patent databases available online, free-of-charge, may be found at: www.wipo.int/ipdl/en/resources/links.jsp

Patent "claims"

The claims determine the scope of protection of a patent. (Inventing the Future, WIPO, 2006, p.24)

According to Article 46 of the Macedonian IPL, the patent claims shall determine the item for which the protection is requested. The patent claims should be clear and included in the description of the invention. Two types of patent claims are recognized: independent and dependent. The independent patent claims shall include new, important features of the invention. The dependent patent claims shall include the specific features determined by an independent or any other dependent patent claim.

The claims are the only truly enforceable part of a utility patent, and they define the property right owned by the patent holder. They are written in technical language, and must embody subject matter that is within the scope of patent law, is novel and is not obvious. The more broadly written the claims, the less likely they are to avoid rejection or invalidation on the grounds of obviousness or anticipation by prior technology; the more narrowly written, the less likely a competing technology or device infringes the claims. (Chilling Effects, 2013)

Infringement of patent claims

A patent may be infringed directly or indirectly. Direct infringement results if the accused product or method is covered by at least one claim of the patent. Indirect infringement results if the defendant induces another to infringe a patent or contributes to the infringement of a patent by another. (AIPLA's Model Patent Jury Instructions, 2012, p.15)

There are two ways in which a patent claim can be directly infringed. First, a claim can be literally infringed. Second, a claim can be infringed under what is called the "doctrine of equivalents". To determine infringement, you must compare the accused product or method with each claim from the abbreviated patent number that the Plaintiff asserts is infringed. (AIPLA's Model Patent Jury Instructions, 2012, p.10)

Entities of patent right

Who can be "the patentee" (inventor, applicant or legal successor) is another important patent topic, as the previously discussed "invention" and "patent protection". The person who conceived the invention is the inventor, whereas the person (or company) that files the patent application is the

applicant, holder or owner of the patent. (Inventing the Future, WIPO, 2006, p.14)

You are entitled to file an international patent application (under PCT) if you are a national or resident of one of the PCT Contracting States. If there are several applicants named in the international application, only one of them needs to comply with this requirement. (PCT FAQ, 2014)

According to the Article 31 of the Macedonian IPL, patent granting procedure may be initiated by the inventor and his legal successor. If the invention is a product of the joint work of more inventors, then all the inventors or their legal successors shall have the right to initiate a patent granting procedure. In the United States, the presumptive owner of an invention is the human inventor(s). The inventor may transfer ownership to anyone (including a corporation) (Chilling Effects, 2013).

Patents assignment

Assigning the patent means that ownership of the patent will be permanently transferred to another person. Assignment means you receive an agreed-upon payment once, with no future royalties, regardless of how profitable the patent ends up being. (Inventing the Future, WIPO, 2006, p.35) The patent laws provide that patents shall have the attributes of personal property, and as such, can be assigned by a written document. The inventor, who is initially the presumed owner of the patent rights to the invention, may transfer ownership to anyone, including a corporation. Employees often assign the rights to their inventions to their employers as part of their employment contracts. (Chilling Effects, 2013)

Obtaining a license for a patent

A patent is licensed when the owner of the patent (the licensor) grants permission to another (the licensee) to use the patented invention for mutually agreed purposes. In such cases, a licensing contract is generally signed between the two parties, specifying the terms and scope of the agreement. (Inventing the Future, WIPO, 2006, p.35) A license, in its simplest terms, is a promise by the patent owner (the licensor) not to sue the licensee for exercising one of the patent owner's rights. Patent laws grant the patent owner rights to exclude others from making, using, or selling the patented invention. Using a contract called a "license," a patent owner may choose to allow one or more others to make, use and/or sell the invention, usually in exchange for payment. As long as the licensee abides by the terms of the license contract, a patent owner cannot sue the licensee for infringement. (Chilling Effects, 2013) For example, the patent over the

antibiotic azythromycin of Croatian company Pliva has earned the company millions of dollars over the last decade. The patent was the basis for a successful licensing deal with a large foreign pharmaceutical company. (Inventing the Future, WIPO, 2006, p.12) Article 97 of the Macedonian IPL introduces the "Compulsory license**".** It states, if the patent holder does not use the invention protected by a patent or uses it in a scope which is insufficient to the needs of the national market, and rejects to enter into a license agreement or sets unmarketable conditions for entering into that contract, the right to use the invention, by a compulsory license, may be assigned to another person, with the obligation to pay the fee to the patent holder. Compulsory license may also be issued if the utilization of the invention protected by a patent is necessary due to emergency situations in the country, protection of public interest in the area of health, food, protection and promotion of the environment or if it is of particular interest to a certain industrial field or if it is necessary for implementing the judicial and administrative procedure related to protection of competition. 35 USCS Sect.208 (the U.S. Patent Act) defines that "The Secretary of Commerce is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, other than inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis."

TRADEMARKS

Theoretical basis

Trademarks are visible symbols that distinguish the goods of one business enterprise from another. Trademarks can include letters, words, numbers, names, the presentation of products or packaging, color combinations, and product design. (Kermit L. Hall ed., 2002, p.662) According to Steven Hetcher, (Kermit L. Hall ed., 2002, p.664) not all identifiable marks are trademarks, saying that first, a trademark must be distinctive and second, a mark holder must actually use the trademark. A trademark entitles its holder to various legal protections. The primary protection is against infringing uses of the mark that are likely to create consumer confusion. (Kermit L. Hall ed., 2002, p.663) A second protection is against dilution of a mark. (Kermit L. Hall ed., 2002, p.663) Most important advancement in the field of trademark protection is the Madrid system for the international registration of marks[1]. There are many advantages of using the Madrid system. The principal advantages of using

[1] Madrid Agreement Concerning the International Registration of Marks of 1891 and the Protocol Relating to the Madrid Agreement (1989)

the Madrid system are that the trademark owner can register his trademark in all the countries party to the system by filing:

- a single international application; in one language; subject to one set of fees and deadlines.

Thereafter, the international registration can be maintained and renewed through a single procedure. (Making a Mark, WIPO, 2006, p. 14)

Comparative review for understanding unification and integration in the field of trademarks: Madrid system for the international registration of marks - Macedonia – United States

Object of trademark protection

According to the authors of the Chilling Effects project (2013), as a trademark can be protected: names (such as company names, product names), domain names if they label a product or service, images, symbols, logos, slogans or phrases, colors, product design, product packaging (known as trade dress).[1] Object of trademark protection according to the Article 175 of the Macedonian IPL shall be a sign which may be represented graphically and which is capable for distinguishing goods or services of one undertaking from those of other undertakings.

Requirements for trademark protection

In countries which have a legal system based on common law, "prior use" is generally sufficient for claiming rights over a given trademark in case of dispute. In civil law countries, however, this is usually not the case. Only trademark registration will provide legal certainty on exclusive rights to the use of the trademark regardless of how many years an enterprise has been using the name. Even in the first case, it is highly advisable to register a trademark, as registration will reinforce the position of the right holder in case of litigation. (Trademark FAQ, WIPO, 2014)

For initiation of procedure for trademark protection Article 180 of the Macedonian IPL states “The procedure for granting of a trademark right shall be initiated by filing of a trademark application to the Office. The procedure for granting of a trademark right may also be initiated by filing of an application according to the Madrid Agreement and the Madrid Protocol.”

[1] Goodwill is a business or trademark owner's image, relationship with customers and suppliers, good reputation, and expectation of repeat patronage. It is the value a trademark owner builds in a brand (Chilling Effects, 2013)

Article 180 of the Macedonian IPL also accepts the priority right "If the trademark application is filed in accordance with Article 181 paragraph 1 of this Law, the applicant shall acquire priority right as from the date of filing of the application over any other applicant filing a later trademark application for identical or similar sign and identical or similar goods or services."

Unlike most other nations, in the United States, registration is optional, so a trademark owner is not required to register the mark anywhere and there is no single central list of them all. Many owners do register their marks with the government, however, to better notify the world of their claims. Each state has its own trademark registry for goods and services sold locally. For companies that sell in more than one state, there is a US federal registry that is accessible online through TESS (Trademark Electronic Search System). (Chilling Effects, 2013)

When a company is selecting a new brand, its trademark attorney will usually conduct a "trademark availability" search which will look in many different locations to try and ferret out competing uses of the desired name. Business directories, Internet search engines, telephone directories are other searched sources. Multi-national vendors will search trademark registries in foreign nations as well. (Chilling Effects, 2013)

The rights of trademark owner

Owning a trademark gives the owner two rights: first, the right to use the trademark in commerce and second, the right to register the trademark and strengthen its protection from possible future infringement. While most businesses realize the importance of using trademarks to differentiate their products from those of their competitors, not all realize the importance of protecting them through registration. Registration, under the relevant trademark law, gives your company the exclusive right to prevent others from marketing identical or similar products under the same or a confusingly similar mark. (Making a Mark, WIPO, 2014, p. 6)

In the Macedonian IPL trademark owners are given some "Exclusive rights" in Article 206 which states "The trademark-owner shall have the exclusive right to use the trademark on the market for marking his goods or services. 2) The trademark-owner shall have the right to use the symbol ® next to his trademark. 3) The trademark-owner has the right to prohibit use on the market by a third right-owner, without his consent, of a sign which is: 1) identical with trademark used for identical goods or services; 2) identical with or similar to trademark used for identical or similar goods or services if that similarity may create confusion at the average consumer, including the possibility of association between the sign and the trademark; 3) identical

with or similar to trademark used for different goods or services if the trademark has the reputation in the Republic of Macedonia and if the use of that sign without justified reason may lead to unfair competition and damage the distinctive character or reputation of the trademark."[1]

In the United States, trademark rights come from actual use of the mark to label one's services or products or they come from filing an application with the Patent and Trademark Office (PTO) that states an intention to use the mark in future commerce. (Chilling Effects, 2013) There are two trademark rights: the right to use (or authorize use) and the right to register.

The person who establishes priority rights in a mark gains the exclusive right to use it to label or identify their goods or services, and to authorize others to do so[2]. According to the Lanham Act, determining who has priority rights in a mark involves establishing, who was the first to use it to identify his / her goods. (Chilling Effects, 2013)

Who has the right to register the mark determines the Patent and Trademark Office. By registering a trademark, the owner is entitled to nationwide priority in the mark. On the other hand, when two users claim ownership of the same mark (or similar marks) at the same time, and neither has registered it, a court must decide who has the right to the mark[3].

Term of trademark

While the term of protection may vary, in a large number of countries, registered trademarks are protected for 10 years. Registration may be renewed indefinitely (usually, for consecutive periods of 10 years) provided renewal fees are paid in time. (Making a Mark, WIPO, 2006, p.13) In Macedonia, Article 211 of the Macedonian IPL states that "A trademark term shall be 10 years as from the date of filing the trademark application. A trademark may be renewed indefinite number of times for term of ten years,

[1] In addition, Article 206 Paragraph claims that "The prohibition under paragraph 3 of this Article shall also include: 1) affixing the sign on goods and their packages; 2) rendering services or putting on the market goods under that sign, or storing goods with that intention; 3) import or export of goods under that sign; 4) use of the sign in correspondence, publishing or advertising.

[2] Trademark owners do not acquire the exclusive ownership of words. They only obtain the right to use the mark in commerce and to prevent competitors in the same line of goods or services from using a confusingly similar mark. The same word can therefore be trademarked by different producers to label different kinds of goods. Examples are Delta Airlines and Delta Faucets. (Chilling Effects, 2013)

[3] The court can issue an injunction (a ruling that requires other people to stop using the mark) or award damages if people other than the owner use the trademark (infringement). (Chilling Effects, 2013)

provided that the trademark applicant files with the Office a request for renewal of the trademark validity and pays the corresponding fee and procedural expenses during the last year of the ten-year term of protection or no later than nine months after the expiration of the validity."[1] Trademark rights can last indefinitely if the trademark owner continues to use the mark to identify goods or services. (Chilling Effects, 2013) The holder of an international registration that is based upon a basic application filed with the United States Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request. (15 U.S. Code § 1141d, 1946)

Entities of patent right

In general, any person who intends to use a trademark or to have it used by third parties can apply for registration. It can be either an individual or a legal entity. (Making a Mark, WIPO, 2006, p.6)

Article 225 of the Macedonian IPL defines "International registration" as "The owner of the trademark, i.e. the applicant of the trademark may submit an application for international registration of a trademark in accordance with the Madrid Agreement and Madrid Protocol which the Republic of Macedonia has acceded to."

The limits of trademark rights

There are many limits to the trademark rights, including: Fair Use, Nominative fair use, Parody use, Non-commercial Use, Product Comparison and News Reporting, Geographic Limitations, Non-competing or Non-confusing Use.

First of all, Fair Use and the doctrine of fair use prevent two situations of infringement:

- The term is a way to describe another good or service, using its descriptive term and not its secondary meaning. The idea behind this fair use is that a trademark holder does not have the exclusive right to use a word that is merely descriptive, since this decreases the words available to describe. If the term is not used to label any particular goods or services at all, but is perhaps used in a literary fashion as

[1] The new period of protection shall begin with the day of expiration of the previous ten-year period of protection. In case when the application for renewal of the validity of the trademark covers only part of the goods i.e. services for which the trademark has been registered, the validity of the trademark shall be renewed only for those goods, i.e. services. (IPL, Art.211, Par. 3 and 4)

part of a narrative, then this is a non-commercial use even if the narrative is commercially sold.

- Nominative fair use - This is when a potential infringer (or defendant) uses the registered trademark to identify the trademark holder's product or service in conjunction with his or her own.

Second, Parody use - parodies of trademarked products have traditionally been permitted in print and other media publications. A parody must convey two simultaneous - and contradictory - messages: that it is the original, but also that it is not the original and is instead a parody.

Third, Non-commercial Use - if no income is solicited or earned by using someone else's mark, this use is not normally infringement.[1]

Fourth, Product Comparison and News Reporting - even in a commercial use, you can refer to someone else's goods by their trademarked name when comparing them to other products. News reporting is also exempt.

Fifth, Geographic Limitations - a trademark is protected only within the geographic area where the mark is used and its reputation is established. For federally registered marks, protection is nationwide. For other marks, geographical use must be considered. For example, if John Doe owns the mark *Timothy's Bakery* in Boston, there is not likely to be any infringement if Jane Roe uses *Timothy's Bakery* to describe a bakery in Los Angeles. They don't sell to the same customers, so those customers aren't confused.

Sixth, Non-competing or Non-confusing Use - trademark rights only protect the particular type of goods and services that the mark owner is selling under the trademark. Some rights to expansion into related product lines have been recognized, but generally, if you are selling goods or services that do not remotely compete with those of the mark owner, this is generally strong evidence that consumers would not be confused and that no infringement exists. This defense may not exist if the mark is a famous one, however. In dilution cases, confusion is not the standard, so use on any type of good or service might cause infringement by dilution of a famous mark.

Article 207 of the Macedonian IPL defines the limitations to the trademark right, stating that "The trademark shall not entitle its owner to prohibit third right-owners to use in trade their name, surname, sign or trade name, address, indications on the kind, quality, quantity, purpose, value, geographical origin, date of production of the goods or rendering of the services or any other characteristic of the goods, irrespective of the fact that

[1] Trademark rights protect consumers from purchasing inferior goods because of false labeling. If no goods or services are being offered, or the goods would not be confused with those of the mark owner, or if the term is being used in a literary sense, but not to label or otherwise identify the origin of other goods or services, then the term is not being used commercially.

those indications are identical with or similar to the trademark or parts thereof, provided that they are used in compliance with the good business practices and does not lead to unfair market competition. The trademark shall not entitle its owner to prohibit third right-owners from using in trade a sign which is identical with or similar to a trademark if that is necessary for indicating the purpose of the goods, particularly the spare parts thereof, or the kind of services rendered if the sign is used in compliance with the good trade practices and does not lead to unfair competition."

Types of trademark

Modern intellectual property laws and systems recognize different types of trademark, such as: trade mark, service mark, collective mark, certification mark, well-known mark. Trademarks are marks used to distinguish certain goods as those produced by a specific enterprise. (Making a Mark, WIPO, 2006, p. 15) Trademarks refer to goods and products, that is, physical commodities which may be natural or manufactured or produced, and which are sold or otherwise transported or distributed. (Chilling Effects, 2013) Service marks are marks used to distinguish certain services as those provided by a specific enterprise. (WIPO, 2006, p.15) Service marks refer to intangible activities which are performed by one person for the benefit of a person or persons other than himself, either for pay or otherwise. (Chilling Effects, 2013) Collective marks are marks used to distinguish goods or services produced or provided by members of an association. (Making a Mark, WIPO, 2006, p. 15) Certification marks are marks used to distinguish goods or services that comply with a set of standards and have been certified by a certifying authority. (Making a Mark, WIPO, 2006, p. 15) Well-known marks are marks that are considered to be well-known in the market and as a result benefit from stronger protection. (Making a Mark, WIPO, 2006, p. 15) Macedonian IPL recognizes and regulates: trade mark, service mark, collective mark, certification mark[1].

The Role of Trademarks for Companies and Consumers

The role of trademarks[2] can be divided in two functions. First, trademarks can be viewed as commercial links between companies and

[1] Macedonian IPL, Articles 219 - 224

[2] Trademarks can be infringed on the Net in many ways (Chilling Effects, 2013)

1. Domain names that are identical or similar to well-known marks have been registered by "cyber squatters" who tried to sell the domain to the mark owner for vastly inflated sums of money.

consumers that allow companies to transmit information. Second, trademarks allow consumers to distinguish between products that carry different trademarks thereby facilitating product identification (Philipp Sandner, 2010).

CONCLUSION

The promotion of cultural improvement, advancement of innovativeness and advancement of health protection, technological safety and quality are common grounds of the modern society. They are the pillar of the contemporary life and promise for future development. The Industrial Law science and Industrial Law system is vital component of the cultural, technical and technological expansion of the 21st century. It provides safety to the innovators and creators, as well as is solid background for longevity of the creative works. It enables building mega-companies whose success is based on their knowledge and creativity. It is inspiration for society, strengthening the belief in ideas and creation and degradation of the tendencies for destruction.

The focus on industrial property supported the progress of unification and integration tendencies in the society and produced many improvements in the existing laws and regulations. Lots of legal problems are solved and many new solutions are introduced, such as introducing "international application", reduction of procedure costs and fees, establishing time clauses. For example, you can file an application for trademark registration in the Macedonian State Office of Industrial Property and request registration in one or many other state offices of industrial property on the basis of The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

Strong protection of the industrial property rights is important for achieving global economic expansion, accelerating research progress and maintaining sustainable development. Patents and trademarks are key tools of the future and unification and integration of their regulation will be the basis for future economic growth and development of the law science as well as of the society.

2. Some commercial vendors have used the trademark of a competitor in the meta tags for the vendor's own website so that search engines will direct customers looking for the trademark products to the competitor's website instead.
3. And some individuals have copied trademarked logos and used them on their own websites to imply some authorized connection to the well-known product.

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THE ROLE OF PRIVAtE DETECTIVES IN SECURITY SECTOR IN MACEDONIA AND SLOVENIA – HISTORY, TRENDS AND CHALLENGES

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Abstract

Private detective activity is a rather young security phenomenon in both Macedonia and Slovenia. Thus, authors make comparative analysis of private detectives focusing on short history, current trends and challenges with emphasis on potential that this private business has in regard to common (public) security sector. The paper deals with the question of a proper position of private detectives in national security systems of both of the countries, powers and methods of their work, their interference in fundamental human rights and freedoms and control over detectives by state and non-state actors. While legal framework of private detective activity is important, authors also raise questions about ethics, integrity and professionalism of detectives. The paper locates similarities as well as differences of development of the private detective activity in both countries, determining the factors that lie behind the peculiarities of these developments. This paper attempts to make contribution to the under researched field of private detectives activity in both countries. Authors rely on rare primary and secondary data analysis as well as content analysis of the legal documents covering this sphere. Comparative theoretical and methodological approach to define, assess and explain the most important features of the development of private detective activity is used.

Key words*: private detectives, security, comparison, Macedonia, Slovenia*

INTRODUCTION

The private detectives are common security phenomenon in the world, especially among the countries of the Western hemisphere. They have almost two centuries long tradition of private detective activity ever since the Pinkerton National Detective Agency was formed by Alan Pinkerton in the 1855 in USA and Eugene Francois Vidocq laid the first brick of private detective activity in France in 1833 (Gunter & Hertig, 2005: 7 - 9). This component of the contemporary private security sector (subsystem), although is similarly defined and legally regulated in the ex-Yugoslav countries, is known for that to be the least visible, but, probably most problematic for the state, since it enters the realm of use/abuse of data and information that could violate some of the basic human rights and freedoms if not regulated and practiced properly (Nikachi Pavlovic, 2012: 35; Pavlovic, (2008: 113). Speaking in global context, Republic of Macedonia and Republic of Slovenia as former Yugoslav republics and post-transitional countries are real youngsters and have started to develop this activity after the proclamation of their independence in the begging of the 90's of previous century. Despite the equal start concerning the private detective practice, the time that have passed since then proved to be very fruitful for the development of the private detective activity in Republic of Slovenia, and very contrary to that, very stagnant for the development of the same activity in Republic of Macedonia, although Macedonia was the second country from the region after Slovenia that adopted special legislation on private detective activity. Everybody would ask the same question at this point: Why there are differences between the development of these two activities in both countries and what factors contributed to that? And the second question that arises from the previous: Are there any similarities or there are more differences in the development of the private detective activity between the two countries?

In the pages to follow, we shall try to clarify the reasons for such state of affairs in the private detective activity in Republic of Macedonia and Republic of Slovenia and try to reach some conclusions that would probably be of use for the future development of the private detective activity in both countries and especially in Republic of Macedonia where there are lot things that obviously have to be improved significantly in the future.

HISTORY OF PRIVATE DETECTIVE ACTIVITY IN MACEDONIA AND SLOVENIA

The private detective activity in Republic of Macedonia is completely new security phenomenon without any previous historical experience. Up until the last decade of the previous century there were no favorable socio-

economic conditions for advent of private detective activity. Finally, by the 90's of the last century a market oriented economy and reform of the security system have made it possible for the private detective activity in Republic of Macedonia to appear and to develop. Indeed, the private detective activity development is one full with controversies and contradictions that persist even nowadays.

But let us start with the forerunners of this activity. First of all, some authors see the harbingers of unorganized private detective activity even during the late Ottoman rule in Macedonia, that is to say XIX and the very beginnings of the XX century. According to Grozdan Cvetkovski, these were a kind of private heralds and gatherers of data and information that were hired by the caravan travellers to warn them in case of danger during their trip from Western parts of Macedonia to Istanbul, Turkey (Cvetkovski, 2011a: 32). But, in spite of these rudimentary attempts to develop private detective activity, the real advent and development of this activity on Macedonian soil could be traced in the last more than two decades. However, it is important to say that the practice here as it is the case with the private security activity, has proven to be ahead of theory and legal framework for its development. This means that we could divide the period of slightly over two decades of development of private detective activity in Republic of Macedonia in two periods: the first period of unorganized and legally unregulated development of this activity (from 1991 to 2000) and the second one of organized and legally regulated activity (from 2000 onwards).

The first period was characterized with complete anonymity of this activity among the public and the first attempts in this field were experienced as something distant and with a serious dose of mistrust, especially by the police and other instances of state and public security. Although there were detectives who worked within the public security, the private detective profession was and still is something very strange and unrecognizable in Macedonian security context. At the beginning there were many adventurists in this sphere, or would-be private detectives, who made use of the chaotic and unregulated conditions to "legally"[1] or illegally work as private detectives. Most of them were lawyers, security officers, former police officers, students, suspicious criminal guys and so on, in other words, a whole gallery of characters that had little or no knowledge of the real weight

[1] We have to mention that in the period prior to 1999, the private detectives could legally register and work according to the *Law on commercial entities* and the *Law on the uniform classification of activities*, where private detective activities were registered under the item of »*other unmentioned activities*«, very unclear end extended item. However, this activity was not regulated by *lex specialis*, existed within the outmoded legal framework and that is what actually contributed towards the overall confusion and almost impossible conditions for its unhindered development.

and responsibility of doing this very hard and sensitive job. However, one event stands out in this period, and that is surely the formation of the first private detective agency "*Top Point*" in 1996, owned by *Grozdan Cvetkovski*, also the author of the first scientific book about private detectives in Macedonia. His agency was not so lasting though, it worked only a couple of years and by the end of the decade it ceased to exist. Although it worked in an undefined legal and market conditions, this agency is nevertheless important for the development of the private detective activity later and in some aspects, it drew attention of the authorities who shortly after that decided to regulate this activity with special legislation.

The second period started with the adoption of the legal framework for the private detective activity. Namely, the first *Law on detective activity* and the adjoining bylaws were finally adopted by the Macedonian Parliament at December 1999. Since then, there were interventions with amendments to the Law on several occasions (2007, 2008, 2011 and 2013), all of them which were minor and did not affect the essential provisions. Also, it must be mentioned that a new *Law on national classification of activities*was passed by the Parliament in 1999 and that paved the way for the adoption of the Law on detective activity. Within this classification, the private detective activities were classified under the item "*protection and investigation activities*" (Cvetkovski, 2011a: 42). But, in spite of all of these legal efforts to revive the private detective work, it is surprising that only in the 2010 the first licenses for private detective activity were being issued by the *Ministry of Interior(MOI)* and the first private detective agency was being registered in the *Central Register* (Dinevski, 2013).This speaks by itself about some more profound conditions and circumstances that have been persisting in the last more than a decade that made the private detective activity in Republic of Macedonia almost impossible to develop. This contributed to the situation where there are only 5 private detective agencies in Republic of Macedonia that legally work nowadays, a number that is being much lower and very modest compared to the neighboring countries and the Balkan region, let alone wider European or world experiences. It reveals a state of affairs where there are undoubtedly and regretfully numerous subjective and objective obstacles for development of this activity in Macedonia.

In Slovenia, private detective activity is also a rather new phenomenon. It seems that "rebirth" of private property after the collapse of socialism in the beginning of 90-ies did not only gave birth to private security but also to private detectives. How new this activity was is evident from the fact that first attempt to register this activity was in 1988 in town of Cerknica but application was rejected. Only a year later, first private detectives appeared who were established and organized according to Yugoslav *Law on Enterprises* (Škrabar, Trivunović & Požru 2011). After the change of

political and economic system and independence of Slovenia in 1991, the number of private detectives started to grow, mainly because of influx of retired criminal investigation and police officers as well as former members of intelligence services into this new business. These persons were the only who knew the business of this kind. Since there was still no special legislation on this field, neither an organisation that would protect interests of private detectives, in 1993, Association of Private Detectives was established by detectives themselves (Miložič, 1999). However, only a year later *Detective Activity Act* (Official Gazette of the Republic of Slovenia, No. 32/94) was passed. Despite the fact that at that time there were around 30-40 detectives only, this Act was very important for further development of detective activity. Obviously, the Act was quite good, since it lasted until 2011 with only four changes in 2002, 2005, 2007 and 2010. *Detective Activity Act* for the first time legally defined the detective activity which was "the gathering and conveying of information obtained in accordance with the rights granted to detectives« (Article 3). The law (Article 4) also introduced the Detective Chamber of the Republic of Slovenia in which membership of detectives was compulsory. By agreement with the Ministry of the Interior, the Chamber was responsible for granting and withdrawal detective licences (this was the most important task), and for laying down the programme of certification exam for detective practice as well as the method of knowledge assessment. The Chamber was also entitled to monitor and discuss the work of its members; to adopt a professional code of ethics and measures for its violation; to maintain records of detectives; to carry out other tasks determined by its memorandum of association and state regulations; to supervise the work of its members; and to determine the design of the identification card (Article 5).

In order to become a private detective, a person had to obtain a licence. Licence was issued if person met the following conditions:

- citizenship of the Republic of Slovenia;
- completed college or higher education;
- passed certification exam;
- not convicted for intentionally committed criminal offence which is subject to prosecution ex officio;
- that he / she held no post of authorized officers at the Ministry of the Interior or intelligence and security services in the past two years (Article 8).

Detective Chamber of the Republic of Slovenia was officially registered in September 1995 and in December that year the first group of candidates passed the exam for detectives (Miložič, 1999). Licences for the first 26 detectives were issued by Detective Chamber of the Republic of Slovenia in April 1996 (Jurišič, 1999). Organisationally speaking, detective activity was carried out mainly by detectives as a liberal profession, while few detective agencies were also established. Article 9 of the Detective

Activity Act quite precisely defined the area and scope of gathering of information by detectives. Detectives were allowed to obtain the information directly from the persons to which such information related as well as from other persons in the possession of such information that were willing to provide it of their own accord, and from the mass media on:

- the missing or hiding persons, debtors, authors or senders of anonymous letters, and persons responsible for material damage;
- stolen or lost objects;
- evidence required for insurance or proving of rights and entitlements of individual parties before judicial and other authorities and organizations deciding on such rights in the proceedings;
- loyalty of employees in the observance of the provision in restraint of trade; and
- performance and competence of legal persons.

The state obviously saw detectives as a kind of extension of a national security system asking from them to report the information about a criminal offence which is subject to prosecution ex officio, to the competent authority (the police, the state prosecutor). This was not the only obligation. Detectives were bounded to secrecy in matters entrusted to them; they were not allowed to perform tasks which were the responsibility of the police and judicial authorities; to employ methods and resources which were used by state bodies like the police or intelligence services; and to provide their services to local and foreign security services and state bodies and political parties.

The most important changes of *Detective Activity Act* in 2002, 2005, 2007 and 2010[1] related to the performance of foreign detectives in Slovenia (Slovenia joined EU in 2004); to employment of methods and resources used by police and intelligence services (only covert investigation methods were forbidden for detectives); to the area and scope of information gathering (some new areas were added, among other detectives became entitled to gather information also on public servants who violated the right to sick leave towing to illness or injury or who violated the right to have employment-related travel expenses refunded or on other disciplinary violations or violators); and to supervision of detectives by the inspectorate of the Ministry of the Interior. In the first 15 years as a licensed activity, despite never being very numerous, private detectives proved that they could be successful as an additional toll to those who needed appropriate information or were not satisfied with the services provided by national security system (Sotlar, 2012).

[1] Law on detective work (Ur. l. RS, št. 32/94, 96/02, 90/05, 60/07, 29/10)

MAIN TRENDS IN DEVELOPMENT OF PRIVATE DETECTIVE ACTIVITY

The private detective activity in Republic of Macedonia is desperately struggling for its place under the sun, but is seems that neither the society, nor the security system are in significant need of private detective services. There is a kind of atmosphere where little is known about the private detectives and most of the public have not even heard that there are some legal private detectives in the country. Surely, the state security authorities, especially MOI with its rigid and unjustifiably fearful stance towards this activity, greatly contributed to that lack of awareness. Lack of tradition and the low level of economic and market development have also contributed towards this situation. It is not to be forgotten, however, that the private detective services unlike the private security services are much more expensive and considering the economic situation in Macedonia at the moment, there's not sufficient clientele that could support as much private detective agencies as private security agencies. Official numbers speak of rapid development of securing persons and property activity, while, private detective activity is almost completely undeveloped (latest information from Ministry of Interior and Central Register tell us about 5 registered private detective agencies, and, also some illegal private detective or security entities who still work in spite of the legal framework and enhanced control and oversight). This staring imbalance is pointing out to some real or possible anomalies and problems in the functioning of the private security sector as subsystem. Namely, securing persons and property activity and private detective activity should develop proportionally since they are complementary to each other. This imbalance also shows that contemporary Macedonian security system needs more protective than investigative security services, which reveals some deeper socio-structural, cultural and economic problems within contemporary Macedonian society that have to be seriously and profoundly researched in the time to come (Gerasimoski, 2011: 327 - 328).

The previous period of two decades of unorganized and organized development of private detective activity in Republic of Macedonia, although modest, could give us some information on the trends and types of private detective (investigation) services that are most frequently required by the clients. One common feature which is to be found not only in Macedonia but almost elsewhere in the world is that the private detectives are mainly drafted from the former police detectives, high police officers, former intelligence workers and security officers, or, mostly from the state and public security and intelligence institutions. This might be considered

favorable for the development of the sector, since they are supposed to have previous knowledge that could effectively use it as private detectives. Further, we could also see that most of the investigation services that were and still are required are the so called reconstructive (overt in nature, carried out in open, conducted after an event has taken place and the investigatormust recreate what happened after the fact, such as the case with investigations of missing persons and items for example) rather than constructive (covert in nature, performed in secrecy and conducted while the suspected activity istaking place or anticipated, such as the investigations for suspected deviant behavior among the children and youth) (Sennewald & Tsukayama, 2006: 3 - 4). According to some modest available date we have gathered and analyzed from the accessible sources, mainly interviews with the private security detectives that work nowadays, we could conclude that the private detectives in Macedonia are mainly hired by clients to investigate missing persons and objects, marriage or pre-marriage infidelity, due diligence within the so called industrial espionage, insurance frauds and some family problems (finding biological parents, detecting of deviant behavior among the youths etc.) (Dimitrovski, 2011; Dinevski, 2013; Cvetkovski, 2011b: 18).

After more than a decade and a half of development, with quite good regulation and without major incidents or affairs in this field, Slovenian private detective activity still faced two important problems. Firstly, generally speaking Slovenian (lay) public did not know much about the detectives! A research conducted by Čas and Kramberger (2011) has shown that most people knew little about detective services in Slovenia. Moreover, respondents attributed to detectives the services the Slovenian detectives do not perform, but they might be performed by detectives in TV shows or in movies! Secondly, from the very beginning there were always debates that private detective cannot be successful and efficient if he / she does not use some methods and resources, used first and foremost by criminal police and intelligence services. While it was always quite clear that private detective cannot enter private space and violate communications privacy, from time to time there were rumours on detectives who used a method of "secret tracking and surveillance", usually accompanied with taking pictures, because methods of detectives were not defined so clearly. The law just said that covert investigation methods of detectives were forbidden. There were detectives themselves who tried to explain to which extent this method is legitimate and acceptable (Perko & Perko, 2008), while some cases were brought to the court where majority of methods (including taking pictures and filming) used by detectives were allowed (Dvoršak, 2006). At least everybody agreed that there was a thin line between legitimate and illegal use of such surveillance.

Despite not being the only reason, second problem contributed to the new *Private Detective Services Act* (Official Gazette of the RS, No. 17/11) which was passed in March 2011. The Act defined the private detective activity as follows: "Private detective services shall comprise the collection and processing of data and information, the provision of such data and information[1], and the provision of advice on crime prevention, and shall be performed for the requirements of a client by a private detective licensed and qualified under this Act to do so". Private detective services are commercial activities and are regulated by the state for the purpose of maintaining law and order, public security, and the personal safety and dignity of clients, third parties, and the private detective performing such services.

The most important thing that law has brought is an attempt to make methods of detective work more precise, leaving little room for misunderstandings by anyone - detectives, their clients, targets, police, inspectors and public in general. These methods of gathering information by detectives are called "entitlements". Private detective is entitled to collect data directly from persons or publicly accessible sources; to acquire data from records; to engage in surveillance; and to use some technical means. Detective may perform services for a client within the scope defined in Private Detective Services Actor other relevant statutes (Sotlar & Trivunović, 2012).

The most important is the definition of "surveillance", a method which if used unprofessionally and against the law, may cause serious violation of human rights and freedoms to which all citizens are entitled by the constitution. Surveillance is defined as follows: "A private detective may personally acquire information by carrying out surveillance in a public place or from a public place, from publicly accessible open and closed premises, as well as from places and premises visible from publicly accessible places or premises. In effecting the entitlements, a private detective may not operate in closed private premises or private premises that have been separated from a public area with a fence, obstacle or clearly marked signs indicating that the area is private" (Article 30). It is interesting that second sentence which in fact introduces principle of "expected privacy" was added to the Draft of Private Detective Services Act only after intervention of Information Commissioner of Slovenia, who insisted that privacy must be protected not only in closed private premises but also in other private spaces (e.g. backyard, garden, etc.) when such premises are separated from a public place by any kind of obstacle or sign (even if this obstacle or fence is only few

[1] In this part, legal definition of private detective activity comes close to the definition of intelligence activity. This is where the story of private intelligence activity begins – another grey zone.

centimetres high allowing everybody to see what is happening behind it). By no means, this will additionally protect privacy of individuals but also make detective work more difficult and more time-consuming while principle of expected privacy will get some new meaning (Sotlar & Trivunović, 2012).

Another positive change brought by law is introduction of compulsory professional training for all candidates before they take detective exams. The programme is 80 hours long and consists of theoretical (52 hours) and practical (28 hours) training (A Rulebook on bringing Laws on detective work, ur. l. RS, št. 17/11). This is especially important for candidates for detectives who never worked in agencies of national security system.

In the following table, we have made a comparison between the most frequently required private detective services in Republic of Macedonia and Republic of Slovenia nowadays (Table 1.):

Table 1. Most frequently required private detectives services in Macedonia and Slovenia

Republic of Macedonia	Republic of Slovenia
Missing persons and items	Gathering of information on violations of the right to sick leave towing to illness or injury, violations of the right to have employment-related travel expenses refunded, violations concerning alcohol and illicit drug abuse at work or other disciplinary violations or violators
Marriage infidelity	Gathering of information on debtors and their property
Due diligence	Gathering of information on perpetrators of pecuniary and non-pecuniary damages
Insurance frauds	Gathering evidences required for the protection or proof of the rights and entitlements of individual parties before judicial and other authorities and organisations deciding on such rights in proceedings;
Family problems (deviant behaviour of children)	Gathering data on missing or lost objects

Source: (Dimitrovski, 2011; Dinevski, 2013; Cvetkovski, 2011a; Cvetkovski, 2011b;) (Škrabar, Trivunović & Požru 2011)

Considering the entire development of the private detective activity in Macedonia and Slovenia, we could say that there are differences which could be seen clearly when compared. In order to ease the comparison of the main characteristics of development of the private detective activity in Macedonia and Slovenia, we have prepared the following Table 2 below:

Table 2. Comparison of the main characteristics of development of private detective activity in the Republic of Macedonia and Republic of Slovenia

Feature	***Republic of Macedonia***	***Republic of Slovenia***
Population	2,052,722	2,046,976
Gross National Income (GNI)	€ 6.79 billion	€ 36.78 billion
Ratio private detectives/population	1/410 544	1/23000
Licensing for private detectives/detective agencies	mandatory by law	mandatory by law
Total number of private detectives	5 (2013)	12 (2014) (est.)[1]
Average price of private detective services by hour	€ 20	€ 70
Regulation	PDA is regulated by special legislation (Law on detective activity, Official Gazette of RM, No. 80/99).	Private detective activity is regulated by special legislation (Private Detective Services Act, Official Gazette of the RS, No. 17/11)
Competent national authority in charge of drafting and amendinglegislation regulating the PDA	Ministry of the Interior	Ministry of the Interior
Competent national authority in charge of controls and oversight of private detective activity	Ministry of the Interior	Ministry of the Interior, Detective Chamber of the Republic of Slovenia
Existence of professional detectives organization such as Chamber	Does not exist	Detective Chamber of the Republic of Slovenia
	License for private detective is being issued by the MOI to the persons who have fulfilled the following criteria:	License for private detective is being issued by the Detective Chamber of the Republic of Slovenia to the persons who have fulfilled the following criteria: - is a citizen of the Republic of Slovenia or a Member State of the European Union, European Economic Area or the Swiss Confederation; - has acquired

[1] From 2011 on, there is no official record of detective agencies - Detective Chamber of the Republic of Slovenia keeps only a register of detectives performing private detective services.

Entrance requirements and restrictions for the private detective	- must be a Macedonian citizen - must have permanent residence in Republic of Macedonia - must have clean criminal record - must have finished high academic education - must have moral reputation -mustn't have worked in state or private security institutions at least two years prior to applying for exam - must have passed the professional exam for private detectives	qualifications at the first level of the professional study programme or an equivalent qualification abroad, which has been recognised in accordance with the relevant legislation governing the recognition and evaluation of education programmes; - has passed a detective exam; - has undergone a vetting process during which no security concerns were established; - over the last two years has not been employed as a police officer or an officer exercising powers on behalf of the Slovene Intelligence and Security Agency or an intelligence service of the ministry responsible for the defence.
Data and information that are allowed to be gathered by the private detectives according to the Law	- providing evidence related to criminal acts or their perpetrators - missing or hidden persons - writers of anonymous letters or perpetrators of material loss - revealing the identity and/or residence of the person - missing or lost items - evidence that is related to proving the truth court or	- missing or hiding persons, and perpetrators of pecuniary and non-pecuniary damages; - anonymous letters and their authors and senders; - debtors and their property; - missing or lost objects; - evidence required for the protection or proof of the rights and entitlements of individual parties before judicial and other authorities and organisations deciding on such rights in proceedings; - the adherence to the prohibition of competition and non-competition clauses; - the performance and business operations of

	other state organ - relatedness of the workers towards protection of the business secrets - successfulness and business of the legal entities.	companies; - criminal offences prosecuted by private actions and the perpetrators of such criminal offences; - violations of the right to sick leave towing to illness or injury, violations of the right to have employment-related travel expenses refunded, violations concerning alcohol and illicit drug abuse at work or other disciplinary violations or violators.
Data and information that are not allowed to be gathered by the private detectives according to the Law	- personal or family life - health condition and religious beliefs - political beliefs and activities of the person	Not specified
Training and professional exams	Training and exams of private detectives are completely in the hands of MOI Professional exam is consisted of two parts: written (Case Study) and oral exam	- The minister of the interior prescribes the training programme for the detectives, - The Ministry of the Interior may grant a public authority on a legal person authorising it to carry out professional training and advanced training for private detectives - Exams are organized by Detective Chamber of the Republic of Slovenia (commission consists of 2 representatives of the Chamber and 2 representatives of the Ministry of the Interior
Possession and use of firearms or other means of coercion by private detectives while on duty	Not allowed	Not specified

Source: (Law on Detective Work, Official Gazette of the Republic of Macedonia, бр.80/99; Mileska Stefanovska, Verica, 2013: 7; Private Detective Services Act (Official Gazette of the RS, No. 17/11); a Rulebook on bringing Laws on detective work (Ur. l. RS, št. 17/11).

CHALLENGES FOR PRIVATE DETECTIVE ACTIVITY

We have seen so far that the private detective activity in Republic of Macedonia faces many problems and obstacles in its development. According to theoreticians and researchers in this field they are primarily found in the inappropriate and outdated legislation, especially in some provisions that require too much obligations and responsibilities than they give authorities and competences to the private detectives. The whole procedure for obtaining license is centralized, complex, exhausting and doesn't pay off, since the private detective also have to pay mandatory insurance for possible detriment that he could inflict on the client or third party, which is determined in the amount of five yearly average salaries in the country. That is too much amount of money for the future private detectives and that's also one thing that deters and demotivates them. Lack of professional organization for protecting and promoting private detective profession such as Chamber is undoubtedly one of the main weaknesses of the existing legislation. Subjective factors that hinder the development of this activity are mainly to be found in the suspiciousness and fear among the police officials and intelligence institutions. Limited market, anonymity of the private detective services among the potential clients and lack of tradition in this field are some objective factors that also create the unfavorable climate for private detectives in today's Macedonia (Spaseski, Aslimoski, Gerasimoski, 2008: 136-137; Kuzev, 2010: 454).

It is for sure that the private detective activity in Macedonia faces many challenges and it is quite interesting what future holds in this field. Considering all the problems that the existing private detectives are confronting with nowadays, we can arguably predict a few future developments and actions that should have been taken by the authorities to make sure they produce the desired effect. First and urgent, there must be a completely new legislation regulating the private detective activity. The authorities should rightly understand that the present outdated and inappropriate law is one of the main dragging factors in the field and that the new one has to be more open and done according to the best legal solution in the region and wider. The new legislation must be trust-oriented, must recognize the necessity of private detective activity, must allow the possibility to form Chamber of private detectives, must relieve the overall rigid centralized procedures and to share them between the MOI and the Chamber that has to be established in the future. Related to that, the provisions have to define more clearly and unambiguously the authorities of the private detectives, their obligations and responsibilities, types of private detective services they could offer to the clients and methods and techniques of work that are allowed and can be used in the practice for gathering data

and information. Second, we should understand that the growth and development of the private detective activity cannot be as fast and voluminous as it is the case with the private security activity, owing to the level of economic development of the country and the limitations concerning the private detective services market. So, it is expected that with the improvement of the overall economic picture, the development of this specific market and the demand for private detective activities will start to grow. Third, there must be some initiatives to promote the private detective activity among the public in order to heighten the public awareness and image of this activity in modern times of living. There is widely shared opinion among the public that the private detectives are doing some illegal and unethical activities, usually related with espionage and some "dirty" jobs, such as tapping, backbiting and even blackmailing and so on. In this sense, the authorities, media and the private detectives themselves have to explain the real place, role and significance of the private detective activity for the security system and to reduce or root out the stigma and other stereotypes and prejudices related to this profession among the public. Fourth, all the involved relevant parties in this activity have to build their relationships based on mutual trust, reducing their mistrust and fear. The experience with the development of the private security activity in Macedonia, for instance, have already shown high level of mistrust and fear at the early stages of cooperation, but nowadays, we see them sitting, discussing and resolving the problems on the same table, although they have not reached the desired level of partnership yet. It seems that the private detective activity must pass the same road, since we are at the very beginnings of its development at this moment.

Since the legislation in Slovenia related to detective activity is a rather new, it is not expected and no need to change it. However, it would be misleading if we say that comparatively to Macedonian case, there are no problems at all. We cannot ignore the fact that new legislation is a rather long, precise and it tries to define everything. This is not always good especially if we have in mind that detective activity is private economic initiative which must be free according to Slovenian constitution free. The problems can appear when some new market niche for detective could be open, and this could require changes of legislation. Another challenge is related to the number of detectives. In 2014 there were 89 detectives with valid licenses (all licenses ever granted were 157); among them there are 16 women (18 %). Number of detectives grows very slowly, but according to some estimation maybe only half of these detectives have enough work that can live from it. It means that market is still not developed yet and that many potential clients are not aware of services that detectives can offer. Especially gathering information on the performance and business operations

of companies (a kind of due diligence) becomes in times of economic and financial crisis more and more important. Many of detectives are still retired police and intelligence services officers. In 2011, even 34 % of detectives were already retired when became private detectives. This is reflected also in the age structure of detectives. 44,5 % of them are between 53 and 63 years old, while average is 48,5 years of age (Škrabar, Trivunović & Požru 2011). Experiences are of course good, but further development must rest on younger, educated and ambitious detectives, possibly not (too much) affiliated with the state security system.

CONCLUSIONS

The private detective activity in Macedonia and Slovenia, when analyzed comparatively, show more differences than similarities, mainly due to the tradition in this field, level of socio-economic development of both countries, but also, due to some subjective factors that are part of public and state institutions, especially police. The level of development of private detective activity in Republic of Slovenia could be evaluated as satisfactory with room of improvement in the future, while, at the same time, the level of development of the same activity in Republic of Macedonia is by all criteria unsatisfactory and have to be significantly improved in all aspects in the future. Similarities in private detective activity between both countries could be seen mainly in some legal regulations, some common obstacles of economic nature (such as improvement of salaries and conditions of work of private detectives) and probably of wider integrative nature (in quest to reach the best possible private detective practices in the world).

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ASPECTS OF COMMUNICATION SECURITY IN CRISIS SITUATIONS

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Within the relation *security-insecurity* the values based on a person's experiences, essence and world are possibly most clearly seen. This is true even more in the context of factual processes of globalism and in particular, concerning the processes of Euro-integration on the Balkans. In this sense, the social desire for success can be established, its fears, anxiety, the awareness and unawareness of the irony and the aspiration for tranquility/balance, which in fact predisposes the real occurrence of the crisis from the point of view of its actual emergence. And since in social communication, constantly interacting with society, are observed destructions as a result of the inefficiency of communication codes, breakdowns in communication links and relations, appearance of communication-information barriers within the communication channel and more often than not a sequence of communication-information anomalies linked to the activity of the communication-information syndromes, as for the information environment, security is a relative value. This specific feature determines the quality of the communication process itself, in which it is expected that new realities are created in the context of society. From this viewpoint, therefore, crises and crisis situations emerge as a result of: intergroup and interpersonal contradictions and conflicts; allowing unreasonable risks to the pursued policies; economic cataclysms; violations of the integrity of the value system; demographic problems; epidemics; natural disasters; allowing unreasonable risks in cyberspace and last but not least military conflicts, wars and extreme social and political acts.

In the context of public communication the crisis is a phenomenon that occurs suddenly and is an extreme condition of communication itself. Given this fundamental feature of the crisis and the crisis situation it can be said that communication security has its action and effects in the following directions: overcoming conditions suggesting indoctrinating to change attitudes; formalization of the thinking and experiences of people, ideological public communication; depreciation / insinuating elements of communication alpha-code and the unified memory communication code.

When the crisis situation is seen as an extreme state of public communication two main types can be distinguished, namely a crisis situation, in which the participants in communication are in crisis, get out of it and come into norm. The other type is a crisis situation in which the

participants in communication are in a state of normal situation, enter the crisis, get out of it and come into norm again.

In a crisis situation whose formula is *a crisis – norm*, manifestations of communication security can be established in the following directions:

- Creating conditions for acquisition of new knowledge and mutual experience in order to adjust communication strategies and policies relevant to overcoming the crisis situation;
- Making adjustments to the optimal choice of communication methods and forms in order that communication tools are adequate to the characteristics of the crisis itself;
- Making adjustments to the expansion of the communication channel and optimization of mechanisms for transfer of information databases to ensure smooth flow of information and reverse communication link;
- Creating conditions for elimination syndrome *of only one source of information* in order to overcome the shortage of information resources.

In the case of the type of crisis situation in which the participants are in a crisis out of it and come into norm, the effect and impact of communication security should be consistent with the fact that the participants in the communication have not previously accumulated and acquired knowledge and experience of overcoming the crisis. There are no sufficient resources - intellectual, financial and physical i.e., here the norm for security requires the creation of rules under which it is possible to eliminate making managerial decisions without restructuring the communication strategy in advance; providing resources for the communication policy and last but not least, a sufficient awareness of the participants in the crisis.

In a crisis situation, the formula of which is *norm-crisis-norm* communications security is expressed in the following directions:

- Making adjustments to the accumulated knowledge and experience to the entry into the crisis situation in order to optimize the communication strategy and policy of adapting itself to the characteristics of the crisis;
- Making adjustments to create an image of the participants in communication in order to achieve a higher level of the promoted messages in the context of the crisis situation;

- Carrying out barrier communication, reproducing the communication and information barriers within the communication channel to eliminate communication attacks;
- Creating the conditions for negotiation of values and interests in order to provide new communication and information niches in the public domain in terms of the elimination of risks to the outlook after dealing with a crisis situation.

In the case of crisis situation *norm-crisis-norm* used in overcoming the distortions of communication results in relatively fewer losses and accumulation of negatives for the participants in communication, in comparison with the crisis situation *crisis-norm*. The reason is that the rate of security exists to some extent and therefore the communication participant to whom the crisis situation is directed has the opportunity to respond on the basis of previously taken preventive measures to protect against risks and threats to its values and interests.

Given that, you can see the effect and impact of communication security against major crises models, namely: Crisis situation unrealized action, crisis situation „enemy №1", crisis situation withdrawn institutional capabilities; crisis situation preliminary scenario, crisis situation degraded institutional image and crisis situation "inverted image".

In a *crisis situation unrealized action* communications security is related to the main features of this model crisis, namely in the direction of: the outstanding character and nature of the participants in communication, uncertainty regarding the prospects of the participants in communication, lack of coherent and focused communications policy; labiality of the internal structure of the organization or institution, understood as a participant in the communication. In this sense the observed attitudes, desires and intentions of the participants in communication, which are never realized but often presented to the public as actual facts. Establishing the norms of security implies the following:

Implementation of communication activities and campaigns in order to clarify issues related to the origin of capital or financial discipline on the budget;

- *Conducting communication campaigns related to completing the image of the participants in communication, compliance with the changes or new situations within the social development*;
- *Conducting communication activities and awareness campaigns regarding the uncertainty of the meaning of ideas, theses and vision for the future of the participants in communication*;
- Building sustainable two-way communication channels with the media.

In communication history and practice, one of the most common models of crisis is the so-called "enemy № 1". In this model a high degree of efficiency is always achieved when it comes to finding a justification for wrong management decisions made by the participant in the communication that has gained and applied political power. Crisis situation "enemy № 1" can be defined as a type of structured institutional violence. Therefore, in this model, a crisis communication security is relevant in relation to its main features, namely in the direction of: overcoming failure of political and managerial resources by one participant in the communication that reproduces the crisis situation; eliminating the launched in the public space formal prerequisites and characteristics of the declaration of a participant in communication "necessary enemy" based on their image; Bridging the gap in terms of sustainability and adequacy of the communication policy of the communication participant, caught in conditions of this type of crisis and implementation of policy on the part of the media on behalf of the announced communication participant as "enemy № 1", suggesting their involvement in the actual nature and communication activities of the creator of this crisis situation. From this perspective, the rate of security implies the following:

- *Conducting communication events and campaigns to address the vision of the attitudes and intentions of the participants in communication, which are placed under the sign of the interpretation and manipulation of its essence from the creator of the crisis*;
- *Implementation of communication activities and campaigns whose primary purpose is the reproduction of information resources to enable the detection of the actual nature of the participants in communication, the target of the crisis situation and so make it the subject of communication;*
- *Implementation of communication activities and campaigns to raise the awareness of the participants in communication, including the media, to the actual intentions and actions of the communication participant caught in a crisis situation "enemy № 1";*

In a crisis crisis situation withdrawn institutional capabilities, communication security is related to the main features of this model crisis, namely in the direction of: striving for maximum use of political power to achieve personal, private interests; cashing of power by shifting the business competitor necessarily in favor of friendly business structures, i.e, making the transformation of political power into economic power, denial of regular and regulated communication with other participants in the communication

and accumulation of negative public interest. In this case, the rate of security implies the following:

- *Building a sustainable two-way communication channels, where it is possible to realize the negotiation of regulation that does not allow violation of the law and social norms of the participants in communication*;
- *Implementation of communication activities and companies on the basis of which disclosure is possible of communications links and relations that involve bargaining of the use of acquired power resources against business competitors by friendly business entities;*
- *Making communication events and companies whose main purpose is to prevent attempts to place administrative barriers to the free flow of ideas and capital*.

If it is necessary to categorically define a crisis as a pure form of *experiencing the crisis*, it is the model of the *preliminary crisis scenario*. The role and importance of communication in this model security crisis can be found by the following aspects of it: the development of communication fictitious grounds for attack against a participant in the communication, use of power tools and resources resulting in refusal to reconcile values and interests of communication participants, manipulation of public opinion by providing information to pressure the media on the basis of the acquired political power and unauthorized use of institutional image and in the communication policy, compliance schedule of developed communication events against a participant in communication. It can be said that this model crisis situation is possible when a participant in communication, source of the crisis, aims to solve their own problems through insinuating facts of reality based on the alleged culpability on the part of a communication participant. Communication security has the major task to eliminate the possibility, the suggestion of guilt to be perceived as credible, based on the presumption of possibly committing an offense under the law and social norms. Therefore, the rate of security implies the following:

- *Building sustainable two-way communication channels, where possible communication links and relationships between the participants in the communication are placed above the line of visibility*;
- *Conducting communication events and campaigns to address the vision of the attitudes and intentions of the participants in communication, which are placed under the sign of the interpretation and manipulation of its essence on the part of the crisis creator*;

- *Implementation of communication activities and campaigns whose primary purpose is the reproduction of information resources to enable the detection of the actual nature of the communication participant, the target of the crisis situation, and so make it the subject of communication*;
- *Making communication events based on the principle "Refuse direct communication conflict with the source of the crisis";*
- *Implementation of communication activities and campaigns in order to reverse the direction of communication*.

In a crisis situation of *degraded institutional image* communication security is related to the main features of this model crisis, namely in the direction of: unauthorized use of power, lack of creativity in terms of the communication process in relation to its sustainability in terms of two-way communication link mixtures and the transfer of a negative image of the so-called "Circle of friends" compared to communication participant who has acquired the political power and the loss of political positions, leading to a narrowing of opportunities for further development of the communication participant and implementation of its goals and objectives. In this case, the rate of security implies the following:

- *Implementation of communication activities and campaigns whose primary purpose is to expand the awareness of the communication participants in relation to unregulated negotiating of the formation of "circle of friends", understood as business entities receiving support from those in power*;
- *Implementation of communication activities and campaigns in order to reproduce dialogue and debate, resulting in possibility to prevent the pursuit of cashing of political power*;
- *Implementation of communication activities and campaigns based on eliminating the ability to use institutional power against intentions, interests, values, and generally against the development of the participants in communication, understood as corporate entities not belonging to the so-called. "circle of friends"*;
- *Implementation of communication activities and campaigns resting on the barrier communication*.

In a crisis situation "inverted image" communication security is related to the main features of this model crisis, namely in the direction of: insinuation of the characteristics of their existing image of the participants in the communication; quest to prevent participants in communication to new

positions and niches in areas that are inherent in the performance of their activities; conducting communication policy of the communication participant in order to disrupt the process of "reverse image ". It should be noted that in the basis of the „reverse image" stands the desire to present attitudes and intentions of a communication participant wrongly, based on old concepts of that participant. The key is that the participant in communication, which is the source of the crisis, invents these old ideas and enters them in manipulative modernity presenting them as reliable by default. Here the rate of security implies the following:

- *Implementation of communication activities and campaigns that enable the elimination of the risks and threats to the established rules and standards in public relations*;
- *Implementation of communication activities and campaigns that aim to minimize aspiration of participant communication to acquiring new niches and positions in the field, in which their objectives and interests are groundlessly carried out*;
- *Implementation of communication activities and campaigns whose main task is to eliminate the possibility of insinuating facts and events at public level by using stacks of old negatives related to a communication participant;*
- *Implementation of communication activities and campaigns enabling the differentiation of the personal image of the communication participant and the acquired political power from the institutional image that has been acquired as a result of the use of power;*
- *Implementation of communication activities and campaigns to ensure the sustainability of the communication process in which ideas are treated / decisions related to quality new change in public relations and political-economic development.*

Finally, on the question of the nature and importance of the communication security emergence and operation of crises and crisis situations it must be said that always and in any case it comes down to adjustments and control in establishing balance within the bipolar *security - insecurity*. In this sense, communication security is in the role of the corrector with respect to emerging destructions in the context of crises and crisis situations. It could be said that the expressions of the communication security should be understood as an element of the system of public communication, which in its action and effect acquires its values of a social phenomenon.

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THE ROLE OF THE LEADER'S APPROACH IN OVERCOMING SOCIAL CONFLICTS

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Abstract

Societies are complex communities in the framework of which different groups of citizens live. Their differences are based on: gender (women - men), age (children, youth, adults and elders), nationality (Macedonians, Albanians, Roma, Turkish etc.), sexual preferences (heterosexuals, homosexuals, bisexuals, transsexual etc.), special needs (citizens with physical and mental handicap). Each of these groups of people has their own interests, area of interests or goals. The democratic society in its pure essence it contains the right of every adult citizen to fulfil the conditions in line with the legislatives demands that regulate that specific area. Other then this right, the democracy covers another important aspect that fulfils the conditions for genuine democracy and that is the concept of active citizenship. This concept implies requesting and advocating for their own needs, rights and goals but not only during the elections processes but all the time. Each group, on daily basis, present its demands to the politicians that won the last elections.

This is where it appears the research segment in this scientific paper. More precisely, very often the demands from the different groups and individuals are not in the same direction as the goals and plans of the political subjects that rule the country in the specific period. This situation is fulfilling all of the criteria of the concept – conflict. Namely, conflict is situation when two or more parties have or think they have different goals, interests or plans. These situations are usual in the democracy. However, what are the key aspects that can make these situations to erase in security challenge? The analysis made by me shows that leaders are the key people; on them it depends how one situation will be interpreted and acted upon. Or, whether it will be found solution that will strengthen the society with all of its internal processes or it will deepen the conflicts and the divisions that may

escalate into armed conflicts (taking into consideration the potential for this kind of escalation in the region). The thesis that I stand upon in this scientific paper is that the leadership approach in dealing with societal conflicts has key role in strengthening and development of the democracy and the societal processes. In the framework of the scientific paper I will make analyze on the theoretical aspects which I will then put the theories in the context of the events that took place in the former Yugoslav republics, even thought it can be noticed that many of those past events, with little adjustments, are happening again today.

Key words: Leadership, conflict, conflict styles, democracy.

INTRODUCTION

We live in a time of increased technological progress. We live in a time where globalization processes have turned the world into a global village. Today, any information can circle the world in a matter of seconds. Technology has improved the quality of life in many aspects. Medicine, industry, education, transport, science, media and other areas change on daily basis to an extent that took decades and centuries in the past. Many areas of humanity undoubtedly change with the speed of light. However, despite the overall success, which is typical of the life on our planet since its beginning up to today is the persistent conflicts that rise between people. Even today, with all the drastic improvements in certain areas of life, constant conflicts and clashes occur that lead to death. The fact that security has become equal, if not larger, as a scientific field, tells us that something does not work properly. Today, in 2014, many countries around the globe are facing conflicts and clashes where people are injured or killed. While this paper is being written, lives have already been lost to the street protests in Ukraine. Several days ago, the media spread the news of how the citizen of BiH decided to take things in their own hands and violently take over the institutions of the system. These events are part of our daily lives.

It is this absurdity, where the evident advancement of humanity is on the one hand, and on the other the continuing presence of violent conflicts that often leads to casualties, has been the motivation to perform this research, which focuses on the study of the causes for this phenomenon. Our goal is to find the basis for the addressing of conflicts in a violent manner, with a specific focus on the role of leaders and their personal styles for conflict management and response. We believe that legitimately elected leaders within social communities have a key role in the management of social phenomena, and especially those that lead to the use of force and elevated threat to the security of the citizen and the overall social order.

DESCRIPTION OF THE PROBLEM AND THE HYPOTHESIS

In many democratic societies today, there is a use of force against citizens that express their legitimate right to protest and are in disagreement with the current policies of the government. This leads the citizen to radicalize the measures of expressing disagreement, which eventually leads to an elevated security threats, the infliction of physical injuries on both sides and oftentimes leads to casualties. Democracy by definition is a form of government where the citizens have a legitimate right to influence the policies of the central or local government. However, when this occurs, the situations usually escalate and there is a threat to security. It is notable that these escalations are present in countries where democratic mechanisms are still being built. The key question for our research is to what extent does the role of the personal conflict style of the legitimately elected leader influences the way the situation that contains different opinions will be resolved and suggestions on how to solve certain questions. Our main hypothesis is that the leader's personal conflict style has a major influence on the manner of resolving social conflicts, and it is up to the leaders whether a certain misunderstanding within the operation of the democratic system will lead to development and progress or to a severe security threat and human casualties.

RESEARCH METHODOLOGY

During the research of the assigned problem and hypothesis, we will use combined scientific methods, including the analytically synthetic method, concrete-abstract method, inductive and deductive methods, and methods of intuitive prediction and finally at a certain point a case study will be used. With this methodology, we will attempt to scientifically prove the postulated hypothesis and perceive the interdependence of the personal conflict style of the leader and the manner of resolving social conflicts.

THE LEADER AS A KEY FIGURE

The term leader in this paper refers to a person that through democratic elections has gained the support of the majority of voters and that performs the leader's duty at a high position in a certain social segment. Some of the positions included in the term leader are The President of the Country, The Prime minister, The Speaker of Parliament, The Mayor and other similar positions. This person must be in the position to reach decisions independently in his area of leadership. The decision must depend solely on the convictions and judgment of this person. This group does not include

people whose decisions must be adapted to the decisions and directions from higher jurisdictions. This group includes people that are in the strategically highest management and governance of the system. A key factor is that these personae give the first initiative order for the direction of the entire administration and operative structure that has been hierarchically subordinate. They are the individuals that assess a certain situation, and based on their personal characteristics (including their personal conflict style), reach decisions and give directions for further action.

SOCIETY AS A COMMUNITY FOR FURTHER EXERCISE OF INDIVIDUAL NEEDS

The term society within this paper refers to a community of citizen that function interdependently caused by a certain mutual characteristic (gender, age etc) and affiliation (place of birth, place of residence etc).

The term society implies a complex community where individuals live alongside each other and they are all members of a certain country, city, village, municipality, they are residents of the same building or even members of a family. Each of this individual has the right to a happy and fulfilling life. Society is the form of community through which citizen satisfy their basic rights, freedoms, needs, wishes and goals. Although generally, all people have the same goal, to live a happy and fulfilled life, they are different to larger or smaller extent and have different characteristics. Their differences appear on different grounds: gender (male, female), age (children, teenagers, adults and elders), nationality (Macedonian, Albanian, Turkish, Roma people etc) sexual orientation (heterosexual, homosexual, bisexual, transsexual etc), and special needs groups (handicapped and people with disabilities). Each of these groups has their own interests, areas of interest or goals. That makes the overall functioning of society as a community very complex, especially if the country declares itself a democratic society.

DEMOCRACY AS AN IDEAL FOR EQUAL PARTICIPATION OF ALL MEMBERS OF THE SOCIAL COMMUNITY

Democracy as a system is based on equal participation of citizen in the decision-making process and governance of the community. This aspect of equal participation of all citizens creates a situation where different groups (from different grounds) in circumstances of limited resources ask for different goals and needs to be met. This situation is a challenge for the people that have been elected as leaders for the society in a certain period. They meet with different groups that ask for certain personal needs and goals

to be met every day. Furthermore, these legitimately elected leaders, at the beginning of their electoral run have declared their programs and goals that they have promised to fulfill, and because of whom have gained the support of the citizen. The group now consists of the different goals of different groups as well as the goals of the leaders and the political parties that have been elected, and many differences and contradictions appear.

CONFLICT AS AN OPPORTUNITY FOR PROGRESS OR DESTRUCTION OF SOCIETY

There are different definitions for the term conflict. Each of them refers to different phases and aspects of the manifestation of this phenomenon. One of those definitions states that a conflict is the relation between two or more sides that have or think they have different goals, views and perspectives[1]. Conflict is a process that begins when one side perceives that the other side takes or is planning to take action that will threaten their interests[2]. Societies contain different groups that have their own different goals and needs. When to those different goals we add the different goals of the legitimately elected leaders, then we undoubtedly conclude that societies by themselves have plenty of potential conflicts. In addition, we should also take into consideration that resources are always limited. Thus, we reach a situation where every ethnic group wants education in their mother tongue, when the education funds are limited; or every citizen wants to pay lower taxes while at the same time have modern healthcare equipment; or the same location wants to be used by one group for a trade center, while the local population wants to preserve it as a park (similar to the current situation in Turkey). These situations occur on a daily basis in democratic societies. Many different groups, different goals or even different perceptions of the difference in goals lead to many potential and real conflicts.

Conflicts are essentially an excellent opportunity for progress. When there are multiple different opinions for the same thing, there is an opportunity to perceive the different aspects, to recognize the weaknesses of the proposed solution, to find better ways of exploiting the resources or at the very least to discover a new and different perception of the situation. It must be noted that the constructive resolution of conflicts is a very complicated process, especially for the people that have not developed the necessary skill for self-management through the process of communication with the parties involved.

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[1] Mitchell, C. 1981. *The structure of International Conflict*. London Macmillan,: Charter 1, p. 83

[2] Robbins S., 2003. *Organizational Behavior* Englewood Cliffs, NJ: Prentice Hall Inc., p. 143

Personal conflict style as a key aspect of the conflict resolution

The term personal conflict style within this paper refers to the way of understanding and reacting to conflicts by a person. Generally, within this theory there is a categorization of the approaches to conflicts in two groups: traditional and modern approach. The traditional approach states that conflicts are always negative. Conflicts are seen as deviations from the normal state and manifestation of irregularities in the work of the organization. A priori conflicts are bad and must be avoided. Conflicts are perceived as evidence that the system is not designed well or mistakes appear in its functioning. In addition, only the negative consequences of the conflict are emphasized, while the positive ones are overlooked completely. Leaders with traditional views on conflicts will have a negative attitude towards them from the very beginning, and in doing so will prevent themselves from approaching the situation constructively. Moreover, their attention will be focused on the location of the systematic causes from which the conflict arose and not on its constructive resolution.

The modern approach to conflicts states that they are inevitable. Societies, groups and other human systems cannot function without conflicts. In other words, the appearance of conflicts is normal, it is not a sign that the society or the group functions or is guided poorly. Conflicts are a natural occurrence and arise from the fact that people work together and are forced to share mutual limited resources (space, time, finances, materials etc). This approach emphasizes that conflicts also have positive effects to the society and the individual. They are considered neither bad nor good, but rather it depends on how they arose and how they are resolved. That is why leaders must know how to recognize conflicts and how to efficiently resolve them so that they may have positive consequences on the organization.

Table 1. Traditional and Modern Approach to Conflicts		
Aspect	Traditional Approach	Modern Approach
Relation	Conflict can be avoided	Conflict is unavoidable and a natural and expected state
Cause of Conflict	- mistakes in the design and leadership of society - problematic members	- social structure - inevitable difference in goals - difference in perception - difference in values etc.
Effect	They destroy society and impedes its optimal functioning	Can lead to progress in the functioning of society or impede it to a different extent
Task of Leaders	To eliminate the conflict	To manage the level of conflict and its resolution for the optimal functioning of society
Optimal Work	Asks for the elimination of the conflict	Asks for the existence of a certain level of conflict
Source: James, A. / Stoner F. 1978. *Management, Prentice* – Hall, Inc., Englewood Cliffs, New Jersey, p 344		

The different positive and negative aspects of conflicts can be observed more specifically in the group and organization. The negative aspects of conflicts are:[1]

- *Conflicts disrupt the normal functioning of the system.* Energy and time is used to resolve them, the productivity is decreased, decisions with decreasing quality are made, reaction to changes in the environment is slow, etc.;
- *Conflicts emphasize the emotions instead of reason during the decision-making.* The appearance of strong internal emotional reactions prevents real arguments from being seen and the acceptance of the suggestion of the other parties is seen as a defeat;
- *Conflicts divert the attention from social to personal goals;*

▪ *Conflicts cause a large number of individual reactions that have an expressed negative effect: stress, frustration, anxiety etc.* These conditions reflect directly on the productivity and work pleasure;

On the other hand, the positive aspects of conflicts are: [2]

- *Conflicts stimulate critical analyses.* During conflicts, people are additionally stimulated to seek arguments against the opinions of the opposing side which enables the discovery of hidden flaws in a certain argument;

[1] Baron, G. 1998. *Behaviour of people in organizations*. Belgrade: Zelnid,, p. 75
[2] Baron, G. 1998. *Behaviour of people in organizations*. Belgrade: Zelnid,, p. 78

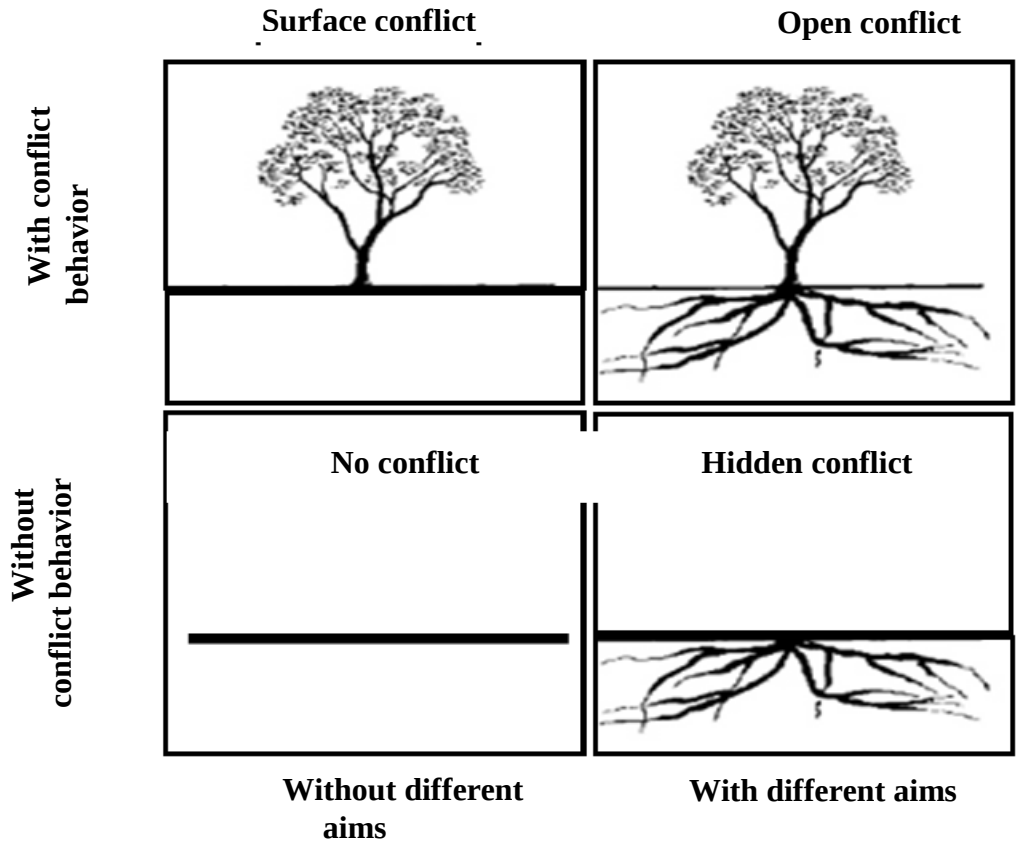
- *Conflicts motivate people.* In certain individuals the desire and motivation arises to prove that their suggestion is viable and that they are right, so they invest additional energy;
- *Conflicts often are a sign and cause for necessary social changes.* Social changes are often necessary, but they do not occur because of the fear in people from the conflicts that may arise. However, once the conflicts finally do happen, they can precipitate an entire process of changes in the group and organization.

▪ *Conflicts cleanse the inert environment and remove the hidden clashes.* During a conflict, there is a great probability that all repressed clashes and unspoken remarks towards someone's work or behavior will rise to the surface.

▪ *Conflict between groups stimulates the cooperation inside the group.* Thus, group cohesion is created, mutual differences are overlooked and better cooperation is established.

Within social reality, group and interpersonal differences usually produce a presence and manifestation of certain conflict behavior. The following image shows the relation between different goals and the manifested behavior.

Image 1. Condition of the group in terms of differences in goals and behavior



Source: Fisher, S./Dekha, I.A../Ludin J./Smith, R./Williams, S./Hizkias, A. 2000.
***Working with conflicts, Skills and strategies for action* Zed Books, p. 56**

The image contains a categorization according to the differences in goals (horizontally) and the differences in behavior (vertically). Four states have thus been defined:[1]

- "No conflict" state – The individuals have no difference in the goals and do not manifest a conflict behavior;
- "Hidden Conflict" state – There are different goals (represented as the roots of the tree), but there is no conflict behavior between the

[1] [1]Fisher, S. / Dekha, I.A./ Ludin J./ Smith, R./ Williams,S./ Hizkias, A. 2000. *Working with conflicts Skills and strategies for action* Zed Books, p. 54 - 57;

members of the group (no trunk or branches). This is a state of latent and hidden conflict and can be encountered at the creation stage;

- "Open Conflict" state – The group has different goals (roots) that cause conflict behavior (trunk and branches). This stage is common during the confrontation stage; and,
- "Surface Conflict" state – The group does not have different goals (either no roots, or they are very shallow), but conflict behavior is present (trunk and branches). The cause of this situation is a misunderstanding or the lack of communication. This state can appear in any phase of the group's development.

It is important recognized that the conflict does not happen suddenly and that it has its own manifestation process, which typically has four stages.[1]

First phase – the creation of conditions for conflict. During this phase, the causes for the conflict (organizational or individual) are created. There exists or is created a lack of communication which will result in the escape of the members to their personal views and truths. It is important to note that although the conditions for conflict are created, it does not mean that it will escalate into a violent conflict. This state can stagnate for an extended period or be resolved in a peaceful way.

Second phase – perception and personalization of the conflict. During this phase, one or both sides become aware of their difference in views and goals i.e. they perceive and experience the conflict more clearly. They begin to emotionally invest themselves in the conflict i.e. frustration, tension, and hostility occurs. There are still concrete open actions from both sides.

Third phase – creation of intents and behaviors/actions. During this phase, the participants of the conflict decide to take actions against the opposing side. Initially, they create hidden intentions. Under the influence of those hidden intentions, there is often a misinterpretation of the neutral behaviors and actions of the other side, viewing them as hostile, which causes drastic and subjective reactions. In the second part of this phase, the intentions become openly hostile behavior and specific acts with different intensity. They can range from minor intensity up to a life or death struggle. The dynamics of development of the specific reactions and behaviors is shown in the next image in a simplified form.

Fourth phase – dealing with the consequences of the conflict. The consequences depend on the way the conflict was resolved. Interactive and constructive resolution of the conflict causes functional consequences, while

[1] Schermerhord, J./Hund, J./Osborn, R. 2005. *Organizational Behavior* New York: John Wiley&Sons, p. 87

inappropriate resolution (through suppression, creation of a win-lose situation etc) causes dysfunctional consequences.

Another important aspect of the confrontation phase is the different response of individuals to conflicts. Every individual perceives and reacts to conflicts differently. Although there are attempts to make the generalization that it depends on national culture, science has confirmed that a personal response to conflicts is mainly a personal characteristic for every individual. Further research in the area has shown that these reactions can be grouped into the so-called styles of conflict response. In one of the most famous and most exploited theories of conflict styles, five main styles of conflict response have been identified, and they vary from the orientation degree towards goals or relations: [1] Cooperating, Compromising, Harmonizing, Avoiding, and Directing. The division to these personal styles is a result of two aspects: the focus on the personal goals and the focus on the maintenance of a relationship and the respect towards the goals of others. Each of these styles has a certain situation where it is preferable and a certain situation where it is undesirable.

- **Personal conflict style – Cooperating**

This conflict style gives equal importance to the relations with and the agenda of others and the personal goals and agenda. In the image, an owl, the animal incarnation of wisdom, represents this style. Communication with others and the opportunity to give all the right to express their feelings, views and beliefs is very important to these individuals. Information concerning what happens and why it happens are vital. They are especially persistent and want to resolve the conflict in a way that both sides are satisfied with the solution.

- **Personal conflict style - Compromising**

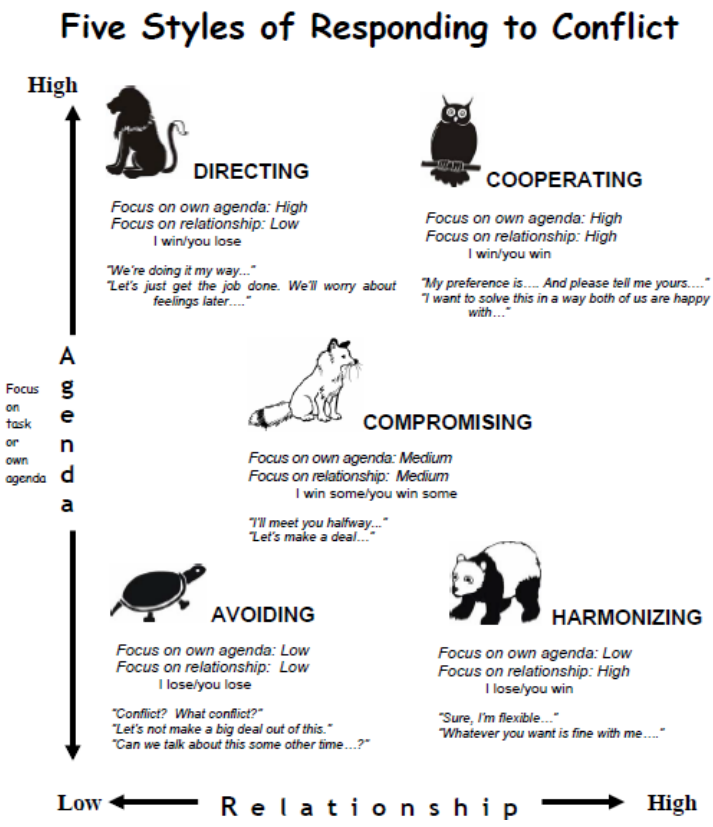
This conflict style gives equal middle importance to the relations with and the agenda of others as well as the personal goals and agendas. In the image, a fox, the animal incarnation of shrewdness, represents this style. These individuals have a strong sense of reciprocity. They are prepared to sacrifice half of their goals in order to meet the other side half way. While searching for a solution, they use phrases like “let us be fair”, “giving and receiving”, “wisdom” etc. They value time and energy efficiency and consider a fair and moderate agreement more valuable than long discussions and the consideration of all options.

[1] Kenneth, W. Th. 1970. *Conflict and Conflict Management* Chicago: Marvin D. Dunnette, (ed) Handbook of industrial and Organizational Psychology, Rand McNally, p. 900

- **Personal conflict style - Harmonizing**

This conflict style gives greater importance to the relations with and the agenda of others, and smaller importance to the personal goals and agendas. In the image, a bear, the animal incarnation of softness and leniency, represents this style. These individuals value peace, harmony and positive atmosphere above all else, and want to have pleasant and positive relations with other individuals. That is why during conflicts they are prepared to sacrifice their own demands and views completely and accept the views of others, to give in, to accept the mistake and allow the other to dominate. If they are critical in any way, they should be thanked wholeheartedly, because being direct about something negative requires great effort from them. They are not very persistent, but are very cooperative.

Photo 2. Personal Styles of Conflict Response



Source: Adapted according to Kenneth, W. Th. 1970. *Conflict and Conflict Management* Chicago: Marvin D. Dunnette, (ed) *Handbook of industrial and Organizational Psychology*, Rand McNally, p. 900 and Kraybill, R. 2005. Conflict style inventory Riverhouse, p.354

- **Personal conflict style – Avoiding**

This conflict style gives very little importance to the relations with and the agendas of others, as well as the personal goals and agendas. In the image, a tortoise, the animal incarnation of withdrawal, represents this style. This style requires the most time and space to withdraw and think things thoroughly. It is important that there be no tension and intensity in the approach, because the greater the intensity, the greater their withdrawal. They pay great attention to details in all they do, and are careful to make no risks about important things. They are extremely focused on data, information and the preservation of resources that have been hard to acquire and certain traditions within the organization. Rushing to a decision can make them withdraw or block their analyses. They require very slow movement, step by step. This style is marked by the acceptance of every decision avoiding situations where someone could get hurt.

- **Personal conflict style - Directing**

This conflict style gives greater importance to the personal goals and agendas, and lesser importance to the relations with and the agendas of others. In the image, a lion, the animal incarnation of strength, represents this style. Individuals that use this style are oriented towards the task and the goals. They are usually highly productive and concentrated on finishing the job. These individuals take strong positions and clearly know what they want. They usually act from a position of power, driven by things such as position, title and rank, expertise, etc. Individuals with this style usually prefer to deal with things right now and become anxious when others are quiet and passive. The lack of information will only increase their anxiety and anger. They express their feelings of anger in a frightening and unpleasant way directly in the face of others. These individuals can be very aggressive if they possess additional power (physical, hierarchical, etc) and it is best to avoid solving problems during their fits of rage and anger, and talk and look for a solution to problems when their emotional outbursts have subsided.

Application of the compromising and cooperating conflict styles as keys to a peaceful conflict resolution

The application of the appropriate personal conflict style is the key aspect that will further determine the way the conflict progresses. According to the dynamic of conflict occurrence, unless leaders respond to the conflict through Compromise, or even better Cooperation, the conflict will not escalate (to the point of violence, injuries or casualties). Within this paper,

we will perform a case analysis. The dissolution of the SFRY and the responses from leaders will be analyzed.

In the events of the collapse of SFRY in the primary stages of the conflict, during the period before an open conflict, the participants declared that they are not satisfied with the way the federation was governed. The deteriorating economy of the federation caused the republics to set goals that were no longer focused in the same direction or they revised the way the community functioned. However, a major characteristic in the responses in both initial and later phases was the use of the directing style of conflict. Instead of fostering honesty towards the perception of the situation and encouraging a more constructive discussion and conversation for the possible solutions within the different parts of SFRY, they began campaigns that spread nationalism and the belief that our truth is greater than theirs is. The presidents were the main political players on the political scene during this period. They were people that did not succeed in resolving the misunderstanding in a peaceful way without a direct threat to the security. This period was marked with activities that clearly state that there was no tendency for a joint resolution of the situation and that every member was only concerned with realizing their own agenda. During this period, Milosevic visits Kosovo and enflames nationalism and spreads his truth. He states "None may beat you", thus encouraging the people to stick to their own truth. Croatia on the other hand, passes a constitution that declares it a country only for Croatians. All these steps show that the leaders had no tendency to approach a joint resolution to the conflict, and that each of them imposed their own goals and agendas.

The culminating point to the situation was the 14-th congress of the communists of Yugoslavia, which can be analyzed as the last attempt to resolve the conflict of the former Yugoslav republics in a peaceful way. The rejection of all except the personal views can be seen in the rejection by Slovenia to restructure the Federation into an organization based on six independent republic alliances. In addition, the general rejection of all amendments demonstrates that there is no room for any other style but coercion through force. After this insight, the delegates from Slovenia demonstratively abandon the meeting, stating "that because of the imposition of personal will without the willingness to listen to the requests of other parties, they no longer want to participate in the work of the congress". Immediately after their departure and the recesses, the congress was terminated which officially put an end to the CPJ (Communist Party of Yugoslavia).

The subsequent events connected to the SFRY clearly demonstrate that the parties involved used the directing conflict style, because instead of searching for a solution that will satisfy everyone involved in the conflict,

the resorted to the use of force in order to coerce the opposing sides to relent and give up their goals. The application of the wrong conflict style by the leaders that were in charge of the situation has led to a disastrous threat to the security that resulted in dire consequences with over 4000000 displaced individuals and 130 000 casualties[1] (military and civilian) from the entire region (Bosnia, Croatia, Serbia, Kosovo and Slovenia).

CONCLUSION

Conflicts are part of every democratic society. It is very important that all citizen and especially leaders are aware and accept this reality. The conflict preparedness of leaders is an excellent basis for them to discover hidden, superficial or open conflicts in society. It is also of key importance for every leader that holds a public office and is in the position to pass decisions to have a modern view of conflicts. It is very important for them to see conflicts as the opportunity to broaden the perspective and perfect the proposed solution. The awareness that different opinions do not come from a defect in the system, and that democracy in itself is based on the constant difference of opinion of the parties involved, is an important aspect that every leader must possess. The example of the collapse of SFRY shows us that the lack of preparedness to approach conflicts in a modern approach way will lead society to a serious security threats and enormous sacrifices. For comparative purposes with great similarities to SFRY is the daily work of the EU. The EU as an alliance has dealt with a lot of emergencies and internal conflicts during its existence. But the preparedness of the member-states of the alliance and their leaders to choose modern approaches towards solving the conflicts have kept this union still alive and functioning.

It must be emphasized that essentially the approach to conflicts is based on the personal conflict style of the leader. Human history is filled with examples where because of resorting to the personal conflict style of the leaders, democracy and the proper functioning of the system is questioned, which can later lead to further security threats. Leaders must be prepared to approach conflicts with a cooperative or compromising conflict response in order for them to be an opportunity for progress instead of a direct threat.

An important aspect which has to be developed in prevention of not constructive resolving of conflicts in societies is implementation of education for current and future leaders. With that education political and institutional leaders will have capabilities to change conflict style according to the situation and also will have skills and abilities to have modern approach to the every day's conflicts. They will know how to transform

[1] http://ictj.org/sites/default/files/ICTJ-FormerYugoslavia-Justice-Facts-2009-English.pdf

conflicts in to better solution instead of escalation of conflicts and threatening the whole security system in the society.

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PREVENTION OF SPECTATOR'S VIOLENCE AND MISBEHAVIOUR AT SPORTS EVENTS: THE NEED OF INSTITUTIONAL COOPERATION BEFORE PENAL SANCTIONING

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Abstract

Republic of Macedonia was the last of the ex-Yugoslav republics that adopted the Law for prevention of violence and misbehavior on sport events. The experts in this field were certain that only giving a place of these actions into penal law and their incriminating will be enough so other similar actions not happen in future. But what happens on the outside, in the sport arenas is something different. The law from 2004, its newer versions from 2008 and 2011, opened a Pandora Box full with disadvantages.

The paper will make an analysis of the laws Macedonia has in the area, will try to answer should our country use the example of Germany where prevention is the central point of action. Is Macedonia capable to implement the new changes of the Law for prevention of violence and misbehavior on sport events, from November 2013, in the conditions we have, with our infrastructure, and with our experts in the field of violence on sport events?

Key words: *criminal policy, German model, institutional cooperation, prevention, sport events, violence.*

INTRODUCTION: APPEREANCE AND DEVELOPMENT OF VIOLENT ACTS IN SPORT EVENTS

The violent nature of humans through history has been shown in the cruelest possible ways. It is the inevitable part of war conflicts and crimes, and in the last years an inevitable part of sport events. Violence and misbehavior at sport events is a phenomenon which is well known to the Republic of Macedonia, it is a characteristic of sport games played in our country. The important question which should be discussed is the opinion of authorities that sport violence and misbehavior is happening very often in Macedonia, and from the other side the opinion of critical masses embodied in fan groups who criticize the above mentioned opinion and declare that

sport violence is not happening very often and that it cannot produce negative energy as authorities are trying to display. Both views seen through the prism of objectivity and unbiased have some advantages and disadvantages, both of them have partial accuracy in some of their conclusions.

If we try to make comparison between the appearance of violence and misbehavior on sport fields in the Republic of Macedonia and the countries of former Yugoslavia, especially with the one in Croatia and Serbia, we will conclude that in the last ones sport violence is highly more serious problem, than it is in Macedonia. This does not mean that the problem should be ignored or that its influence should be minimized, but it means that solutions should be found after a serious analysis and public presentation of the situation and its aspects and angles.

The Republic of Macedonia should not expect that as a state will be passed by violence or to hope that if it happens sometimes it will be occasional and it will not become a problem which should be analyzed and which will ask a bigger institutional attention. Falling apart of the former federation, the starting point which was embodied in the incidents on Maksimir Stadium, nationalism in fan groups, installation of politics and its influence especially in sport clubs, then into fan groups, are some of the serious indicators that stadiums slowly, but surely are becoming field of violent games.

The determination of the "fraternal" countries to integrate into the west world, especially into the European Union, lead to accepting many European democratic values, but in the same time it influenced the beginning of sport violence appearances. The example with England and fan or so called hooligan movement, also known as "English sickness", was active in the period between the middle of the 1980s and the beginning of the 1990s. And was also known as an example for fan groups on the Balkans, whose roots were planted using English seed and learning from the best in the area of hooliganism.

Where is the Republic of Macedonia in this picture? How serious is the problem of sport violence and misbehavior on sport fields in the country.

A real and objective picture of spectators violence and misbehavior on sport fields in Macedonia, asks for a wider analyses, wider starting points, and looking for a solution through discussions with the included sides. After Macedonia became independent, national leagues in almost every sport were founded (football, handball, basketball, volleyball, etc.). The quality of all of these leagues, even today, 22 years later, is still on a very low level. Through years the number of spectators, especially on football matches is continuously decreasing. There are many reasons for this situation, but the

main one is the quality of the league. But, even after this kind of situation, Macedonia has violence and misbehavior on the sport fields.

ACTS OF SPORT VIOLENCE AND MISBEHAVIOUR AT MACEDONIAN SPORT GAMES

Before we start noting incidents in which sport fans were active participants, we must say that the most serious incidents which ended with detained and injured subjects have happened outside sport arenas.

In 2009, August 15th in Nerezi, Skopje an incident happened that resulted with 4 seriously injured and more than 10 slightly injured sport fans. The incident could have become a starting point for even more serious conflicts between ethnic groups in the capital. Why? Because on the opposite sides were two sport fan groups with different ethnic and religious background.

A very similar incident to the one mentioned above, was the one that happened on February 13th 2011, again in Skopje, on the Kale Fortress. Few days before the incident, politicians from Macedonian and Albanian political parties were having verbal conflicts connected to the construction of the church museum on the Fortress. On both sides together there were around 500 people. It is really important to mention how police forces acted during their attempts to stop the incident. Namely, there was a huge lack of coordination between police officers; the reaction was amateur, and the estimation of number of people, their movement, the level of possibility to escalation. Also, if we ignore the fact that sport fans once again were used for political goals, again we will put accent on very badly organized and not realized security plan at the starting point were fan groups were gathering.

As most serious incident that have happened in the period 2008 - 2013 is the one from September 30th 2012 during football match between the clubs Vardar and Pelister in Skopje. Before the incidents that happened on the National Arena Philip II Macedon, also a chain of incidents happened outside and before the start of the game. Namely, the guest fan group Ckembari should have been securely conducted by the police from the Railway station to the Arena, but once again police officers made very no coordinated action and past with them through ethnically Albanian part of Skopje, making fans open target for throwing rocks on them. Many media gave reports on the incident and pointed their fingers to fan groups, not even asking why police again showed their reluctance and incompetence.

Also during the five year period there were few other more serious incidents, like those between fan groups in Tetovo, than on games between basketball clubs MZT Skopje and Rabotnicki Skopje (the last one was at the

end of March 2014). Macedonia maybe does not have so often incidents on sport fields (which is a good thing), but it's not country who is immune on it.

MACEDONIAN INSTITUTIONAL REACTION: PREVENTIVE ASPECTS OF THE LAW FOR SUPPRESION OF VIOLENCE AND MISBEHAVIOR AT SPORT GAMES

The ratification of the European Convention for suppression of violence and misbehavior on sport fields, especially football fields in 1990 as part of the Federation of Yugoslavia, for the Republic of Macedonia meant obligation for working to suppress this negative and harmful act and that it will give its contribution for decreasing its percentage of happening and decreasing its harmful consequences.

The Macedonian institutional reaction for this problem is coming very late. You may ask why? It is because till 2004 there was no law that directly regulated the area, giving freedom to participants to make their own interpretation of things. When we speak for institutional reaction we think on normative determination and normative regulation of the sport violence into the Macedonian legislative. The first Law on suppression of violence and misbehavior on sport events was adopted in 2004 by the Macedonian Parliament.[1] Before the Law all the events from the area were covered by other legislative solutions. The Law from 2004 clearly, precisely and concisely edits the questions of violence and misbehavior on sport games and at the same moment presents the possible measures for suppression of the phenomenon, strongly putting accent on the security of the spectators and defines the obligations for the organizer of the sport event in the area of security. The 2004 Law contains some preventive measures for avoiding sport violence and misbehavior. In the article 6 of the Law, contained are the obligations for the organizer so the risk of violence and misbehavior is decreased. If we analyze them we'll see that the Law between other things proposes active cooperation between clubs and their fans, with interactive exchange of information, ideas, and obligation for the organizer to secure decent behavior of fans.

Focusing on the legal solution surely we can conclude that the 2004 Law contains an obligation for preventive cooperation and preventive action, which can result with decreasing the risk and reducing the possibility of sport violence appearance. The article 7 from the same Law contains the measures which the organizer should fulfill so the goal for decreasing the violence is filled. Of course as the most important measures are the ones of prohibiting

[1] Law for Combating Violence and inappropriate behavior on the sports terrains, Official Gazette of the Republic of Macedonia, 89/04

the entrance of people which are under alcoholic influence, to prohibit selling of alcoholic drinks inside the sport object, to prohibit or disable inserting hard objects and pyrotechnics inside the arenas, then to remove the spectators who are singing songs with offensive content which can be reason for violence or can cause a feeling of instability. Of course these are measures which the organizer is not (technically and humanly) capable of fulfilling alone. Because of this the Law provides articles in which there is an obligation for cooperation between the organizer and the police, so there is a reaction on time and to eliminate the possibility for disrupting the security mosaic during the game. The cooperation between the organizer and the police is regulated in the article 8 from the same law.

The changed and supplemented Law for suppression of sport violence and misbehavior at sport games from 2008[1] mostly contains norms which precisely formulate some parts from the 2004 Law, and increases the fines for some of the offenders. The new norms and changes are some kind of general prevention which is directed to decrease the sport violence and misbehavior, because it should influence the potential perpetrators and make them forget their intentions.

The preventive goals of the Law can also be found in the changed and supplemented Law for suppression of sport violence and misbehavior at sport games from 2011. Namely, these solutions complete and strengthen security and preventive activity. With the changes from 2011 fans of the home sport club mustn't enter the part in which fans of the guest team are. This ban does not give a possibility of very close encounter of the "unfriendly" fan groups. Then, the Law bans entrance of fans in the part of the sport objects for where they do not have tickets, and of course prohibits the entrance of fans or other spectators into the area in which sport activities take place. In order of increased prevention, the legal solution from 2011 provides an even more bigger and closer cooperation between the Ministry of Internal Affairs, in a way in which the Ministry is directly included into the assessment of every game, together with the organizer works on the security plan, define the number of wardens, making a step further with giving a possibility to the guest team to choose the wardens.

PREVENTION THROUGH THE ACTS OF THE EUROPEAN INTERNATIONAL ORGANIZATIONS

The short overview of the preventive measures from the legal solutions from 2004, 2008 and 2011, are just a presentation of the general legal

[1] Changes and amendments of the Law for Combating Violence and inappropriate behavior on the sports terrains, Official Gazette of the Republic of Macedonia, 142/08.

prevention which goal is decreasing the level of possibility of violence appearance and misbehavior on sport fields. General prevention is necessary and it can be used for going even closer to a point of bigger and more serious institutional cooperation around the problem. Why is this even mentioned? There is no coincidence in mentioning it, because if the problem is solved only from a normative point of view, without making a wider action and choosing institutional cooperation, we cannot expect good results.

Macedonia in the field of general prevention used many of the international acts, especially the Resolutions of the Council of Europe, which are directly connected with the problem of violence and misbehavior on sport fields, especially the football ones. The Recommendation from April 22nd 1996, "the European Union advises the member states of the directions for suppression and limiting the disorder, connected to football games".[1] This Recommendation of the EU directs the countries to use proactive police cooperation, exchange of criminal intelligence reports, exchange of experience, and influence for decreasing the possibility of sport violence.

We should also mention the Resolution[2] from June 9th 1997 from Council of Europe, which puts accent on the suppression of hooliganism and violence with active role of media, their contribution in limiting the football hooliganism. There is a necessity for a strong media politics in which they will present all negative and harmful consequences of sport violence and misbehavior.

This preventive action against violence and misbehavior on sport games was strengthen with another Resolution[3] of the Council, which dictates the preparation of handbook for international police cooperation and defining the measures which will be used for control and suppression of violence on international sport games.

The above mentioned Resolutions, and the mentioned Recommendation, clearly state the institutional action against hooliganism, sport violence, and spectators' misbehavior. It is necessary to include more institutions so there will be an easier and more efficient way of solving the problem. Republic of Macedonia with the Law from 2004 and its changes in 2008 and 2011 provides cooperation between the police, official people of sport clubs and their fans.

[1] Council Recommendation of 22 April 1996, Official Journal C 131 of 03.05.1996

[2] Council Resolution on preventing and restraining football hooliganism through the exchange of experience, exclusion from stadiums and media policy. Official Journal C 193 of 24.06.1997

[3] Council Resolution concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches. Official Journal C 196 of 13.7.1999

INSTUTITIONAL COOPERATION IN THE REPUBLIC OF MACEDONIA: NATIONAL COORDINATIVE BODY

In the Republic of Macedonia till 2012 when the National Coordinative Body was founded, we cannot talk for some kind of stronger coordinative cooperation between institutions directed on solving this problem. Forming the National Coordinative Body on some way directed the action against violence to more institutions, more work bodies and groups, which culminated with more activities in working on solving the problems in the area. Namely, through formulating the program priorities we can find international cooperation with the Permanent Committee in the Council of Europe and cooperation with national federations, especially the football, handball, basketball and volleyball federations, as top priority; then working on successful implementation of legal solutions connected to the problem, concretely around the Law for suppression of violence and misbehavior on sport games, engagement around obligations from the Convention to all sport federations etc. National Coordinative Body has a contribution in the idea of systematic and organized participation of fan groups in all projects in the area, giving them the opportunity to be part of making decisions, recommendations, directions; then contribution in the attempt of fan groups to form their civil organizations and to establish their internal structure and organization and in that way to become an active part of the action against violence and misbehavior on sport games.

Mentioning hooliganism, sport violence, we should point the fact that there are "different variations in the level and nature of football hooliganism and those variations are different in different places."[1] Although in the action against this negative nature there is a necessity of strong international action and mutual cooperation of few bodies and institutions, which comes out as an obligation from the Convention for the area, and the above mentioned Resolutions and Recommendations of the Council of Europe, at the end there should be made a local strategy designed for local necessities.

POSITIVE EXAMPLES IN WESTERN EUROPE: THE GERMAN MODEL OF PREVENTION

If we start analyzing this problem in the countries of Western Europe, especially in Germany, even from the start we'll be able to see the

[1] The prevention of football hooliganism: A transnational perspective. , Ramon Spaaij, Amsterdam School for Social Science Research. (available at http://www.cafyd.com/HistDeporte/htm/pdf/4-16.pdf)

seriousness of the same. Namely in a research[1] conducted in the countries of Western Europe, with a special focus on Germany, is concluded that the problem of football fans should be analyzed from the perspective of increase of juvenile crime and delinquency in many countries, and also the appearance of new deviant sub-cultures. The same research accents the fact that there are no bigger researches connected to the problem and having this information, there is a conclusion that many measures and suggestions are given by making comparisons and valuations of countries. Germany, Italy, Netherlands and Belgium are noted as countries with problems of the area of sport violence.

Knowing the situation and learning that a problem does not solve on itself, German authorities are using a proactive system in the action against sport violence. On this way, social workers make closer contacts with the structure of the fan group, making efforts to find out and understand their problems, the way they are thinking and the reasons which influence on their violent acts that are harmful for the community and mostly for them. German state goes even further forming local fan forums in which members of fan groups are educated. It is a way of influencing fans, giving them a possibility to find out the core of the problem and to understand its seriousness. These local forums are a measure that goes in line with recommendations and resolutions connected with this problem brought by the EU and the Council of Europe. Using local grouping is a step to animate local community which is cheering one sport club and using every day meetings to effectively and efficiently influence in decreasing the problem of sport violence and misbehavior.

Germany is seriously using the example of England[2], which is known as the country with biggest problems around hooliganism. In England there were acts with which many human rights and freedoms were not respected, as presumption of innocence, right of free movement, but these measures were the acceptable "evil", because things were going out of control.

Exactly this is the example that is practiced by Germany, although in the public opinion there is resistance on some norms, but the primary goal for which they exist, and that is reducing the number of cases of sport violence and misbehavior, justifies the existence and usage of this kind of measures. The instructions which are used by Germany are directly taken over from England, and they are offering fast exchange of police information, actions for revoking materials with racist content, and many other activities which main goal is to reduce and if possible decrease the

[1] Football violence in Europe. Social Issues Research Center. (available at. http://www.sirc.org/publik/fvexec.html)

[2] New measures against football hooliganism. Undermine civil liberties in Britain. (available at. https://www.wsws.org/en/articles/2000/08/act-a29.html)

situations of risk, especially ones with negative influence and possible sport violence and misbehavior.

CONCLUSION: OBLIGATORY ACTIVITIES FOR THE REPUBLIC OF MACEDONIA

What are the steps and possible measures Macedonia should undertake so it actions against sport violence and misbehavior is more efficient and more effective?

Namely, Macedonia has ratified international documents dedicated on the area (European Convention on spectator violence and misbehavior at sport events and in particular at football matches) and declaratively and formally pledges for acceptance and conducting the Recommendations coming from the Council of Europe, also of the Resolutions connected to the area. But it is still necessary the Macedonian system to start working in a wider area. We mentioned that the National Coordinative Body was a step further in that wider and institutional reaction of the phenomenon, but it still looks like every single step is made incidentally, without the existence of any serious strategy or if it already exists it is mentioned only when something unwanted happens, which consequences are harmful. Of course, we cannot expect that Macedonian authorities and institutions will fully follow the examples of Western countries[1]. What we do not have are the years of experience of Germany and England, which in their preventive measures make a difference between different types of risks, especially between planned and spontaneous disturbance of the public order, have also access to different types of information through which they define the different possibilities and scenarios of some forms of violence, make clear identification of "hot spots" using previous experiences, etc.

As we already said it is early to expect Macedonia and its institutions to conduct on higher level this kind of preventive politics, but it is inevitable to expect that Macedonian authorities will increase their interaction and that all actors will be part of the action against the phenomenon of sport violence.

It cannot be expected in this action the police to be the only subject and active participant. That kind of approach is unserious and will never give positive results. Police is the important part of the whole system, but is not the one with key importance. Beside the already mentioned National Coordinative Body, other forms of cooperation are needed, like for example local forums where fans will be educated for the problems in the area. Also local representatives should be included into those bodies or councils. Then

[1] Policing football in Europe. Experiences from peer review evaluation teams. , Otto, Adang., and Elaine, Brown. Politieacademie Apeldoorn, 2008

active work is needed by police officers, educational institutions, representatives of religious groups etc. All this above mentioned is needed, because every local community, every city, has different kinds of problems connected to sport violence and misbehavior. Not everywhere the same reasons are starting point for violent behavior of spectators and fan groups. It shows the necessity of unified legal solution, but it should be adjusted to the conditions in every local community differently, making a big step to successful implementation and reducing the phenomenon of sport violence and misbehavior.

Also, it is very important to check the possibility giving fan groups more important place in some future projects connected to the phenomenon or in some future discussions for new changes of the legislation in the area. There is also a possibility of implementing measures of preventive activity into secondary schools, because young people from those schools are the most critical ones. Relations and cooperation between sport clubs and fan groups should become an obligation for all clubs, because only with regular meetings, counseling, and common initiatives and activities the phenomenon will not occur as it is occurring at the moment. For police officers who are securing a sport event would be good to have some additional training, seminars, on which they will learn for the positive examples from other countries and how does police react in those countries in cases of sport violence. Our intention is to show that repression is not the only remedy for decreasing the number of cases of violence and misbehavior at sport events and that police and other institutions can preventively influence and on such a way make prevention an important factor.

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EVALUATION OF THE CONTENTS OF MILITARY EDUCATION ACCORDING TO THE NEEDS OF THE CONTEMPORARY MILITARY MISSIONS

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Abstract

Countries are responsible for the education and training of the members of their armed forces. Military education can be observed as an independent system in regards to its purpose, the preparation of military leaders for contemporary military operations and non-military missions. Besides the training for performing combat skill and training, it is also directed towards acquisition of skill for responsibility, critical thinking and initiative in modern ways of performing operations. The Republic of Macedonia implements military education through interdisciplinary programs realized at the Military Academy in Skopje.

Within the paper there was also a research conducted on the first generation of cadets (N=34) by questionnaires. This helped in getting a more realistic picture of the quality and effectiveness of each of the subjects of the curriculum of the first cycle of studies at the Military Academy.

The main purpose of this paper is to give appropriate scientific analyses of the real and effective use of the subjects of the first year of study at the Military Academy. The conclusions can then be considered and used as guidelines for eventual changes in the direction of upgrade of the system of military education.

Key words: *military education, effectiveness, curriculum, officer duties, research, effective*

INTRODUCTION

Military education is an independent system, with complete basis and knowledge, where a large contribution to its independence is due to the established military standards and the need for a permanent army. It is also a key element in the creation of a quality army, capable of taking on the modern security challenges, a system that encompasses several branches and subsystems. The theory of military

education is established as a relatively independent scientific discipline within the general theory of military education. At the same time, the theory of military education is focused on independent military research and construction of an autonomous methodology of scientific research. This means that we do not remain focused solely on the methods of military education, but also the overall logic and methodology of finding and testing of military expert military knowledge in the union of the general scientific achievements, so that it can be brought to new levels and verified appropriately.

On the other hand, military education is an inseparable part of the army, directly connected to it. Therfore comes the question "What would the army look like without vision, motivation for new knowledge, self-respect, self-confidence and strong personal and social character and what do we receive with good education?". Without them, it would be a simple, non-formal company that does not reach the thorough conditions of a well-organized army. Hence, we say that from a well-organized army, a well-organized teaching process can be seen, which contributes positively and strongly towards the continual improvement of the army as an institution. In a way, military education is a mirror and a real indicator of an army where education, improvement and upgrading of the individual and the collective is continuous, which today especially comes to the force in a very developed technical and informational staff.

EDUCATION AND TRAINING OF THE CADETES – MAIN TASK OF THE CONTEMPORARY ARMY

The training of the professional staff of the army implies development of specific skills and abilities, on whose development the academic level of education, military education and training have the strongest influence. The revolutionary changes in the technological development emphasize the importance of information and knowledge, which in the future must be the core when creating a military capability in the contemporary armies. Meanwhile, the restrictions of military budgets and the cost increase of sophisticated arms systems and military equipment inevitably lead to the need for crating smaller and more flexible national armies. For efficient action in this type of surrounding, a development in the army is necessary that will accept the changes, face unpredictable situations and leave the old-fashioned totalitarian way of military organization and action. In order to allow development of this type of modern army, an adequate system of military education and training is necessary.

"The central task of the education of this type of modern Army is to imprint will and the capacity to learn." According to Eric Hoffer, "it should create people that learn, not people that have been taught". Broadly interpreted, this concept of education says that education is constant and dependant[1]. It is dependant in terms of the permissive institutional structure and environment, and the individual availability and desire. Studying is constant in terms the even if someone graduates

[1] Hoffer, E 2002. *The True Believer: Thoughts on the Nature of Mass Movements.* Harper Perennial Modern Classics

at a certain institution it is a lifelong activity. Unlike training, which is a routine by nature, and mostly focuses on "what we think", education develops the intellectual curiosity and individual thoughts by focusing on "why and how we think". Although it is important to make this distinction, training and education must not be seen as mutually exclusive activities. On the contrary, these two together with the experience are necessary for a complete development of an officer.

Military education is an integral part of the preparation of the army for eventual operations with a broad specter of combat and non-combat actions. Military education must allow the development of the intellectual capacity and gaining of general knowledge, which is a requirement for a continuous development and acquisition of abilities for dealing with those complicated situations. The knowledge of those experts could be crucial for the achievement of the goals of the military forces. Knowledge means the absorption of information through the process of learning. Modern achievements in the areas of technical and IT sector, which are implemented in all modern armies around the world, as well as experiences, set new goals in the education of students on all levels of command "theoretical and/or factual"[1].

Education and training are important and separate subsystems of the military educational process, which are used to build the qualities and conduct of military personnel. These two subsystems are complementary and intertwined within all levels of professional development[2]. Education must initiate the process of learning and establish creative ways of thinking while solving the set tasks. The increase of requirements for officer capabilities can be met most efficiently through the provision that education begin at the start of each of the carrier development steps, as well as the conviction that it is enough to provide for the individual needs during the appropriate phase of the military carrier. The goal that must be reached is the creation of a well-educated core of military leaders, which will be completely competent in technical, tactical and leadership sense, as well as poses skills, knowledge and abilities necessary for dealing with the challenges set by the modern way of performing operations.[3]

Theory and practice, and thereby military-theoretical achievements and their practical application, constitute two sides of the same medal. For a successful performance of the military duties, a quality performance of the teaching process is required. The basis for institutionalization is to highlight certain interconnected roles and characteristics that separate officers from other professions in society. In that regard, the system of training must ensure that officers demonstrate self-confidence, integrity, critical thinking and responsibility; these are the key characteristics necessary for action in complex, unpredictable and dynamic situations, where the ability to build an effective team implies having broad organizational and technological knowledge. Basic knowledge of diplomacy,

[1] *Special Operations Technology - SOTECH 2012* Volume: 10 Issue: 6 (August)
[2] CJCSM 3500.03,Joint Training Manual for the Armed Forces of the United States, USA.
[3] Angelevski, S. 2009. *Evaluation of the need for changes in the continent of military education and training* Contemporary Macedonian defense, theory paper for the Ministry of Defense of the Republic of Macedonia, 16 Skopje, p. 14

economy, media and psychological tools necessary for working with people during crisis are also needed. One of the basic abilities that must be developed is the skill to collect and retrieve information, which is critical when the amount of information that must be gathered and processed is constantly increased. In order to be successful during these operations, the members of the armed forces must be intellectually agile in order to outsmart the opponent and be able to work with allies and large number of personnel from the unarmed forces. In addition, the need for education rises in the need for, as William Murray says: "…to prepare (the staff of the armed forces) for mission in the entire spectrum of conflict, starting from intimidation on the high end of the spectrum, to peace keeping on the low end of the spectrum"[1].

The Republic of Macedonia realizes its military education through interdisciplinary programs. The responsibility for academic education as a part of the structure of education in the state institutions in the Republic of Macedonia lies with the Military Academy in Skopje (MA). It was established with the Law for Military Academy, as a higher education and research establishment for the education of staff for the needs of the Ministry of Defense (MD) and the Army of The Republic of Macedonia (ARM).

METHODOLOGY

Within this paper, empiric research was also conducted at the Military Academy, during 2012-13, in order to determine the cadets' attitudes about does and how the knowledge gained from the courses of the current accredited first cycle studies' curriculum at the MA in Skopje[2], helps towards a successful performance of officer's duties in the Army. This was conducted through evaluation of the internship as the beginning stage for professional development of officers in the Army of the Republic of Macedonia.

- ***Hypothesis 1:*** *The subjects content in the curriculum of the first cycle of studies at the MA differs in relation to the degree of their application during internship at the cadets of the MA*
- ***Hypothesis 2:*** *The subjects' content from the Military science field mostly comes to the fore during the performance of primary commanding duties.*
- ***Hypothesis 3:*** *The application of subjects in the curriculum does not differ in cadets from different branches.*
- **Sample:** The research is performed on a suitable sample (N=34), which can be said to be absolute at the moment, in accordance with the purpose of the research, composed by cadets from the fourth year of the first cycle of studies at the Military Academy Skopje[3], which consists of male (n=26) and female (n=8) respondents, at an average age of 21, from the three branches:

[1] Written by William Murray_ Sof training and mission readiness. *Special Operations Technology - SOTECH 2012* Vol.: 10 Iss.: 6 (August)

[2] Military Academy Skopje 2009 Curriculum for the first cycle of studies, Skopje

[3] The first cycle of studies trains he candidates for management on a tactical level, as direct leaders and agents in the use of military power

Infantry (n=15), Artillery (n=9) and Communications (n=10). They have completed the questionaire after finishing the internship of the fourth year and the implementation of the squad commanders' leadership course.

- **Instruments:** As techniques are used questionnaires prepared for the purposes of this study, in which subjects of the study program from the first cycle of MA, were evaluated from 1 to 5 in what extent they have helped in practice while performing officer's duties during the internship in the ARM (at the tactical level), by cadets.
- **Statistical Methods:** The statistical methods used are descriptive statistics, F-test and factor analyses, and the data has been processed by the software package SPSS 15.0.

RESULTS AND DISCUSSION

The results will be presented in order of the hypothesis. In addition, every subject is rated only from the students that have taken it (that is why the N is different for different subjects).

From Table 1, we can conclude that ***the average grade (M=3.01) for application of all subjects from the first cycle studies at the MA, during the internship, is above average (2.5)***, which means that the same gives fundamental knowledge, that in the future needs to be upgraded with individual work and advancement training. The average grade for application of different subjects' content varies between 1.33 and 4.15, as follows: 11 within the range of 1 to 1.99, 14 within 2 to 2.99, 23 within 3 to 3.99, 8 within 4 to 4.99, and noone with an average of 5. This means that certain subjects have a practical application from the very beginning, while some take more time or have an indirect application in the performance. It is also important to note that two of the respondents have been removed, given they graded all the subjects with 1, which shows they did not take the research seriously. Also, the subject Mechanics and Methods of operational research where not elected by any student from this generation, so they were not included in the next analyses.

Table 1. Ranking of subjects from the first cycle of studies at the MA for their application during internship, according to cadets

R	SUBJECTS	N	M	σ	R	SUBJECTS	N	M	σ
1	Infantry Weapons and Firing	13	4,54	1,67	30	Telecommunication	10	3	0,94
2	Methodology of infantry weapons	13	4,46	1,2	31	Computer networks and systems	10	3	1,49
3	**Weapons with theory and practice**	32	**4,34**	1,18	32	Engines and Motor Vehicles	32	2,88	1,34
4	**Physical Education**	32	**4,34**	1,18	33	Albanian Language	11	2,82	1,83
5	Infantry tactics	13	4,31	1,25	34	English Language	32	2,81	1,45
6	Methods of tactical training	13	4,31	1,25	35	Systems for radio-communicat.	10	2,8	0,92
7	Management and Leadership	32	4,13	1,16	36	Network Pathways	10	2,8	0,92
8	Ammunition and expl. materials	22	4,09	1,15	37	Theory of systems	4	2,75	0,5
9	Artillery Armaments	9	3,89	1,45	38	Electromagnetic waves and antennas	10	2,6	1,17
10	Communication and comm. Skills	32	3,81	1,28	39	Sociology	32	2,53	1,39
11	Communication tactics	10	3,70	0,48	40	IT, Computer Systems Security	10	2,4	1,17
12	Artillery Weapons and Firing	9	3,67	1,66	41	Military History	32	2,34	1,47
13	Firing and Weapons Management of Artillery Units	9	3,67	1,66	**42**	Basics of National Security	32	2,25	1,46
14	Military Andragogy	30	3,6	1,5	43	Comparative systems of national security	32	2,19	1,38
15	Applied geography and topography	32	3,56	1,5	44	Telecommunication in the security and defense systems	32	2,19	1,28
16	Ballistics	22	3,55	1,44	45	Models and Simulations	32	2,13	1,39
17	Basic Tactics 1	32	3,53	1,29	46	Constitutional law and political systems	32	1,97	1,36
18	Basic Tactics 2	32	3,53	1,39	47	Mathematics 1	32	1,91	1,33
19	Military Psychology	32	3,5	1,44	48	Economy with basics of financial	32	1,91	1,33
20	Armored Combat Vehicles	13	3,46	1,45	49	Physics	32	1,88	1,29
21	Modern combat arms	22	3,45	1,47	50	Environmental Chemistry	32	1,88	1,24
22	International military & human law	32	3,41	1,58	51	Management of IT Technology	32	1,84	1,08
23	IT	32	3,38	1,43	52	Mathematics 2	32	1,78	1,16
24	Firing Theory	9	3,33	1,66	53	Basics of electrical equipment 1	32	1,78	1,16
25	Telecommunications Networks	10	3,2	1,14	54	Basics of electrical equipment 2	10	1,70	0,82
26	Military Communication and IT	10	3,2	1,55	55	German Language	20	1,45	0,69
27	Firing management systems	22	3,18	1,47	56	French Language	3	1,33	0,58
28	Organization and Management	32	3,16	1,46	57	Mechanics	0	-	-

29	Artillery Tactics	9	3,13	1,73	58	Methods of operational research	0	-	-
	Total							3,01	0,86

According to the cadets, ***the subjects that have the biggest practical application during the initial performance of officer duties from mandatory subjects are Weapons with theory and practice in shooting, Physical education*** *(both with an average of 4,34)* ***Management and Leadership*** *(M=4,13) and* ***Communication and Communication skills*** *(M=3,81).* This is understandable, considering that cadets have been introduced for the first time with immediate work with people in the process of military training of soldiers. In regard to the elective subjects, we came to the conclusion that amongst the highest ones are the elective subjects from the branches of Infantry and Artillery, as opposed to the Communications branch, with the exception of the subject Tactics (M=3.70). From the aforementioned branches of Infantry and Artillery, most useful subjects during internship were those dealing with equipment and armaments from the respective branch, while for the Communications, the most important one as we already said, is Tactics.

On the other hand, the lowest ranking subjects includes the elective subjects French (M=1.33), ***German*** (M=1.45), ***Basics of electro-mechanics*** 1 и 2 (M=1,74) ***and subjects from the Natural Sciences and Mathematics areas***. This is due to the fact that subjects from the Natural sciences and mathematics field are hard and abstract, and they are chosen as basis for mastering the expert subjects and the acquisition of skills for logical thinking in reasoning and decision making in military management. These subjects are evaluated that have been used in small amount in the primary officer duties, with regard to the short term of the internship; where the cadets did not have chance to face with a more expert training, for which implementation the knowledge from these subjects is fundamental. The low average score of the elective languages stems from the fact that the students did not get a chance to apply them in the internship, given that they are mostly used in reading tactically-technological instructions for certain equipment written in those languages and are used by the ARM, or for understanding eventual training abroad.

In order to determine the latent structure of the degree in which each subject helps in a successful internship, a factor analysis has been conducted and **seven factors,** which explain 82.17% of the variance, have been derived. It is important to note that because of the unequal number of students for the elective subjects, the same have been combined in groups comprised from different branches, thus trying to make the subjects equal by content, as well.

Table 2. Factor analyses with Oblimin rotation of the cadets' evaluations of the first cycle MA studies subjects' application during the internship

Component	1	2	3	4	5	6	7
Mathematics 1	**0,90**	0,16	-0,30	0,04	-0,04	0,24	0,13
Mathematics 2	**0,89**	0,12	-0,32	0,03	-0,12	0,22	0,06
Physics	**0,90**	0,25	-0,53	-0,16	0,07	0,32	0,00
Environmental Chemistry	**0,92**	0,21	-0,59	-0,15	0,10	0,39	-0,04
Sociology	**0,71**	0,32	-0,73	0,29	0,03	0,42	0,00
Constitutional law and political systems	**0,83**	0,17	-0,53	-0,08	0,06	0,42	0,14
Economy with basics of financial management	**0,79**	0,13	-0,44	0,03	0,08	0,51	-0,02
Basics for national security	**0,87**	0,32	-0,64	-0,20	0,08	0,46	0,04
Comparative systems of national security	**0,86**	0,23	-0,61	-0,13	0,15	0,50	-0,06
Military history	**0,80**	0,30	-0,48	-0,10	0,05	0,47	-0,17
Basics of electrical equipment 1	**0,69**	0,10	-0,55	0,08	0,21	0,58	-0,26
Engines and motor vehicles	**0,76**	0,51	-0,37	-0,15	-0,30	0,43	0,13
Models and simulations	**0,80**	0,15	-0,53	0,12	0,28	0,36	-0,18
Telecommunication in the defensive security systems	**0,63**	0,33	-0,47	0,16	0,24	0,38	-0,32
Ballistics/ET2	**0,71**	**0,61**	-0,48	-0,44	-0,08	0,36	0,15
Modern Combat Arms/Radio-communication systems	0,49	**0,63**	-0,35	0,24	-0,17	0,58	0,20
Ammunition and explosive materials/Telecommunication	0,40	**0,82**	-0,48	-0,08	-0,15	0,53	0,16
Armored Combat Vehicles/Firing Theory/ Network Pathways	0,57	**0,68**	-0,63	0,09	-0,11	0,28	0,19
Infantry Weapons and Firing/Firing and Weapons Management of Artillery Units/Electromagnetic waves and antennas	0,17	**0,90**	-0,14	-0,28	-0,25	0,11	0,38
Methods of tactical training/Artillery Firing and Weapons Management/Military Communications and IT systems	0,06	**0,93**	-0,23	-0,26	-0,29	0,21	0,23
Tactics of Infantry/Artillery/Communications	0,08	**0,89**	-0,28	-0,12	-0,37	0,36	0,09
Methodology of Infantry Weapons/Artillery Weapons and Firing Practice/Computer Networks and Systems	0,13	**0,95**	-0,26	-0,29	-0,25	0,25	0,30
English language	0,55	0,15	**-0,86**	-0,15	0,09	0,41	-0,11
Physical education	0,23	0,47	**-0,71**	-0,27	-0,43	0,56	0,10
IT	0,36	0,34	**-0,86**	-0,08	-0,22	0,33	-0,13
IT management	0,64	0,04	**-0,74**	-0,08	0,18	0,34	0,00
Weapons with theory and practice in firing	0,23	0,53	**-0,73**	-0,28	-0,52	0,58	0,02
Arms management systems/TC networksМрежи	0,47	0,49	**-0,68**	0,31	-0,22	0,58	0,08
International military and human law	0,43	0,59	-0,41	**-0,74**	-0,35	0,47	0,13
Communication and communicational skills	0,35	0,50	-0,53	**-0,64**	-0,28	0,46	0,27
Applied geography and topography	0,43	0,59	-0,41	**-0,74**	-0,35	0,47	0,13
Basic tactics 1	0,22	0,34	-0,45	-0,23	**-0,72**	0,58	-0,20
Basic tactics 2	0,31	0,43	-0,37	-0,23	**-0,86**	0,33	-0,03
Organization and management	0,40	0,35	-0,45	-0,14	0,01	**0,89**	-0,01
Military andragogy	0,23	0,16	-0,26	-0,13	-0,38	**0,76**	0,08
Military psychology	0,37	0,46	-0,59	0,06	-0,13	**0,65**	0,41
Management and leadership	0,30	0,58	-0,61	-0,37	-0,32	**0,73**	0,06
Foreign language	0,13	0,27	-0,02	-0,06	0,10	0,09	**0,84**

The first factor explains the largest part of variance (45.48%) and consists of the largest number of subjects, which are basic for further development of the officer's

profile (Table 3), thus being named *Basic academic Factor* for officer's duties; the second also expalins a large part (15,15%), named *Expert-specialist Factor* and consists of all the combinations of elective subjects (with the exceptions of Ballistics and Electro mechanics 2, whose presence is almost equal in the first two factors); the third factor comprises subjects that deal with skills and abilities necessary for military training (or, in layman's terms, constitute their craft), explains for 6.65% and is named *Factor of Specific academic abilities;* the forth takes 5.20%, is named *Factor of additional applied disciplines* and encompasses subjects from non-military scientific areas which assist in the successful performance of officer duties; the fifth factor explains for 3.54% of the variance and is best described by subjects from general military tactics, thus being named Art of War; the sixth factor deals with 3.40% of the variance and is constituted by subjects that deal with the work with personnal, management and leadership skills, and is named *Organizational leadership Factor*; and finally, the last factor explains 2.74%, it is constituted of an additional foreign language, which are not key subjects, but are always a plus for this profession, and is dully named *Factor of additional foreign languages*.

We can conclude (although the results should be taken with reserve, considering the small number of respondents used for this statistical method) that the obtained factors logically explain the application of the subjects during the performance of the primary officer duties, in accordance with their priority, and how subjects upgrade each other. In order for practical use of the subjects from the fifth and sixth factor, which may seem most useful for the management in the military profession, it is necessary to set the appropriate foundation with knowledge from subjects that are part of the previous factors. This in turn confirms the idea that successful leadership in the army is actually the icing on the cake, where the base is a well-trained soldier.

The latest is also confirmed with the correlation matrix of the extracted factors, according to which all the factors are independent, except for the correlations between the *Basic academic factor, Factor for Specific academic abilities* and *Organizational leadership factor*. This is understandable, considering that the third factor consists of subjects that are studied at all faculties, but here have a specific place in the bases for military profession, while on the other hand those are not academic subjects, but mostly are skills and practical knowledge; and furthermore, the sixth factor consists of social sciences, which basically compose the managerial performance for most professions, taken into account that it is more philosophy and doctrine than expert knowledge, and must be specifically expressed here (given the specifics of the military organization – the strict hierarchical structure, subordination and management aimed at the organized use of weapons, where mistakes in decision making must be minimized).

From the above, we can conclude that every subject has a different, but important part in the academic curriculum for preparing successful military officer, which *confirms the first hypothesis.*

Table 3. Significance of the differences in the cadets' attitudes of the different scientific fields' application during the internship

Scientific Fields	M	σ	df1	df2	F	Sign.
Natural Sciences and Mathematics	1,81	0,05	3	132	16,731	,000
Social Sciences	2,74	0,84				
Technical Sciences	2,80	0,59				
Military Sciences	3,63	0,45				

From Table 3 we can see that ***during the internship, the subjects that were showen as most useful are from the Military scientific area, while least useful are those from the Natural sciences and mathematics.*** In addition, we found that there is a significant difference in the application of subjects from different areas (F=16,731, p<,000), where the military sciences have been applied more than the natural sciences and mathematics (MD=1,869, p<,000), and than the subjects from technical (MD=,924, p<,008) and social sciences (MD=,942, p<,007), as well. The subjects from natural sciences and mathematics have been applied even less than those from technical (MD= -,945, p<,006) and social sciences (MD= -,927, p<,008); while between the application of technical and social sciences is not shown significant difference (Table 3a). Hence, *the second hypothesis has been confirmed.*

Table 3a. Scheffe test of the significance of the cadets' attitudes of the different scientific fields' application during the internship (only significant)

M_1	M_2	MD	Std. Err	Sig.
Military Sciences	Natural Sciences and Mathematics	1,869(*)	,264	,000
	Social Sciences	,942(*)	,264	,007
	Technical Sciences	,924(*)	,264	,008
Natural Sciences and Mathematics	Social Sciences	-,927(*)	,264	,008
	Technical Sciences	-,945(*)	,264	,006

In table 3b, a different division of the fields has been made, where the physical education is divided from the other sciences as a separate category, togather with practical operation[1]. In addition, we found that during internship, the most important was shown the physical education; while the least important were the natural sciences and mathematics, as before. We also found that there is a significant difference in the application of subjects from different fields in the practical part during internship (F=21,535, p<,000), where **physical education** is applied more than the subjects from natural sciences and mathematics (MD=2,338, p<,000), social sciences (MD=1,522, p<,000) and technical sciences (MD=1,393, p<,000), while it is not more applicable than **the subjects from military sciences**. The subjects from natural sciences and

[1] According to The Official Presentation for the Military Academy Skopje, December 2011, slide number 10

mathematics are less applied than those from the military (MD= -1,869, p<,000) and technical sciences (MD= -,945, p<,026). The military in turn are more applicable than the technical (MD=,924, p<,032) and social (MD=1,053, p<,009), while between the technical and social siences was not shown significant difference (Table 3c.). Hence, we conclude that ***physical education and subject from the Military scientific field have the biggest application in the initial officer duties***, which completely *confirms the second hypothesis*.

Table 3b. Significance of the differences the cadets' attitudes of the different scientific fields' application during the internship (physical education placed separately from social sciences)

Scientific Fields	M	σ	df1	df2	F	Sign.
Natural Sciences and Mathematics	1,81	1,14	4	165	21,535	,000
Social Sciences	2,63	1,02				
Technical Sciences	2,75	0,98				
Military Sciences	3,68	1,21				
Physical Education	4,15	1,39				

Table 3c. Sheffe test of the importance of differences of the cadets' attitudes of the different scientific fields' application during the internship (only significant)

M_1	M_2	MD	Std. Err	Sig.
Physical Education	Natural Sciences and Mathematics	2,338(*)	,281	,000
	Social Sciences	1,522(*)	,281	,000
	Technical Sciences	1,393(*)	,281	,000
Natural Sciences and Mathematics	Technical Sciences	-,945(*)	,281	,026
	Military Sciences	-1,869(*)	,281	,000
Military Sciences	Social Sciences	1,053(*)	,281	,009
	Technical Sicences	,924(*)	,281	,032

Table 4. Significance of the differences between cadets' attitudes for first cycle MA studies subjects' application during the internship, from different branches

Branches of Cadets	M	σ	df_1	df_2	f	sign.
Infantry	2,99	1,05	2	31	,757	,477
Artillery	2,93	1,03				
Communication	2,53	0,61				

From table 4, we can conclude that although the cadets from the Communication branche express a low degree of importance about the usage of the first cycle curriculum subjects, it is not significantly lower than the other branches (F=,757, p<,477). This means that although cadets from different branches have

different elective subjects and partially different application according to the scope of work, ***the first cycle MA subjects can be applied in equal extent during the performance of the primary officer duties, in all of the three branches***, which *confirmes the third hypothesis*.

Future research: It is important to note that into consideration were taken only the attitudes from the target group, whilst having no data for: the degree of performance duties success during the internship; in what extent have the participants absolved the material from the MA curriculum; is there subjects for which have a need for and are not included in the curriculum of the MA; the degree of subjectivity in the evaluation, in terms of whether they were grading the subjects or they have resentment towards the professor, the subject content, personal lack of knowledge, or were completely uninterested in answering the questionnaire (two respondents answered 1 to all the questions), fatigue, and etc.

On the other hand, certain shotcomings must be taken into consideration, given that since the reactivation of the MA in 2009, only one generation has completed the first cycle of studies, which currently limits the size of the sample and increases the error in results' interpretation. In addition, the fact that the grades for the application of knowledge acquired at the MA during the internship are just initial indicators given that the time frame is short, so there is a high probability that the respondents have not been in a situation in which they could realize the need of many of the subjects they have graded low. On the other hand, these scores are important from the position of the lowest level of duty performance and the way of perception of knowledge application and monitoring of the ARM officer staff development.

All of the aforementioned shall be taken into consideration for a future research, whose subject would be the evaluation of the degree in which the curriculum of the Military Academy in Skopje, as the beginning of higher military education, has a real practical application, in order to determine the suggestions for changes and improvement.

CONCLUSION

The changes in international level about the question of establishing world peace have a dominant influence in the military education in the Republic of Macedonia, as well. In order to be successful in this field internationally, the members of the armed forces must possess certain knowledge and skills, useful and necessary for performing tasks in specific conditions. This in term contributes towards a serious change in the overall method of military education, in general, as well as in the Macedonian military education in particular. In the Republic of Macedonia, the Military Academy carries out higher, scientific and applied expert education in the area of defense as a broader scientific area of the social sciences, in the military and military-technical sections, in particular. The work of the Military Academy is defined with the structure and content of the curriculum that is being studied, passed from the Ministry of Defense, as a founder. The Military Academy is educational institution that collects important historical knowledge and data for the perseverance of generational experience and traditional values on the one hand,

and sets the meeting ground for communication between the two parts of higher education: the students and the university professors or assistants.

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BALKAN REGIONAL APPROACH TO THE CONCEPT OF SMART AIR DEFENSE

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Abstract **:**

NATO is most effective security organization. Republic of Macedonia also aspires to join NATO and the question is not "Does " but "When?", We will join NATO.

To understand the principles of NATO for conducting modern military operations under the new concept of smart defense, it is necessary to examine the concept of positive examples that are based in the same area of development and connectivity systems for air defense.

As a future member of this organization, Macedonian Army should be structured to be staffed and adequately trained for easier handling with ongoing challenges for Macedonia's participation in future modern NATO operations.

In a crisis, the political, military and civilian component should be more efficient in the field of ''comprehensive crisis management''. In a near future, our air defense system should be developed on the: basis of association, distribution of the tasks and resources and exchange of military information .

The main hypothesis of this scientific paper is aimed on the evolutionary development of the concept of smart defense in a countries such as: Britain, Germany and France. Also we are making comparative study of the concept for smart air defense in the Baltic countries. They have regulated the smart air defense through association and integration of comprehensive air forces. Trough the comparative method we will give the specific directions for development of smart air defense concept in terms of a regional approach on the Balkans countries.

Keywords: *smart defense, NATO initiatives, Air police, BRAAD, Balkan air defense concept*

Introduction

To understand the principles of NATO for conducting modern military operations under the new concept of smart defense is necessary to examine the concept of positive examples that are based in the same area of development and connectivity for air defense system. This is necessary for Republic of Macedonia because as a future member of this organization the Army of Republic Macedonia in this spirit should be structured, staffed and adequately trained to deal with the challenges of Macedonia's participation in any future NATO operations. (NATO 2008, 2A-10). The Scientific objective of this paper is to provide a description and explication of the concept of "Smart defense" and its possibilities for development of military aviation and air defense with using the methods of scientific research to gain some new knowledge, positive and negative experiences that can be applied in the organization of the air defense system and certainly to provide an application for air intelligence and comprehensive approach in the field of social and military sciences. However, this paper aims to provide:

- Smart defense through his principles, which occurred the projects and their impact on the development of other projects of the alliance as well the challenges and risks and the benefits that we can take with the Western Balkans;
- Identifying the projects in the field of military aviation and air defense against the full development on coordination and control of the airspace of NATO member states and countries which are potential NATO members involved in PfP;
- Finding solutions for the proposed development and promote military aviation and air defense based on the principles of "Smart defense" with integrated connectivity with other systems with Western Balkans;
- Analyze, identify and create new ways for forming a system of " Air police " to control the air space with other two elements of the AAD (Against Air Defense) system in ARM which refers to the way of new equipment and their associated systems in integrated systems of the Balkan countries . The basic hypothesis in the paper is " What can be our contribution to the concept of smart NATO defense system, according to development of air defense system in Republic of Macedonia.

This problem arising from the following scientific and professional dilemmas and discussions:

1. Are the projects based on the principles of " Smart defense" given initial postulates of the system development for AD (Air Defense)?
2. Which of the positive projects for air smart defense can apply Balkan countries and the Republic of Macedonia?
3. Are the Balkan regional approach to air defense in a basic way to develop elements for AD?
4. What would be the way to develop elements of the AD system in Macedonian Army using the principles of “Smart air defense systems” by integrating the AD in Balkan countries?

The economic crisis that has hit the biggest European NATO countries, has made a significant reduction in defense budgets, Germany and Italy by 10 percent, while the UK has provides financial funds they has reducing their defense budget

at least 7.5 percent over the next four years. At the same time the members of the investment in Alliance in 2010 compared to 2009 decreased by 56 billion dollars or from1991 to 2012 the Defense Funds are allocated from the budgets of the member states from Europe declined from 35 % to 23 %. With this enormous reduction the principles of solidarity in NATO are in danger. (Bases 2008,20-22).

" Smart defense means joint use of military assets, spending priorities and specialization of defensive assignments of NATO and PfP countries and greater coordination within NATO" (Đokić 2010, 12-15).

The purpose of the concept in Lisbon was focus inside the Alliance for finding critical capacities necessary for planning in defense budget as well they should perform satisfying critical capabilities (NATO 2020, 2010, 5-8).

After the summit in Chicago, the Alliance continuously develop skills by giving priority to collective NATO needs by developing a modern air force with the latest hunting - bombs from airplanes 4th and 5th generation, modern aircraft for air support, transport aircraft and helicopters for air transport for forming " Air bridge " for transport troops and funds.

NATO supports Smart Air Defense (SAD) in South East Europe (SEE)

Projects arising from the concept of smart defense are covering the SEE countries including the Republic of Macedonia. Agency for Communication and Information Technology (NCI), put forward a proposal for the establishment of a multinational brigade of Southeast European NATO member states and candidate countries among other including, Republic of Macedonia.

The support agency will provide a real opportunity to reduce the cost of Southeastern Europe Defense by providing solutions that have been developed and funded by NATO and most importantly will gain interoperability with Southeast European Brigade, which could then grant an appropriate contribution to the missions and NATO operations.

In this sense, for example we can identify projects Adriatic Charter A5, establish in the spirit of the concept of "Smart defense" which are an effective mechanism for promoting regional leadership, cooperation and building confidence on the road to full membership in NATO. The joint projects of A-5 countries that have already operate in the School of Military Police and the Afghan National Army regional medical groups are expected soon to deliver the initiative for Balkan Regional approach to air defense – BRAAD. This joint project will partially be funded by NATO.

If we want to ask: Why Smart Defense can be successful? In response to this question we can enumerate several segments including:

1. Ground Surveillance program - AGS. (The project aims to develop a system of UAVs and radars to NATO AGS provide information on the status of the airspace in which are participating 13 NATO countries.
2. Strategic air transport (The project is composed of 10 members of NATO and the two partners providing and operating the C -17 aircraft to transport personnel and equipment).

3. Strategic air transport solutions as a temporary solution - "CALIS"; project "CALIS" include 14 NATO members and 2 partners which coordinate the pooling of resources in support of NATO's air transport of heavy equipment.
4. The warning air control system – AVAKS
5. Project "Booing E - 3A Centre" equipped with AVAC system, has 17 participating NATO countries: All these projects are essential, but are also very expensive.

They can be realized with NATO member states and PfP concept of smart Defense with other institutions and agencies that could help to deliver projects such as:

- NATO Communications and Information Support,
- NATO support
- NATO procurement and
- NATO Agency for Science and Technology

Before two year NATO realized project for training the Croatians and Czechs in the field of air transport and forces for training the Afghan National Army (startbih.info/Novost.aspx? Novostid = 8659). The training here is implemented in accordance with the theoretical part which is prepared by instructors from the U.S. Army (NATO Contact Point Embassy 2012). Deployment of the forces and means in certain NATO missions with their partners are with complete consensus (Gheciy 2012, 5-8).

Since, March 2004 with the entry of the Baltic States in the Alliance, they control their airspace with proper hunting aviation from NATO. Therefore NATO countries started the project "Baltic air police" (Baltic Air Police) to start flights in the airspace of the Republic of Lithuania, Latvia and Estonia. The project began with the deployment of aviation hunting of the Turkish armed forces with "F-16AM Fighting Falcon" for four months.

The costs of this project in 2011 were around 2.2 million Euros, while the same for the next four years to 2015 should be increased to amount of 3.5 million Euros per year.

The modernization of the Air base in 2012 was about seven million Euros. This project for controlling the airspace of the Baltic NATO member states by 2015 will be joined by Hungary and Italy. Their plans are to start the first rotation in January 2015. Currently Baltic skies keep the four "F-16AM Fighting Falcon" with their personnel for servicing. NATO on the basis of the integrated air defense system has 84 combat aircraft on its borders with Republic of Belarus and Poland, 48 aircraft of the type "F-16AM Fighting Falcon" and 32 aircraft of the type "MiG-29BMs". If we counted the four additional fighter aircraft of the Baltic Air Police mission to NATO, it can be concluded that NATO has a respectable military force to defend the airspace of the three Baltic countries.

General conclusions for Balkan regional approach to air defense (BRAAD)

Project Balkan Regional approach to air defense is designed to coordinate and facilitate regional cooperation approach for modernization and integration of air

and observer calling in Balkan countries. Also the project will allow fostering greater interoperability between the NATO countries and reduce development costs for air defense. The project is one of the main priorities for development and modernization of military air defense of the Macedonian Army. This priority was made in paragraph 17 of the White Paper on ARM which says: "The Republic of Macedonia believes that the initiative for Balkan regional approach to air defense (BRAAD), as a project for the construction of regional facilities will be successful indicator of future regional defense integration (White Paper 2012, chapter 6 , paragraph 20).

Western air defense doctrines can be divided into the following areas:

1. Air surveillance and appearance,
2. Air command and control (C2),
3. Land-Air-Land and Communications
4. Civil-Military interaction (CMI)

This separation enables the system to integrate with NATO to establish comprehensive air defense system consisting of radar and other sensors for supporting this robust system, relevant for communications in air, land and sea (NPC-NATO 2011, 3-5). Working in partnership with NATO agencies composition of the NC3A, NAMSA, NPC and NATOIS are able to achieve a complete support system for the formation and functioning of the system through different stages of Defense air system areas (Contracted Logistics Support 2012 3 -4).

To achieve the objectives of BRAAD, above the agencies we should take an active part in implementing the three levels of the organization in air system. The first stage of the project is developing the monitoring and air calling and command and control (C2), which represent the basic and essential components of the air defense. Airborne command and control structure and a process that is aimed for managing the air operations. Obtain the information of air assets in the air and exact time and place with timely information.

BRAAD studies developed by NATO show that optimum coverage with radar systems in the Balkan region can be achieved by careful selection of the location of the radar in each country. Balkan Regional approach to air defense (BRAAD), as NATO multi - national initiative was established by the NATO International Staff to coordinate and facilitate cooperation and regional approach to modernize the air defense capabilities of the Balkan countries, fostering greater interoperability between these countries and with NATO and providing significant cost savings. The idea to start this project is given to the conference on theme "Balkan regional approach to building a common air defense core capabilities" which was held in Podgorica, Montenegro in July 2010.

The three partner countries (Bosnia and Herzegovina , Macedonia and Serbia) and four NATO countries (Albania , Croatia , Hungary and Slovenia) have defined a common NATO approach called Balkan Regional approach to air defense (BRAAD) directly supported of agencies and organizations such as NATO C3 agency (NC3A), NATO agency for Maintenance and supply (NANSA), NATO - CIS agency (NCSA) and NATO (Radio Detecting Ranging 2011,3-4).

Representatives of the ministries of defense of the Balkan states on the Conference approved the following conclusions and recommendations that should be taken to develop initiatives:

1. They concluded that there is a need for a common approach to improve the system for monitoring and air calling in the Balkans
2. They selected locations for deploy four radars that should be on the system for monitoring air and call in: Republic of Macedonia, Bosnia and Herzegovina, Montenegro and Serbia
3. They recommended to perform system in consultation with NATO procurement agencies and to providing their support
4. They confirmed Participation in air - surveillance data exchange (SDE) program, including preparation of necessary memorandums of understanding and technical arrangements

One of the main elements of the system BRAAD should be ground radars that would have a wide range of actions integrated with sophisticated systems for identifying aircrafts, radar and editing other infrastructure. The equipment with sensor systems would work on the principle of active and passive electromagnetic radiation connecting themselves with subsystems in integrated system for: power supply, encryption devices, network devices, operator workstations, test and simulation equipment, software and related tools and procedures for operation and maintenance with capabilities. The number of radar stations need to be carefully selected to maximize coverage and minimize the number of radar stations. This choice depends on the terrain, availability of stations, types of radars, location of other infrastructure, possible obstacles and a wide range of operational, political, economic and environmental problems.

Croatia will actively participate in this project by linking their radar facilities in the Air observing system and calling through the ASDE (Air Situation Data Exchange).

Therefore, the Western Balkans and Croatia delegated rights to present the authorities and institutions of NATO in the development of the initiative. Croatia accepted to be a leader in the BRAAD initiative in making the "Air Surveillance study" for control of air space for the three partner countries (Stipić 2013,1-2). Experience shows that the fixed air defense radar can cost between 15 million and 20 million without tender. Through an international tender with NC3A, we can succeed to reduce the cost of the radar of almost 45 % (BRAAD: Role of NATO in 2012, 2-3).

NATO defines air defense as "Taking all measures and activities planned to destroy or reduce the effectiveness of hostile air aviation ". With the entry of any member in NATO, the airspace of the country which has joined in integrated airspace of the NATO members they will protect and control the integrated air defense system of NATO (NATO integrated Air Defense System-NATINADAC).

The NATO Integrated Air Defense system has consists of three main elements:

1. Section for command and control (C2),
2. Part of the national bands for monitoring and control of air space (ground radar systems) and

3. The third section is composed of national air force composed from planes to intercept, the hunting aviation for quick response.

The system for air defense against NATO member is associated with the NATO air operations center , specifically for Slovenia (Combined Air Operation Center -5, CACO- 5), which is an integral part of NATO integrated air defense system and also responsible for granting approval for the hunting aviation interception for unidentified aircraft in the airspace.

However, obtaining a comprehensive and sophisticated air defense capability is expensive and probably unavailable for a nation with a relatively small defense budget. For these reasons, the air defense is an area where Balkan countries can act with common investments and initiatives and implementation of multi - national projects. Comprehensive programs for modernization and development of the national armed forces through regional cooperation for better stability and encourage the closer ties between the Balkan nations.

"Air policing" in Balkan countries by purchasing new aircrafts from NATO

Strategy of Defense of the Republic of Macedonia provides strategic guidance for the development and functioning on defense system of Republic of Macedonia until 2015, for defense of the territorial integrity and sovereignty (Strategy of Defense in 2010, 6-8).

Macedonia will develop a system for air defense with necessary facilities and air surveillance capabilities for air protection, command, control and the necessary infrastructure to support the area for patrolling airspace.

Air Force of the Macedonian Army is gradually modernized during this decade. Thus, it is necessary to use the maximum regional and multinational initiatives to develop joint deployable capabilities in the spirit of the NATO concept of "Smart defense" (DPRO 2011 to 2020, 4-7).

The other two elements of the air defense system consisting the military aviation, military surveillance and occurrence (for the development of the initiative BRAAD) and air defense could be developed and updated in the same or a similar way with military observation and reporting.

Control of the national airspace by carrying out a patrol aircraft Hunters "Air policing" (Air Police) is a major challenge for Macedonia, which should be resolved in close cooperation with NATO. Macedonia as a candidate country for membership in the European Union and NATO will seriously begin to address this problem.

Some countries like Republic of Macedonia have already established system of air defense based on some studies report an appropriate proposal to solve this problem. Based on their previous research projects organized by the "Air policing" on the principles of "Smart defense", from experiences in their past practice, could find more solutions to the "Air policing" missions.

Patrolling the national airspace "Air policing" is a big challenge for Macedonia, which will be decided in close cooperation with NATO. In that spirit,

along with NATO we will consider all possible options (bilateral and multilateral) for providing aviation facilities and capabilities for patrolling the airspace. The first step on Republic of Macedonia in this direction is to improve the aviation infrastructure, basing facilities and capabilities for patrolling the airspace.

If the aircraft would be purchased with funds from the budget of the Republic of Macedonia, the financial implications of purchasing them by buying aircraft from the 4th generation (F-16 in 1998 cost about 25 million dollars or if we buy MiG-29 then our price in the same year amounted to 27 million dollars per aircraft) would be about 100 or 108 million dollars for aircraft (vizijadanas.com /svet_aviona.html).

This option allows a significant reduction of time required for implementation and revival system. The training of pilots and maintenance personnel and logistical support of the aircraft would last approximately four years, but a good hunter pilot training would be about 6 years.

So we should fully support the initiative for cooperation with the Colleges from the pilot school in Israel.

The costs would be reduced if the project "Air policing" " realize the purchase of new aircraft on the principles of smart defense through joint projects with other countries of the Western Balkans (refer to Republic Albania, Croatia, Montenegro, Serbia and Kosovo).

It would be something similar initiative as "BRAAD". This would be a establishment of the common units that would perform tasks of "Air policing". Through this initiative we could increase the number of aircraft to perform joint appearance on the market with a support from the NATO agencies (NC3A, NAMSA) and the procurement of the aircrafts could be lower.

The airports where they could thrive these units would be on the airports in Serbia (Nis, Kraljevo and Belgrade) in Bosnia and Herzegovina (Saraevo,Tuzla) in Croatia (Zemun and Pleso) in Montenegro (Podgorica) in Macedonia (Petrovac) in Kosovo (Pristina) and in Albania (Durres and Tirana).

Depend on the type of the aircraft, the way of the organization "Air police" is equipping airports with some sophisticated tools and equipment and the possibility of adequate infrastructure and logistics for further regulation.

Second and most economical option is to create a system with the purchase of aircraft through the "NSIP" NATO Air assets which would be given to the Army aviation through onetime donations and financial implications would be used for maintenance and operation of the system (NCIP-NATO 2012, 3-4) . The problem will be in the area of reliability of supply for spare parts and it will be conditioned trough the duration of the pilots training. This option would require a longer time frame for its implementation. But this method of organization is almost unworkable because Macedonia is not a member of NATO and based on chance for approving this project would be minimal.

The most economic option and the best way is to form an integrated system for " Air police " in the Balkan countries from the previous experience on the organization of the system "Air policing" as the Baltic countries or Slovenia and Albania. Bringing the mission "Air policing" in Macedonian airspace should be the task for one or more member states of NATO , on the model of "Baltic Air

policing" or the above mentioned agreement between Slovenia and Air Command in Izmir.

The first way of protection our air space with one or more Balkan countries would be based on a rotation of certain contingents of NATO member countries. A positive feature of this method for controlling the air space is that its implementation could begin for a very small period of time (NATO 2012, 4-7).

The procedure in this situation is: "Aircraft pilots must perform interception with civilian aircraft, perform identification and if they believe that is "confirmed maverick" relay the information to the operating center and away from the threat, leaving only the possibility for destroying the threat of land resources for air defense (Air policing in 2012, 3-4) .

The second way is to implement the Agreement "Air policing" in any country in the region that has the capacity for this mission. An example of this variant is Slovenia with Italy and Hungary and Albania with Italy and Greece. This means that NATO has air capacity to deliver the mission (for example for Macedonia at this point could be Bulgaria or Greece) would be obliged to protect Macedonian air space, as a task that Macedonia would have to allocate certain financial assets . The mission would be implemented until the Republic of Macedonia does not develop its aviation capacity to develop its own system for controlling the airspace based on pooling and sharing.

With the entry of Macedonia in NATO, development of the system for control of the air space would be one of our priorities for air defense system. The method for forming the "Air policing" for Macedonia would be best to start with techniques agreement between Macedonia and Air Command in Izmir, with one of our neighboring countries to control the airspace. (flightglobal.com/news/articles/picture-bulgarias-first-refurbished-mig-29-fighter-re-enters-220085/).

Bulgarian Air Force in the field of hunting aviation currently is equipped with aircraft MiG-21 and MiG-29, 16 fighters like MiG-29 and 4 MiG-29 are modernized according to NATO standards. The Bulgarian government plans to modernize the Bulgarian aviation with modern hunters from 5th generation such as Euro fighter, French burst, Swedish ME 39 and American F15 and F18). "Air policing" "would be realized with the purchase of new aircraft on the principles of smart defense through joint projects with other countries of the Western Balkans or with Republic of Bulgaria, which also carried out the modernization of its air force. It would be something similar initiative as "BRAAD".

Conclusion

The rapid development of the air attacks from (aviation, global and intercontinental ballistic missiles) and their destructive capabilities have designated the place and role in modern warfare, but at the same time they increase the impact of air defense significance.

Development of the system for Air defense in peace depends from many important factors:

- The international position of the country;

- The role of the state in a particular geographic area;
- The size and strength of its armed forces;
- The totality of its military and other potentials;
- Opportunities and needs to develop appropriate forces for air defense.

Small countries are forced to create the necessary number of units for air defense. Basis for developing missile - artillery units in our army are given in the White paper in the Chapter IV, paragraph 27: "With regard to capacity and capabilities for air defense, we are planning till 2020 to form a aviation brigade equipped with three anti- missile batteries for air defense. With this units we will be dimensioned 3 to 4 short-range radars" (White Paper 2012, Chapter IV, paragraph 24). The current status of the arms which is equipped the rocket artillery units, we can say that didn't meet the basic needs for organization of active air defense measures. The system Strela -1 or by the name of NATO, "SA- 13" is placed in operational function in 2002 and it is outdated to perform combat against modern aircraft on heights more than 5 km.

The transmission light rocket systems "Needle" (9K38) are currently operating with a Slovenian army on the principle of "Smart defense".

Slovenian army trains our officers with their instructors and trainers in turn to use our military base in "Krivolak".

This "cooperation and sharing" can be used in the purchase of the already mentioned three rocket batteries for air defense for small heights. The BRAAD initiative launched by agencies of NATO (NC3A, NAMSA, NPC and NATO IC) is a new initiative for a joint performance between various Balkan states that require the purchase of that air system.

For us the best way is to supply integrated systems consisting of all observing and aiming, artillery system (built with more top tubes and high-speed shooting) and missile system lancer rockets (either active or passive semi active running rockets as Pacer C1 system (Pantsuit -S1, (Russian: Панцирь - С1, NATO : SA- 22 Greyhound).

Air monitoring and appearance as one of the vital elements in the system for controlling the air space is already an early stage for moderating and connecting with other systems of the Balkan countries initiative "BRAAD".

The acquisition of modern three-dimensional radar systems with the Balkan initiative for a regional approach of air defense is a key priority. The full implementation of the Balkan initiative will mean innovative and rational approach to the construction of joint regional defense capabilities in the spirit of the NATO concept of "Smart defense".

By 2015 it is planned (predicts BRAAD initiative to end up this year) to establish a contemporary adequate system for monitoring in "Air and calling" and to link them with appropriate facilities by NATO -ACDE program. This will provide a visual representation of the situation in the airspace not only in Macedonia but also in the neighboring Balkan countries.

Also by creating a new operating center for air monitoring and air operations center we will meet the key prerequisites for establishment an integrated system for command and control and use of facilities for control and protection of the airspace in Republic of Macedonia.

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THE PERSPECTIVES OF UNIVERSAL AND REGIONAL SYSTEMS FOR PROTECTION OF HUMAN RIGHTS

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Abstract

This paper analyzes the mechanisms of protection of human rights by comparing the universal/international and regional systems for protection of human rights. The focus is on the various documents and acts regarding the protection of human rights, the institutional machinery, the enforcement mechanisms and the advantages of both systems in the area of protection and promotion of human rights.

This paper will focus on the main systems for protection of human rights at international and regional level. The primary focus is on the international system represented by the United Nations (UN) mechanisms for protection of human rights and the regional systems represented by Council of Europe and OSCE (the so-called "human dimension of OSCE"). The above mentioned systems are effective regional systems for protection and promotion of human rights. However, there are other regional and transnational alliances of states that have chosen to demonstrate their commitment to universal human rights by adopting instruments protecting the rights they declare to respect (such as The Organizations of American States, The Organization of African Unity/The African Union, The Arab League, The Commonwealth of Independent States, Asia-Pacific cooperation, Association of South East Asian Nations (ASEAN)). These systems of regional cooperation include a diverse range of states at different stages of development and democratization and varying human rights reports.

However, none of these organizations are yet supported by effective implementation machinery. Some regional organizations, such as the Council of Europe, have developed their own system which ensures the protection of basic human rights through judicial mechanism.

The international or universal system for protecting human rights is not perfect because there are still numerous violations of human rights and many of them appear to go unchallenged at international level. Chapter VIII of the Charter of the UN provides development only of regional systems aimed at securing the maintenance of peace and security (such as, OSCE). In fact, it encourages regional organizations so long as their activities are consistent with the principles and purposes of the UN. Moreover, the first regional system for human rights protection occurred in Europe under the support of the Council of Europe, but such systems were met with some skepticism and distrust by the UN. On the other hand, there are

many advantages in developing regional systems of human rights. The advantages can be measured by few criteria, such as possibility for drafting and adopting documents and agreements, accessibility, enforceability, etc.

However, all regional systems for protection of human rights remain creations of international law and have the same problems regarding, for example, the enforcement. The regional systems are part of the universal system for protection of human rights and fundamental freedoms, and, operating under the limitations of international law, they cannot take precedence over international human rights. The benefits of the regional systems are evident as they operate in harmonious co-existence with the international system, and the individual benefits from improved arrangements protecting human rights can only be a positive development.

Keywords: *human rights, systems for protection of human rights, international and regional organizations, United Nations, Council of Europe, OSCE*

INTRODUCTION

The debate over universal *vis-à-vis* regional system for human rights protection has noted that the regional system is more likely to succeed if the states and their peoples have a wider agenda of co-operation that includes, but is not confined to human rights, and that there is some clear purpose stimulating them to cooperate more widely and to create institutions to deliver that co-operation. In the case of European regional system for protection of human rights, the main driver was the greater political integration or union between states, such as Council of Europe.

Regional human rights treaties are more culturally specific then universal human rights treaties. Furthermore, while United Nations human rights machinery (as an universal system for protection of human rights) seems remote and detached, regional systems are often more accessible and are frequently better informed about regional issues. Moreover, the regional systems have different strengths and weaknesses. Thus, the European system has successful procedure for dealing with individual complaints, but has not been effective in addressing massive violations of human rights.

This paper will examine the universal and regional systems for protection of human rights, providing an overview of documents, institutional machinery, mechanisms, enforcement, advantages and disadvantages of these systems.

REGIONAL SYSTEMS FOR PROTECTION OF HUMAN RIGHTS

Protection of fundamental human rights in the territorial region of Europe can be found in many legal documents (of national and supra-national level) that represent the autonomous legal orders and are related to each other. At national level, the protection of fundamental rights is usually observed in the Constitution that defines the first level of protection. In supra-national level there are two documents on fundamental rights. On one hand, there is the EU Charter of

fundamental rights that embodies the EU legal order and it is effective within the EU and on the other hand, the European Convention on the protection of human rights and fundamental freedoms, also known as European Convention on human rights (ECHR) that reflects the principles of the Council of Europe in a more pan-European dimension (Margaritis 2011, 33).

According to Rhona Smith (2012, 90), there are three main regional systems that aim to promote and protect human rights: the Council of Europe, the Organization of American States and the Organization of African Unity (the African Union).

Europe has the oldest and most developed system with an established judicial mechanism for determining complaints brought by individuals.

The Organization of American States has a very long history, but its human rights machinery is not as developed as the European system. The priority of this organization is the promotion of democracy, but human rights have often been relegated in importance in response to serious problems of political and economic stability.

The Organization of African Unity is the youngest developed regional system. This region has a recent history of serious and systematic violations of human rights, so the attempt to consolidate human rights should have been condemned to failure. However, this system has succeeded in developing a coherent regional system for protection of human rights (Smith 2012, 90).

Some authors consider that the system for protection of human rights developed by the United Nations (UN) made no possibility for regional human rights systems. This consideration is related to Chapter VIII of the Charter of the United Nations which only provided the development of regional systems aimed at securing the maintenance of peace and security (such as OSCE). However, the first regional human rights system occurred in Europe under the auspices of the Council of Europe and such scheme was met with some distrust and skepticism by the UN. The Council of Europe adopted a single legally binding instrument of human rights less than two years after the United Nations' General Assembly agreed upon the Universal Declaration of Human Rights and more than fifteen years before the adoption of international treaties (Smith 2012, 86).

EUROPEAN REGIONAL SYSTEMS
COUNCIL OF EUROPE

The Council of Europe works on promoting human rights, democracy and the rule of law across Europe. With its 47 members, it works through a system of "peer review" under which member states review each other against their legal commitments (United Kingdom Foreign & Commonwealth Office 2011, 90).

After the establishment of the Council of Europe in 1949, human rights were high on the agenda of this organization. It has sought to provide a mechanism for realizing civil and political rights and freedoms as proclaimed in the United Nations' Universal Declaration of Human Rights. The Council of Europe has developed one of the most advanced systems for the protection of human rights.

This organization has a refined enforcement mechanism and it is very effective with almost all states taking the necessary remedial actions to conform to the ECHR as interpreted and applied by the European Court of Human Rights (ECtHR). Most of the member states have established democratic institutional frameworks and there are relatively few instances of flagrant violations of human rights, especially the right to life or freedom from torture (Smith 2012, 97).

Speaking of instruments for protection of human rights, we must mention the prime instrument within Europe – the European Convention on the protection of human rights and fundamental freedoms (ECHR). Most of the rights protected therein are essentially drawn from the first half of the Universal Declaration of Human Rights. Thus, with the focus on civil and political rights, the ECHR did not expand the UN Universal Declaration. However, it did provide more detail on many of the rights and it articulated a binding legal framework to ensure the realization of those rights. From this point of view, the ECHR is the first instrument to provide an effective enforcement mechanism – the European Court on Human Rights (ECtHR) in Strasbourg, France. The obligatory nature of the individual compulsory mechanism dates from the entry into force of Protocol No.11, from November 1998.[1]

The Council of Europe has adopted a number of other conventions aimed at securing a broader spectrum of human rights within its jurisdiction, which are not going to be explained in this paper.

As the most developed regional organization involved in the protection of human rights and fundamental freedoms, the Council of Europe has a highly developed institutional framework, although not all of its bodies are involved directly in the protection and promotion of human rights. The member states of the Council of Europe have developed the ECtHR and the Committee of Ministers, which together implement the ECHR. The Council of Europe also has a Parliamentary Assembly that (together with the Committee of Ministers) elects members of the ECtHR and adopts resolutions on human rights issues and situations of human rights concern. The ECHR sets the civil and political rights and the European Social Charter guarantees social and economic rights. This organization has also established a Commissioner for Human Rights as an independent institution aiming to promote respect and awareness for human rights (Weissbrodt and De la Vega 2007, 312).

The responsibility for implementation rests within the states (Article 1 of ECHR), but the ECHR includes a comprehensive and popular system for monitoring state compliance through a Court which considers applications lodged by individuals against states (Smith 2012, 105).

Keller and Stone (2008, 25) claimed that "the ECHR has evolved into a sophisticated legal system whose Court can be expected to exercise substantial influence on the national legal systems of its members. In the 21st century, Europe is a Europe of rights. The Convention system constitutes an authoritative, dynamic, and transnational source of law".

[1] Protocol No.11 changed the two tier Commission and Court machinery for bringing complaints to a single reformed permanent Court.

As a conclusion, the originality of the ECHR lies not so much in the rights listed, but in the setting up of the institutional machinery necessary for their protection. The Convention is the first instrument to provide an effective enforcement mechanism for human rights protection, along the lines of international law (Kassimeris and Tsoumpanou 2008, 3: 330).

THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The Organization for Security and Cooperation in Europe (OSCE) is the largest regional security organisation in the world, with members from all around the world, including the EU member states, the USA, Russia and countries of Central Asia and the Southern Caucasus. The OSCE promotes regional stability through three "dimensions" of security, covering political and military work, economic and environmental activity, and the so-called "human dimension", including human rights, fundamental freedoms, democracy and the rule of law.

As OSCE Handbook (2007, 1) explains, this organization is a comprehensive security organization with a geographical remit stretching from Vancouver to Vladivostok. It is the biggest regional security organization in the world (recognized under Chapter VIII of the Charter of the UN as the European regional arrangement for those purposes), which, despite its emphasis on security (conflict prevention, arms control, economic and environmental security), it has also attached increasing significance to the so-called human dimension of security matters. The promotion and protection of human rights is an important factor in the maintenance of international peace and security. Unlike the UN, OSCE does not have legal status in international law, because it is predominantly treated as a political body. This was inevitable, taking into consideration that this organization (or conference, at the time of its foundation) grew out of an ideologically divided Europe with a focus on security and cooperation in Europe.

The Final Act of the Helsinki Conference was signed in 1975. It sets out the aims and interests of the organization in security of Europe and preventing conflicts, but the third set of recommendations adopted in the Final Act addressed the importance of the respect for human rights. Although the priorities of OSCE include assisting in building democracy and civil societies based on the rule of law, preventing local conflicts and promoting a cooperative system of security, this organization also aims to utilize human rights in an attempt to secure and maintain peace. The fulfilment of protection of human rights is achieved through the functioning of the Office for democratic institutions and human rights. Democracy is viewed as a precondition to facilitation of the realization of human rights, and human rights can prosper only in democratic systems (Smith 2012, 108-110).

THE EUROPEAN UNION AND COUNCIL OF EUROPE'S SYSTEM FOR PROTECTION OF HUMAN RIGHTS

Protection of fundamental rights is crucial. It is an issue of "constitutional nature" and it is impossible to be excluded from the so-called European public order (Besselink 2007, 3)

An issue that remains quite unclear and could be examined further concerns the relations among the Council of Europe and the European Union (EU) under the light of the accession of the latter to the ECHR.

Although the application of the ECHR in national legal orders and its hierarchical position therein varies among member states, the impact and influence of the Convention in interpreting the constitutional rights and freedoms has become inextricable (Van Dike and Van Hoof 1998, 16-22).

This approach adopted especially by EU member states should be interpreted under the light of the general relations between national law and EU law. The EU had already entrenched the protection of fundamental rights through the case-law of the Court of Justice of the European Union (former European Court of Justice (ECJ)) by being inspired by the ECHR, a fact that was later converted to Treaty law in Single European Act (SEA) and the Treaty of Maastricht. As European law takes precedence over national law, the member states are obliged to respect the Convention when acting in EU competence domain. At EU level, even before and besides the embracement in the Treaties, the ECJ has provided many rulings that incessively and eventually accepted such rules of supra-national level within the EU legal order.

Another form of interaction could be observed in the formulation of the criteria for accession to EU. According to Article 49 of the Treaty on European Union (TEU), any potential EU member state has an obligation to respect the values that the EU has been founded on and promote them. The relevant values of Article 2 of the TEU represent the core of the Council of Europe, whose aim is greater unity of Europe through the common heritage of the countries, which embodies their common thoughts and principles. It comes natural that those common principles are related to the rule of law, democracy and respect for human rights. Therefore, the EU developed some standards for accepting new member states similar to the ideological background of the Council of Europe (Margaritis 2011, 34).

It would not be exaggerative to say that the interaction among the two supra-national legal orders (EU and Council of Europe) has already commenced as far as human rights are concerned. The interaction described will be upgraded with the accession of EU to ECHR in the sense that the EU does not just accept the rules of the ECHR as guiding principles, but wants to actively participate therein. Therefore, what remains is to examine to what extent this participation may occur. The legal basis provided within the new TEU for accession to ECHR does not simply set an obligation for the Union, it also establishes the vertical effects of such an accession. Article 6, para. 2, section 2 of TEU states: "Such accession shall not affect the Union's competences as defined in the Treaties."

Article 59 (2) of the ECHR, Article 6 (2) of TEU and Protocol No. 8 to the Treaty on the functioning of the European Union (TFEU) open the possibility of the EU

acceding to the ECHR. The modalities will pose a lot of challenges, not only the question of exhaustion of local remedies, the differences between monistic and dualistic states and the options open to an aggrieved individual - only the ECHR has jurisdiction to consider complaints by individuals against states (Smith 2012, 108).

The talks on EU accession to the ECHR began in July 2010. This process ensured that the institutions of the EU were covered by the same human rights standards under the convention, like all member states of the Council of Europe. The successful conclusion of these negotiations was completed as a commitment in the Treaty of Lisbon.

With the accession to ECHR, there would be no justified reason for the continuation of the same attitude towards EU on behalf of the Strasbourg Court (the European Court for Human Rights - ECtHR). By acceding to the Convention, the EU would agree to have its legal system measured by the human rights standards of the ECHR. The Union would have the rights to participate in proceedings before the ECtHR when EU law would be at stake, it would no longer be the case that the member states would have to act as sole respondents in lieu of the EU. Consequently, there would no longer be a need for them to be privileged in cases currently covered by the presumption.

Both the Council of Europe and the EU have their courts. The Council of Europe created the first international court in front of which individuals have automatic *locus standi*, while the Court of Justice of the European Union is a supra-national court with unique jurisdiction.

On the other side, the OSCE remains a political initiative with limited potential for enforcement of human rights. However, all three bodies interact well and when necessary, the two European courts cross-refer to each other and thus, the three organizations coexist to the greater benefit of human rights (Smith 2012, 96).

All member states of the EU are members of the Council of Europe and bound by the terms of the ECHR. Because the original focus of the European Communities was the economic restoration of Europe in the post-war period, human rights were not on the agenda in the constituent documents. The founders of the European Communities considered that economic integration would not impact negatively on human rights and fundamental freedoms and the pre-existing Council of Europe would have human rights on its agenda thereby obviating the need for the Communities to address the area. However, there is a constitutional recognition of human rights in the EU. Article F (2) of the Treaty on EU provides the first explicit recognition of human rights in EU constitutional law.[2] The Treaty of Amsterdam extended the role of ECJ with respect to human rights by bringing more provisions of the Maastricht Treaty on European Union within the so–called Pillar One over which the Court has jurisdiction. The Charter of fundamental rights of the EU plays central role in protection of human rights in the EU, raising and consolidating the importance of human rights within the EU. It was adopted at the Nice Summit in

[2] Article F (2): "The Union shall respect fundamental rights, as guaranteed by the European Convention for the protection of human rights and fundamental freedoms". Article J (1) (2) refers to the need to develop and consolidate democracy and the rule of law with respect for human rights and fundamental freedoms.

December 2000 and it was incorporated in the latest treaty - Treaty of Lisbon which entered into force in December 2009. The human rights in the Charter need to be recognized and applied by the institutions of the Union and by the member states (Smith 2012, 113). Finally, the Treaty of Lisbon makes clear the centrality for respect for human rights in the EU. In this statement we can find the reason why Wetzel (2011) defined the European Union as a global player in the area of human rights or why Babayan and Huber (2012, 3) claimed that Europe has exerted leadership in human rights and democracy promotion.

As the ECHR will remain the minimum fundamental rights protection provider in Europe, the EU Charter of Fundamental Rights continues in further elaborating human rights based on that ground. In that sense, the idea of a Composite European Constitution (in the field of fundamental rights) that Besselink (2007) has envisaged turns to be closer than ever.

UNIVERSAL SYSTEM FOR PROTECTION OF HUMAN RIGHTS

UNITED NATIONS

The United Nations (UN) and its bodies play a crucial role in the protection and promotion of human rights.

All UN human rights field presences perform one or both of two key functions. The first is to *monitor human rights* in the country or region concerned. The second function is to provide *technical assistance* in building a human rights culture and strengthening the necessary supporting structures at the national level. This type of assistance is also referred to as 'institution building' or even 'democratisation'. While a distinction is usually maintained between these two functions, in practice they almost always overlap.

Parallel to this development, there has been a change in the UN's approach to mediating conflict and overseeing peace agreements. Human rights considerations have traditionally played a marginal role in the UN's peace and security work. However, the situation is changing (Gallagher 2003, 7). It would be unwise to ignore the serious challenges that the UN are facing as it attempts to take a more proactive, public and field-based approach to its human rights functions. Some of these relate to the Organisation's own structure, its capacities and limitations when it comes to issues such as recruitment, coordination and funding. Other challenges are essentially political and consequently more difficult to resolve. While the erosion of absolute state sovereignty is well underway, a significant number of the UN member states continue to maintain the position that human rights are internal matters and not the business of other states or the international community. The UN's attempts to set up field operations (particularly of the kind that are seen as aggressively 'monitoring') in countries experiencing

human rights violations are rarely welcomed and sometimes openly resisted, even by apparently unaffected outsiders. As a result, field operation,s like all other UN human rights interventions, do not always end up where they are most needed.

The United Nations has a goal of securing the universality of human rights with full recognition of dignity and equality for all. The Universal Declaration of Human Rights (UDHR) from 1948 is the first document that confirms the universality of human rights - it declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. It recognises that 'the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world'. The Universal Declaration includes civil and political rights, such as the right to life, liberty, free speech and privacy, but it also includes economic, social and cultural rights. The Declaration is the first attempt of the international community to define a complex codex which must be implemented by the states. The issues of its declarative character or the small number of enforcement mechanisms are not as important as its role of a universal pioneer in protection of human rights (Brown 2011, 497-508).

The General Assembly is one of the UN bodies that have the responsibility for human rights. The Security Council has primary responsibility for the maintenance of international peace and security, but history confirms that many international disputes have been precipitated by violations of human rights, especially minority rights and thus non-observance of human rights may constitute a threat to international peace. Therefore, the Security Council also has some responsibility for these human rights issues. The support for this obligation is drawn in the Charter of the UN; Article 1 (2) states that "the purpose of developing friendly relations between nations is firmly based on a mutual respect for the principle of equality and it is second only to the maintenance of international peace and security in the stated purposes of the organization". This is a situation where human rights are contributing to friction between states, and the Security Council may take action to restore the peace under the terms of the Charter. This is the most obvious situation in which the Security Council will involve itself in human rights (Smith 2012, 52-53).

The formal reports on human rights are eventually challenged by the General Assembly of the United Nations, often via the Economic and Social Council (ECOSOC). Alongside these institutions, there are two more, United Nations High Commissioner for Human Rights (UNHCR, based in Geneva) and the Human Rights Council, which have an important role in the protection of human rights.[3]

[3] There are also special procedure mechanisms (the Country Reporters and the Thematic Reporters) and various working groups reporting to UNHCR and the Human Rights Council. There are also nine Committees that are created in accordance with the principal human rights treaties within the UN as treaty-monitoring bodies that monitor the implementation of each treaty.

CONCLUSION

When regional system is compared with the universal system for protection of human rights, there are many advantages to regional systems, as follows: fewer numbers of states will be involved, thus political consensus on documents and any enforcement or monitoring machinery should be more forthcoming; and many regions are relatively homogenous in relation to culture tradition, language, which has advantages, too. However, as mentioned previously, all regional systems are "creatures" of international law, created by treaties.

Regional arrangements are easier to draft than their universal/international counterparts. The documents should be easier to manage and distribute. On the other hand, the geographical accessibility is a significant factor - regional systems are more accessible and cheaper. However, Europeans have an advantage as the European region is home to both mechanisms - Council of Europe and United Nations (situated in Geneva). Linguistic accessibility is another potential benefit, because most regional systems publish documents and receive communications in all major languages of the region. In contrast, the UN has a more limited range of official languages although the Universal Declaration of Human Rights is the most widely translated document in the world.

Considering the enforceability, regional systems can be easier to enforce than universal/international systems. The reason is that there may be a greater political will to conform to regional documents as they are seen as being of more immediate concern than the international initiatives. Also, diplomatic efforts may be more successful when "pressure" is applied by neighboring states rather than states from more distant regions and there will be more of an incentive with respect to implementation of decisions of regional bodies.

Nonetheless, the Council of Europe has its weaknesses; not addressing economic, social and cultural rights is a major one. The Framework Convention on national minorities and the European Charter on regional and minority languages are addressing minority issues, and the Social Charter – economic and social issues, though without the strong implementation mechanisms which characterize the ECHR.

The OSCE has successfully focused on minority issues and the rights of minority groups, but it does not operate and enforceable system of rights *per se*. The processes in newly independent states have enabled the organization to arrange the foundations for the protection of universally recognized human rights.

Finally, the pioneering efforts of the EU must not be forgotten. The Union has a strong enforceable system of securing human rights, especially social rights and rights of workers in the labour market. Although the EU has economic origins, it has developed into the regional authority on human rights, overtaking some of the earlier work of the Council of Europe. Human rights have achieved greater importance in the Union as the adoption of the Charter demonstrates.

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ANALYSIS OF THE NEWS IN LAW REGULATION IN THE SPHERE OF PRIVATE SECURITY

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Summary

After the independence of the Republic of Macedonia, the work of the agencies in the sphere of private security, which is primarily manifested by security of people and property, was regulated and, until the enforcement of the new Law on Private Security (Official Gazette of RM No. 166/2012) has still been regulated by the Law on the Security of People and Property (Official Gazette of RM No. 80/99). This Law has undergone minor changes in 2007 (Official Gazette of RM No. 66/2007) and on 24.12.2012, the Assembly of the Republic of Macedonia adopted the new Law on Private Security.

This article makes an analysis on the new issues in the provisions of the Law on Private Security which, aside from the new title, brings many essential changes in this area. It primarily introduces new issues in the types of security such as: technical security; bodyguard; monitoring - patrol security; providing of transport and transfer of money and other valuable items and security of public meetings and other security issues. It is expected that these new legal provisions will bring greater legitimacy and transparency in the operation of agencies and will reduce unfair competition and increase the level and quality of the supervision over the operation of the agencies.

Keywords*: private security, physical security, technical security; bodyguard; monitoring and patrol security, Chamber for Private security.*

INTRODUCTION

The security of people and property in the Republic of Macedonia developed an entirely new dimension with the disintegration of the former Socialist Federal Republic of Yugoslavia (SFRY). Namely, the matters of the corpus for security of people and property in former SFRY i.e. Socialist

Republic of Macedonia were within the frames of the Public Security Office in the Ministry of Interior (MoI)[1], in the uniformed part of the former Republic Secretariat for Internal Affairs (RSIA) – the militia[2]. The militia members used the legal provisions of the Law on social self-protection[3], which at that time mainly referred to protection of the socially owned property.

The focus was put on the security of the former socially owned Organizations of Associated Labour, as well as on the security of the state institutions. Apart from the primary protection by their owners, the private property was protected by the Public Security Office as well.

After the Referendum of September 8, 1991, the year when the Republic of Macedonia established its sovereignty, thus commencing the transition process of the social state order of the Republic, including the transformation of the capital ownership and the manufacturing capacities, a large part of the legislation of the former SFRY remained effective until the time of adoption of the new legislative regulations by the Assembly of the newly formed entity in the international community.

Within this period, there was a need of modification of the legislative regulation referring to the security of people and property, due to the establishing and functioning of the first agencies for security of people and property, as well as the first detective agencies whose domain was primarily the private security of citizens and legal entities in the Republic of Macedonia.

Such pioneer agencies and individuals practicing security of people and property or detective activity, or combination of these two activities in the sphere of private security, faced serious problem as a result of the lack of legal principles and regulations for their functioning. They based their operation on the valid legal regulations in that period (principally the Law on social self-protection and the bylaws arising therefrom); however they were organized and functioned on the basis of the practical experiences of such organizations abroad in the capitalist democratic states and based on the experiences of the newly established states from the republics within the former SFRY. In addition, they found themselves in the situation, upon the power of the natural laws and the social laws, to innovate, adjust and establish one new practice in the sphere of private security.

[1] Until the first democratic elections in SFRY in 1990, MoI functioned as a Republic Secretariat for Internal Affairs (RSIA).

[2] The period of transition of the former SFRY commenced after the conducted democratic elections, whereby the term uniformed militia which was used at the time, was replaced with the term police, in order to emphasize the civilian character of this office.

[3] Official Gazette of SRM number 18/76; 25/76 and 37/87.

These newly emerged entities in the area of private security in the Republic of Macedonia were the initiators of governmental and parliamentary procedure for the adoption of normative acts for filling in the legal vacuum in which they functioned. As a result of the experiences from their practical work and their legislative initiative in December 1999, two laws were adopted as follows: Law on security of People and Property and Law on detective activity. The Laws were published in the Official Gazette of the Republic of Macedonia No. 80 dated December 17, 1999 and entered into force on the eighth day as of their publishing on December 24, in the same year, which is a **historic moment** in the sphere of private security.

The Law on Security of People and Property (hereinafter referred to as "**LSPP**"), was modified and amended with the Law on modification and amendment to the Law on Security of People and Property[4] adopted in May, 2007, and some insignificant modifications were also made with the Law on modification and amendment to the Law on Security of People and Property in 2011[5].

The new Law on Private Security[6] (hereinafter referred to as "**LPS**") was adopted on 24.12.2012, which not only changed the title, but also brought essential modifications in the area of private security. Namely, the forms of physical security are redefined in several types with the provisions of the LPS, as follows: bodyguard; monitoring security; monitoring and patrol security; security of transport and money transfer and other valuable items and security of public meetings and other events, introducing the obligation for licensing the security workers who perform activities and working tasks from the area of technical security and many other news which shall be mentioned further in the text. All modifications and news foreseen with the LPS are in the spirit of greater transparency and precision in the legal interpretation and application of the law, in order to bring greater stability in the sphere of private security, with the main purpose of reducing the unfair competition and increase the service level provided by the legal entities licensed to implement private security.

Quantitative comparison of LSPP and LPS

As mentioned above, the legal modifications do not refer only to the name of the law, significant qualitative modifications were made as well ,which only entailed increase in the number of articles in LPS. Namely, LSPP consisted of 42 articles organized in IX chapters, while LPS consists

[4] Official Gazette of the Republic of Macedonia no. 66/2007 dated 31.05.2007.
[5] Official Gazette of the Republic of Macedonia no. 51/2011.
[6] Official Gazette of the Republic of Macedonia no. 166/2012 dated 24.12.2012.

of 85 articles[7] organized in thirteen chapters as follows: I General provisions; II Terms for performing private security; III Performing private security; IV Private security for personal needs; V Mandatory private security; VI Authorisations of security workers; VII Uniforms and distinguishing mark of private security workers; VIII Chamber for Private Security of the Republic of Macedonia; IX Records for protection of data and information; X Supervision; XI Misdemeanour provisions; XII Authorisation for bylaws and XIII Transitional and final provisions.

Modifications in the general provisions

The modifications in the legal text of the general provisions are of quantitative as well as of qualitative nature. The general provisions in LSPP were prescribed in four articles, while the general provisions in LPS are sanctioned in nine articles. From technical point of view, what is new in the LPS is the title given to each article, a technique which was not practiced in the LSPP, where only the chapters were titled, and a distinctive technique according to which particular articles from other chapters in LSPP were transferred in the general provisions (e.g. Article 12 and Article 13 of LSPP referring to the ban on concluding contracts for activities within the competence of the state bodies and application of methods and authorisations from the scope of the state bodies and the debt collection are sanctioned in Article 4 and Article 5 of LPS). Considering the limitation of the space in this article, we shall not engage in thorough analysis of such transformations of the articles.

Article 2 of the of the law according to which the security of people and property (pursuant to LSPP) and the private security (pursuant to LPS) presents an **activity of evident interest**, is almost identically sanctioned in the general provisions.

New in LPS is the definition of the purpose of the private security (Article 3), whereby the obligation is also prescribed (the legal entities which perform private security in the form of service provisioning) for the conclusion of a contract (Article 6 paragraph 1), which should be concluded in writing (Article 6 paragraph 2).

Significantly new in the LPS is the sanctioning of Article 7, titled *Meaning of the Expressions* (which is not found in LSPP at all), and which provides better precision and clarity in the legal text with significant facilitation of the future needs for interpreting the law. The provisions of

[7] The six Articles of the transitional and final provisions of the Law on private security are included as well.

Article 7 define expressions known to LSPP, however large number of new expressions are being entered as well, primarily the ones referring to the new types of private security, such as: bodyguard; monitoring security; monitoring and patrol security; security of transport and transfer of money and other valuable items; security of public meetings and other events; limitation of the secured space; force; trained dog and other expressions known to LSPP, i.e. 18 expressions total have been sanctioned. In the general provisions, Article 8 and Article 9 define the types of security the legal entities are entitled to implement with clear distinction of the activity of the legal entities performing thereof in the form of service provisioning and the legal entities performing security for personal needs.

Modifications in the terms for performing private security

The provisions of Chapter II of both laws are under almost the identical titles: Terms for security of people and property (LSPP; Article 5 – Article 10), Terms for performing private security (LPS; Article 10 - Article 26) and they refer to the terms to be met by legal entities and natural people in performing matters and working tasks from this scope.

The modifications in LPS referring to the number of necessary licenses for the legal entities are of great importance in the process of submitting a request for obtaining private security license as follows: 15 licenses for the legal entities providing services (previously 10 licenses) and 10 licenses for self-security (previously 5). The increase of the number of necessary licenses contributes to higher stability in this activity, and reduces the prerequisites for unfair competition (typical for the activity), strengthens the perception of the public with regards to this activity, and has many other benefits. At the same time, the terms to be possessed by the legal entities for obtaining license are more precisely regulated, thus facilitating the administrative and legal procedure of MoI of RM. Provisions which prohibit using license of already employed private security worker when requesting license for performing private security are entered (Article 13 paragraph 1 item 3 and Article 14 paragraph 1 item 3). A novelty is the right of the graduated criminologists to be exempted from the obligation to visit training when requesting a license (however not from the obligation to pass an exam) within 10 years as of the graduation (Article 22 paragraph 2), as well as the delegation of representatives in the training process and interviewing by the Chamber for Private Security (hereinafter referred to as Chamber).

A novelty is the introduction of licenses for technical security which imposes the obligation to attend training and take a professional examination, which was not included at all in the LSPP (Article 21, paragraph 1, item 2; Article 22, paragraph 1, item 7; Article 23, paragraph 3;

Article 24, paragraph 3), thus to acquire IDs for technical security (Article 25, paragraph 1, item 2).

The types of private security have been prescribed in Chapter III (in LSPP in Chapter II) of the LPS, where unlike the LSPP that recognized only physical and technical security (that now requires a special license), the following new types of private security have been introduced: bodyguard (Article 32); patrol security (Article 34); monitoring – patrol security (Article 33); providing of transport and transfer of money and other valuable items (Article 35 – Article 36) and providing of public meetings and other events security (Article 38 – Article 39). Legal entities that perform activities of private security in the form of providing services, if they perform patrol security; monitoring – patrol security, are obliged (pursuant to Article 33) to establish a Supervision and Monitoring Centre that has to be operational 24 hours a day throughout the year.

The same chapter of the LPS prescribes the provisions (much more precisely than the LSPP) that apply to the use (carrying) of firearms (Article 27 – Article 31). These provisions apply to: procurement of firearms, the number thereof in relation to the number of IDs available to the legal entity; the place and manner of use (carrying) of firearms; ban on use of weapons while performing the activity, which weapon is possessed by the security employee with a personal license, and the obligation to organize control shooting range practices. With these provisions, the Law specifies the use of firearms (that requires a license and a permit to carry) and resolves what used to be a controversial opinion and perception that these legal entities are some kind of "paramilitary" that handles a huge arsenal of firearms and present a threat to security and human freedoms and rights. Specifically, pursuant to Article 28 paragraph 2 of the LPS, such legal entity may not possess pieces of firearms in a number that would be higher than one half of the total number of employed security workers and the entity is obliged, if the number of employees is reduced, to proportionally reduce the number of items of firearms.

The performance of security for own needs has been regulated in Chapter IV of the LPS with Article 43, whereas the scope of operations of entities that have licenses to secure themselves is brought down to physical security, bodyguard and monitoring, however only within the limits of their own property and people located on their property, and they are strictly prohibited from providing private security services to other natural people and legal entities.

With the provisions of Chapter V of the LPS, Article 44 regulates mandatory security, where paragraph 1 is identical with Article 25 of the LSPP that applied to the obligation of certain legal entities to organize

security for their property and people on their property. Unlike the LSPP, paragraph 2 item 1 of Article 44 of the LPS also defines the possibility for security for own needs for engaging a legal entity that provides services in the domain of private security (Article 44, paragraph 2, item 2).

Modifications in the area of authorizations of private security employees, keeping records and supervision

The authorizations of private security employees have been regulated in Chapter VI of the LPS, where certain authorizations that arise from Chapter III (with the title *Rights and obligations of legal entities and employees who provide security of people and property*) of the LSPP have been deleted, most of them overlap, and certain authorizations, primarily in the use of means of force have been expanded, such as the possibility to use certain new means of force (rubber club; chemical deterrents (spray) and means of restraining people).

Specifically, the provisions of LSPP that apply to the rights for performing control and taking measures for protection and alarm of occurred fire, explosion or other disaster; performing personal-technical protection; transport of money and other valuables (Article 17, paragraph 1, item 7 – 10 of LSPP) have been provided in other sections of the LPS that do not apply to the authorizations of private security employees (some of them have already been mentioned).

Without the ambition, due to the limited space of this article, to go into details in the analysis of the authorizations of private security employees, we will emphasize the expansion of means of force that can be used pursuant to the provisions of the LPS (Article 54 defines the means of force and the conditions for their use, serving the purpose of protecting human rights and freedoms, while also providing efficient protection of people and property from any endangerment).

To be specific, within the strictly defined rules of the law, in addition to physical force, firearms and a trained dog, private security employees are also authorised to use other means of force, such as: rubber club; chemical deterrents (spray) and means of restraining people.

We would like to point out the fact that, in relation with use of firearms, in the sense of their use for protection of the person that the employee is guarding or for self-protection, as well as for protection of property that the employee is guarding, there have not been any major changes from the provisions of LSPP, with an additional ban on use of firearms stipulated by the LPS when securing public gatherings and other events (Article 55, paragraph 5, item 3). Unlike the LSPP, the use of trained

dogs when performing private security is prescribed in much more details in Article 56 of the LPS.

As for the use of means of force, unlike the LSPP that required the MoI to be informed within 24 hours, Article 54 paragraph 7 stipulates that for every use of means of enforcement, the security employee is obliged to immediately, and maximum within one hour, inform the police, and within 24 hours, the security employee and the legal entity are obliged to file a written report to the nearest police station to the location where force was used (Article 57, paragraphs 1 and 2). This enforces the intention of the legislator to emphasize necessity and to use force only in exceptional situations, while, on the other hand, it strengthens the protection with the possibility to use other means of force.

The use of means of force, transport and transfer of money and other valuables have been regulated in more details in the bylaws adopted by the MoI within the legally prescribed period of time[8].

It is important to mention the modifications that apply to the Chamber (Chapter VIII of the LPS), its competences (Article 59) and public authorizations (Article 60), and unlike in the LSPP, the manners of financing the Chamber have been defined (Article 61).

Chapter IX of the LPS covers the provisions for keeping records and for protection of data and information, whereas the LPS, unlike the LSPP, imposes the obligation for the MoI to keep records of issued and revoked security licenses (Article 62); provisions of Article 63 regulate the records within the competence of the Chamber, and Article 64 regulates the records within the competence of legal entities that provide private security. Unlike the provisions from LSPP (Article 28 – Article 30), the provisions of the LPS are much more precise and comprehensive. The obligation for protection of security data from the previously mentioned records has not undergone any major changes.

The supervision over legal entities and legal implementation of working tasks in the area of private security represents a very serious condition for stability of the private security system of the Republic of Macedonia. Pursuant to both legal solutions, the institution competent to carry out the supervision is the MoI of RM. The available statistical data from the MoI tells us that there was an absence of a serious approach to carry out the supervision for many years i.e. up until three or four years ago it was almost never enforced. Naturally, the absence of supervision always creates

[8] Guidelines on the manner of application of means of force – Official Gazette of RM no. 86/2013 and the Rulebook on the manner of performing transport and transfer of money and other valuables – published in the Official Gazette of RM no. 89/2013 dated 24.06.2013, began to apply on 3rd July 2013.

conditions for disloyal competition and illegal operations in the performance of private security.

With the provisions of the LPS, the supervision remains in the competence of the MoI (Article 66, paragraph 1) with a very important modification added with paragraph 2 of Article 66 that stipulates that MoI has the obligation to conduct a supervision of the Chamber and the legal entities for private security at least once a year. In addition to the obligation of conducting supervision at least once a year, provisions of Article 67 define guidelines for performing the supervision, and, as a consequence of these provisions, with the entering into force and the beginning of application of the LPS, the inspectorate in charge of the supervision was formed within the MoI. All this should lead to a reduction of illegal competition, compliance with legal provisions, while performing the activity of private security, and consequently to protection from violation of human rights and freedoms by private security employees who have a wide range of authorizations, including the use of force. Provisions of the LPS stipulated in Article 68 – Article 71 prescribe the process of enabling the supervision and clearing any shortcomings, the manner and conditions for revoking a security licence, revoking public authorizations of the Chamber and the right to appeal in supervisory procedure.

Chapter XI of the LPS, in a considerably modified form from the regulation of these provisions in LSPP, regulates the misdemeanour provisions pursuant to which people that can violate the provisions of the LPS are the following: the legal entity (Article 72 – Article 73); responsible person of the legal entity (Article 74) and private security employees or a natural person (Article 75 – Article 76). The provisions of Article 77 of the LPS define the competence of courts for administrating a misdemeanour procedure, while provisions of Article 78 prescribe the settlement procedure. We will not go into a detailed analysis of the legal essences and the amounts of fines prescribed for violations of the LPS, with a remark that in addition to the fine, a misdemeanour sanction can be issued as *ban on conducting the business of private security*, lasting between six months and five years for the legal entity and lasting between one year and five years for a natural person.

Conclusion

Based on the above stated important, yet not comprehensive, legal novelties in the Law on Private Security and the bylaws arising therefrom, we can conclude that, with their application, the realization of the business in the sphere of private security got a modern law, with a fully rounded system of legal provisions that lead to greater stability in the operation of legal

entities that provide private security in the form of services, but also for legal entities that organize private security for their own needs. Technical security has been introduced as a new type of security (although it was partially regulated with the LSPP), with the obligation for the operators to perform the work and working tasks in this field with IDs for technical security that require prior training and passing a professional exam to acquire a license for technical security.

Distinction has been made between types of security actions that can be carried out by legal entities that perform these actions of providing services and legal entities that conduct self-security. The use of firearms in private security has been defined very precisely, and the rules for use of force have been prescribed in details, where new means of force have been included in order to strengthen the protection of people and property.

By defining the obligation of the MoI to conduct supervision at least once a year on the operation of entities in the sphere of private security, conditions have been met to reduce unfair competition, to have legal operation in the field of private security, thus indirectly raising the level of perception that the citizens of the Republic of Macedonia have of this business of public interest.

Naturally, no legal text is neither ideal nor does it constitute something unchangeable, and, by its application in practice that began on 03.07.2013, the benefits will be seen from the novelties, while some possible weaknesses may be identified (we hope they will be less in quantity), which would constitute grounds for positive amendments to the law. However, its practical implementation is the basic criterion for its evaluation.

Abbreviations used:
LPS – Law on Private Security;
LSPP – Law on Securing People and Property;
MoI of RM - Ministry of Interior of Republic of Macedonia;
SSC – Security and Supervision Centre;
Article – Article;
paragraph – paragraph;
item – item;

Legal acts and bylaws used

1. Law on Private Security
2. Law on Securing People and Property
3. Guidelines on the manner of use of means of force
4. Rulebook on the manner of performing transport and transfer of money and other valuable items

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